

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 3-4, 2010

Reference No.: 2.2c. (12)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MOUNTAIN VIEW AVENUE/
AVENUE 416/ EL MONTE WAY WIDENING PROJECT
RESOLUTION E-10-98**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the Mountain View Avenue/ Avenue 416/ El Monte Way Widening project (project) in Tulare and Fresno Counties and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project for future consideration of funding.

BACKGROUND:

The County of Tulare (County) is the CEQA lead agency for the project. The County of Tulare along with Fresno County and the City of Dinuba propose to improve a 12 mile stretch of Mountain View Avenue/Avenue 416/El Monte Way from Bethel Avenue to Road 92, providing a direct connection to State Route 99.

On October 21, 2008, the County Board of Supervisors certified the FEIR and adopted a Statement of Overriding Considerations and Mitigation Monitoring Program to govern the implementation of mitigation measures for the project. The FEIR considered two build alternatives, each with slightly different alignments that would minimize impacts to adjacent natural resources and existing land uses. Alternative one was selected as the preferred alternative.

The FEIR identified certain impacts related to cultural resources and noise that cannot be reduced to a less than significant level after mitigation. Specifically, the County Board of Supervisors found that there will be an adverse effect on the Levis House; McNab Residence; Whittington Residence;

and Bolinger House, properties determined to be eligible for inclusion in the National Register of Historic Places. Prior to demolition, documentation and photographs will be filed with various preservation organizations after review and approval by the State Historic Preservation Officer. In addition, a substantial increase in traffic noise levels due to the project is predicted to occur at several locations and mitigation by sound walls is not feasible at these locations because sound walls would block access requirements for the project.

On October 21, 2008, the County found that there were several benefits that outweigh the unavoidable adverse effects of the project. These benefits include, but are not limited to, providing congestion relief and improving traffic flow on the regional transportation and circulation system; providing pedestrian friendly improvements and complying with the Americans with Disabilities Act; and enhancing the safety of the facility. The County established a Mitigation Monitoring Program to ensure that the mitigation program specified is implemented.

The Project, estimated to cost \$118,000,000, is not fully funded. The project is programmed with STIP (\$2,185,000), Federal (\$1,080,000) and Local (\$1,621,000) funds. This project will be built in multiple phases pending the availability of funding. Therefore, construction is estimated to begin in 2012 and be completed in 2022. On September 1, 2010 the County provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project scope of work programmed by the Commission in the STIP and included in the Regional Transportation Plan.

Attachments

- Resolution E-10-98
- Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Future Funding 06 – Tulare County Resolution E-10-98

- 1.1 **WHEREAS**, the County of Tulare (County) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- Mountain View Avenue / Avenue 416 / El Monte Way Widening Project
- 1.2 **WHEREAS**, the County has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will construct 12 miles of four-lane roadway with a median from Fresno County to Tulare County linking the existing four-lane roadways in a continuous facility; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA Guidelines indicate that specific unavoidable significant impacts related to cultural resources and noise make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the County adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the County adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF THE FINAL)
ENVIRONMENTAL IMPACT REPORT/)
ENVIRONMENTAL ASSESSMENT) RESOLUTION NO. 2008-0803
FOR THE MOUNTAIN VIEW AVENUE /)
AVENUE 416 / EL MONTE WAY)
WIDENING PROJECT)**

WHEREAS, Mountain View Avenue/Avenue 416/El Monte Way from Bethel Avenue in Fresno County east to Road 92 in the City of Dinuba, is a public roadway in Tulare County, Fresno County and the City of Dinuba; and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the Mountain View Avenue/Avenue 416/El Monte Way Widening Project (Project) pursuant to Public Resources Code Section 21000 et seq., also known as the California Environmental Quality Act (CEQA) and the guidelines for implementation of CEQA, Title 14 California Code of Regulations Section 15000 et seq., hereinafter the State CEQA Guidelines and the local procedures adopted by the County pursuant thereto; and

WHEREAS, a Notice of Preparation for the Project was circulated on November 16, 2004 for a 30-day review period pursuant to State CEQA Guidelines Section 15082; and

