



**DRAFT**

**SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
TO THE GATEWAY VILLAGE SPECIFIC PLAN  
PROGRAM ENVIRONMENTAL IMPACT REPORT**

**Avenue 12 Improvements: +/- 1500' West of Road 40 to Hwy 41**

**SCH No. 2005091071**

**DECEMBER 2024**



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**INITIAL STUDY  
FOR A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
TO THE GATEWAY VILLAGE ENVIRONMENTAL IMPACT REPORT**

**Avenue 12 Improvements: Hwy 41 to West of Road 40**

**SCH No. 2005091071**



**LEAD AGENCY:**

**County of Madera**

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Madera, CA 93637  
Telephone 559.675.7811

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**December 2024**



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# COUNTY OF MADERA

## ENVIRONMENTAL CHECKLIST FORM AND INITIAL STUDY FOR A SUPPLEMENT TO THE GATEWAY VILLAGE ENVIRONMENTAL IMPACT REPORT

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### 1. Project Title

Avenue 12 Improvement Project: Hwy. 41 to West of Road 40

### 2. State Clearinghouse Number

2005091071

### 3. Lead Agency Name and Address

County of Madera  
Department of Public Works  
200 W. 4th Street  
Madera, CA 93637310-377-1577

### 4. Contact Person, Phone, Email

Dominic Tyburski  
Public Works Director  
(559) 675-7811  
[mcpublicworks@madera-county.com](mailto:mcpublicworks@madera-county.com)

### 5. Project Location

Avenue 12 - West of Road 40 to West of Highway 41 (California State Route 41)

Latitude/longitude: **36.923235, -119.794210 to 36.923157, -119.830600**

### 6. Property Owner

Name:	County of Madera
Physical Address:	200 W. 4th Street
Mailing Address:	200 W. 4th Street
Email:	<a href="mailto:mcpublicworks@madera-county.com">mcpublicworks@madera-county.com</a>
URL:	<a href="https://www.maderacounty.com/government/public-works">https://www.maderacounty.com/government/public-works</a>

### 7. Project Sponsor's Name and Address

Name:	(Same as above)
Physical Address:	
Mailing Address:	
Email:	
URL:	

### 8. General Plan Designation

Limited Expressway (Board of Supervisors Resolution 2008-119)

### 9. Zoning

Multiple

## 10. Project Description

The proposed project would in part implement the 2006 County of Madera Gateway Village Area Plan (GVAP), the Gateway Village Specific Plan (GVSP), and an associated Infrastructure Master Plan (IMP). The Area Plan expands the County's urban growth towards California State Route 41 and the boundary with Fresno County. The Gateway Village Specific Plan encompasses a comprehensive planned conversion of a 2,062-acre site north and south of Avenue 12 and west of SR 41 to urban uses that is currently partially completed. The master planned community as described in the Plan consists of 1,457 acres of 5,836 low-density residential units, 132 acres of commercial and mixed-use (including 742 residential units), 40 acres of highway service commercial uses, 19 acres of neighborhood-commercial uses, 148 acres of open space, and 177 acres of right-of-way. (GVSP Draft Program EIR, p. 2-1).

The GVSP identifies Avenue 12 as a "primary" roadway with eight lanes between SR 41 and Rio Mesa Boulevard (the latter is not labeled in the GVSP circulation diagram, but coincides with Root Creek Parkway East on the diagram, now named Riverstone Boulevard Southeast<sup>1</sup>); the Madera County General Plan (MCGP) Circulation Element classifies Avenue 12 as a "limited expressway" with four to six travel lanes throughout (GVSP, Figure 5, Circulation Plan; MCGP, Table I-3).

The proposed project would widen Avenue 12 consistent with the GVSP/MCGP circulation diagrams, extending approximately 1.6 miles from 1500' west of Road 40 to 700' west of California State Route 41 (SR 41) on the east, eventually aligning with the Caltrans widening improvements at the intersection of SR 41 and Avenue 12. Avenue 12 would ultimately have six lanes between Riverstone Boulevard Southeast and SR 41, four lanes between Riverstone Boulevard Southeast and approximately 200 feet west of Road 40; other improvements include turn lanes, raised medians, stormwater basins, and other street improvements (curbs, gutters, striping, designated bicycle lanes, drainage improvements). See Appendix A for full-scale plans with sections and striping diagrams. Note that these plans are the "90%" design phase and will be refined.

**Traffic Signals.** New traffic signal systems would be placed at the intersections of Avenue 12 and Riverstone Boulevard Southwest, Avenue 12 and Riverstone Boulevard Southeast, and Avenue 12 and Riverwalk Boulevard South.

**Medians.** Center medians would be raised above the street grade and surfaced with decorative concrete (Appendix A, Sheets 39-44).

**Stormwater Drainage.** The proposed project would construct roadway, median, and sidewalk improvements, stormwater detention basins, and culvert extensions underneath the widened roadway. Appendix A, Sheets G-1 and G-2, detail the project's stormwater drainage improvements. These drawings show six 6.5-foot- 77-foot-long, oriented generally north-south, culvert extensions to existing culverts underneath Avenue 12, constructed of reinforced concrete pipe (RCP). New inlets would be constructed along the north side of the roadway. The inlet at Road 40 would be re-constructed and moved from its present location along Road 40 to the northeast quadrant of the Avenue 12 and Road 40 intersection. All drainage improvements would be sized to accommodate the increased stormwater runoff from the widened roadway and would connect to existing systems. See Appendix A, Sheets 21-22, Drainage Plans.

**Right-of-Way Acquisition.** The proposed Avenue 12 widening would require acquiring right-of-way (ROW) along the north and south sides of the existing roadway. Approximately two to four rows of orchard trees would be removed on the north side within the GVSP area, as well as an undetermined number of orchard trees along an approximately 350-foot long segment on the south side of Avenue 12 west of Road 40, outside the GVSP on APN 049-051-004 (San Joaquin River Ranch). (see Figure PD-11 below). Table AG – 1 below shows the acreage per

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<sup>1</sup> Street names may change as development progresses.



parcel of ROW to be acquired. Approximately 3.11 acres (135,676 square feet) would be needed on the north side of Avenue 12 for ROW from three agricultural parcels on Avenue 12's north side from Road 40 to CA-SR 41 to accommodate the roadway widening (see Appendix B, Right-of-Way Exhibit, Station 444+00 to Station 526+0). None of these parcels is associated with a Williamson Act agreement (see Madera County Assessor, ParcelQuest Lite, Property Search, available at <https://assr.parcelquest.com/Home/Index> (accessed October 9, 2024)).

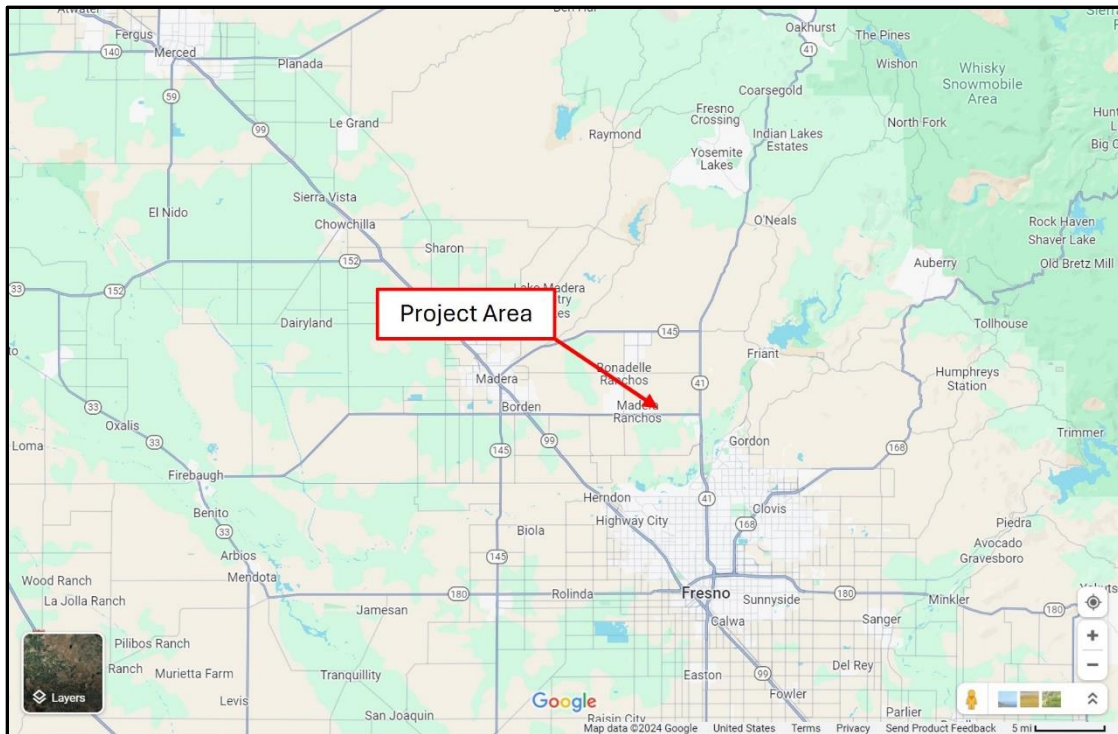
Approximately 0.23 acre (10,190 square feet) would be needed on the south side of Avenue 12 from APN 049-051-004 for ROW to accommodate a new right-turn lane at Road 40 (id.). APN 049-051-004 is 262.05 acres (11,414,898 square feet) in area; the area of the proposed ROW is 0.09 percent of the total (see Madera County Assessor, ParcelQuest Lite, Property Search, available at <https://assr.parcelquest.com/Home/Index> (accessed October 9, 2024)). The property does not appear to be under a Williamson Act agreement (id.).

***Retaining Wall, Private Property Reconstruction.*** An approximately 286-foot long, 8-foot tall concrete retaining wall would be constructed on the north side of Avenue 12 along the property frontage of 39877 Avenue 12 to accommodate a minor change in elevation. The property's driveway would be re-graded and re-paved to approximate its current configuration. See Appendix A, Sheets 19, 20.

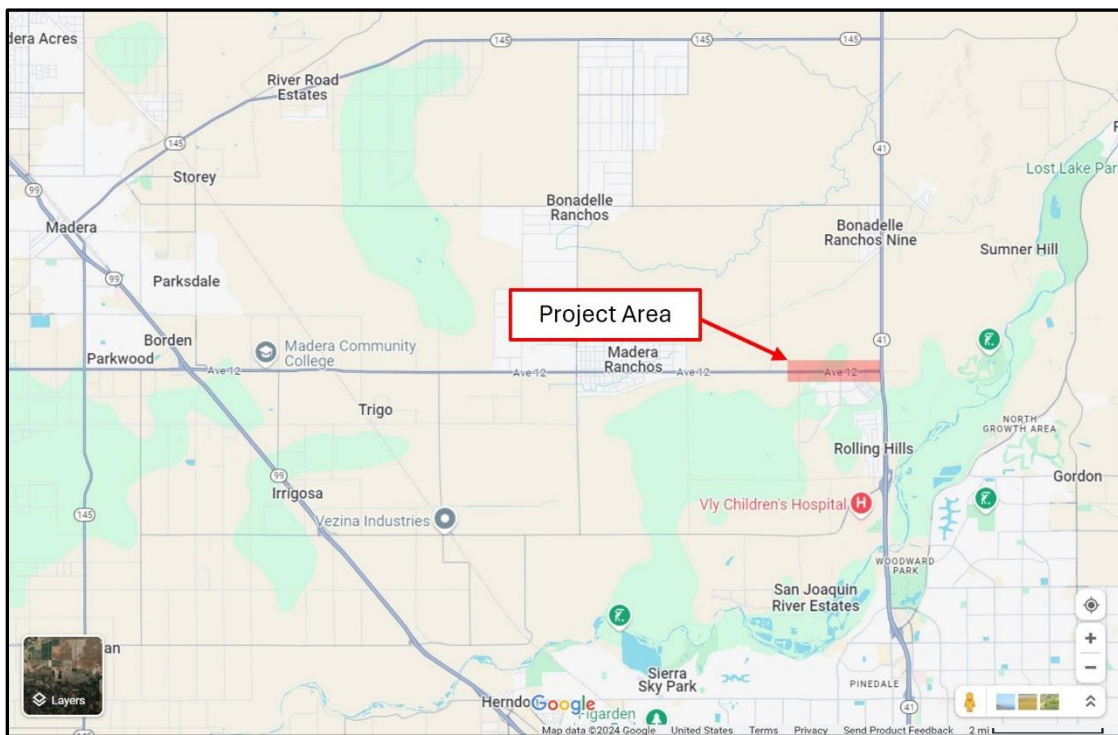
***Tree Removals.*** Approximately 85 immature ornamental olive trees in the parkway between the curb and sidewalk along the length of the project would be removed to accommodate road construction and to reduce the number of olives that drop on and stain the existing sidewalk. The trees bordering the residential properties would remain in place.

***Construction Duration.*** Project final design, right-of-way acquisition, utility relocation, and roadway construction would take place over approximately 12 months, with construction beginning mid-2025.

Figures PD-1 - PD-10 below show the regional and project vicinity, Google Streetview™ images, and the GVAP Circulation Plan.



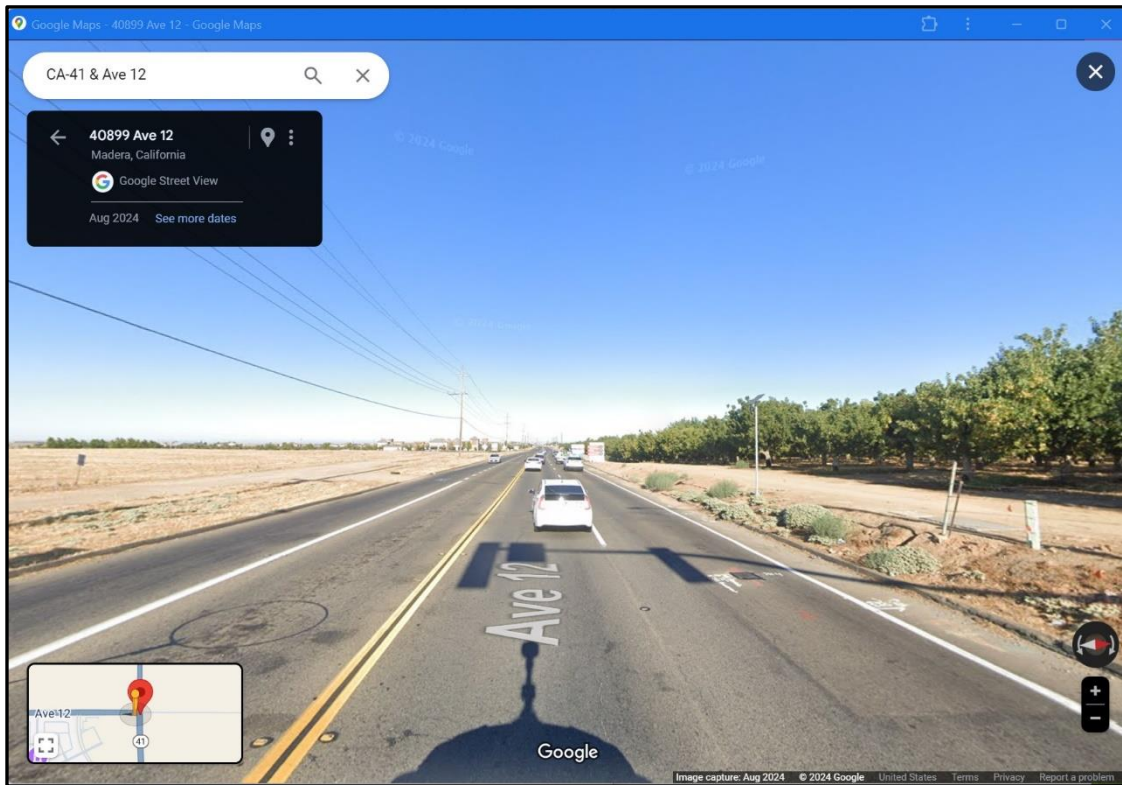
**Figure PD - 1 Regional Vicinity**



**Figure PD - 2 Local Vicinity**

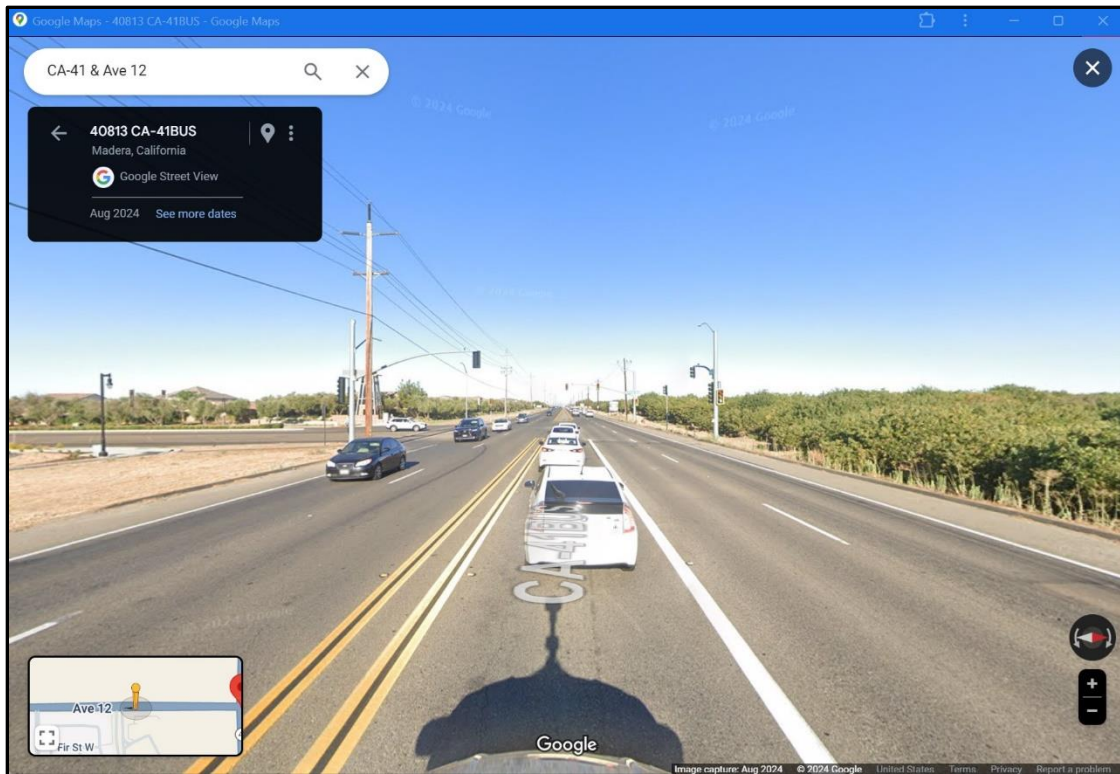


**Figure PD - 3      Aerial View**

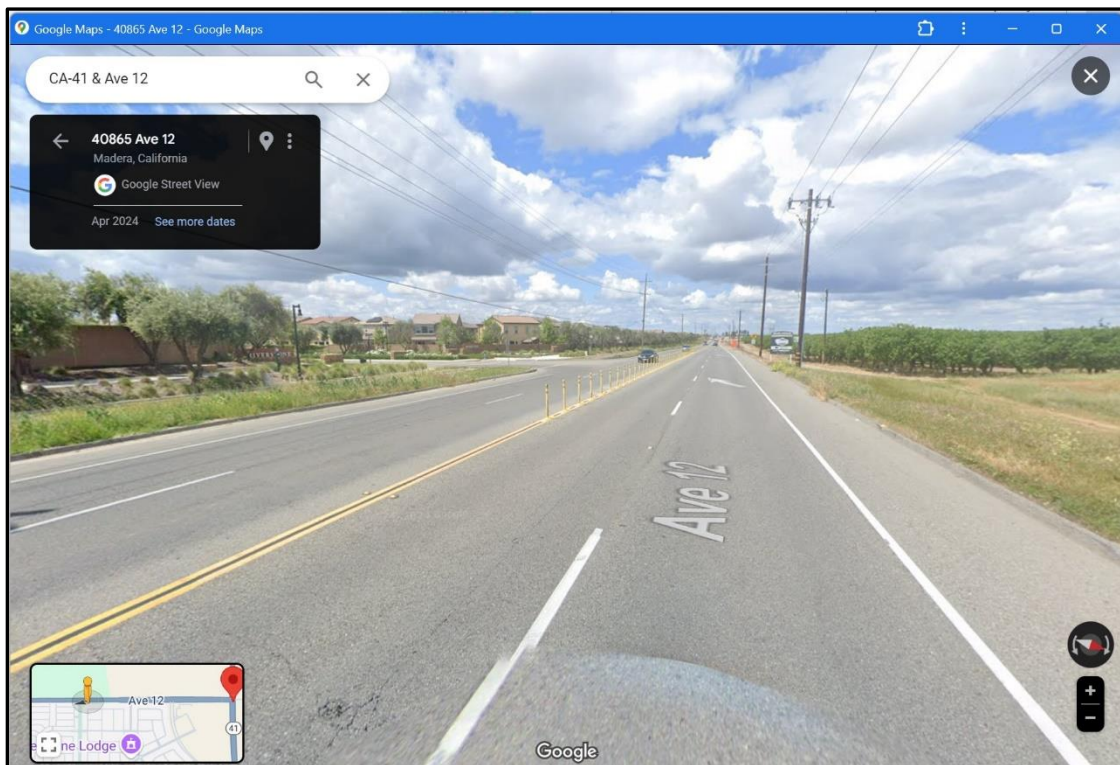


**Figure PD - 4      Ave. 12 at SR 41 Facing West**





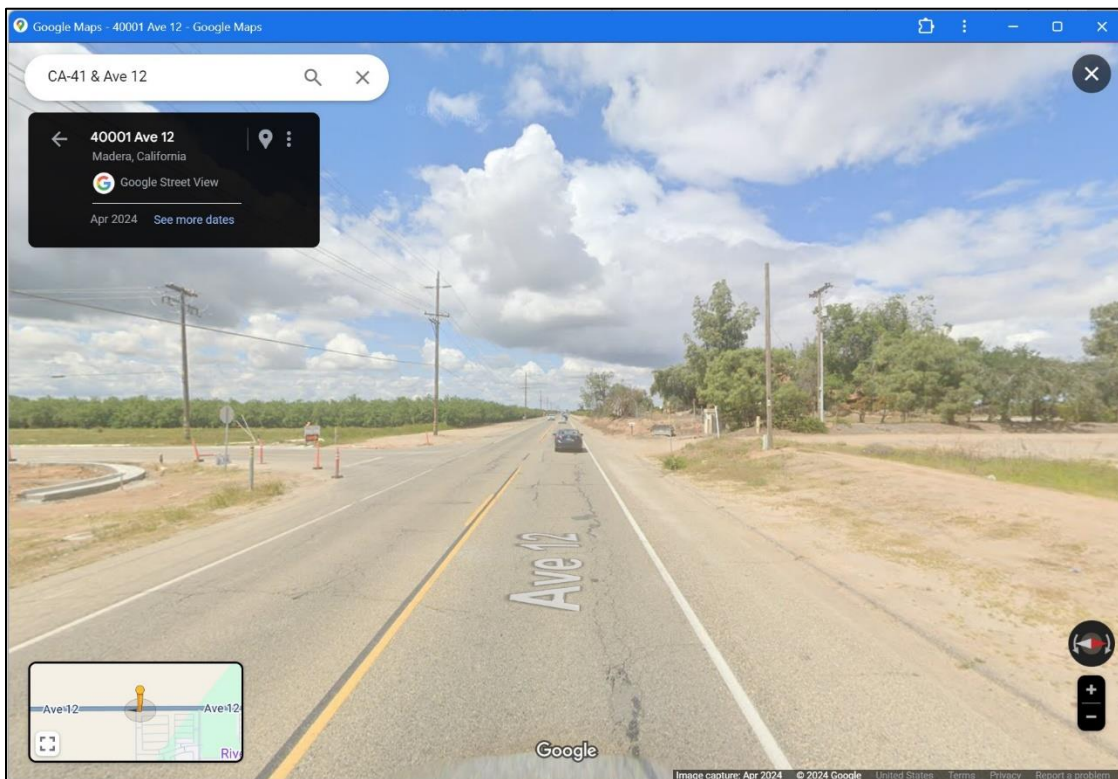
**Figure PD - 5 Ave. 12 at Riverwalk Blvd., Facing West**



