



Memo

To:

Planning Commission

From: Frank Lynch, Principal Planner

Date:

May 6, 2015

Re:

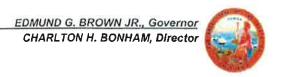
Proposed County Jail

The Commission is asked to review, conduct a public hearing and consider adoption of an Initial Study/Negative Declaration for a proposed new County Jail that would be located at the terminus of Tom Bell Road in Weaverville. The site is adjacent to the current Juvenile Detention facility. In considering the document it must be noted that there is no final design for the project, and that subsequent review will be required for that. The conceptual project that is being considered will provide the basis for future action to fund the development of the project as well as assist in final design. The final design will be subject to future review under separate action, however at that time such action may well be an addendum to this environmental document assuming no new significant impacts are identified at that time.

Attached please find copies of the comments received as a result of the agency and pubic notice regarding the development of the proposed new county jail. The number of comments received was very small, a total of three, with responses to those comments also included in the attached.

Finally, attached is the proposed mitigation monitoring and reporting plan outlining all conditions suggested to mitigate the project to a level of insignificance.

Recommended Action: The Trinity County Planning Commission adopts a negative declaration finding that on the basis of the whole record before the Commission, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the Commission's independent judgment and analysis.



April 14, 2015

Mr. Frank Lynch Principal Planner Trinity County 61 Airport Road, P.O. Box 2819 Weaverville, CA 96093

Subject: Review of the Initial Study/Mitigated Negative Declaration for

the Trinity County Jail Project, State Clearinghouse Number

2015032051, Weaverville, Trinity County

Dear Mr. Lynch:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project). The Project is located at the northern terminus of Tom Bell Road, just north of the county's juvenile detention facility and west of the Weaverville Airport. The Department offers the following comments and recommendations on the Project in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Codes section 21000 et seq.

Project Description

The Project proposes to construct a new 96-bed jail. "The jail would have approximately 25,000 square feet of floor space as well as an outdoor exercise area encompassing at least 600 square feet. Associated features would include employee and visitor parking, security fencing, dumpster enclosures, a perimeter access road, and landscaping. Offsite improvements would include utility tie-ins, construction of a turn lane on State Highway 3 at its intersection with Tom Bell Road, and construction of an emergency access road."

Project Comments and Recommendations

<u>Bats</u>

The IS/MND states that there is potential for the pallid bat (*Antozous pallidus*), a California Species of Special Concern (CSSC), to occur onsite. Based on the description of habitat to be removed, the Department concurs with this potential. The IS/MND's "Evaluation of the Potential for Special-Status"

Conserving California's Wildlife Since 1870



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Species to Occur in the Project Area" further states that the pallid bat was not observed during the wildlife survey. This species would have only been observed if proper and adequate night-time surveys by a qualified bat biologist were performed. Pallid bats are CSSC due to their continuing population decline throughout the state. Threats to pallid bats include conversion of roosting habitat, deconstruction of buildings, timber harvest practices of selective hardwood and Ponderosa pine snag removal, and suburban expansion. Pallid bats roost in colonies and are assumed to hibernate near their summer roosts. Pallid bats occupy a variety of structures for roosting sites including caves, mines, rock crevices, live trees and snags, and human-made structures. Pallid bats forage in a variety of habitats including shrub-steppe grasslands, coniferous forests, oak-savannah woodland, rock outcrops, lava flows, and agricultural systems.

The Department recommends avoidance or mitigation measures for impacts be included in the IS/MND to avoid impacts to Pallid bat. Alternatively, bat surveys by a qualified biologist could be conducted to determine absence.

Birds

The Department recommends that Mitigation Measure 4.4 be changed so that the nesting season is from February 1 through August 31 in order to include raptors which tend to nest much earlier than other bird species. The remainder of Mitigation Measure 4.4 is fine as written.

Special-Status Plant Species

The Department understands that the consultant for this Project will be conducting a follow-up botanical survey in the spring (May/June) of this year when the Klamath Mountain catchfly (*Silene salmonacea*) and other special-status species potentially occurring on the Project would be identifiable. The Department agrees that these botanical surveys are necessary.

