

Memorandum

To: CHAIR AND COMMISSIONERS

Date: May 21, 2009

From: BIMLA G. RHINEHART
Executive Director

File: Book Item 2.2c (9)
Action

Ref: Final Environmental Impact Report – East Connector Roadway Project (Resolution E-09-48)

ISSUE: Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR) and Findings of Fact to allow the East Connector Roadway Project (project) in the City of Weaverville to be considered for funding?

RECOMMENDATION: Staff recommends that the Commission accept the FEIR and Findings of Fact and approve the project to allow for consideration of funding.

BACKGROUND: The project includes the construction of a two lane arterial roadway and bicycle and pedestrian trails in the City of Weaverville (Weaverville). The project is proposed to provide an efficient arterial connection for through traffic traveling between the east and north sections of Weaverville; reduce the dependency on SR 299 for local travel; reduce traffic on local streets; improve vehicle and pedestrian safety; increase the availability and continuity of bicycle lanes and pedestrian trails, and provide an alternate route for emergency vehicle access and emergency evacuation plans.

Trinity County (County), as the CEQA lead agency for the project, certified the FEIR on March 4, 2003. On May 22, 2009, the County provided written confirmation that there are no new impacts that were not addressed in the FEIR.

The FEIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the project. Environmental impacts include potential erosion and sedimentation during construction, removal of riparian habitat, potential water quality impacts to East Weaver Creek and Lance Gulch, encroachment into the 100 year floodplain of East Weaver Creek, increased noise levels, changes in visual resources, potential loss of seasonal wetlands, potential introduction of invasive weeds, temporary disturbance of nesting birds, potential adverse impacts to the threatened Coho salmon and its critical habitat, and accidental disruption of previously undiscovered cultural resources.

The County adopted a mitigation monitoring plan to mitigate to a less than significant level all of the significant effects on the environment for this project. The County Board of Supervisors found that changes or alternations have been required in, or incorporated

into, the project which avoid or substantially lessen the significant environmental effects of the project, and mitigate all of the significant environmental effects to a less than significant level.

The FEIR provides environmental clearance for two projects that are programmed in the STIP as follows:

Lowden Park – Senior Center Bike and Pedestrian Lane Project

This project will construct a new bicycle and pedestrian trail, including a bridge over East Weaver Creek. The trail would connect County park facilities adjacent to the Weaverville Elementary School with residential areas and senior housing facilities in the Brown's Ranch area.

The project is estimated to cost \$940,000 and is fully programmed with STIP TE. Construction is estimated to begin in August 2010.

East Weaverville, Route 299 to Route 3, New Two Lane Arterial Roadway Project

This project will construct a new two-lane minor arterial from SR 299 east of Weaverville to SR 3 north of Weaverville. The Lowden Park to Senior Center Bike/Pedestrian trail and bridge would connect to the East Connector Roadway.

The project is estimated to cost \$7,460,000 and is fully programmed with STIP RIP. Construction is estimated to begin in August 2010.

Attachments

- Resolution No. 09-48
- Project Location
- CEQA Findings of Fact

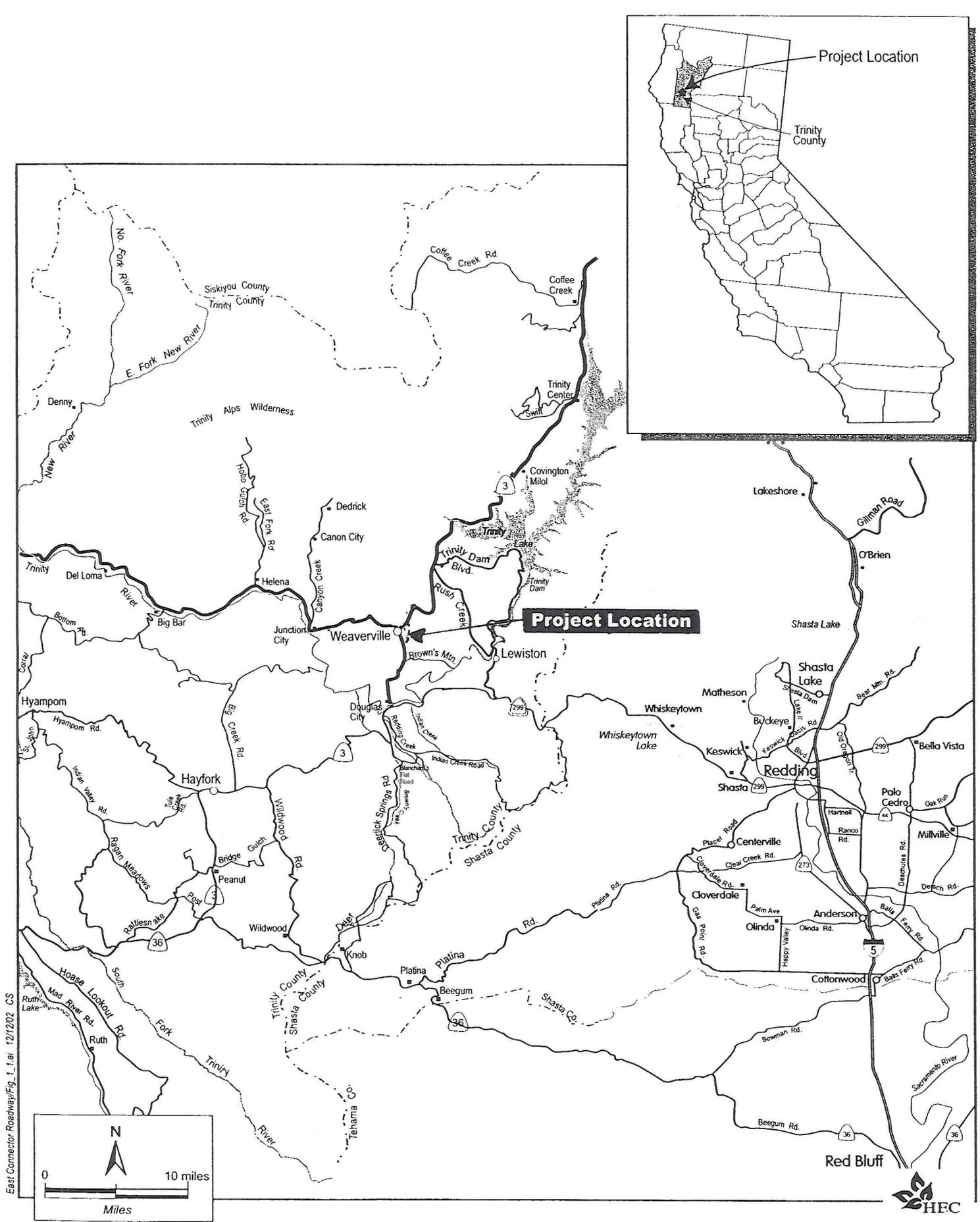
CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Consideration of Funding

