

**DRAFT INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

COUNTY OF MADERA

OAKHURST MIDTOWN CONNECTOR



AUGUST 2019



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MITIGATED NEGATIVE DECLARATION**

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OAKHURST MIDTOWN CONNECTOR**

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August 2019

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

This is to advise that the County of Madera has prepared a Mitigated Negative Declaration for the Project identified below. This document is available during a 30-day public review period. After this review period has closed, the Mitigated Negative Declaration will be finalized, and will be considered and approved by the Madera County Planning Director.

Project Name

Oakhurst Midtown Connector

Project Location

The Project is located within the foothills of the Sierra Nevada Mountains, in north-central Madera County, California. It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects the existing State Route (SR) 41 and Indian Springs Road. SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community.

Project Description

SR 41 serves as the major thoroughfare between the City of Fresno to the south and Yosemite National Park (NP) to the north. The community of Oakhurst, which lies between Fresno and Yosemite NP, is bisected by SR 41, which is lined with businesses, hotels, and restaurants through Oakhurst's downtown. Tourists, business owners, and residents are all affected by extensive use of SR 41. In addition to providing the major byway to a popular National Park, SR 41 serves as the main route for transportation of goods and services to Oakhurst, Yosemite National Park, and outlying towns and communities. Traffic is often heavy, and at times slow and congested through Oakhurst. Residents living to the east of downtown Oakhurst have no way to travel directly into town. Instead they must travel along High School Road and then Road 426, the local connector that intersects with SR 41 south of the community. Road 426 includes schools, churches, businesses and residences, and is often congested as well. The restriction of traffic to Road 426 as access from east of town to downtown Oakhurst poses not only an inconvenience, but also a health and safety hazard should a fire or other emergency occur.

The proposed Project will include construction of a new, two-lane road (Midtown Connector) connecting SR 41 on the northwest with Indian Springs Road on the southeast. The new road will include a bridge with elevated approaches over Nelder Creek (also referred to as Fresno River on some maps but will be called Nelder Creek throughout this document) approximately 365 feet in length. The roadway will include 12-foot wide travel lanes; five-foot wide shoulders; a five-foot wide sidewalk; and separate, five-foot wide bike lane on either side of the road. The Project will also include intersection improvements at SR 41 and Midtown Connector, including installation of a traffic signal, as well as widening of

SR 41 from two to four travel lanes for a distance of approximately 1,745 feet. The Project will include improvements at the intersection of Road 427 (High School Road) and Indian Springs Road, including installation of a three-way signal and two left-turn lanes on Road 427 (see Chapter Two for a full Project description).

The document and appendices referenced in the Initial Study/Mitigated Negative Declaration are available for review at Madera County Public Works, 200 W. 4th Street, 3rd Floor, Madera, CA; and Clerk of the Board of Supervisors' office, 4th Floor; Madera, CA; and at the Oakhurst Library, located at 49044 Civic Circle, Oakhurst, CA. The document is also available on the County's website at: <https://www.maderacounty.com/government/public-works/divisions/engineering-services>.

As mandated by the California Environmental Quality Act (CEQA), the public review period for this document is 30 days (CEQA Section 15073[b]). The public review period begins on August 30, 2019 and ends on September 30, 2019 at noon. For further information, please contact Haden Hinkle at (559) 675-7811 or Haden.Hinkle@maderacounty.com.

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DRAFT MITIGATED NEGATIVE DECLARATION

As Lead Agency under the California Environmental Quality Act (CEQA), the County of Madera reviewed the Project described below to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, “[s]ignificant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Project Name

Oakhurst Midtown Connector

Project Location

The Project is located within the foothills of the Sierra Nevada Mountains, in north-central Madera County, California. It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects the existing State Route (SR) 41 and Indian Springs Road. SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community.

Project Description

The proposed Project will include construction of a new, two-lane road (Midtown Connector) connecting SR 41 on the northwest with Indian Springs Road on the southeast. The new road will include a bridge with elevated approaches over Nelder Creek, approximately 365 feet in length. The roadway will include 12-foot wide travel lanes; five-foot wide shoulders; a five-foot wide sidewalk; and separate, five-foot wide bike lane on either side of the road. The Project will also include intersection improvements at SR 41 and Midtown Connector, including installation of a traffic signal, as well as widening of SR 41 from two to four travel lanes for a distance of approximately 1,745 feet. The Project will include improvements at the intersection of Road 427 (High School Road) and Indian Springs Road, including installation of a three-way signal and two left-turn lanes on Road 427 (see Chapter Two for a full Project description).

Mailing Address and Phone Number of Contact Person

Haden Hinkle E.I.T, Engineer II
Madera County, Public Works Department
200 West 4th Street
Madera, CA 93637
(559) 675 – 7811

Findings

As Lead Agency, the County of Madera finds that the Project will not have a significant effect on the environment. The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 - Environmental Checklist*) identified one or more potentially significant effects on the environment, but revisions to the Project have been made before the release of this Mitigated Negative Declaration (MND) or mitigation measures would be implemented that reduce all potentially significant impacts to less-than-significant levels. The Lead Agency further finds that there is no substantial evidence that this Project would have a significant effect on the environment.

Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

MM AES-1 (Riparian Habitat and Oak Trees): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are ≥ 4 inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees >5 inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g. ESA fencing, plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of 3 trees planted for each tree removed. MM BIO-7 includes additional details for the avoidance and mitigation of impacts to riparian habitat and oak trees.

BIO-1 (Sensitive Botanical Species): Floristic surveys should be conducted to determine the presence of and any project-specific impacts that might occur to orange lupine, Madera leptosiphon, and Yosemite evening primrose. The surveys should be conducted between April and May, which covers the flowering periods of each of the plants. If the species are determined to be absent, then no further measures are warranted. If the species are found to be present, all populations and individuals of should be mapped using GIS and avoided to the maximum extent possible. Exclusion fencing should be established around populations or individuals near work areas on the Project site to protect against take during construction activities. If the removal of populations or individuals becomes necessary and avoidance of this species is not able to be implemented, the California Department of Wildlife will be provided a 10-day advance notice prior to construction activities that would impact the species to allow the CDFW to implement salvage operations.

MM BIO-2 (Foothill Yellow-Legged Frog): A qualified biologist shall conduct a preconstruction survey for the foothill yellow-legged frog within 14 days of ground disturbance activities. Construction monitoring by a qualified biologist will be conducted during all initial clearing and grubbing activities to prevent direct mortality of foothill yellow-legged frog from construction activities.

If foothill yellow-legged frogs are identified on the Project site, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts will be installed to exclude amphibians from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to amphibians. Construction Best Management Practices (BMPs), such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual frogs may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the creek. If frogs are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

MM BIO-3 (Western Pond Turtle): A preconstruction survey for the western pond turtle shall be conducted by a qualified biologist no more than 14 days prior, and again 24 hours prior to ground-disturbance activities where suitable habitat exists.

If western pond turtle or their nests are observed during pre-construction surveys, a qualified biologist will be on site to monitor construction in all suitable habitat. Western pond turtle found within the construction area will be allowed to leave of their own volition or will be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the project site.

If western pond turtle nests are identified on the Project site during preconstruction surveys, a 300-foot no disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist.

If western pond turtle are observed, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts will be installed to exclude reptiles from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to reptiles. Construction BMPs, such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual turtles may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged

along the bank of the creek. If pond turtles are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

MM BIO-4 (American Badger): The *USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be followed (USFWS 2011), as those recommendations will protect the American badger. The measures that are listed below have been excerpted from those guidelines and will protect American badger from direct mortality and from destruction of active dens.

A pre-construction survey shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius

Project-related vehicles shall observe a 20-mph speed limit in all Project areas, except on City and County roads and State and Federal highways. Nighttime construction shall be avoided. Off-road traffic outside of designated Project areas shall be prohibited.

To prevent inadvertent entrapment of badgers or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than two feet-deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured badger is discovered, the procedures in this section must be followed.

Badgers are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for badgers before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a badger is discovered inside a pipe, the pipe will not be moved until the badger has been able to escape of its own accord. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the badger has escaped.

All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.

To prevent harassment, mortality of badgers or destruction of dens by dogs or cats, no pets shall be permitted on the project site.

In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the CDFW should be contacted for advice.

Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures an American badger shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped badger. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

MM BIO-5 (Nesting Migratory Birds): Pre-construction surveys shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and nesting migratory birds to occur if construction occurs during the breeding season (loosely defined as February 15 to August 15). The areas to be examined include all areas that are suitable for the establishment of nests, such as trees, power poles, shrubs, including a ground cover of grasslands and disked areas. The pre-construction surveys shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period nests shall be assessed by a qualified biologist and an appropriate buffer/Environmentally Sensitive area established, with a minimum buffer of 250 feet for all migratory bird nests.

MM BIO-6 (Fisher): A pre-construction survey should be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the fisher. All cavities that could be occupied by the fishers should be documented and examined using a remote camera. The camera should remain in place for three nights to determine the presence/absence of fishers. If no potential fisher dens are present, no further mitigation would be required. If occupied dens are found and avoidance is feasible, a 50-foot avoidance buffer should be established around the den site. If an active den cannot be avoided, then the den should be fitted with a one-way door to passively evict the fisher from the den. A remote camera should be placed at the den to identify when the fisher has emerged from the den and once the den is unoccupied then it shall be removed or effectively plugged so as not to allow re-entry by a fisher. All other unoccupied dens on the Project site should be plugged or removed prior to conducting passive evictions. As an alternative to passive eviction, any fisher occupying a den should be captured and relocated. Both passive eviction and relocation would require consultation with the CDFW but capture and relocation activities would also likely require the preparation of a relocation plan that would identify areas where the fishers would be released.

MM BIO-7 (Riparian Habitat and Oak Trees) (Also MM AES-1): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are ≥ 4 inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees >5 inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g., ESA fencing, plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of three trees planted for every one tree removed. Planting shall consist of a minimum of one-gallon container trees, and irrigation shall be provided for the first three years after planting. Herbaceous vegetation shall be controlled within a two-foot diameter area around each tree planted by using hand-removal of vegetation or by application of herbicide during the spring and summer months (March to August). Only herbicides approved by the Environmental Protection Agency (EPA) for use near or in aquatic environments shall be allowed. Installation of a mulch layer would provide an additional element of weed control. A monitoring program shall be developed to ensure that a minimum of 70 percent of all plantings survive after a period of three years with irrigation and another two years with no irrigation. A biological monitor will oversee all clearing and grubbing activities to ensure that impacts to oak trees are avoided, removed trees are documented, that plantings occur at the prescribed ratio, that the irrigation system installed is effective, and that the success criteria of 70 percent survival is met after five years.

An annual monitoring schedule shall be established and shall include annual surveys by a qualified biologist or professional in revegetation plantings. Surveys of the revegetation efforts shall consist of assessing the status of each tree planted, calculating the overall survival rate for each of the species, and identifying remedial actions that need to be taken (e.g., installation of exclusion fencing). A report including the results of the monitoring surveys, as well as photo documentation of maintenance and monitoring activities, shall be maintained over a minimum period of five years. A Restoration Monitoring Report shall include a record of maintenance and irrigation measures, photographs, and proposed measures that would be conducted to more effectively achieve success criteria. An adaptive management strategy shall be used to facilitate efficient remedial restoration if needed to achieve restoration success criteria. The successful establishment and propagation of riparian trees is highly dependent upon site-specific conditions and stochastic events, and often requires adaptive management to maximize success while minimizing costs.

MM BIO-8 (Wetlands and Waters): The Project will result in impacts to Nelder Creek, its tributaries, and an unnamed drainage. The applicant shall implement standard BMPs to prevent sediment from entering watercourses during and after construction. Exclusion fencing (i.e. silt fencing) shall be placed around the perimeters of disturbance areas to

prevent encroachment beyond permitted limits. Erosion control measures (e.g. silt fence, staked bales, and revegetation) shall be implemented in disturbed areas. A spill prevention and countermeasure plan shall be included in a SWPPP that would identify proper storage, collection, and disposal measures for potential pollutants (fuel, fertilizers, pesticides, etc.) used onsite. The plan shall detail the proper storage, handling, use, and disposal of all construction-related products, particularly for work within and adjacent to the creek. All fueling, maintenance, and staging of equipment and vehicles shall occur outside the creek bed and above the top of the bank, and these areas would be designed to control runoff. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation shall be retained where possible. Grading activities shall be limited to the immediate area required for construction.

During extreme weather events, temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. Disturbed areas shall be revegetated after completion of construction activities using a mix of three native grass species that are common to the Project site. Seeding shall occur using hydro-seeding techniques, using a minimum of five pounds of seed per acre, for each of the three species. Sanitary facilities shall be provided for construction workers. Hazardous materials shall be stored in appropriate and approved containers, maintaining required clearances, and should be handled in accordance with applicable regulatory agency protocols.

MM CUL-1 (Fencing of Sensitive Cultural Resources): An environmentally sensitive area shall be designated using fencing between locus 3 and the main site of CA-MAD-2824/H that excludes equipment onto the site.

MM CUL-2 (Archaeological Monitoring): Archaeological monitoring shall be carried out during initial ground disturbance and any subsequent digging during construction of the roadway and especially on the finger ridge on the west side of the Nelder Creek, and within the boundaries of CA-MAD-2824/H on the eastern side of the creek.

MM CUL-3 (Burials): Prior to construction, a recovery plan shall be in place to address the possibility of accidental discovery. This plan will include a process to evaluate any finds located in the field and for the recovery and repatriation of any burials that may be located.

MM CUL-4 (Paleontology): The County will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is

examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the County of Madera, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

MM HAZ-1: Construction contractors shall ensure that any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

MM HAZ-2: Construction contractors shall ensure that during construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.

MM NOI-1: The County of Madera shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation contained in the County's Noise Element. The following requirements shall be included in the construction specifications:

- Construction shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays;
- Construction activities shall be prohibited on Sundays and holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day);
- Shroud or shield impact tools, and muffle or shield intake and exhaust ports on power construction equipment; and
- All engine-driven equipment shall be in proper tune and shall be fitted with mufflers according to manufacturers' specifications.

SECTION 1 - INTRODUCTION

1.1 - Overview

The Project is located within the foothills of the Sierra Nevada Mountains, in north-central Madera County, California. It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects the existing State Route (SR) 41 and Indian Springs Road. SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community.

The proposed Project will include construction of a new, two-lane road (Midtown Connector) connecting SR 41 on the northwest with Indian Springs Road on the southeast. The new road will include a bridge with elevated approaches over Nelder Creek, approximately 365 feet in length. The roadway will include 12-foot wide travel lanes; five-foot wide shoulders; a five-foot wide sidewalk; and separate, five-foot wide bike lane on either side of the road. The Project will also include intersection improvements at SR 41 and Midtown Connector, including installation of a traffic signal, as well as widening of SR 41 from two to four travel lanes for a distance of approximately 1,745. The Project will include improvements at the intersection of Road 427 (High School Road) and Indian Springs Road, including installation of a three-way signal and two left-turn lanes on Road 427 (see Chapter Two for a full Project description). The project is anticipated to start in the summer of 2020.

1.2 - California Environmental Quality Act

The County of Madera is the Lead Agency for this Project pursuant to the CEQA Guidelines (Public Resources Code Section 15000 et seq.). The Environmental Checklist (CEQA Guidelines Appendix G) or Initial Study (IS) (see *Section 3 – Initial Study*) provides analysis that examines the potential environmental effects of the construction and operation of the Project. Section 15063 of the CEQA Guidelines requires the Lead Agency to prepare an Initial Study (IS) to determine whether a discretionary project will have a significant effect on the environment. A Mitigated Negative Declaration (MND) is appropriate when an IS has been prepared and a determination can be made that no significant environmental effects will occur because revisions to the Project have been made or mitigation measures will be implemented that reduce all potentially significant impacts to less-than-significant levels. The content of a MND is the same as a Negative Declaration, with the addition of identified mitigation measures and a Mitigation Monitoring and Reporting Program (MMRP) (see *Section 4 – Mitigation Monitoring and Reporting Program*).

Based on the IS, the Lead Agency has determined that the environmental review for the proposed application can be completed with a MND.

1.3 - Impact Terminology

The following terminology is used to describe the level of significance of impacts.

- A finding of “no impact” is appropriate if the analysis concludes that the project would not affect a topic area in any way.
- An impact is considered “less than significant” if the analysis concludes that it would cause no substantial adverse change to the environment and requires no mitigation.
- An impact is considered “less than significant with mitigation incorporated” if the analysis concludes that it would cause no substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered “potentially significant” if the analysis concludes that it could have a substantial adverse effect on the environment.

1.4 - Document Organization and Contents

The content and format of this IS/MND is designed to meet the requirements of CEQA. The report contains the following sections:

- *Section 1 – Introduction:* This section provides an overview of CEQA requirements, intended uses of the IS/MND, document organization, and a list of regulations that have been incorporated by reference.
- *Section 2– Project Description:* This section describes the Project and provides data on the site’s location.
- *Section 3 – Environmental Checklist:* This chapter contains the evaluation of 18 different environmental resource factors contained in Appendix G of the CEQA Guidelines. Each environmental resource factor is analyzed to determine whether the proposed Project would have an impact. One of four findings is made which include: no impact, less-than-significant impact, less than significant with mitigation, or significant and unavoidable. If the evaluation results in a finding of significant and unavoidable for any of the 18 environmental resource factors, then an Environmental Impact Report will be required.
- *Section 4 – Mitigation Monitoring and Reporting Program:* This chapter summarizes all mitigation measures, and who is responsible for monitoring and reporting of mitigation activities.
- *Section 5 – List of Preparers:* This chapter identifies the individuals who prepared the IS/MND.

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- *Section 6 – Bibliography:* This chapter contains a full list of references that were used in the preparation of this IS/MND.

1.5 - Incorporated by Reference

No documents and/or regulations are incorporated into this IS/MND by reference.

SECTION 2 - PROJECT DESCRIPTION

2.1 - Introduction

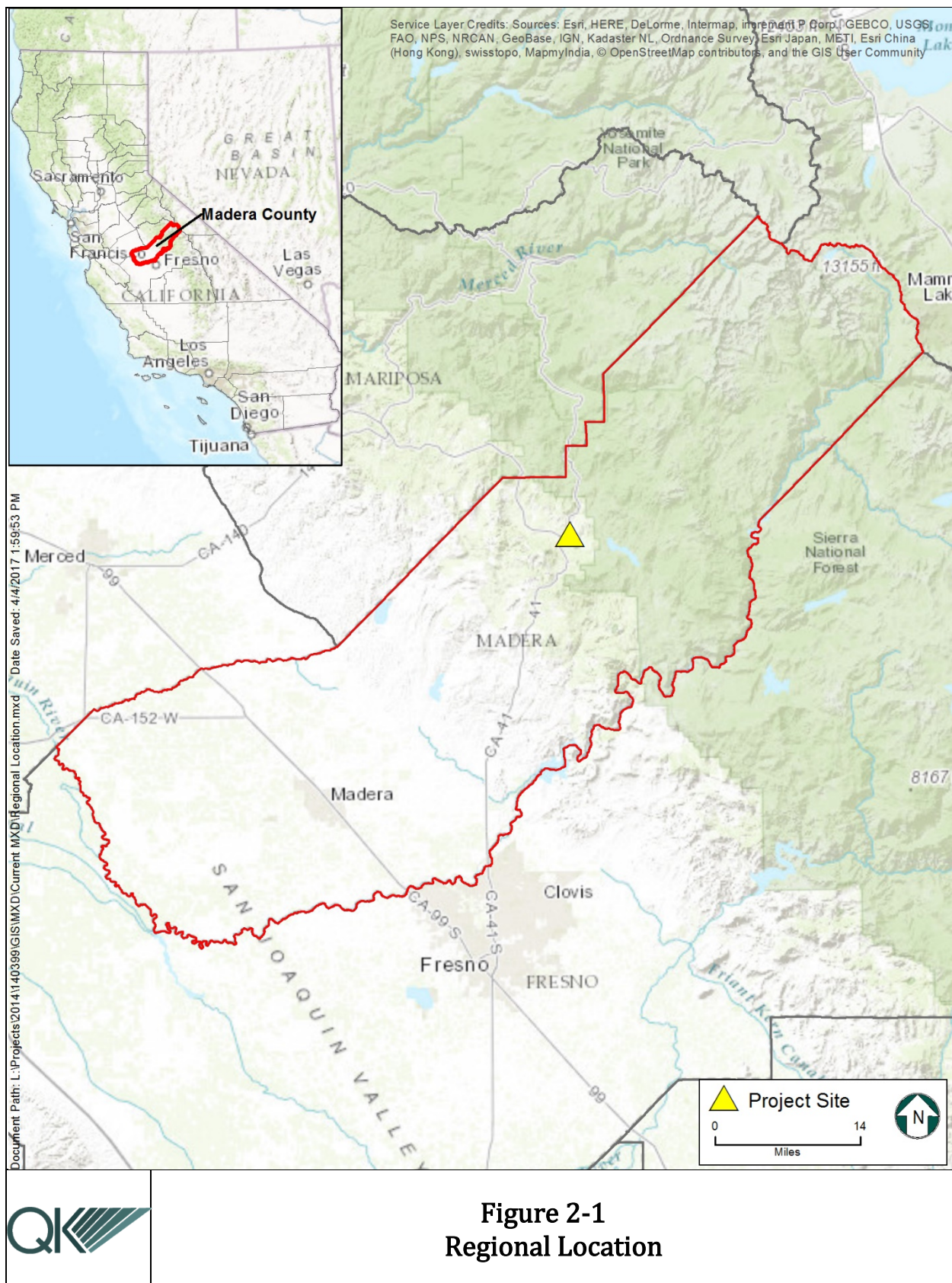
The County of Madera proposes to construct a new roadway, the Midtown Connector, to create direct, local access to and from downtown Oakhurst by those living, working, and utilizing businesses, churches, schools, and other services to the east of the community. Current access is by way of local Road 427 to SR 41 south of Oakhurst, and then north with other residents, as well as tourists traveling to Yosemite National Park, into the downtown area of Oakhurst. The project also includes improvements to SR 41 at the new intersection that will be constructed with the Midtown Connector, and to an adjacent intersection on Road 427 and Indian Springs Road, south of the new Midtown Connector.

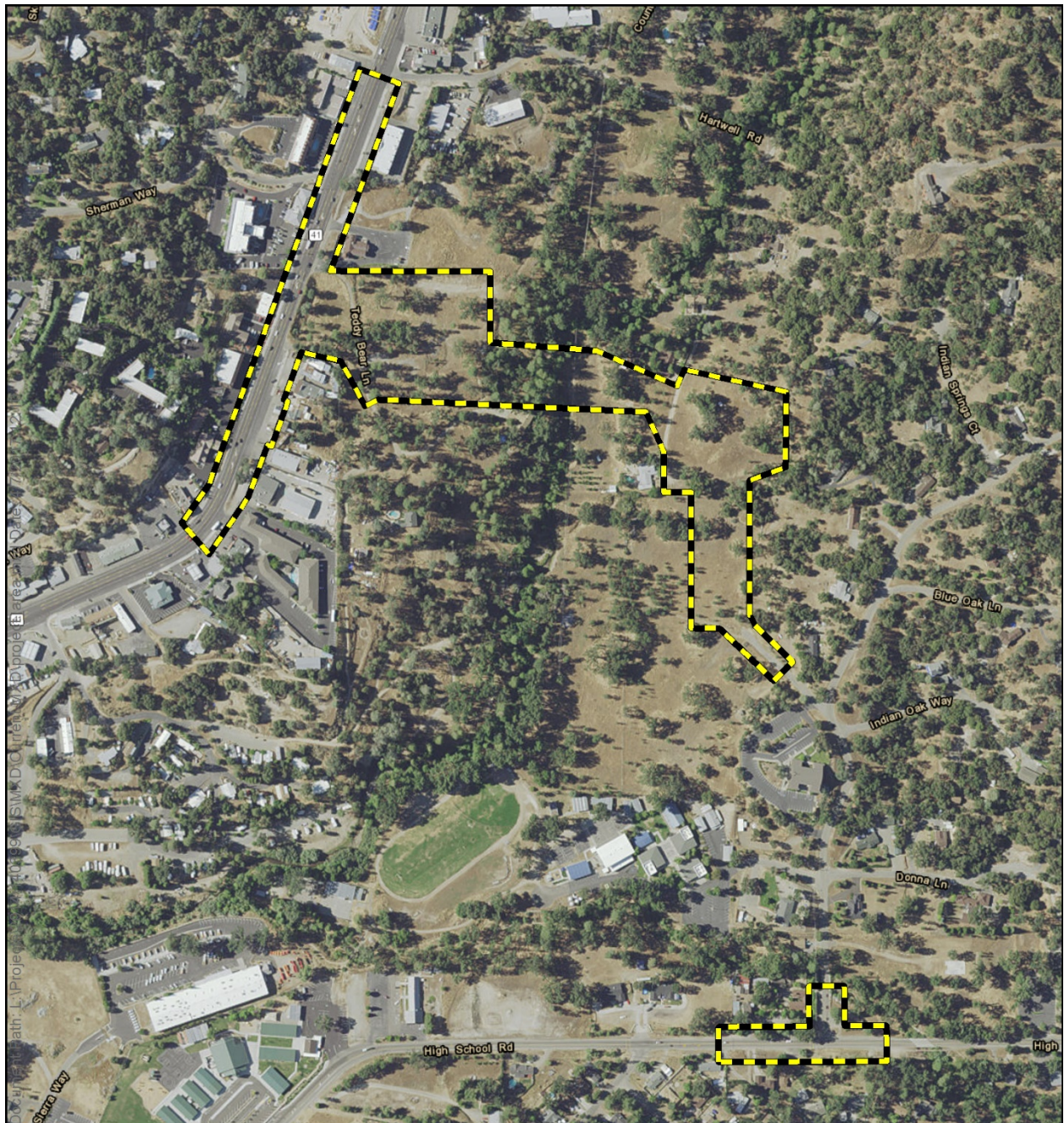
2.2 - Project Location


The Project is located within the foothills of the Sierra Nevada Mountains, in north-central Madera County, California (Figure 2-1). It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects the existing State Route (SR) 41 and Indian Springs Road. SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community (Figure 2-2).

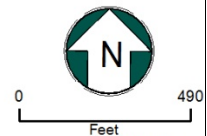
2.3 - Surrounding Land Uses

The area surrounding the proposed Midtown Connector route is largely undeveloped with trees, shrubs, and sporadic rock outcroppings. A total of five private residences are located within 500 feet of the Midtown Connector segment. Two residences south of the Midtown Connector have driveways leading to Teddy Bear Lane, an unpaved roadway that will intersect with the Midtown Connector approximately 180 feet east of SR 41. Another three residences access their properties from Hartwell Road, located north and west of the Project. Two of these properties will be north of the Project, and one will be south of the Project. Driveways to each of these properties will be included in the Project, so that access will be available from the Midtown Connector. The Fresno Flats Historic Park is located on the northeast side of the existing Road 427/Indian Springs Road intersection. An existing bridge is located approximately 175 feet north of the existing intersection on Indian Springs Road. Neither the Park nor the bridge would be negatively affected by the intersection improvements. The existing terrain is generally rolling and descends from the intersection between SR 41 and the Midtown Connector (elevation of 2,362 feet) to the proposed creek crossing (elevation of 2,262 feet). The Community of Oakhurst is located along SR 41, where the Midtown Connector will intersect with the State route.





 Project Site



QK Sources:
ESRI Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap



**Figure 2-2
Project Area**

2.4 - Proposed Project

SR 41 serves as the major thoroughfare between the City of Fresno to the south and Yosemite National Park to the north. The community of Oakhurst, located between Fresno and Yosemite, is bisected by SR 41 which is lined with businesses, hotels, and restaurants through Oakhurst's downtown. Tourists and residents travel SR 41 extensively, leading to heavy, and at times slow, traffic in Oakhurst, which is lined with businesses, hotels, and restaurants through Oakhurst's downtown. In addition to providing the major byway to a popular National Park, SR 41 serves as the main route for transportation of goods and services to Oakhurst, Yosemite National Park, and outlying towns and communities. Traffic is often heavy, and at times slow and congested through Oakhurst. Residents living to the east of downtown Oakhurst have no way to travel directly into town. Instead they must travel along High School Road and then Road 426, the local connector that intersects with SR 41 south of the community. Road 426 includes schools, churches, businesses and residences, and is often congested as well. The restriction of traffic to Road 426 as access from east of town to downtown Oakhurst poses not only an inconvenience, but also a health and safety hazard should a fire or other emergency occur.

The County proposes to connect SR 41 directly to Indian Springs Road north of its intersection with Road 427. This would allow residents, students of Bass Lake Elementary School, worshipers of Our Lady of the Sierras Church, those using the Boys and Girls Club of Oakhurst, and others to travel directly to the middle of town, rather than traveling the indirect, and considerably longer route used presently.

The proposed Project consists of three segments; improvements along existing SR 41; construction of the new Midtown Connector; and improvements to the intersection of Road 427 and Indian Springs Road.

As a State highway, management of highway SR 41 is under the purview of California Department of Transportation (Caltrans). It is the policy of Caltrans to require that any project that involves a section of a State highway include in its project the improvements planned by Caltrans for that section of the State highway. Therefore, SR 41 will be widened from a two-lane to a four-lane route for approximate 1,745 feet, including the construction of a new intersection leading to the Midtown Connector. A three-way traffic signal will be installed at this new intersection. One left-hand turn lane will be installed in this section of SR 41 at the new intersection for those traveling southbound. Improvements to SR 41 will also include expansion from a two-lane to a four-lane divided roadway. This means that although traffic can currently access or exit businesses from the left or right, with the improvements ingress and egress will be limited to right-hand only. The road widening will also require that parking and rights-of-way at the fronts of the businesses along SR 41 will be reduced. Sidewalks and other improvements on the west side of SR 41 will be relocated to allow room for the additional lanes. Improvements on this section of SR 41 are intended to relieve traffic pressure and are not expected to increase the volume of traffic using SR 41.

The second segment of the Project is the new Midtown Connector roadway. As noted above, this roadway will originate at a new intersection with SR 41. The Midtown Connector

comprises the longest segment of the Project. The Midtown Connector will travel down slope (east) approximately 0.2 miles from the intersection to Nelder Creek (also referred to as Fresno River on some maps), where a new bridge approximately 360 feet in length will be constructed. From Nelder Creek, the Midtown Connector will continue east, then turn south where it will join the existing Indian Springs roadway at a “Y” junction. The length between the bridge and this intersection is approximately 1,400 feet. Indian Springs Road continues approximately 1,000 feet south to an intersection with Road 427. The Midtown Connector segment of roadway will include two, 12-foot wide travel lanes, with 5-foot sidewalks and 5-foot bicycle lanes on either side of the roadway and bridge.

The intersection of Indian Springs Road with Road 427 comprises the third segment of the Project. The existing roadways at this intersection will be improved with dividers between lanes of Road 427, the addition of left-turn lanes on Indian Springs Road, and replacement of the one-way stop on Indian Springs Road with a three-way signal on both Indian Springs Road and Road 427 (see Figure 2-2).

SECTION 3 - INITIAL STUDY

3.1 - Environmental Checklist

1. Project Title:

Oakhurst Midtown Connector

2. Lead Agency Name and Address:

Madera County, Public Works Department
200 West 4th Street
Madera, CA 93637

3. Contact Person and Phone Number:

Haden Hinkle, E.I.T, Engineer II
Madera County, Public Works Department
Madera, CA 93637
(559) 675 – 7811

4. Project Location:

The Project is located within the foothills of the Sierra Nevada Mountains, in north-central Madera County, California. It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects the existing State Route (SR) 41 and Indian Springs Road. SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community.

5. Project Sponsor's Name and Address:

Haden Hinkle, E.I.T., Engineer II
Madera County, Public Works Department
200 West 4th Street, Suite 3100
Madera, CA 93637
(559) 675 – 7811

6. General Plan Designation:

Madera County Right-of-Way, Open Space, (OS), River Front Mixed Use (RFMU), Public Institutional (PI), and Other (includes commercial and industrial).

7. Zoning: Madera County Right-of-Way, Planned Development District (PDD), Village Core Overlay (VCO), and Manufactured Housing Architectural Review overlay district (MHA).

8. Description of Project:

The proposed Project will include construction of a new, two-lane road (Midtown Connector) connecting SR 41 on the northwest with Indian Springs Road on the southeast. The new road will include a bridge with elevated approaches over Nelder Creek, approximately 365 feet in length. The roadway will include 12-foot wide travel lanes; five-foot wide shoulders; a five-foot wide sidewalk; and separate, five-foot wide bike lane on either side of the road. The Project will also include intersection improvements at SR 41 and Midtown Connector, including installation of a traffic signal, and widening of SR 41 from two to four travel lanes for a distance of approximately 1,745 feet. The Project will include improvements at the intersection of Road 427 (High School Road) and Indian Springs Road, including installation of a three-way signal and two, left turn lanes on Road 427 (see Chapter Two for a full Project description).

9. Surrounding Land Uses and Setting:

The area surrounding the proposed Midtown Connector route is largely undeveloped with trees, shrubs, and sporadic rock outcroppings. A total of five private residences are located within 500 feet of the Midtown Connector segment. Two residences south of the Midtown Connector have driveways leading to Teddy Bear Lane, an unpaved roadway that will intersect with the Midtown Connector approximately 180 feet east of SR 41. Another three residences access their properties from Hartwell Road, located north and west of the Project. Two of these properties will be north of the Project, and one will be south of the Project. Driveways to each of these properties will be included in the Project, so that access will be available from the Midtown Connector. The Fresno Flats Historic Park is located on the northeast side of the existing Road 427/Indian Springs Road intersection. An existing bridge is located approximately 175 feet north of the existing intersection on Indian Springs Road. Neither the Park nor the bridge would be negatively affected by the intersection improvements. The existing terrain is generally rolling and descends from the intersection between SR 41 and the Midtown Connector (elevation of 2,362 feet) to the proposed creek crossing (elevation of 2,262 feet). The Community of Oakhurst is located along SR 41, where the Midtown Connector will intersect with the State route.

10. Other Public Agencies Whose Approval is Required:

California State Clearinghouse, within the Office of Permit Assistance;

Central Valley Regional Water Quality Control Board;

Madera County, Public Works Department;

Madera County Transportation Commission;

San Joaquin Valley Air Pollution Control District;

State of California Native American Heritage Commission;

State of California Department of Fish and Wildlife;

State of California Department of Transportation (Caltrans); and

U.S. Army Corps of Engineers;

3.2 - 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.

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

3.3 - 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 (a) has been adequately analyzed in an earlier document pursuant to applicable

legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT 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.

Signature

Date

Printed Name

For

3.4 - 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 will 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 on-site, 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 (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
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 Analysis 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 significance.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.1 - AESTHETICS

Would the project:

a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a. **Scenic Vistas:** The visual characteristics of the Project site and the surrounding areas include a mixture of commercial and residential land uses along SR 41, with grassy, treed slopes at the intersection of SR 41 and the Midtown Connector. The area around the bridge site is riparian, including large valley oak trees (*Quercus lobata*), and other trees and shrubs. A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area, and that includes middle or distance views. The project site itself, except the area around the bridge, does not provide any visual resources that would be considered a scenic vista, because it primarily consists of a combination of existing residential and commercial uses that are relatively common in other areas of the County of Madera and are not unique to the surrounding visual setting. Neither the Project area nor any surrounding land use contains features typically associated with scenic vistas (e.g., ridgelines, peaks, overlooks). Therefore, little opportunity exists for Project activities to obscure views of scenic vistas.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

-
- b. **& c. Scenic Resources and Visual Character:** One segment of the Project site is within a developed area within the Town of Oakhurst along the SR 41 segment, and contains typical views of a small business district, including one or two-story hotels, restaurants, gas stations, and grocery and other stores.

The segment that is the proposed Midtown Connector includes vacant grassland habitat with mature valley oak trees, which make up Valley Oak Woodland habitat, and riparian habitat along the Nelder Creek, where the bridge will be installed. The overstory and midstory of the riparian habitat consists primarily of white alder (*Alnus rhombifolia*), black cottonwood (*Populus trichocarpa*), valley oak, Himalayan blackberry (*Rubus armeniacus*), and willows (*Salix* sp). The dominant species observed in the oak woodland habitat included interior live oak (*Quercus wislizeni*) and valley oak. The proposed soil embankment near the new bridge over Nelder Creek is approximately 10 to 20 feet above the existing ground level. However, plantings and vegetation of the slope will reduce visual impacts, which will be less than significant.

The segment along the southern terminus is a rural setting, with residences and open spaces with primarily valley oaks and grasses, and more riparian zones along Nelder Creek. A church and the Fresno Flats Historic Park are also at or near this intersection.

The proposed Project includes constructing a new, two-lane road connecting SR 41, along the new Midtown Connector roadway; intersection improvements at the connecting intersection of SR 41 and Midtown Connector; widening of SR 41 to the north and south of this intersection; and turn lanes at the intersection of Indian Springs Road and Road 427. These improvements would not be considered to substantially degrade the existing visual character or quality of the site vicinity, as the area already contains roadways, including SR 41.

According to the California Scenic Highway Mapping System (2016), the section of SR 41 that is involved with the proposed Project is eligible as a State Scenic Highway; however, it is not officially designated as one. In addition, no scenic highways or roadways are listed within the Project area in the County's General Plan.

Based on the National Register of Historic Places (NRHP) (2016) and County General Plan (1995), no historic buildings exist on the Project site. The Fresno Flats Historic Village and Park Museum is located near the intersection of Indian Springs Road and Road 427 and consists of two restored and furnished homes dating to the 1870s. Both homes have been designated by the State of California as Points of Historical Interest; these homes will not be impacted by the proposed Project.

Impacts to riparian trees and oaks within the Project could include removal of up to 57 oaks and five riparian trees, including primarily oak trees, but also willows and white alder. This is a potentially significant impact.

MITIGATION MEASURE(S):

MM AES-1 (Riparian Habitat and Oak Trees): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be

re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are greater than or equal to four inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees greater than five inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g., plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of three trees planted for each tree removed. MM BIO-7 includes additional details for the avoidance and mitigation of impacts to riparian habitat and oak trees.

CONCLUSION:

Implementation of MM AES-1 (also MM BIO-7) will reduce the impact of the Project to riparian and oak tree habitat to a level that is less than significant with mitigation incorporated.

