

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 25-26, 2012

Reference No.: 2.2c.(4)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE WATT
AVENUE/ US 50 INTERCHANGE PROJECT (RESOLUTION E-12-15)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Supplemental Environmental Impact Report (FSEIR), Findings of Fact and Statement of Overriding Considerations for the Watt Avenue/US 50 Interchange Project in Sacramento County and approve the project for future consideration of funding?

RECOMMENDATION:

Staff recommends that the Commission accept the FSEIR, Findings of Fact and Statement of Overriding Considerations and approve the Watt Avenue/US 50 Interchange Project for future consideration of funding.

BACKGROUND:

Sacramento County (County) is the CEQA lead agency for the project. The project will construct multi-modal improvements at the US Highway 50 (US 50) and Watt Avenue interchange and on Watt Avenue between Kiefer Boulevard and La Riviera Drive. Improvements will include modification of the US 50 and Watt Avenue interchange to a partial cloverleaf configuration, construction of a dedicated transit-way and related facilities to support the initial working segment of Bus Rapid Transit (BRT), and construction of a dedicated bicycle and pedestrian pathway through the interchange to separate these modes from vehicular traffic.

The project for which the FSEIR covers will result in significant unavoidable impacts to climate change. Specifically, the project would result in incremental contributions to cumulative climate change impacts. Mitigation measures and/or alternatives to the proposed project that would substantially reduce or avoid these significant unavoidable impacts are infeasible.

The County adopted the FSEIR, Findings of Fact and a Statement of Overriding Considerations for the project on August 9, 2011. The County found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to, improving traffic levels of service; improving public safety; accommodating alternate modes of travel including transit, bicycling, and walking; decrease existing noise levels; and decreased commute times. The County established a Mitigation Monitoring Program to ensure that the mitigation measures specified for the project are implemented.

On March 6, 2012 the County provided written confirmation that the preferred alternative set forth in the final environmental document is consistent with the project programmed by the Commission. The County also provided written confirmation of its commitment to all of the mitigation measures stipulated in the FSEIR and Mitigation Monitoring Program.

The project is estimated to cost \$50,376,000. The project is funded with State (\$32,458,000) funds, Federal (\$4,380,000) funds, and Local (\$13,538,000) funds. The project is proposed by sponsor for consideration of CMIA Savings. Construction is estimated to begin in fiscal year 2012/13.

Attachment

- Resolution E-12-15
- Findings of Fact & Statement of Overriding Considerations
- Project Location

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 03 – Sacramento County Resolution E-12-15

- 1.1.1 **WHEREAS**, Sacramento County (County) has completed a Final Supplemental Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - Watt Avenue/US 50 Interchange Project
- 1.2 **WHEREAS**, the County has certified that the Final Supplemental Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will construct multi-modal improvements at the US Highway 50 and Watt Avenue interchange and on Watt Avenue in Sacramento County; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Supplemental Environmental Impact Report; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to adverse effects upon climate change make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the County adopted a Statement of Overriding Considerations for the project; and
- 1.7 **WHEREAS**, the County adopted a Mitigation Monitoring Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Supplemental Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the above referenced project to allow for future consideration of funding.

BEFORE THE SACRAMENTO COUNTY BOARD OF SUPERVISORS

RE: Revised Watt Avenue/US-50 Interchange Project
Keifer Boulevard to
La Riviera Drive
(02-PWE-0163)

Findings of Fact and Statement
of Overriding Considerations

I. PROJECT DESCRIPTION AND GENERAL INFORMATION

A. Project Description :

The County of Sacramento Department of Transportation (Sac DOT) proposes to modify the existing full cloverleaf interchange on US Route 50 (US-50) at Watt Avenue in order to reduce congestion, increase safety, and accommodate alternate modes of travel including bus rapid transit (BRT), bicyclists, wheel chairs, and pedestrians.

A full cloverleaf is a four quadrant interchange that employs loop ramps to accommodate left-turning movements. The proposed project will reconfigure the interchange into a partial cloverleaf. Two loop ramps will be removed in order to eliminate the short weaving sections in the right lanes of north bound and south bound Watt Avenue. Two signalized intersections are proposed to allow left and right turns from US-50 onto Watt Avenue. A new center structure will connect the existing north bound and south bound overpasses and provide a dedicated lane in the median for BRT over US-50, and the overcrossing would be widened from four to six through lanes, with an auxiliary lane in each direction and one dedicated (reversible) travel lane for a bus rapid transit (BRT) line. A safe route for pedestrians, bicycles and wheel chairs with undercrossings and a curb separated path is proposed for the east side of Watt Avenue to accommodate users walking or riding north and south across the Watt Avenue Interchange and the La Riviera Drive ramp.