02-TRI

Resolution E-09-48

- 1.1** **WHEREAS**, the County of Trinity has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- East Connector Roadway Project
- 1.2** **WHEREAS**, the County of Trinity Board of Supervisors has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3** **WHEREAS**, the project will provide an efficient arterial connection for through traffic traveling between the east and north sections of Weaverville and provide other improvements; and
- 1.4** **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5** **WHEREAS**, written findings state that changes or alternations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of this project, and mitigate all of the significant environmental effects to a less than significant level, as identified in the Final Environmental Impact Report; and
- 1.6** **WHEREAS**, a Mitigation Monitoring and Reporting Program was adopted for this project; and
- 2.1** **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the findings and approve the above referenced project to allow for consideration of funding.



East Connector Roadway/fig_1_1.ai 12/12/202 2:58



Figure 1-1
Regional Location
East Connector Roadway Project

**EXHIBIT A
TO
RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY SELECTING AN
ALTERNATIVE, MAKING CEQA FINDINGS OF FACT,
ADOPTING A MITIGATION MONITORING PROGRAM,
AND DIRECTING COUNTY STAFF TO PROCEED WITH
THE EAST CONNECTOR ROADWAY PROJECT IN WEAVERVILLE**

CEQA FINDINGS OF FACT

**OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
for the
EAST CONNECTOR ROADWAY PROJECT**

MARCH 4, 2003

I. INTRODUCTION

The Environmental Impact Report (“EIR”) prepared for the East Connector Roadway Project (the “Project”) addresses the potential environmental effects associated with construction of a two lane County arterial roadway and a bicycle and pedestrian trail in Weaverville, California. These findings have been prepared to comply with requirements of the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

Detailed information regarding the project location, project description, objectives, environmental setting, Required Permits and Discretionary Approvals, background and project history is included in the Environmental Impact Report (EIR). The EIR for the East Connector Roadway Project consists of the Draft EIR dated December 16, 2002, the Final EIR dated February 14, 2003, and EXHIBIT A of *Resolution of the Board of Supervisors of the County of Trinity Certifying a Final EIR* ERRATA SHEET dated February 20, 2003.

II. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Notice of Preparation and all other public notices issued by the County in conjunction with the Project;
- The Draft and Final EIRs for the East Connector Roadway, and all documents cited as “References” in those documents;
- All comments submitted by agencies or members of the public during the 45-day public comment period on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft EIR;
- The mitigation monitoring plan for the Project;
- All findings and resolutions adopted by County decisionmakers in connection with the Project (including these findings), and all documents cited or referred to therein;
- Prior studies on existing and future traffic conditions in the Weaverville Basin and possible projects to relieve congestion;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's actions on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on March 4, 2003;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the County, including, but not limited to, federal, state, and local laws and regulations;
- The County of Trinity General Plan, Weaverville Community Plan and Circulation Element of the General Plan;
- Any documents expressly cited in these findings, in addition to those cited above; and

- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents comprising the record of proceedings is the Trinity County Planning Department, 190 Glen Road, P.O. Box 2819, Weaverville, CA 96093.

The Board of Supervisors has relied on all of the documents listed above in reaching its decision on the East Connector Roadway Project, even if not every document was formally presented to the County Board of Supervisors as part of the County files generated in connection with the East Connector Roadway Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the County was aware in approving the East Connector Roadway Project. (See *County of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392 [142 Cal.Rptr. 873]; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6 [252 Cal.Rptr. 620].) Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the County Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the County Board of Supervisors' decisions relating to the approval of the East Connector Roadway Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. County Board of Supervisors of County of San Jose* (1986) 181 Cal.App.3d 852, 866 [226 Cal.Rptr. 575]; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155 [39 Cal.Rptr.2d 54].)

III. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such 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, § 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, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) 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” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta IP*”) (1990) 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

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 the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code, § 21002.)

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. For reasons set forth in the EIR, all of the significant environmental effects identified therein can be fully “avoided” – that is, reduced to a less than significant level – by the adoption of the recommended mitigation measures. Because the Board of Supervisors has chosen to adopt all such recommended mitigation measures, there is no need to identify any instances in which a significant effect has been merely “substantially lessened,” rather than “avoided,” by the adoption of mitigation measures. It may be worth noting, though, that the County understands the term “substantially lessen” to refer to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. County Board of Supervisors* (1978) 83 Cal.App.3d 515, 519-527 [147 Cal.Rptr. 842], in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant. In any event, there is no need here to address the legal implications of a finding that a significant effect has been substantially lessened but not avoided. All such effects associated with the Project have been avoided (reduced to a less than significant level) through the adoption of mitigation measures.