Jail Placement

The Department appreciates the effort of the County to cluster the jail facility and parking close to the juvenile detention facility. This minimizes not only impacts to the black-tailed deer winter range, but minimizes the number of trees that will need to be removed with the build-out of the Project.

Fuel Modification

The Department requests that the acreage of habitat needed to be cleared for "fuel modification purposes" be identified.

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Lighting

The Department recognizes the effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution. The Department recommends that impacts to wildlife due to lighting be described in more detail. Avoidance or mitigation measures for impacts should be included in the IS/MND to avoid any significant effects to any special-status species or their habitat.

The Department requests that copies of all surveys be sent to the Department at the following address: California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001.

If you have any questions or concerns, please contact Amy Henderson, Environmental Scientist, at (530) 225-2779 or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely.

Curt Babcock

Habitat Conservation Program Manager

- Ble la

ec: Mss. Amy Henderson, Kristin Hubbard and Samantha Reece

Mr. Michael R. Harris

California Department of Fish and Wildlife

Amy.Henderson@wildlife.ca.gov, Kristin.Hubbard@wildlife.ca.gov, Samantha.Reece@wildlife.ca.gov, Michael.R.Harris@wildlife.ca.gov

Mr. Frank Lynch
Principal Planner
flynch@trinitycounty.org

State Clearinghouse
State.clearinghouse@opr.ca.gov

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California Department of Fish and Wildlife

Comment 1-1

California Department of Fish and Wildlife agrees that pallid bat could occur onsite. CDFW recommends that avoidance or mitigation measures be included for pallid bat in the IS/MND, or that bat surveys be conducted by a qualified biologist to document absence.

Response:

Based on subsequent discussions with CDFW staff, it was determined that it would be appropriate to conduct an acoustical survey for bats prior to the start of jail construction. Different species of bats roost in different microhabitats. Roosting habitats may include hollow trees, openings under loose bark, rock crevices, structures, on leaves in dense vegetation, as well as in leaf litter.

Proven avoidance measures have been developed for different species of bats and for different roosting locations. Types of avoidance measures may include removal of roosting habitats at times of the year or day when bats would not be present, sealing entrances and attaching one-way exit holes to roosting cavities, or rousing bats from torpor prior to removing roosting habitat. Specific measures to be used in conjunction with jail construction to avoid take of bats will be prescribed by the bat biologist in consultation with County staff and will based on the results of the acoustical survey.

In accordance with CDFW's recommendation, a new mitigation measure, Mitigation Measure (MM) 4.5, has been added to avoid take of roosting bats as a result of project construction, as follows:

MM 4.5. During the final design phase, an acoustical survey for bats shall be conducted at the project site by a qualified bat biologist to determine presence or absence of bat species. In the event that pallid bats or other special-status bat species are detected, appropriate avoidance measures shall be developed by the bat biologist in consultation with Trinity County staff. The measures shall consist of species-specific actions to avoid take of special-status bats, and shall be implemented as part of project construction.

This measure is also included in the attached MMRP.

Comment 1-2

In regards to MM 4.4, CDFW recommends that the nesting season be changed to February 1 to August 31 in order to include raptors that may nest earlier than other bird species.

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Response:

In accordance with CDFW's recommendation, MM 4.4 is revised to

reflect a nesting season of February 1 to August 31. The updated

measure is included in the attached MMRP.

Comment 1-3

CDFW acknowledges and supports that a follow-up botanical survey will be conducted in the spring (May/June) of this year when the Klamath Mountain Catchfly and other special-status species potentially occurring on the project site would be identifiable.

Response:

Noted. A supplemental botanical survey will be conducted during the May/June time period. Results of the survey will be forwarded to

CDFW staff.

Comment 1-4

CDFW supports the effort to build the new jail facility and parking lot close to the juvenile detention facility because it would minimize potential impacts to deer winter range and the number of trees that would be removed.

Response:

Noted. A consolidated development footprint will be achieved through

compliance with MM 4.3.

Comment 1-5

CDFW requests that the number of acres that would be cleared for fuel modification purposes be identified.