B. Project Objectives (FEIR page 3-13)

The project objectives as submitted by the County Department of Transportation are:

1. Reduce Congestion
2. Improve Safety
3. Improve Access for Bicycles and Pedestrians

4. Correct Incompatibilities with the Americans with Disabilities Act
5. Accommodate Transit

C. General Information

The Sacramento County Department of Environmental Review and Assessment (DERA) prepared the appropriate environmental document, pursuant to the requirements of the California Environmental Quality Act (CEQA), for the *Watt Avenue/US-50 Interchange Project Keifer Boulevard to La Riviera Drive*.

On February 25, 2003 a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for this project was issued to interested parties, potentially affected agencies and organizations. A Revised Notice of Preparation was issued on January 13, 2006 because the project limits were extended from Folsom Boulevard to Keifer Boulevard to accommodate updated project designs that included a lane taper along the roadway segment in that location.

On March 10, 2009 the DEIR for the subject project was distributed to interested parties, and potentially affected individuals, agencies and organizations, and a public notice was published in the Sacramento Bee. The required 45 review period ended on April 24, 2009; however, the review period was extended until the public hearing on the DEIR, which was held before the Planning Commission on May 11, 2009, and the public comment period was closed. The Commission directed staff to respond to comments received on the DEIR and to prepare the Final EIR (FEIR).

The FEIR was prepared, in compliance with CEQA, which includes comments upon, and responses to input received during the public review period. The FEIR was distributed on September 11, 2009. The Sacramento County Board of Supervisors considered the FEIR for the *Watt Avenue/US-50 Interchange Project* at a noticed public hearing held September 22, 2009. Public testimony was given, and the Sacramento County Board of Supervisors took the following actions:

Certified the FEIR as adequate and complete, adopted the mitigation monitoring and reporting program, recognizing significant and unavoidable project impacts associated with climate change. The project was tentatively approved pending adoption of CEQA findings for the significant and unavoidable impact. Final approval was continued to the Board hearing scheduled for October 6, 2009 to allow for the preparation of written findings.

The project received final approval on October 20, 2009.

Subsequent to the certification of the FEIR, it was determined that some of the

sound barriers described on Plates NS-1 through NS-4 in the Noise Chapter of this EIR could not be built to reduce noise to acceptable levels. The construction of the walls to comply with County standards was determined to be infeasible due to cost and height restrictions associated with the Caltrans protocol for noise barriers, reductions in locally available funds, and construction impacts to the community.

DERA determined a Supplemental EIR was the appropriate document to address the changes in the project and mitigation measures.

The Supplemental EIR also describes other changes in the project including the elimination of the western separated bikeway, which will reduce the amount of tree removal in that quadrant. The eastern separated bikeway can be used by cyclists and pedestrians to safely travel north or south on Watt Avenue across the interchange.

The Supplemental EIR evaluated the noise impacts without the previously recommended mitigation and determined that increases in noise levels at eight locations were not significant, and the exceedences of County standards were not attributable to the proposed project. The project's incremental contribution to the overall cumulative impact is not "cumulatively considerable." (CEQA Guidelines, §§ 15064, subd. (h); 15130, subd. (a).) (See SEIR, p. 3-8 [Table NS-5].)

The Supplemental EIR also describes other changes in the project including the elimination of the western separated bikeway, which will reduce the amount of tree removal in the southeast quadrant of the interchange. The eastern separated bikeway can be used by cyclists and pedestrians to safely travel north or south on Watt Avenue across the interchange.

The Notice of Preparation for the Draft Supplemental EIR was released on July 26, 2010. The Draft Supplemental EIR was released on October 19, 2010. A public hearing on the Draft Supplemental EIR was held before the Sacramento County Planning Commission on December 13, 2010 at the County Administration Center, 700 H Street, Room 1450, Sacramento, CA 95814. During the 45-day review period, a total of two comment letters were received in response to publication of the Draft Supplemental EIR. The Final Supplemental EIR was prepared and distributed to the Board of Supervisors on April 25, 2011.