WHEREAS, a Notice of Completion, Notice of Availability and Draft EIR was circulated on May 14, 2008 for a forty-five day review period pursuant to CEQA guidelines Section 15085; and

WHEREAS, the EIR was prepared by an independent consultant under contract with the County and the County has reviewed the FEIR for conformance with the State and County regulations for factual accuracy and adequacy; and

WHEREAS, copies of the responses to comments were mailed to each public agency and private party that commented on the Draft EIR pursuant to Public Resources Code Section 21092.5

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board of Supervisors hereby certifies that the Board has reviewed and considered the information contained in the FEIR prepared for the Project in compliance with CEQA and the State CEQA Guidelines prior to taking action on the Project; and

2. The Board of Supervisors found that the Project for which the FEIR has been prepared proposes to widen and improve Mountain View Avenue/Avenue 416/El Monte Way by designing and constructing approximately 12 miles of four-lane roadway with median and/or median lane from Bethel Avenue in Fresno County east to Road 92 in the City of Dinuba, in Tulare County. The project would link the existing four lane roadways (located west of Bethel Avenue in Fresno County and east of Road 92 in Tulare County), resulting in a continuous four-lane facility starting at State Route 99 and continuing into Orosi east of the City of Dinuba.

3. The Board of Supervisors found that the FEIR identifies Alternative 1 as the environmentally superior alternative as well as the preferred alternative, because it avoids a significant unavoidable impact (under the California Environmental Quality Act) to one of the two National Register of Historic Places-eligible properties that would be affected by the project and avoids displacing two church congregations.

4. The Board of Supervisors found that although the FEIR identifies significant effects resulting from the Project, the FEIR disclosed that certain said impacts can be mitigated to a level which is less than significant because mitigation measures have been identified and proposed to be incorporated in the design and construction of the Project, as follows:

a. Impacts to parkland. This impact can be mitigated by acquiring landscaped open space adjacent to the acquired parkland or other areas within the project area.

b. Impacts to farmland. This impact can be mitigated by returning all unused farmland to farming operations, maintaining access to existing farmlands, and designing and constructing the project to minimize impacts to farm operations.

c. Displacement and/or relocation of existing housing and other structures. This impact can be mitigated by providing relocation assistance and/or compensation to displaced residents, businesses, and institutions.

d. Impacts to visual resources. This impact can be mitigated by compensation to property owners for the loss of privately owned landscaping, replacement of vegetation disturbed by construction on the Kings River Bridge in accordance with the Habitat Restoration Plan, and landscaping of the areas disturbed within the City of Dinuba in accordance with a landscaping plan.

e. Impacts to Architectural and Historic Resources. This impact can be partially mitigated by documentation of the architectural structures, replacement of historical vegetation disturbed by construction with similar vegetation, and/or preparation of materials describing the historic significance of the resource impacted by the project.

f. Impacts to unknown and undiscovered archaeological resources. These impacts can be mitigated by stopping work in the area of the find and contacting the appropriate persons if cultural resources are discovered during excavation.

g. Construction-related water quality impacts due to erosion. These impacts can be mitigated by identifying construction related best management practices in the construction plans and implementing them during construction and adherence to the State Standard Specifications for avoidance of water pollution.

h. Potential exposure of previously known and unknown hazardous wastes to construction workers and/or nearby land uses. This impact can be mitigated by screening surface soils for residual chemicals, determining the location and status of underground storage tanks, testing existing paint and preparing a health and safety plan, monitoring groundwater levels, testing for asbestos containing materials and investigation of agricultural land for toxic chemicals.

i. Temporary increase in dust emissions during grading and construction activities. This impact can be mitigated by implementing dust stabilizers and adhering to related best management practices.

j. Possible Permanent loss of Willow Riparian Woodland. This possible impact can be mitigated by preparation of a Habitat Restoration Plan, and/or the purchase of riparian mitigation credits from a regional mitigation bank.

k. Impacts to wetlands and other waters of the United States. This impact can be mitigated by protecting water quality and preventing erosion in drainages and waterways, implementation of a wetland restoration/compensation plan, establishing an environmentally sensitive area to limit work near the Kings River willow riparian habitat, and purchasing credits in a regional mitigation bank for riparian/wetland compensation.