- d. **Creation of Light or Glare:** The Project will not create a new substantial source of light or glare that would adversely affect day or nighttime views along the SR 41 Project area compared to what already exists. The Project will not include increased vehicular traffic along SR 41. There will be no street lighting installed along SR 41, the Oakhurst Connector, or other segments of the project. The project will produce light from vehicle headlights along the new Midtown Connector segment of the project. There are three residences along this segment. One residence, immediately west and south of the bridge will be approximately 16 feet lower than the roadway, so that it will not be affected by direct vehicle lights. The second residence is to the northeast of the bridge and is approximately five to eight feet below the elevation of the roadway and will not be affected by the project. The third residence is on the inside of the roadway curve, east of the bridge. This residence is situated at an angle so that light would not directly shine into the home. This residence is approximately 140 feet from the roadway to the east and north. There are also large trees between the roadway and these residences, offering additional shielding from vehicle lights. The proposed signaled intersection improvements at the intersection of Indian Springs Road and Road 427 may result in a new source of light from the traffic signals compared to what is presently existing in that area. The few residences along Road 427 in close proximity to the intersection are shielded, in large part, from light from the roadway by trees and building design and placement.

MITIGATION MEASURE(S):

No mitigation is required.

CONCLUSION:

There is a less-than-significant impact.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.2 - 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 Department 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:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 nonagricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with existing zoning for agricultural use or a Williamson Act Contract? | <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 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

- a. **Farmland Conversion:** The Project site is located in an area of Madera County considered urban, built up land by the State Farmland Mapping and Monitoring Program (2016). The Madera County General Plan (1995) includes Rural Residential, Very Low Density Residential, and Public Institutional districts within the project footprint and surrounding lands. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or land under Williamson Act contracts occurs in the Project area. No land

conversion from Farmland will occur as a result of the bridge replacement Project. This site is not currently used for agricultural purposes.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

- b. Zoning Conflicts with agricultural zone or Williamson Act:** The site is not covered by a Williamson Act contract. The Project does not propose any zone changes related to forest or timberland.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

- c. Zoning Conflicts with forest or timberland:** See (b). There will be no impact to zoning.

- d. Forest Land Conversion:** No conversion of forest land will occur as a result of the Project.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

- e. Farmland Conversion:** See (a)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.3 - AIR QUALITY

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

a.	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a. **Air Quality Attainment Plan Consistency:** The Project is located within the San Joaquin Valley Air Basin (SJVAB). The SJVAB is designated nonattainment of state and Federal health-based air quality standards for ozone and PM2.5. The SJVAB is designated nonattainment of state PM10. To meet Federal Clean Air Act (CAA) requirements, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has multiple air quality attainment plan (AQAP) documents, including
- 2016 Ozone Plan;
 - 2007 PM 10 Maintenance Plan and Request for Redesignation; and,
 - 2016 PM2.5 Plan.

If the Project were to exceed the SJVAPCD's significance thresholds, then the Project would be considered to conflict with the attainment plans. In addition, the SJVAPCD's

AQAPs account for projections of population growth and vehicle miles traveled (VMT) provided by the Council of Governments (COG) in the SJVAB and identify strategies to bring regional emissions into compliance with Federal and state air quality standards. It is assumed that the existing and future pollutant emissions computed in the AQAPs were based on land uses from area general plans that were prepared prior to the AQAP's adoption. Because population growth and VMT projections are the basis of the AQAPs' strategies, a project would conflict with the plans if it results in more growth or VMT than the plans' projections. The roadway improvements associated with this Project are not expected to result in an increase of vehicle miles traveled and would result in better connectivity and improved traffic flow for existing and future vehicles.

According to the Air Quality and Greenhouse Gas Construction Analysis Memo (Appendix A), the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model (version 8.1.0) was used to estimate emissions from the infrastructure improvements. (Note that this model is recommended by the SJVAPCD for linear construction projects.) According to the modeling results, construction emissions would not exceed the SJVAPCD's significance thresholds. According to the SJVAPCD, the proposed Project would be subject to an Indirect Source Review (ISR) since construction exhaust emissions would be equal to or be greater than 2.0 tons/year of NO_x and 2.0 tons/year of PM₁₀.

**Table 3-1
Construction Emissions (2019)**

	Emissions (tons)			
	ROG	Nox	PM ₁₀	PM _{2.5}
Project	0.62	6.72	7.12	1.71
SJVAPCD Threshold	10	10	15	15
Significant?	No	No	No	No

Source: Sacramento Metropolitan Air Quality Management District's Road Construction

Model, Version 8.1.0

Although the Project's construction emissions will be below the SJVAPCD's thresholds of significance, it would still be subject to comply with Rule 9510 (ISR) and any additional applicable SJVAPCD rules and regulations. Compliance with these rules are outside of the scope of CEQA.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- b. **Air Quality Standards/Violations:** Because ozone is a regional pollutant, the pollutants of concern for localized impacts are CO and fugitive PM₁₀ dust from construction. Ozone and PM₁₀ exhaust impacts are addressed under Impact (c), below (Guide for Assessing and Mitigating Air Quality Impacts) (GAMAQI, 2015). The proposed Project would not result in localized CO hotspots or PM₁₀ impacts, as discussed below. Therefore, the proposed Project would not violate an air quality standard or contribute to a violation of an air quality standard in the Project area.

LOCALIZED PM₁₀

Localized PM₁₀ would be generated by Project construction activities, which would include earth-disturbing activities. The SJVAPCD indicates that all control measures in Regulation VIII are required for all construction sites of a specific size by regulation. The SJVAPCD's GAMAQI lists additional measures that may be required of very large projects or projects close to sensitive receptors (GAMAQI 2015). If all appropriate "enhanced control measures" in the GAMAQI are not implemented for very large projects or those close to sensitive receptors, then construction impacts would be considered significant (unless the Lead Agency provides a satisfactory detailed explanation as to why a specific measure is unnecessary). The GAMAQI also lists additional control measures (Optional Measures) that may be implemented if further emission reductions are deemed necessary by the Lead Agency. The SJVAPCD's Regulation VIII (Fugitive PM₁₀ Prohibitions) has been updated and expanded since the GAMAQI guidance was written in 2015. Regulation VIII now includes the "enhanced control measures" contained in the GAMAQI.

The proposed Project would comply with the SJVAPCD's Regulation VIII dust control requirements during construction (including Rules 8011, 8031, 8041, and 8071). The Project would also be subject to the ISR rule as stated above. Compliance with these rules and regulation, although outside of the scope of CEQA, would reduce the potential for significant localized PM₁₀ impacts to less than significant levels.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- c. **Non-Attainment Cumulatively Considerable Net Increase of Criteria Pollutants:** The nonattainment pollutants for the SJVAPCD are ozone, PM₁₀ and PM_{2.5}. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM₁₀, and PM_{2.5}.

Ozone is a regional pollutant formed by chemical reaction in the atmosphere, and the Project's incremental increase in ozone precursor generation is used to determine the potential air quality impacts, as set forth in the GAMAQI.

The annual significance thresholds to be used for the Project for operational and construction emissions are as follows:

- 10 tons per year ROG;
- 10 tons per year NO_x;
- 15 tons per year PM₁₀; and
- 15 tons per year PM_{2.5}.

The Project involves the construction of a bridge, road widening, new road construction and intersection improvements (see Chapter 2 for a detailed Project description). Approximately eight months of construction are anticipated. The Sacramento Metropolitan Air Quality Management District's Road Construction model (2017) was used to estimate emissions from the proposed Project. (Note that this model was used because no comparable model has been issued by the SJVAPCD; however, the SJVAPCD approves of the model's usage for linear construction project). The Roadway Construction Emissions Model is a Microsoft Excel worksheet available to assess the emissions of linear construction projects. The estimated annual construction emissions are located within the Air Quality and Greenhouse Construction Analysis Memo attached in Appendix A.

The Project's construction emissions would not exceed the SJVAPCD's thresholds for ozone precursors or PM₁₀ or PM_{2.5}. Although the GAMAQI does not provide guidance for evaluating cumulative air quality impacts in instances where project-specific emissions of criteria pollutants do not exceed the Air District's significance thresholds, it does state: "all but the largest individual sources emit ROG and NO_x in amounts too small to have a measurable effect on ambient ozone concentrations by themselves." Because the Project would not exceed the project-level thresholds of significance, the Project would not be expected to result in a cumulatively considerable air quality impact.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- d. **Expose Sensitive Receptors to Substantial Pollutant Concentration:** The proposed Project would not expose sensitive receptors to substantial concentrations of localized

PM₁₀, carbon monoxide, diesel particulate matter, or hazardous pollutants, naturally occurring asbestos, or valley fever, as discussed below.

Localized PM₁₀

As shown in Impact b), above, the Project would not generate a significant impact for construction-generated, localized PM₁₀. Therefore, the Project would not expose sensitive receptors to unhealthy levels of PM₁₀.

Carbon Monoxide Hotspot

As shown in Impact b), above, the Project would not generate a CO hotspot. In addition, the existing background concentrations of CO are low, and any CO emissions would disperse rapidly. The nearest SJVAPCD monitoring station to the Project site is the Madera City Air Monitoring Site.

Diesel Particulate Matter

Construction equipment generates diesel particulate matter (DPM), identified as a carcinogen by the ARB. The State of California has determined that DPM from diesel-fueled engines poses a chronic health risk with chronic (long-term) inhalation exposure. The California Office of Environmental Health Hazard Assessment recommends using a 70-year exposure duration for determining residential cancer risks. Because of the project size and short duration, and the distance to the nearest sensitive receptor, the project construction would not pose a toxic risk to nearby residents.

Naturally Occurring Asbestos

The Department of Conservation, Division of Mines and Geology published a guide entitled A General Location Guide for Ultramafic Rocks in California - Areas More Likely to Contain Naturally Occurring Asbestos (2000) for generally identifying areas that are likely to contain naturally occurring asbestos. The guide includes a map of areas where formations containing naturally occurring asbestos in California are likely to occur. There are no asbestos areas identified in Madera County. For this reason, the project is not anticipated to expose workers or nearby receptors to naturally occurring asbestos. Impacts would be less than significant.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less-than-significant impact.

e. **Odors:** According to the 2015 GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

- Generators – projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate; and,
- Receivers – residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

The proposed Project is an infrastructure improvement project and does not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and ROGs would be emitted during construction of the Project, which are objectionable to some; however, emissions would disperse rapidly from the Project site and therefore should not be at a level to induce a negative response.

The Project site is not located within the Project Screening Levels distances from the common odor producing facilities presented in Table 4-2 of the 2015 GAMAQI. Therefore, development of the Project would not create a significant odor impact.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less than significant impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.4 - BIOLOGICAL RESOURCES				
Would the project:				
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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Substantial Adverse Effect on Sensitive Species:** An initial on-site reconnaissance-level survey of the Project site was conducted by Quad Knopf Biologist Lisa Sandoval on

January 28 and 29, 2015 and was completed on June 11, 2015. The project location was subsequently revised, and an additional field survey was conducted in July 2016. The project location was again revised, and a final field survey was conducted March 6, 7, and 8, 2017.

Literature reviews and database searches were conducted in support of this biological study, which included a review of the CNDDDB, California Native Plant Society (CNPS) database, and U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species List. Summaries of these searches are located in Appendix B. The CNDDDB provides element-specific spatial information on individual documented occurrences of special status species and sensitive natural vegetation communities. The CNPS database provides similar information, but at a much lower spatial resolution, for additional sensitive plant species tracked by the CNPS. The USFWS query generates a list of federally protected species known to potentially occur within individual USGS quadrangles. Wildlife species designated as “Fully Protected” by California Fish and Game Code Sections 5050 (Fully Protected reptiles, and amphibians), 3511 (Fully Protected birds), 5515 (Fully Protected fish) and 4700 (Fully Protected mammals) are also included in this list.

Additional databases that were accessed include the USFWS National Wetlands Inventory (NWI) Map (December 2017b), National Hydrology Database (NHD) (April 2017), and Federal Emergency Management Agency (FEMA) 100-year floodplain database (April 2017). Regional hydrologic information was obtained from the Geospatial Data Gateway website of the Natural Resources Conservation Service (NRCS April 2017).

The Project site provides suitable habitat for many plant and wildlife species. It supports five plant communities including Great Valley Mixed Riparian Forest (Holland Element Code 61420), Great Valley Willow Scrub (Holland Element Code 63320), Interior Live Oak Woodland (Holland Element Code 71150), Non-native Grassland (Holland Element Code 42200), and Valley Oak Woodland (Holland Element Code 71130) (Holland 1986). The Non-Native Grassland and oak woodland habitats dominate the Project site (Figures 3-1 and 3-2). These communities provide habitat for a moderate diversity of plant and wildlife species.

The dominant plant species observed in the riparian habitat included the white alder, black cottonwood, valley oak, Himalayan blackberry, black willow, and red willow. The dominant species observed in the oak woodland habitats included interior live oak and valley oak. The dominant species observed in the grassland habitat included ripgut brome (*Bromus diandrus*), rattail sixweeks grass (*Festuca myuros*), and common fiddleneck (*Amsinckia intermedia*).

Surveys recorded minimal wildlife activity in the survey area. This may be due to the high level of traffic that occurred on SR 41. Bobcat (*Lynx rufus*), white-tailed deer (*Odocoileus virginianus*), gray squirrel (*Sciurus griseus*), red-tailed hawk (*Buteo jamaicensis*), western scrub jay (*Aphelocoma californica*), white-crowned sparrow (*Zonotrichia*

leucophrys), and acorn woodpecker (*Melanerpes formicivorus*) were observed in the survey area. No fish, amphibian or reptile species were observed. Plant communities in the survey area, particularly within the riparian corridor of Nelder Creek, likely provide foraging and breeding habitat for other species not observed during surveys.

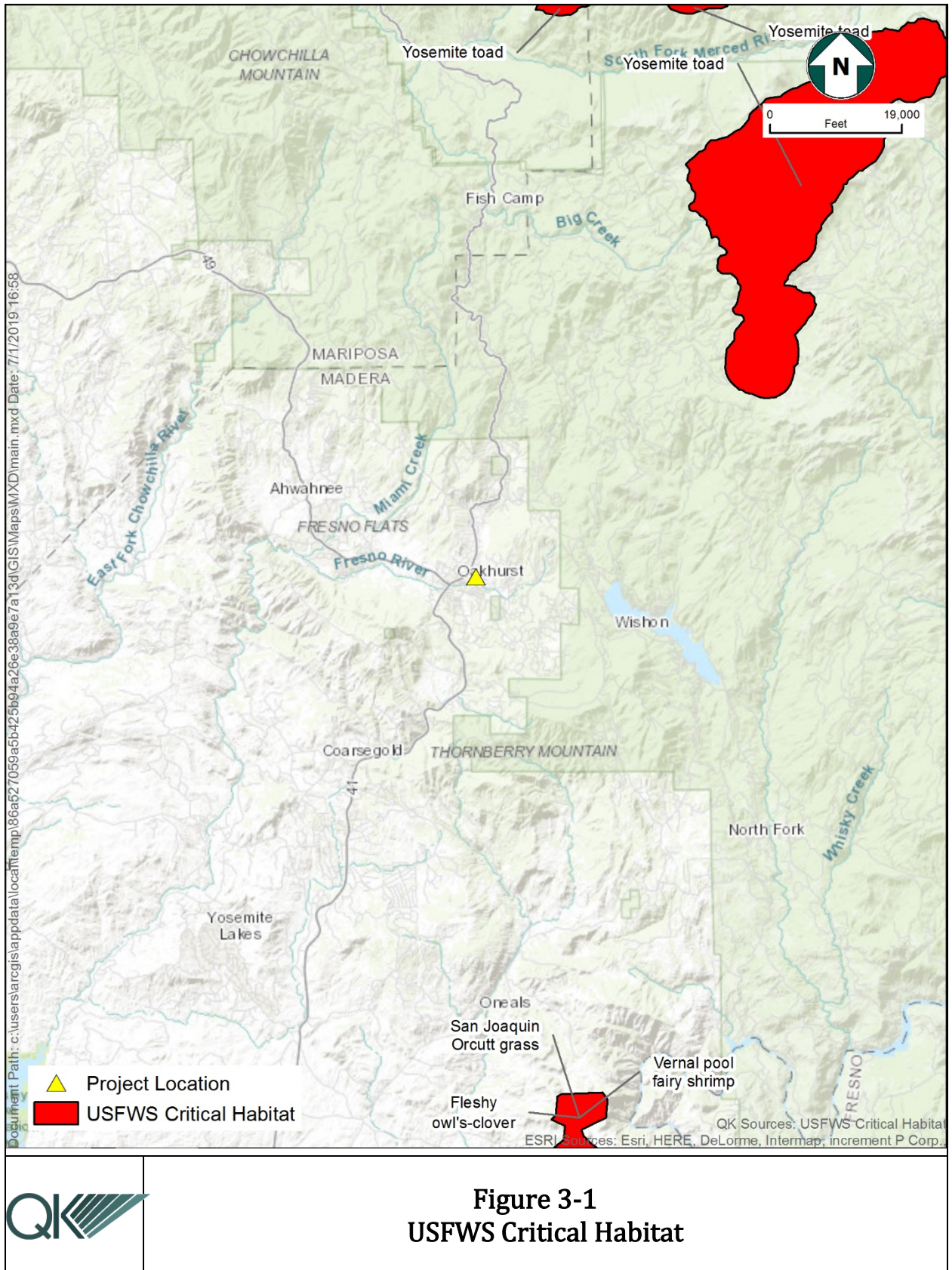
Some special-status species could potentially occur on the Project site and be impacted by the Project. Impacts to species would be significant without the implementation of mitigation measures. Each subject is discussed below, and appropriate measures to reduce impacts to below significant levels are provided where appropriate.

Sensitive/Special-status Plant Species

The Project could provide potential habitat for the orange lupine, Madera leptosiphon, and Yosemite evening primrose. The nearest record of orange lupine occurs from 0.6 mile to 1.8 miles north of the Project (Figures 3-1 and 3-2). This record is from 1976. The exact location of the orange lupine at this location is unknown. The location is only known as somewhere along SR 41 between Oakhurst and Yosemite Forks in the vicinity of an elevation of 2,400-2,600 feet (CNDDDB 2019). The nearest record of Madera leptosiphon occurs 4.9 miles southwest of the Project. This record is from 1932 and the locational information states the record is in the vicinity of Coarsegold (CNDDDBV 2019). There are no records of Yosemite evening primrose within 10 miles of the Project; however, the CNPS rare plant inventory shows occurrences in the Ahwahnee quadrangle, which encompasses the Project.

Special-status Wildlife Species

Of the species that could potentially occur on the Project, six are worthy of special consideration and discussion because they would have a potential to occur on the Project. These include the foothill yellow-legged frog (*Rana boylei*), California red-legged frog (*Rana draytonni*), western pond turtle (*Actinemys marmorata*), pallid bat (*Antrozous pallidus*), fisher (*Martes pennant*) and the American badger (*Taxidea taxus*). Various species of migratory birds and raptors could also have potential to occur on the Project. These six species and migratory birds and raptors are discussed below (Figure 3-3). The potential for occurrence of these and other species is presented in Appendix B).



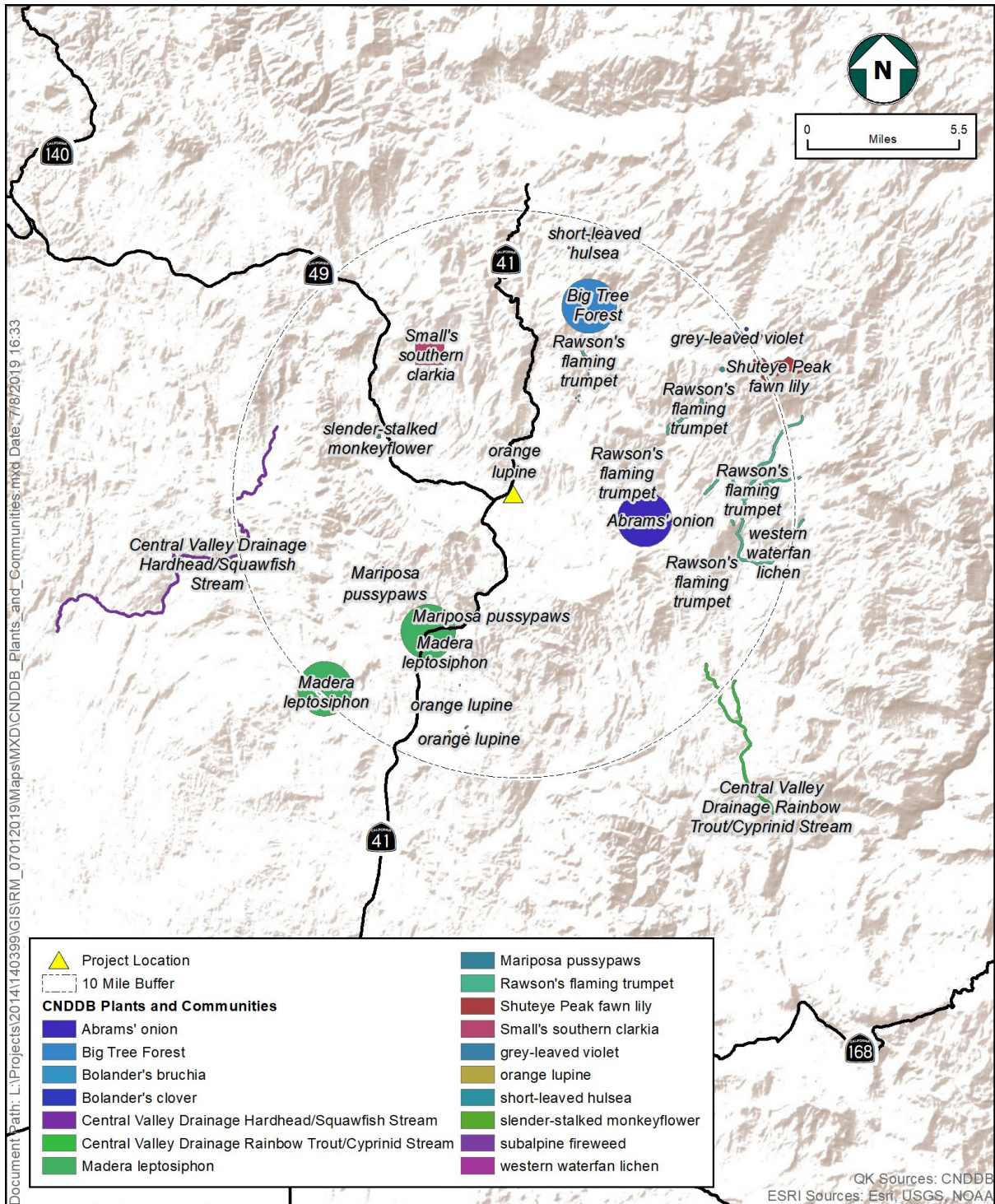


Figure 3-2
CNDDDB Plants and Communities

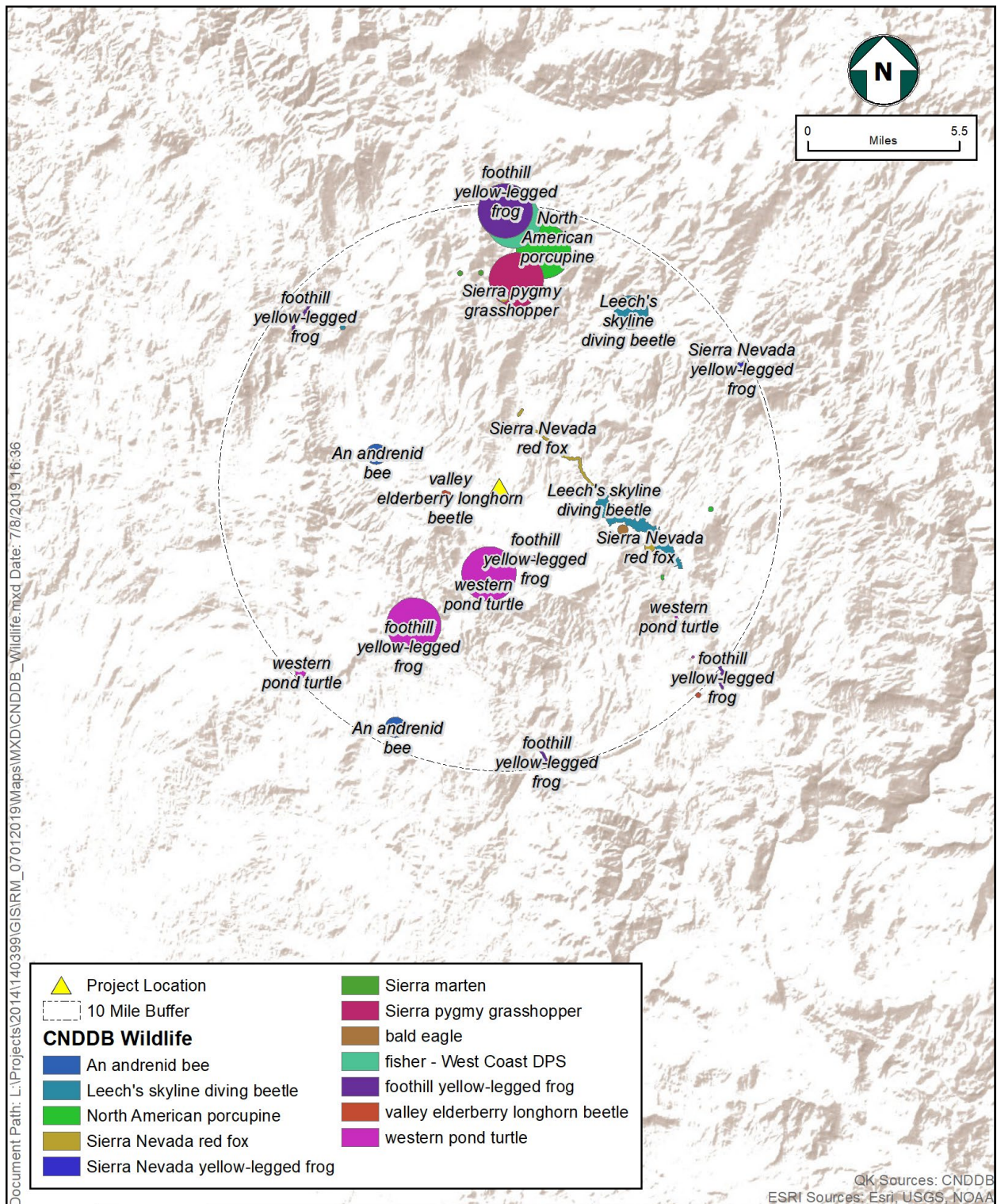


Figure 3-3
CNDDDB Sensitive Wildlife Species

Foothill yellow-legged frogs, a CDFW species of special concern, are primarily diurnal and may be active all year in the mildest climates but may become inactive in colder regions. Unlike other ranid (true) frogs on the west coast, foothill yellow-legged frogs mate and lay eggs exclusively in rivers and streams. Masses of eggs are deposited on the downstream side of cobbles and boulders. This species prefers streams and rivers with flowing water that has either rocky substrate or sunny banks. On occasion, they may be found in ponds and ephemeral waters. No foothill yellow-legged frog was observed on the Project site. There are historic records occurring within 10 miles of the Project site, the closest being approximately two miles to the southeast. The intermittent stream portions of the Project site provide potential habitat for this species. The foothill yellow-legged frog could potentially be present on the Project site and be subject to Project impacts.

The California red-legged frog, a Federally threatened species, is typically associated with stream systems and occurs in a range of habitat types including valley-foothill riparian, mixed conifer, and coastal scrub. California red-legged frogs generally breed between November and March. Breeding sites are usually composed of shrubby riparian vegetation and still or slow-moving perennial and ephemeral waters. Sheltering habitat is a necessary component of upland dispersal habitat, and it is likely a limiting factor in this species' ability to disperse. Dispersal habitat has largely been lost to development and land use that has illuminated protective cover required by this species. No California red-legged frog was observed on the Project site, there are no known records nearby. A recent Site Assessment conducted for the red-legged frog (QK 2017) at a nearby project on Nelder Creek resulted in a finding that the red-legged frog was not likely to potentially occur within or adjacent to the Project site.

Western pond turtles, a CDFW species of special concern, inhabit streams, rivers, and other bodies of slow-moving water. Habitat quality is determined by the presence of permanent water, prey availability, and basking sites. Western pond turtles require upland sites near aquatic habitats for oviposition. The Fresno River and tributary, Nelder Creek, and adjacent uplands provide potential habitat for this species. No western pond turtle was observed on the Project site, but they could potentially occur within these water features occurring on the Project site.

For the pallid bat, a California species of special concern, daytime roosting is most likely to occur in existing structures with relatively warm temperatures, such as attics. They are not typically found roosting in bridges or other open structures, and it is very unlikely that this species would occur within the Project Site, except as night foragers. No roosting habitat is anticipated to be removed from the Project Site and the Project is not likely to impact this species.

The American badger, a California species of special concern, is usually found in grasslands or grassy open areas with scattered shrubby vegetation, but in California it occurs in all habitats except in alpine areas. It generally occurs in very low densities and is widespread but nowhere is it exceptionally abundant. No American badgers or sign of badgers (e.g., dens, tracks, scat, or characteristic scratch marks) were observed on the

Project site. The Project site provides potential denning and foraging habitat for this species, especially along the dirt roads and road berms, and in the hillsides to the northwest of the Project.

The fisher, a State threatened species, is a small, carnivorous mammal with dark brown fur and a long bushy tail. Fishers are generally found between 1,970 and 7,200 feet in elevation and occupy coniferous and mixed conifer and hardwood forests with large diameter trees, high canopy closure, large trees (hardwood and conifer) with cavities, and large down wood. Fishers are obligate users of tree or snag cavities for dens where they prefer to den. No fishers were observed on the Project site but habitat that could support this species occurs on the Project site and includes oaks with larger cavities including a large oak tree with a cavity along SR 41. Though it is unlikely that this species would occur on the Project site, habitat that could support this species is present. It preys on small mammals in the forest understory or in adjacent openings.

Migratory birds and raptors, which are protected by the Migratory Bird Treaty Act and various provisions of the California Fish and Game Code, have the potential to nest on or near the Project site. The trees on and adjacent to the Project site provide nesting substrate for raptors and other birds. Passerines such as acorn woodpecker, western scrub jay, many smaller migratory bird species, and raptors are likely to nest in the oaks and riparian trees that are in and around the Project site. Ground nesting birds may also nest in the herbaceous ground layer that is scattered throughout the Project site. Project construction activities occurring during the nesting season could pose a threat to nesting success.

The Project has the potential to impact some special-status plant and wildlife species including, the orange lupine, foothill yellow-legged frog, western pond turtle, fisher, American badger, and various nesting migratory birds and raptors. Implementation of standard mitigation measures for avoidance and minimization will reduce potential biological impacts to less than significant. These mitigation measures are:

MITIGATION MEASURE(S):

BIO-1 (Botanical Species): Floristic surveys should be conducted to determine the presence of and any project-specific impacts that might occur to orange lupine, Madera leptosiphon, and Yosemite evening primrose. The surveys should be conducted between April and May, which covers the flowering periods of each of the plants. If the species are determined to be absent, then no further measures are warranted. If the species are found to be present, all populations and individuals of should be mapped using GIS and avoided to the maximum extent possible. Exclusion fencing should be established around populations or individuals near work areas on the Project site to protect against take during construction activities. If the removal of populations or individuals becomes necessary and avoidance of this species is not able to be implemented, the California Department of Wildlife will be provided a 10-day advance notice prior to construction

activities that would impact the species to allow the CDFW to implement salvage operations.

MM BIO-2 (Foothill Yellow-Legged Frog): A qualified biologist shall conduct a preconstruction survey for the foothill yellow-legged frog within 14 days of ground disturbance activities. Construction monitoring by a qualified biologist will be conducted during all initial clearing and grubbing activities to prevent direct mortality of foothill yellow-legged frog from construction activities.

If foothill yellow-legged frogs are identified on the Project site, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts will be installed to exclude amphibians from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to amphibians. Construction Best Management Practices (BMPs), such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual frogs may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the creek. If frogs are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

MM BIO-3 (Western Pond Turtle): A preconstruction survey for the western pond turtle shall be conducted by a qualified biologist no more than 14 days prior, and again 24 hours prior to ground-disturbance activities where suitable habitat exists.

If western pond turtle or their nests are observed during pre-construction surveys, a qualified biologist will be on site to monitor construction in all suitable habitat. Western pond turtle found within the construction area will be allowed to leave of their own volition or will be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the project site.

If western pond turtle nests are identified on the Project site during preconstruction surveys, a 300-foot no disturbance buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist.

If western pond turtle are observed, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot

metal posts will be installed to exclude reptiles from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to reptiles. Construction BMPs, such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual turtles may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the creek. If pond turtles are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

MM BIO-4 (American Badger): The *USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be followed (USFWS 2011), as those recommendations will protect the American badger. The measures that are listed below have been excerpted from those guidelines and will protect American badger from direct mortality and from destruction of active dens.

A pre-construction survey shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius

Project-related vehicles shall observe a 20-mph speed limit in all Project areas, except on City and County roads and State and Federal highways. Nighttime construction shall be avoided. Off-road traffic outside of designated Project areas shall be prohibited.

To prevent inadvertent entrapment of badgers or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than two feet-deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured badger is discovered, the procedures in this section must be followed.

Badgers are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more

overnight periods shall be thoroughly inspected for badgers before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a badger is discovered inside a pipe, the pipe will not be moved until the badger has been able to escape of its own accord. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the badger has escaped.

All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.

To prevent harassment, mortality of badgers or destruction of dens by dogs or cats, no pets shall be permitted on the project site.

In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the CDFW should be contacted for advice.

Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures an American badger shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped badger. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

MM BIO-5 (Nesting Migratory Birds): Pre-construction surveys shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and nesting migratory birds to occur if construction occurs during the breeding season (loosely defined as February 15 to August 15). The areas to be examined include all areas that are suitable for the establishment of nests, such as trees, power poles, shrubs, including a ground cover of grasslands and disked areas. The pre-construction surveys shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period nests shall be assessed by a qualified biologist and an appropriate buffer/Environmentally Sensitive area established, with a minimum buffer of 250 feet for all migratory bird nests.

BIO-6 (Fisher): A pre-construction survey should be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the fisher. All cavities that could be occupied by the fishers should be documented and examined using a remote camera. The camera should remain in place for three nights to determine the presence/absence of fishers. If no potential fisher dens are present, no further mitigation would be required. If occupied dens are found and avoidance is feasible, a 50-foot avoidance buffer should be established around the den site. If an active den cannot be avoided, then the den should be fitted with a one-way door to passively evict the fisher from the den. A remote camera should be placed at the den to identify when the fisher has emerged from the den and once the den is unoccupied then it shall be removed or effectively plugged so as not to allow re-entry by a fisher. All other unoccupied dens on

the Project site should be plugged or removed prior to conducting passive evictions. As an alternative to passive eviction, any fisher occupying a den should be captured and relocated. Both passive eviction and relocation would require consultation with the CDFW but capture and relocation activities would also likely require the preparation of a relocation plan that would identify areas where the fishers would be released.

CONCLUSION:

There will be a less-than-significant impact with implementation of mitigation measures.

- b. **Substantial Adverse Effect on Sensitive Habitat:** Riparian habitats are defined as vegetative communities that are influenced by aquatic habitats, specifically the land area that encompasses the water feature and its associated floodplain. There are 0.98 acre of riparian habitat occurring along Nelder Creek, its tributaries, and the Fresno River on the Project site. This riparian habitat, including all bank-to-bank habitat is under the jurisdiction of the CDFW. Impacts to this riparian habitat, along with impacts to the bed, bank and/or channel, would require a Lake and Streambed Alteration Agreement (LSAA) from the CDFW.

Impacts to trees with diameter at breast height (DBH) greater than or equal to four inches within the Project site could include removal of up to 57 oak trees, including 43 Valley oaks, five interior live oaks, and nine blue oak (*Quercus douglasii*) trees. There are also five riparian trees that could be removed. There are no other sensitive natural communities or habitats that would be impacted by the Project.

MM BIO-7 (Riparian Habitat and Oak Trees) (Also MM AES-1): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are greater than or equal to four inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees greater than five inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g., ESA fencing, plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of three trees planted for every one tree removed. Planting shall consist of a minimum of one-gallon container trees, and irrigation shall be provided for the first three years after planting. Herbaceous vegetation shall be controlled within a two-foot diameter area around each tree planted by using hand-removal of vegetation or by application of herbicide during the spring and summer months (March to August). Only herbicides approved by the Environmental Protection Agency (EPA) for use near or in aquatic environments shall be allowed. Installation of a mulch layer would provide an additional element of weed control. A monitoring program shall be developed to ensure that a minimum of 70 percent of all plantings survive after a period of three years with irrigation and another two years with no irrigation. A biological monitor will oversee all

clearing and grubbing activities to ensure that impacts to oak trees are avoided, removed trees are documented, that plantings occur at the prescribed ratio, that the irrigation system installed is effective, and that the success criteria of 70 percent survival is met after five years.

An annual monitoring schedule shall be established and shall include annual surveys by a qualified biologist or professional in revegetation planting. Surveys of the revegetation efforts shall consist of assessing the status of each tree planted and calculating the overall survival rate for each of the species and identifying remedial actions that need to be taken (e.g., installation of exclusion fencing). A report including the results of the monitoring surveys, as well as photo documentation of maintenance and monitoring activities, shall be maintained over a minimum period of five years. The Restoration Monitoring Report shall include proposed measures that would be conducted to more effectively achieve success criteria. An adaptive management strategy shall be used to facilitate efficient remedial restoration if needed to achieve restoration success criteria. The successful establishment and propagation of riparian trees is highly dependent upon site-specific conditions and stochastic events, and often requires adaptive management to maximize success while minimizing costs.

CONCLUSION:

There will be a less-than-significant impact with implementation of mitigation measures.

- c. **Have A Substantial Adverse Effect on Federally Protected Wetlands:** Nelder Creek, its tributaries, and the Fresno River are waters of the U.S., and are under the jurisdictional purview of the U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE). These waters establish connectivity with Hensley Lake and ultimately the San Joaquin River. The Project site encompasses jurisdictional State and/or federal waters including Nelder Creek, its tributaries, an unnamed drainage, and the Fresno River. Accordingly, impacts to waters of the U.S. might be as low as 0.14 acre within the OHWM and impacts to waters of the State are estimated to be under 0.06 acre. The final design of the project is not yet complete, prohibiting the exact quantification of impacts to federal and State waters. No wetlands will be impacted by the Project.

Impacts to federal waters on the Project site would require Section 404 permitting with the USACE under the Clean Water Act. The Project waters are also Waters of the State under the jurisdiction of the Regional Water Quality Control Board (RWQCB). In accordance with the Porter-Cologne Act, the RWQCB typically claims jurisdiction of all surface waters. Accordingly, a Section 401 permit from the RWQCB would be necessary for Project implementation and to cover all Project waters. The CDFW regulates impacts to streambeds, streambanks, and associated riparian vegetation through Section 1600 of the California Fish and Game Code. A Section 1600 LSAA from CDFW would be needed prior to Project development activities within those areas under the jurisdiction of the State.