**Figure PD - 6 Ave. 12 at Riverstone Blvd. SE, Facing West**

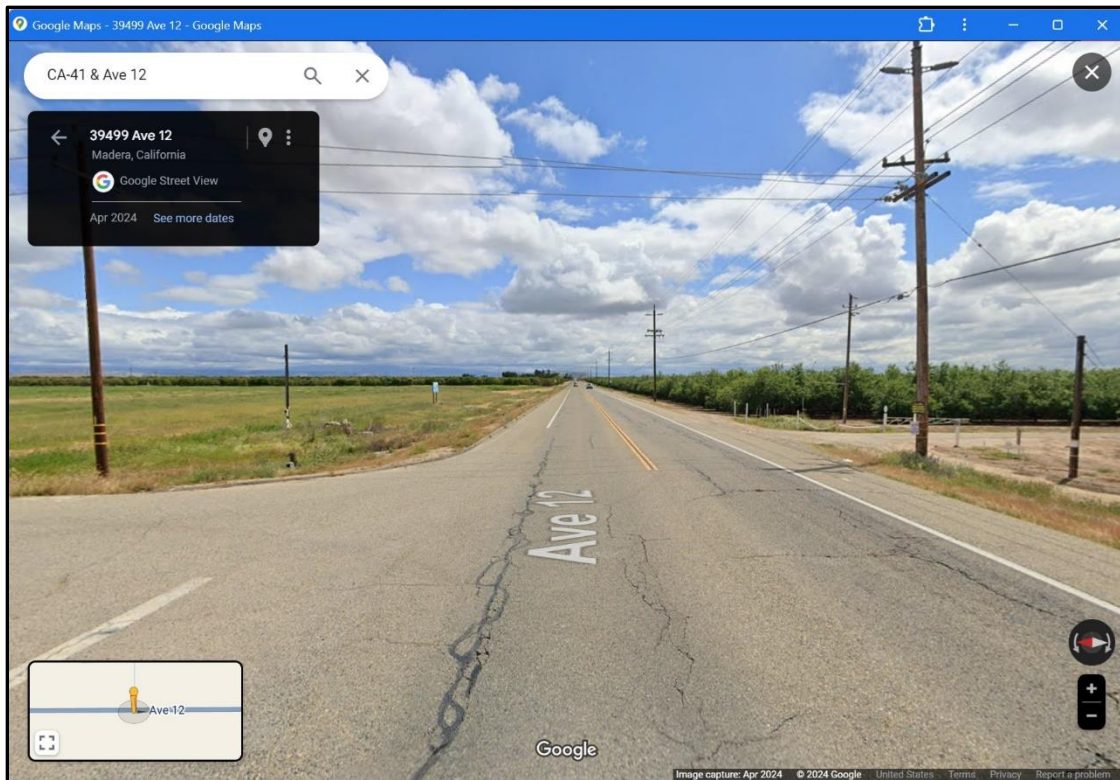


**Figure PD - 7 Ave. 12 at Riverstone Blvd. SW, Facing West**



**Figure PD - 8 Ave. 12 at Rd. 40, Facing West**





**Figure PD - 9      Ave. 12 at Rd. 39 ½, Facing East**



Figure PD - 10 Gateway Village Area Plan, Circulation Plan



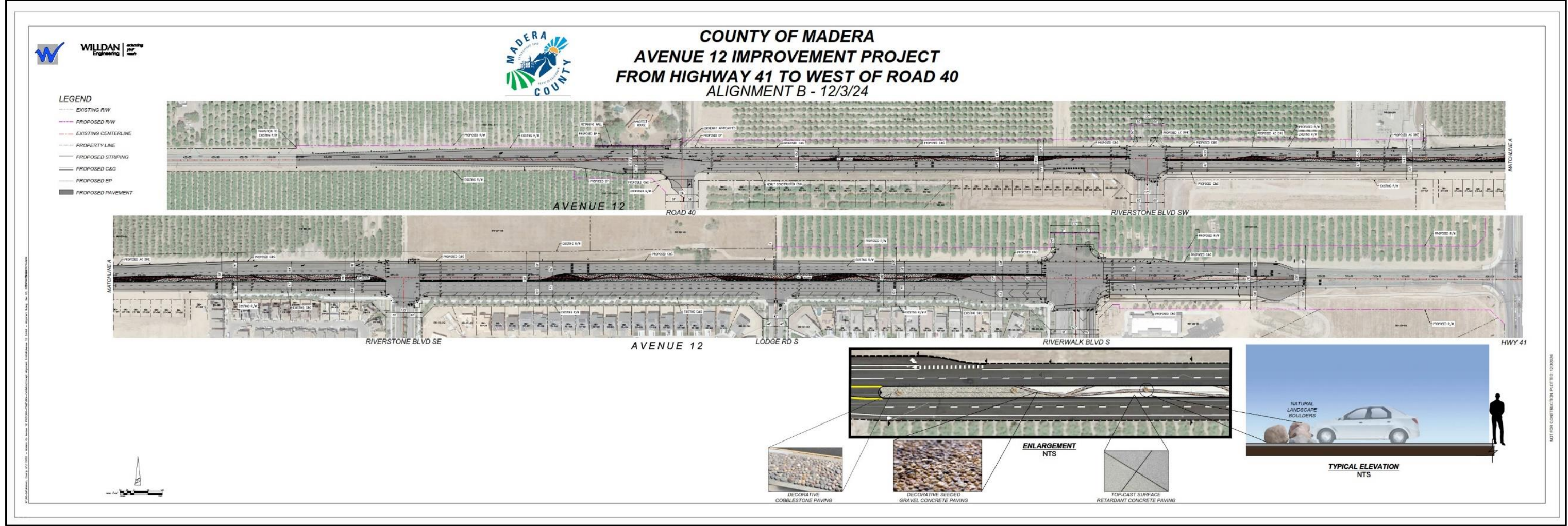


Figure PD - 11 Ave. 12 Roadway Alignment – Conceptual Right-of-Way  
 (See Appendix A or County of Madera Public Works for current full-size plans)



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## 11. Surrounding Land Uses and Setting:

Avenue 12 is an east-west, two to four-lane, “limited expressway” arterial roadway that extends approximately 25 miles from Road 16 on the west to California SR 41 on the east. The proposed construction would widen the easternmost 1.6 miles of Avenue 12. This road segment traverses the Gateway Village Area Plan<sup>2</sup> and the Riverstone development occupies the land south of Avenue 12 along the length of the project area.

The project area is transitioning from agricultural uses to suburban-scale single-family, mixed-use, and commercial development as programmed in the Gateway Village Specific Plan and more broadly, the Madera County General Plan. Current land uses along the project segment of Avenue 12 include single-family residences and some commercial uses on the south from Road 40 to SR 41, and agricultural and agricultural-residential uses on the north.

All residences in Riverstone take access from internal streets via Riverstone Blvd. SW, Riverstone Blvd. SE, Lodge Rd. S, and Riverwalk Blvd. S, and no residences face Avenue 12. Landscaping and a six to seven-foot tall decorative concrete masonry block wall borders residential rear yards along the roadway.

Only the intersection of Avenue 12 and Riverwalk Blvd. S is permanently signalized, and there is a temporary signal at Avenue 12 and Riverstone Blvd. Southwest. Vehicle access at the intersections of Ave. 12 with Lodge Rd. and Riverstone Blvd. SE is restricted to right-turn in, right-turn out with temporary plastic surface mounted delineators along the centerline of Ave. 12.

**Vegetation.** Vegetation along the north side of Avenue 12 consists of sparse, ruderal, weedy plant material on the road shoulders. There is no undisturbed native vegetation in the project area. A landscaped parkway lines the Gateway Village neighborhoods on the south side from Mission Drive to SR 41.

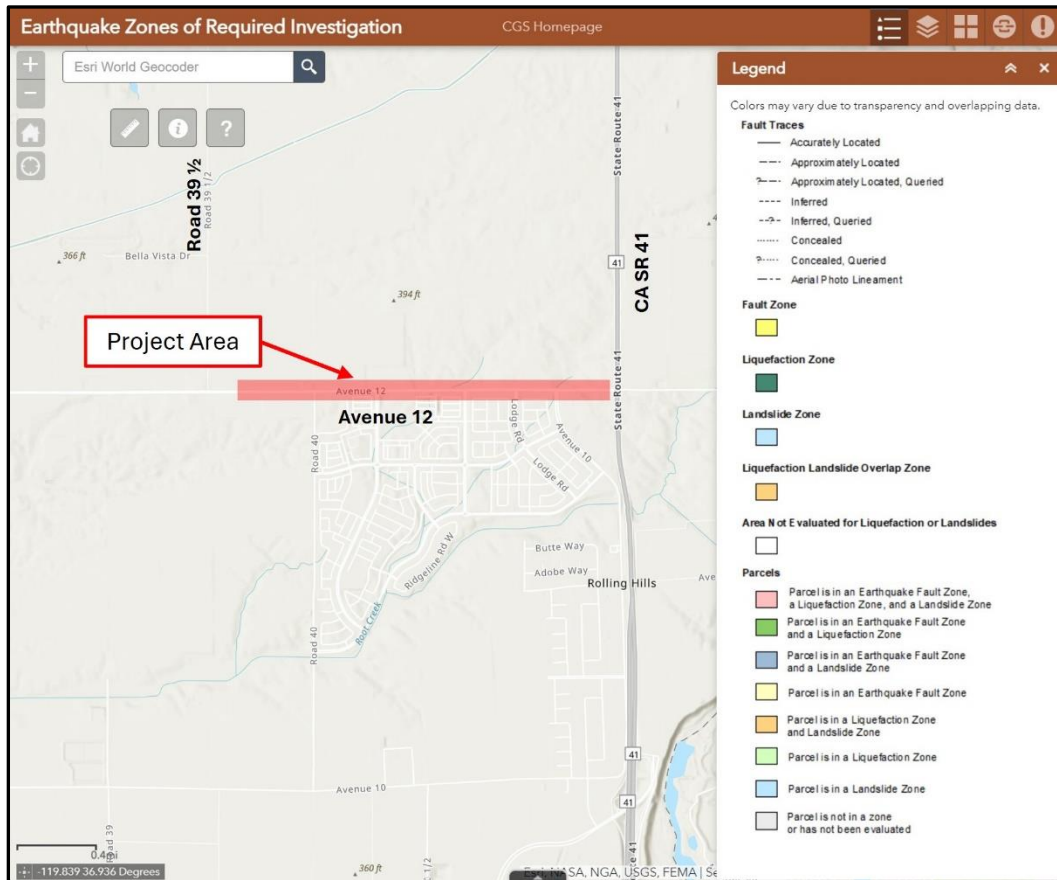
**Topography.** Avenue 12’s elevation ranges from approximately 372 feet above mean sea level (msl) at Road 40 to 379 feet above msl at SR 41. Terrain on either side of the roadway is flat to gently sloped toward the southwest.

There are no mapped earthquake zones near or within the project area, and there are no active faults within Madera County (GVSP EIR, p. 4.6-1). See also Figure PD-12, *Earthquake Zones of Required Investigation*, below.

**Hydrology/Wetlands.** There are no mapped wetlands along Avenue 12. The seasonal Root Creek flows south of Avenue 12 toward the southwest. The creek bed is approximately 3100’ south of the project area on the east and 1.3 miles south on the west. A seasonal tributary (Tributary A) to Root Creek passes under Avenue 12 at Riverwalk Boulevard South. This latter tributary has been substantially degraded by agricultural/orchard operations and exhibits no riparian characteristics, such as a defined bed and bank, riparian vegetation (sedges, willows, cottonwoods), etc. (Willdan field observation, March 2024). The San Joaquin River lies approximately 1.3 miles southwest of the SR 41/Ave. 12 intersection.

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<sup>2</sup> For a comprehensive description of the Gateway Village Specific Plan and analysis of environmental impacts, see County of Madera, *Gateway Village Draft Program EIR*, available at <https://www.maderacounty.com/government/community-economic-development-department/divisions/planning-division/planning-forms-and-documents/-folder-204> (accessed September 12, 2024).



**Figure PD - 12 Earthquake Zones of Required Investigation**

Source: California Department of Conservation, California Earthquake Hazards Zone Application, available at <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp> (accessed March 20, 2024).

## 12. Purpose and Authority

The California Environmental Quality Act (CEQA) requires that all State and local agencies consider the environmental consequences of projects over which they have discretionary authority. Environmental Impact Reports (EIRs) and subsequent documents to a Program EIR, such as Addendums, Supplements or Subsequent EIRS provide decision-makers and the public with information concerning the environmental effects of a proposed project, possible ways to reduce or avoid the possible environmental damage, and identify alternatives to the project. Program EIRs must disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; as well as significant cumulative impacts of all past, present, and reasonably anticipated future projects. CEQA documents that “tier” from programmatic documents must identify impacts that were not previously considered and provide additional mitigation measures if necessary.

The Board of Supervisors of the County of Madera certified the Program Environmental Impact Report (Program EIR) for the Gateway Village Specific Plan in 2007 (State Clearinghouse No. 2005091071).

The purpose of this Supplement to the Gateway Village Program EIR (GVPEIR) is to evaluate the environmental impacts of widening an approximately 1.6-mile segment of Avenue 12 from about 1500' west of Road 40 to 700' west of SR 41.

The County of Madera is the Lead Agency under the California Environmental Quality Act (CEQA), and is responsible for preparing the Supplemental Environmental Impact Report (SEIR) to the GVPEIR. This Supplement to the GVPEIR has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), California CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA, as adopted by the County of Madera. The principal CEQA Guidelines section governing content of this document is Section 15162 (Subsequent Documents and Negative Declarations).

CEQA Guidelines Section 15162 permits agencies to prepare follow-up, or “subsequent” environmental documents to existing EIRs when, among other factors: (a) substantial changes are proposed in the project that would require major revisions in that EIR resulting from new significant environmental effects or a substantial increase in the severity of effects previously described; (b) there are substantial changes in the project’s circumstances that would require major revisions; (c) new information arises that was not known at the time that the document was certified, that shows new significant effects or an increase in their severity; (d) a project proponent declines to implement mitigation measures that were previously infeasible, but became feasible and would substantially reduce one or more significant effects; or (e) a project proponent declines to implement newly-discovered mitigation measures that would substantially reduce significant effects.

Alternatively, if there are changes to a project that would *not* require major revisions to the existing EIR, and only minor additions or changes to that existing EIR would be necessary, CEQA permits use of an *Addendum* or *Supplement* to an existing Program EIR to evaluate the new effects, “tiering” from the Program EIR (CEQA Guidelines Section 15163). (See California Natural Resources Agency, Title 14, California Code of Regulations, Chapter 3, Guidelines for the Implementation of the California Environmental Quality Act, Article 11, *Types of EIRs*, Sections 15160 – 15170, available at

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I86C9BC205B4D11EC976B000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I86C9BC205B4D11EC976B000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)) (accessed September 12, 2024).

CEQA Guidelines Section 15163 (b – e) describe a Supplement’s scope as follows:

- a) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- b) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- c) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- d) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

The County of Madera has accordingly prepared this Supplement to the GVPEIR because the proposed infrastructure improvements will likely necessitate only minor revisions. The accompanying Initial Study/Environmental Checklist Form evaluates the project’s environmental impacts, incorporates mitigation measures from the GVPEIR, and includes additional mitigation measures as required.

### **13. Incorporation by Reference**

This analysis incorporates by reference the Gateway Village Specific Plan Program EIR SCH #2005091071) as amended and all technical studies prepared for the Program EIR and Mitigation Monitoring and Reporting Program, the Findings of Fact and Statement of Overriding Considerations, the Gateway Village Area Plan, the Madera County General Plan as amended, the Madera County General Plan Background Report, the Madera

County General Plan Final EIR, and the Madera County Local Hazard Mitigation Plan Update. These Planning documents are available for public review at the County of Madera, 200 W. 4th Street, Madera, CA 93637, and online at <https://www.maderacounty.com/government/community-economic-development-department/divisions/planning-division/planning-forms-and-documents/-folder-269>.

#### **Documents and Technical Studies Attached as Appendices to this Initial Study**

(In-line references will use the abbreviations in parentheses)

- **Appendix A** Willdan Engineering, Madera County Avenue 12 90% Project Plans
- **Appendix B** Willdan Engineering, County of Madera, Avenue 12 from Road 40 to Highway 41, Alignment B, Right-of-Way Exhibit (11/20/24)
- **Appendix C** Willdan Engineering, Air Quality/GHG Emissions Road Construction Emissions Model Results (September 2024) (Willdan I)
- **Appendix D** Willdan Engineering, Avenue 12 Widening Vehicle Miles Traveled Analysis, (April 2024) (Willdan II)

#### **14. Intended Uses of This Initial Study**

The County of Madera, as the Lead Agency for this project, will use this Initial Study to determine whether to certify a Supplemental Environmental Impact Report for the proposed improvements to Avenue 12. This Initial Study will also provide environmental information to other agencies affected by the project, or which are likely to have an interest in the project. Various State and Federal agencies exercise control over certain aspects of the study area. The various public, private, and political agencies and jurisdictions with a particular interest in the proposed project, may include but are not limited to the following:

- California Air Resources Board (CARB)
- California Department of Transportation (Caltrans)
- California Emergency Management Agency
- California Regional Water Quality Control Board (CRWQB)
- City of Madera
- County of Fresno
- County of Fresno Association of Governments
- County of Madera Fire Department
- County of Madera Public Works
- County of Madera Sheriff's Department
- San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)
- Tribal Governments

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages. Environmental topics that were identified as having potentially significant impacts by the GVPEIR are also checked here.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Agriculture/Forestry Resources | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources    | <input checked="" type="checkbox"/> Cultural Resources             | <input type="checkbox"/> Energy  |
| <input checked="" type="checkbox"/> Geology/Soils           | <input type="checkbox"/> Greenhouse Gas Emissions                  | <input checked="" type="checkbox"/> Hazards and Hazardous Materials    |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning                         | <input type="checkbox"/> Mineral Resources                             |
| <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing                        | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation                            | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems          | <input type="checkbox"/> Wildfire                                  | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

## DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Christine Kudijan, J.S., A&CP*

*Signature*

January 9, 2025

*Date*

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. **“Negative Declaration: Less Than Significant With Mitigation Incorporated”** applies where the incorporation of mitigation measures has reduced an effect from **“Potentially Significant Impact”** to a **“Less Than Significant Impact.”** The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
  - a) **Earlier Analyses Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. *This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.*
9. The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significant.

