
APPENDIX D

NATIVE AMERICAN CONSULTATION

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2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8277

Jennifer K. Clark
Director

June 16, 2025

RE: Project Notification Pursuant to Assembly Bill 52 for City of Fresno Vehicle Miles Traveled Reduction Program

Dear Chairperson,

The City of Fresno (City) is proposing the program referenced above and invites you to consult with the City pursuant Assembly Bill 52 (AB 52). Pursuant to the provisions of AB 52, which are described in more detail below, as the Lead Agency under the California Environmental Quality Act (CEQA), the City of Fresno hereby extends an invitation to consult on the CEQA review of the proposed City of Fresno Vehicle Miles Traveled Reduction Program in order to assist with identifying and/or preserving and/or mitigating project impacts to tribal cultural resources.

AB 52, which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes to allow for consultation between the tribe and the public agency. The purpose of AB 52 is to provide an opportunity for public agencies and tribes to consult and consider potential impacts to Tribal Cultural Resources (TCRs), as defined by the Public Resources Code (PRC) Section 21074(a).¹ Outlined below is the general process for AB 52 compliance:

- *Pursuant to AB 52, tribes must formally request to the public agency in writing to be notified of projects within the jurisdiction of that public agency [Public Resources Code Section 5097.4]. Tribe requests in writing to the public agency to be notified of projects for which a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) is required.*
- *Following receipt of such request, the lead agency shall, within fourteen (14) days of determining that an application for a project is complete or a decision by a public agency to undertake a project shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice [PRC Section 21080.3.1(d)].*

¹ PRC Section 21074(a) defines a Tribal Cultural Resource as either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that area either (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

- *The lead agency shall initiate consultation within thirty (30) days of receiving the request for consultation [PRC Section 21080.3(e)].*
- *Consultation shall be considered concluded when either of the following occurs: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a TCR; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.²*

A summary of the proposed project, including a map of the project area, is included as **Exhibit A** in this letter.

If you would like to consult with the City Assembly Bill 52, **please respond in writing by 5:00 p.m. on July 16, 2025** to Sophia Pagoulatos, Planning Manager at Sophia.Pagoulatos@fresno.gov or 2600 Fresno Street, Room 3043, Fresno, CA 93721-3604. Please include in your request, at a minimum, (1) name, title, and contact information of the tribal representative(s); (2) suggested dates and location of consultation; (3) any preliminary concerns or questions related to the project (optional).

If you do not wish to consult, please provide in writing that you do not wish to consult on the proposed project. If no written response is received by the aforementioned date, it will be assumed that you have declined consultation. If a request for consultation is received by the date above, the City will follow up to set up a date and location for consultation.

Thank you for your consideration on this matter and please do not hesitate to contact me should you have any questions or need additional information.

Sincerely,

Sophia Pagoulatos

Sophia Pagoulatos

Planning Manager

(559) 621-8062

sophia.pagoulatos@fresno.gov

Attachment: Exhibit A – Project Description and Project Location Map

² If consultation is conducted, the City, as lead agency, shall ensure that, unless provided with written consent by the consulting tribe, information exchanged during consultation will remain confidential for the purposes of preventing looting, vandalism, or damage to tribal cultural resources and shall not disclose third party confidential information regarding tribal cultural resources [PRC Section 21082.3].

Exhibit A

City of Fresno

Vehicle Miles Traveled Reduction Program

Background

Senate Bill (SB) 743 changed the way transportation impact analyses are conducted under the California Environmental Quality Act (CEQA). In accordance with SB 743, the Fresno City Council adopted the *CEQA Guidelines for Vehicle Miles Traveled Thresholds* (VMT Guidelines) for the City of Fresno (City) on June 25, 2020, to address the shift from delay-based Level of Service (LOS) CEQA traffic analyses to Vehicle Miles Traveled (VMT) CEQA traffic analyses. The City VMT Guidelines included standardized project screening criteria and VMT significance thresholds for development and transportation projects, and recommended VMT mitigation strategies. However, the implementation of SB 743 has created challenges for development projects by triggering significant VMT impacts without clear, proven, and feasible mitigation measures to offset such impacts. As such, the City proposed to create a VMT Reduction Program to provide an opportunity for development projects to mitigate VMT impacts and streamline compliance for SB 743.