MM BIO-8 (Wetlands and Waters): The Project will result in impacts to Nelder Creek, its tributaries, and an unnamed drainage. The applicant shall implement standard BMPs to prevent sediment from entering watercourses during and after construction. Exclusion fencing (i.e. silt fencing) shall be placed around the perimeters of disturbance areas to prevent encroachment beyond permitted limits. Erosion control measures (e.g. silt fence, amphibian-friendly straw wattles, staked bales, and revegetation) shall be implemented in disturbed areas. A spill prevention and countermeasure plan shall be included in a SWPPP that would identify proper storage, collection, and disposal measures for potential pollutants (fuel, fertilizers, pesticides, etc.) used onsite. The plan shall detail the proper storage, handling, use, and disposal of all construction-related products, particularly for work within and adjacent to the creek. All fueling, maintenance, and staging of equipment and vehicles shall occur outside of the creek bed and above the top of the bank, and these areas would be designed to control runoff. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation shall be retained where possible. Grading activities shall be limited to the immediate area required for construction.

During extreme weather events, temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. Disturbed areas shall be revegetated after completion of construction activities using a mix of three native grass species that are common to the Project site. Seeding shall occur using hydro-seeding techniques, using a minimum of five pounds of seed per acre, for each of the three species. Sanitary facilities shall be provided for construction workers. Hazardous materials shall be stored in appropriate and approved containers, maintaining required clearances, and should be handled in accordance with applicable regulatory agency protocols.

CONCLUSION:

There will be a less-than-significant impact to waters of the U.S. and waters of the State with implementation of mitigation measures. It should be noted that the Project applicant would need to obtain a Section 404 permit from the USACE, a Section 401 permit from the RWQCB, and a Section 1600 LSAA from CDFW. The measures described in MM Bio-8 are typically included as permit requirements. However, permits can have additional or different requirements than those included within the CEQA document. Specific conditions required by permits shall be implemented as Project mitigation measures.

- d. **Interfere the Movement of Any Fish or Wildlife Species or Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites:** Wildlife movement corridors are routes that

provide shelter and sufficient food supplies to support regular movement of wildlife species. Movement corridors usually consist of riparian, woodland, or forest habitats that span contiguous acres of undisturbed habitat, and are important elements of residential species' home ranges. Nelder Creek and the Fresno River and their associated riparian habitat likely function to some extent as a movement corridor for local fish and wildlife species. No wildlife movement corridors are shown for the Project vicinity in the Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) or Essential Habitat Connectivity Area (Spencer, 2010). Accordingly, accepted, established movement corridors do not exist and would not be impacted by the Project. The Project site does not serve as a wildlife movement corridor, and no evidence of wildlife nursery sites was observed on the site during the reconnaissance survey. However, the riparian habitat occurring on and near the Project site could function as a movement corridor for some wildlife species such as migratory birds. No CNDDDB records for sensitive fish species occur on or near the Project site and no Essential Fish Habitat occurs on or near the Project site. The Project will not impact fisheries or fisheries movement corridors.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- e. **Conflict with Local Policies or Ordinances Protecting Biological Resources:** The County of Madera General Plan requires that feasible mitigation measures be implemented for projects to ensure that they do not contribute to the decline of plant or wildlife populations in a manner that would compromise the viability of the species. The General Plan also requires the development of a tree ordinance, but this policy is still under development. The Project would not conflict with any local policies or ordinances.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

- f. **Conflict with an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan:** The County of Madera General Plan requires that feasible mitigation measures be implemented for projects to ensure that they do not contribute to the decline of plant or wildlife populations in a manner that would compromise the viability of the species. The General Plan also requires the development of a tree ordinance, but this policy is still under development. The Project would not conflict with any local policies or ordinances.

MITIGATION MEASURE(S):

None are required.

CONCLUSION:

There will be no impact.

There are no biological issues that would preclude the development of the proposed Oakhurst Midtown Connector Project. No special-status species were observed on the Project site, but nesting migratory birds, and other species could potentially occur there in the future. Several pre-construction surveys and avoidance measures are required to ensure that the Project results in less than significant impacts to all sensitive biological resources. The orange lupine, western pond turtle, foothill yellow-legged frog, American badger, fisher, and nesting migratory birds and raptors have potential to occur within the Project Study Area. Mitigation measures are incorporated for the protection of these species. Preconstruction surveys and avoidance measures will ensure that potential Project impacts to special status species would be reduced to less than significant levels.

Measures have been included to reduce impacts to waters, wetlands, and riparian habitat. These measures may be included in required permits as well. The Project applicant would need to obtain a Section 404 permit from the USACE, a Section 401 permit from the RWQCB, and a Section 1600 LSAA from CDFW. The applicant would comply with all conditions of the permits and describe and quantify permanent or temporary impacts to the flow, bed, channel, and bank, as well as the associated riparian habitat. A revegetation plan will be prepared and implemented, which will provide compensatory measures for removal of oak and riparian trees and riparian habitat. BMPs designed to prevent erosion and sedimentation to Project waters shall be implemented during Project activities. Mitigation measures would reduce potential Project impacts to oak trees, riparian trees and riparian habitat and Project waters of to less than significant levels.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.5 - CULTURAL RESOURCES

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. **Historic and Archaeological Resources:** A Phase 1 survey was conducted, and a Cultural Resources Inventory prepared for the original project location by Applied Earth Works, Inc. (AE) (Lloyd and Asselin, 2016). An Archaeological Evaluation of CA-MAD-2824/H was then completed by Culturescape for Compliance Solutions and the Madera County Public Works Department in late 2015 and early 2016 (Culturescape, 2016). It was then determined that a partial, new alignment for the Oakhurst Connector would be needed.

Culturescape conducted a pedestrian survey (Phase 1 surveys) in fall 2018, which included both the new alignment and the CA-MAD-2824/H site. This survey included a portion of the present Area of Potential Effect (APE) along SR 41 and on Teddy Bear Lane and on both sides of the Nelder Creek within the new study area to identify the extent of previously located site CA-MAD-2824/H (Culturescape, 2019a). The Phase I survey failed to locate any surface artifacts on the western side of Nelder Creek; however, correspondence with Native American informants indicated the possibility of a site located within the Project area. Because of the active soils, a lack of visibility of the ground surface, and the close proximity to two other sites, Culturescape recommended that a further study be conducted on portions west of the creek, while testing be conducted along the eastern side of the creek.

The additional survey and shovel testing were conducted by Culturescape in April 2019 (Culturescape, 2019b). Results of the survey and testing indicated that the west side of

the creek lacked any significant cultural materials or intact features. Of the four (shovel test) units placed on the east side of the creek, a few obsidian flakes were found. While no further study was suggested, monitoring during construction is required within these designated areas to ensure that isolated features and accidental discovery can be properly assessed.

MITIGATION MEASURE(S):

MM CUL-1 (Fencing of Sensitive Cultural Resources): An environmentally sensitive area shall be designated using fencing between locus 3 and the main site of CA-MAD-2824/H that excludes equipment onto the site.

MM CUL-2 (Archaeological Monitoring): Archaeological monitoring shall be carried out during initial ground disturbance and any subsequent digging during construction of the roadway and especially on the finger ridge on the west side of the Nelder Creek, and within the boundaries of CA-MAD-2824/H on the eastern side of the creek.

MM CUL-3 (Burials): Prior to construction, a recovery plan shall be in place to address the possibility of accidental discovery. This plan will include a process to evaluate any finds located in the field and for the recovery and repatriation of any burials that may be located. Sample language that could be considered for inclusion in the recovery plan follows:

The County will incorporate into the construction contract(s) for the Project a provision that if a resource potentially qualifying as an historical resource or unique archaeological resource per CEQA Guidelines Section 15064.5 and Public Resources Code section 21083.2 is inadvertently discovered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 50-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. A professional archaeologist, as selected by the County, shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under CEQA, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The County shall implement said measures. Once the measure(s) chosen by the County have been identified and implemented, construction work in the area within 50 feet of the find shall be resumed.

CONCLUSION:

Implementation of Mitigation Measure CUL-1, CUL-2 and CUL-3 will reduce the impact on historic and archaeological resources to a level that is ***less than significant with mitigation incorporated.***

- b. **Significant Change in Archaeological Resource:** See (a)

-
- c. **Paleontological Resources:** Neither Culturescape’s surface surveys, shovel tests nor backhoe trench samples – at a depth of three meters (Culturescape, 2016) indicated the presence of unique geological features or known fossil-bearing sediments in the vicinity of the proposed Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of less than significant.

MM CUL-4 (Paleontology): The County will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the County of Madera, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

CONCLUSION:

There will be a less-than-significant impact with mitigation incorporated.

- d. **Burial Sites:** Subsurface construction activities associated with the proposed Project could potentially disturb previously undiscovered human burial sites. Accordingly, this is a potentially significant impact. The recovery plan included in CUL MM-3 will include measures to reduce this potentially significant impact to a level of less than significant.

MITIGATION MEASURES:

MM CUL-3: Prior to construction, a recovery plan shall be in place to address the possibility of accidental discovery. This plan will include a process to evaluate any finds located in the field and for the recovery and repatriation of any burials that may be located.

CONCLUSION:

There will be a less than significant impact with mitigation incorporated.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.6 - GEOLOGY AND SOILS

Would the project:

- | | | | | | |
|------|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. | Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. | Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. | Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Result in substantial soil erosion or the loss of topsoil? | <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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? | <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 risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems when sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Seismic Effects** (a-i through a-iii): According to the Madera County General Plan Background Report (1995), there are no active or potentially active earthquake faults of major historic significance within Madera County. The San Andreas Fault lies west of the County line (over 70 miles from the Project area), and the Owens Valley Fault Group is approximately 80 miles east of the County line. Other, more minor faults occur in the Sierra Nevada Range, although none occur in close proximity to the Project area. The soils of the site will accommodate the proposed Project. Any impact of ground shaking will be reduced to a less than significant level through compliance with regulatory measures, such as *Title 24 Building Standards* and roadway design standards.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be a less-than-significant impact.

Landslides (a-iv): According to the Madera County General Plan Background Report (1995), the Project area is located in the “low risk” category of the County. The low risk category includes those areas that consist “of hillside and mountainous terrain of competent igneous and metamorphic rocks and sedimentary rocks with favorable bedding and composition.”

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- b. **Soil Erosion, Instability, Expansive Soil Hazards:** The proposed Project is located at an elevation of approximately 2,300 feet above AMSL. The proposed 365-foot long bridge

and elevated approach will cross Nelder Creek, with the result that the bridge elevation will remain consistent with the roadway on either side of the approaches. Soils in the Project area are of Ahwahnee and Auberry rocky coarse sandy loams, common in the foothills at this elevation and range from eight to 30 percent (NRCS, 2017b) (Figure 3-4). Both the Ahwahnee and Auberry soils are well drained, with slow to rapid runoff, and are moderately permeable. The Ahwahnee soils are generally deep and consist of coarse sandy loams to very rocky coarse sandy loams and can (and do) include bedrock outcrops. Thicker profiles provide moderate water holding capacity. Soil types in the area are not conducive to liquefaction, as they are either too coarse or are too high in clay content. A small portion of the Project site, near the intersection of Road 427 and Indian Springs Road intersection, is classified as Visalia sandy loam, with slopes ranging from zero to three percent. Visalia sandy loam is well-drained and has very low run-off.

Conclusion: The soils of the site will accommodate the development; erosion and instability are not likely to occur along the roadway. Furthermore, the Project will include roadway excavation totaling approximately 7,410 cubic yards (CY) of material (Pers. Comm, Cornerstone, March 2017) which will be recycled back into the Project, resulting in an additional 39,190 CY needed for imported borrow. Construction will create temporary impacts, although the total cross section will remain the same. To reduce potential impacts to soils and water quality, the contractor will perform water pollution control work in conformance with the requirements in the "Storm Water Pollution Prevention Plan and Water Pollution Control Program Preparation Manual" (2016).

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be a less-than-significant impact.

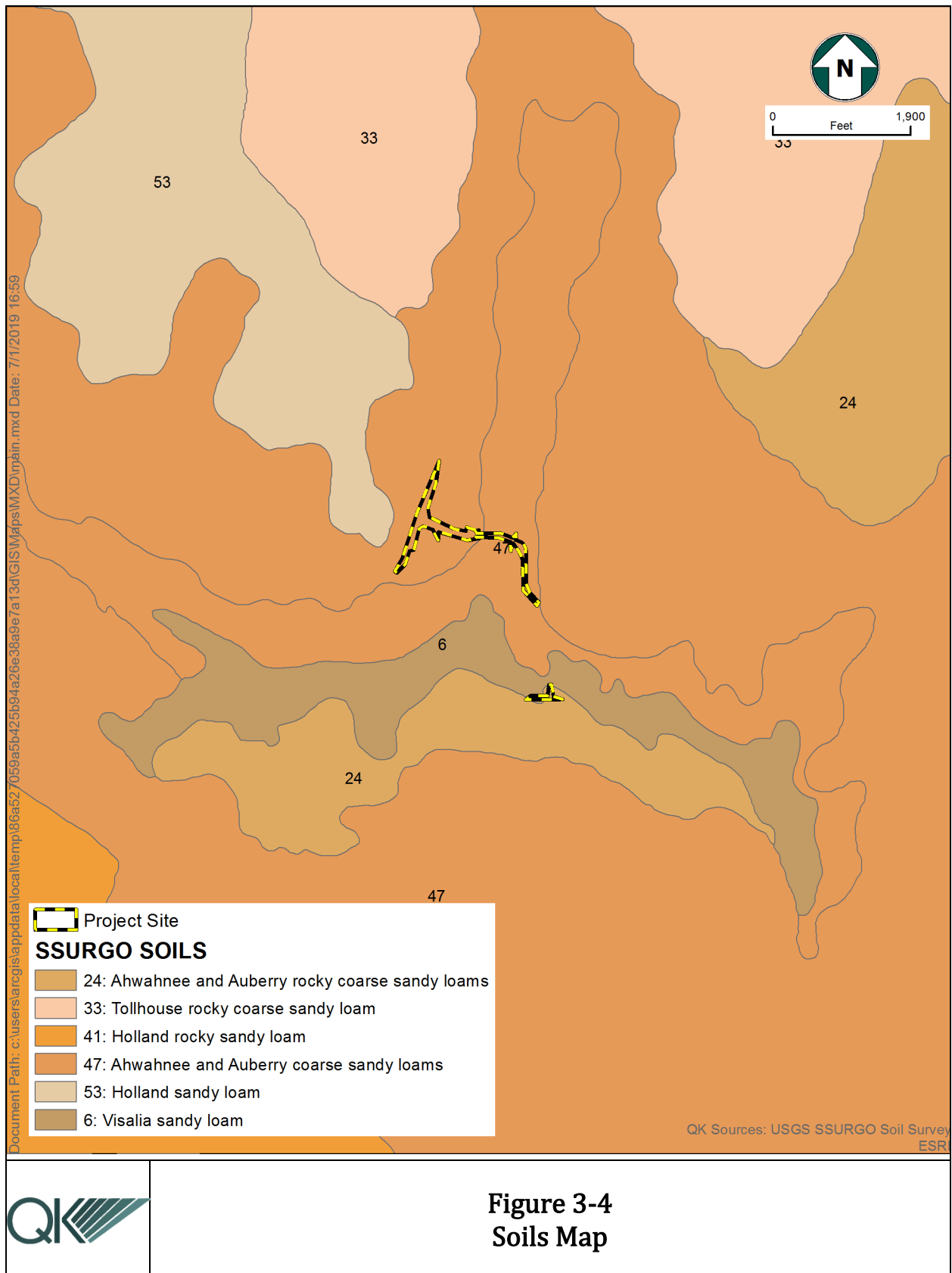
- c. **Instability:** See (b)
- d. **Expansive Soil Hazards:** See (b)
- e. **Wastewater Disposal:** The Project will not involve wastewater facilities.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.7 - GREENHOUSE GAS EMISSIONS

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion

- a. **Greenhouse Gas Emissions:** During construction activities, greenhouse gases would be emitted from construction equipment vehicle and truck exhaust. The SJVAPCD does not have thresholds or guidance regarding the significance of construction-related emissions. However, that does not mean a significance finding should not be identified. For purposes of estimating GHG impacts, the construction year was estimated to be 2019. Construction is now scheduled for 2020. Because requirements for emissions becomes more stringent with time, construction vehicles used in the modeling will have lower emissions. This could result in lower emissions than those estimated in the models. The Sacramento Metropolitan Air Quality Management District's Road Construction model was used to estimate emissions from the proposed Project (see Appendix A). Project GHG emissions are shown below (Table 3-2). The 2019 GHG emissions for the Project are 909.0 metric tons (MT) for CO₂ and 832.49 for MTCO₂e. During construction activities, greenhouse gases would be emitted from construction equipment, vehicle, and truck exhaust. The SJVAPCD does not have thresholds or guidance regarding the significance of construction related emissions.

**Table 3-2
Greenhouse Gas Construction Emissions (2019)**

	Emissions (tons)	
	CO ₂	MTCO ₂ e
2019	909.0	832.49

MTCO₂e = (short tons of gas) x (global warming potential) x (0.9072 metric tons per short ton)

Source: Sacramento Metropolitan Air Quality Management District's Road Construction Model, Version 8.1.0

During construction activities, greenhouse gases would be emitted from construction equipment, vehicle, and truck exhaust, however construction emissions are temporary in nature. The SJVAPCD does not have thresholds or guidance regarding the significance of construction related emissions. However, that does not mean a significance finding should not be identified. Project construction would begin in the summer of 2020. AB 32 requires that emissions within the State be reduced to 1990 levels by the year 2020. These construction emissions were estimated to be minimal and would occur at lower levels in 3030 and after: therefore, construction-generated GHGs are less than significant and no mitigation is required.

Although the Project would result in emissions that would fall below the SJVAPCD's thresholds of significance, the EPA provides guidance for further construction emissions reductions. Although these are not required to bring the Project below significance levels, the following measure are highly encouraged, and may be required under State regulations:

Recommendation- 1: Improve fuel efficiency from construction equipment:

- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes (5 minute- limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be in proper condition before it is operated.
- Train equipment operators in proper use of equipment.
- Use the proper size of equipment for the job.

Recommendation- 2: The County shall use alternative fuels for generators at construction sites such as propane or solar or use electrical power.

Recommendation- 3: The County shall encourage the recycling or salvaging non-hazardous construction and demolition debris (goal of at least 75% by weight).

Recommendation- 4: The County shall utilize good-faith-effort to use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials).

Separate from CEQA and NEPA, the SJVAPCD maintains a list of rules of regulations that apply differently to projects depending on a number of factors. For example, it has been

preliminarily determined that Rule 9510 (Indirect Source Review) and Regulation VIII (Dust Control Plan) would be applicable to this Project. As SJVAPCD rules and regulation conformance is separate from CEQA and NEPA, the County should consult with the SJVAPCD directly to fully access the rules and regulations that would apply to this Project.

Recommendation- 5: The County shall consult with the SJVAPCD regarding conformance with Rule 9510 (Indirect Source Review).

Recommendation- 6: The County shall consult with the SJVAPCD regarding conformance with Regulation VIII (Dust Control Plan).

Recommendation- 7: The County shall consult with the SJVAPCD to ensure that all additional applicable rules and regulations are adhered to, including developing a plan for dust control.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be a less-than-significant impact.

- b. Conflict with Plans:** The County of Madera does not have an adopted Climate Action Plan. Therefore, the plan adopted for the purpose of reducing the emissions of GHGs applicable to the proposed Project is the California Air Resource Board's (ARB's) approved Scoping Plan, which will be used to determine significance for this criterion. The ARB Governing Board approved the first Climate Change Scoping Plan in December 2008. The First Update to the Climate Change Scoping Plan was approved by the Board on May 22, 2014. In 2016, the Legislature passed AB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With AB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. ARB has moved forward with a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32, and it was approved in December 2017. The Project would generate emissions during construction, which are temporary by nature, and will not result in continual operational GHG emissions that would exacerbate and/or conflict with any adopted plans; therefore, impacts would be less than significant.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be a less-than-significant impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.8 - HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
adjacent to urbanized areas or where residences are intermixed with wildlands?				

Discussion

- a. **Hazardous Materials:** Project construction activities may involve the use and transport of hazardous materials. Materials may include fuels, oils, mechanical fluids, and other chemicals used in equipment during construction. The use of such materials would be considered minimal and would not require these materials to be stored in bulk form. As such, the Project would not create a significant hazard to the public through the routine use, transport, or disposal of hazardous materials. Since hazardous materials will not be stored in bulk form, no impacts are expected regarding potential upset and accidental conditions involving the release of hazardous materials into the environment. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that humans and the environment are not exposed to hazardous materials.

Further, existing requirements require construction contractor(s) to perform water pollution control work in conformance with the requirements in the Storm Water Pollution Prevention Plan and Water Pollution Control Program Preparation Manual (2016) to reduce potential impacts from construction, storage of equipment and vehicles, cleanup of concrete, and other construction related activities. According to EnviroStor, there are no known hazard-emitting sites within one mile, including either hazardous waste sites or underground storage tanks; therefore, there is no possibility that Project construction could cause an upset or accidental release.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- b. **Release of Hazardous Materials into Environment:** See (a)
- c. **Exposure of Schools to Hazardous Materials:** Oakhurst Elementary School is located approximately 0.4 miles from the proposed intersection improvements at Road 427 and Indian Springs Road on the existing Indian Springs Road. Oak Creek Intermediate School and Indian Springs Children's Center are located approximately 0.1 mile from the same intersection. As discussed in Section 3.3, Air Quality, the proposed Project would not emit

air pollutants at levels that would exceed health and safety exposure thresholds. In addition, as discussed above, the proposed Project would not be classified as a large quantity user of hazardous materials or engage in potentially hazardous activities (e.g., bulk material storage or chemical processing, refining, etc.). For these reasons, it can be concluded that the proposed Project would not expose the school to unacceptable levels of risk.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- d. **Hazardous Materials Site:** The Project site is not included on the California Department of Toxic Substances Control lists, including the “Cortese List.” These lists contain reported hazardous materials sites, include leaking underground storage tanks, solid waste disposal sites, or hazardous waste and substances sites compiled pursuant to Government Code Section 65962.5. As such, no impacts would occur that would create a significant hazard to the public or the environment.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- e. **Airport Land Use:** The Project is not located within an airport land use plan. The Project is not located in the vicinity of a private airstrip. The nearest airport is the Daulton private air strip, located approximately 32 miles away at 31131 Road 603 in Madera.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- f. **Private Airstrip:** See (e)

- g. **Adopted Emergency Response Plan or Emergency Evacuation Plan:** One lane of SR 41 in the downtown area of Oakhurst, and one lane of Indian Springs Road will remain open during the eight-month construction phase of the Project to avoid road closures.

Temporary concrete K-rails will be used to separate the roadway traffic and construction workers during construction. During construction, standard procedures will be used to assure that emergency response vehicles will not suffer delays in traveling through the Project area.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be no impact.

- h. Wildfires:** According to the California Department of Forestry and Fire Protection, Fire Hazard Severity Zone Map Update Project (2007), the Project site is located in a moderate fire hazard zone. The areas surrounding the Project site contain developed/disturbed land consisting of residential and commercial uses. Vegetation immediately adjacent to the Project consists of willows, ponderosa pine, Valley oak trees, elderberries, and other shrubs and grasses. Typical construction-related impacts could occur, including the potential fire threat associated with equipment and vehicles coming in contact with wildland/vegetative. Construction vehicles and equipment such as welders, torches, and grinders may accidentally spark and ignite vegetation within the study area. The increased risk of fire during the construction of the Project would be similar to that found at other roadway construction sites and would be considered potentially significant. Mitigation measures are included to reduce potential for fire during the construction phase.

MITIGATION MEASURES:

MM HAZ-1: Construction contractors shall ensure that any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

MM HAZ-2: Construction contractors shall ensure that during construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.

CONCLUSION:

There will be a less-than-significant impact with mitigation incorporated.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.9 - HYDROLOGY AND WATER QUALITY

Would the project:

a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<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, in a manner that would result in substantial erosion or siltation on site or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Place housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

h.	Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. Water Quality:

The proposed Project will not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality. Water quality objectives will be met during the construction phase through the adherence to requirements described in permits, such as the Clean Water Act (CWA) Section 401 certification and the Section 1602 SAA issued by CDFW. The contractor will assign a water pollution control manager, who will train workers, and manage a project plan based on State, federal, and Caltrans requirements, to reduce potential impacts to water quality, soils, and other resources. The contractor(s) will perform water pollution control work in conformance with the requirements in the Storm Water Pollution Prevention Plan and the Water Pollution Control Program Preparation Manual (2016). BMPs based on a Storm Water Data Report will be incorporated into the project design and conditions of approval for the project. The project will result in a total of 2.7 acres of additional impervious area. Potential impacts from runoff will be managed through drainage element design. The natural topography includes sloping land and will transport water naturally. The Midtown Connector will have curb and gutter on both sides of the roadway. Stormwater from the roadway will be conveyed down these gutters to drainage inlets that go to the natural drainage swales and creek beds. Stormwater from the embankment will be directed to follow natural drainage patterns. The curbs and gutters will carry precipitation from the pavement down the corridor to a low area east of the bridge, where it will be conveyed through drains, riprap, and other features to the existing creek. Because the plans include curbs, gutters, culverts, and other water controls, the project will improve the current drainage for properties directly downstream of the Midtown Connector. This design is in compliance with County of Madera standards. Compliance with regulatory measures will ensure that impacts to water quality are less than significant with mitigation incorporated.

MITIGATION MEASURES:

MM BIO-8 (Wetlands and Waters) will be implemented to avoid impacts to water quality during construction, and as a result of the Project.

CONCLUSION:

There will be a less-than-significant impact with implementation of mitigation measures.

- b. Groundwater:** The proposed Project will require minimal amounts of water for dust control purposes during construction. All water required during construction of the Project will be imported to the proposed Project site from adjacent sources with existing entitlements. Upon completion, the proposed Project would not draw water and therefore, not deplete existing groundwater supplies. Construction materials, including topsoil and chemicals, will be stored, covered, and isolated to prevent runoff losses and contamination of groundwater. An abandoned well near the intersection of SR 41/Midtown Connector, along the north side of Midtown Connector will be removed. The abandoned well will be destroyed in accordance with the Madera County Code. An active well, which serves an existing residence west of the proposed bridge, will be relocated per Madera County permitting requirements and restrictions. The new well will be discussed during the Right of Way acquisition phase of the project and will be installed to the current County of Madera Standards. A second, active well is located north of the Midtown Connector and will not be affected by the Project although new access may be required. This access would be “in kind,” that is, it would be of similar materials to the current access, with details to be determined during the Right of Way acquisition process.

The project will result in a total of 2.7 acres of additional impervious area. Water from the roadway will flow to the existing creek through a series of conveyance methods as determined in the project SWPPP and will remain in the local subbasin. Because the water will eventually percolate into the ground, there will be no net loss of groundwater. The project will not deplete groundwater supplies or interfere substantially with groundwater recharge.

MITIGATION MEASURES:

None are required

CONCLUSION:

There will be a less-than-significant impact.

- c. Surface Water:** According to the USACE, *Hidden Lake, Fresno River Reservoir Regulation Manual* (1975), 90 percent of run-off producing precipitation occurs during the period from November to April. Construction will occur during the driest months (April 15th through October 15th), so that it is unlikely that Nelder Creek will have flowing water. However, depending on construction scheduling, some construction may extend past November into December. Should water be present during this period, a temporary cofferdam or drainage pipes/culverts will be used to divert the water flow. The contractor will take necessary precautions to assure that water quality from construction does not impact the quality of surface water.

The Project will comply with regulatory standards (USACE Section 404 permit, RWQCB Water Quality Certification and CDFW 1600 LSAA) to ensure that the Project does not violate any water quality standard or waste discharge requirements, or otherwise substantially degrade water quality during the construction phase. During the operation of the project, water will flow through a series of conveyances to Nelder Creek. Assuming the project area receives 30 inches of precipitation per year (California Department of Water Resources, 2010), and all precipitation from the 2.7 acres of impervious areas (newly paved areas) is conveyed downstream to Nelder Creek, an additional 2.2 million gallons of water will flow into the creek annually. Design features will include drains from the northwest intersection of the Oakhurst Midtown Connector with SR 41, and also from the southern intersection with Indian Springs Road.

With the careful design of the roadway and bridge drains and other features, and implementation of SWPPPs, and compliance with regulatory standards, the Project will not result in erosion, siltation, and/or a significant increase of runoff into the creek or onto personal property.

MITIGATION MEASURES:

MM BIO-8 (Wetlands and Waters) will be implemented to avoid impacts to surface waters during the construction phase and as a result of Project implementation.

CONCLUSION:

There will be a less-than-significant impact with implementation of mitigation measures.

d. Surface Runoff: See (c)

- e. Stormwater:** The Project includes widening of SR 41 within the downtown area of Oakhurst. A Madera County storm drain is installed on the west side of SR 41. The widening of the roadway will result in an increase in impervious surface area due to the proposed improvements. This will require additional drainage inlets in the area, as well as the relocation of existing inlets on both the east and west side of the roadway corridor. The addition and relocation of stormwater inlets will be incorporated into the project design.

In the new Midtown Connector segment of the Project, stormwater runoff will be directed along gutters to culverts, with runoff flowing eventually through riprap and similar filters to Nelder Creek. These features will be included in the project design. On the south end of the project, at the Indian Springs/High School Road intersection, one storm drain inlet will need to be relocated outside of the proposed improvements.

The construction phase will not require the use of significant amounts of water that would result in an increase in runoff or result in flooding. Additionally, the contractor(s) will perform water pollution control work in conformance with the requirements in the Storm Water Pollution Prevention Plan and Water Pollution Control Program

Preparation Manual (2011). Compliance with regulatory measures will ensure that stormwater impacts are less than significant.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

f. Water Quality: See (e)

- g. Flood Hazard:** The connector portion of the Project site extends into a regulatory floodzone, which is categorized as Zone A by the Federal Emergency Management Agency (FEMA 2017). According to FEMA, Zone A areas are, “Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies.” A minimal portion of the Project site, at the existing intersection of Road 427 and Indian Springs Road is categorized as Zone AE (Figure 3-5). According to FEMA, Zone AE areas are, “Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods.” This Project contains no proposed housing within any watercourse. The Project area is not within the location of a levee or dam and will not impede or redirect flood flow to an area with residences.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

h. Redirect Flood Flows: See (g)

i. Levee or Dam Failures: See (g)

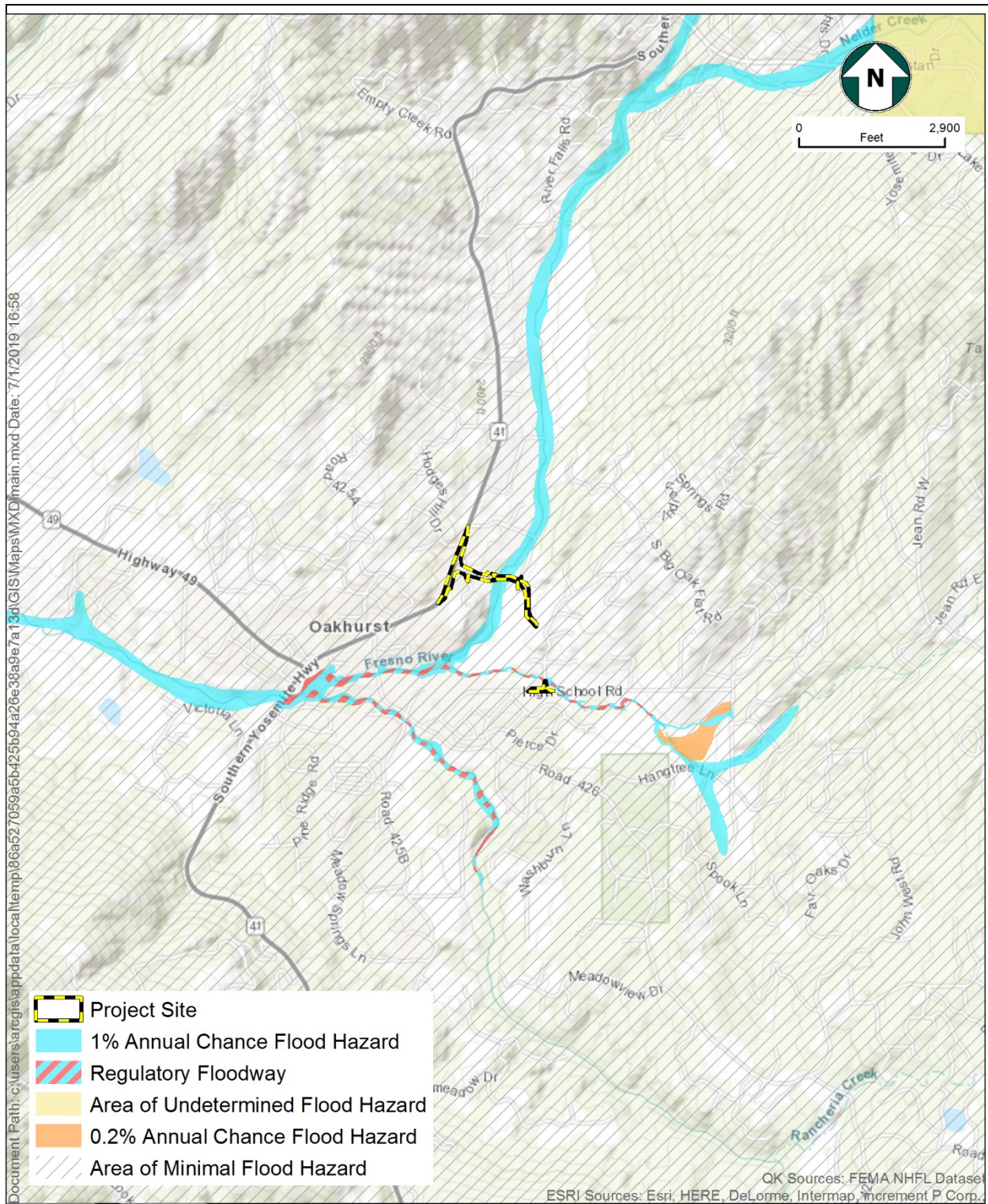
- j. Seiche/Tsunami:** There is no potential for seiche or tsunami due to the lack of a significant water body near or upstream of the site. The likelihood for a mudflow will not be increased because of, or as a result of, construction over the Nelder Creek, as there are no slopes that would be affected by the Project.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.



**Figure 3-5
FEMA Flood Map**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.10 - LAND USE AND PLANNING

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal Program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a. **Divide Established Community:** The Oakhurst Midtown Connector Project will consist of a new, two-lane road (Midtown Connector) connecting SR 41, on the northwest, with Indian Springs Road on the southeast. This will include the construction of a bridge over Nelder Creek. The Project will also include intersection improvements at the connecting intersection of SR 41 and Midtown Connector and at the intersection of Road 427 and Indian Springs Road to better unite the community of Oakhurst with other users in outlying areas to the east and south. The Project will not result in any surrounding land use change, including the division of a community. The roadway will be constructed in a sparsely populated area and will not physically divide the community.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

-
- b. **Conflicts with Land Use and Zoning:** The Project does not involve any change to, or conflict with, applicable land use plans, policies, or regulations.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- c. **Conservation Plan:** There are no habitat conservation plans applicable to the proposed Project.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.11 - MINERAL RESOURCES

Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a. **Mineral Resources:** No mining occurs in the Project area or in the immediate nearby vicinity. The Project site is currently disturbed and is not known to contain any significant mineral resources that would be of value to the region or residents of the state. Similarly, the site has not been noted in any plan for its potential to yield mineral resources, and its development would not prohibit the exploration or loss of mineral resources.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- b. **Locally Important Mineral Resource:** See (a)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.12 - NOISE

Would the project result in:

a.	Exposure of persons to, or generate, noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Exposure of persons to or generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Exposure of Persons to, or Generation of, Noise Levels in Excess of Standards; Permanent or Temporary Increase in Ambient Noise Levels; Groundborne Vibration:** Roadway construction will create short-term noise above levels deemed by the County as acceptable in noise-sensitive areas. Excessive generation of groundborne vibration or groundborne noise will occur during construction but will be intermittent and will primarily occur toward the northern segment of the Project. Although the Project site is not considered to be located within a noise-sensitive land use area, noise-sensitive receptors still exist in close proximity to the construction areas of the Project Site.

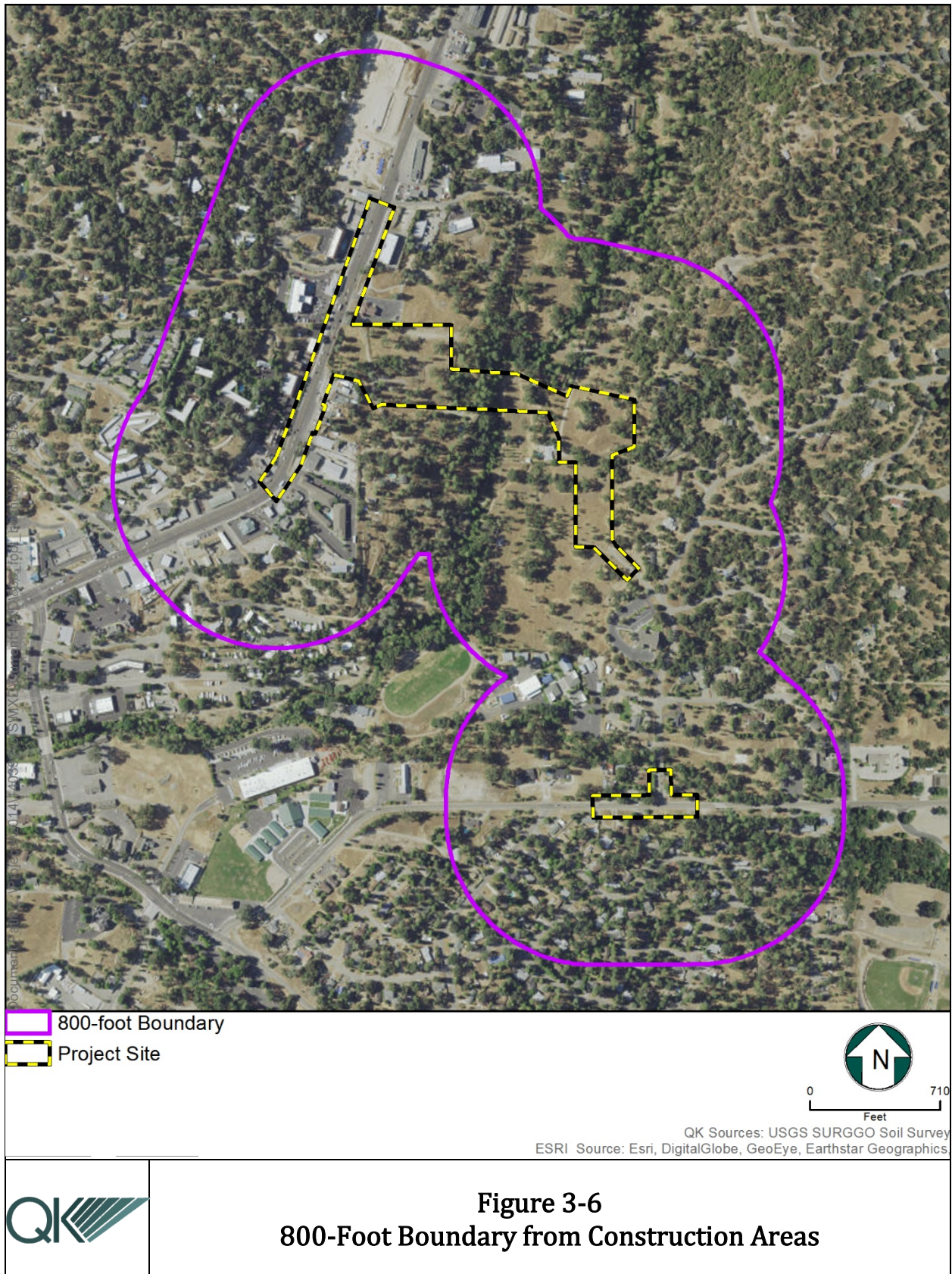
Ambient Noise Levels (Short-Term)

According to the Madera County General Plan, Policy 7.A.2, requires that “Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed 60 dB Ldn 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.”