## I. AESTHETICS

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

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

### Impact Discussion:

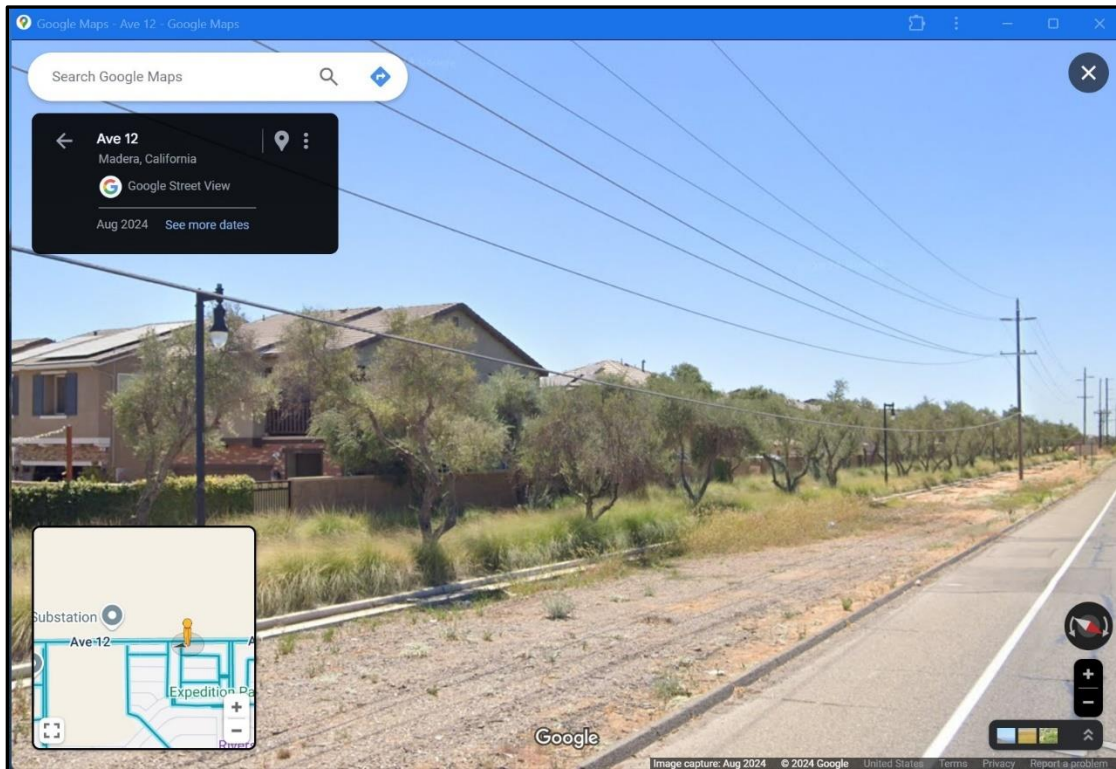
a) **Less Than Significant Impact.** The GVPEIR notes that the Gateway Village project, including all infrastructure improvements, would result in a permanent change to the visual environment of the area (GVPEIR, p. 4.1-9). Primary scenic vistas in the project area include ridgelines and slopes of visible but distant mountain ranges and undeveloped plains. The GVPEIR determined that Specific Plan implementation would result in less-than-significant impacts to scenic vistas would “not occur at a scale resulting in impacts to visible mountain ranges in the area, or other scenic vistas” because the project’s visual changes would be limited to the immediate area, not the vistas around the site (id.). Likewise, the proposed Avenue 12 improvements would not affect how these views are perceived because the widening would not change the position of any viewpoint; moreover, the project would not construct visual barriers between the roadway and distant views. Impacts to scenic vistas would remain less than significant.

b) **Less Than Significant Impact.** The GVPEIR states that there were no officially designated or eligible state or County scenic routes or highways in Madera County; none have been added within Madera County since the GVPEIR’s preparation (Caltrans, Scenic Highways, available at <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways> (accessed September 12, 2024)). There are no rock outcrops or historic buildings in the project area (id., p. 4.1-10).

The roadway widening would affect existing ornamental landscaping: project construction would require removing approximately 85 immature ornamental olive trees between the existing curb and sidewalk along the length of the project to accommodate the widening and to reduce olive staining on the concrete sidewalk. The trees along the south side of the sidewalk would remain in place. If allowed to mature, these latter trees would likely fill the visual voids created by removing the outer row of trees – the anticipated canopy diameter of a mature olive tree is approximately 25’-30’ (Time Home



Entertainment, The New Sunset Western Garden Book, 9<sup>th</sup> ed. (2012), p. 460), and the trees are currently planted between 25' and 30' apart. Unless the trees are severely pruned, their canopies would eventually grow together. Figure AES – 1 below shows an example of the trees to be removed.



**Figure AES - 1 Olive Trees Along Ave. 12**

*Note: Trees along the curbline are proposed to be removed, and the trees along the subdivision wall would remain in place.*

CEQA does not define “scenic resource” The California Department of Transportation (Caltrans) indirectly describes “scenic” in the context of designating scenic highways, referencing “natural beauty,” the “natural landscape,” and stating that the elements that make a highway “scenic” include how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler’s enjoyment of the view (Caltrans, Scenic Highways – Frequently Asked Questions, available at <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2> (accessed September 12, 2024). While mature street trees with substantial canopies can contribute to an area’s scenic quality, the subject trees are relatively young, having been installed with the Riverstone development, and are growing within the context of new residential and commercial structures. As such, they would not likely be considered “scenic.” Accordingly, the aesthetic impact of removing these trees would be less than significant.

- c) **Less Than Significant Impact.** The GVPEIR reasoned that GVSP implementation would not significantly affect the existing visual character or quality of public views of the site and its surroundings (GVPEIR p. 4.1-11). The proposed Avenue 12 widening is consistent with the GVSP. Additionally, the project would result in a finished roadway where the current pavement does not extend to the full right-of-way,

improving Avenue 12's visual appearance. Finally, as discussed in I(b) above, removing the parkway trees between the sidewalk and the curb along the south side of Avenue 12 would result in a less-than-significant impact.

- d) **Less Than Significant Impact.** The **proposed** project would add new signalized intersections as well as a flashing beacon approximately 750' west of the intersection of Avenue 12 and Riverstone Blvd. SW (See Appendix A, Sheet 29) but would not add new street lighting or substantial glare-producing surfaces. Glare is caused either by high-intensity lighting arrays, such as those used in sports fields or vehicle dealerships, or by flat, light-colored, or shiny surfaces that reflect sunlight or vehicle headlights. The new traffic signals would conform to Caltrans specifications for safety.

The GVPEIR determined that GVSP implementation could cause light and glare impacts from street lighting, increased vehicle lighting, interior and exterior building lighting, and commercial signage, but that these impacts would be mitigated to less-than-significant levels (GVPEIR p. 4.1-12, Mitigation Measure 4.1-1). The proposed Avenue 12 widening does not include street lighting, illuminated structures, or commercial signage, so it would not cause light and glare impacts from these sources.

The additional lanes would result in a greater horizontal spread of light from vehicle headlights from a viewpoint into oncoming traffic. The resulting glare would vary with traffic density. However, the California Vehicle Code (Ca. Veh. Code) regulates headlight illumination: low beams are deemed to avoid glare if set correctly and high beams must not project glare into the eyes of oncoming drivers (Ca. Veh. Code § 24409(a)). Vehicles approaching intersections or in moderate-to-heavy traffic would also be required to Moreover, headlamps must be placed not more than 54 inches above or less than 22 inches above ground level (Ca. Veh. Code § 24400). Accordingly, impacts from oncoming headlights viewed against the direction of travel would be less than significant.

Vehicle headlights are designed to project light in front of the vehicle, not to the sides, so headlight glare would not be expected to extend outwards from the roadway. Additionally, the subdivision wall that divides the public right-of-way from residential rear yards appears to be six feet tall (72 inches), and would block headlight glare. Future residential development would be expected to incorporate similar perimeter walls along this limited expressway on both the south and north sides of Avenue 12. GVPEIR Mitigation Measure 4.1.1 also requires "native" landscaping to "be planted in a manner to shield motor vehicle lights from adjacent areas." While the olive trees that will remain along Avenue 12 are not native to North America, they originate from a similar climate regime in the Middle East, and will develop dense, evergreen canopies that would filter vehicle headlight glare that might project over the subdivision perimeter wall toward residence's upper stories. Therefore, with the subdivision walls in place, and with adherence to GVPEIR Mitigation Measure 4.4.1, impacts on residential yards and properties would be less than significant. No additional mitigation measures against light and glare are required.

## **GVPEIR Mitigation Measures**

**GVPEIR Measure 4.1.1:** The following project design features shall be implemented to minimize light and glare impacts:

- Outdoor light fixtures for non-residential areas (such as lighting used for landscaping and architectural features and parking lots) shall be low-intensity, shielded, and directed away from residential areas and night sky. Lighting fixtures for parking lots shall use low-pressure sodium lamps or other similar lighting fixture and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited. Site plans shall

be reviewed and approved on a case-by-case basis, contingent upon certification by the Madera County Planning Department that adjacent residential areas would not be affected.

- Streetlights shall use low-pressure sodium lamps<sup>3</sup> and shall be installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. High-intensity discharge lamps, such as mercury, metal halide and high-pressure sodium lamps shall be prohibited.
- Native landscaping, such as shrubs and trees, shall be planted in such a manner to shield motor vehicle lights from adjacent areas. Dense native landscaping (such as shrubs) shall be placed along all project arterial roadways and Root Creek Parkway, as well as employment and commercially designated areas and the Village Center.
- Light fixtures for sports fields, park sites, and other lighted sports facilities shall be directed away from residential areas and shielded in a manner to minimize their illumination of the night sky, as specified in applicable County standards.

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<sup>3</sup> Note that existing street lamps are now LED, rather than low-pressure sodium. Future street lamps will be consistent with currently-existing lighting technology.

## II. AGRICULTURE AND FORESTRY RESOURCES.

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

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Discussion:

- a) **Less than Significant Impact with GVPEIR Mitigation Incorporated.** The proposed Avenue 12 widening project would convert approximately 3.34 acres of important farmland to roadway. for right-of-way (ROW) acquisition along both sides of Avenue 12 (Figure PD-11).

The 2007 GVPEIR determined that the overall GVAP/GVSP would result in significant and unavoidable impacts associated with farmland conversion because it proposed developing 1,973 acres of actively-producing farmland (932 acres of Prime Farmland, 1050 acres non-prime farmland) with residential, commercial, public facility, recreation, and other related uses (GVPEIR, p. 4.2-9). Most of the GVSP area south of Avenue 12 has now been developed and the pre-existing farmland displaced.

Two mitigation measures were adopted to reduce farmland impacts during the development process:

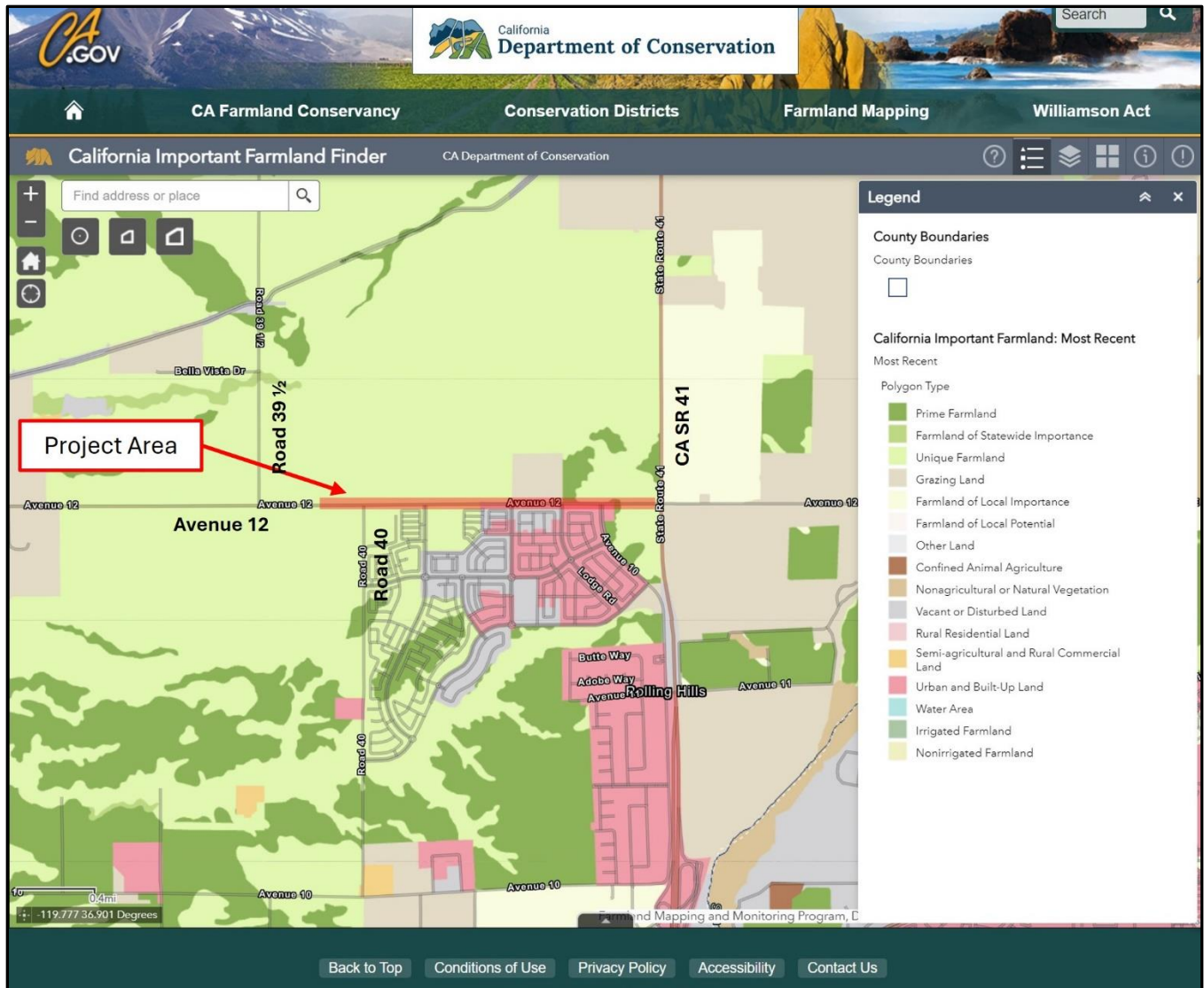
*Mitigation:*

*Measure 4.2.1: Economically viable agricultural uses shall be retained until development to urban/suburban uses becomes viable and can be served by infrastructure. The transition shall be made incrementally in conjunction with the availability of services and infrastructure.*

*Measure 4.2.2: Subsequent entitlement requests or site plan review within the Gateway Village project area shall be reviewed for compliance with protection of economically viable agricultural uses through buffering and land use separation from those lands still in production.*

These mitigation measures continue to apply to GVSP implementation and are included below.

Figure AG-1 below shows the current California Department of Conservation's Important Farmland Finder Map for the project area (2022).



**Figure AG - 1 Important Farmland in Project Vicinity**

Source: California Department of Conservation, *California Important Farmland Finder*, available at <https://maps.conservation.ca.gov/dlrp/ciff/> (accessed October 9, 2024).

The farmland in the ROW area is classified as “Unique Farmland” except for a small area of APN 049-026-008. The California Department of Conservation defines “unique farmland” as “*farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include nonirrigated orchards or vineyards as found in some climatic zones in California*” (California Department of Conservation, Important Farmland Categories, available at <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx> (accessed October 11, 2024).

The proposed Avenue 12 ROW acquisition and widening may require removing two to four rows of orchard trees on the north side within the GVSP area, and an undetermined number of orchard trees along an approximately 350' segment on the south side of Avenue 12 west of Road 40, outside the GVSP

in APN 049-051-004 (San Joaquin River Ranch). (see Figure PD-11 above). Table AG – 1 below shows the acreage per parcel of ROW to be acquired.

**Table AG - 1 Right-of-Way (ROW) Acquisition From Orchard Production**

APN	Area (acres)	Area (sq. ft.)	ROW Area (acres)	Row Area (sq. ft.)	ROW percent of total area
049-024-020 <sup>a</sup>	303.04	13,200,422	1.11	48,527	0.36%
049-024-021 <sup>a</sup>	12.81	558,003	0.53	23,019	4.14%
049-026-008 <sup>a</sup>	156.81	6,830,643	0.30	13,052	0.94%
049-026-008 <sup>b</sup>			1.17	51,078	
049-051-004 <sup>a</sup>	262.05	11,414,898	0.23	10,190	0.09%
<b>Totals</b>	<b>734.71</b>	<b>32,003,966</b>	<b>3.34</b>	<b>145,866</b>	<b>5.53%</b>

<sup>a</sup> Willdan to facilitate ROW acquisition for County

<sup>b</sup> Dewberry to facilitate acquisition of 0.23 acre of ROW from APN 049-026-008 for County or Caltrans

**North side.** Approximately 3.11 acres (135,676 square feet) would be needed for ROW from three agricultural parcels on Avenue 12's north side from Road 40 to CA-SR 41 to accommodate the roadway widening (see Appendix B, Right-of-Way Exhibit, Station 444+00 to Station 526+0). This acreage represents 5.44 percent of the total parcel area that is currently in agricultural production. None of these parcels is associated with a Williamson Act agreement (see Madera County Assessor, ParcelQuest Lite, Property Search, available at <https://assr.parcelquest.com/Home/Index> (accessed October 9, 2024)).

**South side.** Approximately 0.23 acre (10,190 square feet) would be needed from APN 049-051-004 for ROW to accommodate a new right-turn lane at Road 40 (id.). APN 049-051-004 is 262.05 acres (11,414,898 square feet) in area; the area of the proposed ROW is 0.09 percent of the total (see Madera County Assessor, ParcelQuest Lite, Property Search, available at <https://assr.parcelquest.com/Home/Index> (accessed October 9, 2024)). The property does not appear to be under a Williamson Act agreement (id.).

Because the fractional areas on both sides of Avenue 12 are very small compared to the remaining land in agricultural production, and as such constitute an incremental change in the property's agricultural use in conjunction with providing infrastructure (Mitigation Measure 4.2.1), the Avenue 12 widening in this area is anticipated to be less than significant.

- b) **No Impact.** As noted in Section II(a) above, none of the involved parcels are subject to a Williamson Act agreement. The proposed widening is consistent with the roadway standards for a limited expressway set forth in the GVAP (Gateway Village Area Plan, *Circulation Plan*, p. 41) and the MCGP (Madera County General Plan, Table I-3).
- c) **No Impact.** The proposed project would not conflict with forest or timberland zoning, because forest and timberland zoning and uses are not present within the project area (California Department of Conservation, Important Farmland Categories, available at <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx> (accessed October 11, 2024))
- d) **No Impact.** The project area does not contain forest land and is dominated by agricultural uses (orchards) and the residential/commercial development within the GVAP.
- e) **Less Than Significant Impact.** The proposed roadway widening is limited to the existing and future ROW along Avenue 12. Although some ROW acquisition would result in farmland conversion, this limited

conversion is consistent with the GVAP. As noted above, developing the GVAP/GVSP converted substantial acreage from farmland to residential and commercial uses, and the Gateway Village Specific Plan Program EIR concluded that significant and unavoidable impacts would result.

#### **GVPEIR Mitigation Measures**

**GVPEIR MM 4.2.1:** Economically viable agricultural uses shall be retained until development to urban/suburban uses becomes viable and can be served by infrastructure. The transition shall be made incrementally in conjunction with the availability of services and infrastructure.

**GVPEIR MM 4.2.2:** Subsequent entitlement requests or site plan review within the Gateway Village project area shall be reviewed for compliance with protection of economically viable agricultural uses through buffering and land use separation from those lands still in production.



### III. AIR QUALITY

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

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

#### Background:

The project is located within the San Joaquin Valley Air Basin. The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) has jurisdiction and regulatory authority within the Air Basin, and is responsible for the region's air quality management plans, which set forth regulations and various control measures for particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone(O<sub>3</sub>), and carbon monoxide (CO) to reduce air pollution and bring the region into compliance with federal Clean Air Act (CAA) and California Clean Air Act (CCAA) standards by various target years. The SJVUAPCD includes control measures for both stationary and mobile sources of air pollutants; the control measures are further codified into Rules or set forth as policies for jurisdictions within the Air Basin. Rules set specific limits for emissions from various stationary sources, including specific types of equipment, industrial processes, paints, solvents, and consumer products. Limits on airborne "fugitive" dust from construction and particulates from diesel engines are also set forth and enforceable. To measure ongoing air quality plan progress, the SJVUAPCD monitors air quality at 37 locations throughout the Air Basin and has enforcement authority over an eight-county area (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties). See the SJVUAPCD website, <https://ww2.valleyair.org/rules-and-planning/air-quality-plans/> (accessed October 24, 2024) for comprehensive information regarding the air quality plans and the SJVUAPCD's overall responsibilities.

The San Joaquin Valley Air Basin is considered to be in "non-attainment" for three criteria pollutants: ozone; particulate matter(PM<sub>10</sub>); and respirable particulate matter (PM<sub>2.5</sub>) (See SJVUAPCD *Ambient Air Quality Standards and Attainment Status*, available at <https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainment-status/> (accessed October 23, 2024). To moderate the effects of public and private development projects on non-attainment, the SJVUAPCD sets emissions significance thresholds for CEQA compliance for reactive organic gases/ozone precursors (ROG), carbon monoxide (CO), nitrogen oxides (NOx), PM<sub>10</sub> and PM<sub>2.5</sub> (see Tables AQ-1 and AQ-2 below for threshold values). Generally, if a project's construction and operational emissions do not exceed these thresholds, they are assumed to be "less-than-significant;" moreover, if the estimated emissions exceed thresholds but can be reduced to below thresholds by applying mitigation measures, emissions levels may be deemed less than significant with mitigation incorporated.

Transportation improvement projects are connected to air quality improvement plans in Regional Transportation Plans (RTPs) and Sustainable Community Strategies (SCSs) developed by regional Metropolitan Planning Organizations (MPOs). The Madera County Transportation Commission (MCTC) is the MPO for Madera County, and is responsible for the biennial Federal Transportation Improvement Program (FTIP). The FTIP is a multimodal program of capital improvement projects to be implemented over a six-year period. The FTIP implements the programs and projects in the RTP/SCS, which must be consistent with achieving air quality goals. Projects that are listed within an MPO's FTIP undergo a "conformity analysis" to demonstrate compliance with requirements for achieving air quality goals in nonattainment areas. This analysis sets an "emissions budget" for the programmed roadway operations and estimates those emissions. Projects that are included in the final adopted FTIP are considered to be compliant with air quality goals (See MCTC, *2025 Madera County Federal Transportation Improvement Program* (July 17, 2024), available at [https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/mctc\\_final\\_2025\\_ftip\\_7.17.24\\_r\\_compressed.pdf](https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/mctc_final_2025_ftip_7.17.24_r_compressed.pdf) and MCTC, *Conformity Analysis for the 2025 Federal Transportation Improvement and the 2022 Regional Transportation Plan Amendment 2*, July 14, 2024, available at [https://www.maderactc.org/sites/default/files/fileattachments/programming/page/6605/final\\_conformity\\_2025\\_ftip\\_2022\\_and\\_rtp\\_am\\_2.pdf](https://www.maderactc.org/sites/default/files/fileattachments/programming/page/6605/final_conformity_2025_ftip_2022_and_rtp_am_2.pdf). (accessed October 25, 2024).