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 reduced to a less than significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that will otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) Such a statement of overriding considerations is not required for this Project because, as noted above, all significant effects will be mitigated to less than significant levels through the adoption of mitigation measures. This result also relieves the County of having to consider whether any alternative other than the one chosen by the County is environmentally superior in any respect. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521; *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 445.)

IV. LEGAL EFFECTS OF FINDINGS

In adopting these findings as an exhibit to the resolution approving the Project, the County hereby binds itself, and fully intends to bind itself, to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations created as part of the Board of Supervisors’ approval the Project.

The mitigation measures, which are referenced in the Mitigation Monitoring Program adopted concurrently with these findings, will be effectuated through the process of constructing and implementing the Project.

V. MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program (“MMP”) has been prepared for the Project and has been adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The County will use the MMP to track compliance with Project mitigation measures. The MMP will remain available for public review during the compliance period.

VI. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identified several potentially significant environmental effects (or “impacts”) that the East Connector Roadway Project could cause. **All of these significant effects can be mitigated to less than significant levels through the adoption of feasible mitigation measures.** Stated another way, for all identified significant effects, “changes or alterations have been required in, or incorporated into, the project which avoid . . . the significant environmental effect[s] identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Because the Board is not finding that any mitigation measures are “within the responsibility and jurisdiction of another agency,” and is not rejecting any measures as “infeasible” (*id.*, § 15091, subds. (a)(2), (a)(3)), the Board has no need to repeat the same finding again and again, as sometimes occurs in CEQA findings in which different significant effects and different mitigation measures are subject to different findings. *All* recommended mitigation measures set forth in the EIR are adopted, and are sufficient to render the significant effects less than significant.

This Section lists the potentially significant environmental effects and the mitigation measures that reduce these effects to less than significant. (The EIR also identifies impacts that are not significant or potentially significant environmental impacts, even without mitigation. Those impacts are not listed in this section, as nothing in CEQA requires findings to address such impacts).

Although, as a legal matter, the Board of Supervisors need not be bound by statements in the EIR regarding the significance of environmental effects (see Pub. Resources Code, § 21082.2, subd. (e)), the Board finds the evidence and reasoning set forth in the EIR to be persuasive, and hereby adopts all such evidence and reasoning as its own. More specifically, the Board agrees that County staff’s use of the Initial Study Checklist questions, as found in Appendix G to the CEQA Guidelines, along with the “mandatory findings of significance” set forth in CEQA Guidelines section 15065, constitutes an appropriate means of inquiring whether particular environmental effects are or are not significant, both before and after mitigation. The Board is also persuaded by the staff’s reasoning in the EIR regarding why or why not, in light of such inquiries regarding the significance of impacts, the identified impacts were identified as significant prior to mitigation, and less than significant after mitigation. Rather than repeat all of these points herein, the Board instead incorporates the entire EIR by reference herein, and relies on the EIR’s explanations regarding the nature of the effects at issue, and the effectiveness of mitigation. For the sake of creating an unambiguous record of the Board’s decision to adopt and carry out all recommended mitigation measures, however, each significant effect and all recommended (and adopted) mitigation measures are set forth below.

GEOLOGY IMPACT-1. Increased potential for erosion may result following construction, until final landscaping is established.

GEOLOGY MITIGATION-1. Activities that increase the erosion potential shall be restricted to the fullest extent possible to the relatively dry summer and early fall period to minimize the potential for rainfall to mobilize and transport sediment to East Weaver Creek. If these activities must take place during the late fall, winter, or spring, then temporary erosion and sediment control structures must be in place and operational at the

end of each construction day and maintained until disturbed ground surfaces have been successfully revegetated.

GEOLOGY MITIGATION-2. Type D erosion control measures (i.e., hydroseeding) shall be implemented during construction of the proposed project in nonriparian upland areas. These measures shall conform to the provisions in Section 20-3 of the Caltrans Standard Specifications and the special provisions included in the contract for the project. Erosion control shall consist of one application of erosion control materials within nonriparian upland areas to embankment slopes, excavation slopes, and other areas designated by the project engineer. These materials shall consist of fiber, seed, commercial fertilizer, and water. These materials shall conform to Section 20-2 of the Caltrans Standard Specifications. Commercial fertilizer used for nonriparian upland areas shall conform to the provisions in Section 20-2.02 of the Caltrans Standard Specifications.

GEOLOGY IMPACT-2. Differential ground settling may occur along structural pavement sections built on coarse mine tailings material containing or overlying compressible “slickens”, or on expansive soils.

GEOLOGY MITIGATION-3. A California Registered civil engineer shall design the proposed facility in accordance with the Caltrans Design Manuel, AASHTO Design Guide, California Standard Plans and California Standard Specifications, and in accordance with the recommendations of a site-specific geotechnical review. Materials exploration and testing shall be conducted during design and construction to determine the suitability of materials encountered and any necessary treatments. Tailings of boulders and cobbles lacking a finer grained matrix will be either removed, mixed with a finer grained material and replaced or overlaid with a soil and geotextile sub-base. Expansive soils or zones of weak, compressible material within on underlying tailings, if encountered, will be either removed and replaced with competent material, or surcharge loaded so that potential for settlement is eliminated.

GEOLOGY IMPACT-5. Construction activities associated with the proposed East Connector Roadway project would temporarily expose soils to wind and water erosion within the proposed project area.

GEOLOGY MITIGATION-5.