As shown in Table 3.12-1, noise-sensitive receptors within an 800-foot radius of the Project area would be exposed to noise from the construction equipment above the threshold of 60dB Ldn that is acceptable for sensitive receptors. Figure 3.12-1 shows the sensitive receptors that are located within an 800-foot radius of the proposed construction areas for this Project. Sensitive receptors include people or institutions with people that are particularly susceptible to illness from environmental pollution, such as the elderly, very young children, people already weakened by illness (e.g., asthmatics), and persons engaged in strenuous exercise.

The proposed Project consists of the construction of a new, two-lane road connecting SR 41 (Midtown Connector) on the northwest, with Indian Springs Road on the southeast. The new road will include a new bridge where it crosses Nelder Creek. There are approximately 14 single-family residences within an 800-foot radius of the proposed Midtown Connector segment of the Project. The Project also consists of intersection improvements, where the Midtown Connector intersects State Route 41. There are approximately 35 commercial businesses, one single-family residence, and a small portion of the Vista Heights Apartment complex within 800 feet of this intersection. The Project also consists of intersection improvements south of the Midtown Connector, at the intersection of Road 427 and Indian Springs Road. Sensitive receptors near this Project site consist of the Indian Springs Children’s Center, Oak Creek Intermediate School, Yosemite Adult High School, two churches, approximately 60 single-family residences (nine along existing Indian Springs Road) and the Fresno Flats Historic Park within an 800-foot boundary (Figure 3-6).

The existing terrain is generally rolling and descends from the intersection between SR 41 and the Midtown Connector (elevation of 2,360 feet) to the proposed creek crossing (elevation of 2,262 feet). It should be noted that due to the rolling terrain that separates a majority of these sensitive receptors from the construction sites, the estimated level of noise that these sensitive receptors could be exposed to may be far lower than what is described in this analysis.



Typical construction equipment would include dump trucks, graders, rollers, concrete mixers and miscellaneous equipment (e.g., pneumatic tools, generators, and portable air compressors). Noise levels generated by this type of construction equipment at various distances from the noise source are shown in Table 3-3.

**Table 3-3
Estimated Construction Noise Levels**

Construction Equipment	Typical Noise Level dBA (distance from source)		
	50 feet	100 feet	800 feet
Pneumatic tools	85	79	61
Truck (e.g, dump, water)	88	82	64
Concrete mixer (truck)	85	79	61
Scraper	88	82	64
Bulldozer	87	81	63
Backhoe	85	79	61
Portable air compressor	81	75	57

Source: U.S. Department of Transportation Federal Highway Administration, 2011

As shown in the table above, sensitive receptors within 800 feet from the distance of the construction noise source could potentially be impacted by construction-related equipment during daylight hours.

Construction activities associated with the proposed Project would be temporary in nature and would result in short-term noise impacts. Site preparation, drilling, and testing activities are expected to use the following types of equipment: drilling equipment, truck-mounted crane, pumps, pneumatic tools, loaders, and a variety of miscellaneous equipment including air compressors. The number and type of equipment used during the Project would vary from day to day. These activities have the potential to create noticeable temporary noise impacts and are typically generated by two primary sources during the construction phase: 1) the transport of workers and equipment to construction sites; and 2) the noise related to the construction itself. Because sound level decreases by six dB per doubling of distance from the source, construction equipment would be 6 dB lower at 100 feet distant from the source than at 50 feet, as is evident from the table. As previously stated, construction of the proposed Project would be short-term and intermittent in nature. Temporary noise impacts associated with the construction phase will be potentially significant to the nearby sensitive receptors, however, no permanent increase in noise levels will occur.

Noise Impacts Related to Operational Activities (Long-Term)

The purpose of this Project is to improve traffic safety and relieve congestion. Currently, Road 427 is the only point of access to SR 41 for the majority of the eastern portion of the Oakhurst area. Due to the lack of other corridors serving this portion of Madera County, Road 427 can become congested, which has led to safety and economic concerns. A substantial number of residences and schools are without secondary access to SR 41. The intersection

improvements at both intersections are not expected to add any additional noise sources generated by traffic to the area, as there will be no net increase in traffic at these locations. The Midtown Connector segment and southern intersection improvements are located in a rural portion of the community. At present, some residents have only the one route of ingress/egress from SR 41. The Project is not anticipated to increase the total amount of traffic that passes by the school, church, and residences on SR 41, Road 427, or Indian Springs Road. Rather, drivers will have the ability to determine which of two routes they can take to arrive at their destinations. While traffic and associated noise may increase along the new Midtown Connector segment of roadway, it will decrease proportionately along Road 427 and southern Indian Springs Road.

The noise level from vehicles on a roadway is dependent on three variables, including the volume of the traffic, the speed of the traffic, and the number of large trucks compared with passenger vehicles/small trucks. For example, vehicles traveling at 65 mph will sound twice as loud as vehicles travelling 30 mph (FHWA, 2019). Each time the number of vehicles doubles (e.g., from 1 to 2, from 4 to 8, or from 100 to 200) the noise level increases by 3 dB. (FHWA, 2019). Noise levels are reduced the further one is from the source, with a decrease of 6 dBA for each doubling of distance. The average vehicle traveling 30 mph is estimated at 55 dB, at 25 feet from the source on a level paved roadway (FHWA, 2019). Based on these facts, a vehicle traveling along the new Midtown Connector segment would have a decibel level of 55 when heard from 25 feet away. When heard from 50 feet, the vehicle would be at 49 dB, and from 100 feet, would be 43 dB (Figure 3-7).

Another variable is that sound typically travels uphill. The decibel levels described above occurred at ground level. However, if the roadway is approximately six feet above the person listening, the decibel level decreases approximately 5 dB, and if the roadway is approximately six feet below the listener, the decibel level increases 5 dB. For each additional three feet below the roadway, there is a decrease of 1.5 decibels. Table 3-4 provides examples of the decibel level for various conditions.

Table 3-4
Estimated Long-Term Noise Levels

Vehicle and Conditions	Typical Noise Level dBA (distance from source)		
	50 feet	100 feet	200 feet
Passenger Car – Level Ground	49	43	37
Box Truck – Level Ground	59	53	47
Passenger Car – 6 ft uphill of homes	44	38	32
Box Truck – 6 ft uphill of homes	54	48	42
Passenger Car – 6 ft below homes	54	48	42
Box Truck – 6 ft below homes	64	58	52

Source: U.S. Department of Transportation Federal Highway Administration, 2019

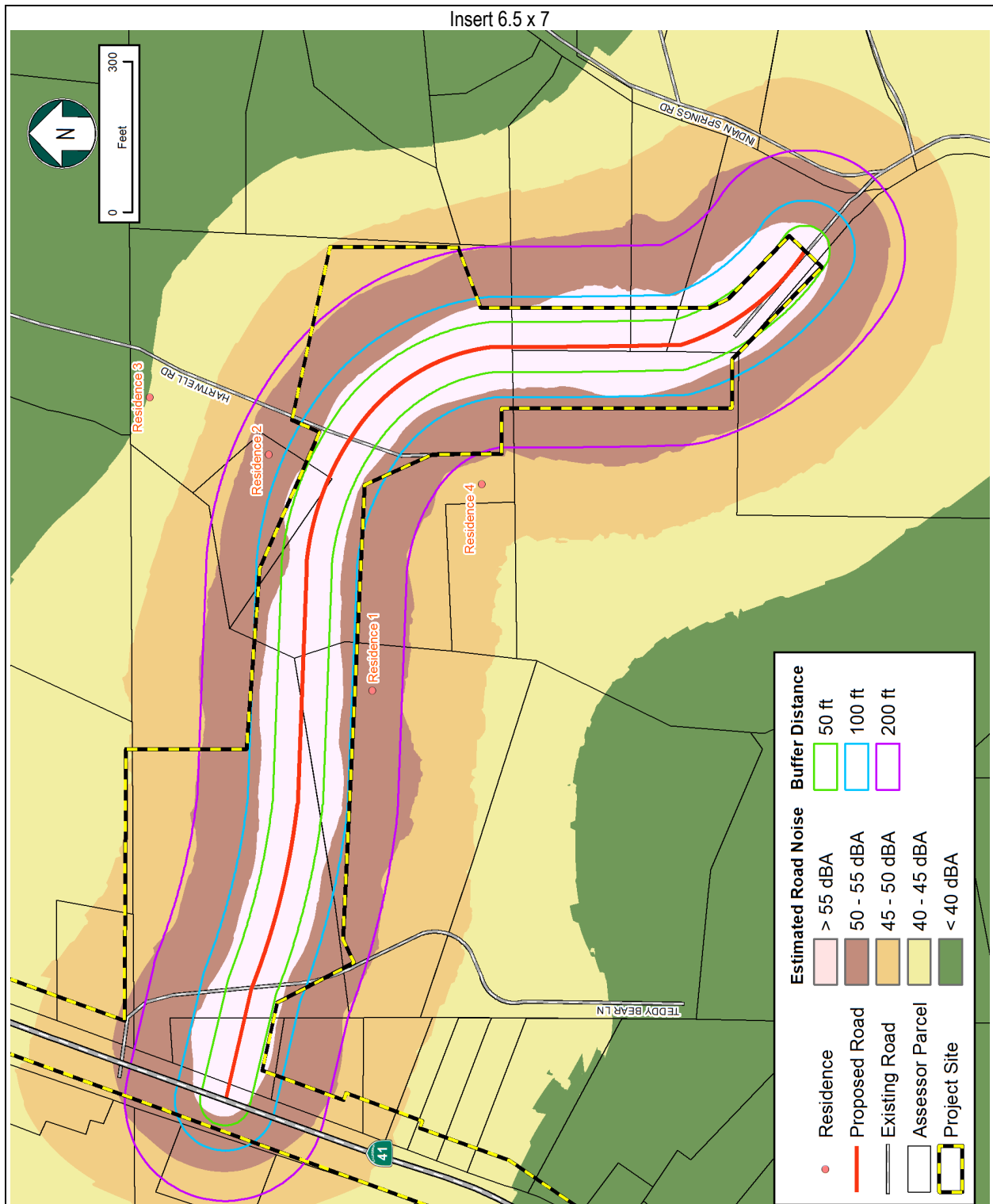


Figure 3-7
Noise Levels at Various Distances from the Oakhurst Connector

Figure 3-7 provides the decibel levels for various locations from the roadway if the roadway were level with the surrounding land and homes. In general, the roadway is above the level of nearby homes. Of the four residences nearest the new Midtown Connector, the closest is approximately 50 feet from the edge of pavement, but also 16 feet lower than the roadway (see Figure 3-7, location #1). Therefore, the noise level from a vehicle passing on the roadway would be 49 dB minus a total of 10.5 dB or 37.5 dB. The other three residences shown on Figure 3-7 would be approximately five feet lower than the roadway (#2), or only slightly lower (within two feet) of the level of the roadway (locations #3 and #4). Note that the planned roadway elevations are not apparent when looking at the current topography because much of the current land around the bridge will be raised, while the hill to the east of the bridge will be removed to provide better visibility to drivers and the residents accessing the Midtown Connector from the south side of Hartwell Road.

Finally, noise levels will increase as the number of vehicles on the roadway increases. Because of the close proximity to a preschool, elementary school, and middle school to the proposed Midtown Connector, the project engineers assumed that the greatest volume of traffic would occur during morning and afternoon drop-off and pick-up times. They estimated that the maximum number of vehicles would be approximately 200 per hour at those times. Based on the fact that noise levels increase by 3 dB every time traffic is doubled, and assuming that four cars may travel together (e.g., as a group, rather than at evenly spaced intervals throughout a period of time), the noise level would increase from 49 dB at 50 feet on level ground to 52 dB for two cars, and then 55 dB for the four cars. Taking all of these factors into consideration: distance from the noise source, height above or below the roadway, and number of vehicles passing at any one time, a person standing 100 feet away and on ground level with the roadway, listening to four passenger vehicles passing at one time would detect the roadway noise at 49 dB.

Groundborne Noise

Construction activities in general can have the potential to create groundbourne vibrations. Minimal pile driving can be expected for the Project along SR 41 in order to demolish existing sidewalk and gutters. Equipment will also be needed to install footers and abutments for the bridge. Given the variety of construction equipment utilized during the Project and its short-term nature, the potential for ground vibrations to occur as part of the construction of the Project is considered minimal.

To reduce the noise impacts during the construction phase, the following mitigation measures have been included.

MITIGATION MEASURES:

MM NOI-1: The County of Madera shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation contained in the County's Noise Element. The following requirements shall be included in the construction specifications:

-
- Construction shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays;
 - Construction activities shall be prohibited on Sundays and holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day);
 - Shroud or shield impact tools, and muffle or shield intake and exhaust ports on power construction equipment; and
 - All engine-driven equipment shall be in proper tune and shall be fitted with mufflers according to manufacturers' specifications.

CONCLUSION:

There will be less-than-significant impact with mitigation incorporated.

Groundbourne Noise: See (a)

b. Permanent Increase in Ambient Noise: See (a)

c. Temporary Increase in Ambient Noise: See (a)

d. Airport Noise: The Project site is not located near a public or private airport.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

e. Airstrip: See (e)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less- than Significant Impact	No Impact
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3.4.13 - POPULATION AND HOUSING

Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. | Induce substantial 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a. **Population Growth and Displacement:** Implementation of the Oakhurst Midtown Connector Project is in response to the County's determination that this Project is necessary to better connect the users of the area. There are nearby residences in close proximity to the Project site; however, they will not be displaced as a result of this Project. As such, implementation of the Project will not create displacement of existing housing necessitating the construction of replacement housing elsewhere. Therefore, no additional housing would be required or affected as a result of the Project.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- b. **Displacement of Housing:** See (a)
- c. **Displacement of People:** See (a)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.14 - PUBLIC SERVICES

Would the project:

- 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 to other performance objectives for any of the public services:

i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Fire Protection Services:** Fire suppression support is provided by the California Department of Forestry and Fire (Calfire) in this unincorporated area of Madera County. The nearest Calfire station (#12) to the Project site is located approximately 1.75 miles northwest of the Project, on SR 49, and would not be directly affected by the Project. The proposed Project would result in the construction of a bridge over Nelder Creek, as well as associated intersection improvements as described in Section 2 - Project Description. The proposed Project would be constructed in accordance with local and State fire codes. Any calls for service would cause only temporary, if any, delays to fire services, and impacts would not result in a notable increase in fire risk and service demand for the area. Additionally, upon completion the Project will result in more direct access to residences and businesses located throughout the Project, potentially resulting in faster response times by Calfire.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- b. Police Protection:** Law enforcement and police protection are provided by the Madera County Sheriff's Department. As discussed in Section 3.13, Population and Housing, the proposed Project would not induce substantial population growth. Impacts on police protection services related to population growth would be considered less than significant. The nearest County Sheriff's substation to the Project site is located approximately 2.0 miles northwest of the Project, on SR 49, and would not be directly affected by the Project. Additionally, the Project will result in more direct access to residences and businesses located throughout the Project, potentially resulting in faster response times by law enforcement staff.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- c. School Facilities:** Primary educational services are provided by the Yosemite Unified School District in Oakhurst. The proposed Project does not contain any residential uses and would not induce population growth. The new Midtown Connector will provide more direct access to the existing elementary and high school adjacent to the Project. Therefore, the proposed Project would not result in the need for new or expanded school facilities. As such, no impacts would occur.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- d. Park Facilities:** The proposed Project does not include the construction of residential uses that would require new parks. Additionally, existing park facilities will not be impacted by this Project.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- e. **Other Public Facilities:** The proposed Project does not include impacts to any additional public facilities.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
3.4.15 - RECREATION				
Would the project:				
a. 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Recreational Facilities:** The Project will not increase the use of existing parks or require construction of recreational facilities. The proposed Project does not include the construction of residential uses which would require new parks. Existing park facilities will not be impacted by this Project.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- b. **Recreational Facilities Expansion:** See (a)

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.16 - TRANSPORTATION AND TRAFFIC

Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a. | Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. | Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. | Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. | Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. | Conflict with adopted policies, plans, or Programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

The Project will include three segments, including improvements to two segments, and the addition of the third, the Midtown Connector. The southernmost segment, an intersection of Indian Springs Road and Road 427, includes an existing bicycle lane adjacent to the westbound lane of Road 427. Improvements to this intersection will include a three-way traffic signal, and the addition of left turn lanes on to Indian Springs Road from Road 427. The bicycle lane will remain after construction improvements at the intersection.

The new Midtown Connector segment of the Project begins approximately 400 feet from the left hand (westernmost) fork in Indian Springs Road, and approximately 1,100 feet from the intersection of Road 427 and Indian Springs Road. The new segment of road will be installed from this point and continue approximately 2,100 feet north and west, where it will intersect with SR 41 in the business district of Oakhurst. The new road will include a bridge with elevated approaches of approximately 365 feet in length where the roadway crosses Nelder Creek. The roadway will include two, 12-foot wide travel lanes, five-foot wide shoulders and a five-foot wide sidewalk on either side of the road. It will also include intersections for the residences to the north and south of the roadway along Hartwell Road, and the residents south of the Midtown Connector on Teddy Bear Lane.

The Project will also include improvements at the connecting intersection of State Route 41 and the Midtown Connector, including installation of a three-way traffic signal. In addition, the Project will include the widening of SR 41 for a distance of approximately 1,745 feet, from a two-lane road with a turn lane to a four-lane road, and with a fifth lane dedicated as a left turn lane. Widening will occur approximately 800 feet northeast and 900 feet southwest of the intersection with the new Oakhurst Midtown Connector. This Project will require the removal of the sidewalk within the Project on the northwestern side of SR 41, and will affect turn-ins and parking for local businesses on the southeast side of SR 41, such as the True Value Hardware and the Oakhurst Tire Auto and Cycle Services. Because of the lane dividers to be installed, the Project will require that in the future, traffic will need to enter and exit businesses with a right turn only, which is not currently the case. The change will reduce vehicle idling while waiting for cross traffic to pass, so that drivers can make a left turn into a business along SR 41.

SR 41 provides access through the unincorporated community of Oakhurst, leading into the Sierra Nevada Mountains towards Yosemite National Park. The Madera County Transportation Commission (MCTC) has included Oakhurst in its Regionally Significant Road System (Madera County 2011 Regional Transportation Plan, 2010). This designation is intended to coincide with the Federal Highway Administration (FHWA) Functional Classification System, although design standards and geometrics for particular streets within local jurisdictions are subject to specific design criteria of the local agency. Regionally significant projects are statutorily required to be treated separately for air quality reasons (Madera County Regional Transportation Plan, 2014). Within Oakhurst, SR 41 is a two-lane highway, considered an Arterial within the community, while the proposed Midtown Connector route would be a Connector, and the proposed intersection improvements along Indian Springs Road and Road 427 are located on streets designated as Local Roads. The year

2000 Level of Service (LOS) on SR 41 is “A” (Madera County General Plan, 2010), meaning that the average intersection requires a “stopped delay” of five seconds or less: this LOS has less delay time than other designations, and indicates that intersections are not congested and have appropriate signalization.

Conversely, the existing access road from SR 41 to High School Road (Road 427), where Road 427 has an LOS of “F,” indicating longer delays that are not acceptable to the County. The “F” LOS can be improved to an LOS “B” by increasing the roadway from two to four lanes (Madera County Regional Transportation Plan, 2014). The purpose of this Project is to improve traffic LOS and safety at this intersection and the other segments of the Project.

- a. **Conflict with Applicable Plans, Ordinance or Policy:** The 2014 Madera County Regional Transportation Plan (RTP) is consistent with the San Joaquin Valley Regional Transportation Overview, Regional Setting and Planning Assumptions (Council of Fresno County Governments, 2004); the County zoning ordinances; and elements of the County’s General Plan. Goals of the 2014 RTP include better utilization of arterials to reduce vehicle congestion on SR 41; provide more direct access from one point to another to reduce Vehicle Miles Traveled (VMT); and develop additional routes and more buses for alternative transportation. The Project will result in construction of a three-way signal and turn lanes to replace an existing stop sign at one intersection, and a new road segment with a bridge crossing Nelder Creek. The improved intersection and new Midtown Connector will provide better direct access from the downtown area to residences, schools and churches along, or adjacent to, Indian Springs Road and Road 427. The Project will also reduce air emissions from vehicles on the new roadway, as this is a shorter, more direct route to the business district. Access for pedestrians and bicycles will be included on Road 427 and the Midtown Connector segments of the Project, in compliance with the County’s policies and goals. No parking will be allowed along the Midtown Connector. The widening of SR 41 is also consistent with the County’s plans, ordinances and policies. The Project will not create impacts to the performance of the circulation system or conflict with any applicable congestion management program.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- b. **Conflict with An Applicable Congestion Management Program:** See (a)
- c. **Air Traffic Patterns:** The Project site is not located in close proximity to an airport; therefore, the proposed Project will not change or effect any air traffic patterns or airport land use plan.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

- d. **Hazards, Emergency Access and Parking:** According to the Project Scoping Study prepared by Cornerstone Structural Engineering Group in July 2014, Road 427 is the only point of access to SR 41 for the majority of the eastern portion of the Oakhurst area. Due to the lack of other corridors serving this area of Madera County, Road 427 can become congested, which has led to safety and economic concerns as a substantial number of residences and schools are without secondary access to SR 41. The new Midtown Connector is designed to avoid sharp curves. The new roadway will reduce congestion on SR 41 between Road 427. The Connector will also replace Teddy Bear Lane as the access road from SR 41 to the residences east and south of SR 41, so that residents will exit the Midtown Connector from a driveway onto Teddy Bear Lane, improved for a distance of approximately 150 feet. Residents on Hartwell Road will enter and exit from a driveway with the Midtown Connector, improved for a distance of approximately 80 feet, providing them more direct access to SR 41. The SR 41/Midtown Connector intersection will be designed to safely integrate with SR 41, with the installation of a three-way signal. The Project includes an approximately 1,745-foot section of SR 41 through Oakhurst that will be widened from a two-lane road to a four-lane roadway, with a turn lane and divider in the center. This segment of the Project will not alter the current layout of SR 41, and will result in improved access and safety for emergency and other vehicles. The Project will improve the intersection at Indian Springs Road and Road 427, providing left turns and a three-way signal that will result in improved safety. The nearest residence to the Midtown Connector is approximately 50 feet from the edge of the roadway to reduce risks from the roadway to those residences. The speed limit on the Midtown Connector is limited to 35 miles per hour.

The Project will not create an increase in hazards due to any design features or allow for incompatible uses. The site will not substantially reduce access for emergency vehicles during the construction phase and will result in increased access for emergency vehicles once completed and operational. Road 427 will maintain at least one lane open during construction. Traffic control will be in accordance with the latest version of the Manual on Uniform Traffic Control Devices.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

e. **Inadequate Emergency Access:** See (d)

f. **Alternative Transportation:** In the County's Transportation and Circulation Element, the roadway is considered a rural collector, which allows transit stops and Class I, II, or III bike facilities. The Madera County 2004 Regional Bicycle Transportation Plan "addresses the needs of both commuting and recreational cyclists throughout the county, identifies safe and convenient routes to key locations throughout the county, and suggests needed improvements and additional to the bikeway routes and facilities. In general, all new roadway projects and all reconstruction projects should be constructed so as to provide increased safety and mobility for all users, including people who walk and bicycle." The Project includes the installation of bicycle lanes along the Midtown Connector, and retention of the bicycle lanes that exist near the intersection of Indian Springs Road and Road 427. Because the Project would not affect pedestrian or bicycle facilities, or the potential hazards of using such facilities, there would be no impacts associated with pedestrian and bicycle hazards.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be no impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
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3.4.17 - UTILITIES AND SERVICE SYSTEMS

Would the project:

a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Result in a determination by the wastewater treatment provider that 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h.	Increase the demand for electricity and natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. **Wastewater:** The proposed project will include widening of SR 41 within the downtown area of Oakhurst. At the northern end of the SR 41 segment of the Project, the Madera County sewer line is located along the west side of the SR 41. The sewer line remains on the west side of SR 41 until it crosses under SR 41 near the location of the Comfort Inn. Although lines may be temporarily affected during the construction phase of the project, the proposed Project would have no long-term impacts to existing service systems. Nor would it create growth in the area that would cause a need for additional water or wastewater facilities.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- b. **New or Expanded Wastewater Facilities:** (See Above)
- c. **Stormwater:** The proposed Project will include relocation and addition of storm water inlets along SR 41 and the southern segment on High School Road. The discharge of storm water from the Project will not cause or contribute to a violation of water quality standard or water quality objectives. The Midtown Connector will include the installation of curbs and gutters and will route water to drains to be installed for long term use. The drains will convey storm water to Nelder Creek. The Project will incorporate BMPs, SWPPP, and permits as approved by CDFW, RWQCB, and USACE (see Section 3.4) to limit storm water runoff during construction and will comply with regulatory standards for the design and construction of the storm water drainage system. The Project will not cause a significant increase in the amount of storm water runoff during either the construction or operations phases of the project. See Section 3.4.9 for additional details.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

- d. **Water Service:** The Project would require minimal amounts of water for dust control purposes during construction. During construction, all non-potable water required would be supplied by truck from existing entitlements. No new resources or entitlements will be needed. Water service to residents within the Project is not expected to be disrupted or altered during or after construction.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

e. Support Increased Demand: See (d)

f. Solid Waste:

Any construction-related waste material generated by the Project will be transported to the Fairmead Solid Waste Disposal Site located at 21739 Road 19/Avenue 22 at Road 19 in Chowchilla, CA. The solid waste site's current capacity is 5,552,894 cubic yards (CalRecycle, 2017) and would accommodate any demolition debris produced by this Project. In compliance with State, federal, and local regulations, materials will be recycled or composed to the extent possible.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

g. Comply with Federal, State and Local Statutes: See (c)

h. Electricity and Natural Gas: The Project will include the addition of lighted signals at the intersection of State Route 41/Midtown Connector, as well as the intersection of Road 427 (High School Road)/Indian Springs Road. No lighting will be installed as part of the Midtown Connector segment of the project. These activities are not expected to generate a significant long-term need for electricity or natural gas.

The proposed Project intersects with one communication line along SR 41, three electrical and/or communications lines on the Midtown Connector segment of the Project, and with one communication line at the High School Road/Indian Springs intersection. Sierra Telephone has an underground communication line along the east side of SR 41 that turns east and then south, where the Midtown Connector segment will be located. Two communications vaults will be relocated on this segment of the Project.

An above ground PG&E electrical line and Northland communication line runs north-south approximately midway along the proposed bridge site. This line has two junctions, one of which runs from east of the bridge where driveways from the Midtown Connector will lead to two residences to the north and south of the new roadway. Plans for the overhead lines near Hartwell Road north of the Midtown Connector include replacing

one electrical line near the creek with a 55-foot tall pole, increasing the vertical clearance to 21 between the pole and the roadway; replacing two poles further north of the creek with taller poles and replacing line attachments on trees with new poles; and relocating a telecommunications line at Hartwell Road to maintain the clearance of approximately 30 feet.

An underground communication line owned by Sierra Telephone is located within the eastern right of way of Indian Springs Road at the intersection with High School Road. This line turns west at the intersection. An above ground, PG&E and Northland communication line extends from the northern portion of the Project to this intersection as well, with the line located in the western right of way of Indian Springs Road. A communications vault is located at the northeast corner of this intersection.

Both the above ground and the underground electrical and communications lines may be temporarily affected by the Project. Design engineers will work with the electric and communications companies to minimize impacts to service during the construction phase of the Project. No long-term impacts are expected to occur.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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3.4.18 - MANDATORY FINDINGS OF SIGNIFICANCE

a.	Does the project have the potential to 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 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? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.	Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. **Degrade the Quality of The Environment:** The proposed Project has the potential to significantly impact several plant and animal species during the construction phase. Risk of significant impact can be reduced to less than significant by implementing mitigation measures contained in Section 3.4, so that no long-term affects to any species, sensitive habitats, or waters will occur. Potential impacts to historic and archaeological resources can be reduced to less than significant by implementation of mitigation measures contained in Section 3.5. Hazards from fire would be reduced to less than significant with implementation of mitigation measures in Section 3.8. The proposed Project is consistent with long-range plans for the County's transportation system and would not be inconsistent with existing environmental plans. Mitigation measures have been incorporated to reduce all potentially significant impacts to *less than significant*.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact with implementation of mitigation measures.

- b. **Cumulative Effects:** CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a Project is significant and whether the effects of the Project are cumulatively considerable. The assessment of the significance of the cumulative effects of a Project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered *less than cumulatively considerable*. The proposed Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts, including increased traffic or population (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.).

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

c. **Adverse Effects to Humans:**

The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project design to reduce all potentially significant impacts to *less than significant*.

MITIGATION MEASURES:

None are required.

CONCLUSION:

There will be a less-than-significant impact.

SECTION 4 - MITIGATION AND MONITORING REPORTING PLAN

Impact No.	Mitigation Measure	Implementation	Monitoring
Biological Resources			
MM AES-1	MM AES-1 (Riparian Habitat and Oak Trees): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are ≥ 4 inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees >5 inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g. plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of 3 trees planted for each tree removed. MM BIO-7 includes additional details for the avoidance and mitigation of impacts to riparian habitat and oak trees.	Project Proponent/Contractor	County of Madera
MM Bio-1	BIO-1 (Sensitive Botanical Species): Floristic surveys should be conducted to determine the presence of and any project-specific impacts that might occur to orange lupine, Madera leptosiphon, and Yosemite evening primrose. The surveys should be conducted between April and May, which covers the flowering periods of each of the plants. If the species are determined to be absent, then no further measures are	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>warranted. If the species are found to be present, all populations and individuals of should be mapped using GIS and avoided to the maximum extent possible. Exclusion fencing should be established around populations or individuals near work areas on the Project site to protect against take during construction activities. If the removal of populations or individuals becomes necessary and avoidance of this species is not able to be implemented, the California Department of Wildlife will be provided a 10-day advance notice prior to construction activities that would impact the species to allow the CDFW to implement salvage operations.</p>		
MM Bio-2	<p>MM BIO-2 (Foothill Yellow-Legged Frog): A qualified biologist shall conduct a preconstruction survey for the foothill yellow-legged frog within 14 days of ground disturbance activities. Construction monitoring by a qualified biologist will be conducted during all initial clearing and grubbing activities to prevent direct mortality of foothill yellow-legged frog from construction activities.</p> <p>If foothill yellow-legged frogs are identified on the Project site, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts will be installed to exclude amphibians from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to</p>	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>amphibians. Construction Best Management Practices (BMPs), such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual frogs may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the creek. If frogs are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.</p>		
MM Bio-3	<p>MM BIO-3 (Western Pond Turtle): A preconstruction survey for the western pond turtle shall be conducted by a qualified biologist no more than 14 days prior, and again 24 hours prior to ground-disturbance activities where suitable habitat exists.</p> <p>If western pond turtle or their nests are observed during pre-construction surveys, a qualified biologist will be on site to monitor construction in all suitable habitat. Western pond turtle found within the construction area will be allowed to leave of their own volition or will be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the project site.</p> <p>If western pond turtle nests are identified on the Project site during preconstruction surveys, a 300-foot no disturbance</p>	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>buffer shall be established between the nest and any areas of potential disturbance. Buffers shall be clearly marked with temporary fencing. Construction will not be allowed to commence in the exclusion area until hatchlings have emerged from the nest, or the nest is deemed inactive by a qualified biologist.</p> <p>If western pond turtle are observed, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts will be installed to exclude reptiles from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to reptiles. Construction BMPs, such as installing amphibian-friendly straw wattles, will be implemented to avoid degradation of water quality of the creek that could indirectly impact this species or its habitat. Some individual turtles may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the creek. If pond turtles are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.</p>		

Impact No.	Mitigation Measure	Implementation	Monitoring				
MM Bio-4	<p>MM BIO-4 (American Badger): The <i>USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> shall be followed (USFWS 2011), as those recommendations will protect the American badger. The measures that are listed below have been excerpted from those guidelines and will protect American badger from direct mortality and from destruction of active dens.</p> <p>A pre-construction survey shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:</p> <table><tr><td>Potential Den</td><td>50-foot radius</td></tr><tr><td>Known Den</td><td>100-foot radius</td></tr></table> <p>Project-related vehicles shall observe a 20-mph speed limit in all Project areas, except on City and County roads and State and Federal highways. Nighttime construction shall be avoided. Off-road traffic outside of designated Project areas shall be prohibited.</p> <p>To prevent inadvertent entrapment of badgers or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than two feet-deep should be covered at the close of each working day by plywood or similar materials, or provided with one or</p>	Potential Den	50-foot radius	Known Den	100-foot radius	Project Proponent/Contractor	County of Madera
Potential Den	50-foot radius						
Known Den	100-foot radius						

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured badger is discovered, the procedures in this section must be followed.</p> <p>Badgers are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for badgers before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a badger is discovered inside a pipe, the pipe will not be moved until the badger has been able to escape of its own accord. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the badger has escaped.</p> <p>All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.</p> <p>To prevent harassment, mortality of badgers or destruction of dens by dogs or cats, no pets shall be permitted on the project site.</p>		

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the CDFW should be contacted for advice.</p> <p>Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures an American badger shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped badger. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.</p>		
MM Bio-5	<p>MM BIO-5 (Nesting Migratory Birds): Pre-construction surveys shall be performed on the Project site, and within 500 feet of its perimeter, in areas where there is a potential for nesting raptors and nesting migratory birds to occur if construction occurs during the breeding season (loosely defined as February 15 to August 15). The areas to be examined include all areas that are suitable for the establishment of nests, such as trees, power poles, shrubs, including a ground cover of grasslands and disked areas. The pre-construction surveys shall be performed within 14 days of construction to identify active nests and mark those nests for avoidance. During the nesting period nests shall be assessed by a qualified biologist and an appropriate buffer/Environmentally Sensitive area established, with a minimum buffer of 250 feet for all migratory bird nests.</p>	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
MM Bio-6	BIO-6 (Fisher): A pre-construction survey should be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the fisher. All cavities that could be occupied by the fishers should be documented and examined using a remote camera. The camera should remain in place for three nights to determine the presence/absence of fishers. If no potential fisher dens are present, no further mitigation would be required. If occupied dens are found and avoidance is feasible, a 50-foot avoidance buffer should be established around the den site. If an active den cannot be avoided, then the den should be fitted with a one-way door to passively evict the fisher from the den. A remote camera should be placed at the den to identify when the fisher has emerged from the den and once the den is unoccupied then it shall be removed or effectively plugged so as not to allow re-entry by a fisher. All other unoccupied dens on the Project site should be plugged or removed prior to conducting passive evictions. As an alternative to passive eviction, any fisher occupying a den should be captured and relocated. Both passive eviction and relocation would require consultation with the CDFW but capture and relocation activities would also likely require the preparation of a relocation plan that would identify areas where the fishers would be released.	Project Proponent/Contractor	County of Madera
MM Bio-7	MM BIO-7 (Riparian Habitat and Oak Trees) (Also MM AES-1): Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are ≥ 4 inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Planting of trees off-site should occur only if on-site planting is not feasible. Per Section 21083.4 of the Public Resources Code, impacts to oak trees >5 inches DBH should be avoided to the maximum extent feasible. Exclusion fencing (e.g., ESA fencing, plastic mesh or safety fencing) will be placed around the driplines of such oak trees within the Project site, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of three trees planted for every one tree removed. Planting shall consist of a minimum of one-gallon container trees, and irrigation shall be provided for the first three years after planting. Herbaceous vegetation shall be controlled within a two-foot diameter area around each tree planted by using hand-removal of vegetation or by application of herbicide during the spring and summer months (March to August). Only herbicides approved by the Environmental Protection Agency (EPA) for use near or in aquatic environments shall be allowed. Installation of a mulch layer would provide an additional element of weed control. A monitoring program shall be developed to ensure that a minimum of 70 percent of all plantings survive after a period of three years with irrigation and another two years with no irrigation. A biological monitor will oversee all clearing and grubbing activities to ensure that impacts to oak trees are avoided, removed trees are documented, that plantings occur at the</p>		

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>prescribed ratio, that the irrigation system installed is effective, and that the success criteria of 70 percent survival is met after five years.</p> <p>An annual monitoring schedule shall be established including annual surveys by a qualified biologist or professional in revegetation plantings. Surveys of the revegetation efforts shall consist of assessing the status of each tree planted, and calculating the overall survival rate for each of the species and identifying remedial actions that need to be taken (e.g., installation of exclusion fencing). A report including the results of the monitoring surveys and photo documentation of maintenance and monitoring activities, shall be maintained over a minimum period of five years. The Restoration Monitoring Report shall include proposed measures that would be conducted to more effectively achieve success criteria. An adaptive management strategy shall be used to facilitate efficient remedial restoration if needed to achieve restoration success criteria. The successful establishment and propagation of riparian trees is highly dependent upon site-specific conditions and stochastic events, and often requires adaptive management to maximize success while minimizing costs.</p>		
MM Bio-8	<p>MM BIO-8 (Wetlands and Waters): The Project will result in impacts to Nelder Creek, its tributaries, and an unnamed drainage. The applicant shall implement standard BMPs to prevent sediment from entering watercourses during and after construction. Exclusion fencing (i.e. silt fencing) shall be placed around the perimeters of disturbance areas to</p>	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
	<p>prevent encroachment beyond permitted limits. Erosion control measures (e.g. silt fence, staked bales, and revegetation) shall be implemented in disturbed areas. A spill prevention and countermeasure plan shall be included in a SWPPP that would identify proper storage, collection, and disposal measures for potential pollutants (fuel, fertilizers, pesticides, etc.) used onsite. The plan shall detail the proper storage, handling, use, and disposal of all construction-related products, particularly for work within and adjacent to the creek. All fueling, maintenance, and staging of equipment and vehicles shall occur outside the creek bed and above the top of the bank, and these areas would be designed to control runoff. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation shall be retained where possible. Grading activities shall be limited to the immediate area required for construction.</p> <p>During extreme weather events, temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater. Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. Disturbed</p>		

Impact No.	Mitigation Measure	Implementation	Monitoring
	areas shall be revegetated after completion of construction activities using a mix of three native grass species that are common to the Project site. Seeding shall occur using hydro-seeding techniques, using a minimum of five pounds of seed per acre, for each of the three species. Sanitary facilities shall be provided for construction workers. Hazardous materials shall be stored in appropriate and approved containers, maintaining required clearances, and should be handled in accordance with applicable regulatory agency protocols.		
Cultural Resources			
MM CUL-1	MM CUL-1 (Fencing of Sensitive Cultural Resources): An environmentally sensitive area shall be designated using fencing between locus 3 and the main site of CA-MAD-2824/H that excludes equipment onto the site.	Project Proponent/Contractor	County of Madera
MM CUL-2	MM CUL-2 (Archaeological Monitoring): Archaeological monitoring shall be carried out during initial ground disturbance and any subsequent digging during construction of the roadway and especially on the finger ridge on the west side of the Nelder Creek, and within the boundaries of CA-MAD-2824/H on the eastern side of the creek.	Project Proponent/Contractor	County of Madera
MM CUL-3	MM CUL-3 (Burials): Prior to construction, a recovery plan shall be in place to address the possibility of accidental discovery. This plan will include a process to evaluate any finds located in the field and for the recovery and repatriation of any burials that may be located.	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
MM CUL-4	MM CUL-4 (Paleontology): The County will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 50 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the County of Madera, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the County shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.	Project Proponent/Contractor	County of Madera
Hazards and Hazardous Materials			
MM HAZ-1	MM HAZ-1: Construction contractors shall ensure that any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.	Project Proponent/Contractor	County of Madera
MM HAZ-2	MM HAZ-2: Construction contractors shall ensure that during construction, staging areas, building areas, and/or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak.	Project Proponent/Contractor	County of Madera

Impact No.	Mitigation Measure	Implementation	Monitoring
Noise			
MM NOI-1	<p>MM NOI-1: The County of Madera shall require that construction contractors comply with all applicable local regulations regarding noise suppression and attenuation contained in the County's Noise Element. The following requirements shall be included in the construction specifications:</p> <ul style="list-style-type: none"> • Construction shall be limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays; • Construction activities shall be prohibited on Sundays and holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day); • Shroud or shield impact tools, and muffle or shield intake and exhaust ports on power construction equipment; and • All engine-driven equipment shall be in proper tune and shall be fitted with mufflers according to manufacturers' specifications. 	Project Proponent/Contractor	County of Madera

SECTION 5 - LIST OF PREPARERS

5.1 - Lead Agency

- Mohamed Alqutami, Engineer, Madera County Public Works Department

5.2 - QK

- Annalisa Perea, Associate Planner
- Tina Randles, Business Services
- Lisa Sandoval, Associate Biologist
- Martina Pernicano, Senior Biologist
- Curtis Uptain, Principal Biologist
- Ginger White, AICP, Project Manager

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APPENDIX A

AIR QUALITY AND GREENHOUSE GAS MODELING



MEMO

Date: April 14, 2017

To: Mohammed Alqutami, County of Madera

From: Ginger White, AICP, Project Manager

Project: Oakhurst Midtown Connector 140399

Subject: Air Quality and Greenhouse Gas Construction Analysis

Project Description

The proposed Project will include construction of a new, two-lane road (Midtown Connector) connecting SR 41 on the northwest with Indian Springs Road on the southeast. The new road will include a new bridge approximately 290 feet in length. The roadway will include 12-foot wide travel lanes, five-foot wide shoulders and a five-foot wide sidewalk on either side of the road. The Project will also include intersection improvements at the connecting intersection of SR 41 and Midtown Connector, including installation of a traffic signal. The Project will include improvements at the intersection of Road 427 (High School Road) and Indian Springs Road, including installation of a three-way signal and two, left turn lanes on Road 427.