#### Impact Discussion:

- a) **No Impact.** The proposed project is not anticipated to conflict with or to obstruct air quality plan implementation, because project construction will be required to comply with various regulations and emissions thresholds that implement those plans. The Avenue 12 widening project is included in the MCTC 2025 FTP (MCTC, *2025 Madera County Federal Transportation Improvement Program, Appendix B, Project Listing, Table B-1, Streets and Roads*, available at [https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/appendix\\_b\\_-\\_project\\_lists\\_r.pdf](https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/appendix_b_-_project_lists_r.pdf) (accessed October 25, 2024). Accordingly, the proposed project will not negatively affect air quality plan implementation.
- b) **Less Than Significant Impact.** Project construction would generate air pollutants from earth disturbance and equipment/vehicle exhaust, including the criteria pollutants listed in the Background section above, specifically particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>) and ozone (O<sub>3</sub>). Heavy equipment would also generate carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>). As discussed below and illustrated in Table AQ-1, the project's emissions are estimated to be below SJVUAPCD significance thresholds. Once construction is complete, project-related emissions would revert to the baseline existing before the project.

The project's construction-phase air pollutants were estimated using the online CalEEMod emissions model (CalEEMod, available at <https://caleemod.com/>, accessed March 28, 2024). The output tables from this model are included in Appendix A of this Initial Study and the model results summarized in Tables AQ-1 and AQ-2. The model quantifies PM<sub>10</sub>, PM<sub>2.5</sub>, ROG, NO<sub>x</sub>, and SO<sub>2</sub> emissions. The model does not quantify ozone emissions, because ozone is generated photochemically in the atmosphere by sunlight reacting with ozone precursors, such as reactive organic gases/volatile organic compounds (ROG/VOC) and oxides of nitrogen, and varies with air temperature and available light (See U.S. Environmental Protection Agency, AirNow, Air Quality Guide to Ozone, <https://www.epa.gov/ground-level-ozone-pollution>, (accessed October 25, 2024)).

Construction would take approximately 11 months. CalEEMod separates typical construction projects into four general phases: grubbing/land clearing, grading/excavation, installation of drainage and utility infrastructure, and paving, and estimates the time period for each phase as a subset of the project duration. Each phase would use different construction equipment, at rates derived from statewide

construction averages. To determine the “unmitigated” emissions, no equipment was assumed to use emissions-controlling mechanisms. Again, as shown in Table AQ-1 below, unmitigated emissions were estimated to be substantially below SJVUAPCD thresholds for maximum annual emissions.

Additionally, projects must comply with SJVUAPCD Rules 4101-4102 for visible emissions and nuisance emissions and Rules 8011-8071 for “fugitive” particulate matter (PM10) emissions (see SJVUAPCD Current District Rules and Regulations, available at <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations/>). Rule 1090 subjects violations of SJVUAPCD Rules to criminal and monetary penalties.

- **Rule 4101** prohibits emitting visible air contaminants at specified degrees of opacity, as measured according to the Ringelman Chart produced by the United States Bureau of Mines (See United States Centers for Disease Control and Prevention, Ringelman Smoke Chart, available at <https://stacks.cdc.gov/view/cdc/161399> (accessed October 25, 2024)).
- **Rule 4102** prohibits discharging from any source air contaminants that cause injury, detriment, nuisance, or annoyance to a “considerable number of persons or to the public,” or that “endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.”
- **Regulation VIII, incorporating Rules 8011-8071** addresses human-caused fugitive dust emissions, and is intended to reduce harmful PM10 and particles larger than PM10 resulting from construction projects and unpaved roads or parking areas. Specifically, Rule 8021 addresses dust emissions from construction, demolition, excavation, and other earthmoving activities. Construction projects are required to implement various control measures, such as watering unpaved surfaces, applying dust suppressants, preventing “track-out” of dust onto paved roads, and controlling vehicle speeds on unpaved surfaces. Dust Control Plans are required for non-residential projects encompassing five acres or more of disturbed surface area, or would involve “moving, depositing, or relocating more than 2,500 cubic yards per day of bulk material on at least three days.”

Accordingly, because the project’s estimated emissions are below accepted thresholds, and emissions such as fugitive dust are minimized by compliance with SJVUAPCD Rules, the project’s air pollutant emissions are anticipated to be less than significant.

- c) **Less Than Significant Impact.** Project construction would not expose sensitive receptors to substantial pollutant concentrations, because as shown in Table AQ-1 below, estimated construction emissions are considerably below the SJVUAPCD Significance Thresholds. Sensitive receptors, such as residents near the project area would therefore not be exposed to substantial pollutant concentrations. After construction ends, emissions would be expected to return to baseline levels.
- d) **Less Than Significant Impact.** Project construction could expose workers and nearby residents to temporary odors from construction equipment engine exhaust and asphalt application. Odors associated with asphalt would be short-term and would not be present after asphalt cures. Long-term odors are not expected to be substantial, or to affect a substantial number of people, because construction odors will no longer be present, and odors associated with passing vehicles are not expected to exceed those that are currently present.

<b>Table AQ-1</b> <b>Estimated Construction Emissions<sup>1</sup> (without Mitigation)</b> <b>(tons/year)</b>					
	<b>ROG</b>	<b>CO</b>	<b>NOx</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Maximum Annual Emissions (tons/year)	<b>1.49</b>	<b>14.7</b>	<b>12.7</b>	<b>1.25</b>	<b>0.61</b>
SJVAPCD Thresholds (tons/year) <sup>a</sup>	10	100	10	15	15
Exceeds threshold?	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>NO</b>
<sup>a</sup> San Joaquin Valley Air Pollution Control District, Thresholds of Significance for Criteria Pollutant Emissions, available at <a href="https://ww2.valleyair.org/media/m2ecyxiw/1-cms-format-ceqa-air-quality-thresholds-of-significance-criteria-pollutants.pdf">https://ww2.valleyair.org/media/m2ecyxiw/1-cms-format-ceqa-air-quality-thresholds-of-significance-criteria-pollutants.pdf</a> (accessed October 25, 2024).  <b>Assumptions:</b> - Project construction duration approximately 11 months. - No net soil export or import.					

#### IV. BIOLOGICAL RESOURCES.

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

#### Impact Discussion:

- a) **Less Than Significant with GVPEIR Mitigation Incorporated.** As discussed in the Gateway Village Program EIR, the proposed project may affect some sensitive or special-status wildlife species (GVPEIR, Table 4.4.3, pp. 4.4-10 – 4.4- 14). Most of the listed species were described with an “absent” or “low” potential to occur on the project site. Table Bio-1 below excerpts species that were listed as having a “moderate” or “high” likelihood to occur, or were observed within the Specific Plan area. No special-status plants with moderate or high potential to occur in the project area were listed.

**Table Bio - 1      Special-Status Species with Moderate to High Potential  
to Occur on the Project Site**

<b>Species</b>	<b>Status</b>  USFWS/ CDFW/CNPS	<b>General Habitat</b>	<b>Potential Occurrence</b>  (2006)
<b>Birds</b>			
<i>Athene cunicularia</i> * Western burrowing owl	FSC/CSC	Grasslands; nests in ground squirrel burrows	<b>Moderate.</b> The vernal pool/grassland complex east of SR-41 provides marginal habitat for this species.
<i>Elanus leucurus</i> White-tailed kite	--/FP	Nests in shrubs and trees adjacent to grassland, oak savannah, and agricultural fields.	<b>Moderate.</b> The project site was considered to provide marginal habitat for this species.
<i>Eremophila alpestris actia</i> California horned lark	--/CSC	Grasslands, agricultural habitats.	<b>Observed.</b> A pair of horned larks was observed during reconnaissance- level surveys (2006).
<i>Falco columbarius</i> Merlin	--/CSC	Grasslands, savannah.	<b>Moderate.</b> The project site was considered to provide marginal habitat for this species.
<i>Falco mexicanus</i> Prairie falcon	--/CSC	Cliffs; annual grasslands.	<b>Moderate.</b> The project site was considered to provide marginal habitat for this species.
<i>Lanius ludovicianus</i> Loggerhead shrike	FSC/CSC	Nests in trees and shrubs adjacent to grassland and scrub.	<b>Observed.</b> Several loggerhead shrikes and shrike sign were observed during reconnaissance-level surveys.
<b>Mammals</b>			
<i>Antrozous pallidus</i> Pallid bat	--/CSC	Present in many habitats.	<b>Moderate.</b> The project site was considered to provide habitat for this species.
<i>Perognathus inornatus inornatus</i> San Joaquin pocket mouse	FSC/--	Typically found in grasslands and blue oak savannahs	<b>Moderate.</b> The project site was considered to provide habitat for this species. The nearest CNDDB record was more than ½ mile away.
<i>Plecotus townsendii pallenscens</i> Pale big-eared bat	FSC/CSC	Present in many habitats.	<b>Moderate.</b> The project site was considered to provide habitat for this species. No structure for roosting sites present.
<b>Amphibians/reptiles</b>			
<i>Scaphiopus hammondi</i> <i>hammondi</i> Western spadefoot toad	FSC/CSC	Sandy washes.	<b>Moderate.</b> The project site was considered to be moderately suitable for the Western spadefoot along Root Creek. Property to the east of SR 41 may provide suitable habitat for this species.
<b>Invertebrates</b>			
<i>Lytta molesta</i> Molestan blister beetle	FSC/--	Inhabits the Central Valley from Contra Costa to Kern and Tulare Counties	<b>High.</b> The project site was considered to provide habitat for this species. The nearest CNDDB record was more than ½ mile away.

**STATUS CODES:***Federal:*

FE = Listed as Endangered by the federal government

FT = Listed as Threatened by the federal government

FPT = Proposed for listing as Threatened by the federal government

FC = Candidate for federal listing (group or organisms (taxa) for which the USFWS has sufficient biological information to support a proposal to list as Endangered or Threatened)

FSS = Former Category 2 candidates for federal listing, now unofficially referred to as federal sensitive species

FSC = Federal Species of Concern

*State:*

CE = Listed as Endangered by the State of California

CT = Listed as Threatened by the State of California

CR = Listed as Rare by the State of California

CSC = Species of special concern

FP = Listed as Fully Protected by the State of California

\*Listed in 10/24 as CE Candidate; receives same protection as CE or CT species.

*SOURCES:* GVPEIR Table 4.4.3, citing ESA, 2004; CNDDDB, 2006, USFWS, 2001, 2004; CDFW 2022-2024 News Releases, Fish and Game Commission: Western Burrowing Owl Becomes CESA Candidate; available at

<https://wildlife.ca.gov/News/Archive/fish-and-game-commission-western-burrowing-owl-becomes-cesa-candidate-wildlife-prosecutor-of-the-year-named-waterfowlers-hall-of-fame-inductees-recognized> (accessed October 29, 2024).

\*\*The California Natural Diversity Database (CNDDDB) is an inventory of the status and locations of rare plants and animals in California, available by subscription at <https://wildlife.ca.gov/Data/CNDDDB>.

Previously listed as a California “Species of Special Concern”, the Western burrowing owl has been recently upgraded to “candidate species” as threatened or endangered (CDFW 2022-2024 News Releases, Fish and Game Commission: Western Burrowing Owl Becomes CESA Candidate; available at <https://wildlife.ca.gov/News/Archive/fish-and-game-commission-western-burrowing-owl-becomes-cesa-candidate-wildlife-prosecutor-of-the-year-named-waterfowlers-hall-of-fame-inductees-recognized> (accessed October 29, 2024).

The GVPEIR reasoned that many of the species listed with a potential to occur in the project area were “incidental or transient, and are not primarily supported by resources on the site” (GVPEIR, p. 4.4-14). However, two species, the Western burrowing owl and the Western spadefoot toad, were considered to be potentially affected by the project because “marginally suitable habitat” – ground squirrel burrows and sandy washes – exists east of SR 41 near the site and could support those species (id. pp. 4.4-12, 4.4-15). Figure Bio-1 below shows Google Maps™ 2024 aerial imagery that indicates that this marginal habitat still exists. If burrowing owls or Western spadefoot toads are present in this area, there is a potential for them to occupy the project site.

GVPEIR Mitigation Measure 4.4.1 was determined to reduce any potential impacts to these species to less than significant levels, and is accordingly incorporated into this document. This measure, adapted from the California Department of Fish and Wildlife (formerly Fish and Game) (CDFW) guidelines, requires pre-construction surveys within 30 days of onset of construction and avoidance of burrows if present. Implementation of this measure is anticipated to continue to reduce impacts to burrowing owls and to Western spadefoot toads to less than significant levels.





**Figure Bio - 1 Marginal Habitat E. of Project Area**

- b) **Less Than Significant with GVPEIR Mitigation Incorporated.** The GVPEIR noted that the Gateway Village Specific Plan implementation could affect riparian habitat, but recognized that the riparian resources (Root Creek and tributaries, Madera Ranchos South Creek) in the project area were substantially degraded by agricultural uses (GVPEIR, pp. 4.4-3, 4, 4, 6, 7; 4.4-24). The proposed Avenue 12 widening would affect Root Creek's Tributary A, which passes under Avenue 12 at Riverwalk Blvd. South, because additional grading and culvert improvements adjacent to the roadbed are necessary for storm drainage and future construction of Riverwalk Blvd. North. As shown in Figure Bio-2 below, Tributary A passes through an orchard with no riparian habitat before it reaches Avenue 12. Nonetheless, because it is an established tributary with a defined streambed, the California Fish and Game Code § 1602 requires notifying the California Department of Fish and Wildlife's Lake and Streambed Alteration Program to determine whether a Lake or Streambed Alteration Agreement is necessary, and may require that the County mitigate for loss of riparian resources.

The GVPEIR also noted that the project would also be required to obtain permits or to enter into agreements with the U.S. Army Corps of Engineers and the Regional Water Quality Control Board under the provisions of the federal Clean Water Act (CWA) and the California Porter-Cologne Act, respectively (GVPEIR, p. 4.4-25).

In addition to any mitigation required by the above-referenced permits and agreements, the GVPEIR included Mitigation Measure 4.4.2 that calls for identifying and planting riparian plants in an area



equivalent to the wetland (riparian) acreage impacted by the project. Because the overall project included future Avenue 12 widening, the impacts presented by the current project would not exceed those expected to be mitigated by permit conditions and Mitigation Measure 4.4.2. Accordingly, that mitigation measure is repeated below and is anticipated to reduce impacts to riparian resources to less than significant levels.



**Figure Bio - 2      Root Creek “Tributary A” Alignment**

- c) **Less Than Significant Impact.** The GVPEIR identified wetland resources on and near the project site, including two vernal pools east of SR 41 (GVPEIR, Figure 4.4.2, p. 4.4-7), and *potential* jurisdictional waters within the Gateway Village project site in segments of Tributary A, Root Creek, and Madera Ranchos South Creek. However, the GVPEIR considered the creek segments not to be *federal* jurisdictional wetlands because they are “human-induced” by surface and sub-surface irrigation water, and would cease to exist if that irrigation was removed (id., p. 4.4-5).

As discussed in IV(b) above, the Avenue 12 widening would affect a small segment of Tributary A, but would not affect Root Creek or the vernal pools because the latter resources are separated from Avenue 12 by the now-existing Riverstone development and SR-41. Specifically, the Root Creek channel traverses the Riverstone development from east to west, between 3,000 feet and 1.2 miles south of Avenue 12, and the vernal pools lie more than 2,000 feet west-southwest of the intersection of SR-41 and Avenue 12. Project construction would not extend into these areas.

Finally, Willdan engineering and environmental planning staff conducted a field visit on March 18, 2024. No wetland characteristics such as saturated soils, vegetation (sedges, cattail, willows, mule fat, etc.) were observed on the north side of Avenue 12 at Riverstone Blvd. South where Tributary A passes underneath the roadway.

Accordingly, the proposed Avenue 12 widening would not be anticipated to affect wetland resources significantly. GVPEIR Mitigation Measure 4.4.2 nonetheless applies to this project, and requires avoidance of wetlands resources to the extent feasible, and to identify and improve wetland acreage as close to the project site as possible. This mitigation measure is repeated below for informational purposes. No additional mitigation is required except for any permit conditions that arise from the permits and agreements discussed in IV(b) above.

- d) **Significant and Unavoidable Impact.** The GVPEIR concluded that the overall development of the Gateway Village Specific Plan and others in the immediate area would contribute cumulatively to habitat fragmentation in the region, resulting in significant and unavoidable impacts (GVPEIR, p. 4.4-26). Adding travel lanes in an existing roadway can increase hazards for wildlife attempting to cross that roadway, exacerbating significant and unavoidable impacts. The proposed project would incrementally add to the fragmentation created by the highly-traveled Avenue 12 and the now-existing Riverstone development. Although nearby agricultural fields and creek beds can support wildlife movement, particularly the San Joaquin River corridor and the Root Creek open space that traverses the southerly portion of the Riverstone development (id., pp. 4.4-9, 10, 26), widening Avenue 12 would continue the fragmentation the GVPEIR describes. Impacts remain significant and unavoidable.
- e) **Less Than Significant Impact with GVPEIR Mitigation Incorporated.** The GVPEIR lists the General Plan policies for protecting biological resources (GVPEIR, pp. 4.4-19, 20, 21) and concludes that with mitigation, the overall Gateway Village Specific Plan, including a widened Avenue 12, was consistent with those policies. Relevant mitigation measures from the GVPEIR have been included in this document. No additional mitigation is required.
- f) **No Impact.** The project site is not located within or near an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan. Therefore, impacts to any local, regional, or state habitat conservation plans are not expected to occur from development of the proposed project, and mitigation is not required.

## GVPEIR Mitigation Measures

**GVPEIR MM 4.4.1:** *Special-status Species.* The following mitigation provisions apply to the burrowing owl and are derived from CDFW (CDFG) guidelines.

- A pre-construction survey shall be conducted by a qualified biologist within and adjacent to ruderal habitat (orchards would not be used by this species) within 30 days of the on-set of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located.
- If preconstruction surveys undertaken during the breeding season (February 1st through July 31) locate active nest burrows within 250 feet of construction zones, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over.
- During the non-breeding season (August 15<sup>th</sup> through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the CDFG. This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable

development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

**GVPEIR MM 4.4.2 (May 2007 Revision):** If reasonably feasible, the project shall avoid the 0.0054 acres of wetlands and waters of the United States (and an appropriate buffer zone) that would potentially be impacted by the project. If the project does not avoid the jurisdictional wetlands, then an area equivalent to the wetland impact acreage and in similar condition shall be identified and improved through riparian planting or the removal of non-native species. The location shall be as close to the project site as possible.

## V. CULTURAL RESOURCES

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Discussion:

- a) **Less Than Significant Impact.** The GVPEIR reported that the field surveys and records searches showed that there are no architectural historic resources at the project site, including the area encompassed by the Avenue 12 right-of-way (GVPEIR, p. 4.5-7). Impacts to historic resources are thus anticipated to be less than significant and mitigation measures are not required.
- b) **Less Than Significant With GVPEIR Mitigation Incorporated.** The GVPEIR determined that project construction could significantly affect previously unknown archeological sites, such as shell midden soils, stone artifacts, and historic trash scatters, because the archaeological records search revealed two artifacts, an obsidian stone tool fragment, and a milling slab fragment (GVPEIR, p. 4.5-3). These artifacts were not considered to be “important” or “unique” resources since they were discovered in isolation and without context (evidence of habitation, campsites, cooking, etc.) (id.). Additionally, no other resources have been identified near the project site, particularly along the SR-41 alignment, which has been routinely studied as infrastructure improvements have progressed (GVPEIR, p. 4.5-3).

Finally, in 2004 the EIR preparers reached out to individuals identified by the Native American Heritage Commission and received one letter requesting additional information. No formal consultation ensued (GVPEIR, p. 4.5-4). 20 years have passed since that outreach, and much of the Gateway Village project has been developed. The proposed project will take place on the existing right-of-way and limited areas of adjacent farmland where the land surface has been routinely disturbed. Impacts to resources are thus not expected to be significant; however, to preclude impacts to undiscovered resources, the GVPEIR incorporated Mitigation Measure GVPEIR 4.5.1, which is incorporated into this document below.

- c) **Less Than Significant With GVPEIR Mitigation Incorporated.** The proposed project is unlikely to affect human remains, because as noted above, most construction would extend into areas already disturbed by roadway and infrastructure grading and trenching, agricultural processes, and stormwater detention basins. Extensive excavation of undisturbed native soils is not anticipated. However, should human remains be discovered during project construction, California Public Resources Code § 5097.98 requires that work stop, and that the County Coroner’s office be notified. The coroner will determine whether the remains are recent human origin or of older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the California Native American Heritage Commission (NAHC). The NAHC is responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by California Health and Safety Code § 7050.5. The MLD will make recommendations within 24 hours of his or her notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials. With these statutory requirements in place, as well as GVPEIR Mitigation Measure 4.5.1, no additional mitigation is required. Remaining impacts are expected to be less than significant.

**GVPEIR Mitigation Measure**

**GVPEIR MM 4.5.1:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and the County shall consult with a qualified archaeologist to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. The County shall make the final determination. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the County shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out.

**VI. ENERGY**

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Background:**

CEQA now requires projects to be evaluated with respect to their potential energy consumption in light of California’s goals to decrease overall energy consumption, to decrease reliance on fossil fuels, and to increase

reliance on renewable energy sources (Ca. Pub. Res. Code, §21100(b)(3); CEQA Guidelines, Appendix F). This was not a requirement when the GVPEIR was prepared.