Response:

To comply with CAL FIRE requirements for wildfire safety, at least 100 feet of defensible space would surround the jail. Defensible space consists of two zones: Zone 1 and Zone 2. Zone 1 (0 to 30 feet from a structure) must be free of all dead plants, grass and weeds. Dead or dry leaves and pine needles must be removed from the ground, roof, and rain gutters. Tree branches must be 10 feet away from chimneys and other trees. In Zone 2 (30 to 100 feet from a structure), annual grass must be cut or mowed down to a maximum height of 4 inches. Horizontal spacing between shrubs and trees, and vertical spacing between grass, shrubs and trees must also occur.

Additional clearing of heavy vegetation outside of CAL FIRE's 100 feet of defensible space may be necessary for jail security purposes. Because the exact location of the facility has not yet been determined, the acreage that would be cleared is unknown. However, the jail facility would have a similar or greater fuel clearance than that of the nearby juvenile hall facility, which has at least 75 feet of no vegetation from the building. If the jail facility were constructed adjacent to the existing tree canopy and clearance extended 100 feet from the building, up to about one acre of tree removal would be required.



Comment 1-6

CDFW notes that artificial lighting affects the singing, foraging behavior, reproductive behavior, navigation, and migration patterns of birds and other nocturnal species. Thus, CDFW recommends that light fixtures associated with the proposed project be downward facing, fully-shielded and designed and installed to minimize photopollution. Additionally, CDFW recommends that impacts to wildlife due to lighting be described in more detail, and that avoidance or mitigation measures should be included in the Initial Study.

Response:

We concur that artificial lighting may adversely affect nocturnal species. MM 1.1, on page 14 of the IS/MND, calls for lights to be directed downward and be shielded to minimize off-site illumination. In addition to benefiting wildlife, this measure will benefit local residents and help ensure airport safety.

Comment 1-7

CDFW requests that copies of all surveys be mailed to CDFW at 601 Locust Street, Redding, CA 96001.

Response:

Noted. Copies of all surveys will be mailed to CDFW at the address

above.

From: Scott Alvord [mailto:chief@wfdca.org] Sent: Monday, March 23, 2015 11:00 AM To: Frank Lynch

Subject: new jail

Frank, I have reviewed the information regarding the new jail and just had one comment regarding the setback along 2-1 the property line. This needs to be a 30' setback and I was not sure from the drawing if the current plan has that included.

Any questions call me Scott

Scott Alvord Fire Chief **Weaverville Fire District** Work (530) 623-6156 Cell (530) 739-3344



Weaverville Fire District

Comment 2-1

A 30-foot setback from the property line is required. The current site plan does not clearly indicate a setback is in place.

Response: As described in the IS/MND, the jail is anticipated to occupy

approximately five acres of the ±11.9-acre parcel. Although the exact location is not yet known, the final design of the jail facility would include the required 30-foot setback from the property line. Building plans will be forwarded to the Weaverville Fire District for review prior

to project construction.



From: Keiran, Paul@Waterboards [mailto:Paul.Keiran@waterboards.ca.gov]

Sent: Friday, March 27, 2015 2:00 PM

To: Frank Lynch

Cc: Dougherty, Mona@Waterboards **Subject:** Proposed Trinity County Jail

Hello Frank, We have reviewed the MND for the proposed Trinity County Jail. The 50 foot setback from Five Cent Gulch and claim of no onsite wetland are noted. Thus our comments on the proposed jail project are centered on Low Impact Development and the need for construction permit coverage due to the acreage to be disturbed. Please ensure that project design include storm water treatment for both volume capture and treatment flowrate considerations. Thanks, Paul Keiran RB1



North Coast Regional Water Quality Control Board

Comment 3-1

The project will require a construction permit; thus, the project design specifications should include stormwater treatment for both volume capture and treatment flowrate considerations. Additionally, the comment mentioned Low Impact Development.

Response:

Noted. In accordance with the Construction General Permit, Trinity County will prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The project will be designed to ensure that stormwater runoff does not exceed preconstruction flow rates. Additionally, best management practices will be incorporated to allow for the pre-treatment of stormwater runoff. Design features may include, but are not limited to, vegetated swales, disconnected downspouts, or a curbless parking lot, to satisfy Low Impact Development standards.