- Soil exposure will be minimized through the use of Best Management Practices (“BMPs”), ground cover, and stabilization practices. Exposed dust-producing surfaces will be sprinkled daily until wet while avoiding producing runoff.
- The TCDOT contractor will conduct daily inspections and maintenance of erosion and sediment control measures. Failures will be repaired each work day if they occur.
- All temporary erosion and sediment control measures will be removed after the working area is stabilized or as directed by the project engineer.

HYDROLOGY IMPACT-1. An additional 6 acres of new impermeable surfaces resulting from construction of the East Connector Roadway and concentration of runoff from Pioneer Heights could cause additional loads of surface runoff to the subsurface drainage system of Lance Gulch.

HYDROLOGY IMPACT-5 An additional 26 acres of new impermeable surfaces resulting from construction of the East Connector Roadway and proposed Weaverville Airport could cause additional loads of surface runoff to East Weaver Creek or Lance Gulch.

HYDROLOGY MITIGATION 1. Drainage plans will be completed during project design by a California-registered civil engineer. The drainage system will be adequately sized to handle anticipated flows from a 100-year storm event. If it is determined by the Rational Formula that the additional runoff generated from the road surface, combined with the drainage from Pioneer Heights, will exceed the capacity of the existing subsurface drainage system that conveys Lance Gulch beneath the Trinity Plaza Shopping Center and SR 299, then a detention basin will be constructed on the east side of the East Connector, in the vicinity of the intersection with Pioneer Lane. The detention basin will meter flows and attenuate storm peaks, to reduce peak volumes of discharge to the Lance Gulch system. The basin will also serve as a sedimentation basin, reducing sediment discharge to Lance Gulch from both the East Connector and the Martin Road/Pioneer Heights area.

Note: Preliminary calculations indicate more than adequate capacity to handle increased runoff.

HYDROLOGY IMPACT-2. Road surfaces could carry pollutants such as sediments, fuels and oils to surface water bodies such as East Weaver Creek or Lance Gulch.

T&E Species Impact-2. Water pollution from roadway runoff could adversely affect aquatic wildlife.

HYDROLOGY MITIGATION 2. Road runoff will not be discharged directly to East Weaver Creek or Lance Gulch. It will be conveyed through unlined, vegetated ditches and swales to surface water bodies. Vegetation and soils in the ditches will slow flows, trap solids and absorb liquid pollutants such as fuels and oils.

HYDROLOGY IMPACT-3. Temporary water quality impacts could occur as a result of construction of the East Connector Roadway roadway, bridge and bicycle paths.

T&E Species Impact -3. Temporary construction phase impacts to aquatic species could result from construction activities in or near streams, due to water disturbance, sedimentation and potential for pollutants.

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HYDROLOGY MITIGATION 3. The following measures will be implemented:

- No contact of wet concrete with the live stream will be allowed. Groundwater that comes in contact with wet concrete during construction of the footing excavations will not be allowed to enter the creek but will be pumped to a truck or upland for disposal or treatment, or it may be discharged to a sediment-stilling basin and percolated back into the soil.
- If drilling muds are used to drill holes within the ordinary high-water zone, all drilling muds and fluid within all drilled holes will be pumped through a closed system, contained on-site in tanks, removed from the project area, and disposed of off-site at an appropriate facility.
- The TCDOT contractor will remove all spoils materials from the drilled pier holes and dispose of the material in a manner that will not result in discharge of runoff of sediment into Waters of the United States.
- Heavy equipment will not be operated in the active flow channel of East Weaver Creek.
- No diversion of surface flows will be allowed.
- Maintenance and refueling areas for equipment will be located a minimum of 150 ft away from the active stream channel. If equipment must be washed, washing will occur where the water cannot flow into the creek channel.
- Spill containment booms will be maintained on-site at all times during construction operations and/or staging or fueling of equipment.

HYDROLOGY IMPACT-4. Use of staging areas near East Weaver Creek or Lance Gulch could result in discharge of construction materials or chemicals to the water bodies.

T&E Species Impact -3. Temporary construction phase impacts to aquatic species could result from construction activities in or near streams, due to water disturbance, sedimentation and potential for pollutants.

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Floodplains Impact-2. Project-related construction materials and petroleum products could wash into East Weaver Creek in a flood.

HYDROLOGY MITIGATION 4. The County will prohibit using the portions of Staging Areas 1, 2, and 4 that run through and immediately adjacent to Lance Gulch and East Weaver Creek. TCDOT will limit the use of Staging Area 4 to the south side of Lance Gulch. The north side of Lance Gulch is heavily vegetated and shall not be used for staging equipment and material. All staging areas will be established at least 50 feet from the top of the stream bank or 50 feet from the outer edge of the riparian habitat, whichever is farther. This buffer will be clearly identified on the design drawings and delineated in the field with orange construction barrier fencing. Sedimentation fencing or

other erosion and sediment control measures will be installed between the staging area and the riparian area to prevent sediment and pollutant discharges to Lance Gulch and East Weaver Creek. There will be no removal of riparian vegetation for staging purposes. Haz Mat Impact-1. Construction of the proposed East Connector Roadway could result in the exposure of construction workers to contaminated soils or groundwater.

HAZ MAT IMPACT-1. Construction of the proposed East Connector Roadway could result in the exposure of construction workers to contaminated soils or groundwater.

HAZ MAT MITIGATION 1. If obvious signs of contamination in soils or groundwater are encountered during excavation (odors, sheens or discolored soil), work in that excavation will stop immediately. The TCDOT and the Trinity County Division of Environmental Health will be notified. The soils and/or groundwater will be sampled and tested for suspected contaminants. A Workplan and Site Safety Plan will be prepared addressing safety procedures for completing the excavation, and disposal of the spoils and wastewater generated by the excavation. The workplan shall be approved by the Trinity County Division of Environmental Health and/or the NCRWQCB. Only workers with current Hazardous Waste Operations and Emergency Response (HAZWOPER) training shall be permitted to work in this area. Grading and construction on uncontaminated sections of the project may continue. Remediation of the contaminated soil and or groundwater in the surrounding area shall be the responsibility of the party responsible for the contamination.