II. DEFINITIONS

"Applicant" means Sacramento County, Transportation Division.

"Board" means the Board of Supervisors of the County of Sacramento.

"CEQA" means the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*)

"County" means County of Sacramento.

“DEIR” or “Draft EIR” means the Draft Environmental Impact Report for the Proposed Project.

“DERA” means the Sacramento County Department of Environmental Review and Assessment.

“EIR” means Environmental Impact Report.

“FEIR” or “Final EIR” means the Final Environmental Impact Report for this project.

“MMRP” means Mitigation Monitoring and Reporting Program.

“NOP” means Notice of Preparation.

III. RECORD

For the purpose of compliance with the letter and intent of CEQA, and its requirements for Findings, the record of the proceedings for the project is comprised as follows:

- A. The proposal package consisting of a written description of the project by the Sacramento Municipal Services Agency, Department of Transportation, maps, documents, reports, and other supporting information;
- B. All environmental documents, public review comments, and supporting reports that were received or were prepared for the Proposed Project;
- C. The proceedings at the Draft EIR Public Hearings and proceedings before the Board of Supervisors that relate to the subject project including testimony and documentary evidence introduced at public hearings;
- D. All staff reports, memoranda, maps, letters, meeting minutes, or other documents, that were prepared for, or received by, the Sacramento County Board of Supervisors;
- E. Matters of common knowledge to the Board of Supervisors including, but not limited to:
 - 1. The 1993 Sacramento County General Plan, including the Land Use Map and elements thereof;
 - 2. The Zoning Code of Sacramento County;
 - 3. The Sacramento County Code;
 - 4. All adopted Ordinances and Policies of Sacramento County.
- F. Other formally adopted policies and ordinances.

Items A and B are in the custody of the Sacramento County Department of Environmental Review and Assessment, located at 827 7th Street, Room 220, Sacramento, California 95814.

Items C and D are in the custody of the Sacramento County Board of Supervisors Office, located at 700 H Street, Suite 2450, Sacramento, California 95814.

Items E, 1, 2 and 3 are in the custody of the Sacramento County Planning and Community Development Department, located at 827 7th Street, Room 230, Sacramento, CA 95814.

Item E, 4 and F are in the custody of the Sacramento County Counsel Office, located at 700 H Street, Suite 2650, and Sacramento, California 95814.

IV. FINDINGS REQUIRED UNDER CEQA

To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the projects' significant environmental effects. (Pub. Resources Code Section 21002.) Based on section 21002, both the California Resources Agency and the State's courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify projects, to the extent *feasible*, to substantially lessen or avoid such effects. (CEQA Guidelines, Sections 15002, subd. (a)(3), 15021, subd. (a)(2); Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41.)

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines Section 15364 adds another factor: "Legal" consideration. (See also Citizens of Goleta Valley v. Board of Supervisors ("Goleta II") (1990) 52 Cal.3d 553, 565.) An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency's ability to meet the objectives of a Proposed Project. (See City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 416-417; Sequoiah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of "CEQA" findings, as mandated by Public Resources Code Section 21081. The parallel section in the CEQA Guidelines is Section 15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt "one or more findings for each [such] ... significant effect." For each effect, the agency's findings must reach one or more of three

permissible conclusions.

The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines Section 15091, subd. (a)(1).)

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines Section 15091, subd. (a)(2).)

As to the third permissible conclusion, CEQA Guidelines Section 15091 no longer exactly tracks the statutory language of Public Resources Code Section 21081, Subdivision (a)(3), which was amended in 1993 and again in 1994. The amended statute provides that the third permissible conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR." (Pub. Resources Code Section 21081, subd. (a)(3); see also CEQA Guidelines Section 15091, subd. (a)(3).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The County must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with Public Resources Code Section 21002, which, as noted earlier, uses the terms "substantially lessen" and "avoid", but does not use the word "mitigate."

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a *less-than-significant level*. In contrast, the term "substantially lessen" refers to the effectiveness of such a measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]", these findings, for purposes of clarity, in each case will specify whether the effect in question has been avoided (i.e., reduced to a less-than-significant level), or has simply been substantially lessened but remains significant.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a Proposed Project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation even to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact—even if the alternative would render the impact less severe than would the Proposed Project as mitigated. (Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; and Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the County first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the County address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code Section 21081, subd. (b); see also CEQA Guidelines Sections 15093, 15043, subd. (b). The Board herein identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Proposed Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed and therefore balanced." (Goleta II, supra, 52 Cal.3d at 576.)