**Impact Discussion:**

- a) **Less Than Significant.** The proposed project would not be expected to result in significant environmental impacts associated with wasteful, inefficient, or unnecessary consumption of energy resources, simply because it would not be in the construction contractor's interest to use – and pay for – excessive energy resources (e.g., motor fuels, electricity, natural gas, etc.). "Wasteful" energy consumption implies that the energy used to construct and operate a project greatly exceeds that required to do so. It would be unreasonable, and economically inefficient, to use substantially greater amounts of energy resources than needed either to construct or to operate the proposed facility. Moreover, as illustrated above in Table AQ-1, the project's estimated construction emissions are substantially below air quality significance thresholds; these emissions serve as an analogue of energy consumption because they are generated by the equipment that uses energy (fuel, electricity) to operate. In the absence of energy-consumption thresholds, the relatively low construction emissions represent reasonable energy consumption to construct the project. After construction, energy consumption by the project will be limited to warning light and traffic signal electricity use, which is likely to be greatly reduced from the present fixtures' consumption because highly-efficient LED lamps would replace older, less-efficient fixtures.
- b) **Less Than Significant.** The proposed project would not be expected to conflict with or obstruct renewable energy or energy efficiency plans, largely because project construction equipment engines must comply with California Air Resources Board permitting requirements for on- and off-road diesel equipment (see California Air Resources Board, *In-Use Off-Road Diesel-Fueled Fleets Regulation (Off-Road Regulation)*, available at <https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation> (accessed August 26, 2024)). As noted above, reductions in emissions correlate with reductions in energy consumption.

## VII. GEOLOGY AND SOILS

Would the project:	Analyzed in Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Impact Discussion:

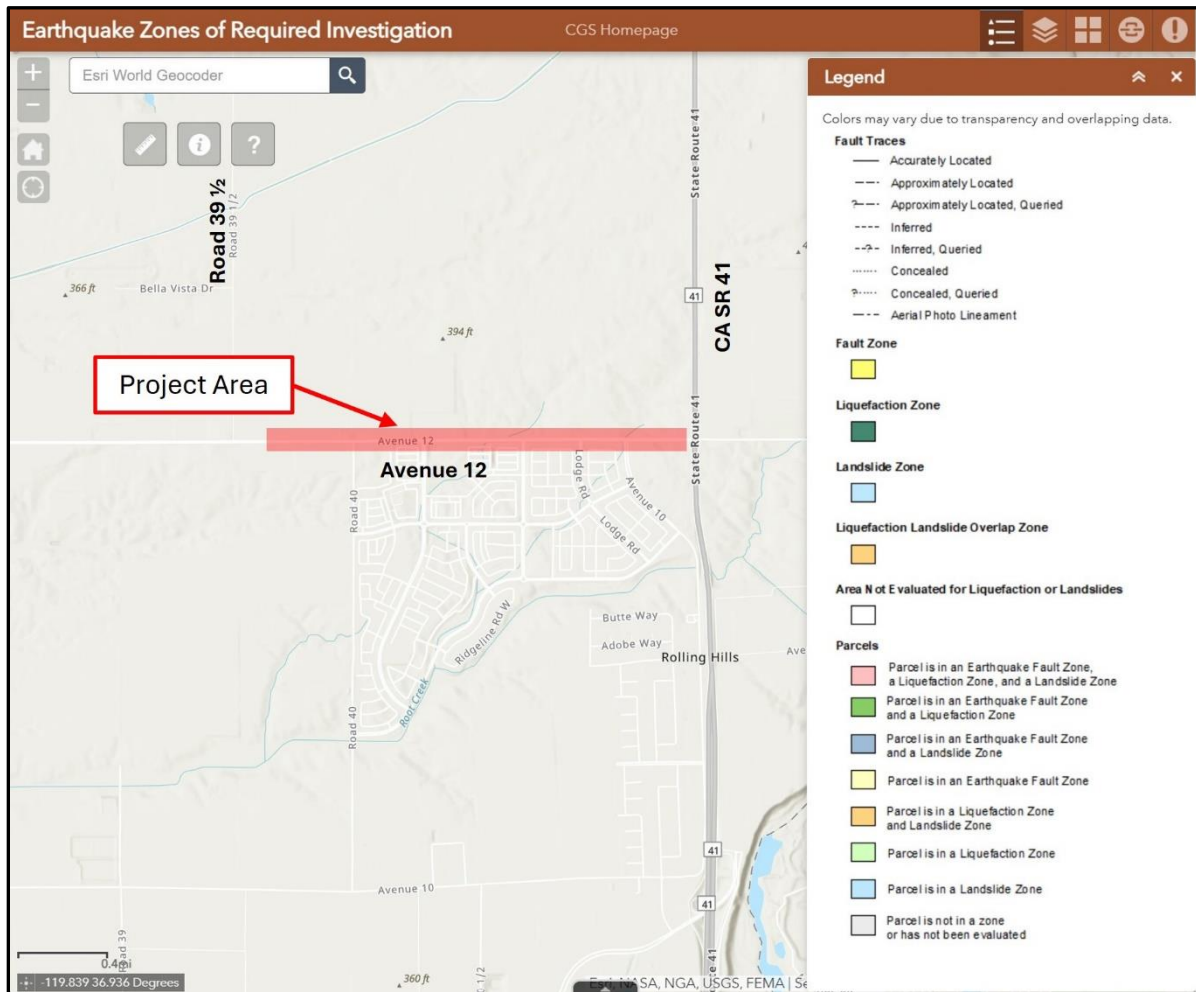
- a) (i-iv) **Less Than Significant Impact.** The GVPEIR concluded, based on geotechnical engineering reports and a Phase I Environmental Site Assessment prepared for the project that seismic hazard risks were generally low (GVPEIR, p. 4.6-8). The more recent Madera County Local Hazard Mitigation Plan Update (2017) indicates that no new seismic hazards have been located in the project area (Madera County Local Hazard Mitigation Plan Update (LHMPU), October 2017, pp. 4-75 – 4-86, available at <https://www.maderacounty.com/home/showpublisheddocument/22618/637405964673930000>)

(accessed November 27, 2024)). Figures Geo-1 and Geo-2 below show that major fault zones are located at substantial distances from the project area.

Likewise, the LHMPU indicates that liquefaction or other seismic-related ground failure is unlikely to occur because Madera County soil types are coarse and/or are high in clay content, and not susceptible to liquefaction (Id., p. 4-78). Finally, the terrain surrounding Avenue 12 is rolling to flat, and is not subject to landslides. Therefore, liquefaction and landslide risks to humans or structures would be negligible.

The GVPEIR noted as well that the project would be developed under current California Building Code requirements for structural safety. Likewise, the proposed road widening would adhere to the current California Department of Transportation (Caltrans) standard plans and specification for roadway construction, that minimize the risk of roadway structural failure and resulting injury to persons or property (see Appendix A, Sheet T-1, *General Notes*, and Caltrans, *2024 Standard Specifications*, available at <https://dot.ca.gov/programs/design/october-2024-ccs-standard-plans-and-standard-specifications> (accessed November 26, 2024)). Accordingly, impacts associated with seismic effects are expected to be less than significant.

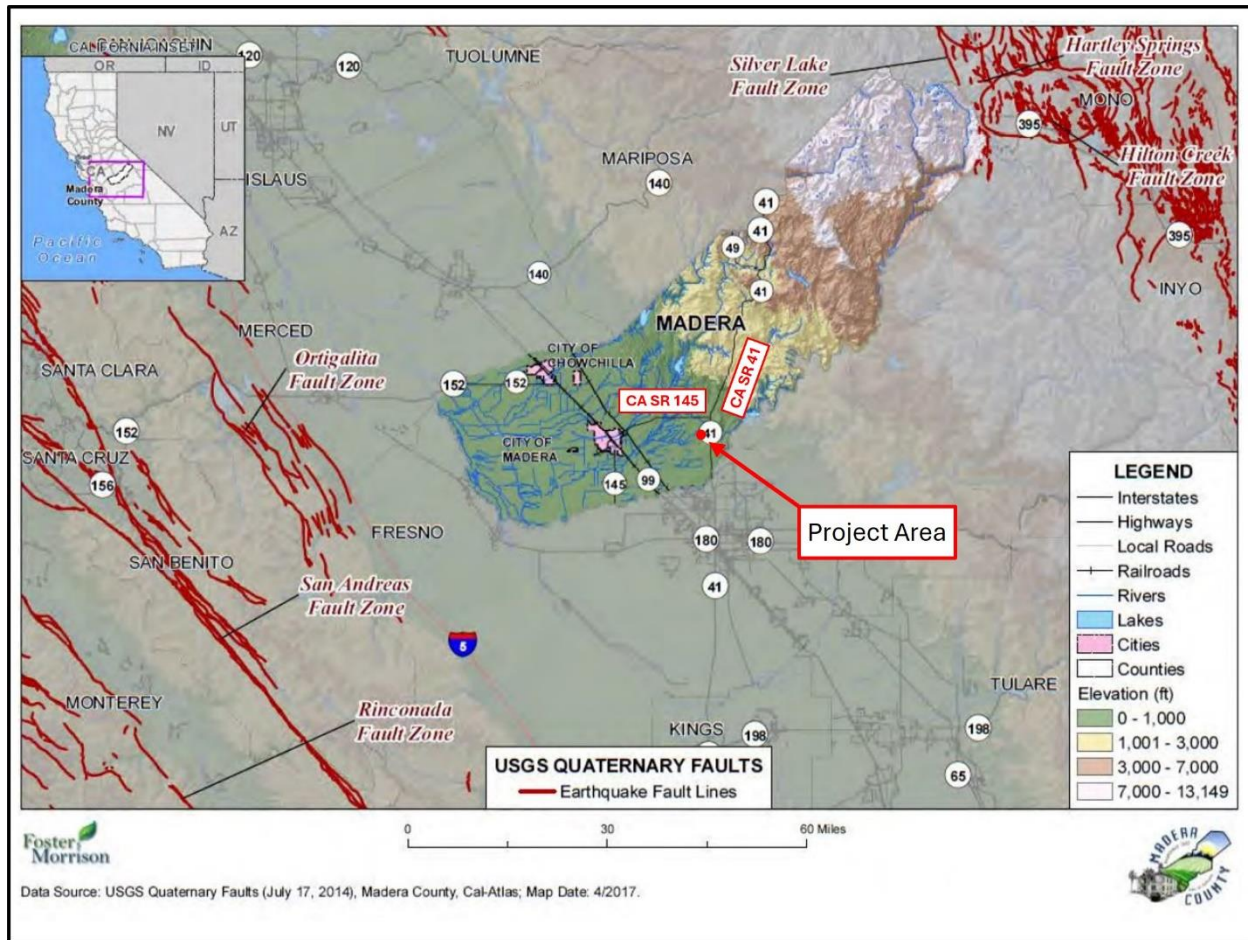




**Figure Geo - 1 Earthquake Zone Map**

Source: California Department of Conservation, California Geological Survey  
 Earthquake Zones of Required Investigation Maps and Reports, available at  
<https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/> (accessed November 27, 2024)





**Figure Geo - 2 Quaternary Fault Zones**

Source: County of Madera, Local Hazard Mitigation Plan Update (October 2017), Figure 4-33 available at <https://www.maderacounty.com/home/showpublisheddocument/22618/637405964673930000> (accessed November 26, 2024)

- b) **Less Than Significant Impact.** The GVPEIR concluded that the site's relatively flat topography reduced the potential for erosion and loss of topsoil, and that site development would require that a Storm Water Pollution Prevention Plan (SWPPP) set forth Best Management Practices (BMPs) to control runoff and sedimentation (GVPEIR, p. 4.6). Likewise, the roadway construction project will include a SWPPP and will institute erosion control measures according to Caltrans standards as referenced above. These measures would include but not be limited to fiber rolls, erosion control geotextile blankets, or silt fences (Caltrans Standard Plans T51-T65). Impacts associated with erosion and loss of topsoil are accordingly anticipated to be less than significant.
- c) **Less Than Significant Impact.** The GVPEIR discussed that project construction would follow the recommendations of the project's geotechnical report and as well as incorporating standard engineering measures to remedy unstable soils (GVPEIR, p. 4.6-9). Likewise, road construction will follow Caltrans' specifications for selecting and installing the proper road base aggregate and hot mix asphalt (HMA) for

a road intended to function as a limited expressway. With these construction measures in place, impacts associated with unstable soils are anticipated to be less than significant.

- d) **Less Than Significant Impact.** The GVPEIR determined that risks due to expansive soils would be less than significant because as above, project construction would follow the recommendations of the project's geotechnical report and implement standard engineering practices, such as using compacted engineered fill soils, to counteract native soil expansion (id.). Likewise, road construction will follow Caltrans' specifications for selecting and installing the proper road base aggregate and hot mix asphalt (HMA) for a road intended to function as a limited expressway. With these construction measures in place, impacts associated with expansive soils are anticipated to be less than significant.
- e) **No Impact.** The proposed project will not incorporate septic or other alternative waste disposal systems.
- f) **Less Than Significant with GVPEIR Mitigation Incorporated.** The GVPEIR notes that "The project site is composed of deep alluvial floodplain soils and surface deposits underlain by bedrock layers, which may yield deposits of ancient marine shell, and other *highly common* (emphasis added) accumulations of ancient life found in certain bedrock layers" but that *significant* paleontological resources, important to science, were unlikely to be discovered due to the nature of the area's geological and paleontological history. (GVPEIR, p. 4.5-3). Nonetheless, to ensure that the unforeseen discovery of an important resource could occur during excavation activities, the GVPEIR included Mitigation Measure 4.5.2, which is included below. GVPEIR Mitigation Measure 4.5.2 requires stopping construction and engaging a qualified paleontologist to document paleontological resources if fossils or asphalt seeps, which can contain fossilized remains, are discovered during excavation. The paleontologist would document the resources and contact the appropriate agencies (e.g., California State University, Fresno; Los Angeles Museum of Natural History) to determine proper procedures to follow before construction is allowed to resume at the location of the find. If avoiding the find is not feasible, the County shall require the paleontologist to prepare an excavation plan for mitigating the project's effect. The County would be required to review and approve the plan prior to the plan's implementation.

The proposed roadway widening project will require excavation of detention basins, road shoulders, and constructing a retaining wall to protect a private residence on the north side of Avenue 12. While excavation will not be as extensive as for the overall GVSP, applying GVSP Mitigation Measure 4.5.2 will reduce potential impacts to paleontological resources to less than significant levels.

### GVPEIR Mitigation Measure

**Measure 4.5.2.** In the event that paleontological resources are discovered, the project proponent shall notify a qualified paleontologist, who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If a breas<sup>4</sup> or other fossil is discovered during construction, excavations within 50-feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology, 1995). The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before construction is allowed to resume at the location of the find. If the County determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the proposed project on the qualities that make the resource important. The plan shall be submitted to the County for review and approval prior to implementation.

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<sup>4</sup> A seep of natural petroleum that trapped extinct animals, thus preserving and fossilizing their remains.

## VIII. GREENHOUSE GAS EMISSIONS

*Greenhouse gas emissions were not required to be evaluated when the GVPEIR was prepared. Accordingly, additional background is included in this section because of the evolving nature of the issue itself and the regulatory framework governing greenhouse gas emissions.*

Greenhouse gases (GHGs) emitted by human activity are generally understood to contribute cumulatively to global climate change, resulting in projected increases in ocean temperatures, melting of polar ice and associated sea level rise, changes to weather and precipitation patterns, and overall planetary warming. GHGs accumulate in the atmosphere allowing incoming short-wavelength visible sunlight to penetrate, while restricting outgoing terrestrial long-wavelength heat radiation from exiting the atmosphere. This phenomenon creates a greenhouse effect where Earth's heat is essentially trapped. The principal greenhouse gases (GHGs) include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). Collectively, GHGs are measured as carbon dioxide equivalents (CO<sub>2</sub>e) of metric tonnes (MT).<sup>5</sup>

Fossil-fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of global GHG emissions, and approximately 37% of California's GHG emissions (California Air Resources Board, *Final 2022 Scoping Plan* (December 2022), (CARB Scoping Plan) Figure 1-7, p. 55, available at <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf> (accessed August 26, 2024).

The Global Warming Solutions Act of 2006 (Assembly Bill 32/AB 32), the principal legislation governing GHG emissions in California, mandated reducing California's GHG emissions to 1990 levels by 2020 and tasked the California Air Resources Board (CARB) with regulating GHG emissions as well as coordinating with other state agencies to implement AB 32's reduction goals. Subsequent legislation and executive orders target various GHG-emission sources and set forth strategies for local agencies, including Senate Bill (SB) 1368 (emissions performance standards for utilities), SB 375 (sustainable communities strategies), SB 535 (Greenhouse Gas Reduction Fund, identifying disadvantaged communities for investment), EO S-03-05 (GHG-reduction goal of 80% by 2050 from 1990 levels), EO S-20-06 (biofuels and biomass electricity generation targets), EO S-01-07 (low carbon fuel standard), EO S-13-08 (climate adaptation strategy/sea level rise), EO B-16-12 (zero-emission vehicle program), EO B-18-12 (state agencies directed to purchase zero-emission vehicles), and EO B-30-15 (sets GHG emissions target for 2030 at 40% below 1990 levels).

Senate Bill 375 was enacted to link land use and transportation in a manner that would reduce vehicle miles traveled (VMT), thereby reducing GHG emissions. Under SB 375, the California Air Resources Board (CARB) is responsible for establishing GHG emission-reduction targets, and regional Metropolitan Planning Organizations (MPOs) are responsible for preparing and adopting "Sustainable Communities Strategies" that achieve CARB's targets. In 2018, the CARB reported California was not "on track" to achieve the SB 375 GHG targets, and that more effort to reduce VMT throughout the state was required to correspondingly reduce GHGs from personal vehicles (CARB, 2018 Progress Report: California's Sustainable Communities and Climate Protection Act

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<sup>5</sup> Climate change is predicted to adversely affect human health and infrastructure, wildlife habitats, biological resources agriculture capacity, and other resources. Considerable information regarding global climate change and California's role in counteracting human-caused warming may be found in the California Air Resources Board publication, California's 2017 Climate Change Scoping Plan, available at [https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping\\_plan\\_2017.pdf](https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf) (accessed November 26, 2024). The San Joaquin Valley Region Report for California's Fourth Climate Change Assessment provides region-specific climate science information and projections, available at [https://www.energy.ca.gov/sites/default/files/2022-01/CA4\\_CCA\\_SJ\\_Region\\_Eng\\_ada.pdf](https://www.energy.ca.gov/sites/default/files/2022-01/CA4_CCA_SJ_Region_Eng_ada.pdf) (accessed November 26, 2024). See also numerous reports available at United Nations' Intergovernmental Panel on Climate Change website, <https://www.ipcc.ch/> (accessed August 26, 2024).

(November 2018), pp. 21-28 available at [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf) (accessed November 26, 2024).

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

1. Reducing today’s petroleum use in cars and trucks by up to 50 percent;
2. Increasing from one-third to 50 percent of electricity derived from renewable sources;
3. Doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner;
4. Reducing the release of methane, black carbon, and other short-lived climate pollutants;
5. Managing farm and rangelands, forests, and wetlands so they can store carbon; and
6. Periodically updating the state's climate adaptation strategy, Safeguarding California.

The CARB’s 2017 Climate Change Scoping Plan, cited above, in part implemented EO B-30-15, and set forth a “reference scenario” as a baseline for measuring how much GHG emissions can be reduced in several economic sectors. This scenario illustrated the level of GHG emissions generated statewide through 2030 with existing policies and programs, but without any further action to reduce GHGs. This level is estimated to be approximately 400 million metric tonnes (MMTs) of CO<sub>2</sub>e from all sources in 2030. The CARB’s statewide 2030 target level of emissions is approximately 260 MMTs (CARB Scoping Plan, Figure 6, *2017 Scoping Plan Scenario*, p. 24). The Scoping Plan estimates that the change from 1990 levels in the residential and commercial sectors must be from 44 MMTCO<sub>2</sub>e to 38-40 MMTCO<sub>2</sub>e by 2030, a four to eight percent reduction (CARB 2017 Scoping Plan, Table 3, p. 31).

The most recent (2022) CARB Scoping Plan continues to be the principal statewide policy for addressing greenhouse gas emissions and global climate change (see California Air Resources Board, 2022 Scoping Plan Documents, available at <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents> (accessed November 26, 2024)). The Plan promotes various measures for reducing vehicle miles traveled (VMT), such as increasing access to public transit and to clean mobility options such as bicycle facilities (CARB 2022 Scoping Plan, Appendix D, Local Actions, *Table 1 – Priority GHG Reduction Strategies*, available at <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>, accessed November 26, 2024).

CARB’s In-Use Off-Road Diesel and Large-Spark Ignition Rules requires construction-equipment operators to retire, replace, or repower older engines by fleet size category (small, medium, and large), and to achieve specific hydrocarbon (HC) + NO<sub>x</sub> fleet average emission level (FAEL) standards that become more stringent over time. Operators are required to label, maintain records, and report each piece of equipment subject to FAEL (See, e.g., MCTC, *Rule 9510, Indirect Source Review (2018)*, available at <https://ww2.valleyair.org/media/la5eedpb/rule-9510.pdf>, accessed November 26, 2024).

The Madera County Transportation Commission (MCTC) is the local MPO that includes Madera County, the Cities of Madera and Chowchilla. The MCTC develops and implements the Regional Transportation Program/Sustainable Communities Strategy. Strategies in the RTP contribute to reducing the region’s GHG emissions by reducing vehicle miles traveled (MCTC, *Your Madera 2046 RTP/SCS*, Madera County 2022 Regional Transportation Plan and Sustainable Communities Strategy, available at <https://www.maderactc.org/transportation/page/your-madera-2046-rtpscs> (accessed November 26, 2024)).