HAZ MAT IMPACT-3. Fuels, oils, greases, solvents, concrete or other materials used in construction or construction equipment could be accidentally released to the environment.

T&E Species Impact -3. Temporary construction phase impacts to aquatic species could result from construction activities in or near streams, due to water disturbance, sedimentation and potential for pollutants.

T&E Species Impact -3. Temporary construction phase impacts to aquatic species could result from construction activities in or near streams, due to water disturbance, sedimentation and potential for pollutants.

HAZ MAT MITIGATION 3. The Contractor shall exercise every reasonable precaution to protect streams from pollution with fuels, oils and other harmful materials. The Contractor will be required to have adequate spill containment equipment on hand at all times. All waste petroleum products and empty petroleum product containers will be disposed of properly at a recycling or disposal site legally authorized to accept that type of waste. The Trinity County Environmental Health Department and NCRWQCB must be notified immediately in the event of a release of significant quantities of hazardous materials. In the event of a release into East Weaver Creek, CDFG must also be notified. (Also see Hydrology Mitigation 3 & 4).

AIR QUALITY IMPACT-2: Project construction activities associated with the East Connector Roadway project would generate short-term emissions from site preparation activities.

AIR QUALITY MITIGATION-1: The County shall require contractors to reduce particulate emissions by complying with these dust suppression measures:

- Enclose, cover, or water all soil piles twice daily or with sufficient frequency to maintain dampness. Water shall be applied in a fine spray that does not result in runoff.
- Water all exposed soil twice daily, or with sufficient frequency to maintain dampness. Water shall be applied in a fine spray that does not result in runoff.
- Surface all haul roads with rock, pavement or chemical stabilizers, or water with sufficient frequency to maintain dampness. Water shall be applied in a fine spray that does not result in runoff.
- Maintain at least 2 feet of freeboard on all haul/dump trucks, or cover loads.

NOISE IMPACT-3: Construction activities associated with the proposed East Connector Roadway project (road and bridge construction) would temporarily increase noise levels in nearby areas.

NOISE MITIGATION-1A: Construction activities producing significant noise sources shall be scheduled for periods of the day when construction noise would have the least impact on the residents of adjacent and nearby homes and businesses, specifically during normal working hours (7:00 a.m. to 6:00 p.m.) on weekdays, and the hours of 8:00 a.m. to 5:00 p.m. on Saturday. No construction shall be allowed on Sunday. Emergency maintenance and repair of erosion control and pollution prevention devices will be allowed on Sunday, if necessary to protect the environment.

NOISE MITIGATION-1B: Locate stationary construction equipment, such as compressors and generators, within designated staging areas, as far away as possible from sensitive receptors. Impact tools and intake and exhaust ports on power construction equipment shall be muffled or shielded. Construction activities shall comply with appropriate noise-related ordinances and regulations, including Caltrans standards specifications Section 7-1.01I "Sound Control Requirements."

WATERS IMPACT-1. The project will result in the filling or disturbance of jurisdictional and non-jurisdictional seasonal wetlands.

WATERS IMPACT-5 Construction of other projects in the Weaverville area, including the proposed West Connector Roadway and new Weaverville Airport could result in cumulative impacts from the disturbance and placement of fill material into streams and/or wetlands that are considered waters of the United States and regulated under Section 404 of the CWA.

WATERS MITIGATION-1. The County will acquire the portion of the Trinity River Lumber Company property between the East Connector and Lance Gulch, and preserve the area as a vegetated buffer zone. The open space will provide a vegetated buffer of 100 feet or more, between the roadway and the Gulch. Seasonal wetlands will be created in this area, adjacent to, and hydrologically connected with, Lance Gulch. The area of the created seasonal wetlands shall be, at a minimum, equal to the area of seasonal wetlands (both jurisdictional and non-jurisdictional) that is filled or destroyed as a result of this project, in accordance with a “no net loss” of wetlands performance standard.

The compensatory replacement wetlands will be designed by a qualified wetland scientist during the design phase of this project and the mitigation plan will be submitted to the ACOE with the application for a Section 404 permit.

The wetlands shall be constructed during construction of the East Connector, and vegetated during revegetation and landscaping of the East Connector and bicycle/pedestrian paths. The design of the compensatory wetlands shall consider the future construction of the proposed Class 1 bicycle/pedestrian path by the Weaverville Basin Trails Committee, so that construction of the trail will not result in placing fill in the compensatory wetlands.

WATERS IMPACT-2. Columns and pier walls for the vehicle bridge over East Weaver Creek would cause a small area of disturbance to waters of the U.S from discharging fill materials (bridge pier walls or columns and eastern approach fill) to waters of the U.S.

WATERS MITIGATION-2. Encroachment of approach fill slopes into OHWM will be completely eliminated, as follows: If Alternative 1 is constructed, the eastern approach will include a retaining wall at Station 102+00 to Station 102+60. If Alternative 2 is constructed, the eastern approach will include a retaining wall at Station 102+00 to 102+40 and either a retaining wall or a 1.5:1 fill slope at Station 101+60 to 101+80. The pier wall bridge foundation option, which results in less fill within waters of the U.S. than the column option, will be the preferred bridge design. Pier walls will be selected over column supports, unless structural, geotechnical or hydrologic constraints make this option infeasible.

WATERS IMPACT-4 Use of staging areas (1, 2, and 4) adjacent to East Weaver Creek and Lance Gulch could result in the potential placement of fill material and disturbance of up to 0.087acre of waters of the U.S.