V. LEGAL EFFECT OF FINDINGS

To the extent that these Findings conclude that proposed mitigation measures outlined in the Final Supplemental EIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds the Applicant and any other responsible parties to implement those measures. These Findings, in other

words, are not merely informational or hortatory, but constitute a binding set of obligations that will come into effect upon the Board's approval of the Proposed Revised Watt Avenue/US-50 Interchange Project. At the time of approval, the Board will adopt a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6, subdivision (a)(1). The Board will also require, as applicable, implementation of the mitigation measures by imposing them as conditions of approval.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code section 21081.6 subdivision (a) (1) requires adoption of a Mitigation Monitoring and Reporting Program ("MMRP"). The MMRP is designed to ensure that, during Project implementation, the County and any other responsible parties comply with feasible project mitigation measures.

VII. SIGNIFICANT ADVERSE IMPACTS

The Final Supplemental EIR Certified by the Sacramento County Board of Supervisors did not identify any significant unavoidable impacts associated with the Proposed Revised Project that were not previously identified in the Final EIR (October 20, 2010):

VIII. SIGNIFICANT IMPACTS WHICH HAVE BEEN REDUCED TO A LESS THAN SIGNIFICANT LEVEL

A. Noise

A noise study was prepared to evaluate the traffic noise levels under the revised project conditions and without the higher noise barriers, which were determined to be infeasible. The analysis concluded that the revised project would result in significant impacts according to County and/or Caltrans noise standards (NAC) at various locations along the project area. Specifically, noise receivers R5, R6, R7, R19, R20, R21, R22 and R24 would be subject to a significant noise impact. Sound barrier construction mitigation that is considered feasible will reduce this impact to less than significant levels.

Mitigation Measure

NS-1: Traffic Noise

Install sound barrier 2 on the northeast quadrant and sound barrier 3 on the southwest quadrant as indicated on Plate NS-1 and Plate NS-3 in the Final Supplemental EIR. Installation of the sound barrier at NE2 will reduce the noise impact at receivers R5, R6, R7 and R24 to a less than significant level. Installation of the sound barrier at SW3 will reduce the

noise impact at receivers R19, R20, R21 and R22 to a less than significant level.

Finding

The Board concurs with the reasoning stated in the Final Supplemental EIR and in the Record and finds the above referenced significant impact can be reduced to a less than significant level of impact upon implementation of the identified noise mitigation measure NS-1.

B. Biological Resources

The changes in tree mitigation since the Final EIR are due to revisions and refinements in project design. In some cases trees that were to be removed with the original design will be preserved, and some trees that were to be preserved will be removed. Implementation of these identified biological mitigation measures below would reduce the revised project impacts to a less than significant level

Mitigation Measures

BR-1: Native Tree Removal Compensation

The removal of native trees shall be mitigated by planting the compensatory number of native tree inches dbh (i.e., **1,017 inches dbh** valley oak/*Quercus lobata* and/or interior live oak/*Quercus wislizenii*; **25 inches dbh** western sycamore/*Plantanus racemosa*; and **55 inches dbh** California black walnut/*Juglans*) based on the ratios listed below, at locations that are authorized by the Department of Environmental Review and Assessment. If the existing on-site protected trees are successfully transplanted or if design changes occur, the number of compensation inches shall be adjusted to correspond to the actual number of inches removed.

Equivalent compensation based on the following ratio is required:

- one D-pot seedling (40 cubic inches or larger) = 1 inch dbh
- one 15-gallon tree = 1 inch dbh
- one 24-inch box tree = 2 inches dbh
- one 36-inch box tree = 3 inches dbh
- one transplant 1-5 inches dbh = 1-5 inches dbh

Prior to the approval of Improvement Plans or building permits, a Replacement Oak Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the

Environmental Coordinator for approval. The Replacement Oak Tree Planting Plan(s) shall include the following minimum elements:

1. Species, size and locations of all replacement plantings;
2. Method of irrigation;
3. The Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
4. Planting, irrigation, and maintenance schedules;
5. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement oak trees which do not survive during that period.