Methodology and Assumptions

The Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model (version 8.1.0) was used to estimate emissions from the infrastructure improvements. (Note that this model is recommended by the San Joaquin Valley Air Pollution Control District (SJVAPCD) for linear construction projects). The Roadway Construction Emissions Model is a Microsoft Excel worksheet available to assess the emissions of linear construction projects.

The following assumptions were provided by the County and were included in the emissions calculations. In addition, some spreadsheet model defaults were applied as well:

Construction Start Year: 2019

Construction Length: 8 months (20 days/month = 180 total construction days)

Project Type: New Road Construction/Bridge Construction/Road Widening

Soil Type: Weathered Rock-Earth

Project Length: 0.9 miles

Total Project Area: Maximum 22.5 acres (includes 3.80 construction staging area)

Water Trucks Used: Yes

Soil Import:

	Total Import	Total Export
Soil	46,600 CY (258 CY/day)	7,410 CY (41 CY/day)
Asphalt	1,433 CY (8 CY/day)	--
Note: This assumes 180 construction days.		



Results

The estimated annual construction emissions are shown in Table 1. If construction were to occur in a later year, the construction emissions would be less than the 2019 estimates, as regulatory measures come into effect that require cleaner construction equipment.

Table 1: Construction Emissions (2019)						
Project	Emissions (tons)					
	ROG	NOx	PM10	PM2.5	CO ₂	MTCO ₂
	0.62	6.72	7.12	1.71	909.0	832.49
	10	10	15	15	N/A	N/A
Significant?	No	No	No	No	No	No
Source: Sacramento Metropolitan Road Construction Model, Version 8.1.0						

According to the results, ROG, NOx, and PM10 all fall below the SJVAPCD's thresholds for criteria air pollutions. The Road Construction Emissions Model results are provided in Attachment A.

Greenhouse Gas Emissions

Greenhouse Gas Emissions (GHG) generated during the construction phase of the proposed Project are listed in Table 1 above. The last column shows the total metric tons (MT) of CO₂ equivalent emissions that will be emitted for construction of the entire Project. The SJVAPCD does not have a recommendation for assessing the significance of construction-related GHG emissions. However, Recommendations 1 through 6 below are recommended by the Environmental Protection Agency (EPA) to reduce impacts from construction-related GHG emissions. Implementation of these recommended measures would further reduce emissions and would assist the County with achieving full conformance with applicable air quality and GHG regulations.

Conclusion

Although the Project would result in emissions that would fall below the SJVAPCD's thresholds of significance, the EPA provides guidance for further construction emissions reductions. Although these are not required to bring the Project below significance levels, the following measure are highly encouraged:

Recommendation- 1: Improve fuel efficiency from construction equipment:

- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes (5 minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.



- Train equipment operators in proper use of equipment.
- Use the proper size of equipment for the job.

Recommendation- 2: The County shall use alternative fuels for generators at construction sites such as propane or solar, or use electrical power.

Recommendation- 3: The County shall encourage the recycling or salvaging non-hazardous construction and demolition debris (goal of at least 75% by weight).

Recommendation- 4: The County shall utilize good-faith-effort to use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials).

SJVAPCD Requirements

Separate from the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), the SJVAPCD maintains a list of rules of regulations that apply differently to projects depending on a number of factors. For example, it's been preliminarily determined that Rule 9510 (Indirect Source Review) and Regulation VIII (Dust Control Plan) would be applicable to this Project. As SJVAPCD rules and regulation conformance is separate from CEQA and NEPA, the County should consult with the SJVAPCD directly to fully access what rules and regulations would apply to this Project.

Recommendation- 5: The County shall consult with the SJVAPCD regarding conformance with Rule 9510 (Indirect Source Review).

Recommendation- 6: The County shall consult with the SJVAPCD regarding conformance with Regulation VIII (Dust Control Plan).

Recommendation- 7: The County shall consult with the SJVAPCD to ensure that all additional applicable rules and regulations are adhered to, including developing a plan for dust control.



Attachment A

Road Construction Emissions Model, Version 8.1.0

Daily Emission Estimates for -> Midtown Connector														
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)
Grubbing/Land Clearing	1.96	13.57	24.23	100.98	0.98	100.00	21.66	0.86	20.80	0.04	3,677.11	0.84	0.05	3,713.60
Grading/Excavation	10.01	74.09	112.72	105.16	5.16	100.00	25.47	4.67	20.80	0.15	14,587.48	4.09	0.15	14,735.31
Drainage/Utilities/Sub-Grade	8.65	68.79	87.95	104.46	4.46	100.00	24.94	4.14	20.80	0.13	12,241.20	2.57	0.13	12,343.17
Paving	2.89	28.16	29.71	1.74	1.74	0.00	1.55	1.55	0.00	0.05	5,054.06	1.19	0.07	5,103.40
Maximum (pounds/day)	10.01	74.09	112.72	105.16	5.16	100.00	25.47	4.67	20.80	0.15	14,587.48	4.09	0.15	14,735.31
Total (tons/construction project)	0.62	4.76	6.72	7.12	0.32	6.80	1.71	0.29	1.41	0.01	909.00	0.23	0.01	917.66

Notes:
Project Start Year -> 2019
Project Length (months) -> 8
Total Project Area (acres) -> 23
Maximum Area Disturbed/Day (acres) -> 10
Water Truck Used? -> Yes

Phase	Total Material Imported/Exported Volume (yd ³ /day)		Daily VMT (miles/day)			
	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck
Grubbing/Land Clearing	74	0	120	0	320	80
Grading/Excavation	74	0	120	0	1,120	80
Drainage/Utilities/Sub-Grade	74	8	120	30	1,000	40
Paving	74	8	120	30	680	40

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.

CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

Total Emission Estimates by Phase for -> Midtown Connector														
Project Phases (Tons for all except CO2e. Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	Total PM10 (tons/phase)	Exhaust PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	Total PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)
Grubbing/Land Clearing	0.02	0.11	0.19	0.81	0.01	0.80	0.17	0.01	0.17	0.00	29.42	0.01	0.00	26.95
Grading/Excavation	0.36	2.67	4.06	3.79	0.19	3.60	0.92	0.17	0.75	0.01	525.15	0.15	0.01	481.24
Drainage/Utilities/Sub-Grade	0.21	1.65	2.11	2.51	0.11	2.40	0.60	0.10	0.50	0.00	293.79	0.06	0.00	268.74
Paving	0.03	0.34	0.36	0.02	0.02	0.00	0.02	0.02	0.00	0.00	60.65	0.01	0.00	55.56
Maximum (tons/phase)	0.36	2.67	4.06	3.79	0.19	3.60	0.92	0.17	0.75	0.01	525.15	0.15	0.01	481.24
Total (tons/construction project)	0.62	4.76	6.72	7.12	0.32	6.80	1.71	0.29	1.41	0.01	909.00	0.23	0.01	832.49

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.

CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.

The CO2e emissions are reported as metric tons per phase.

APPENDIX B
BIOLOGICAL ANALYSIS REPORT

BIOLOGICAL ANALYSIS REPORT

OAKHURST MIDTOWN CONNECTOR PROJECT

MADERA COUNTY, CALIFORNIA



JULY 2019



BIOLOGICAL ANALYSIS REPORT

OAKHURST MIDTOWN CONNECTOR PROJECT, MADERA COUNTY, CALIFORNIA

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July 2019

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EXECUTIVE SUMMARY

Madera County proposes to construct the Oakhurst Midtown Connector Project (Project) in Oakhurst, California. The Project will connect State Route (SR) 41 directly to Indian Springs Road north of its intersection with Road 427. The proposed Project consists of three segments; improvements along existing SR 41; construction of the new Midtown Connector including construction of a new bridge; and improvements to the intersection of Road 427 and Indian Springs Road.

The area surrounding the Project is largely undeveloped with trees, shrubs, and rock outcroppings scattered throughout the site. Existing private residences are located within 500 feet of the Project site. The Project area includes riparian vegetation and historic structures within the Fresno Flats Historic Park, as well as a trail system parallel to Indian Springs Road. It also includes cultural resources near the proposed bridge site.

A review of agency databases was conducted in December 2017 to obtain information on the occurrences of sensitive natural communities and special-status species documented within the Ahwahnee USGS 7.5-minute quadrangle that encompass the Project site and the eight surrounding quadrangles. However, the project was delayed and database information was therefore updated in July 2019. These databases included the California Natural Diversity Database (CNDDDB 2019), California Native Plant Society Database (CNPS 2019), U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species List (USFWS 2019a), National Wetlands Inventory (NWI, USFWS 2017), National Hydrology Dataset (NHD 2017), Natural Resource Conservation District, United States Department of Agriculture (USDA 2017), Western Regional Climate Center (WRCC 2017), Federal Emergency Management Agency (FEMA 2017), and available aerial imagery.

Reconnaissance-level biological surveys of the Project site was conducted in 2015, 2016 and 2017 because of subsequent changes in the Project design. The surveys were conducted by QK biologist Lisa Sandoval on January 28, January 29, and June 11, 2015, July 06, 2016, and March 6, 7, and 8, 2017. The surveys consisted of completing pedestrian transects throughout the Project site and the 100-foot survey buffer to evaluate the potential for special-status species to occur.

The Project site supports five vegetation communities including Great Valley Mixed Riparian Forest (Holland Element Code 61420), Great Valley Willow Scrub (Holland Element Code 63320), Interior Live Oak Woodland (Holland Element Code 71150), Non-native Grassland (Holland Element Code 42200), and Valley Oak Woodland (Holland Element Code 71130) (Holland 1986). The Non-Native Grassland and oak woodland habitats dominate the Project site. Oak woodland and riparian habitat are sensitive vegetation communities.

Bobcat (*Lynx rufus*), white-tailed deer (*Odocoileus virginianus*), gray squirrel (*Sciurus griseus*), red-tailed hawk (*Buteo jamaicensis*), western scrub jay (*Aphelocoma californica*), white-crowned sparrow (*Zonotrichia leucophrys*), and acorn woodpecker (*Melanerpes formicivorus*) were observed in the survey area. No fish, amphibian or reptile species were observed.

Five drainages occurred on the Project site, and included the Fresno River, Nelder Creek, and Drainage 1, Drainage 2, and Drainage 3. Drainages 1-3 flow into Nelder Creek. Nelder Creek joins with the Fresno River south of the Project site. Project waters encompass 0.209 acre within the Ordinary High Water Mark (OHWM), 0.286 acre of bank habitat beyond the OHWM, and 0.984 acre of riparian habitat within the Project boundaries. Project implementation will impact up to 0.06 acre within the OHWM of Project waters and up to 0.09 acre of bank habitat beyond the OHWM on the Project site. No impacts will occur to the Nelder Creek. An additional estimated 0.526 acre of riparian habitat on the Project site will be impacted by the Project.

No special-status plant species were observed on the Project site, but specific floristic surveys for special-status plant species were not conducted. Three special-status plant species have the potential to occur on the Project site. These species include orange lupine (*Lupinus citrinus* var. *citrinus*), Madera leptosiphon (*Leptosiphon serrulatus*), and Yosemite evening primrose (*Camissonia sierra* ssp. *sierrae*).

All oak trees (*Quercus*) or riparian trees with diameter at breast height (DBH) equal to or greater than four inches that occurred within the survey buffer were measured and mapped. There were 43 valley oak trees, 17 white alder trees, nine blue oak trees, four unknown oak trees, one interior live oak tree, one California ash tree (*Fraxinus anomala*), and one willow species (*Salix* sp.) recorded.

Six special-status wildlife species have the potential to occur on the Project site. These include the foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Actinemys marmorata*), golden eagle (*Aquila chrysaetos*), pallid bat (*Antrozous pallidus*), fisher (*Pekania pennant*), and American badger (*Taxidea taxus*). Migratory birds and raptors could also potentially occur on the Project site. Golden eagle and pallid bat may potentially occur on the Project site as foragers, but no roosting or nesting habitat for these species occur on the Project site.

No United States Fish and Wildlife Service designated Critical Habitat occurs on or near the Project site. No designated wildlife movement corridors occur on or near the Project site. No Essential Fish Habitat occurs on the Project site. The oak woodland, riparian habitat, aquatic resources, and grassland habitat found on and near the Project site provide foraging habitat for migratory birds and raptors, and these species could use these areas as stopover sites during migrations or movement between local areas. Water features on the Project site may serve as local movement corridors for fish, frogs, toads, or salamanders. Water features would also support a prey base for roosting or traveling bats, which could forage on or near the Project site.

Implementation of mitigation measures would reduce impacts to special-status plants, special-status wildlife, oak and riparian trees, and aquatic resources to a level that is ***less than significant*** levels.

SECTION 1 - INTRODUCTION

Quad Knopf, Inc. (DBA QK) was retained by the County of Madera (County) to provide biological resource services in support of the Oakhurst Midtown Connector (Project) in Madera County, California (Figures 1 and 2). QK reviewed relevant technical documents and agency-maintained databases on biological resources and assessed biological conditions in the Project area during on-site biological surveys. The results of the desktop research and field surveys are summarized in this biological analysis report (BAR), which provides the technical basis for the analysis of potential impacts to biological resources that may result from the construction, operation, and maintenance of the Project.

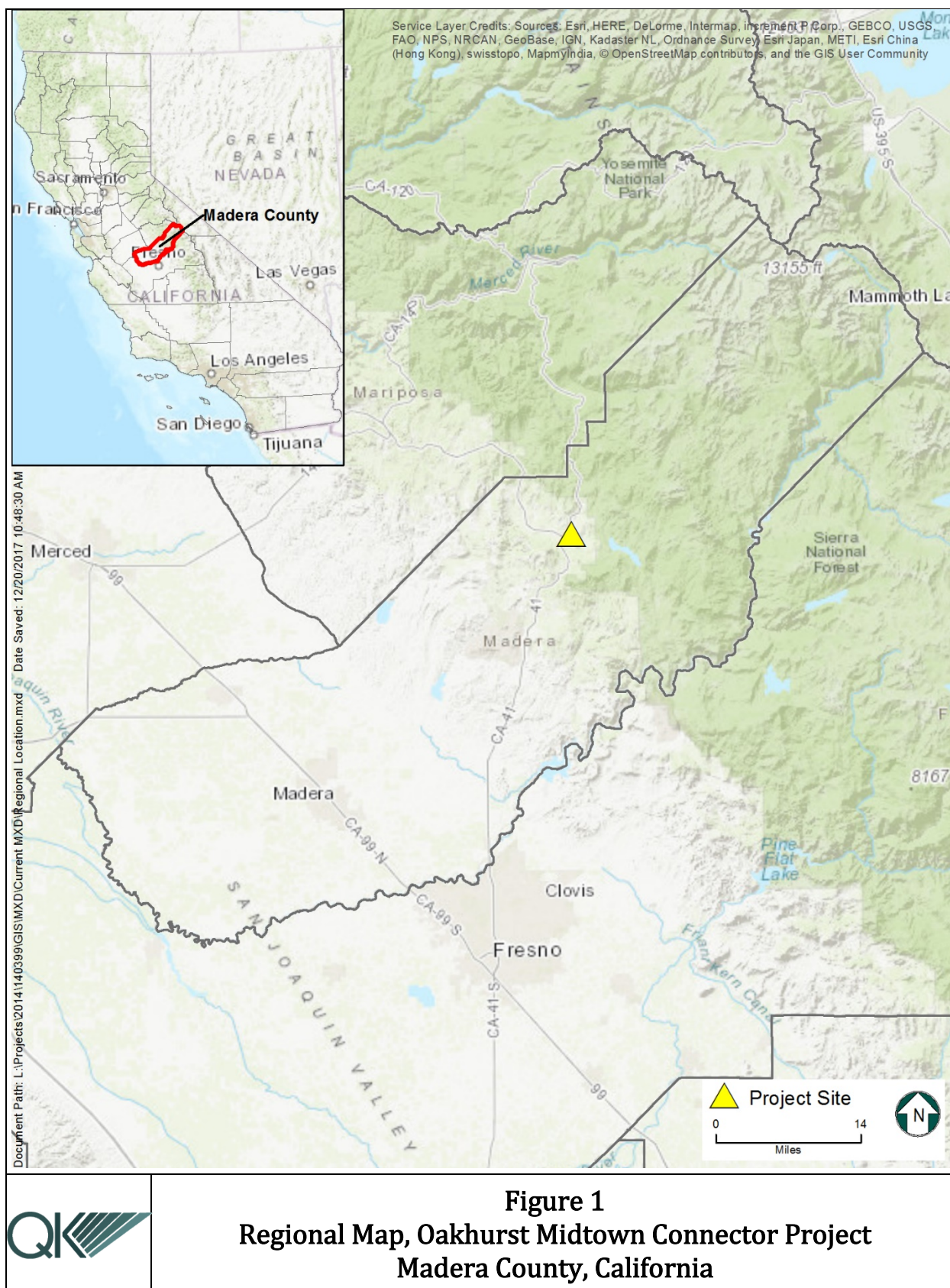
1.1 - Project Description

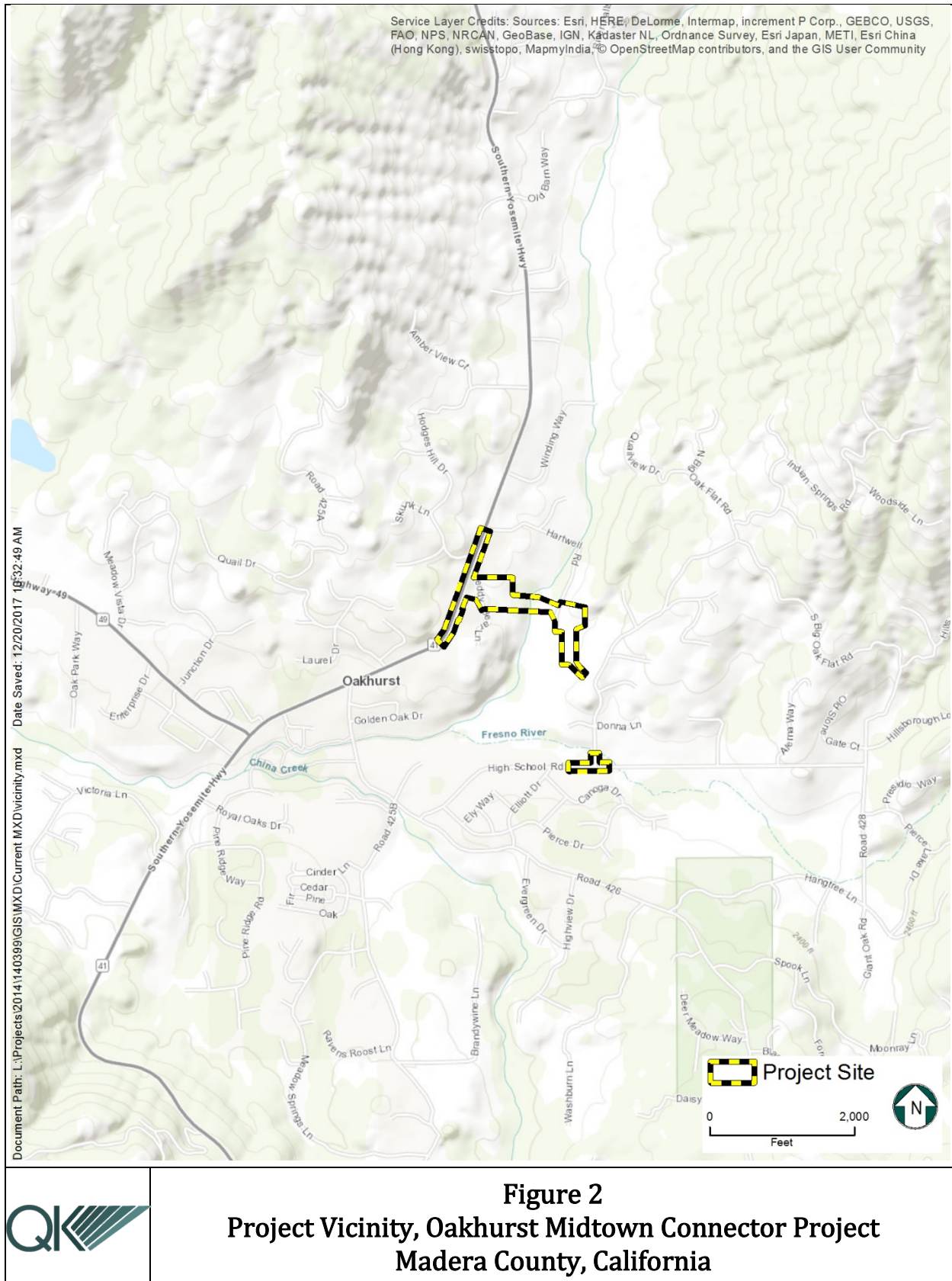
The County proposes to connect State Route (SR) 41 directly to Indian Springs Road north of its intersection with Road 427 (Figure 3). This would allow residents, students of Yosemite High School and Oakhurst Middle School, worshippers of several churches, those using the Boys and Girls Club of Oakhurst, and others to travel directly to the middle of town, rather than traveling the indirect, and considerably longer route used presently.

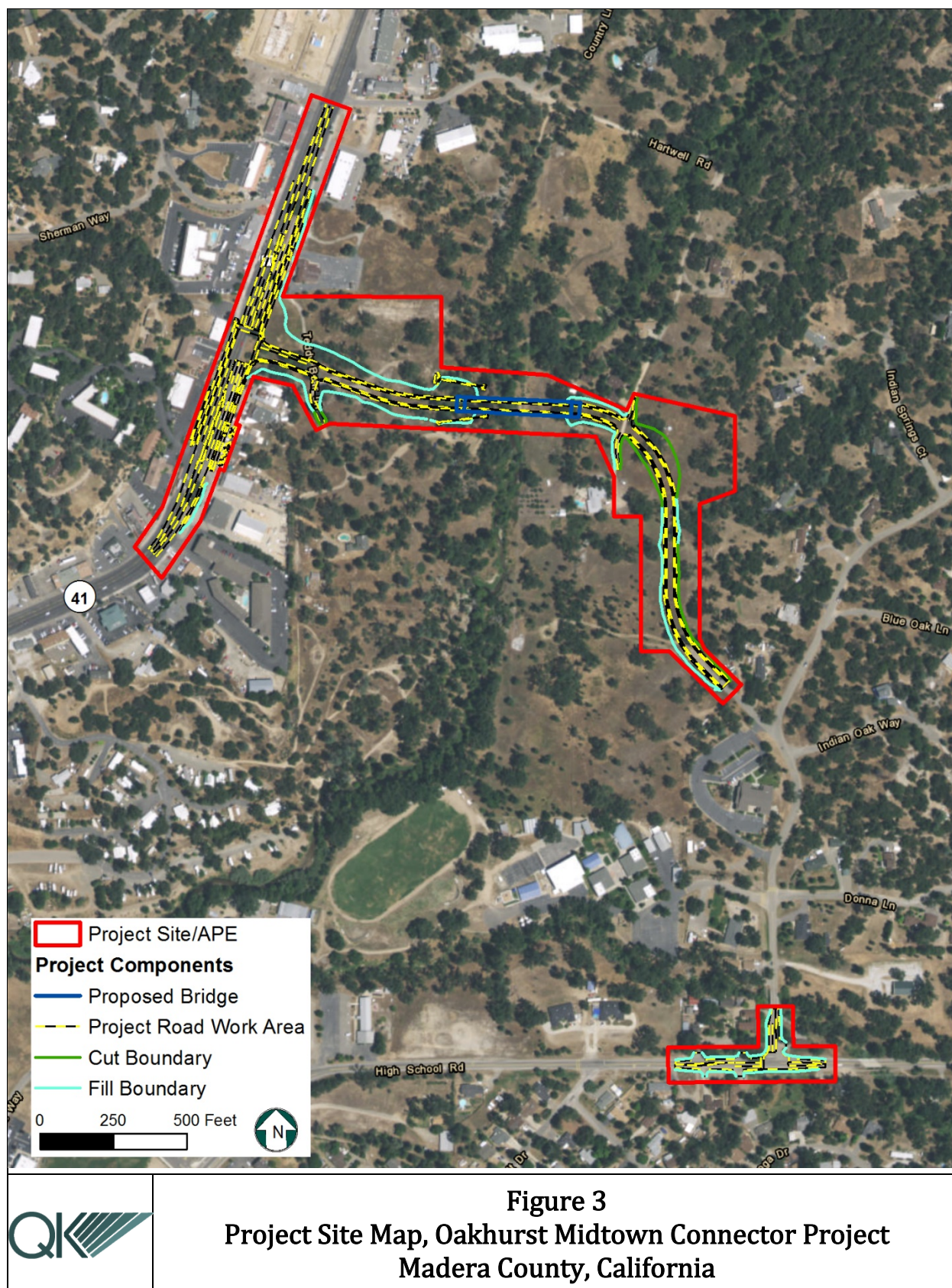
The proposed Project consists of three segments; improvements along existing SR 41; construction of the new Midtown Connector; and improvements to the intersection of Road 427 and Indian Springs Road.

As a State highway, management of highway SR 41 is under the purview of California Department of Transportation (Caltrans). It is the policy of Caltrans to require that any project that involves a section of a State highway include in its project the improvements planned by Caltrans for that section of the State highway. Therefore, SR 41 will be widened from a two-lane to a four-lane route for approximately 1,745-feet, including the construction of a new intersection leading to the Midtown Connector. A three-way traffic signal will be installed at this new intersection. One left-hand turn lane will be installed in this section of SR 41 at the new intersection for those traveling southbound. This means that although traffic can currently access or exit businesses from the left or right, with the improvements ingress and egress will be limited to right-hand only. The road widening will also require that parking and rights-of-way at the fronts of the businesses along SR 41 will be reduced. Sidewalks and other improvements on the west side of SR 41 will be relocated to allow room for the additional lanes. Improvements on this section of SR 41 are intended to relieve traffic pressure and are not expected to increase the volume of traffic using SR 41.

The second segment of the Project is the new Midtown Connector roadway. As noted above, this roadway will originate at the new intersection with SR 41. The Midtown Connector comprises the longest section of the Project. The Midtown Connector will travel down slope (east) approximately 0.2 miles from the intersection to Nelder Creek, where a new bridge approximately 360 feet in length will be constructed. From Nelder Creek, the Midtown Connector will continue east, then turn south where it will join the existing Indian







Springs roadway at a “Y” junction. The length between the bridge and this intersection is approximately 1,400 feet in length. Indian Springs Road continues approximately 250 feet south to an intersection with Road 427. This section of roadway will include two, 12-foot wide travel lanes, with 5-foot sidewalks and 5-foot bicycle lanes on either side of the roadway and bridge.

The intersection of Indian Springs Road with Road 427 comprises the third section of the Project. The existing roadways at this intersection will be improved with dividers between lanes of Road 427, addition of left-turn lanes on Indian Springs Road, and replacement of the one-way stop on Indian Springs Road with a three-way signal on both Indian Springs Road and Road 427.

1.2 - Project Location

The Project is located within the foothills the Sierra Nevada Mountains, in north-central Madera County, California (see Figures 1 and 2). It is in the unincorporated community of Oakhurst, approximately 14 miles south of Yosemite National Park. The Project connects existing SR 41 to Indian Springs Road (see Figure 3). SR 41 is the dominant roadway traversing through the downtown area, from north to south. Indian Springs Road is south and east of Oakhurst. It currently connects to Road 427 (School Road), which leads to SR 41 south of the community.

1.3 - Purpose, Goals, and Objectives

SR 41 serves as the major thoroughfare between the City of Fresno to the south and Yosemite National Park (NP) to the north. The community of Oakhurst, which lies between Fresno and Yosemite NP, is bisected by SR 41, which is lined with businesses, hotels, and restaurants through Oakhurst’s downtown. Tourists, business owners, and residents are all affected by extensive use of SR 41. In addition to providing the major byway to a popular National Park, SR 41 serves as the main route for transportation of goods and services to Oakhurst, Yosemite National Park, and outlying towns and communities. Traffic is often heavy, and at times slow and congested through Oakhurst. Residents living to the east of downtown Oakhurst have no way to travel directly into town but must instead travel along High School Road and then Road 426, the local connector that intersects with SR 41 south of the community. Road 426 includes schools, churches, businesses and residences, and is often congested as well. The restriction of traffic to Road 426 as access from east of town to downtown Oakhurst poses not only an inconvenience, but also a health and safety hazard should a fire or other emergency occur.

The County of Madera proposes to construct a new roadway, the Midtown Connector, to create direct, local access to and from downtown Oakhurst for those living, working, and utilizing businesses, churches, and other services to the east of the community.

SECTION 2 - ENVIRONMENTAL SETTING

This section identifies the regional environmental setting of the Project and describes baseline conditions. The setting is described in the context of the following subject areas:

- Topography;
- Climate;
- Land Use;
- Soils;
- Hydrology; and
- General Biological Conditions.

2.1 - Topography

The Project ranges in elevation between approximately 2,200 feet and 2,400 feet above mean sea level (AMSL). The existing terrain is generally rolling and descends from the intersection between SR 41 and the Midtown Connector that is at an elevation of 2,362 feet AMSL to the proposed Nelder Creek crossing that is at an elevation of 2,262 feet AMSL.

2.2 - Climate

The average climatic conditions in the vicinity of the Project are typical of the San Joaquin Valley. The Mediterranean climate is characterized by hot dry summers and cold moist winters. Catheys Valley Bull Run Ranch, which is situated in the foothills and the nearest weather station to the Project with sufficiently complete weather data, has average January temperatures ranging between 33.5 degrees and 53.9 degrees Fahrenheit (Cooperative Observer Network Station ID 041588; WRCC 2017). In July, average temperatures range between 60.7 degrees and 95.5 degrees Fahrenheit (WRCC 2017). Average annual rainfall is 20.29 inches (WRCC 2017). Most of the annual precipitation, which occurs almost entirely as rain, falls between the months of October and May.

2.3 - Land Use

The Project is in the Sierra Nevada foothills of Madera County, California, in the unincorporated town of Oakhurst, approximately 14 miles south of Yosemite National Park (see Figure 2). The area surrounding the Project is largely undeveloped with trees, shrubs, and rock outcroppings scattered throughout the site. Existing private residences are located within 500 feet of the Project (see Figure 3). The Fresno Flats Historic Park is located on the northeast and northwest sides of the Road 427/Indian Springs Road intersection, and an existing bridge is located approximately 175 feet north of the existing intersection on Indian Springs Road (see Figure 2).

The area within and surrounding the Project includes riparian vegetation and historic structures within the Fresno Flats Historic Park, as well as a trail system parallel to Indian Springs Road. It also includes cultural resources near the proposed bridge site. The Project

is adjacent to a school and a church which are located north of the Road 427 and Indian Springs Road intersection along Indian Springs Road.

2.4 - Soils

Soils present in the Project consist mostly of Ahwahnee and Auberry rocky coarse sandy loams, which are common in the foothills at this elevation. These soils range from eight to 30 percent slope (NRCS 2017; Figure 4). Both the Ahwahnee and Auberry soils are well drained, with slow to rapid runoff, and are moderately permeable. The Ahwahnee soils are generally deep and consist of coarse sandy loams to very rocky coarse sandy loams and can (and do) include bedrock outcrops. Thicker profiles provide moderate water holding capacity. Soil types in the area are not conducive to liquefaction, as they are either too coarse or are too high in clay content. A small portion of the Project site, near the intersection of Road 427 and Indian Springs Road intersection, is classified as Visalia sandy loam, with slopes ranging from zero to three percent. Visalia sandy loam is well-drained and has very low run-off.