HABITAT MITIGATION-4. The County will prohibit using the portions of Staging Areas 1, 2, and 4 that run through and immediately adjacent to Lance Gulch and East Weaver Creek. TCDOT will limit the use of Staging Area 4 to the south side of Lance Gulch. The north side of Lance Gulch is heavily vegetated and shall not be used for staging equipment and material. All staging areas will be established at least 50 feet from the top of the stream bank or 50 feet from the outer edge of the riparian habitat, whichever is farther. This buffer will be clearly identified on the design drawings and

delineated in the field with orange construction barrier fencing. Sedimentation fencing or other erosion and sediment control measures will be installed between the staging area and the riparian area to prevent sediment and pollutant discharges to Lance Gulch and East Weaver Creek. There will be no removal of riparian vegetation for staging purposes.

HABITAT IMPACT-2. Riparian forest vegetation along East Weaver Creek would be removed or disturbed during construction of the two-lane arterial road and associated bicycle lanes, roadway bridge, and bicycle/pedestrian bridge over East Weaver Creek.

HABITAT IMPACT-6 Riparian forest vegetation along East Weaver Creek would be removed or disturbed during construction of the road and pathway alignments or use of staging areas.

HABITAT IMPACT-8 The proposed project would result in cumulative impacts on riparian habitat along East Weaver Creek.

T&E Species Impact -1. Construction could result in the loss or destruction of riparian habitat, resulting in impacts on special status wildlife.

HABITAT MITIGATION-1. Minimize removal and disturbance of riparian habitat along East Weaver Creek. The County will ensure that the removal or disturbance of riparian habitat that is not required for construction or access to the project site will be prohibited by installing orange construction barrier fencing (and sedimentation fencing in some cases) between the construction site and the riparian/creek area. The protected area will be designated as an “environmentally sensitive area.”

The fencing will be installed before construction activities begin and will be maintained throughout the construction period. The following paragraphs will be provided in the construction specifications for environmentally sensitive areas:

“The Contractor’s attention is directed to the areas designated as Environmentally Sensitive Areas. These areas are protected, and no entry by the Contractor for any purpose will be allowed. The Contractor shall take measures to ensure that Contractor’s forces do not enter or disturb these areas, including giving written notice to his employees and subcontractors.

Temporary fences around the Environmentally Sensitive Areas shall be installed as the first order of work. Temporary fences shall be furnished and constructed, maintained, and later removed as shown on the plans, as specified in the special provisions, and as directed by the Project Engineer. Fabric for temporary fences shall be commercial-quality polypropylene, orange in color, a minimum of 48 inches high, and approved by the County.”

HABITAT MITIGATION-2 Avoid long-term impacts on woody riparian vegetation and associated habitat by trimming trees and shrubs rather than removing the entire woody species, where possible when creating temporary access to the construction site. Where possible, shrubs and trees shall be cut at least 1 foot above the ground level

to leave the root systems intact and allow for more rapid regeneration following construction.

HABITAT MITIGATION-3 Woody riparian vegetation (tree and shrub species) that will be removed entirely (including their root systems) for construction of the bridge, road or trail will be replaced at a minimum of a 2:1 ratio (two trees/shrubs planted for every one tree/shrub removed). The replacement trees and shrubs will be planted along a 1,000 foot long section of the west bank of East Weaver Creek behind the County maintenance yard. Native riparian plants will be replaced in kind at a 2:1 ratio. Non-native plants will be replaced with native plants at a 2:1 ratio. A detailed Riparian Revegetation Plan will be developed during the design phase of this project, in coordination with CDFG, ACOE and/or NOAA Fisheries. The plan will include planting specifications, an implementation plan and schedule, success standards, maintenance requirements, and a monitoring program. Minimum success standard shall be two surviving, healthy plants per one removed at the end of two years. Monitoring will be conducted for a minimum 2-year period, or until established success/survival standards are met. Remedial actions will be implemented if success standards are not achieved in two years. Annual monitoring reports will be submitted to CDFG, ACOE and NOAA Fisheries, if requested in support of the Section 7 consultation process, until success standards have been achieved.

HYDROLOGY MITIGATION-4 The County will prohibit using the portions of Staging Areas 1, 2, and 4 that run through and immediately adjacent to Lance Gulch and East Weaver Creek. TCDOT will limit the use of Staging Area 4 to the south side of Lance Gulch. The north side of Lance Gulch is heavily vegetated and shall not be used for staging equipment and material. All staging areas will be established at least 50 feet from the top of the stream bank or 50 feet from the outer edge of the riparian habitat, whichever is farther. This buffer will be clearly identified on the design drawings and delineated in the field with orange construction barrier fencing. Sedimentation fencing or other erosion and sediment control measures will be installed between the staging area and the riparian area to prevent sediment and pollutant discharges to Lance Gulch and East Weaver Creek. There will be no removal of riparian vegetation for staging purposes.

HABITAT IMPACT-3 The project could result in the introduction or spread of noxious weed species, which could displace native species, changing the diversity of species or number of species of plants.

HABITAT MITIGATION-4. Avoid the introduction or spread of noxious weeds into previously uninfested areas or the spread of existing noxious weeds.

The County will implement the following measures:

1. Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.
2. Clean construction equipment immediately prior to transporting into Trinity County.
3. Seed all disturbed areas with certified weed-free native mixes. Mulch with certified weed-free mulch. Rice straw may be used to mulch upland areas.

4. Conduct a follow-up inventory of the construction area to verify that construction activities have not resulted in the introduction of new noxious weed infestations. If new noxious weed infestations are located during the follow-up inventory, the TCRCDC will be contacted to determine the appropriate species-specific treatment methods, which will not include chemical (herbicide) spraying, to be performed by Trinity County or the TCRCDC.