No replacement tree shall be planted within 15 feet of the driplines of existing oak trees or landmark size trees that are retained on-site, or within 15 feet of a building foundation or swimming pool excavation. The minimum spacing for replacement oak trees shall be 20 feet on-center. Examples of acceptable planting locations are publicly owned lands, common areas, and landscaped frontages (with adequate spacing). Generally unacceptable locations are utility easements (PUE, sewer, storm drains), under overhead utility lines, private yards of single-family lots (including front yards), and roadway medians.

If oak tree replacement plantings are demonstrated to the satisfaction of the Sacramento County Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

BR-2: Native Tree Protection

With the exception of the trees removed and compensated for through Mitigation Measure BR-1, all oak trees that are 6 inches dbh or larger on the project site, all portions of adjacent off-site, 6-inch dbh or larger oak trees which have driplines that extend onto the project site, and all off-site, 6-inch dbh or larger oak trees which may be impacted by utility installation and/or improvements associated with this project, shall be preserved and protected as follows:

1. A circle with a radius measurement from the trunk of the tree to the tip of its longest limb shall constitute the dripline protection area of each tree. Limbs must not be cut back in order to change the dripline. The area beneath the dripline is a critical portion of the root

zone and defines the minimum protected area of each tree. Removing limbs that make up the dripline does not change the protected area.

2. Any protected trees on the site that require pruning shall be pruned by a certified arborist prior to the start of construction work. All pruning shall be in accordance with the American National Standards Institute (ANSI) A300 pruning standards and the International Society of Arboriculture (ISA) "Tree Pruning Guidelines."
3. Prior to initiating construction, temporary protective fencing shall be installed at least one foot outside the driplines of the protected trees within 100-feet of construction related activities, in order to avoid damage to the tree canopies and root systems. Fencing may be placed at the limit of road construction where such construction occurs within the dripline.
4. Any removal of paving or structures (i.e. demolition) that occurs within the dripline of a protected oak tree shall be done under the direct supervision of a certified arborist. To the maximum extent feasible, demolition work within the dripline protection area of the oak tree shall be performed by hand. If the certified arborist determines that it is not feasible to perform some portion(s) of this work by hand, then the smallest/lightest weight equipment that will adequately perform the demolition work shall be used.
5. No signs, ropes, cables (except those which may be installed by a certified arborist to provide limb support) or any other items shall be attached to the protected trees. Small metallic numbering tags for the purpose of preparing tree reports and inventories shall be allowed.
6. No vehicles, construction equipment, mobile home/office, supplies, materials or facilities shall be driven, parked, stockpiled or located within the driplines of protected trees.
7. No grading (grade cuts or fills) shall be allowed within the driplines of protected trees. All grading shall take place outside the area described by the protective fencing imposed in Mitigation Measure B.3.
8. Drainage patterns on the site shall not be modified so that water collects or stands within, or is diverted across, the dripline of any protected tree.
9. No trenching shall be allowed within the driplines of protected trees. If it is absolutely necessary to install underground utilities within the

dripline of a protected tree, the utility line shall be bored and jacked under the supervision of a certified arborist.

10. The construction of impervious surfaces within the driplines of protected trees shall be stringently minimized. When it is absolutely necessary, a piped aeration system per County standard detail shall be installed under the supervision of a certified arborist.
11. No sprinkler or irrigation system shall be installed in such a manner that sprays water or requires trenching within the driplines of protected trees. An above ground drip irrigation system is recommended.
12. Landscaping beneath oak trees may include non-plant materials such as bark mulch, wood chips, boulders, etc. The only plant species which shall be planted within the drip-lines of oak trees are those which are tolerant of the natural semi-arid environs of the trees. A list of such drought-tolerant plant species is available at the Department of Environmental Review and Assessment. Limited drip irrigation approximately twice per summer is recommended for the understory plants.

Finding

The Board concurs with the reasoning stated in the Final Supplemental EIR and in the Record and finds significant impact to native trees can be reduced to a less than significant level of impact upon implementation of the identified mitigation measures BR-1 and BR-2.

IX. CEQA PROJECT ALTERNATIVES

There were no changes in the CEQA alternatives between the Final EIR and the Final Supplemental EIR.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

There are no additional significant unavoidable impacts identified in the Supplemental EIR that were not identified in the previously certified Final EIR (October 20, 2010). The statements of overriding consideration for the previously documented findings are still valid and no additional statements of considerations were documented.