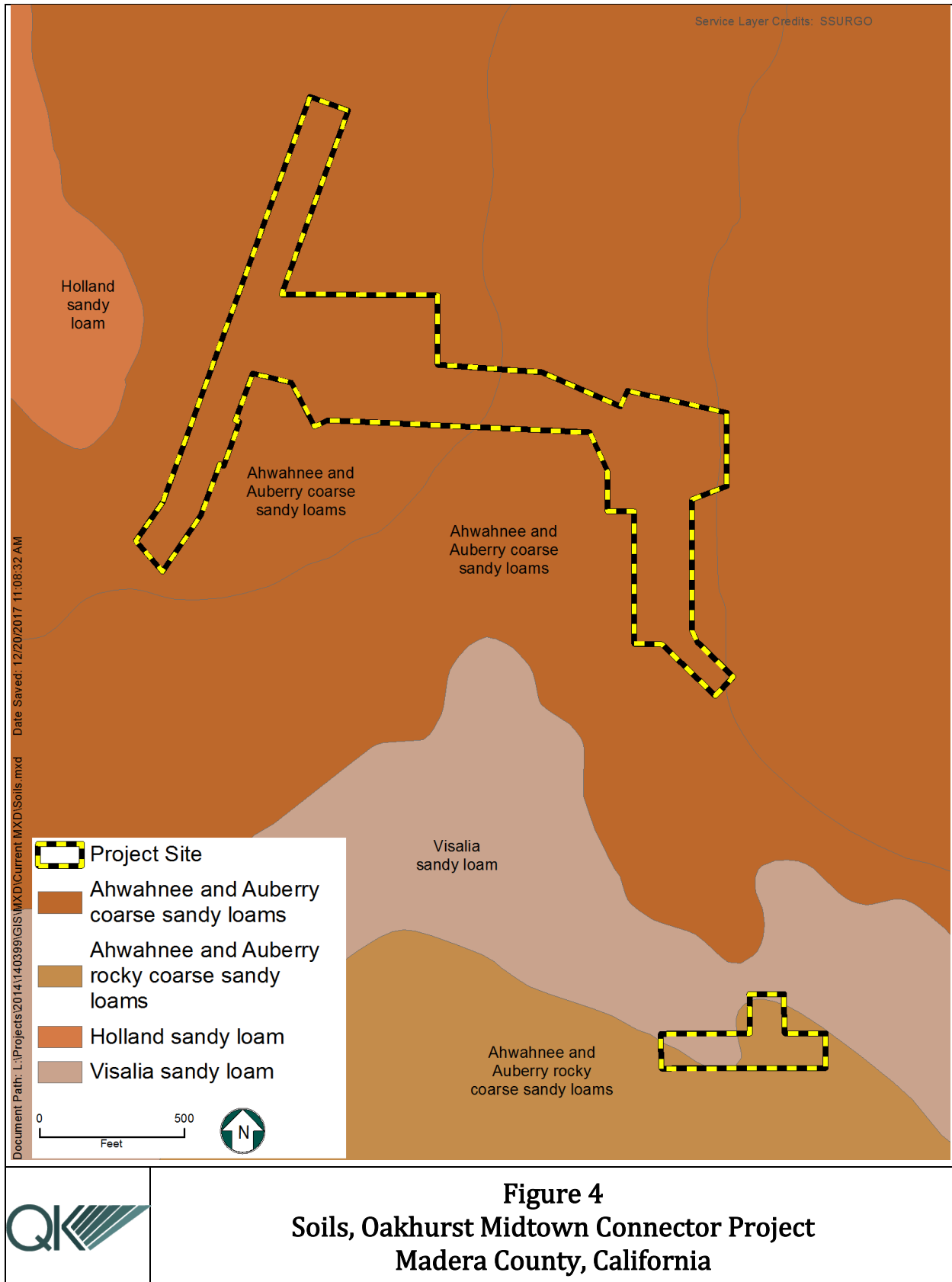
2.5 - Hydrology

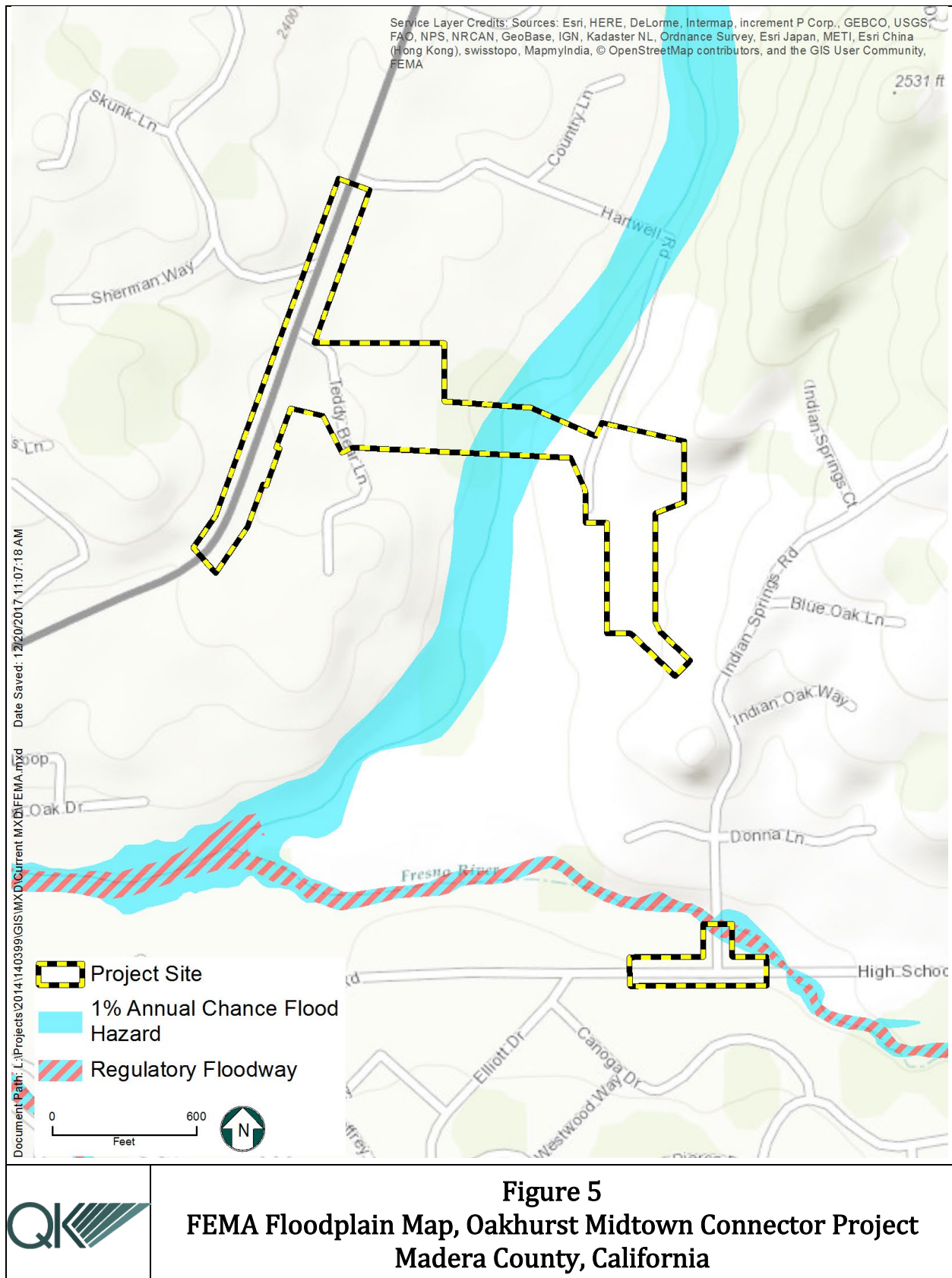
The connector portion of the Project extends into a regulatory floodzone, which is categorized as Zone A by the Federal Emergency Management Agency (FEMA 2017; Figure 5). According to FEMA, Zone A areas are, “Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies.” A minimal portion of the Project, at the existing intersection of Road 427 and Indian Springs Road is categorized as Zone AE (Figure 5). According to FEMA, Zone AE areas are “Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods.”

Two streams, Nelder Creek and the Fresno River, and three unnamed ephemeral streams (Drainages 1-3) run through the Project (Figures 6 and 7). Drainages 1 and 2 are tributaries of Nelder Creek and flow into Nelder Creek on the Project site. Drainage 3 occurs on the southeast portion of the Project and appears on aerial imagery to flow west into Nelder Creek south of the Project.

2.6 - General Biological Conditions

The Project site provides suitable habitat for many plant and wildlife species. It supports five plant communities including Great Valley Mixed Riparian Forest (Holland Element Code 61420), Great Valley Willow Scrub (Holland Element Code 63320), Interior Live Oak Woodland (Holland Element Code 71150), Non-native Grassland (Holland Element Code 42200), and Valley Oak Woodland (Holland Element Code 71130) (Holland 1986). The Non-Native Grassland and oak woodland habitats dominate the Project site (see Figure 3).





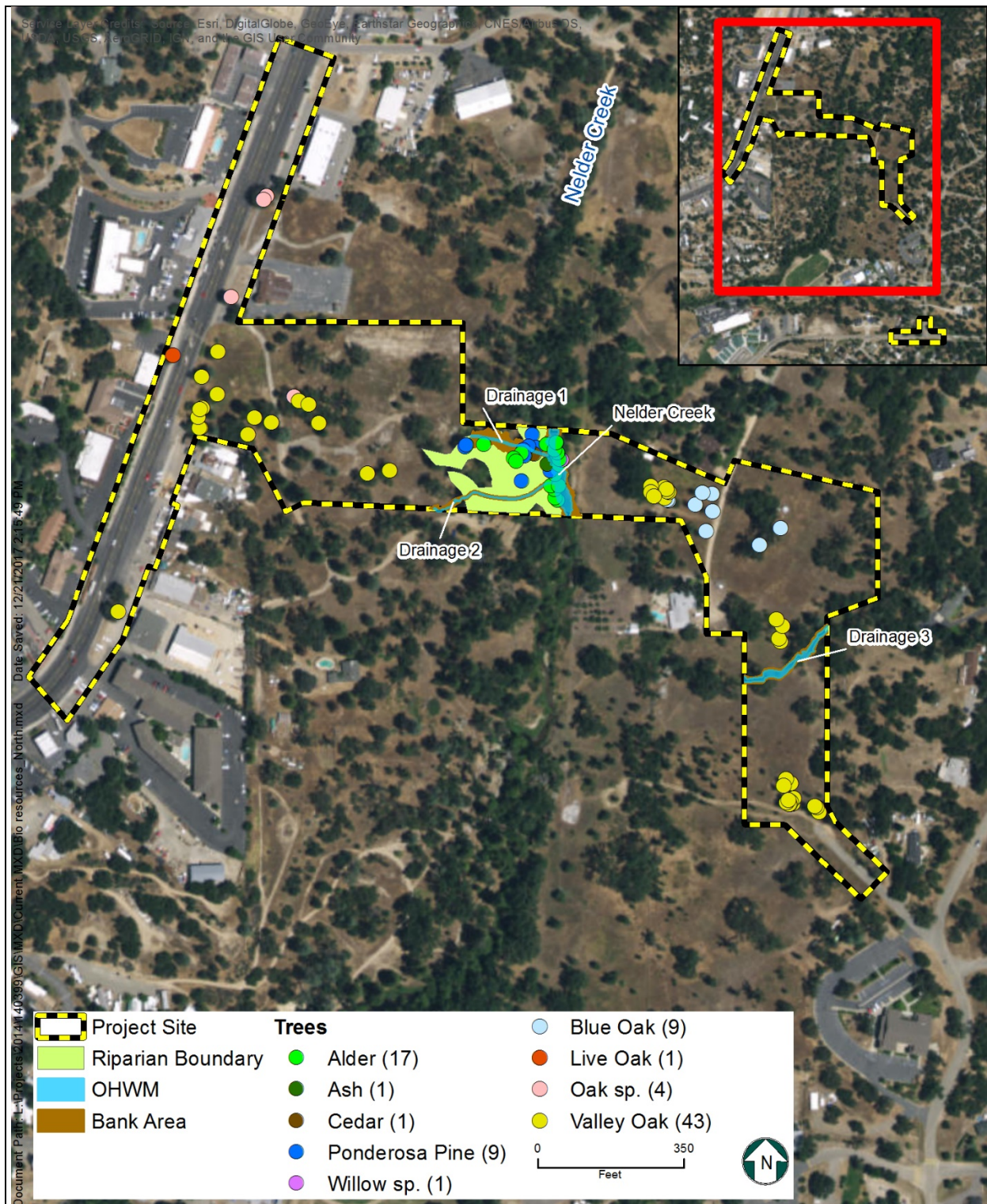


Figure 6
Biological Resources North, Oakhurst Midtown Connector Project
Madera County, California



Figure 7
Biological Resources South, Oakhurst Midtown Connector Project
Madera County, California

The dominant plant species observed in the riparian habitat included the white alder (*Alnus rhombifolia*), valley oak (*Quercus lobata*), Himalayan blackberry (*Rubus armeniacus*), black willow (*Salix gooddingii*), and red willow (*Salix laevigata*) (Table 1). The dominant species observed in the oak woodland habitats included blue oak (*Quercus douglasii*) and valley oak with numerous small interior live oak (*Quercus wislizeni*). The dominant species observed in the grassland habitat included ripgut brome (*Bromus diandrus*), rattail sixweeks grass (*Festuca myuros*), and common fiddleneck (*Amsinckia intermedia*).

Table 1
Plant Species Observed on the Oakhurst Connector Project Site
Oakhurst, CA

Scientific Name	Common Name
<i>Aira crayophyllea</i>	silver hairgrass
<i>Alnus rhombifolia</i>	white alder
<i>Amsinckia intermedia</i>	common fiddleneck
<i>Arctostaphylos spp.</i>	manzanita
<i>Astragalus spp.</i>	vetch
<i>Avena fatua</i>	wild oat
<i>Bromus diandrus</i>	ripgut brome
<i>Carex spp.</i>	sedge
<i>Claytonia perfoliata</i>	miner's lettuce
<i>Clarkia williamsonii</i>	Fort Miller clarkia
<i>Cryptantha spp.</i>	cryptantha
<i>Daucus pusillus</i>	American wild carrot
<i>Erodium cicutarium</i>	red-stem filaree
<i>Fraxinus anomala</i>	California ash
<i>Lathyrus latifolius</i>	sweet pea
<i>Marah sp.</i>	wild cucumber
<i>Mentha arvensis</i>	wild mint
<i>Pinus lambertiana</i>	sugar pine
<i>Pinus ponderosa</i>	ponderosa pine
<i>Populus trichocarpa</i>	black cottonwood
<i>Quercus douglasii</i>	blue oak
<i>Quercus lobata</i>	valley oak
<i>Quercus wislizeni</i>	interior live oak
<i>Rhamnus ilicifolia</i>	hollyleaf redberry
<i>Rubus armeniacus</i>	blackberry
<i>Rumex crispus</i>	curly dock
<i>Salix exigua</i>	sandbar willow
<i>Salix gooddingii</i>	black willow
<i>Salix laevigata</i>	red willow
<i>Sambucus nigra</i>	blue elderberry
<i>Stellaria media</i>	common chickweed
<i>Typha spp.</i>	cattail
<i>Vinca major</i>	bigleaf periwinkle

Surveys recorded minimal wildlife activity in the survey area. This may be due to the high level of traffic that occurred on SR 41. Bobcat (*Lynx rufus*), white-tailed deer (*Odocoileus virginianus*), gray squirrel (*Sciurus griseus*), red-tailed hawk (*Buteo jamaicensis*), western scrub jay (*Aphelocoma californica*), white-crowned sparrow (*Zonotrichia leucophrys*), and acorn woodpecker (*Melanerpes formicivorus*) were observed in the survey area. No fish, amphibian or reptile species were observed. Plant communities in the survey area, particularly within the riparian corridor of Nelder Creek and the Fresno River, likely provide foraging and breeding habitat for other species not observed during surveys.

SECTION 3 - REGULATORY SETTING

3.1 - Applicable Federal Regulations

3.1.1 - FEDERAL ENDANGERED SPECIES ACT OF 1973 (USC, TITLE 16, SECTIONS 1531 - 1543)

The federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The FESA defines species as threatened or endangered and provides regulatory protection for listed species. The FESA provides a program for the conservation and recovery of threatened and endangered species as well as the protection of designated critical habitat that USFWS determines is required for the survival and recovery of listed species.

Section 9 lists actions that are prohibited under the FESA. Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity. Section 9 prohibits take of listed species of fish, wildlife, and plants without special exemption. The definition of “harm” includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. “Harass” is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction of adverse modification of critical habitat for these species. The USFWS and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in California Code of Regulations (CCR) Title 50, Part 402. If an activity could result in “take” of a listed species as an incident of an otherwise lawful activity, then a biological opinion can be issued with an incidental take statement that exempts the activity from FESA’s take prohibitions. The AV Apollo Solar Project lacks federal funding or any other nexus to federal jurisdiction, and Section 7 does not apply.

Section 10 provides a means whereby a nonfederal action with the potential to result in take of a listed species can be allowed under an incidental take permit. Application procedures

are found at CFR Title 50, Sections 13 and 17 for species under the jurisdiction of USFWS and CFR, Title 50, Sections 217, 220, and 222 for species under the jurisdiction of NMFS. Section 10 would apply to the Project if take of a species (as defined in Section 9) were determined to occur.

Section 4(a)(3) and (b)(2) of the FESA requires the designation of critical habitat to the maximum extent possible and prudent based on the best available scientific data and after considering the economic impacts of any designations. Critical habitat is defined in section 3(5)(A) of the FESA: 1) areas within the geographic range of a species that are occupied by individuals of that species and contain the primary constituent elements (physical and biological features) essential to the conservation of the species, thus warranting special management consideration or protection; and 2) areas outside of the geographic range of a species at the time of listing but that are considered essential to the conservation of the species.

3.1.2 - MIGRATORY BIRD TREATY ACT (USC, TITLE 16, SECTIONS 703 - 711)

The MBTA, first enacted in 1918, is a series of treaties that the United State has with Great Britain (on behalf of Canada), Mexico, Japan, and the former Soviet Union that provide for international migratory bird protection. The MBTA authorizes the Secretary of the Interior to regulate the taking of migratory birds. The act provides that it should be unlawful, except as permitted by regulations, “to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird” (U.S. Code Title 16, Section 703). The MBTA currently includes several hundred species and includes all birds that are native to California.

3.1.3 - BALD AND GOLDEN EAGLE PROTECTION ACT OF 1940 (USC, TITLE 16, SECTION 668)

The Bald and Golden Eagle Protection Act (BGEPA) of 1940 protects bald eagles (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) by prohibiting the taking, possession, and commerce of these species and established civil penalties for violation of this act. Take of bald and golden eagles includes to “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” To disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. (Federal Register [FR], volume 72, page 31132; 50 CFR 22.3).

3.1.4 - FEDERAL CLEAN WATER ACT (USC, TITLE 33, SECTIONS 1521 - 1376)

The federal Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires that a Project applicant that is pursuing a federal license or permit allowing a discharge to waters of the U.S. to obtain State Certification of Water Quality, thereby ensuring that the discharge will comply with provisions of the CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California. Section 402 establishes a

permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the U.S. Section 404 establishes a permit program administered by the United States Army Corps of Engineers (USACE) that regulates the discharge of the dredged or fill material into waters of the U.S., including wetlands. The USACE implementing regulations are found in CFR, Title 33, Sections 320 and 330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines, which were developed by the United States Environmental Protection Agency (EPA) in conjunction with USACE (40 CFR 230). The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

3.2 - Applicable State Regulations

3.2.1 - CALIFORNIA ENVIRONMENTAL QUALITY ACT (CALIFORNIA PUBLIC RESOURCES CODE, SECTIONS 21000 - 21178, AND TITLE 14 CCR, SECTION 753, AND CHAPTER 3, SECTIONS 15000 - 15387)

The California Environmental Quality Act (CEQA) is California's broadest environmental law. CEQA helps guide the issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a State, County, or City agency, including private projects requiring discretionary government approval.

The purpose of CEQA is to disclose to the public the significant environmental effects of a proposed discretionary project; prevent or minimize damage to the environment through development of project alternatives, mitigation measures, and mitigation monitoring; disclose to the public the agency decision making process to approve discretionary projects; enhance public participation in the environmental review process; and improve interagency coordination.

State CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or State list of protected species nonetheless may be considered rare or endangered for purposes of CEQA if the species can be shown to meet certain specified criteria.

3.2.2 - CALIFORNIA ENDANGERED SPECIES ACT (CALIFORNIA FISH AND GAME CODE SECTION 2050 ET SEQ.)

The California Endangered Species Act (CESA) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve Projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For Projects that would result in take of a species listed under the CESA, a project proponent would need to obtain a take permit under Section 2081(b). Alternatively, the CDFW has the option of issuing a Consistency Determination (Section 2080.1) for Projects that would affect a species listed under both the

CESA and the FESA, as long as compliance with the FESA would satisfy the “fully mitigate” standard of CESA, and other applicable conditions.

3.2.3 - PORTER-COLOGNE WATER QUALITY CONTROL ACT

Under Section 401 of the CWA, the RWQCB must certify that actions receiving authorization under Section 404 of the CWA also meet State water quality standards. The RWQCB regulates waters of the State under the authority of the Porter-Cologne Water Quality Control Act (Porter Cologne Act). The RWQCB requires Projects to avoid impacts to wetlands whenever feasible and requires that Projects do not result in a net loss of wetland acreage or a net loss of wetland function and values. The RWQCB typically requires compensatory mitigation for impacts to wetlands and/or waters of the State. The RWQCB has jurisdiction over waters deemed ‘isolated’ or not subject to Section 404 jurisdiction under the Solid Waste Agency of Northern Cook County (SWANCC) decision. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste into waters of the State, and such discharges are authorized through an Order of Waste Discharge (or waiver of discharge) from the RWQCB.

3.2.4 - OAK WOODLANDS

In 2001, the California legislature passed the Oak Woodland Conservation Act (Act; Section 1360-1372). The Act specifically recognizes the importance of oak woodlands and how oak trees enhance the natural and scenic beauty of this State. The Act also acknowledges the important role oak woodlands play in the economic, social, environmental and ecological matters of this State. The Act mandates the Wildlife Conservation Board to establish a grant program designed to protect and restore oak woodlands using conservation easements, cost-share and long-term agreements, technical assistance and public education and outreach. The Program provides incentives designed to foster the conservation of oak woodlands in a manner that promotes local priorities while sustaining the economic viability of farming and ranching operations. “Oak woodlands” is defined by CDFW in the Act as an oak stand with a greater than 10% canopy cover or that may have historically supported greater than 10% canopy cover.

On September 24, 2004, Senate Bill No. 1334 added Section 21083.4 to the Public Resources Code to specifically include an assessment of oak woodland impacts in California Environmental Quality Act (CEQA) determinations. “Oak” is defined as a native tree species in the genus *Quercus* that is ≥ 5 inches in diameter at breast height (DBH).

3.2.5 - VARIOUS SECTIONS OF THE CALIFORNIA STATE AND FISH AND GAME CODE

Section 460 and Sections 4000-4003

Chapter 5 of the California Fish and Game Code (FGC) describes regulations concerning the take of furbearing mammals, including defining methods of take, seasons of take, bag and possession limits, and areas of the State where take is allowed. Section 4000-4003 defines furbearing mammals, and the issuance of permits by the Department. Sections 460 and 4000 identifies fisher, marten, river otter, desert kit fox and red fox as furbearing mammals, and

Section 460 prohibits take of these species at any time. This section of the California Fish and Game Code (FGC) has historically been interpreted to apply to restriction on the issuance of furbearer trapping permits but has recently been expanded by CDFW to apply to any forms of take and treated as if these species were listed under CESA.

Sections 1600 through 1616

Under these sections of the FGC, a Project operator is required to notify CDFW prior to any Project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Pursuant to the California Code of Regulations, a “stream” is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Based on this definition, a watercourse with surface or subsurface flows that supports or has supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial watercourses valuable to fish and wildlife are subject to CDFW jurisdiction. CDFW also has jurisdiction over dry washes that carry water during storm events. Preliminary notification and Project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, CDFW is required to propose reasonable Project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement.

Sections 3511, 4700, 5050, and 5515

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the FGC. These statutes prohibit take or possession of fully protected species. CDFW is unable to authorize incidental take of fully protected species, except as allowed for in an approved Natural Communities Conservation Plan (NCCP), or through direct legislative action.

Sections 1900 through 1913 - Native Plant Protection Act

California’s Native Plant Protection Act (NPPA) requires all State agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provision of the NPPA prohibit that taking of listed plants from the wild and require notification of CDFW at least ten days in advance of any change in land use. This allows CDFW to salvage listed plant species that otherwise would be destroyed. A Project proponent is required to conduct botanical inventories and consult with CDFW during Project planning to comply with the provisions of this act and sections of CEQA that apply to rare or endangered plants.

3.3 - Applicable Regional and Local Regulations

3.3.1 - MADERA COUNTY GENERAL PLAN

The County of Madera General Plan Policy Document (County of Madera 1995) describes a variety of policies within Section 5, “Water Resources,” “Wetland and Riparian Areas,” “Vegetation,” and “Fish and Wildlife Habitat.” The relevant natural resources policies pertinent for this Project are described as follows:

- Goal 5C. To protect and enhance the natural qualities of Madera County's streams, creeks and groundwater.
- 5.C.2. The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the rainy season, unless mitigated, to avoid sedimentation of creeks and damage to riparian habitat.
- 5.C.4. The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and shall encourage that storm drainage systems use BMPs.
- Policy 5D. To protect wetland communities and related riparian areas throughout Madera County as valuable resources.
- 5.D.1. The County shall comply with the wetlands policies of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.
- 5.D.2. The County shall require new development to mitigate wetland loss in both regulated and non-regulated wetlands through any combination of avoidance, minimization, or compensation. The County shall support mitigation banking programs that can provide the opportunity to mitigate impacts to rare, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas.
- 5.D.3. The County shall require development to be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.
- 5.D.4. The County shall require riparian protection zones around natural watercourses. Riparian protection zones shall include the bed and bank of both low and high flow channels and associated riparian vegetation, the band of riparian vegetation outside the high flow channel, and buffers of 100 feet in width as measured from the top of bank of unvegetated channels and 50 feet in width as measured from the outer edge for the canopy of riparian vegetation. Exceptions may be made in existing developed areas where existing development and lots are located within the setback areas.
- 5.D.5. The County shall strive to identify and conserve remaining upland habitat areas adjacent to wetlands and riparian areas that are critical to the feeding or nesting of wildlife species associated with these wetland and riparian areas.
- 5.D.6. The County shall require new private or public developments to preserve and enhance existing native riparian habitat unless public safety concerns require removal of habitat for flood control or other public purposes. In cases where new private or public development results in modification or destruction of riparian habitat for purposes of flood control, the developers shall be responsible for creating new riparian habitats within or near the project area at a ratio of 3:1 acres of new habitat for every acre destroyed.

5.D.7. The County shall support the management of wetland and riparian plant communities for passive recreation, groundwater recharge, nutrient catchment, and wildlife habitats. Such communities shall be restored, where possible.

Policy 5E. To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.

5.E.1. The County shall identify and protect critical nesting and foraging areas, important spawning grounds, migratory routes, waterfowl resting areas, oak woodlands, wildlife movement corridors, and other unique wildlife habitats critical to protecting and sustaining wildlife populations.

5.E.2. The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.

5.E.4. The County shall support preservation of the habitats of rare, threatened, endangered, and/or other special status species. The County shall consider developing a formal habitat conservation plan in consultation with federal and state agencies, as well as other resource conservation organizations. Such a plan would provide a mechanism for the acquisition and management of lands supported by threatened and endangered species.

5.E.5. The County shall support the maintenance of suitable habitats for all indigenous species of wildlife through maintenance of habitat diversity.

5.E.6. The County shall ensure the conservation of sufficiently large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife, if this preservation does not threaten the economic well-being of the county.

5.E.7. The County shall support the preservation or reestablishment of fisheries in the rivers and streams within the county, whenever possible.

5.E.10. Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of rare, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible.

Policy 5F. To preserve and protect the valuable vegetation resources of Madera County.

- 5.F.2. The County shall require developers to use native and compatible non-native species, especially drought-resistant species, to the extent possible in fulfilling landscaping requirements imposed as conditions of discretionary permit approval or for project mitigation.
- 5.F.3. The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.
- 5.F.4. The County shall ensure that landmark trees are preserved and protected.
- 5.F.5. The County shall establish procedures for identifying and preserving rare, threatened, and endangered plant species that may be adversely affected by public or private development projects. The County shall consider developing a formal habitat conservation plan in consultation with federal and state agencies, as well as other resources conservation organizations. Such a plan would provide a mechanism for the acquisition and management of land supporting threatened and endangered species
- 5.F.6. The County shall require that new development preserve natural woodlands to the maximum extent possible.
- 5.F.7. The County shall require that development on hillsides be limited to maintain valuable natural vegetation, especially forests and open grasslands, and to control erosion.

SECTION 4 - METHODS

This section discusses the methods used to obtain relevant data on the occurrence, or potential occurrence, of natural resources on the Project site. This included an agency-maintained database search, literature review, and on-site surveys. Due to changes in the Project design, the surveys, database search, and the literature reviews have been completed over a number of years. Accordingly, the updated information and analysis have replaced old data as necessary. Representative photographs of the Project site were taken (Appendix A).

4.1 - Literature Review and Database Analysis

A review of agency databases was conducted in December 2017 and revised in June 2019 to obtain information on the occurrences of natural communities and special-status species documented within the Ahwahnee USGS 7.5-minute quadrangle that encompass the Project and the eight surrounding quadrangles. The surrounding quadrangles included, Stumpfield Mountain, Fish Camp, White Chief Mountain, Horsecamp Mountain, Bass Lake, Knowles, O'Neals, and North Fork. The California Natural Diversity Database (CNDDB 2019), California Native Plant Society Database (CNPS 2019), and U.S. Fish and Wildlife Service (USFWS) Threatened and Endangered Species List (USFWS 2019a) were reviewed to obtain occurrences of sensitive natural communities, federally-listed species, State-listed species,

other species of special concern, or USFWS Critical Habitat Units (USFWS 2019b) that have been known to occur within the nine quadrangles queried for the Project analysis. To satisfy other standard search criteria, CNDDDB records within a 10-mile radius of the Project site were queried separately from the broader database search.

The CNDDDB provides element-specific spatial information on individual documented occurrences of special-status species and sensitive natural vegetation communities. The CNPS database provides similar information as the CNDDDB, but at a much lower spatial resolution. The USFWS query generates a list of federally protected species known to potentially occur within individual USGS quadrangles. Wildlife species designated as “Fully Protected” by California Fish and Game Code Sections 5050 (Fully Protected reptiles, and amphibians), 3511 (Fully Protected birds), 5515 (Fully Protected fish) and 4700 (Fully Protected mammals) are also included in this list.

Reviews of the National Wetlands Inventory (NWI, USFWS 2017b) and National Hydrology Dataset (NHD 2017) were completed to identify whether wetlands had previously been documented on or adjacent to the Project. The NWI, which is operated by the USFWS, is a collection of wetland and riparian maps that depicts graphic representations of the type, size, and location of wetland, deep water, and riparian habitats in the United States. In addition to the NWI, regional hydrologic information was obtained from the USGS to evaluate the potential occurrence of blueline streams occurring within the Project.

Soils data were obtained from the Natural Resource Conservation District, United States Department of Agriculture (USDA 2017), weather and precipitation data were obtained from the Western Regional Climate Center (WRCC 2017), and land use information was obtained from available aerial imagery. Information about flood-prone areas were obtained from the FEMA (FEMA 2017).

The results of the database inquiries were subsequently reviewed to extract pertinent information on site conditions and evaluate the potential for sensitive biological resources to occur within or near the Project. Only those resources with the potential to be present and affected by the Project were included and considered in this document. The potential presence of natural communities and special-status species was based on distributional ranges overlapping the Project and the presence of habitat and/or primary constituent habitat elements that would support the various species.

4.2 - Reconnaissance-Level Surveys

Reconnaissance-level biological surveys of the Project were conducted in 2015, 2016 and 2017 because of subsequent changes in the Project design. The combined surveys ensured coverage of the entire, current Project footprint and a 100-foot buffer around the Project footprint. The surveys were conducted by QK biologist Lisa Sandoval on January 28, January 29, and June 11, 2015, July 06, 2016, and March 6, 7, and 8, 2017. The surveys consisted of completing pedestrian transects throughout the Project and the 100-foot survey buffer to evaluate the potential for special-status species to occur. General tasks completed during these efforts included:

- Characterizing vegetation associations and habitat conditions present on the Project site and the associated 100-foot wide buffer area;
- Inventorying plant and wildlife species on the Project site;
- Assessing the potential for special-status species to occur on or near the Project;
- Evaluating the potential for raptors and other migratory birds to nest on or near the Project;
- Delineating wetland features using standard methods described in both the *1987 Army Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987) and the most recent version of the *Arid West Regional Supplement Version 2.0* (USACE 2008a);
- Mapping the Ordinary High Water Mark (OHWM) and banks water features within the Project using methodologies and diagnostic characteristics presented in the *Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Field Guide) (USACE 2008b); and
- Mapping riparian and oak trees and riparian boundary within the Project.

SECTION 5 - RESULTS AND DISCUSSION

The results of the database searches and evaluation of special-status species occurrence within the Project, as well as specific information gathered during the various field surveys, are presented in this section. These findings are used to support the evaluations of the condition and sensitivity of the natural resources currently existing on and adjacent to the Project. The evaluation of the potential impacts of the Project to sensitive natural resources are provided in Section 6.

5.1 - Sensitive Natural Communities

Sensitive natural communities are designated by various resource agencies including the CDFW, USFWS, BLM, Forest Service, or are designated by local agencies through policies, ordinances, and regulations. Sensitive natural communities generally have important functions or values for plants and wildlife or are recognized as declining in extent or distribution and warrant some level of protection. Sensitive natural communities that typically occur in the region of the Project include oak woodlands, riparian habitat, and aquatic features. These communities are protected by CDFW, CEQA, and often by local ordinances and policies.

5.1.1 - RESULTS OF LITERATURE REVIEW AND DATABASE SEARCHES

The CNDDb database listed the occurrence of one sensitive natural community occurring within 10 miles of the Project. This community was Big Tree Forest, which generally consists

of giant sequoia (*Sequoiadendron giganteum*), Douglas fir (*Pseudotsuga* sp.), fir (*Abies* sp.), pine (*Pinus* sp.), dog wood (*Cornus* sp.), and *Ceanothus* species. This record is located 6.3 miles northeast of the Project (Figure 8). The community occurs on glacial outwash from granitic rock and is located in the Sierra National Forest (CNDDB 2019).

5.1.2 - PRESENCE OF SENSITIVE NATURAL COMMUNITIES

The Big Tree Forest sensitive natural community was not observed on or near the Project. However, five other plant communities were observed on the Project site, two of which are sensitive natural communities. These five communities are Great Valley Mixed Riparian Forest (Holland Element Code 61420), Great Valley Willow Scrub (Holland Element Code 63320), Interior Live Oak Woodland (Holland Element Code 71150), Non-native Grassland (Holland Element Code 42200), and Valley Oak Woodland (Holland Element Code 71130) (Holland 1986). The Non-Native Grassland and oak woodland habitats are the most prevalent habitats on the Project site. Oak woodlands and uncategorized riparian habitat are sensitive natural communities, though they are not generally tracked by CNDDB. Oak woodlands occur throughout the Project and riparian habitat occurs in the middle of the Project along Nelder Creek.

All oak trees (*Quercus*) or riparian trees with diameter at breast height (DBH) equal to or greater than four inches that occurred within the Project site and survey buffer were measured and mapped. There were 43 valley oak trees, 17 white alder trees, nine blue oak trees, four unknown oak trees, one interior live oak tree, one California ash tree (*Fraxinus anomala*), and one willow species (*Salix* sp.) were recorded. There were additional interior live oak, willow species, and other riparian species on the Project site, but did not meet the DBH threshold of four inches and were not mapped.

5.2 - Special-Status Plants

Special status plants are not limited to those that have been listed by State or federal agencies but include any plants that, based on all available data, are shown to be rare, threatened, or endangered in California. A species, subspecies, or variety of plant is “endangered” when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is “threatened” when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is “rare” when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Forest (Holland Element Code 61420), Great Valley Willow Scrub (Holland Element Code 63320), Interior Live Oak Woodland (Holland Element Code 71150), Non-native Grassland (Holland Element Code 42200), and Valley Oak Woodland (Holland Element Code 71130) (Holland 1986). The Non-Native Grassland and oak woodland habitats are the most prevalent habitats on the Project site. Oak woodlands and uncategorized riparian habitat are

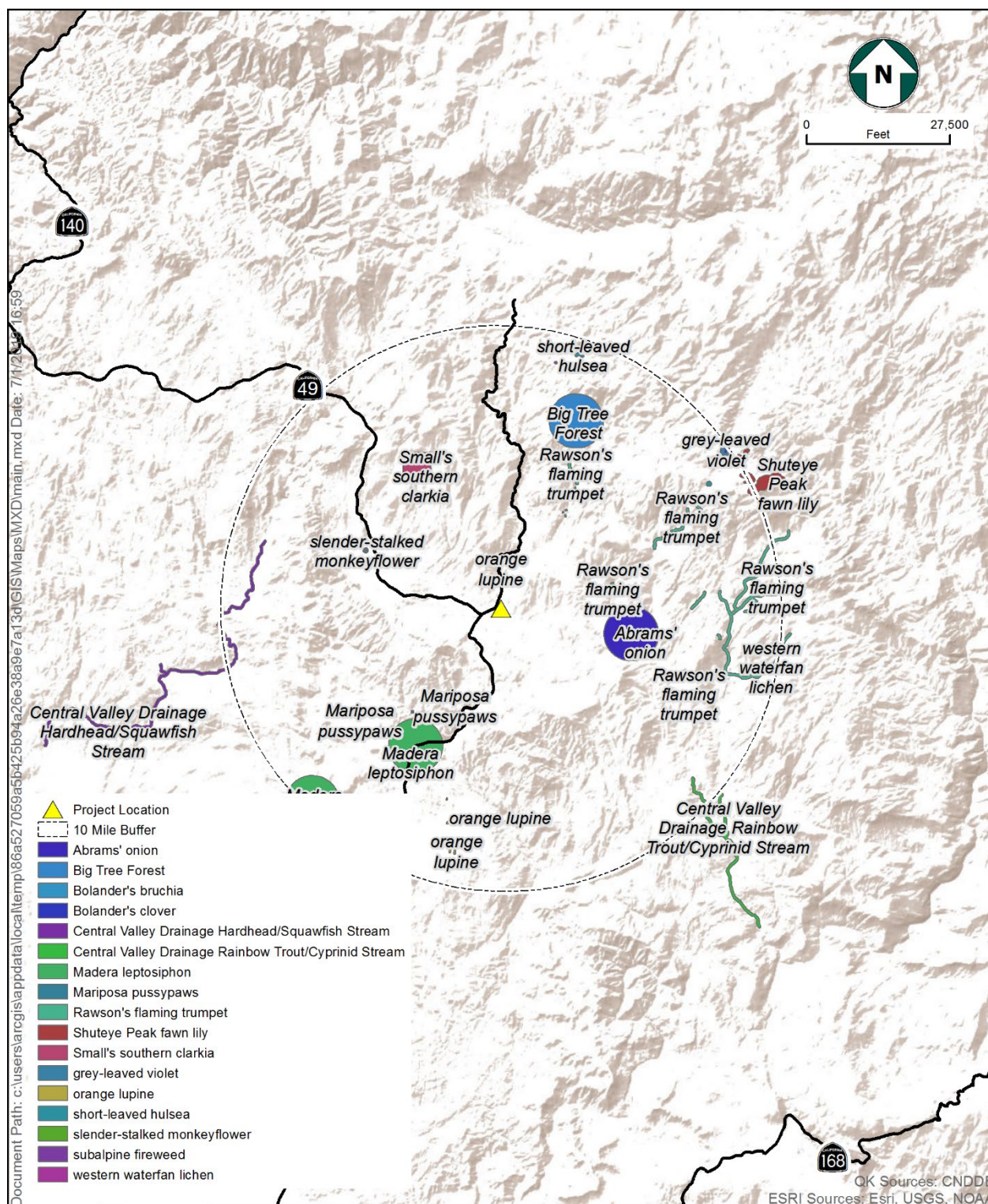


Figure 8
CNDDDB Occurrences of Sensitive Natural Communities and Special-Status Plant Species within 10 Miles of the Oakhurst Midtown Connector Project

sensitive natural communities, though they are not generally tracked by CNDDDB. Oak woodlands occur throughout the Project and riparian habitat occurs in the middle of the Project along Nelder Creek.