**Significance Thresholds.** Compliance with GHG-reduction strategies may not itself demonstrate that an individual project’s impacts are less than significant; however, unless an emissions target or threshold, based on



substantial evidence has been adopted by a local agency, consistency with such strategies may be the only measure of a project's impacts. To date, Madera County has not set quantified CO<sub>2</sub>e emissions targets or numeric thresholds; the SJVAPCD set a CO<sub>2</sub>e threshold only for stationary sources that are not subject to the CARB Cap-and-Trade Program, and where the SJVAPCD is the lead agency. That threshold is 25,000 metric tonnes per year (See SJVAPCD, APR-2025, CEQA Determinations of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, June 25, 2014, available at <https://ww2.valleyair.org/media/o0bdvclg/apr-2025.pdf> (accessed November 26, 2024)).

It is possible to determine the significance of a project's CO<sub>2</sub>e emissions by assessing a project's consistency with an SCS or with the CARB Scoping Plan and regulations. If the project is consistent with a plan's goals, policies, or is specifically identified within a Plan, a finding of "less than significant" or "less than significant with mitigation incorporated" may be appropriate.

The Madera County General Plan, Air Quality Element, adopted in 2010 (AQE), discusses the County's contribution to regional greenhouse gas emissions, but does not set a project-specific threshold for those emissions. The AQE sets forth multiple strategies for the County to reduce its overall GHG emissions under Air Quality Goals B1 C1, and G1:

**AQE Goal B1: Improve Air Quality, Land Use and Transportation Planning integration and reduce impacts through appropriate project location, design and application of best available technologies.**

*AQE Policy B1.1.2: Submit transportation improvement projects to be included in regional transportation plans (RTP, RTIP, CMP, etc.) that are found to be consistent with the air quality and climate change goals and policies of the General Plan.*

**AQE Goal C1: Use Air Quality Assessment and Mitigation programs and resources of the SJVAPCD and other agencies to minimize air pollution, related public health effects, and potential climate change impacts within the County.**

*AQE Policy C1.1.2: Assess and mitigate project greenhouse gas/climate change impacts using analysis methods and significance thresholds as defined or recommended by the SJVAPCD, MCTC or California Air Resources Board (ARB) depending on the type of project involved.*

*AQE Policy C1.1.3: Ensure that air quality and climate change impacts identified during CEQA review are minimized and consistently and fairly mitigated at a minimum, to levels as required by CEQA.*

**AQE Goal G1: Reduce Madera County's proportionate contribution of greenhouse gas emissions and the potential impact that may result on climate change from internal governmental operations and land use activities within its authority.**

*AQE Policy G1.1.1: As recommended in ARB's Climate Change Adopted Scoping Plan (December 2008), the County establishes an initial goal of reducing greenhouse gas emissions from its internal governmental operations and land use activities within its authority to be consistent with ARB's adopted reduction targets for the year 2020. The County will also work with MCTC to ensure that it achieves its*

*proportionate fair share reduction in greenhouse gas emissions as may be identified under the provisions of SB 375 (2008 Chapter 728) for any projects or activities requiring approval from MCTC.*

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Impact Discussion:

- a) **Less Than Significant Impact.** The proposed project would generate greenhouse gas emissions directly during construction, and indirectly during operation from (likely minimal) emissions associated with power generation required for traffic signal operation. The CalEEMod emissions model prepared for the project estimates that project construction would generate approximately 518 MT of CO<sub>2</sub>e (see Appendix C, Air Quality/GHG Emissions Road Construction Emissions Model Analysis (September 2024)), with maximum emissions occurring during the excavation and grading phases (estimated by the model to be 200 days in duration; note that *measured* emissions are likely to vary from the estimated amounts, because the actual construction duration, and equipment selection and hours of operation, are not determined at the time of this report's preparation). However, because these emissions would end when construction is completed, overall project GHG impacts are anticipated to be less-than-significant.
- b) **Less Than Significant Impact.** By implementing a project that has been included in the 2022 Regional Transportation Plan (see MCTC, Your Madera 2046 RTP/SCS, Appendix B, Project Listing, p. D-4; available at [https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/appendix\\_b\\_-\\_project\\_lists\\_r.pdf](https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5641/appendix_b_-_project_lists_r.pdf) (accessed November 26, 2024)), the proposed project is consistent with the CARB Scoping Plan as discussed above, as well as with County General Plan Goal B1 cited above. Additionally, the project has not been found to increase vehicle miles traveled (VMT) appreciably, and thus not to increase operational CO<sub>2</sub>e emissions substantially, as discussed in Section XVII, *Transportation*, below. Accordingly, the project is not anticipated to conflict substantially with applicable plans, policies, and regulations for reducing GHG emissions. Associated impacts would be less than significant.



## IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Impact Discussion:

- a) **Less Than Significant Impact.** The proposed project would not be anticipated to subject the public or the environment to *significant* hazards associated with the routine transport, use, or disposal of hazardous materials, because any such materials used in project construction (paints, solvents, etc.) would be used by trained workers, dispensed from, and stored in appropriately-labeled manufacturers' containers. Leftover materials would be required to be handled according to the respective manufacturer's Safety Data Sheet (SDS).<sup>6</sup> Moreover, hazardous material use, transport, and disposal are subject to numerous federal and state regulations enacted to minimize hazards to the public.<sup>7</sup> The County Building Inspector,

<sup>6</sup> See California Department of Industrial Relations, *Hazard Communication Standard: Safety Data Sheets*, available at <https://www.osha.gov/sites/default/files/publications/OSHA3514.pdf> (accessed November 26, 2024).

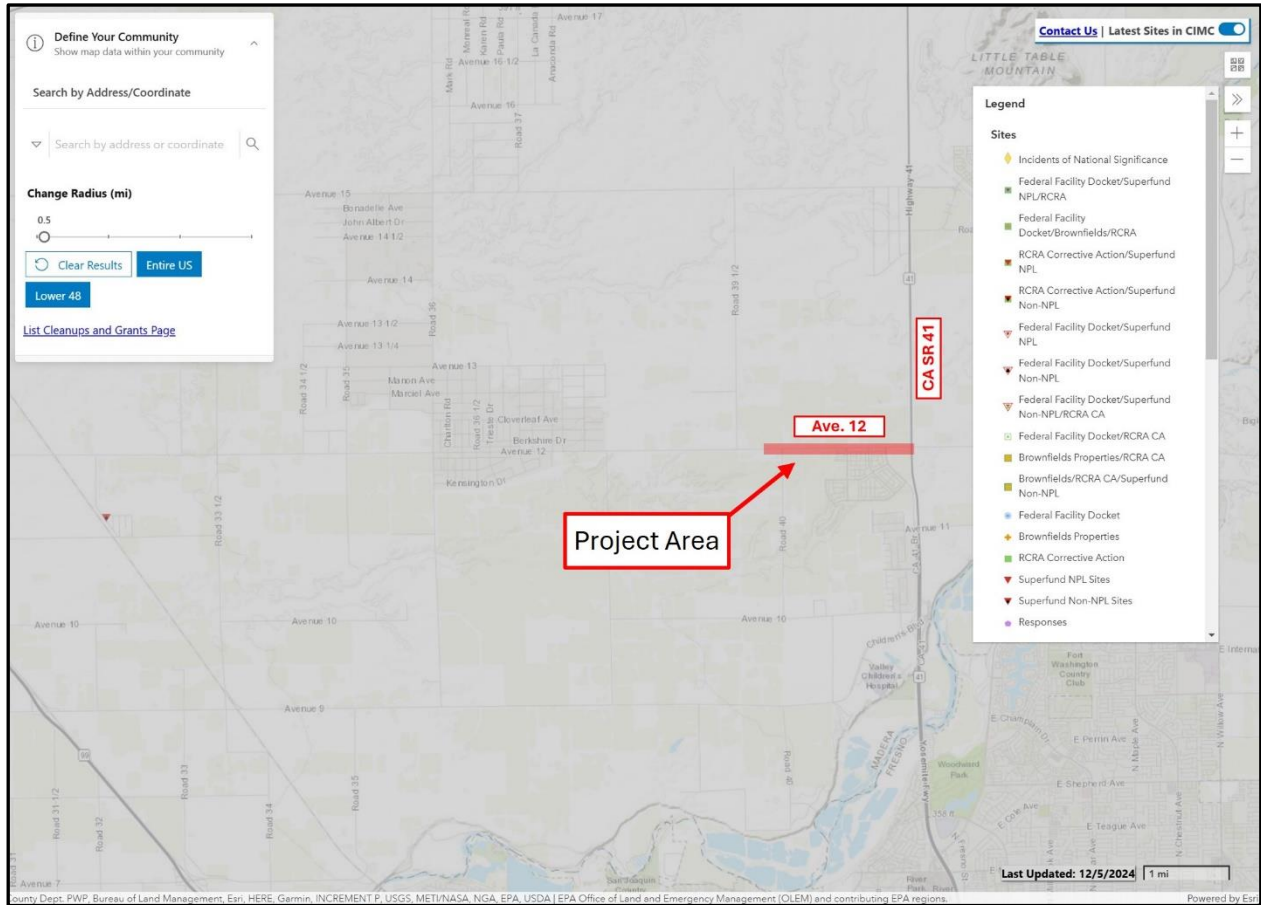
<sup>7</sup> For specific information and links to federal, state, and local regulations, see, e.g., U.S. Environmental Protection Agency, *Hazardous Substance Designations and Release Notifications*, available at <https://www.epa.gov/epcra/hazardous->

the Madera County Fire Department, the SJVAPCD, EPA, and CalEPA have enforcement authority to ensure compliance with hazardous material-handling regulations. Although no hazard can be eliminated, with compliance, hazards to the public and the environment would be less than significant. GVPEIR Mitigation Measure 4.7.2, which restates applicable regulations, also applies to this project.

- b) **Less Than Significant Impact.** The proposed project would not be anticipated to create a significant hazard to the public or to the environment due to foreseeable upsets and/or accidents involving hazardous material release, because as noted in (a) above, any hazardous materials used on-site would be expected to be handled by properly trained workers in accordance with applicable regulations and the materials' SDSs. Such materials would also not be expected to be present on-site in quantities posing an extraordinary risk. As noted above, hazardous material use, storage, and disposal is subject to federal and state regulations, which are enforced by several local authorities. With these regulations and enforcement mechanisms in place, impacts are not expected to be significant. GVPEIR Mitigation Measures 4.7.2, 4.7.3, 4.7.4, and 4.7.5, which restate applicable regulations, also apply to this project.
- c) **Less Than Significant Impact.** The Stone Creek Elementary School is located approximately 2,000 feet south of Avenue 12, approximately 0.38 mile. The roadway widening would not require using acutely-hazardous material nor would it be expected to emit acutely-hazardous emissions or handle acutely-hazardous materials. The project is likely to require handling of commonly-used hazardous materials, such as paint and solvents. Additionally, as discussed in Section III, Air Quality, above, the project's anticipated emissions (including those from coatings) would be substantially below SJVAPCD Significance Thresholds, indicating that project construction would not pose a significant risk to students, faculty, staff, or visitors. Moreover, such emissions would cease when project construction is complete. Also as discussed in (a) above, workplace safety practices and environmental regulations would be in place to protect students at this school. If a spill should occur, a fast response would be expected from the Madera County Fire Rolling Hills Station No. 9, located less than one mile south of the project area on Avenue 11. GVPEIR Mitigation Measures 4.7.2, 4.7.3, 4.7.4, 4.7.5, 4.7.6, 4.7.7, and 4.7.8, which restate applicable regulations, also apply to this project.
- d) **No Impact.** The project site is not located on a federal or state list of hazardous materials sites, as evidenced by the Environmental Protection Agency (EPA) and the California Department of Toxic Substances Control (DTSC). There are no such sites in the project vicinity (see Figures Haz-1 – Haz 4). Moreover, the soil sampling reports prepared in accordance with GVPEIR Mitigation Measure 4.7.1 and the mitigation measure reporting and monitoring program prepared for the Gateway Village Specific Plan, incorporated by reference above, found that there were no elevated levels of environmentally persistent agricultural chemicals or petroleum products precluding residential development or requiring remediation (Technicon Engineering Services, Inc., *Soil Sampling Investigation Report, Riverstone Development, Highway 41 & Avenue 12*, September 4, 2014, on file with the Madera County Department of Public Works). Figures Haz-1 -5 below show the site location and document that there are no hazardous-material-release sites or un-addressed leaking underground storage tanks in the project area. No impacts associated with hazardous materials sites are anticipated. GVPEIR Measure 4.7.1 required the aforementioned soil sampling report, which was accomplished in 2014; no further mitigation is required.

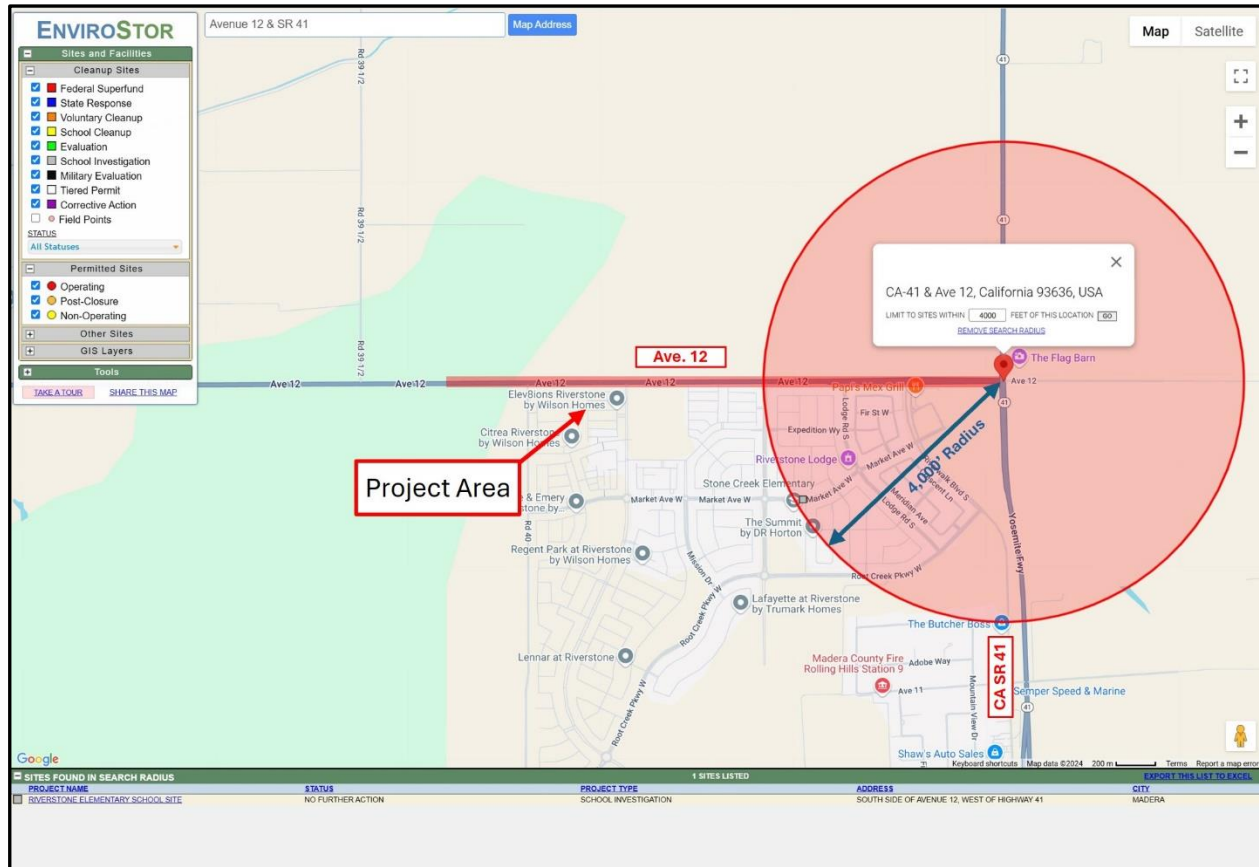
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*substance-designations-and-release-notifications*; California Department of Toxic Substances Control, *DTSC Laws and Regulations*, available at <https://dtsc.ca.gov/dtsc-laws-regulations/>; and California Department of Industrial Relations, *Cal/OSHA Enforcement Branch*, available at <https://www.dir.ca.gov/dosh/Enforcementpage.htm>. All sites accessed December 9, 2024.



**Figure HAZ - 1 U.S. EPA "Cleanups in My Community" Database**

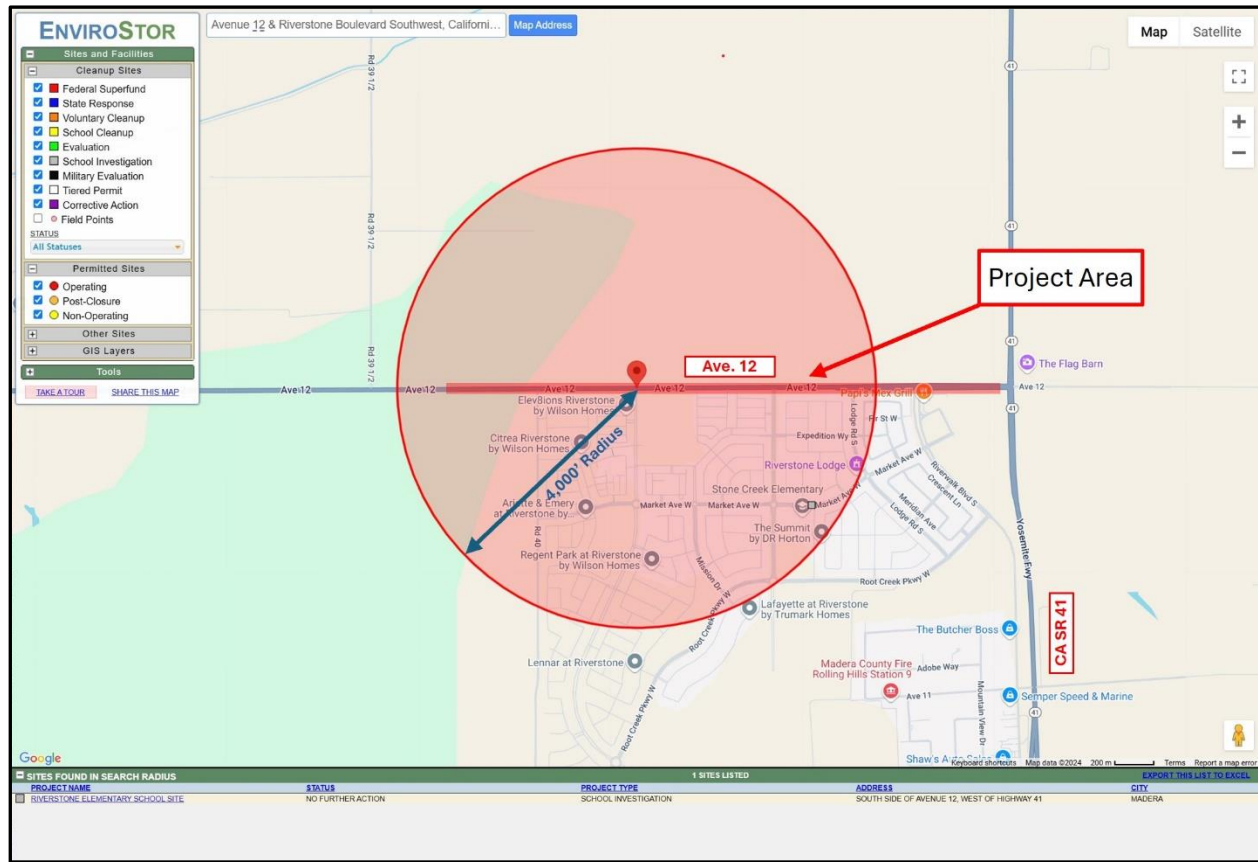
Source: U.S. Environmental Protection Agency, Cleanups in My Community, available at <https://map22.epa.gov/cimc/CA> (accessed December 9, 2024)



**Figure HAZ - 2 California DTSC Envirostor Database**

**4,000' Radius from Avenue 12 at California SR 41**

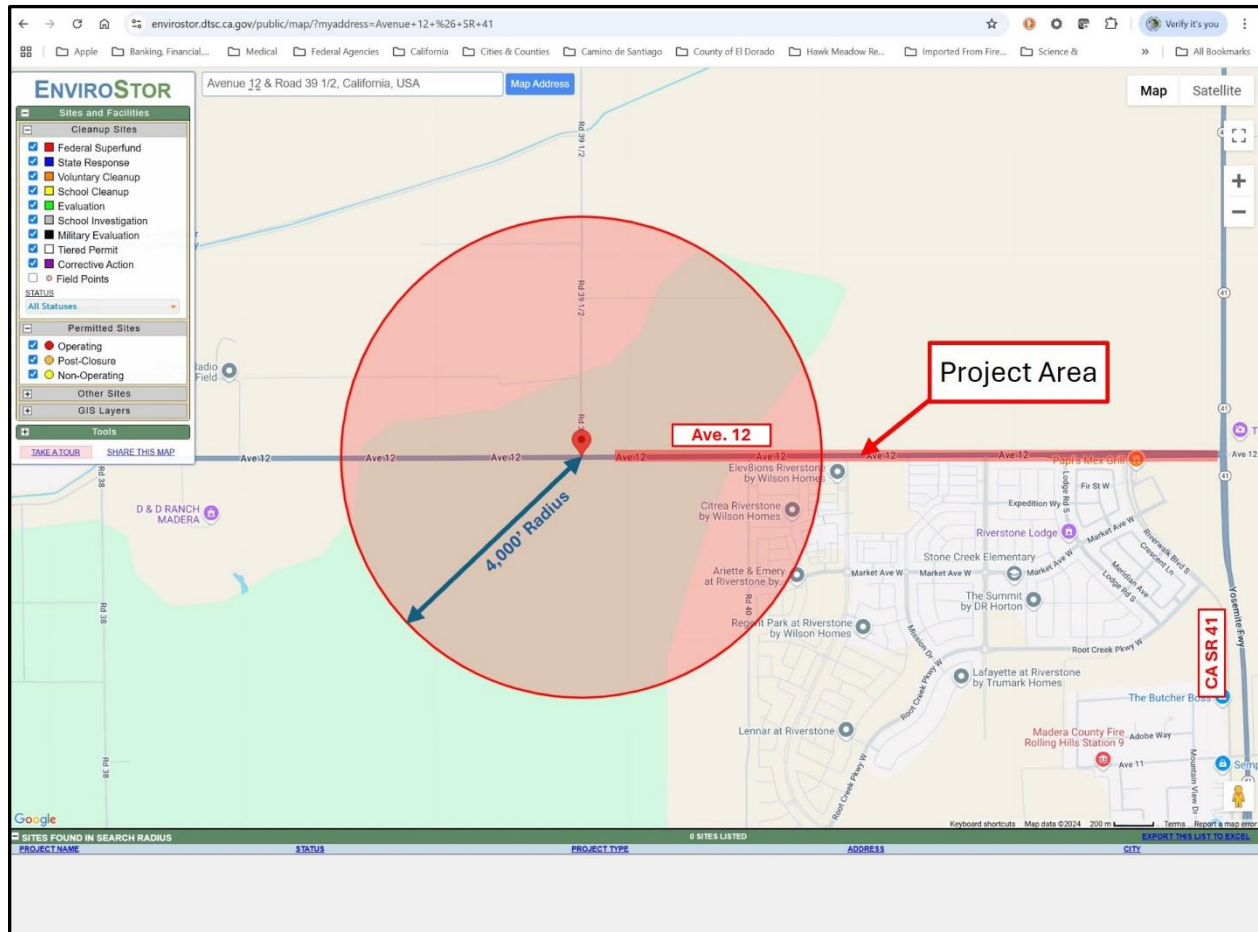
Source: California Department of Toxic Substances Control, Envirostor Sites and Facilities Database, available at <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Avenue+12+%26+SR+41> (accessed December 9, 2024)



**Figure HAZ - 3 California DTSC Envirostor Database**

**4,000' Radius from Avenue 12 at Riverstone Blvd. SW**

Source: California Department of Toxic Substances Control, Envirostor Sites and Facilities Database, available at <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Avenue+12+%26+SR+41> (accessed December 9, 2024).