The Sacramento County Board of Supervisors hereby also recognizes and adopts the Findings of Fact and Statement of Overriding Considerations for the Proposed Project.

Dated: 9/8/11

By: Roberta MacGlashan

Chairperson of the Sacramento
County Board of Supervisors

Attest: Cyndi Lee

Clerk, Sacramento County
Board of Supervisors

Date: 9/8/11

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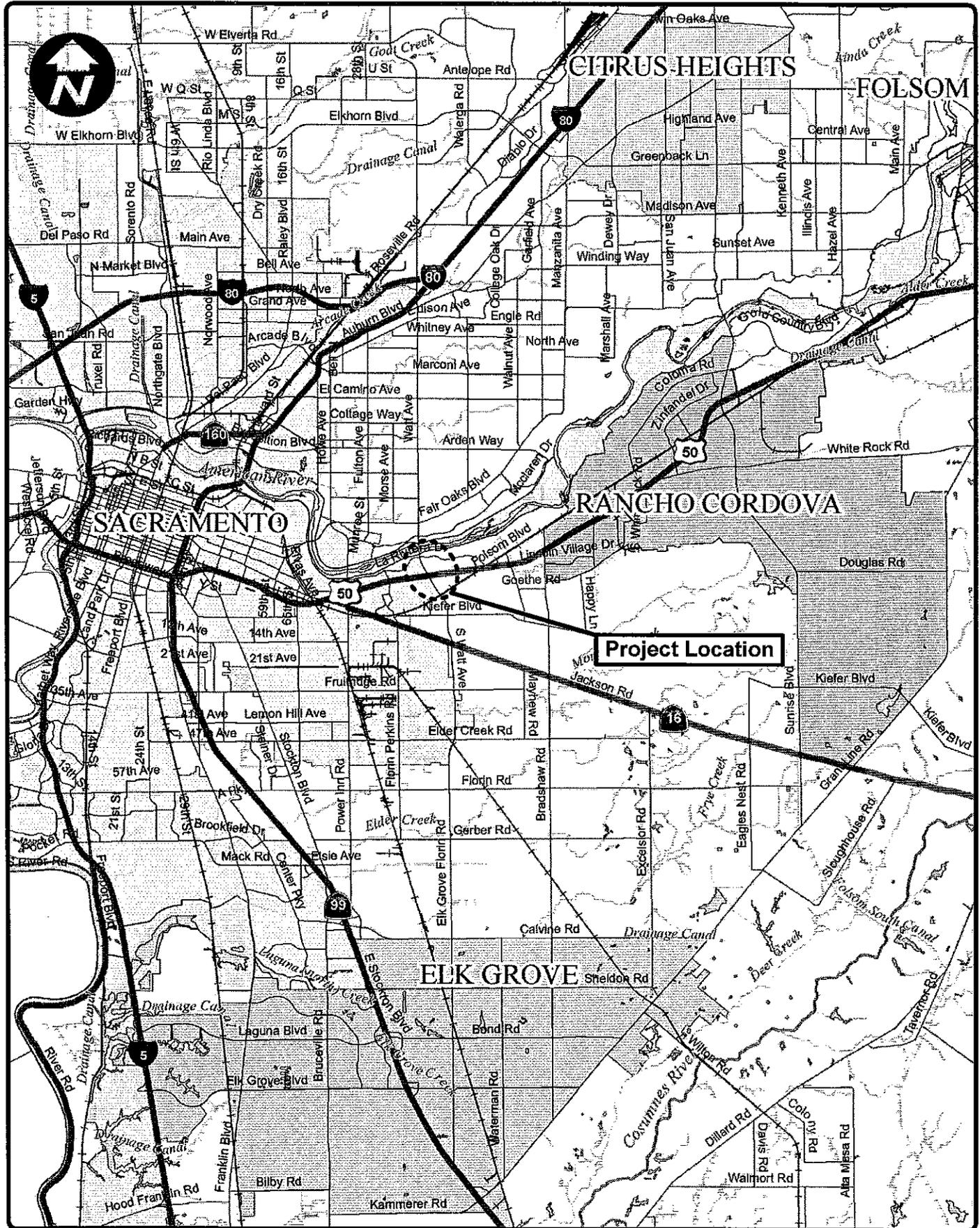


Figure 1. Vicinity Map