5.3 - Special-Status Plants

Special status plants are not limited to those that have been listed by State or federal agencies but include any plants that, based on all available data, are shown to be rare, threatened, or endangered in California. A species, subspecies, or variety of plant is “endangered” when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is “threatened” when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is “rare” when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

5.3.1 - RESULTS OF LITERATURE REVIEW AND DATABASE SEARCHES

Thirty special-status plant species were identified in the CNDDDB, CNPS, and USFWS databases as occurring in the Project Region (Appendix B). Fourteen of these special-status plant species are known to occur within 10-miles of the Project (see Figure 8). Most of those species would not be present on the Project site because habitat conditions would not be suitable to support the species or because the Project is outside of the geographic or elevational range of the species. Three special-status plant species, orange lupine (*Lupinus citrinus* var. *citrinus*), Madera leptosiphon (*Leptosiphon serrulatus*), and Yosemite evening primrose (*Camissonia sierra* ssp. *sierrae*) have the potential to occur on the Project site because the Project falls within the geographic and elevational range of these species and the Project contains habitat that could support these species.

5.3.2 - PRESENCE OF SPECIAL-STATUS PLANTS

Three special-status plant species have the potential to occur on the Project site because the site falls within the geographic and elevational range of these species and provides habitat. These species include orange lupine, Madera leptosiphon, and Yosemite evening primrose.

Orange Lupine

The orange lupine is an annual herb. It has golden-yellow flowers but may also have purple flowers. It generally occurs in granitic soils within the chaparral, cismontane woodland, and open yellow-pine forest habitats. Orange lupine blooms between April and July and its elevation ranges from 1,968 to 5,50 feet. It is threatened by development, road widening, vehicles, grazing, and logging (CNPS 2019). It was not observed during surveys, but no floristic surveys were conducted on the Project site.

Madera Leptosiphon

The Madera leptosiphon is an annual herb. It has white flowers with a purple tubular throat. It generally occurs in open areas and dry slopes within chaparral, foothill woodland, and lower montane coniferous forests between Mariposa County south to the northern part of Kern County. It blooms between April and May and ranges in elevation from 980 feet to 4,265 feet. It is threatened by road maintenance, exotic plant control, and erosion (CNPS 2019). It was not observed during surveys, but no floristic surveys were conducted on the Project site.

Yosemite Evening Primrose

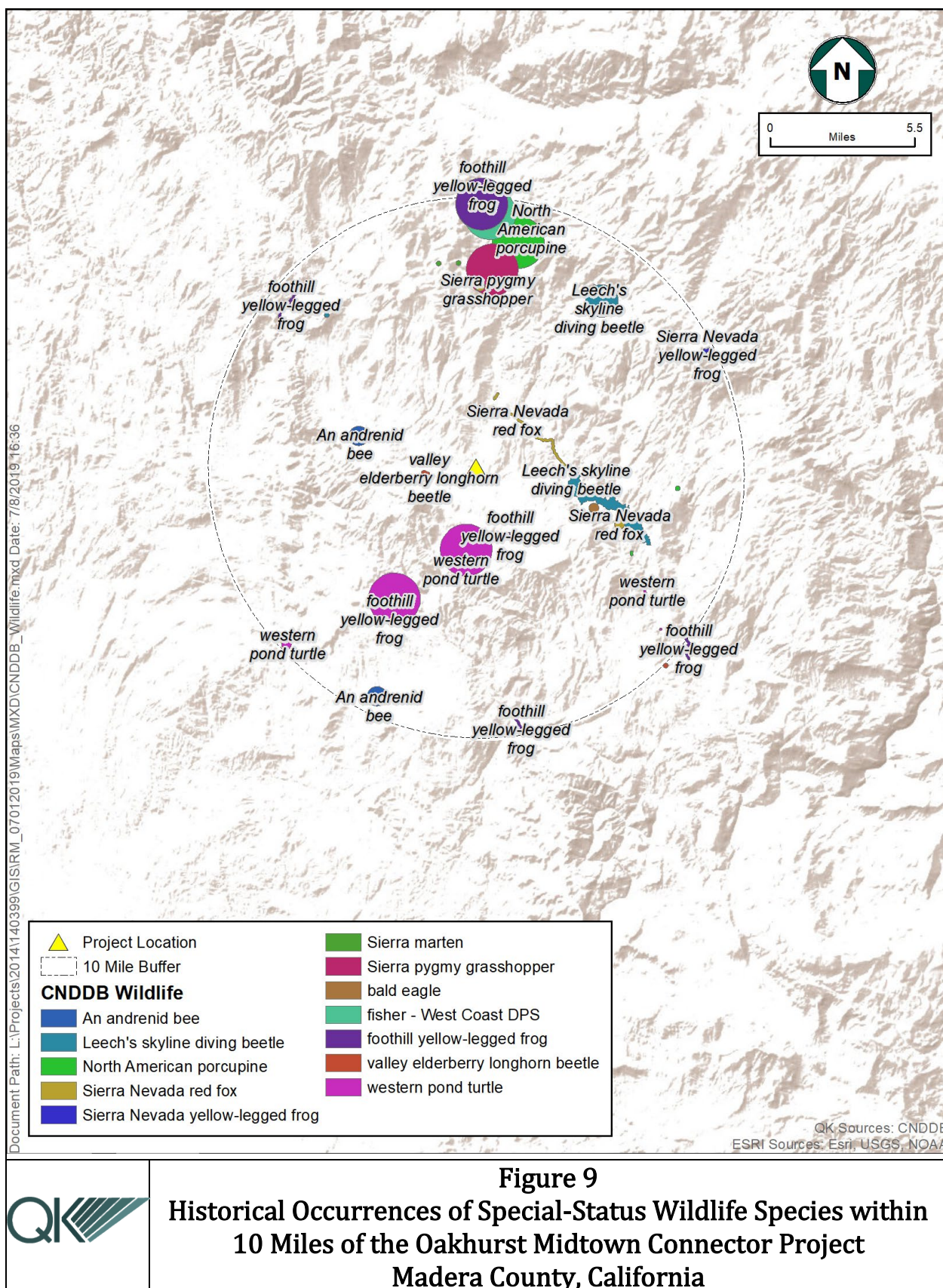
The Yosemite evening primrose is an annual herb. It has yellow flowers with a reddish stem. It generally occurs in foothill woodland and lower montane coniferous forest. Orange lupine blooms between April and July and ranges in elevation from 1,640 feet to 5,395 feet. It was not observed during surveys, but no floristic surveys were conducted on the Project site.

5.4 - Special-Status Wildlife

This section provides the results of wildlife species listed as occurring within the Project region from database queries in addition to species or signs observed during on-site surveys, and include species listed as threatened or endangered by the CDFW and/or USFWS, species designated as Species of Special Concern, and Fully Protected species.

5.4.1 - RESULTS OF LITERATURE REVIEW AND DATABASE SEARCHES

Twenty-six special-status wildlife species were identified in the CNDDB and USFWS database queries within the USGS 7.5-minute quadrangles that encompass the Project (Appendix B). These included six invertebrates, two fish, six amphibians, two reptiles, two birds, and eight mammals. Twelve of these special-status wildlife species were documented as occurring within the 10-mile radius of the Project (Figure 9).



5.4.2 - PRESENCE OF SPECIAL-STATUS WILDLIFE

Six special-status wildlife species have the potential to occur on the Project site because the site falls within the geographic and elevational range of these species and provides habitat. These species are the foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Actinemys marmorata*), golden eagle (*Aquila chrysaetos*), pallid bat (*Antrozous pallidus*), fisher (*Pekania pennanti*), fisher (*Martes pennant*) and American badger (*Taxidea taxus*). Various species of migratory birds and raptors could also potentially occur on the Project site. An analysis of the California red-legged frog (*Rana draytonii*), golden eagle, and pallid bat is given below and provides justification for the determination that these species are not likely to be impacted by the Project. The evaluation of the potential for occurrence of these and other wildlife species is presented in Appendix B.

Foothill Yellow-legged Frog

The foothill yellow-legged frog, a CDFW species of special concern, is primarily diurnal and may be active all year in the mildest climates but may become inactive in colder regions. Adults feed almost exclusively on both aquatic and terrestrial arthropods. In California, the species generally breeds between March and early June. Unlike other ranid (true) frogs on the west coast, foothill yellow-legged frogs mate and lay eggs exclusively in rivers and streams. Masses of eggs are deposited on the downstream side of cobbles and boulders. This species prefers streams and rivers with flowing water that has either rocky substrate or sunny banks. On occasion, they may be found in ponds and ephemeral waters. The foothill yellow-legged frog could potentially occur in small portions of the drainages and Nelder Creek that occur on the Project site. The species could also occur in the upland habitat within the oak woodland and riparian habitat present on the Project site. No foothill yellow-legged frog was observed on or near the Project site.

Western Pond Turtle

The western pond turtle, a CDFW species of special concern, inhabit streams, rivers, and other bodies of slow-moving water. This species is omnivorous and feeds on aquatic plants, terrestrial and aquatic insects, crustaceans, fish, frogs, and carrion. Habitat quality is determined by the presence of permanent water, prey availability, and basking sites. Western pond turtles require upland sites near aquatic habitats for oviposition. Nest sites are typically dug about four inches deep in dry soils with a high clay or silt content (or in sand) and are usually within 650 feet of water. The Fresno River, Nelder Creek, and adjacent uplands provide potential habitat for this species. No western pond turtle was observed on the Project site, but they could potentially occur within these water features occurring on the Project site.

Golden Eagle

The golden eagle is listed as a Fully Protected species under California Fish and Game Code 3511. The golden eagle is also protected by the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act. The golden eagle occurs in open country around mountains, hills,

and cliffs, and uses a variety of habitats including tundra, shrublands, grasslands, coniferous forests, foothills, farmland, and riparian habitat. It mostly preys upon lagomorphs and rodents, but it will also consume other mammals, birds, reptiles, and some carrion. It needs open terrain for hunting, and soars between 100 and 300 feet above ground in search of prey. The golden eagle nests on cliffs of all heights and within large trees in open areas. Rugged, open habitats with canyons and escarpments are used most frequently for nesting. It maintains alternative nest sites, and also reuses old nests. Its nests are large platforms, often 10 feet wide and three feet high, that are composed of sticks, twigs, and greenery. The golden eagle breeds from late January through August, with breeding peaking in March through July. It is unlikely that this species would nest on or near the Project due to lack of cliffs and large trees in open areas, but it could potentially forage on the Project site. Given the large expanse of oak woodlands around the Project, the golden eagle would likely avoid active construction areas during foraging. Accordingly, it is unlikely the Project would impact this species.

Pallid Bat

The pallid bat, a CDFW species of special concern, has large eyes and its ears are pale and wide. Its fur varies from pale cream color to light brown dorsally and white abdomen. The skull is large, teeth are heavy and robust, and its snout is square with a ridge on the top. The bat has a wingspan of 13 to 15 inches, and a length of 3.5 to 5.5 inches. Breeding occurs between October and February. Female bats roost with their young, while male bats remain separated from the colony until the newborn bats are weaned. This species is usually found in rocky, mountainous areas near water, but can also be found over open, sparsely vegetated grasslands. It forages in open areas within riparian, woodland, and agricultural habitats. Daytime roosting is most likely to occur in existing structures with relatively warm temperatures, such as attics, or in rock cracks, trees with light foliage, buildings, and caves. They are not typically found roosting in bridges or other open structures. No pallid bats or sign of any bats (e.g. guano, vocalization, or urine stains) were observed on the Project site. It is very unlikely that this species would occur on the Project site. The species could potentially occur as night foragers in riparian areas and near aquatic features on the Project site, but no impacts would occur to these species when foraging.

American Badger

The American badger, a California species of special concern, is usually found in grasslands or grassy open areas with scattered shrubby vegetation, but in California it occurs in all habitats except in alpine areas. It generally occurs in very low densities and is widespread but nowhere is it exceptionally abundant. The American badger needs loose-textured soils for burrowing and a suitable prey base. No American badgers or sign of badgers (e.g., dens, tracks, scat, or characteristic scratch marks) were observed on the Project site. The entire Project provides potential denning and foraging habitat for this species.

California Red-legged Frog

The California red-legged frog, a federally listed threatened species, is typically associated with stream systems and occurs in a range of habitat types including valley-foothill riparian, mixed conifer, and coastal scrub. California red-legged frogs generally breed between November and March. Breeding sites are usually composed of shrubby riparian vegetation and still or slow-moving perennial and ephemeral waters. California red-legged frog requires a matrix of riparian and upland dispersal habitat surrounding riparian breeding areas. Sheltering habitat is a necessary component of upland dispersal habitat, and it is likely a limiting factor in this species' ability to disperse. Dispersal habitat has largely been lost to development and land use that has illuminated protective cover required by this species. No California red-legged frog was observed on or near the Project, there are no known records nearby, and a recent Site Assessment conducted for the red-legged frog (QK 2017) at an adjacent Project resulted in a finding that the red-legged frog was not likely to be present within drainages and ponds within three miles of that project, which includes the area where the Oakhurst Midtown Connector Project is situated. Accordingly, the California red-legged frog is not likely to occur on or near the Project.

Fisher

The fisher, a State threatened species, is a small, carnivorous mammal with dark brown fur and a long bushy tail. Fishers are generally found between 1,970 and 7,200 feet in elevation and occupy coniferous and mixed conifer and hardwood forests with large diameter trees, high canopy closure, large trees (hardwood and conifer) with cavities, and large down wood. Fishers are obligate users of tree or snag cavities where they prefer to den. The breeding period in California begins in late February and lasts through April and the litter size ranges from one to six kits. Kits may be moved from their natal den to numerous maternal den locations before they are weaned and as a result, a denning female requires multiple den trees per year. The fisher's diet is highly variable and includes mammals (such as shrews, squirrels, hares, muskrat, porcupine and beaver), birds, carrion and fruit. No fishers were observed on the Project site but habitat that could support this species occurs on the Project site and includes oaks with larger cavities. One large oak tree with a cavity was located along SR 41. Though it is unlikely that this species would occur on the Project site, habitat that could support this species is present. It preys on small mammals in the forest understory or in adjacent openings.

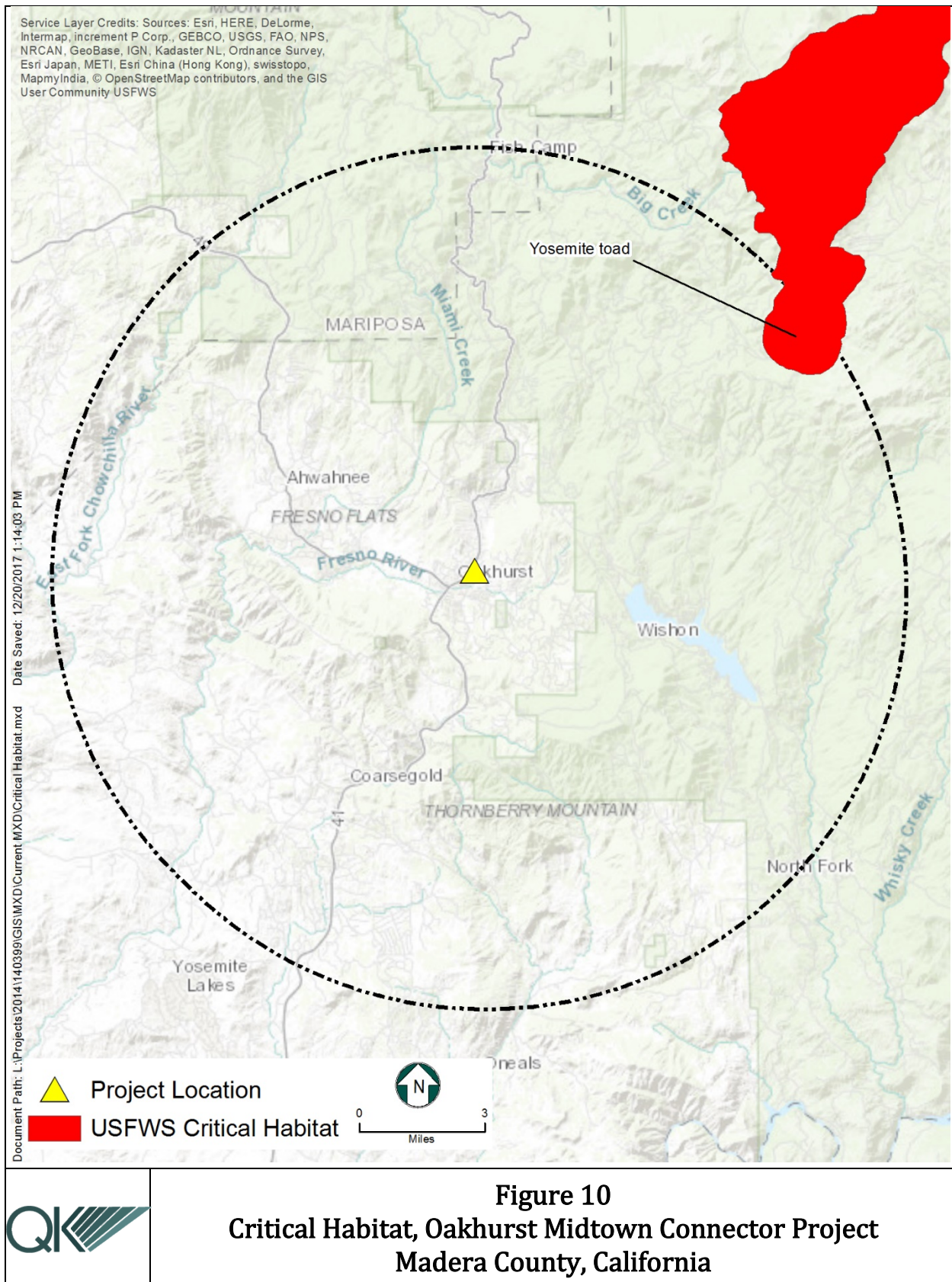
5.5 - Critical Habitat, Movement Corridors, and Linkages

This section describes the occurrence of Critical Habitat, movement corridors, and linkages known to occur within the vicinity of the Project site. Habitat may be designated as Critical Habitat by the USFWS, which are blocks of habitat that may or may not be currently occupied by species, but which are of the highest priority for the survival, conservation, and recovery of threatened or endangered species. Wildlife movement corridors, also referred to as dispersal corridors or landscape linkages, are generally defined as linear features along which animals can travel from one habitat or resource area to another.

5.5.1 - RESULTS OF LITERATURE REVIEW AND DATABASE SEARCHES

The USFWS does not identify any Critical Habitats on or near the Project. The nearest Critical Habitat to the Project site is for Yosemite toad (*Anaxyrus canorus*). This Critical Habitat unit is located 8.7 miles northeast of the Project (Figure 10).

Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movements of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, re-colonization of an area, and movement in response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats. Movement corridors may be functional on regional, sub-regional, or local scales. The Project does not lie within a recognized wildlife connectivity area as mapped by the California Essential Habitat Connectivity Project (Spencer et al., 2010) or as identified in the Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998). No Essential Fish Habitat occurs on or near the Project.



Vegetation on and near the Project, which includes oak trees and riparian trees, offer potential nesting opportunities for a variety of bird species. Migratory birds, including raptors such as red-tailed hawks could nest in the trees located on or near the Project. The oak woodland, riparian habitat, aquatic resources, and grassland habitat found on and near the Project provide foraging habitat for migratory birds and raptors, and these species could use these areas as stopover sites during migrations or movement between local areas.

Water features on the Project site may serve as local movement corridors for fish, frogs, toads, or salamanders. Water features would also support a prey base for roosting or traveling bats, which could forage on or near the Project. It is unlikely that spawning habitat occurs in Project waters because they occur upstream of Hidden Dam, which creates the reservoir known as Hensley Lake and also blocks any migrating (anadromous) fish from traveling upstream.

5.6 - Waters and Wetlands

This section describes the results of the database queries and delineations of waters and wetlands on the Project site.

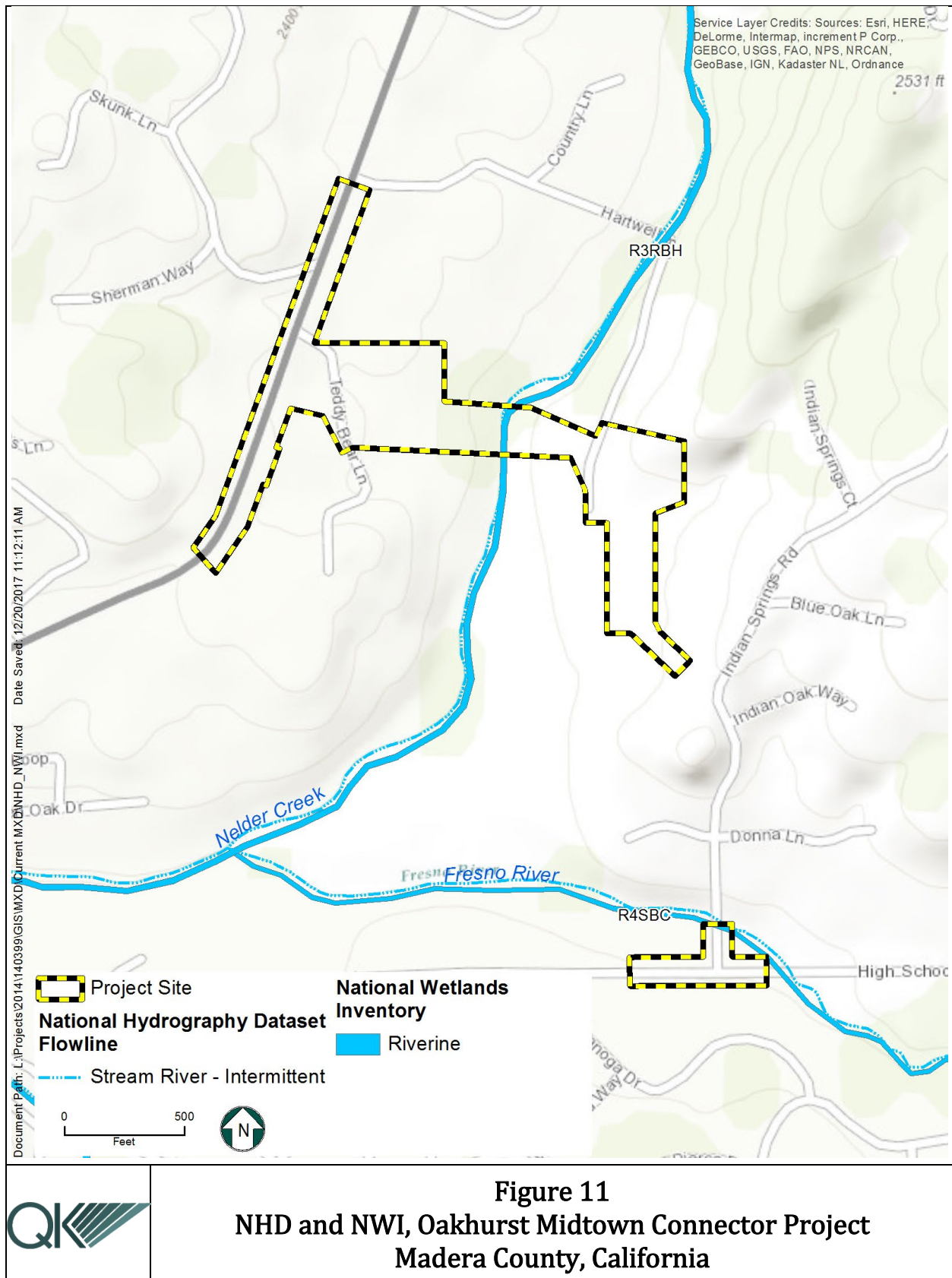
5.6.1 - RESULTS OF LITERATURE REVIEW AND DATABASE SEARCHES

The NHD depicts two blue-line drainages occurring on the Project site (Figure 11). The Fresno River crosses a small portion of the southern part of the Project and Nelder Creek crosses the central portion of the northern part of the Project. The Fresno River originates in the Sierra National Forest, east of the Project, near Taylor Mountain, and terminates west of the Project where it joins with the Chowchilla Canal/Eastside Bypass, which eventually joins with the San Joaquin River. Nelder Creek originates in the Sierra National Forest, north of the Project, near Speckerman Mountain, and terminates south of the Project where it joins with the Fresno River. Both blue-line drainages were confirmed during field surveys as occurring on the Project site. Three additional drainages, Drainages 1 through 3, were observed on the Project site and were not shown on the NHD.

No wetlands were identified by the NWI as occurring on or near the Project. The NWI does show two riverine features crossing the Project, and these features match the NHD blue-line drainages of the Fresno River and Nelder Creek. The nearest NWI feature is a freshwater pond (PUBFh) located 0.46 mile west of the Project (NWI 2017).

5.6.2 - PRESENCE OF WATERS AND WETLANDS

Five drainages occurred on the Project site, and included the Fresno River, Nelder Creek, and Drainage 1, Drainage 2, and Drainage 3. Drainages 1-3 flow into Nelder Creek (see Figures 6 and 7; Table 2). Drainages 1 and 2 join with Nelder Creek on the Project site. Drainage 3 likely joins with Nelder Creek south of the Project; aerial imagery shows the mapped drainage continuing west until it meets with Nelder Creek, but this was not confirmed during surveys. Nelder Creek joins with the Fresno River south of the Project. All drainages



exhibited slope, bed, and bank characteristics commonly associated with traditional OHWM delineation methods (USACE 2008b). Project waters encompass 0.209 acre within the OHWM, 0.286 acre of bank habitat beyond the OHWM, and 0.984 acre of riparian habitat within the Project boundaries (Table 2). Project implementation will impact up to 0.06 acre within the OHWM of Project waters and up to 0.09 acre of bank habitat beyond the OHWM on the Project site (Table 2). No impacts will occur to the Fresno River. An additional 0.526 acre of riparian habitat on the Project site will be impacted by the Project.

Table 2
Aquatic Resources and Riparian Habitat Acreages and Impacts,
Oakhurst Midtown Connector Project Site,
Madera County, California

Feature	OHWM	BANK	Total	Riparian	OHWM Impact	Bank Impact	Total Impacts	Riparian Impact
Nelder Creek	0.113	0.072	0.185	0.937	0.033	0.015	0.048	0.526
Drainage 1	0.017	0.105	0.122	N/A	<0.01	0.039	0.039	N/A
Drainage 2	0.014	0.046	0.06	N/A	0.007	0.021	0.028	N/A
Drainage 3	0.061	0.047	0.108	N/A	0.022	0.015	0.037	N/A
Fresno River	0.004	0.016	0.02	0.047	0	0	0	0
Total	0.209	0.286	0.495	0.984	0.062	0.09	0.152	0.526

N/A = not applicable as riparian vegetation was associated with Nelder Creek though this habitat also occurred near the drainages.

SECTION 6 - EVALUATION OF IMPACTS AND RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

This section evaluates Project-related impacts to sensitive biological resources. Direct and indirect impacts are identified. Temporary impacts are defined as impacts with a maximum duration of one calendar year. The CDFW defines that one-year term to include the duration of the impact plus the length of time required to fully restore the impacted area to pre-project conditions. Because restoration efforts in desert environments usually take multiple years to implement, there are no temporary impacts included in this evaluation. When significant impacts are identified or when they would be anticipated to occur, recommended measures to avoid or reduce those impacts to less than significant levels are provided.

The analysis of impacts that is provided is based upon the requirements of CEQA, and the associated thresholds of significance. The fundamental definition of significant effect under CEQA is “a substantial adverse change in physical conditions.” This criterion underlies the evaluation of environmental impacts for most of the impact issues identified in the CEQA Environmental Checklist Form (Guidelines Appendix G). The significance threshold for evaluation of impacts under CEQA will not necessarily equate to a regulatory limit or standard. Instead, under CEQA, most thresholds are set at meaningful levels, independent of regulatory thresholds. Some thresholds are driven by regulatory standards (HCP compliance, Air Quality plan compliance, etc.).

For each of the existing biological conditions described in this report, potential impacts are addressed in accordance with the biological issues listed in Appendix G of the CEQA Guidelines, which are:

- (A) Would the project 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 Game or U.S. Fish and Wildlife Service?
- (B) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, any regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- (C) Would the project have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- (D) Would the project 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 the use of native wildlife nursery sites?

- (E) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- (F) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan or Recovery Plan?

Each issue is assessed according to thresholds of significance established under CEQA Guidelines §15065(a), as modified. These are:

- Would the project result in substantial degradation of the environment?
- Would the project result in substantial habitat reduction for a fish or wildlife species?
- Would the project result in reduction of a fish or wildlife population below self-sustaining levels?
- Would the project result in elimination of a plant or animal community?
- Would the project result in substantial reduction of the number of, or restriction of the range of, a rare or threatened species, or result in direct or indirect “take” of an endangered species as defined in State or federal Endangered Species Acts?

6.1 - Project Impacts to Special-Status Species (CEQA Evaluation Factor A):

6.1.1 - PROJECT IMPACTS TO SPECIAL-STATUS PLANT SPECIES

The Project could provide potential habitat for the orange lupine, Madera leptosiphon, and Yosemite evening primrose. The nearest record of orange lupine occurs from 0.6 mile to 1.8 miles north of the Project. This record is from 1976. The exact location of the orange lupine at this location is unknown. The location is only known as somewhere along SR 41 between Oakhurst and Yosemite Forks in the vicinity of an elevation of 2,400-2,600 feet (CNDDDB 2019). The nearest record of Madera leptosiphon occurs 4.9 miles southwest of the Project. This record is from 1932 and the locational information states the record is in the vicinity of Coarsegold (CNDDDB 2019). There are no records of Yosemite evening primrose within 10 miles of the Project; however, the CNPS rare plant inventory shows occurrences in the Ahwahnee quadrangle, which encompasses the Project.

Project construction activities have the potential to impact orange lupine, Madera leptosiphon, and Yosemite evening primrose. Permanent impacts could result from clearing and grading areas where a population occurs. Although these species are not listed as threatened or endangered, orange lupine and Madera leptosiphon are classified as CNPS 1B.2 species and Yosemite evening primrose is classified by CNPS as a 4.2 species; as such, these species are considered here as special-status species. The elimination of these species from the Project would be a ***significant impact***. To reduce impacts to these species to a ***less than significant level***, we recommend the implementation of the following measure:

BIO-1: Floristic surveys should be conducted to determine the presence of and any project-specific impacts that might occur to orange lupine, Madera leptosiphon, and Yosemite

evening primrose. The surveys should be conducted between April and May, which covers the flowering periods of each of the plants. If the species are determined to be absent, then no further measures are warranted. If the species are found to be present, all populations and individuals should be mapped using GIS and avoided to the maximum extent possible. Exclusion fencing should be established around populations or individuals near work areas on the Project site to protect against take during construction activities. If the removal of populations or individuals becomes necessary and avoidance of this species is not able to be implemented, the California Department of Wildlife will be provided a 10-day advance notice prior to construction activities that would impact the species to allow the CDFW to implement salvage operations.

6.1.2 - PROJECT IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES

Based upon current and available information, the Project would have ***no impacts*** to the California red-legged frog, pallid bat, or golden eagle. Measures for the protection of this species are not warranted. The Project has the potential to ***significantly impact*** the foothill yellow-legged frog, western pond turtle, American badger, and nesting birds and raptors. The measures provided below are recommended to reduce impacts to these species to ***less than significant*** levels.

Potential Impacts to Foothill Yellow-Legged Frog

Potential habitat for the foothill yellow-legged frog is present on the Project site. Direct impacts to individuals could result from adults or young being crushed by humans or equipment, struck by vehicles, being caught and crushed in operating equipment, or poisoned from leakage of chemical and fluids such as fuels, oils hydraulic fluids, and other chemical/compounds in the water. The implementation of the following measures would reduce Project impacts to less than significant levels.

BIO-2: A qualified biologist should conduct a preconstruction survey for the foothill yellow-legged frog within 14 days of ground disturbance activities. Construction monitoring by a qualified biologist will be conducted during all initial clearing and grubbing activities to prevent direct mortality of foothill yellow-legged frog from construction activities.

If foothill yellow-legged frogs are identified on the Project site, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts, or similar, will be installed to exclude amphibians from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to amphibians. Construction Best Management Practices (BMPs), such as installing straw wattles, will be implemented to avoid degradation of water quality of the river that could indirectly impact this species or its habitat. Some individual frogs may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment

or materials will be staged along the bank of the river. If frogs are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

Potential Impacts to Western Pond Turtle

Potential habitat for the western pond turtle is present on the Project site. Direct impacts to individuals could result from adults or young being crushed by humans or equipment, struck by vehicles, being caught and crushed in operating equipment, or poisoned from leakage of chemical and fluids such as fuels, oils hydraulic fluids, and other chemical/compounds in the water. The implementation of the following measures would reduce Project impacts to less than significant levels.

BIO-3: A preconstruction survey for the western pond turtle should be conducted within 14 days of ground-disturbance activities. Construction monitoring by a qualified biologist will be conducted during all initial clearing and grubbing activities to prevent direct mortality of western pond turtles from construction activities.

If western pond turtles are identified on the Project site, and a cofferdam or a stream diversion plan becomes necessary, then a vertebrate exclusion fence consisting of 1.2-meter by 2.4-meter (4-feet by 8-feet) by 1.3-centimeter (0.5-inches) thick, treated exterior plywood wired to 5-foot metal posts, or similar, will be installed to exclude reptiles from the work area; a qualified biologist will be required to perform a clearance survey one (1) day prior to the construction of the exclusionary fencing; and a qualified biologist will be present during the construction of the exclusion fence to ensure that the fence will serve as an effective barrier to reptiles. Construction BMPs, such as installing straw waddles, will be implemented to avoid degradation of water quality of the river that could indirectly impact this species or its habitat. Some individual turtles may venture away from existing water sources and may seek shelter in and among staged construction equipment and material. To avoid impacting these individuals, no equipment or materials will be staged along the bank of the river. If pond turtles are found to be present during the pre-construction survey or at any other time during construction activities, a pre-construction worker education program will be prepared and presented by a qualified biologist to on-site workers prior to the start of construction.

Project Impacts to American Badger

Potential habitat for American badger is present on the Project site. Direct impacts to individuals could result from adults or young being crushed in dens, or from collisions with vehicles. The implementation of the following measures would reduce Project impacts to less than significant levels.

BIO-4: Preconstruction surveys should be conducted by a qualified biologist for the presence of American badger dens within 14 days prior to commencement of vegetation clearing, grubbing, and fence installation activities. If more than 30 days elapse between the survey

and the activity, another survey should be performed. Should potential burrows of American badger be identified during the surveys, the qualified biologist should follow standard monitoring procedures using tracking medium and/or remote cameras to determine the occupancy status, species inhabiting the burrow, and type of burrow (e.g., potential, active, natal). Surveys need not be conducted for all areas of suitable habitat at one time; but instead should be phased so that surveys occur within 30 days prior to that portion of the site disturbed. If no potential American badger dens are present, no further mitigation would be required.

If potential dens are observed and avoidance is feasible, the den should be avoided by establishing a 30-foot setback. The removal of an inactive or potential den may be allowed once that den is determined to be unoccupied. Tracking medium (diatomaceous earth) and/or a remote camera should be deployed for three consecutive nights to verify that the den is unoccupied. The potential or inactive den should be excavated by hand using a shovel to prevent re-occupation during the period of construction activities. If an active den cannot be avoided, then the occupying animal should be removed using passive relocation consisting of installing one-way doors at the den entrance. Once an active den has been vacated, the measures below should be implemented throughout the duration of the construction.

BIO-5: The *USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be followed (USFWS 2011), as those recommendations will protect the American badger. The measures that are listed below have been excerpted from those guidelines and will protect American badger from direct mortality and from destruction of active dens.

1. A pre-construction survey shall be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the American badger. Exclusion zones shall be placed in accordance with USFWS Recommendations using the following:

Potential Den	50-foot radius
Known Den	100-foot radius

2. Project-related vehicles shall observe a 20-mph speed limit in all Project areas, except on City and County roads and State and Federal highways. Nighttime construction shall be avoided. Off-road traffic outside of designated Project areas shall be prohibited.
3. To prevent inadvertent entrapment of badgers or other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than two feet-deep should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped

animals. If at any time a trapped or injured badger is discovered, the procedures in this section must be followed.

4. Badgers are attracted to den-like structures such as pipes and may enter stored pipe, becoming trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for badgers before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a badger is discovered inside a pipe, the pipe will not be moved until the badger has been able to escape of its own accord. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity, until the badger has escaped.
5. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in closed containers and removed at least once a week from a construction or project site.
6. To prevent harassment, mortality of badgers or destruction of dens by dogs or cats, no pets shall be permitted on the Project site.
7. In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the CDFW should be contacted for advice.
8. Any contractor, employee(s), or military or agency personnel who inadvertently kills or injures an American badger shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured or entrapped badger. The CDFW contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

Project Impacts to Fisher

Potential habitat for the fisher is present on the Project site. Direct impacts to individuals could result from adults or young being crushed in dens, or from collisions with vehicles. The implementation of the following measures would reduce Project impacts to less than significant levels.

BIO-6: A pre-construction survey should be conducted no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, or any Project activity likely to impact the fisher. All cavities that could be occupied by the fishers should be documented and examined using a remote camera. The camera should remain in place for three nights to determine the presence/absence of fishers. If no potential fisher dens are present, no further mitigation would be required. If occupied dens are found and avoidance is feasible, a 50-foot avoidance buffer should be established around the den site. If an active den cannot be avoided, then the den should be fitted with a one-way door to passively evict the fisher from the den. A remote camera should be placed at the den to identify when the fisher has emerged from the den and once the den is unoccupied then it

shall be removed or effectively plugged so as not to allow re-entry by a fisher. All other unoccupied dens on the Project site should be plugged or removed prior to conducting passive evictions. As an alternative to passive eviction, any fisher occupying a den should be captured and relocated. Both passive eviction and relocation would require consultation with the CDFW but capture and relocation activities would also likely require the preparation of a relocation plan that would identify areas where the fishers would be released.

Project Impacts to Migratory Birds and Raptors

Project implementation has the potential to adversely impact migratory birds and raptors that occupy the Project site. The entire Project site provides habitat for raptors and nesting birds. The Project has the potential to directly destroy active nests, cause abandonment of active nests, and cause nest failure. Nest failure, nest abandonment, and the removal of active nests would be a ***significant impact*** of the Project.

To protect nesting migratory birds and raptors and ensure that Project impacts to nesting birds and raptors are ***less than significant***, the following measures should be implemented.