HABITAT IMPACT-7. Tree removal associated with the project could result in the disturbance of nesting migratory birds or the removal of occupied nests if construction occurs during the breeding season (generally between March 15 and August 1).

HABITAT MITIGATION-5. To prevent the take of eggs or nestlings of migratory birds, the cutting of woody vegetation will be limited, to the extent possible, to the nonbreeding season (August 1–March 15). Root removal or other ground-disturbing clearing activities would not be conducted until after June 15. If woody vegetation must be removed during the breeding season, a wildlife biologist will survey the area to ensure that no migratory bird would be affected by the vegetation removal. If nests are present, the vegetation will not be removed until the nests are abandoned.

HABITAT IMPACT-8. The proposed project would result in cumulative impacts on riparian habitat along East Weaver Creek.

T&E Species Impact -6. The proposed project would result in cumulative impacts on critical habitat for coho salmon along East Weaver Creek.

Visual Impact 5. Temporary cumulative visual/aesthetic effects would result from the removal of existing trees and riparian vegetation along the proposed bike path and bike bridge, combined with removal of riparian vegetation within the adjacent flood control maintenance segment of East Weaver Creek.

HABITAT MITIGATION-6. The cumulative effects of vegetation removal will be minimized by timing vegetation removal for the proposed East Connector project to coincide with vegetation removal for flood control maintenance along East Weaver Creek. This will minimize the amount of vegetation that is removed and the duration of the disturbance and will help avoid tree removal during the nesting season. In the year the bicycle/pedestrian bridge is constructed, the vegetation removal for flood control will be adjusted to compensate for loss of vegetation from both sides of the creek for bridge construction, by leaving vegetation on both sides of the creek in the 100-foot sections upstream and downstream of the bicycle/pedestrian bridge.

T & E SPECIES IMPACT-3. Temporary construction phase impacts to aquatic species could result from construction activities in or near streams, due to water disturbance, sedimentation and potential for pollutants.

T & E SPECIES MITIGATION-1. Construction activities will be scheduled so that they do not interfere with the reproductive cycles of fish species or the foothill yellow-legged frog. Work within the ordinary high water zone and riparian zone of East Weaver Creek or Lance Gulch will take place from June 15 to October 15, except for tree trimming and cutting, which will take place as described in T&E Species Mitigation-4. This time frame will avoid the majority of the adult and juvenile migration, spawning, and incubation of anadromous fish species and will avoid the breeding season of the foothill yellow-legged frog.

T & E SPECIES MITIGATION-2. If the County determines that in-water work in Lance Gulch is necessary, the County will retain a qualified wildlife biologist to conduct a pre-construction survey for foothill yellow-legged frog and northwestern pond turtle. The survey would be conducted within 24 hours of the start of construction activities in the creek. If a foothill yellow-legged frog or northwestern pond turtle is located in or adjacent to the construction zone, the biologist will try to passively move the species out of the area by creating a disturbance in the water. The biologist will attempt to capture and move the yellow-legged frog downstream, out of the construction zone. If a turtle becomes trapped in the construction zone, a biologist will remove the turtle from the area and place it downstream of the construction zone.

T & E SPECIES IMPACT-4. Construction activities associated with the project could result in the disturbance of nesting raptors or the removal of occupied nests if construction occurs during the breeding season (generally between February 1 and August 1).

T & E SPECIES MITIGATION-3. Remove upland woody vegetation during the raptor non-breeding season (August 1 to February 1) and begin construction in upland areas prior to the raptor breeding season. If construction prior to the raptor breeding season is not practical, a wildlife biologist will conduct a pre-construction survey for raptor nests. If an active raptor nest is found within the construction zone, a 500-foot buffer zone will be maintained around the active nest until young have fledged.

T & E SPECIES IMPACT-5. Tree removal associated with the project could result in the disturbance of nesting little willow flycatchers or yellow-breasted chat or the removal of occupied nests if construction occurs during the breeding season (generally between May 1 and August 1).

T & E SPECIES MITIGATION-4. To prevent the take of eggs or nestlings of little willow flycatcher and yellow-breasted chat, the cutting of woody riparian vegetation will be limited, to the extent possible, to the nonbreeding season (August 1–May 1). Root removal or other ground-disturbing clearing activities would not be conducted until after June 15. If woody vegetation must be removed from riparian areas during the breeding season, a wildlife biologist will survey the area to ensure that no Little Willow Flycatcher or Yellow-breasted Chat nests would be affected by the vegetation removal. If nests are present, the vegetation will not be removed until the nests are abandoned.

FLOODPLAINS IMPACT-1. Encroachment into the 100-year floodplain for the vehicular bridge and eastern roadway approach to the bridge will raise the base flood elevation, potentially causing shallow overflow of the west bank of East Weaver Creek and Five Cent Gulch at the confluence with East Weaver Creek. This overflow could jeopardize existing structures.

FLOODPLAINS MITIGATION-1. The existing ridge line along the west bank of East Weaver Creek immediately downstream of the proposed bridge location shall be raised by constructing an earth berm along the ridge line. The berm will be of sufficient height so that the final elevation of the ridge along the west bank of East Weaver Creek is higher than the predicted elevation of the 100-year flood at that location, as calculated by the hydraulics engineer for the selected bridge alternative (approximately 0.6-foot high).

FLOODPLAINS IMPACT-2. Project-related construction materials and petroleum products could wash into East Weaver Creek in a flood.

FLOODPLAINS MITIGATION-2. All temporary fills, excavation spoils, materials stockpiles and construction equipment will be entirely removed from the 100-year floodplain, as mapped by the hydraulics engineer, on October 15. In no event will construction occur during winter storms.

