

CALIFORNIA TRANSPORTATION COMMISSION

**Resolution for Future Consideration of Funding
02-DN-197, VAR, 02-DN-199, VAR
Resolution E-13-46**

- 1.1 WHEREAS**, the California Department of Transportation (Department) has completed an Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- State Route 197 (SR-197) and United States Route 199 (US-199) in Del Norte County. Roadway improvements at various locations on SR-197 and US-199 near the town of Patrick Creek. (PPNO 1047 and PPNO 1073)
- 1.2 WHEREAS**, the Department has certified that the Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 WHEREAS**, the California Transportation Commission, as a responsible agency, has considered the information contained in the Final Environmental Impact Report.
- 1.4 WHEREAS**, Findings were made by the Department pursuant to the State CEQA Guidelines; and
- 1.5 WHEREAS**, the Department found that the project will not have a significant effect on the environment.
- 2.1 NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby support approval of the above referenced project to allow for consideration of funding.

June 6, 2013

**CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR
197/199 SAFE STAA ACCESS PROJECT**

SR 197 AND US 199 IN DEL NORTE COUNTY

RUBY 1, 01-DN-197-PM 4.5; RUBY 2, 01-DN-197-PM 3.2-4.0;

PATRICK CREEK NARROWS, 01-DN-199-PM 20.5-20.9, PM 23.92-24.08, & PM 25.55-25.65;

THE NARROWS, 01-DN-199-PM 22.7-23.0; WASHINGTON CURVE, 01-DN-199-PM 26.3-26.5

EA: 01-48110, 01-45490, 01-45000, 01-47940, 01-44830

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

Animal Species and Threatened and Endangered Species

Salmonids – Fish

Adverse Environmental Effects:

The project has the potential for significant effects under CEQA to the following fish species:

- Coho Salmon – Southern Oregon/Northern California Coast ESU (Federal Threatened, California Threatened, Essential Fish Habitat)
- Chinook Salmon – Southern Oregon/Northern California Coastal (Essential Fish Habitat)
- Coastal Cutthroat Trout (California Species of Concern, Forest Service Species of Concern)

The Draft EIR listed potential adverse impacts to fish species due to the potential for in-stream work to kill individual fish at the Patrick Creek Location 2, during bridge construction. The DEIR included measures to avoid and minimize impacts to less than significant levels. Changes and alterations in the project design and

construction have been incorporated into the project which avoid the significant environmental effect, as described in the Final EIR. The project design was modified to construct the bridge without work in the active channel, as well as providing other minimization and avoidance measures.

Findings:

Changes 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.

Statement of Facts:

The Department will avoid and minimize potential impacts on the salmonids and their Critical Habitat and EFH to the greatest extent practicable during project construction. Specific work windows and limitations on construction will be determined through consultations with resource agencies. To avoid, minimize, and offset impacts, the following measures will be included by the Department:

- Large woody debris obtained from tree removal in the project area will be made available to resource agencies for placement in nearby streams and rivers. This will have a positive effect on fish rearing habitat.
- All trees not taken by resource agencies or used by other government or private entities, with approval from the Department, will be put through a chipper and the chips will be applied to areas of exposed soil on-site as erosion control mulch.
- Sediment and erosion control measures will be implemented to minimize sediment discharge to the river or other waters.
- A vacuum sweeper will be used to clean the pavement.
- No material will be placed where it may enter the river due to precipitation.
- Noise blankets are being considered to help reduce the noise from blasting at the Narrows.
- If feasible during blasting activities at the Narrows, K-rail will be placed near the centerline, and a cyclone fence will be placed on top of that.
- No impact pile driving will be used for bridge work or retaining walls.
- There will be no instream activity in the Middle Fork Smith River.
- Debris resulting from bridgework at Patrick Creek Narrows Location 2 will be contained to the maximum extent practicable.

The Draft and Final EIR included compensatory mitigation for impacts to Coho Salmon (see below) for adverse impacts associated with in water work during the construction of the bridge at Patrick Creek Location 2. This measure is no longer required because design and construction methods were changed, thus avoiding the adverse impact. Temporary falsework, which provides support for the concrete bridge as it is being built is strong enough to support itself, would be constructed above the wetted channel but possibly within the high water mark. It would be removed at the end of each construction season, typically approximately October 15 or whenever environmental permits dictate. No permanent structures would be placed within the ordinary high-water mark of the Middle Fork Smith River.

Mitigation no longer required:

Implement Compensatory Mitigation for Coho Salmon—Southern Oregon/Northern California Coast ESU

Compensatory mitigation measures will be implemented in consultation with NMFS and DFG for impacts on coho salmon. To offset impacts on coho salmon from this project, fish passage at culverts on other watercourses in the Smith River watershed will be identified and the fish passage improved. This work may be done in advance of this project, concurrently, and/or afterwards.

These measures will reduce potential impacts to fish species to less than significant under CEQA.

Osprey (California Species of Concern)

Adverse Environmental Effects:

The project has the potential to disturb nesting Osprey.

Findings:

Changes 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.

Statement of Facts:

The Department will avoid and minimize potential impacts to nesting osprey by conducting surveys during the nesting season and consulting with the Department of Fish and Wildlife and the United States Forest Service if nesting osprey are detected within 0.5 miles of the project activities.

Migratory Birds (Migratory Bird Treaty Act)

Adverse Environmental Effects:

The project has the potential to impact nesting migratory birds through removal of active nesting in vegetation.

Findings:

Changes 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.

Statement of Facts:

The Department will avoid and minimize potential impacts to nesting birds by removing vegetation outside the breeding season. Grass, tree, and shrub removal will take place between September 1 and March 1 to avoid impacts to nesting birds. If vegetation must be removed outside these dates, a biological survey for nesting birds must be conducted prior to the vegetation removal.

Amphibians and Aquatic Organisms

Adverse Environmental Effects:

The project has the potential to impact amphibians and other aquatic organisms when working within waterways.

Findings:

Changes 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.

Statement of Facts:

Work involving seasonal creeks/drainages will take place when they are dry and there is no precipitation occurring or anticipated. Work in the water of perennially flowing channels will take place during the dry season, generally between June 15 and October 15, to minimize impacts on amphibians and other aquatic organisms.

Marbled Murrelet (Federal Threatened Species)
Northern Spotted Owl (Federal Threatened Species)

Adverse Environmental Effects:

The project has the potential to disturb nesting marbled murrelets and nesting northern spotted owls.

Findings:

Changes 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.

Statement of Facts:

To avoid adverse effects to northern spotted owl during the critical breeding season (March 1–June 30), no night work will take place and there will be no blasting. To avoid potential noise impacts on migrating marbled murrelet between March 24 and September 15, there will be no construction activity (including blasting) in the morning for a 3-hour period, starting 1 hour before sunrise and lasting until 2 hours after sunrise. In the evening, no construction activity involving equipment with noise levels in excess of ambient traffic noise (including blasting) will occur in a 3-hour window beginning 2 hours before sunset and lasting until 1 hour after sunset. Therefore, from July 1 to September 15, there can be night work starting 1 hour after sunset and ending 1 hour before sunrise. After September 15 (until March 1), there will be no restrictions on night work. Final work windows will be determined through Section 7 consultation and may include additional restrictions or restrictions based upon noise levels and frequency.

Documents can be accessed at:
Environmental Management Branch E1
Caltrans District 1 Office
1656 Union Street
Eureka, CA 95501