BIO-7: If construction is scheduled to commence during the non-nesting season (September 1 to January 31), no preconstruction surveys or measures to protect nesting birds would be warranted. To avoid impacts to nesting birds in the Project area, a qualified wildlife biologist should conduct preconstruction surveys of all potential nesting habitat within the Project for Project activities that are initiated during the breeding season (February 1 to August 31). The survey for special status raptors should focus on potential nest sites (e.g. oak trees and riparian trees) on-site and within a 500-foot buffer around the site. Surveys should be conducted no more than 14 days prior to construction activities. Surveys need not be conducted for the entire Project at one time; they may be phased so that surveys occur shortly before a portion of the site is disturbed. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. Active nests will be avoided and monitored, and the qualified biologists will have authority to stop-work should it be determined that a nest is being impacted by Project activity.

If active nests of other birds or common raptors are found, a no-work buffer should be established around active nests. The no-work buffer should be a 250-foot radius around active passerine nests and a 500-foot radius around active raptor nests. The size of buffers may be reduced by a qualified biologist, but only when it is determined through on-site monitoring that encroachment into the buffer does not increase the risk of nest failure. The buffer should remain in effect until the nest is deemed to be inactive (e.g. the nestlings have fledged and are no longer reliant on the nest) by a qualified biologist.

6.2 - Project Impacts to Sensitive Vegetation Communities (CEQA Evaluation Factor B)

There are two sensitive vegetation communities present on the Project site and include oak woodland and riparian habitat. These communities may potentially be impacted by the

Project. Project implementation, which includes grading and removal of trees, could be a ***significant impact*** of the Project. To protect sensitive vegetation communities and ensure that Project impacts are ***less than significant***, the following measures should be implemented:

BIO-8: Areas of impacted riparian habitat along Nelder Creek shall be restored. Herbaceous layers and shrub layers, if affected, shall be re-planted to prevent erosion and facilitate succession of the riparian habitat. Trees and or shrubs that are ≥ 4 inches in diameter at breast height (DBH) that are removed within the riparian habitat shall be replaced through compensatory plantings at a 3:1 ratio. Up to 57 oak trees and five riparian trees that are ≥ 4 inches DBH will be impacted by the Project.

Planting of trees off-site should occur only if on-site planting is not feasible. Impacts to oak trees >5 inches DBH should be avoided to the maximum extent feasible. Exclusion fencing will be placed around the driplines of such oak trees within the Project, and those trees shall be avoided. If avoidance is not possible, then planting of replacement trees shall occur at a ratio of 3 trees planted for each tree removed. Given that 57 oak trees and five riparian trees will be removed, 171 oak trees and 15 riparian trees, at a 3:1 ratio, will be planted.

Planting should consist of a minimum of one-gallon container trees, and irrigation should be provided for the first three years after planting. Herbaceous vegetation should be controlled within a two-foot diameter area around each tree planted by using hand-removal of vegetation or by application of herbicide during the spring and summer months (March to August). Only herbicides approved by the Environmental Protection Agency (EPA) for use near or in aquatic environments should be allowed. Installation of a mulch layer would provide an additional element of weed control. A monitoring program should be developed to ensure that a minimum of 75 percent of all plantings survive after a period of three years. This means that if all 57 oak trees and five riparian trees are impacted, that 129 oak trees and 12 riparian trees will need to survive to meet the success criteria. If fewer trees are impacted, then fewer trees will be planted and need to survive to meet the success criteria. A biological monitor should oversee all clearing and grubbing activities to ensure that impacts to oak trees are avoided, removed trees are documented, that plantings occur at the prescribed ratio, that the irrigation system installed is effective, and that the success criteria of 75 percent survival is met after three years.

An annual monitoring schedule should be established and should include monthly inspections. Inspections of the revegetation efforts shall consist of assessing the status of each tree planted and calculating the overall survival rate for each of the species and identifying remedial actions that need to be taken (e.g., installation of exclusion fencing). A report including the results of the monitoring surveys, as well as photo documentation of maintenance and monitoring activities, should be submitted to the County of Madera annually by December 31. The Restoration Monitoring Report should include proposed measures that would be conducted to more effectively achieve success criteria. An adaptive management strategy should be used to facilitate efficient remedial restoration if needed to achieve restoration success criteria. The successful establishment and propagation of

riparian trees is highly dependent upon site-specific conditions and stochastic events, and often requires adaptive management to maximize success while minimizing costs.

6.3 - Project Impacts to Wetlands and Waters (CEQA Evaluation Factor C)

No wetlands occur on the Project site. However, the Project may potentially impact up to 0.06 acre within waters. To minimize impact to waters and fulfill the regulatory requirements associated with discharges in waters, the following mitigation measures should be implemented.

BIO-9: The Project will result in impacts to Nelder Creek and Drainage 1, Drainage 2, and Drainage 3. The applicant should implement standard BMPs to prevent sediment from entering watercourses during and after construction. Exclusion fencing should be placed around the perimeters of disturbance areas to prevent encroachment beyond permitted limits. Erosion control measures (e.g. silt fence, staked bales, and revegetation) should be implemented in disturbed areas. A spill prevention and countermeasure plan should be developed that would identify proper storage, collection, and disposal measures for potential pollutants (fuel, fertilizers, pesticides, etc.) used onsite. The plan should detail the proper storage, handling, use, and disposal of petroleum products, particularly for work within and adjacent to the creek. All fueling, maintenance, and staging of equipment and vehicles shall occur outside the creek bed and above the top of the bank, and these areas would be designed to control runoff. Construction activities should be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices should be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation should be retained where possible. Grading activities shall be limited to the immediate area required for construction.

During extreme weather events, temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins should be used to detain runoff water long enough for sediment particles to settle out. Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of groundwater. Topsoil removed during construction should be carefully stored and treated as an important resource. Berms should be placed around topsoil stockpiles to prevent runoff during storm events. Disturbed areas should be revegetated after completion of construction activities using a mix of three native grass species that are common to the Project. Seeding shall occur using hydro-seeding techniques, using a minimum of five pounds of seed per acre, for each of the three species. Sanitary facilities should be provided for construction workers. Hazardous materials should be stored in appropriate and approved containers, maintaining required clearances, and should be handled in accordance with applicable regulatory agency protocols

BIO-10: The Project proponent should obtain a Streambed Alteration Agreement from the CDFW, a Waters Quality Certification pursuant to Section 401 of the CWA from the RWQCB, and a Section 404 permit from the USACE prior to impacting any waters. These

permits/agreements typically include measures described in **BIO-7**, but permits can have additional or different requirements than those described in this document.

6.4 - Project Impacts to Movement Corridors and Linkages (CEQA Evaluation Factor D)

There are no established or recognized fisheries or wildlife movement corridors, linkages, or nursery sites that overlap the Project. However, local movement corridors do occur on and near the Project, including aquatic resources, grassland habitat, riparian habitat, and oak woodland habitat. The Project will not restrict, eliminate, or significantly alter these movement corridors, either during construction or after the Project has been constructed. Project construction will not substantially interfere with wildlife movements or reduce breeding opportunities. Determination of significant impacts from the biologists and recommendations for mitigation measures to preserve or protect habitat and to otherwise ensure protection of identified species have been included in this report. Implementation of mitigation measure **BIO-1** would reduce impacts to orange lupine, Madera leptosiphon, and Yosemite evening primrose to a level that is less than significant. Implementation of mitigation measure **BIO-2** would reduce impacts to foothill yellow-legged frog to a level that is *less than significant*. Implementation of mitigation measure **BIO-3** would reduce impacts to western pond turtle to a level that is *less than significant*. Implementation of mitigation measures **BIO-4**, and **BIO-5** would reduce impacts to American badger to a level that is *less than significant*. Implementation of **BIO-6** would reduce impacts to nesting fishers to a level that is *less than significant*. Implementation of **BIO-7** would reduce impacts to nesting raptors and migratory birds to a level that is *less than significant*. Implementation of measure **BIO-8** would reduce the impacts to oak trees and riparian trees to a level that is *less than significant*. Implementation of measure **BIO-9** and **BIO-10** would reduce the impacts to aquatic resources to a level that is *less than significant*.

The Project will result in *no impacts* to known movement corridors, linkages, or nurse sites.

SECTION 7 - CONCLUSIONS

The SR 41 serves as the major thoroughfare between the City of Fresno to the south and Yosemite National Park. Tourists and residents travel SR 41 extensively, leading to heavy, and at times slow traffic in Oakhurst. Residents living to the east of downtown Oakhurst have no way to travel directly into town, but must instead travel along Road 427, a local connector, which intersects with SR 41 south of the community. These residents must then travel along busy SR 41 through the community to their destination. Residents, students of Bass Lake Elementary School, worshipers of Our Lady of the Sierras Church, those using the Boys and Girls Club of Oakhurst, and others to travel directly to the middle of town, rather than traveling the indirect, and considerably longer route presently used.

Biological resources that are present on the sites and that could potentially be impacted by the Project include the orange lupine, Madera leptosiphon, and Yosemite evening primrose foothill yellow-legged frog, western pond turtle, American badger, fisher, and nesting

migratory birds, and aquatic resources. There is no evidence that shows that the site is occupied by the California red-legged frog, and impacts to those species are not anticipated to occur. The pallid bat and golden eagle could also occur on the Project site as foragers, but no roosting or nesting habitat, respectively, is present or will be impacted by the Project. Fishers could nest in large tree cavities present on the Project site. Avoidance and minimization measures could be implemented that would result in the Project having *less than significant* impacts to biological resources.

SECTION 8 - REFERENCES

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APPENDIX A

REPRESENTATIVE PHOTOGRAPHS OF OAKHURST MIDTOWN CONNECTOR PROJECT



Photograph 1 – Northwest view of Teddy Bear Lane and SR 41



Photograph 2 – East view of the Project site from the terminus of Teddy Bear Lane



**Photo Plate 1, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 3 – East view of Drainage 2 near the Project site



Photograph 4 – East view of the Project site looking down from the western bank to Nelder Creek



**Photo Plate 2, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 5 – West facing view of the Project site looking up the slope from Nelder Creek



Photograph 6 – A north facing view of Nelder Creek where it crosses the Project site



**Photo Plate 3, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 7 – West view of Nelder Creek and the banks on the east side of the creek



Photograph 8 – North facing view of the Project Site between the creek and the island Springs Road terminus



**Photo Plate 4, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 9 – West view of the Project Site from the Indian Springs Road terminus



Photograph 10 – East facing view of Indian Springs Road from its terminus



**Photo Plate 5, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 12 – North view of Island Springs Road from Road 427 (High School Road)



Photograph 13 – Southeast view of the intersection where the signal lights will be installed on Road 427



**Photo Plate 6, Oakhurst Midtown Connector Project,
Oakhurst, California**



Photograph 14 – East view of area south of Road 427 with sawed pine trees



**Photo Plate 7, Oakhurst Midtown Connector Project,
Oakhurst, California**

APPENDIX B

**SPECIAL-STATUS SPECIES DATABASE SEARCH RESULTS
FOR THE OAKHURST MIDTOWN CONNECTOR PROJECT**

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
Sensitive Natural Communities				
Big Tree Forest	Big Tree Forest	G3, S3.2	California's Big Tree Forest consists of a lower montane coniferous forest on glacial outwash from granitic rock. Habitat ranges between 5,400 and 6,700 feet in elevation. Trees occur in scattered groups.	Absent. Elevation range of this natural community is outside of the elevation range of the Project site. This sensitive community does not occur within the Project site or in the vicinity. There is one CNDDDB record of this natural community occurring within 10 miles of the Project site. The Project will not impact this community.
Central Valley Drainage Hardhead/Squawfish Stream	Central Valley Drainage Hardhead/Squawfish Stream	GNR, SNR	California's Central Valley drainages include small, moderate gradient streams characterized by deep, bedrock pools, clear water, and cool temperatures (less than 77 degrees Fahrenheit). Characteristic native fish include hardhead and Sacramento squawfish. Riparian vegetation in the community includes alder, cottonwood, oak, and foothill pine.	Absent. This sensitive community does not occur within the Project site or in the vicinity. The waters do not maintain a constant water flow during the year, are shallow to dry during much of the year, and do not contain deep bedrock pools. There is one CNDDDB record of this natural community occurring 8.8 miles west of the Project site. The Project will not impact this community.
Central Valley Drainage Rainbow Trout/Cyprinid Stream	Central Valley Drainage Rainbow Trout/Cyprinid Stream	GNR, SNR	California's Central Valley drainages include small, moderate gradient streams characterized by deep, bedrock pools, clear water, and cool temperatures (less than 77 degrees Fahrenheit). Fish assemblage includes rainbow trout, Sacramento sucker, California roach, and prickly sculpins. Oak, alder, ash, and	Absent. This sensitive community does not occur within the Project site or in the vicinity. The waters do not maintain a constant water flow during the year, are shallow to dry during much of the year, and do not contain deep bedrock pools. There is one CNDDDB record of this natural community occurring 8.9 miles southeast of the Project site. The Project will not impact this community.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			pine trees are dominant riparian vegetation.	
Sensitive Plants				
<i>Allium abramsii</i>	Abrams' onion	1B.2	Occurs in granitic sand in the lower montane and upper montane coniferous forests. The flowering period is between May and July and it ranges in elevation from 2,903 to 10,006 feet.	Absent. The Project site is below the elevational range of the species. There is one CNDDDB record of this species occurring 3.9 miles east of the Project site. The Project will not impact this species.
<i>Balsamorhiza macrolepis</i>	big-scale balsamroot	1B.2	Occurs in open grassy or rocky slopes and valleys. Found in chaparral, cismontane woodland, valley and foothill grasslands, and sometimes in serpentine between 115 and 4,800 feet in elevation. California observation records have been mostly in the northern half of California. The flowering period is between March and June.	Absent. This species was not observed during surveys. No CNDDDB records occur within 10 miles of the Project site; however, one record occurs within the eight-surrounding quadrangles. This CNDDDB record is outdated (from 1886) and the precise location is unknown (possibly near Bootjack). The Project will not impact this species.
<i>Bruchia bolanderi</i>	Bolander's bruchia moss	4.2	This species occurs on disturbed, moist organic soils within lower and upper montane coniferous forest and meadows and seeps, primarily in the Pacific Northwest.	Absent. This species was not observed during surveys, and suitable habitat does not occur within the Project site. There is one CNDDDB record of this species occurring northeast of the Project site at the edge of the 10-mile radius. The Project will not impact this species.
<i>Calyptridium pulchellum</i>	Mariposa pussypaws	1B.1, FT	This species is endemic to California and restricted to decomposed and exposed sites on granite domes within cismontane woodland and chaparral. It has a blooming	Absent. This species was not observed during surveys, and suitable habitat does not occur within the Project site. No decomposed and exposed sites on granite domes occur on site. There are four CNDDDB records of this species occurring within 10

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			period from April to August. The range of this plant is 1,450 to 3,600 feet in elevation.	miles, the closest of which is 5 miles southwest of the Project site. The Project will not impact this species.
<i>Camissonia sierrae</i> ssp. <i>sierrae</i>	Yosemite evening-primrose	4.3	This annual herb is endemic to California and occurs in cismontane woodland and lower montane coniferous forest from approximately 1,640 to 5,395 feet in elevation. It has a blooming period from April to June.	Possible. There are no CNDDDB records of this species occurring within 10 miles of the Project site. However, little information is known about this species. The Project site overlaps with its range and contains cismontane woodland to support the species. The Project could potentially impact this species if it were to occur on the Project site.
<i>Carpenteria californica</i>	tree-anemone	1B.2, CT	This perennial evergreen shrub occurs on well-drained granitic soils within chaparral and cismontane woodland between 1,115 and 4,395 feet in elevation. The flowering period is between May and July.	Absent. The Project site does not have appropriate soils to support this species. This species was not observed during surveys, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Ceanothus fresnensis</i>	Fresno ceanothus	4.3	This perennial evergreen shrub is endemic to California and occurs in yellow pine forest and foothill woodland from 3,675 to 6,825 feet in elevation.	Absent. The elevational range of this species is generally higher than the elevation of the Project site. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Cinna bolanderi</i>	Bolander's woodreed	1B.2	Bolander's woodreed occurs in meadows and seeps in upper montane coniferous forests along streamsides and in mesic habitats. It blooms between July and August and ranges between 5,500 and 8,000 feet in elevation.	Absent. The Project site is below the elevational range of the species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Clarkia australis</i>	Small's southern clarkia	1B.2	This species occurs in cismontane woodland and lower	Absent. The elevational range of this species is generally higher than the elevation of the

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			montane coniferous forest between 2,624 and 6,808 feet in elevation. The flowering period is between May and August.	Project site. There is one CNDDDB record of this species occurring 5.1 miles northwest of the Project site. The Project will not impact this species.
<i>Clarkia rostrata</i>	beaked clarkia	1B.3	This annual herb occurs in cismontane woodlands and valley and foothill grasslands between 197 and 1,640 feet in elevation. The flowering period is between April and May.	Absent. The Project site is above the elevational range of this species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Claytonia parviflora</i> <i>ssp. grandiflora</i>	streambank spring beauty	4.2	This annual herb is endemic to California and occurs in rocky areas in cismontane woodland from 820 to 3,935 feet in elevation. The flowering period is between February and April.	Absent. The Project site contains suitable habitat but falls outside of the estimated range of this species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Collomia rawsoniana</i>	Rawson's flaming trumpet	1B.2	This species occurs in lower montane coniferous forest, meadows and seeps, and riparian forest from 2,559 to 7,218 feet in elevation. The flowering period is between July and August.	Absent. The elevational range of this species is generally higher than the elevation of the Project site. There are nine CNDDDB records of this species occurring within 10 miles, the closest of which is 4 miles northeast of the Project site. The Project will not impact this species.
<i>Cordylanthus rigidus</i> <i>ssp. brevibracteatus</i>	short-bracted bird's-beak	4.3	This annual herb occurs in openings and granitic areas within chaparral, lower and upper montane coniferous forest, and pinyon and juniper woodland from 2,000 to 8,495 feet in elevation.	Absent. The elevational range of this species is generally higher than the elevation of the Project site. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Cryptantha hooveri</i>	Hoover's cryptantha	1A	This annual herb occurs within inland dunes and sandy valley and foothill grassland between 25 and 490 feet in elevation.	Absent. The Project site is above the elevational range of this species. There are no CNDDDB records of this species occurring

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
				within 10 miles of the Project site. The Project will not impact this species.
<i>Cypripedium montanum</i>	mountain lady's-slipper	4.2	This perennial herb occurs in broad-leaved upland forest, cismontane woodland, lower montane coniferous forest, and North Coast coniferous forest between 605 and 7,300 feet in elevation. The flowering period is between March and August.	Absent. There are no CNDDDB records of this species occurring within 10 miles of the Project site. No CNPS records occur in the Ahwahnee quadrangle. The Project will not impact this species.
<i>Delphinium hansenii</i> ssp. <i>ewanianum</i>	Ewan's larkspur	4.2	This perennial herb occurs in rocky areas within cismontane woodland and valley and foothill grassland between 195 and 1,970 feet in elevation.	Absent. The Project site is above the elevational range of this species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Diplacus pulchellus</i>	yellow-lip pansy monkeyflower	1B.2	This annual herb occurs in vernal mesic, often disturbed areas in lower montane coniferous forest, meadows, and seeps from 1,965 to 6,560 feet in elevation. The flowering period is between April and July.	Absent. The Project site does not contain suitable habitat for this species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Epilobium howellii</i>	subalpine fireweed	4.3	This perennial herb is endemic to California and occurs in meadows and other wetland habitat within subalpine forest from 6,465 to 8,825 feet in elevation.	Absent. The Project site is below the elevational range of this species. There is one CNDDDB record of this species occurring 9.5 miles northeast of the Project site. The Project will not impact this species.
<i>Erythranthe acutidens</i>	Kings River monkeyflower	3	This annual herb occurs in cismontane woodland and lower montane coniferous forest from 1,000 to 4,005 feet in elevation. The flowering period is between April and July.	Absent. The Project site is outside of the known range of this species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
<i>Erythranthe gracilipes</i>	slender-stalked monkeyflower	1B.2	This species occurs in decomposed granitic, often burned or disturbed areas within chaparral, cismontane woodland, and lower montane coniferous forest from 1,640 to 4,265 feet in elevation. The flowering period is between April and June.	Absent. There are no CNDDDB records of this species occurring within 10 miles of the Project site. No burned or disturbed areas occur in the woodland habitat, as it is relatively undisturbed. The Project will not impact this species.
<i>Erythronium pluriflorum</i>	shuteye peak fawn lily	1B.3	This perennial herb is endemic to California and occurs in meadows in lodgepole forest, subalpine forest, and red fir forest from 7,545 to 8,040 feet in elevation.	Absent. The Project site is below the elevational range of the species. There are three CNDDDB records of this species occurring northeast of the Project site at the edge of the 10-mile radius. The Project will not impact this species.
<i>Gratiola heterosepala</i>	Boggs Lake hedge-hyssop	1B.2, SE	Bogg's Lake hedge-hyssop occurs in vernal pools and is most common in clay soils. The species ranges in elevation from 35 to 5,905 feet and flowers between April and August.	Absent. The Project site does not contain vernal pools or the soil type required by this species. There were no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Hulsea brevifolia</i>	short-leaved hulsea	1B.2	This species occurs in granitic or volcanic, gravelly, or sandy areas within lower and upper montane coniferous forest. The species ranges in elevation from 4,920 to 10,500 feet and flowers between May and August.	Absent. The Project site is below the elevational range of the species. There are four CNDDDB records of this species occurring within 10 miles, the closest of which is 8.8 miles northeast of the Project site. The Project will not impact this species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
<i>Leptosiphon serrulatus</i>	Madera leptosiphon	1B.2	This annual herb occurs in open areas and dry slopes within chaparral, cismontane woodland, and lower montane coniferous forests between Mariposa County and the northern part of Kern County. The species ranges in elevation from 980 and 4,265 feet and flowers between April and May.	Possible. There are two CNDDDB records of this species occurring within 10 miles to the southwest of the Project site. This plant's range is near the Project site and the site contains habitat elements for the species. The Project could potentially impact this species if it were to occur on the Project site.
<i>Lupinus citrinus</i> var. <i>citrinus</i>	orange lupine	1B.2	This annual herb is endemic to California and occurs in chaparral, cismontane woodland, open yellow-pine forest, and lower montane coniferous forest, generally around granitic minerals. The species ranges in elevation from 1,968 to 5,500 feet and flowers between April and July.	Possible. The Project site contains suitable habitat that could support this species. There are nine CNDDDB records of this species occurring within 10 miles, the closest of which is 0.6 miles north of the Project site. The Project could potentially impact this species if it were to occur on the Project site.
<i>Meesia triquetra</i>	three-ranked hump moss	4.2	This moss occurs in bogs and fens, meadows and seeps, subalpine coniferous forest, and mesic upper montane coniferous forest between 4,265 and 9,690 feet in elevation.	Absent. The Project site is below the elevational range of this species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Orcuttia Pilosa</i>	hairy Orcutt grass	FE, CE, 1B.1	Annual herb; blooms May to September; occurs in vernal pools; often in acidic and saline-alkaline soils; elevation 150 to 655 feet; threatened by agriculture, urbanization, overgrazing, non-native plants, and trampling; only known from a few locations on the Central Valley floor and lower	Absent. The Project site does not contain suitable vernal pool habitat and is above the elevational range of this species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			foothills in Madera, Merced, and Stanislaus counties, and the very northern portion of the valley in Butte, Glenn, and Tehama counties.	
<i>Peltigera gowardii</i>	western waterfan lichen	4.2	This aquatic lichen occurs within riparian forest on rocks in cold water creeks with little or no sediment or disturbance. The species ranges in elevation from 3,490 to 8,595 feet.	Absent. The Project site is below the elevational range of the species. There are three CNDDDB records of this species occurring within 10 miles, all of which are located near the edge of the 10-mile radius. The Project will not impact this species.
<i>Trifolium bolanderi</i>	Bolander's clover	1B.2	This perennial herb occurs in mesic lower montane coniferous forest, meadows and seeps, and upper montane coniferous forest. The species ranges in elevations from 6,685 to 8,530 feet and flowers between June and August.	Absent. The Project site is below the elevational range of the species. There is one CNDDDB record of this species occurring 9.6 miles northeast of the Project site. The Project will not impact this species.
<i>Viola pinetorum</i> var. <i>grisea</i>	Grey-leaved violet	1B.3	This perennial plant occurs in meadows and seeps, subalpine coniferous forests, and upper montane coniferous forest. It ranges in elevation from 4,921 and 11,155 feet and flowers between April and July.	Absent. The Project site is below the elevational range of the species. There is one CNDDDB record of this species occurring 9.5 miles northeast of the Project site. The Project will not impact this species.
Invertebrates				
<i>Andrena macswaini</i>	An andrenid bee	G1G3, S1S3	This bee is oligolectic on morning-opening, yellow-flowered species of <i>Camissonia</i> . The females nest in aggregations in depressed areas in deep, sandy soil.	Unlikely. <i>Camissonia sierrae</i> ssp. <i>sierra</i> was not observed but could potentially occur on the Project site. There are two CNDDDB records of this species occurring within 10 miles of the Project site. The Project could potentially impact this species if <i>Camissonia</i> occurs on the Project site; however, this species is not a listed or protected species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
<i>Branchinecta conservatio</i>	Conservancy fairy shrimp	FE	This species is endemic to the grasslands of the northern two-thirds of the Central Valley, and is found in large, turbid vernal pools.	Absent. The Project site does not contain vernal pools, and no critical habitat designated for this species occurs within 10 miles of the Project site. There are no CNDDBs record of this species occurring within 10 miles. The Project will not impact this species.
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT	Vernal pool fairy shrimp occur in a variety of vernal pool habitats from small, clear sandstone rock pools and puddles to large and turbid, alkaline, grassland valley floor pools.	Absent. The Project site does not contain vernal pools, and no critical habitat designated for this species occurs within 10 miles of the Project site. There are no CNDDBs record of this species occurring within 10 miles. The Project will not impact this species.
<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	FT	Valley elderberry longhorn beetle is associated with elderberry trees (<i>Sambucus</i> sp.) in the Central Valley below 3,200 feet elevation.	Absent. USFWS determined that this species does not occur in Madera County and indicated that observations of the species in the County (and south) were likely mis-identifications. There are four CNDDB records of this species occurring within 10 miles, the closest of which is located 1.6 miles west of the Project site. The Project will impact this species.
<i>Hydroporus leechi</i>	Leech's skyline diving beetle	G1? S1?	This species occurs in pond shores and shallow water. Little is known about the life history of this beetle.	Absent. There are three CNDDB records of this species occurring within 10 miles of the Project site, all of which are located above 3,400 feet in elevation. This elevation is higher than the elevation of the Project site. The Project will not impact this species.
<i>Tetrix sierrana</i>	Sierra pygmy grasshopper	G1G2, S1S2	Little is known about the life history and habitat of this beetle. It occurs in lower montane coniferous forest and is known from at least two localities in	Absent. The Project site does not contain significant coniferous habitat. One CNDDB record of this species is located approximately 6.2 miles north of the Project site at 4,400 feet in elevation. This elevation

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			Mariposa and Madera Counties, both just outside Yosemite National Park. Typically, species of this family occur in leaf litter, surface soils, and leaf mold near the edges of bodies of water.	is higher than the elevation of the Project site. The Project will not impact this species.
Fish				
<i>Hypomesus transpacificus</i>	Delta smelt	FT	This species occurs primarily in main waterbodies and sloughs of the Delta and Suisun Bay. It is not directly associated with small stream systems.	Absent. The streams that flow through the Project site do not provide suitable habitat for this species and the site is outside the current range of the species. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Oncorhynchus clarkii henshawi</i>	Lahontan cutthroat trout	FT	This species occurs in cool flowing water with available cover of well-vegetated and stable stream banks, in areas where there are stream velocity breaks and in relatively silt-free, rocky riffle-run areas.	Absent. The Project site is outside the current range of the species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
Amphibians				
<i>Ambystoma californiense</i>	California tiger salamander	FT, CT	California tiger salamanders occurs and breed in natural ephemeral pools or ponds that mimic them, that remain inundated for 10 weeks or more. They require nearby upland habitat containing small mammal burrows or crevices that provide refugia.	Absent. The Project site does not contain suitable breeding habitat for this species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Anaxyrus canorus</i>	Yosemite toad	CSC	This toad inhabits wet mountain meadows, willow thickets, and the borders of forests, usually	Absent. The Project site is below the elevational range of this species and does not provide habitat for this species. There

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			not more than 300 feet from permanent water. It occurs between 4,800 feet and 12,000 feet in elevation.	are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Rana boylei</i>	foothill yellow-legged frog	CSC	This frog lives in a variety of aquatic habitats with slow-flowing water. This species frequents rocky streams in forests, chaparral, and woodlands. During inactivity, individuals seek cover under rocks in the streams or on shore within a few meters of water.	Possible. This species could potentially be found within Nelder Creek or its tributaries, within the Fresno River, or within rocky areas on shore. There are 5 CNDDDB records of this species occurring within 10 miles of the Project site. The Project could potentially impact this species if it were to occur on the Project site.
<i>Rana draytonii</i>	California red-legged frog	FT	California red-legged frogs occur in small streams, ponds, and marshes, preferably with dense shrubby vegetation such as cattails and willows near deep water pools.	Absent. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The closest known record of this species occurs over 39 miles to the north. The Project will not impact this species.
<i>Rana sierrae</i>	Sierra Nevada yellow-legged frog	FE, CT	This species occurs in streams, lakes, and ponds in montane riparian, lodgepole pine, subalpine conifer, and wet meadow habitats. Elevation extends from 4,500 feet to over 11,980 feet.	Absent. The Project site is below the elevational range of the species. There are two CNDDDB records of this species occurring within 10 miles, the closest of which is 7.6 miles northeast of the Project site. The Project will not impact this species.
<i>Spea hammondi</i>	western spadefoot	CSC	The western spadefoot occurs primarily in shallow temporary pools in grasslands, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.	Absent. The Project site does not contain suitable habitat for this species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
Reptiles				

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
<i>Emys marmorata</i>	western pond turtle	CSC	Western pond turtles live in streams, large rivers, and other bodies of slow-moving water below 6,000 feet in elevation. Suitable nesting sites and basking sites such as partially submerged logs, vegetation mats, or open mud banks are required.	Possible. No pond turtles were observed during surveys on the Project site. There are five CNDDDB records of this species occurring within 10 miles of the Project site. Nelder Creek, the Fresno River, and adjacent habitats provide potential habitat for this species, although basking and breeding sites are limited. If present, this species would most likely occur as a transient. The Project could potentially impact this species if it were to occur on the Project site.
<i>Gambelia sila</i>	blunt-nosed leopard lizard	FE, SE	This species occurs in sparsely vegetated alkali and desert scrub habitats with low topographic relief. They seek cover in mammal burrows under shrubs, or structures such as shrubs and fence posts.	Absent. The Project site does not contain suitable habitat for this species, and there are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
Birds				
<i>Aquila chrysaetos</i>	golden eagle	FP	Habitat for golden eagle typically includes rolling foothills, mountain areas, sage-juniper flats, and desert. This species nests on cliffs of all heights and in large trees in open areas.	Possible. This species could occasionally occur as a transient forager and use the Project site for foraging. However, no suitable nesting habitat occurs on the Project site. There are no CNDDDB records of this species occurring within 10 miles of the Project site. The Project will not impact this species.
<i>Haliaeetus leucocephalus</i>	bald eagle	SE	The bald eagle is a permanent resident and uncommon winter migrant, now restricted to breeding mostly in Butte, Lake, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Trinity counties. They require large bodies of	Absent. The Project site does not contain large, old-growth trees or large bodies of water required to support this species. There is one CNDDDB record of this species occurring within 10 miles, to the southeast of the Project site. The Project will not impact this species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			water, or free flowing rivers with abundant fish, and adjacent snags or other perches. They nest in large, old-growth, or dominant live trees, especially ponderosa pine, usually near a permanent water source.	
Mammals				
<i>Antrozous pallidus</i>	pallid bat	CSC	This bat is found in deserts, grasslands, shrublands, woodlands and forests. They are most common in open, dry habitats with rocky areas for roosting. It is locally known in low elevations in California. Roosts must protect bats from high temperatures. The pallid bat species is very sensitive to disturbance of roosting sites.	Possible. The Project site contains potential roosting habitat to support some bachelor species. There was no sign, such as guano or vocalizations, that would indicate species occurrence. There was no CNDDDB record of this species occurring within 10 miles of project site. The project will not impact this species.
<i>Erethizon dorsatum</i>	North American porcupine		This species is most common in montane conifer, Douglas fir (<i>Pseudotsuga menziesii</i>), alpine dwarf-shrub, and wet meadow habitats. They have increased their range by moving into redwood and Douglas-fir forests. It prefers forested habitats in winter and riparian habitats in dry regions.	Absent. This species primarily occurs in higher elevation habitats. None of the common habitats are present on the Project site. There was no CNDDDB record of this species occurring within 10 miles of project site. The project will not impact this species.
<i>Gulo gulo</i>	California wolverine	CT	The wolverine inhabits tundra, remote mountains, and boreal forests. They generally inhabit areas at or above timberline, but often prefer lower-elevation	Absent. Habitat for this species does not occur within the Project site. There was no CNDDDB record of this species occurring within 10 miles of project site. They are generally absent from California, but there

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			forests during the winter. Habitat requirement on a landscape scale are currently unknown and may differ substantially between populations. Wolverines are most common in regions with snow-covered ground throughout the winter. They are morphologically well suited to hunting in the snow and may rely heavily on this advantage during severe winters.	has been a recent documented occurrence in the Cascade Range of northern California. The project will not impact this species.
<i>Martes caurina sierrae</i>	Sierra marten	FSSC	The Sierra marten can be found in mixed evergreen forests with more than 40% crown closure along the Sierra Nevada and Cascade mountains. They need a variety of different-aged stands, particularly old-growth conifers and snags which provide cavities for dens/nests. The elevation range for the Sierra marten is not documented; however, the elevation range for the American marten (<i>Martes Americana</i>) is 8,596-11,073 feet in elevation.	Absent. Habitat for this species does not occur within the Project site. The Project is located in an area that is highly trafficked and densely populated. The Project site is also well outside the elevation range of this species. There were two CNDDDB records of this species occurring within 10 miles of project site. The project will not impact this species.
<i>Pekania pennanti</i>	fisher - West Coast DPS	FPS, CCS	Key habitat components for the fisher include mature forests with relatively large diameter trees, high canopy closure, large trees (hardwood and conifer) with cavities, and large down wood. Fishers are generally	Possible. Habitat for this species occurs on the Project site. Large diameter trees with cavities are present on the site. There was one CNDDDB record of this species occurring within 10 miles of Project site, the closest of which is 9.0 miles north of the Project site. The project will not impact this species.

Scientific Name	Common Name	Status	General Habitat Requirements	Potential for Occurrence on the Project Site
			found between 1,970 and 7,200 feet in elevation. It preys on small mammals in the forest understory or in adjacent openings.	
<i>Taxidea taxus</i>	American badger	CSC	The American Badger is most abundant in drier open stages of most shrub, forest, and habitats, with friable soils and open, uncultivated ground. Preys on burrowing rodents, and they will dig their own burrows.	Possible. There is habitat for this species in the Project site but surveys conducted within the Project site failed to locate any potential dens or other diagnostic signs of this species. There was no CNDDDB record of this species occurring within 10 miles of project site. If this species is present in the vicinity of the project, it would likely be present only as a transient. The project could potentially impact this species if it were to occur in the Project site.
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE, CT	Found in annual grasslands or grassy open stages with scattered shrubby vegetation. Need loose- textured sandy soils for burrowing, and suitable prey base.	Absent. There is no habitat for this species in the Project site but surveys conducted within the Project site failed to locate any potential dens or other diagnostic signs of this species. There was no CNDDDB record of this species occurring within 10 miles of project site.
<i>Vulpes vulpes necator</i>	Sierra Nevada red fox	CT	This fox occurs in forest openings, meadows, and barren rocky areas in alpine and subalpine zones; preferred habitat in California apparently is red fir and lodgepole pine forests and alpine fell-fields	Absent. The Project site is well outside of the lodgepole pine, alpine, and subalpine elevations required for this species. This species or diagnostic signs of this species was not observed during surveys conducted within the Project site. There was no CNDDDB record of this species occurring within 10 miles of project site. The project will not impact this species.

Sources:

California Department of Fish and Wildlife. 2017. California Natural Diversity Data Base

California Native Plant Society (CNPS). 2017. Inventory of Rare and Endangered Plants, Rare Plant Scientific Advisory Committee.
United States Fish and Wildlife Service (USFWS). 2017. Critical Habitat Portal, Critical Habitat Map, United States Fish and Wildlife Service, Sacramento, CA.
United States Fish and Wildlife Service (USFWS). 2017. Federal Endangered and Threatened Species List, Sacramento Fish and Wildlife Office.

Abbreviations:

FD Federal Delisted Species
FE Federal Endangered Species
FT Federal Threatened Species
FPS: Federal Proposed Species
FP Fully Protected (CDFW code)
CCS: California Candidate Species
MBTA Species Protected Under the Auspices of the Migratory Bird Treaty Act
MMPA Species Protected Under the Auspices of the Marine Mammal Protection Act
CE California Endangered Species
CT California Threatened Species
CSC California Department of Fish and Game Species of Special Concern
1B California Native Plant Society List 1B Species-Plants Categorized as Rare, Threatened, or Endangered in California and Elsewhere
1B.1 California Native Plant Society List 1B Species-Plants Categorized as Rare, Threatened, or Endangered in California and Elsewhere; Seriously Threatened in California
1B.2 California Native Plant Society List 1B Species-Plants Categorized as Rare, Threatened, or Endangered in California and Elsewhere; Fairly Threatened in California

CDFW S Rank Rating System

1: Extremely endangered
2: Endangered
3: Restricted Range
4: Apparently Secure
5: Demonstrably Secure

CDFW Global Rank System

G1 : Less than 6 viable element occurrences (EOs) OR less than 1,000 individuals OR less than 2,000 acres.
G2 : 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres.
G3 : 21-100 EOs OR 3,000-10,000 individuals OR 10,000-50,000 acres.
G4 : Apparently secure.
G5 = Population or stand demonstrably secure to ineradicable due to being commonly found in the world.

Potential Occurrence Definitions:

Present: Species or sign of their presence observed on site at time of the field survey.

Likely: Species not observed on site, but may reasonably be expected to occur there on a regular basis. Or, species not observed on the site, exceptional habitat exists, and additional surveys needed to verify presence.

Possible: Species not observed on site, but could occur there from time to time. Or, species not observed on the site, habitat exists, and additional surveys needed to verify presence.

Unlikely: Species not observed on site, and would not be expected to occur there except, perhaps, as a transient. Or, species not observed on the site, marginally habitat exists, and additional surveys needed to verify presence.

Absent: Species or sign of their presence not observed on site, and precluded from occurring there because habitat requirements are not met.