LAND USE IMPACT-3. The East Connector Roadway and bicycle/pedestrian trail could create land use and safety incompatibilities with adjacent industrial properties and senior facilities.

LAND USE IMPACT-7 Combined traffic from the East Connector Roadway project and a proposed new airport access road could create land use and safety incompatibilities with adjacent residential properties and senior facilities along Brown's Ranch Road.

Traffic Impact-1. Alignment Alternative 1 would cause senior citizens traveling to and from the Golden Age Senior Center from the Senior Apartments, Twin Creeks Mobile Home Park or other locations on Brown's Ranch Road to have to cross a wider, busier street with potentially faster travel speeds than the existing crossing of Brown's Ranch Road in front of the Senior Center.

LAND USE MITIGATION-2. If Alternative 1 is selected, the northern intersection of the East Connector with Brown's Ranch Road would be all-way stop controlled. A pedestrian crossing would be provided at the all-way stop intersection. The pedestrian crossing will be clearly marked with "Pedestrian Crossing" signs and pavement striping.

Land Use Impact-3. The East Connector Roadway and bicycle/pedestrian trail could create land use and safety incompatibilities with adjacent industrial properties and senior facilities.

LAND USE MITIGATION-3. The County will provide fencing along property lines separating the East Connector and Class I bicycle trail from the mill and construction

yard. In addition, fast-growing trees and shrubs, such as cedar or cypress trees, will be planted between the East Connector and the mill, to screen views of the mill. The bicycle/pedestrian path will be routed along the creek side of Levee Road where it crosses the entrance to the construction yard.

LAND USE IMPACT-4. Creation of a new roadway could indirectly induce development along its length.

LAND USE MITIGATION-4. The County will limit access to the East Connector as follows. The East Connector is to be classified as a limited-access minor arterial route and adjacent property access will be minimized to preserve the functionality of the route as an Arterial. The TCDOT is the agency responsible for issuing Encroachment Permits on County Roads. The TCDOT will only issue permits for encroachment onto the East Connector on a limited basis, as follows: Land uses existing on properties immediately adjacent to the East Connector at the time of construction of the East Connector may be allowed up to two encroachments, provided proposed encroachments can be located and designed to meet TCDOT standards at the time of their construction. This includes Trinity Plaza Shopping Center, Trinity River Lumber Company, California Highway Patrol, and Golden Age Senior Center. Future development along the East Connector shall only be allowed a single encroachment point for any entire development plan (subdivision, industrial park, etc.) Internal collector roads will be required for any development proposed along this route, connecting to a single encroachment point on the East Connector. No parking will be allowed on the East Connector, and any adjacent development (existing or future) shall be required to provide adequate off-street parking. All other applicable building, zoning, land use, subdivision ordinance, encroachment permit requirements, etc. shall apply. In no case shall future encroachments onto the East Connector be spaced closer than 300 feet from any other encroachment or roadway intersection.

LAND USE IMPACT-6. Construction of the proposed East Connector Roadway project would produce short-term adverse effects on adjacent residential and commercial areas in the community of Weaverville from construction activities.

LAND USE MITIGATION-5. During construction activities, the County shall limit the amount of daily construction equipment traffic by staging most construction equipment and vehicles on the project site at the end of each work day rather than removing them.

PUBLIC SERVICES/UTILITIES IMPACT-2. Construction activities associated with the East Connector Roadway project could result in short-term impacts to the response time of various emergency services.

PUBLIC SERVICES/ UTILITIES MITIGATION-1. Public safety and emergency services will be kept informed of construction activities and schedules for use in planning emergency response routing, if necessary. No roads will be completely closed at any time

during construction. Emergency response plans and drills should be revised accordingly to take advantage of the new route.

TRAFFIC IMPACT-2. Access to Nugget Lane at Glen Road would be or restricted to “in only” in both the north and south directions (Alt C).

TRAFFIC MITIGATION-1. Add a new entrance to Nugget Lane from SR 299 approximately half way between Glen Road and Martin Road, across from the existing Burger King driveway.

VISUAL IMPACT-2. The proposed bridge crossings of East Weaver Creek could impact visual resources in the area, such as East Weaver Creek.

VISUAL MITIGATION-2. The proposed roadway and bicycle/pedestrian bridges will be designed and built using colors and textures that blend, rather than contrast, with the surrounding natural environment.

CULTURAL RESOURCES IMPACT-2. Excavations associated with the East Connector project could result in the accidental destruction of previously undiscovered archaeological or historical resources, or could result in the uncovering of Native American human remains.

CULTURAL RESOURCES MITIGATION-1. Contractors and construction personnel involved in any form of ground disturbance (i.e., trenching, grading, etc.) shall be advised of the possibility of encountering subsurface cultural resources or human remains. If such resources are encountered or suspected, work within 100 feet of the discovery shall be halted immediately and the Trinity County Planning Department shall be notified. In accordance to CCR Section 15064 (f) and PRC Section 21083.2(i), a qualified professional archaeologist shall be consulted, who shall assess any discoveries and develop appropriate management recommendations for treatment of the resource. If bone is encountered and appears to be human, California Law requires that potentially destructive construction work is halted and the Trinity County Coroner is contacted. If the coroner determines the human remains are of Native American origin, the coroner must contact the Native American Heritage Commission. The Native American Heritage Commission will attempt to identify the most likely descendant(s), and recommendations will be developed for the proper treatment and disposition of the remains in accordance with CCR Section 15064.5(e) and PRC Section 5097.98. A note to this effect shall be included on all construction plans and specifications.

VI. FINDINGS

Based on the analysis of environmental impacts and mitigation measures in the EIR, summarized above, the Trinity County Board of Supervisors finds that:

Changes or alternations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of this project, and mitigate all of the significant environmental effects to a less than significant level, as identified in the final EIR.