Trinity County Jail Project

Mitigation Monitoring and Reporting Program

Date Checked/ By Whom			#
Monitoring Timing/Frequency	One-time check on lighting design approval. One-time check on construction contract. AC One-time field check.		One-time check of biologist's documentation. If avoidance of special-status plant species is proposed, conduct a one-time check of final project design to confirm that an appropriate buffer is provided. DC Field check of buffer zones as needed. DC/AC Additional monitoring, if required,
Monitoring Action	Confirm that Trinity County Planning Department and Trinity County Airport Land Use Commission approve lighting design per specifications in mitigation measure. Confirm mitigation measure is included in construction contract.	 AC Field check to confirm that all lighting is installed per specifications in mitigation measure. 	 Confirm that field survey is performed prior to final design of the jail. If special-status plant species are present but avoidable, confirm suitable buffer zones have been established and are depicted on project plans. If special-status plant species are present but not avoidable, confirm submission of a mitigation plan to Trinity County Planning Department and California Department of Fish and Wildlife for review and
Mitigation Measures	MM 1.1. All lighting associated with the jail shall be directed downward and be shielded to minimize off-site illumination. Final project plans shall be submitted to the Trinity County Planning Department and Trinity County Airport Land Use Commission for review, and must be approved prior to project implementation. Responsibility: Trinity County		MM 4.1. A follow-up botanical field survey shall be conducted in the spring (May/June), when the catchfly and other special-status species potentially occurring in the broader area would be identifiable. In the unlikely event that special-status plant species are present, final design of the jail shall avoid the plant population(s) and a suitable buffer zone(s) to the extent practicable. If avoidance is not feasible, loss of the special-status plants shall be offset through creation of suitable habitat at a minimum 3:1 ratio. A detailed mitigation plan shall be submitted to the Trinity County Planning Department and California Department of Fish and Wildlife for review and approval. The plan shall identify the mitigation site, methods to be employed to create offsetting special-status plant habitat, success criteria, monitoring requirements, remedial measures, and/or other pertinent data to ensure successful replacement of the affected plant populations. Mitigation shall be undertaken concurrently with or in advance of the start of

AC - After Construction

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency Da	Date Checked/ By Whom
project construction. Responsibility: Trinity County	approval.	shall be undertaken with the timing/frequency described in the mitigation plan.	
MM 4.2. To ensure that the Five Cent Gulch, its aquatic life, and associated riparian habitat are not indirectly affected by project implementation, a minimum 50-foot setback from the	BC Confirm mitigation measure is included in final project design.	BC • One-time check of final project design	
eastern stream bank shall be maintained in which no development activities, vegetation removal, or other habitat modification shall be undertaken.	DC	DC	
Responsibility: Trinity County	 Field check to confirm that setback is maintained. 	One-time field check.	
MM 4.3. Final design of the jail facility shall incorporate the following measures to minimize impacts on deer winter range:	BC Confirm mitigation measure is	BC One-time check of final project	
 The proposed facility shall be located as close to the existing juvenile hall as feasible. 	included in final project design.	design.	
•To the extent possible, parking for the jail facility shall be located in Airport Compatibility Zones B2 or C to help consolidate the disturbance footprint.	DC • Field check as needed to ensure vegetation removal is	DC One-time field check.	
 Vegetation removal along the western side of the parcel shall be minimized to reduce effects on the Five Cent Gulch corridor (and no vegetation removal or other habitat modification shall be allowed within 50 feet of the stream, as prescribed in MM 4.2). 	minimized.		
Responsibility: Trinity County			