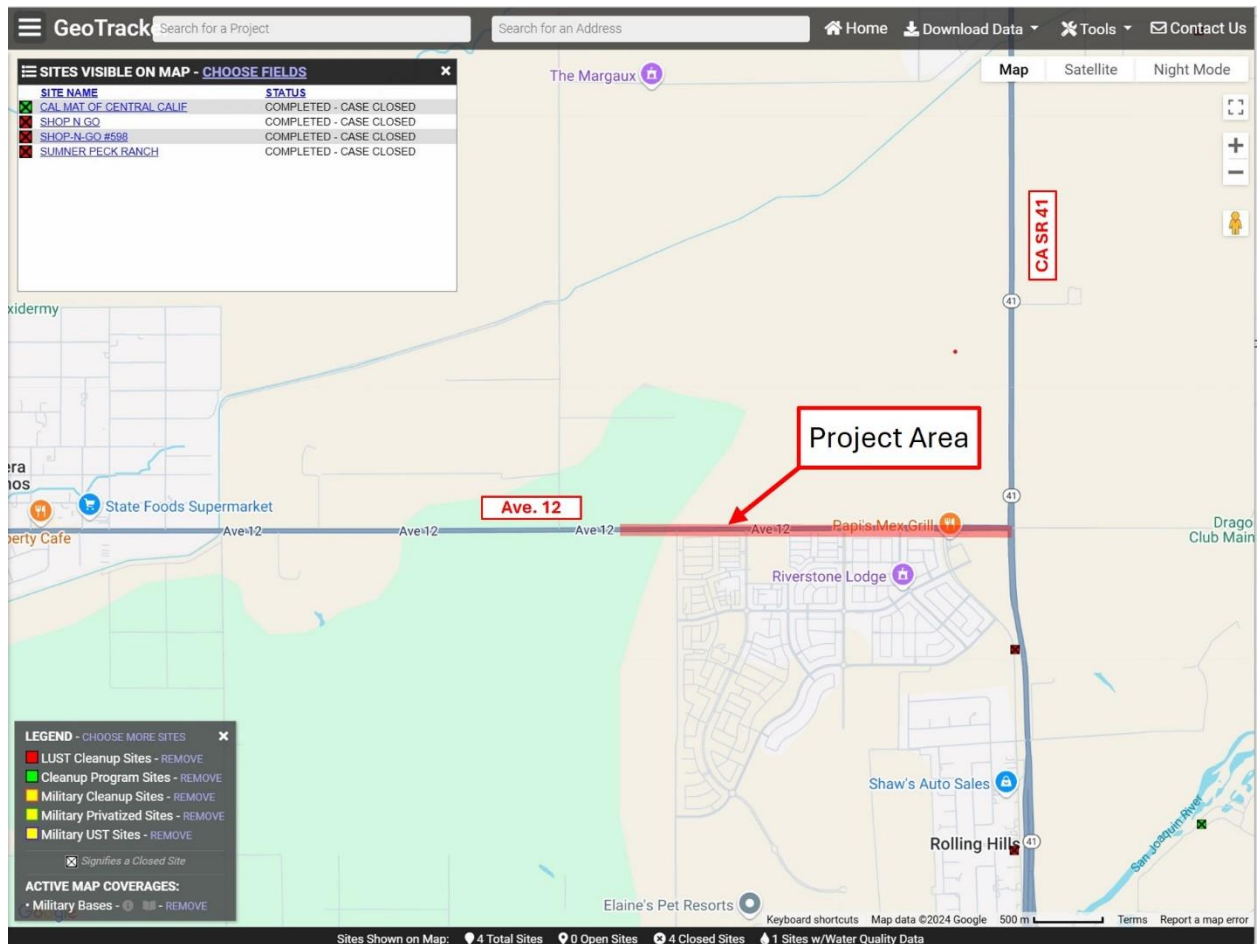


**Figure HAZ - 4 California DTSC Envirostor Database**

**4,000' radius from Avenue 12 at Road 39 1/2**

Source: California Department of Toxic Substances Control, Envirostor Sites and Facilities Database, available at <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Avenue+12+%26+SR+41> (accessed December 9, 2024).





**Figure HAZ - 5 California RWQCB Geotracker Database**

Source: California State Water Resources Control Board, *Geotracker Data Management System*, available at <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Search+GeoTracker#>, accessed December 10, 2024).

- e) **Less Than Significant Impact.** The project site is located approximately 11 miles northwest of the Fresno-Yosemite International Airport (FAT), six to seven miles northeast of the Sierra-Sky Park Airport (LGB), and 13 miles north of the Hawthorne Municipal Airport (HHR), and is between approximately 0.85 mile and 1.5 miles south of the Fresno-Chandler Executive Airport. The unmanned Clovis VORTAC navigational aid station lies approximately 2.25 miles south of the intersection of Avenue 12 and Riverstone Boulevard Southwest.

The roadway project would not introduce new habitable structures or sensitive receptors that would be susceptible to airport hazards or noise. Temporary construction equipment noise affecting construction workers (as discussed in Section XIII, Noise, below) would likely mask any airport noise audible at the project site; moreover, construction companies must comply with Cal-OSHA regulations for workers' hearing protection. Impacts associated with airport safety zones or noise are thus anticipated to be less than significant. Applicable GVPEIR Mitigation Measures are listed below.

- f) **Less Than Significant Impact.** Avenue 12 is not a County-designated emergency response or evacuation route although it is designated as a limited expressway between California SR 99 and SR 41. The roadway-widening project is not anticipated to interfere with emergency evacuation because the roadway would not be closed during construction, and construction would stop in the event of an emergency requiring evacuation. Once the widening is completed, Avenue 12's ability to accommodate first-responder travel as well as civilian evacuation would be increased. Applicable GVPEIR Mitigation Measures are listed below.
- g) **Less Than Significant Impact.** The Avenue 12 widening project would not expose people or structures to significant risk of loss, injury, or death involving wildland fires more than the existing wildfire risk, because the general configuration of Avenue 12 would not change, and the project itself would not increase the local population or add flammable structures. The project area is not within a wildland-fire zone, and is surrounded by irrigated agricultural uses, not range or forest land. Applicable GVPEIR Mitigation Measures are listed below.

#### **GVPEIR Mitigation Measures**

**Measure 4.7.1.** In order to determine if contaminants may be present in the soil, a sampling program shall be conducted in areas proposed for sensitive land uses such as residences and schools. Sampling protocol shall include, but not be limited to, sampling in random grid locations, sampling at various soil depths, and sampling in areas where known mixing of pesticides has occurred.

Soil samples shall be analyzed for elevated levels of agricultural chemicals. Soil sampling also shall be conducted in the areas of the urea fertilizer tanks and the irrigation well turbine pumps. Remediation activities shall be required if testing reveals levels of contaminants that exceed regulatory requirements and/or pose a threat to the public health and the environment. Remediation may be required for both soils and groundwater if regulatory requirements are exceeded. The remediation plan shall require approvals from the appropriate agencies. Remediation activities could include excavation and disposal, excavation and on-site treatment, or capping the soil with an impenetrable surface such as asphalt or concrete.

*GVPEIR Mitigation Measure 4.7.1 was accomplished in 2014, as cited in Section IX(d) above. The following GVPEIR mitigation measures reference applicable environmental laws and regulations for hazardous material handling and disposal. These regulations, as updated and amended, apply to the present project.*

**Measure 4.7.2.** The applicant shall follow the provisions of CCR, Title 8, Sections 5163 through 5167 for General Industry Safety Orders to protect the project area from being contaminated by the accidental release of any

hazardous materials and/or wastes. Disposal of all hazardous materials will be in compliance with applicable California hazardous waste disposal laws. The applicant shall contact the local fire agency and the County Department of Public Health, Environmental Health Division, for any site-specific requirements regarding hazardous materials or hazardous waste containment or handling.

**Measure 4.7.3.** In the event of an accidental release of hazardous materials during construction, containment and clean-up shall occur in accordance with applicable regulatory requirements.

**Measure 4.7.4.** Oil and other solvents used during maintenance of construction equipment shall be recycled or disposed of in accordance with applicable regulatory requirements. All hazardous materials shall be transported, handled, and disposed of in accordance with applicable regulatory requirements.

**Measure 4.7.5.** The applicant shall require the construction contractor to prepare a Site Safety Plan in accordance with any requirement of the RWQCB. If hazardous materials are encountered during construction activities, the contractor shall be required to halt construction immediately and notify the applicant. Disposal of all hazardous materials shall be in compliance with all applicable California hazardous waste disposal laws.

**Measure 4.7.6.** The applicant shall prepare and implement a safety program to ensure the health and safety of construction workers and the public during project construction. The safety program shall include an injury and illness prevention program, a site-specific safety plan, and information on the appropriate personal protective equipment to be used during construction.

**Measure 4.7.7.** The applicant shall work closely with local fire agencies to develop a fire safety plan, which describes various potential scenarios and action plans in the event of a fire.

**Measure 4.7.8.** During construction, all staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other material that could ignite. Any construction equipment that includes a spark arrestor shall be equipped with a spark arrestor in good working order. During the construction of the proposed project, the applicant shall require all vehicles and crews working at the project site to have access to functional fire extinguishers at all times. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks.

## X. HYDROLOGY AND WATER QUALITY

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

### Impact Discussion:

- a) **Less Than Significant Impact.** The proposed Avenue 12 widening project would not violate water quality standards or waste discharge requirements and would not be anticipated to degrade surface or groundwater quality, because as further explained below, numerous existing regulatory controls will apply to the project to protect surface and groundwater resources.

The proposed project would construct roadway, median, and sidewalk improvements, stormwater detention basins, and culvert extensions underneath the widened roadway. Paving for additional lanes would add impervious surfaces to the right-of-way and associated excavation could moderately change local drainage patterns. Appendix A, Sheets G-1 and G-2, detail the project's stormwater drainage improvements. These drawings show six 6.5' – 77' long north-south culvert extensions to existing culverts underneath Avenue 12, constructed of reinforced concrete pipe (RCP). New inlets would be constructed along the north side of the roadway. The inlet at Road 40 would be re-constructed within

the northeast quadrant of the Avenue 12 and Road 040 intersection. All drainage improvements would be sized to accommodate the increased stormwater runoff from the widened roadway, and would connect to existing drainage systems.

Project construction must comply with applicable federal, State, and local water quality regulations, including the federal Clean Water Act of 1972 (33 U.S.C. §1251 et seq.) and the California Porter-Cologne Water Quality Control Act.<sup>8</sup> Specifically, the Clean Water Act (CWA) assigns jurisdiction to federal, state, and local agencies over specific activities that could affect stream channels, wetlands, and other water bodies. Section 402(p) of the CWA sets forth the National Pollutant Discharge Elimination System (NPDES) storm water permitting program, administered by the California Regional Water Quality Control Board, Central Valley Region (RWQCB) under delegation by the United States Environmental Protection Agency (U.S. EPA). Where projects would affect an area larger than one acre, the project proponent must prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), which details the Best Management Practices (BMPs) for reducing or eliminating pollutant discharge from construction areas.

BMPs for the project could include, but not be limited to:

- *Good housekeeping*: conducting an inventory of products used, implementing proper storage & containment, and properly cleaning all leaks from equipment and vehicles;
- *Non-storm water management*: properly washing vehicles in contained areas, cleaning streets, and minimizing irrigation runoff;
- *Erosion control*: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding;
- *Sediment control*: straw wattles along drainage pathways and around storm drains;
- *Run-off and run-on controls*: berms and run-off/on diversions;
- Screens on catch basins and on connector pipes to prevent trash from entering waterways;
- Inspection, maintenance, and repair of BMPs to ensure continued efficacy.

By applying these and other BMPs, impacts are anticipated to be less than significant, and no supplementary mitigation measures would be required.

- b) **Less Than Significant Impact.** The GVPEIR concluded that the site area, except for the area around Root Creek (not the tributaries), was not conducive to groundwater recharge, because the underlying soils are not conducive to infiltration (GVPEIR, pp. 4.8-5, -6, -15). Most of the segment of Avenue 12 to be widened is within the area encompassed by the GVAP, and it is reasonable to extrapolate that the western section of the roadway also extends over impermeable soils, thus interference with groundwater recharge would not be expected. Also, the project would not install new plant materials, so would not rely on groundwater supply for irrigation. Accordingly, impacts with respect to groundwater supply would be less than significant.

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<sup>8</sup> See generally U.S. Environmental Protection Agency, *Summary of the Clean Water Act*, 33 U.S.C. § 1251 et seq. (1972), available at <https://www.epa.gov/laws-regulations/summary-clean-water-act>; California State Water Resources Control Board, *Porter-Cologne Water Quality Control Act, Water Code Division 7 and Related Sections as amended*, January 2024; and County of Madera, *Storm Water Resource Plan*, December 28, 2017, available at [https://www.maderacountywater.com/wp-content/uploads/2018/06/FINAL\\_MaderaSWRP\\_171228.pdf](https://www.maderacountywater.com/wp-content/uploads/2018/06/FINAL_MaderaSWRP_171228.pdf) (all accessed December 10, 2024).

c) See explanations below:

- i. **Less Than Significant Impact.** The proposed project would not be anticipated to result in substantial erosion or siltation on- or off-site, because the BMPs described in (a) above would operate to minimize erosion and siltation.
  - ii. **Less Than Significant Impact.** The proposed project would not be anticipated to result in substantial surface runoff or flooding, because the BMPs described in (a) above operate to minimize surface runoff and new detention basins designed to accommodate flood flows have been incorporated into the project (See Appendix A, Sheets 15, 17, 18). Project construction would not substantially change the existing street drainage patterns or existing storm drains, other than extending the existing culverts under Avenue 12, including the existing culvert that conveys Tributary A flows. When project construction is complete, surface drainage is anticipated to be similar to pre-project conditions. GVPEIR Measure 4.8.1, restated below, also applies to this project but its requirements have been addressed by the project engineering drainage design.
  - iii. **Less Than Significant Impact.** The proposed project would not create runoff water, nor would it appreciably change the project area's topography so as to change runoff patterns from their present condition, because as discussed above, the BMPs, drainage systems, and detention basins required for the project would be sized to accommodate anticipated runoff.
  - iv. **No Impact.** The project area is not in a flood zone (see Figure HYD-1, below); project construction is not expected to impede flood flows because as noted in (c)(iii), the drainage characteristics of the roadway would not appreciably change, and the project's drainage infrastructure improvements would be sized to accommodate surface runoff.
- d) **Less Than Significant Impact.** The project area is not in a flood hazard, tsunami or seiche zone (Id., Madera County, *Local Hazard Mitigation Plan Update* (October 2017), Figure 4-41, Madera County Planning Area – Flood Awareness (Best Available) Map, available at <https://www.maderacounty.com/home/showpublished document/22618/637405964673930000> (accessed December 10, 2024)).
- e) **Less Than Significant Impact.** The proposed project would not be anticipated to conflict with, or obstruct implementation of, a water quality control plan or a sustainable groundwater management plan because as described in (a) above, BMPs will apply to protect surface and groundwater resources. The project will not require water when construction is complete because no landscaping requiring irrigation is proposed.



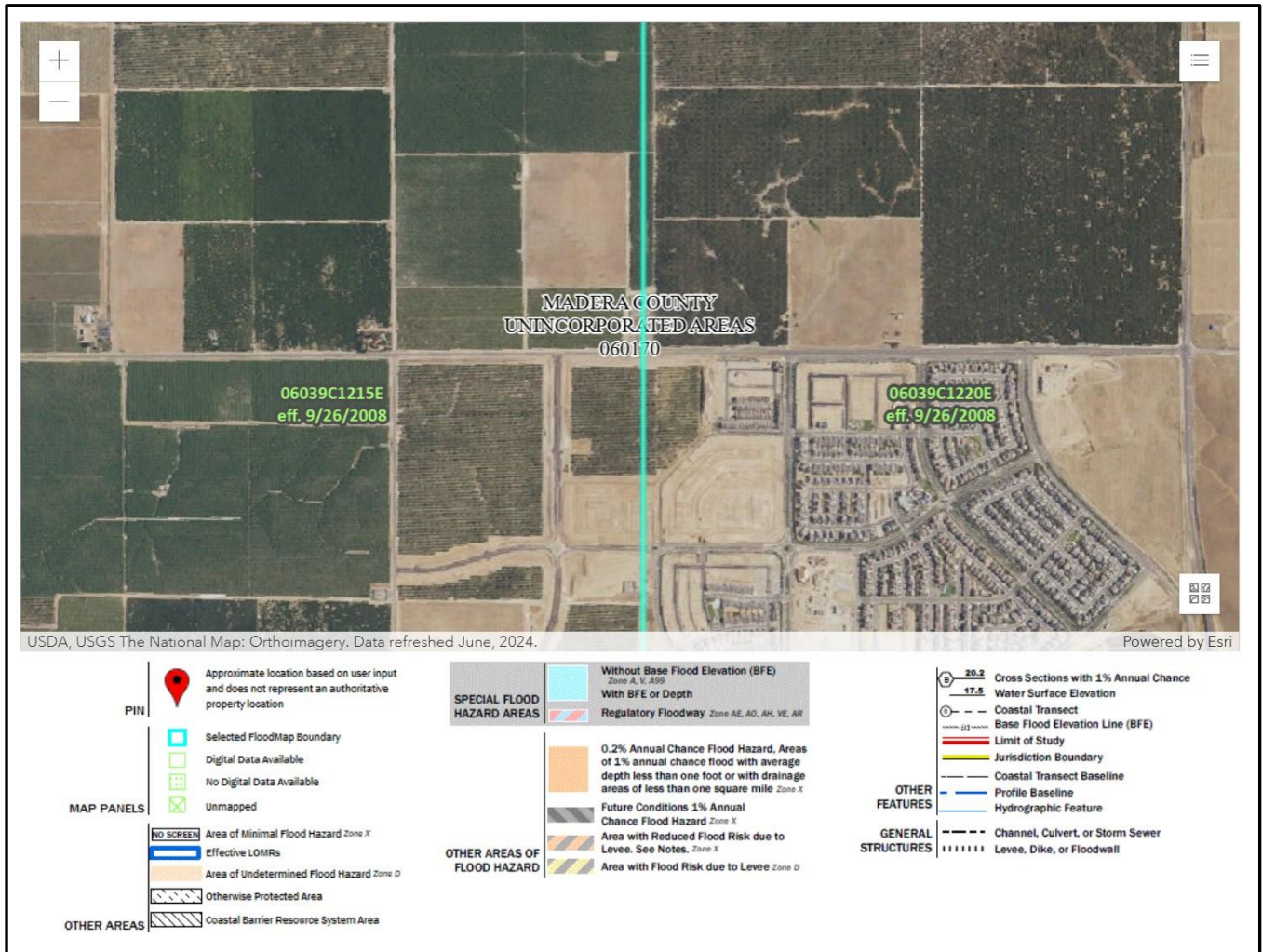


Figure HYD - 1 FEMA Map Panels for Project Area

Source: FEMA Flood Map Service Center, available at <https://msc.fema.gov/portal/search?AddressQuery=Avenue%2012%2026%20California%2041#> (accessed December 12, 2024).

## GVPEIR Mitigation Measure

**Measure 4.8.1:** The project applicant shall submit final design plans and a hydrology report based on findings from the IMP, demonstrating adequate detention and percolation of stormwater to the satisfaction of the County and RCWD. The hydrology report shall also re-examine the flood hazard in the area, updating the FEMA analysis to identify a floodway and base flood elevations, as appropriate, considering recent and reasonably foreseen upstream and downstream development in the area.