VMT Reduction Program Framework

The City's VMT Reduction Program was designed to provide a flexible, streamlined, and cost-effective approach to mitigate VMT impacts of land use development projects through the use of the City's "Urban Design Calculator" (UDC) and a VMT mitigation fee.

The UDC was developed to assist development projects that trigger VMT impacts. The UDC uses design elements of a project that have a potential to reduce project VMT and estimates total VMT reduction due to those design elements. The City determined that the VMT Reduction Program would update the City's UDC using most recent research on VMT mitigation strategies. The update was primarily based on strategies provided in the California Air Pollution Control Officers Association (CAPCOA) Greenhouse Gas (GHG) Emissions Reduction Handbook (CAPCOA Handbook, 2021) transportation section. The UDC would help projects reduce VMT impacts by implementing VMT reducing project design features at the project site. In case the project results in a significant VMT impact even with UDC, the VMT Reduction Program would allow those developments to further mitigate VMT impacts by making "fair share" payments into the program to cover the cost of identified VMT-reducing projects in the proposed VMT Reduction Program.

During the preparation of the VMT Reduction Program, a thorough research of local planning documents such as the City's Active Transportation Plan, Fresno Council of Government's (COG) short-range and long-range transit plan, and the Regional Transportation Plan (RTP) was conducted along with available literature of VMT mitigation strategies. The objective was to compile a list of active transportation and transit-related infrastructure and capital improvement projects that can be funded by the program. Fees paid towards the VMT Reduction Program will provide funding to build the top 25 most effective VMT mitigation projects that were prioritized based on the following criteria: VMT offset provided, enhancing connectivity, enhancing access and equity, contributions to safety, cost effectiveness, and feasibility of implementation.

The following existing City planning documents were reviewed to identify unfunded, planned infrastructure improvement projects within Fresno that contribute towards reducing Citywide VMT and could be funded by the proposed program:

- FAX Short Range Transit Plan
- FAX Long Range Transit Plan
- Fresno Council of Governments (COG) Regional Transportation Plan (RTP)
- Fresno Safe Routes to School Action Plan
- Fresno Active Transportation Plan
- Fresno County Regional Trails Plan
- Southern Blackstone Avenue Smart Mobility Plan
- Highway 41+ North Corridor Complete Streets Plan

The VMT Reduction Program Map, attached, shows the proposed projects included in the program and their approximate locations.

The VMT-reducing improvements in the program could be constructed utilizing funds collected under the proposed VMT Reduction Program. These projects would be subject to future CEQA analysis on a project-by-project basis as they are proposed and as the extent of impacts become known through the design process. However, these facilities may result in impacts to the environment, and thus are the subject of the programmatic analysis within this EIR. Additionally, it is expected that the VMT-reducing projects identified above may be completed, and the City expects to review and update the project list over time.

Transportation Demand Management Projects

(not shown on map)