AC - After Construction

Date Checked/ By Whom		
Monitoring Timing/Frequency	One-time check of construction contract. One-time check of biologist's documentation. Weekly inspection until the young birds have fledged.	 BC One-time check of biologist's documentation. Additional monitoring, if required, shall be undertaken with the timing/frequency described in the biologist's final report.
Monitoring Action	Confirm mitigation measure is included in construction contract. If vegetation removal must occur between February 1 and August 31, check documentation provided by biologist regarding the timing and results of the nest survey. If work must occur between February 1 and August 31 in the vicinity of active nests, inspect project area to verify applicable buffer is maintained during this period.	 Confirm acoustical bat survey was performed. If applicable, confirm avoidance measures are prescribed in the biologist's report, along with monitoring recommendations.
Mitigation Measures	MIM 4.4. To ensure that active nests of special-status birds and migratory birds are not disturbed, vegetation removal shall be avoided during the nesting season (generally February 1 to August 31), to the extent possible. If vegetation removal must occur during the nesting season, a focused survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the project site. The survey shall be conducted by a qualified biologist no more than seven days prior to the beginning of construction. If nesting birds are found, the nest shall not be removed until after the young have fledged. Further, to prevent nest abandonment and mortality of chicks and eggs, no construction shall occur within 500 feet of an active nest until the young have fledged, unless a smaller buffer zone is authorized by the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service (the size of the construction buffer zone may vary depending on the species of nesting birds present).	MM 4.5. During the final design phase, an acoustical survey for bats shall be conducted at the project site by a qualified bat biologist to determine presence or absence of bat species. In the event that pallid bats or other special-status bat species are detected, appropriate avoidance measures shall be developed by the bat biologist in consultation with Trinity County staff. The measures shall consist of species-specific actions to avoid take of special-status bats, and shall be implemented as part of project construction.

Mitigation Measures	Monitoring Action	Monitoring Timing/Frequency	Date Checked/ By Whom
MM 5.1. Prior to final siting of the proposed jail and associated improvements, a supplemental cultural resources study of the project site shall be conducted. The report shall include evaluation and recordation of all historic resources potentially affected by project implementation. In the unlikely event that resources eligible for listing on the National Register of Historic Places or the California Register of Historic Resources are identified, project plans shall be modified to avoid the resource or a data recovery program shall be prepared and implemented by a qualified archaeologist. Responsibility: Trinity County	Confirm cultural resources study is performed prior to final siting of the jail. If resources eligible for listing are identified, verify that project plans are modified to avoid the resource or that a data recovery program is prepared.	One-time check of archaeologist's documentation. One-time check of final project design or, if eligible resources are present, conduct additional monitoring with the timing/frequency described in the data recovery program.	
MM 5.2. If any cultural resources (i.e., human bone or burnt animal bone, midden soils, projectile points, humanly-modified lithics, historic artifacts, etc.) are encountered during any phase of construction, all earth-disturbing work shall stop within 100 feet of the find until a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary. If human remains are encountered, the County Coroner shall be contacted (California Health and Safety Code 7050.5). If the remains are recognized as Native American, measures described in California Public Resources Code Section 5097.9 shall be implemented.	Confirm mitigation measure is included in construction contract. If human remains are encountered, confirm all construction activities stop within the affected area and that the County Coroner is contacted. If remains are recognized as Native American, additional monitoring requirements may be specified by the archaeologist in consultation with SHPO.	One-time check of construction contract. DC Field check as needed to confirm adherence to regulations. The archeologist shall specify the timing/frequency of monitoring as appropriate.	

AC - After Construction

Date Checked/ By Whom		
Monitoring Timing/Frequency	 One-time check of geotechnical study report. One-time check that final project design reflects results of the geotechnical study. 	One-time check of final project design. AC One-time field check.
Monitoring Action	 BC Confirm that the study is completed prior to final design of the jail and that the study results are incorporated into final project design. 	Confirm the turn-lane design has been approved by Caltrans prior to the start of jail construction, and that turn-lane construction is included in project plans. AC Field check to confirm construction of the turn lane per specifications in approved design.
Mitigation Measures	MM 6.1. A geotechnical study shall be completed prior to final project design. Recommendations of the study shall be incorporated into the project design to ensure that building code requirements are met and that people and structures are not exposed to significant geologic or soils hazards. Responsibility: Trinity County	MM 16.1. Trinity County shall construct a northbound left-turn lane on State Route 3 at its intersection with Tom Bell Road. The intersection design shall be determined in conjunction with Caltrans. Responsibility: Trinity County