l. Impacts to special-status plant species. This impact can be mitigated by relocation of observed special plant species to newly established locations within the project area.

m. Impacts on roosting habitats for bats. These impacts can be mitigated by conducting preconstruction surveys for bat roosts, implementing bat protection measures, and compensating for loss of bat habitat by providing suitable habitat to accommodate the existing bat colony.

n. Impacts on Western Pond Turtle. These impacts can be mitigated by conducting preconstruction surveys and relocating the turtle to an appropriate habitat, if necessary.

o. Impacts on nesting habitat for Western Burrowing Owl. These impacts can be mitigated by conducting preconstruction surveys for Western Burrowing Owl burrows and implementing CDFG guidelines for Western Burrowing Owl mitigation, if necessary.

p. Impacts on nesting Cooper's Hawks, White-Tailed Kites, and other migratory birds. These impacts can be mitigated by conducting preconstruction nesting bird and raptor surveys and establishing a no-disturbance buffer, if necessary.

q. Impacts on active Swallow nests. These impacts can be mitigated by preventing swallows from nesting in the work area during construction.

r. Direct and indirect effects on San Joaquin Kit Fox (SJKF). This impact can be mitigated by conducting preconstruction surveys prior to ground disturbance to search for SJKF presence in the project impact area, establishing and maintaining exclusion zones around SJKF dens, implementing SJKF contract special provisions to avoid and minimize temporary construction disturbance to SJKF.

s. Impacts on nesting and foraging Swainson's Hawk. These impacts can be mitigated by conducting preconstruction nesting bird and raptor surveys and establishing a no-disturbance buffer, if necessary.

t. Impacts on Valley Elderberry Longhorn Beetle. These impacts can be mitigated by surveying project area for elderberry shrubs, establishing environmentally sensitive areas, conducting pre-construction training for all work crews, monitoring of the project site during construction, relocation of affected plants, and planting of elderberry seedlings to compensate for the loss of stems.

u. Impacts from invasive plant species. These impacts can be mitigated by avoiding introduction of new weeds into the project area and removing invasive plant species from the project area.

5. The Board of Supervisors found that the Final EIR identified significant impacts that were unavoidable. These are as follows:

a. Cultural Resources - Acquisition and removal of the Levis House, McNab Residence, Wittington Residence and the Bolinger House

b. Noise Effect - Exposure of noise sensitive land uses to traffic noise.

6. The Board of Supervisors found that the significant effects which cannot be mitigated or substantially lessened, to be acceptable and adopts the following Statement of Overriding Considerations:

STATEMENT OF OVERRIDING CONSIDERATIONS

Having reviewed the FEIR for the Mountain View Avenue/Avenue 416/El Monte Way Widening Project and the comments received during the public review period on said project, the Board finds that, although significant unavoidable environmental impacts remain even after the adoption of feasible mitigation measures, the following economic and other considerations require approval of the project despite these impacts. The proposed project will provide additional traffic capacity and convenience on this roadway in response to growth in the region as an economic consideration and enhance the safety of this facility as an other consideration.

7. The Board of Supervisors approved and adopted the Mitigation Monitoring Program to monitor the changes and alterations that have been required in, or incorporated into, the Project in order to mitigate or substantially lessen the potentially significant environmental impacts set forth in Exhibit A and incorporated hereby by reference.

8. The Board of Supervisors authorized the Chairman to sign the Notice of Determination.

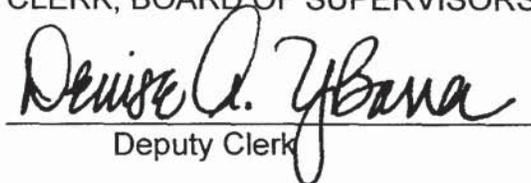
9. The Board of Supervisors directed the Clerk to the Board to return the signed Notice of Determination to the Resource Management Agency.

UPON MOTION OF SUPERVISOR COX, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD OCTOBER 21, 2008, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS ISHIDA, CONWAY, COX, WORTHLEY AND ENNIS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER
CLERK, BOARD OF SUPERVISORS

BY:


Deputy Clerk



Vicinity Map AVENUE 416 from Road 92 to Bethel Avenue