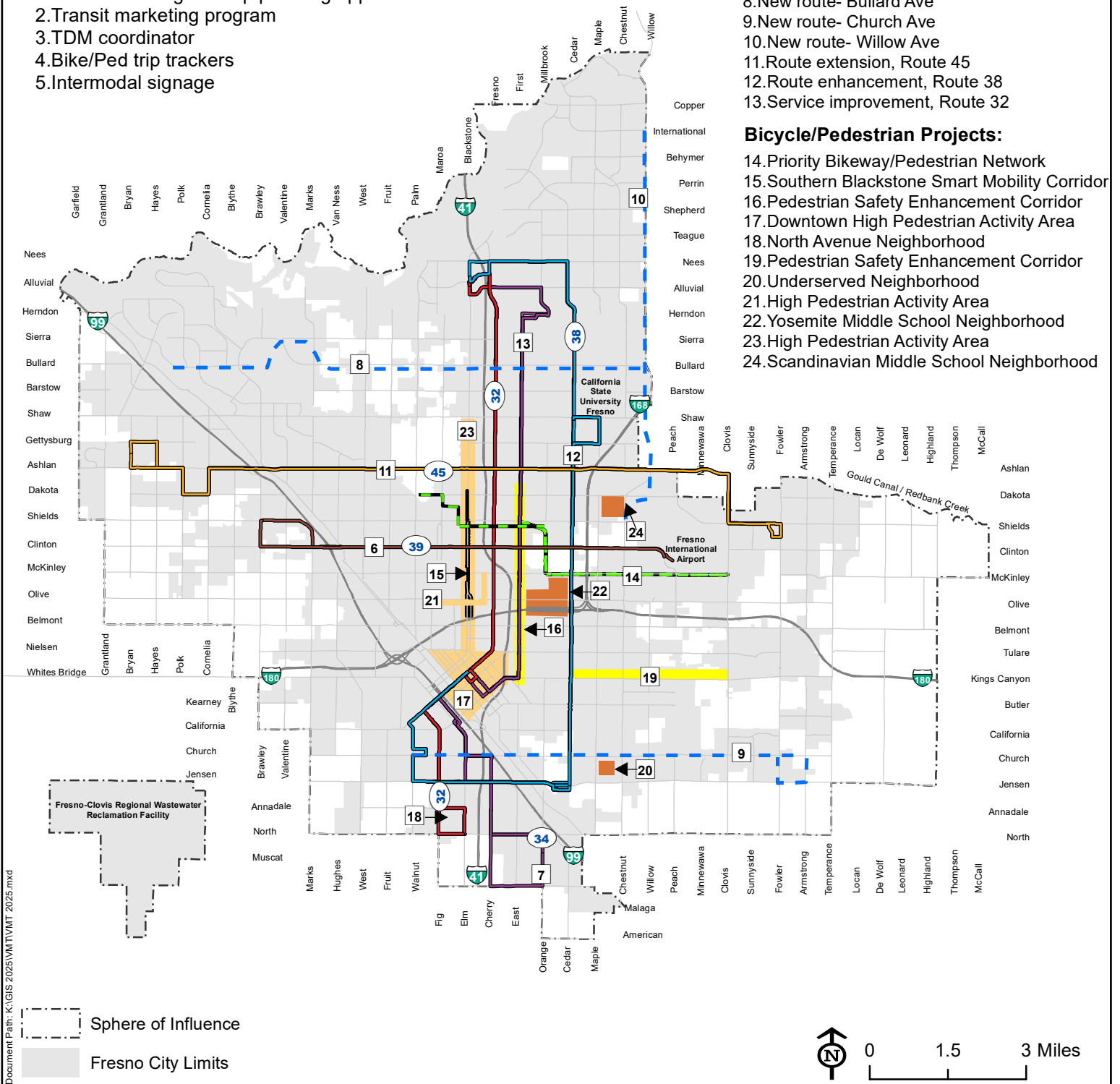
- 1.Mobile ticketing and trip planning app
- 2.Transit marketing program
- 3.TDM coordinator
- 4.Bike/Ped trip trackers
- 5.Intermodal signage

Transit Projects:

- 6.Frequency enhancement, Route 39
- 7.Accessibility improvements, Route 34
- 8.New route- Bullard Ave
- 9.New route- Church Ave
- 10.New route- Willow Ave
- 11.Route extension, Route 45
- 12.Route enhancement, Route 38
- 13.Service improvement, Route 32

Bicycle/Pedestrian Projects:

- 14.Priority Bikeway/Pedestrian Network
- 15.Southern Blackstone Smart Mobility Corridor
- 16.Pedestrian Safety Enhancement Corridor
- 17.Downtown High Pedestrian Activity Area
- 18.North Avenue Neighborhood
- 19.Pedestrian Safety Enhancement Corridor
- 20.Underserved Neighborhood
- 21.High Pedestrian Activity Area
- 22.Yosemite Middle School Neighborhood
- 23.High Pedestrian Activity Area
- 24.Scandinavian Middle School Neighborhood



VMT Reduction Program Fee Projects

Transit

Route Enhancements

- Route 32
- Route 38
- Route 39
- Route 45

Route Extensions

- Route 34
- Route 45

New Routes

- Route 8
- Route 9

Active Transportation

- Pedestrian Safety Enhancement Corridor
- High Pedestrian Activity Area
- Underserved Neighborhoods with Missing Sidewalks

Priority Bikeway Improvements

Southern Blackstone Smart Mobility Strategy

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Sent 06.16.2025

**Native American Heritage Commission
Tribal Consultation List
Fresno County
6/23/2022**

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Mono

**Dumna Wo-Wah Tribal
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**Kings River Choinumni Farm
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Foothill Yokut

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Foothill Yokut

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Yokut

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Yokut

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Foothill Yokut
Mono

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Fresno Southeast Development Area Specific Plan Project, Fresno County.

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