XI. LAND USE AND PLANNING

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **No Impact.** The proposed project would not divide an established community because all work will be conducted on an existing roadway on the north side of the current Riverstone community, and no barriers restricting movement across the roadway would be introduced. Moreover, the improvements will incorporate future connections to the northerly area of the GVAP (see Appendix A, Sheets 13, 18).
- b) **No Impact.** The proposed project would not cause significant impacts resulting from conflicts with land use plans, policies, or regulations, in part because the project in part implements the Madera County General Plan Circulation Element for a limited expressway along Avenue 12 between Highway 99 and Highway 41, as well as the GVSP (Madera County, *General Plan Policy Document, Figure I-1, Circulation Plan Diagram; Table I-3, Roadway Classification Definitions*). The project is further consistent with the following General Plan Policies and implementation measures:

**Transportation and Circulation Element Policy 2.A.13.** *The County shall ensure that transportation system investments and improvements support existing and future sustainable land use patterns.*

In compliance with this policy, the proposed widening will support the County’s goals for the eastern growth area including the GVAP and Circulation Element Diagram classification for Avenue 12.

**Transportation and Circulation Element Policy 2.A.14.** *The County shall schedule transportation improvements to coordinate with land use development and transportation demand. Transportation investments and service capacity shall be planned to correspond to the development and travel demand identified by plans of local communities.*

In compliance with this policy, the Avenue 12 widening would be constructed after the southerly phases of the GVSP are largely complete, but before the northerly phase of development.

**Transportation and Circulation Element Policy 2.C.6.** *The County shall plan, design, and regulate roadways in accordance with the functional classification system described in Part I of this Policy Document and reflected in the Circulation Plan Diagram.*

In compliance with this policy, the proposed improvements to Avenue 12 have been designed according to the criteria for a limited expressway, including four to six travel lanes (Madera County, General Plan Policy Document, Table I-3, *Roadway Classification Definitions*).

**Transportation and Circulation Element Policy 2.C.7.** *The County shall require existing and new streets and roads to be dedicated, widened, and constructed according to the roadway design and access standards generally defined in Part I of this Policy Document. Exceptions to these standards may be necessary, but should be kept to a minimum. Exceptions shall be permitted only upon determination by the County Public Works Director that safe and adequate public access and circulation are preserved where such exceptions are permitted.*

In compliance with this policy, the project would widen Avenue 12 according to the criteria for a Limited Expressway as noted above, and would be designed subject to the approval of the County Public Works Director.

XII. MINERAL RESOURCES

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **No Impact.** The proposed project would not result in losing availability of a known, valuable, mineral resource because the roadway widening would occur along the alignment of an existing roadway, which is not in a mineral resource zone (Madera County, General Plan Background Report, Figure 6-6, *Mineral Resource Zones – Fresno Production-Consumption Region, San Joaquin River Resource Area*). Moreover, the GVPEIR noted that there are no known economically viable sources of rock materials in the immediate vicinity (GVPEIR, p. 4.10-3).
- b) **No Impact.** The proposed project would not result in the loss of availability of any designated mineral-resource-recovery sites, because the roadway widening would occur along the alignment of an existing roadway that is not in a mineral resource zone (id.). The GVPEIR also noted that the County has sufficient mineral resources to meet its 50-year projected aggregate demand (id.).

XIII. NOISE

Would the project result in:	Analyzed in Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **Significant and Unavoidable Impact per GVPEIR.** The GVPEIR concluded that project development, including future programmed roadway widening (the current project), would cause both temporary construction noise and an increase in transportation noise levels (GVPEIR, pp. 4.11-18, 19). While the GVPEIR found that construction noise could be mitigated to less than significant levels, transportation noise could not. Accordingly, both project-level and cumulative transportation noise impacts were determined to be significant and unavoidable despite implementation of several mitigation measures (id.). All GVPEIR mitigation measures are restated below and apply as feasible to Avenue 12 widening. Note that because these measures continue to apply, and the GVPEIR included the future widening in its analysis, no new noise studies were performed.

Madera County General Plan Policy 7.A.2 states:

*Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed 60 dB Ldn<sup>9</sup> within the outdoor activity areas of existing or planned noise-sensitive land uses and 45 dB Ldn in interior spaces of existing or planned noise-sensitive land uses.*

GVPEIR Measures 4.11.4 and 4.11.5 required that exterior noise from transportation sources be attenuated to no more than 60 Ldn in residential outdoor yards, and suggested using sound-attenuation walls, setbacks and other buffers, and architectural modifications to reduce exterior roadway noise impacts. Measure 4.11.4 addressed existing uses, including the residences along the north side of Avenue 12, suggesting sound walls and upgrades to building façades. Measure 4.11.5 addressed the new planned residential development, also suggesting sound walls and architectural upgrades to modify exterior and interior sound levels. As noted in the Project Description above, there are now six to seven-

<sup>9</sup> Ldn is the “Day/Night Average Sound Level;” see GVPEIR, Chapter 4.11 for a generalized explanation of noise measurement and terms. 60 dB is equivalent to the sound levels generated by sources such as heavy vehicle traffic, as experienced 300 feet away from the source (GVPEIR, Figure 4.11.1).

foot tall concrete-masonry walls along the Riverstone development's Avenue 12 frontage that likely attenuate some of Avenue 12 vehicle noise and partially implement Measure 4.11.5. Still, it is probable that even with continued implementation of mitigation measures, transportation noise impacts resulting from a widened limited expressway would remain significant and unavoidable.

- b) **Less Than Significant.** The GVPEIR determined that project development would not generate excessive ground borne vibration, because no pile driving, blasting, rock drilling, or other vibration-causing activities were anticipated in either project construction or occupancy. This conclusion encompasses future Avenue 12 widening, as incorporated in both the GVAP, GVSP, and Madera County General Plan. The current project design would not require pile-driving, blasting, rock drilling, etc., as the construction area is generally level, comprised of existing roadway paving and disturbed sandy loam soils. Jackhammers and/or pavement breakers may be used during limited periods of the project, but would not be expected to be continuous. Accordingly, construction vibration impacts would be less than significant. Additionally, the proposed project would not generate significant stationary sources of vibration, and vibration caused by Avenue 12 traffic are anticipated to be comparable to existing levels after construction ceases, in part because the resurfaced roadway will be smoother and less likely to transmit vibration.<sup>10</sup> Operational vibration impacts are thus expected to be less than significant.
- c) **No Impact.** As noted in Section IX(e) above, the project site is located approximately 11 miles northwest of the Fresno-Yosemite International Airport (FAT), six to seven miles northeast of the Sierra-Sky Park Airport (LGB), and 13 miles north of the Hawthorne Municipal Airport (HHR), and is between approximately 0.85 mile and 1.5 miles south of the Fresno-Chandler Executive Airport. The project would not introduce new habitable structures or sensitive receptors that would be susceptible to airport noise. Construction workers could be temporarily exposed to airport noise, but they would also be exposed to equipment noise, which would most likely mask ambient airport noise; moreover, construction companies must comply with Cal-OSHA regulations for workers' hearing protection. Accordingly, no impacts associated with airport noise are anticipated.

## GVPEIR Mitigation Measures

**Measure 4.11.1:** Hours of construction shall be limited to between 7 AM and 6 PM on weekdays and from 8 AM to 5 PM on Saturdays.

**Measure 4.11.2:** Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturers' specifications) and by shrouding or shielding impact tools.

**Measure 4.11.3:** Construction staging areas shall be located as far as possible from noise sensitive uses.

**Measure 4.11.4:** For existing uses, mitigation measures could include soundwalls/berms. However, in some instances, there may not be sufficient space between the road and the residence to construct a soundwall or a soundwall may not be effective due to the need to keep a driveway open to the road. To reduce interior noise, a residential building façade can be upgraded to include dual-glazed windows and installation of air conditioning systems to enable closure of windows and doors for extended periods of time.

**Measure 4.11.5:** For planned noise-sensitive uses, including those for the project, a wider range of feasible mitigation measures would be available than there would be for existing uses. Planned noise sensitive uses can be setback from noisy roadways such that outdoor use areas would experience no more than 60 Ldn in

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<sup>10</sup> See generally, Caltrans, *Transportation and Construction Vibration Guidance Manual* (April 2020), available at <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf> (accessed December 6, 2024).

traffic noise. The extent of buffer that would be needed can be reduced through judicious orientation of buildings and outdoor living areas and insulation of the facades facing the road or through construction of soundwalls or berms or some combination of the two types of measures. At the tentative map stage, the County shall ensure that the developer has incorporated the necessary features to ensure that future noise environment would be less than 60 Ldn.

**Measure 4.11.6:** Where the development of a given parcel could result in the exposure of noise-sensitive land uses to existing or projected non-transportation or stationary noise levels in excess of the applicable County standards, an acoustical analysis that conforms to the requirements of General Plan Policy 7.A.7 shall be performed.

**Measure 4.11.7:** Siting of individual parcels shall adhere to the applicable noise standard to establish minimum setbacks or other measures required for noise attenuation from non-transportation noise.

**XIV. POPULATION AND HOUSING**

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:**

- a) **No Impact.** The proposed project would not induce unplanned population growth because it would not construct housing. As noted in Section XI above, the project is consistent with the Madera County General Plan’s growth projections, the Circulation Element, and the Gateway Village Area Plan.
- b) **No Impact.** The proposed project would not displace people or housing since all work is confined to the existing roadway and embankments, and minor acquisition of ROW where no housing would be displaced. No housing would be taken to accomplish the project.



XV. PUBLIC SERVICES

Would the project:	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:					
Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Impact Discussion:

- a) **Less Than Significant with Mitigation Incorporated.** The proposed project would not result in adverse physical impacts associated with constructing new fire, police, school, or parks facilities, as it would not add population or structures requiring expanded public services from these facilities. Impacts associated with the proposed public roadway widening (other public facilities) are evaluated throughout this document with GVPEIR mitigation measures incorporated as needed to reduce impacts to less than significant levels.

XVI. RECREATION

	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Discussion:

- a) **No Impact.** The proposed Avenue 12 widening would not introduce additional population to the area that is not already incorporated in the County General Plan, and thus would not be expected to increase park use or to contribute to parkland deterioration.
- b) **No Impact.** The proposed Avenue 12 widening project is limited to the roadway, existing ROW, and minor portions of private property to be acquired for ROW. No park or recreational facilities lie along this segment of Avenue 12, and none would be affected by project construction.

XVII. TRANSPORTATION

Note: Except as provided in CEQA Guidelines § 15064.3(b)(2) (regarding roadway capacity projects), a project's effect on automobile delay shall not constitute a significant environmental impact. See 14 CCR § 15064.3.

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

Impact Discussion:

- a) **No Impact.** As explained in Section XI(b), the Avenue 12 widening is consistent with the Madera County General Plan Circulation Element as well as the GVAP because it would add lanes to Avenue 12 according to the specifications for a Limited Expressway.
- b) **Less Than Significant Impact.** The Avenue 12 widening does not conflict with the CEQA criteria for analyzing transportation impacts, because as demonstrated by the Vehicle Miles Traveled (VMT) Analysis prepared for the project and incorporated as Appendix D, the vehicle trips and new, or “induced” VMT resulting from the added lanes are a small fraction of overall regional VMT.

California Senate Bill 743 (SB 743, 2013) was implemented in 2018 through the adoption of new California Environmental Quality Act (CEQA) regulations for analyzing transportation impacts. Formerly, transportation impacts were measured by the number of vehicle trips a roadway could support, and the degree to which intersections would be congested by new trips from land development projects. Typical mitigation involved adding lanes and adjusting traffic signal timing to accommodate more traffic and to maintain the roadway design speed. Over time, it has been demonstrated that this practice ultimately causes greater congestion, leads to suburban sprawl, and results in greater vehicle miles traveled- i.e., “induced” vehicle travel – with associated increases in tailpipe emissions, a contributor to global climate change.<sup>11</sup> SB 743 essentially directs public agencies to reduce the overall number of miles traveled by those vehicles, thus reducing tailpipe emissions.

Lead agencies thus must assess the VMT a project will generate and/or induce to determine transportation impacts. Projects that do not result in a significant increase in VMT may be deemed consistent with California transportation policy.

<sup>11</sup> See generally Governor’s Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December 2018), available at [https://www.lci.ca.gov/ceqa/docs/20190122-743\\_Technical\\_Advisory.pdf](https://www.lci.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf) (accessed December 6, 2024).

Willdan used the National Center for Sustainable Transportation's California Induced Travel Calculator<sup>12</sup> to determine the annual VMT induced by increasing the roadway capacity on Avenue 12. The calculator currently applies to publicly owned interstate highways (Class 1), other freeways and expressways (Class 2), and other principal arterials (Class 3) such as Avenue 12 (Willdan II, p. 4). The model uses factors such as the project length in lane miles added, the geographic location, and the base year (the most recent base year is 2019).<sup>13</sup>

Vehicle counts were taken in February 2024 along Avenue 12, Avenue 15, Avenue 10, Road 36, and at the three primary intersections within the project footprint to establish a baseline of average daily trips and turning movements. The resulting data showed that all streets and intersections are currently operating below capacity (id., p. 5).

The VMT calculator showed that the addition of a net two miles of through lanes would be expected to induce approximately 5.7 million additional VMT per year, with a 20% confidence level indicating that the actual VMT range would be estimated to be between 4.6-6.8 million additional VMT per year. Notably, the calculator also indicated that in 2019, Madera County had 308 lane-miles of Caltrans-managed Class 2 and 3 facilities that currently support 1.2 billion million VMT per year. The VMT added by the project would represent an approximate 0.5% increase in VMT county-wide (Id., p. 10).

Madera County has not adopted a VMT threshold. Considering the relatively miniscule percentage increase, it is reasonable to conclude that additional VMT induced by the project is less than significant.

- c) **No Impact.** The proposed project would not substantially increase safety hazards, simply because it is designed using accepted Caltrans roadway standards along a generally straight and level roadway with no visual barriers, or horizontal or vertical curves.
- d) **Less Than Significant Impact.** The proposed project would not change emergency access once completed; rather the roadway alignment and cross-section will be similar to baseline conditions and the roadway's vehicle capacity will moderately increase, facilitating emergency vehicle travel. As discussed in Part IX above, in the event of a region-wide emergency, such as an earthquake or wildfire, construction work would stop to facilitate emergency access. Moreover, Avenue 12 would remain open during construction, in part so that emergency vehicles are not obstructed.

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<sup>12</sup> See National Center for Sustainable Transportation, Induced Travel Calculator (September 1, 2019), available at <https://ncst.ucdavis.edu/research-product/induced-travel-calculator> (accessed December 6, 2024).

<sup>13</sup> Id., *Background on Induced Travel*, available at <https://travelcalculator.ncst.ucdavis.edu/about.html> (accessed December 6, 2024).

XVIII. TRIBAL CULTURAL RESOURCES

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

Background and Regulatory Setting

Tribal Cultural Resources were not a separate CEQA category when the GVPEIR was prepared, but were considered in the evaluation of cultural resources.

CEQA Section 21073 defines “California Native American Tribe” as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” Additionally, CEQA Section 21074 defines “tribal cultural resources” as either of:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.
- In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Arising from Assembly Bill 52 (AB 52, Gatto, 2014), CEQA Section 21080.3.1(b) requires that “prior to releasing a negative declaration, mitigated negative declaration or environmental impact report, public agencies must

consult with California Native American Indian tribes that are traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.” Section 21080.3.1(d) further requires that agencies formally notify designated representatives of California Native American tribes who have requested such notification about projects that the agency plans to undertake (such as road construction) or about entitlement applications the agency is considering. This notification must take place within 15 days of a determination to proceed with the public project or upon determining that a private development application is “complete” per the requirements of the Permit Streamlining Act. The interested California Native American tribe must tell the agency within 30 days of receiving the notification that it desires a formal “consultation,” and the lead agency in turn must begin the consultation process within 30 days of receiving a tribe’s request.

The statute does not set forth procedures for CEQA documents that tier from an earlier-adopted document, such as supplements to EIRs or Negative Declarations, addenda, or subsequent documents per CEQA Guidelines Section 15160 et seq.

#### **Impact Discussion:**

- a) **Less Than Significant Impact.** The proposed project would not affect any properties listed or eligible for listing in any register of historical resources, because as discussed in Section V, Cultural Resources, above, no such properties are known to exist in the project area and all work will take place in previously-disturbed right-of-way. Widening of the road surface would be accomplished by grading the existing roadway and shoulder surfaces, as well as minor excavation for the concrete retaining wall to be constructed on the north side of Avenue 12 along the property frontage of 39877 Avenue 12.

In compliance with AB 52 (California Public Resources Code §§ 5097, 21073, 21074, 21080, 21082, 21083, and 2108), the Department of Public Works has notified Tribal groups that have requested AB 52 notification.

- b) **Less Than Significant With Mitigation Incorporated.** The proposed project would not be expected to disturb resources important to any affiliated California Native American Tribe, simply because the excavation associated with the project would affect existing disturbed soil within the ROW or planned ROW where there are now orchard trees. However, the GVPEIR noted that the project vicinity may have previously undiscovered Tribal resources, and incorporated GVPEIR Mitigation Measure 4.5.1 restated above under Section V, Cultural Resources. As stated in Section XVIII(a) above, Tribal groups have been notified about the project. The County will respond to any requests for consultation.

Impacts to Tribal resources may affect descendants of the peoples who occupied the land before Western colonization, and who may have special knowledge or information about the project site. As described above, the requirement for notification and consultation was instituted after the GVPEIR was prepared. Accordingly, additional Mitigation Measures TCR 1-2 specific to Tribal consultation are provided below.

#### **SEIR Mitigation Measures**

**TCR-1:** If suspect resources with any potential cultural value to a California Native American Tribe are found during ground-disturbing activities into native soils, the County shall contact and retain a Native American monitor, procured by the consulting Tribe under AB52. During excavation, the Native American monitor shall have the authority to halt any activities adversely impacting tribal resources. If



human remains are uncovered, the Madera County Coroner, Native American Heritage Commission, local Native American representatives, and archaeological monitor shall determine the nature of further studies, as warranted in accordance with Public Resource Code 5097.98.

**TCR-2:** The Lead Agency shall, in good faith, consult with responding Tribes regarding the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

## XIX. UTILITIES AND SERVICE SYSTEMS

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

### Impact Discussion:

- a) **Less Than Significant With Mitigation Incorporated.** The project would not require substantial new or expanded water, wastewater treatment, stormwater drainage, electric or natural gas facilities, utility poles, or telecommunication facilities. Some utility poles would be moved to new locations within the ROW to accommodate the widening. GVPEIR Mitigation Measures 4.1.1, 4.4.1, 4.4.2, 4.5.1, 4.5.2, 4.7.2, 4.8.1, 4.11.1-4.11.7, and SEIR Measures TCR 1-2 would serve to reduce associated impacts to less than significant levels.
- b) **Less Than Significant Impact.** The proposed project would be expected to have sufficient water supply to provide for construction uses including dust control, concrete mixing, and equipment wash-down. Operation of the project will not require water supply.
- c) **No Impact.** The proposed roadway-improvement project would not generate wastewater.

- d) **Less Than Significant Impact.** Project construction will generate excess concrete and asphalt material during the demolition of portions of the existing roadway. Debris would be recycled or transported to the regional sanitary landfill and used as inert cover. The volume of debris generated during project construction is not expected to significantly impact landfill capacities. Project operation will not generate solid waste.
- e) **Less Than Significant Impact.** Disposal of waste materials generated during construction must comply with all local, state, and federal requirements for integrated waste management (e.g., recycling, green waste) and solid waste disposal. As stated above, construction of the project is not anticipated to exceed the standards or capacity of local disposal facilities.

## XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Analyzed In Prior EIR	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Note:* Wildfire hazard potential was not a separate CEQA category when the GVPEIR was prepared, but was considered broadly within the Hazards section.

### Impact Discussion:

- a) **Less Than Significant Impact.** The proposed roadway-improvement project would not be expected to impair emergency response or evacuation plans, because as discussed in Section IX, Hazards and Hazardous Materials above, Avenue 12 and cross-streets would remain open during construction, and construction work would stop in the event of an emergency affecting the project area.
- b) **No Impact.** The proposed project would not expose new or current residents, or students and staff of Stone Creek Elementary School to wildfire smoke risks greater than exist now, because project construction is limited to roadway improvements and would not increase the population density of the area by building housing or commercial space.
- c) **No Impact.** The proposed project is a roadway re-surfacing and widening project to add additional through and turn lanes. It would not require installing associated infrastructure that would exacerbate

fire risks. Risks associated with wildfire would not change, as the project area is not within a wildland-fire zone, and is surrounded by irrigated agricultural uses, not range or forest land. Mitigation measures throughout this document are intended to reduce environmental impacts to less than significant levels.

- d) **No Impact.** The proposed project would not increase the existing human exposure to post-wildfire risks, because (1) the project area is not within or near a wildland fire zone and is bordered by suburban and agricultural uses, and (2) it would not change the overall level topography of the area along the roadway. The overall roadway drainage configuration would not change substantially.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

### Discussion:

- a) **Less than Significant Impact with Mitigation Incorporated.** The proposed project could incrementally degrade the quality of the project area's biological and cultural environment by emitting objectionable odors, removing existing ornamental tree species, excavating for a retaining wall, and generating construction noise and vibration. However, as discussed in the respective sections above, GVPEIR Mitigation Measures 4.1.1, 4.4.1, 4.4.2, 4.5.1, 4.5.2, 4.7.2, 4.8.1, 4.11.1-4.11.7, and SEIR Measures TCR 1-2 as applied to the project would reduce impacts to less than significant levels.
- b) **Significant and Unavoidable .** Most of the proposed project's impacts are not expected to be cumulatively considerable because the project is limited in scope to the segment of Avenue 12 between Road 39 ½ and California State Route 41; moreover, the project is consistent with the limited expressway specifications in the Madera County General Plan and the Gateway Village Area Plan. The roadway capacity would be increased, but is not anticipated to induce substantial VMT as discussed in Section XVII above, or produce other cumulative effects. However, as discussed in Section XIII, project impacts with respect to transportation noise remain significant and unavoidable.
- c) **Significant and Unavoidable.** The proposed project could generate temporary environmental effects from construction and operation as discussed throughout this document. However, compliance with GVPEIR and SEIR Mitigation Measures would reduce most of these impacts to less than significant levels. Nonetheless, the GVPEIR determined that transportation noise impacts would be significant and unavoidable, even with mitigation measures applied.