

**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 AND REPORTING PROGRAM,
AND DIRECTING COUNTY STAFF TO PROCEED WITH THE WILDWOOD ROAD
REALIGNMENT AND WIDENING PROJECT**

**CEQA FINDINGS OF FACT
OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
FOR THE
WILDWOOD ROAD REALIGNMENT AND WIDENING PROJECT**

August 12, 2014

I. INTRODUCTION

The Program Environmental Impact Report (“EIR”) prepared for the Wildwood Road Realignment and Widening Project (the “Project”) addresses the potential environmental effects associated with widening, realigning, and rehabilitating three segments of Wildwood Road: Segment 1 from Post Mile (PM) 11.6 to PM 9.7; Segment 2 from PM 9.7 to PM 7.0; and Segment 3 from PM 7.0 to 5.0. Approximately 6.6 miles of Wildwood Road, from the intersection with East Fork Road at the East Fork of Hayfork Creek south to the Gemmill Gulch Picnic Area, would be improved. Trinity County is proposing to widen Wildwood Road between Post Miles 5.0 and 11.6 to two standard travel lanes with shoulders, improve its alignment to reduce the severity of its curves and improve sight distance, and rehabilitate the roadway structural section and drainage. The new road alignment would extend beyond the existing easement and right-of-way in multiple areas and would require large amounts of fill in some ravines and stream crossings. The project would be designed and constructed by segment, starting at the north end at the intersection with East Fork Road. Design of Segment 1 is currently expected to occur from 2016-2017, with construction planned for 2020-2021. Design of Segment 2 is currently expected to occur from 2019-2021, with construction planned for 2022-2024. Design of Segment 3 is currently expected to occur from 2022-2024, with construction planned for 2024-2025.

The Program EIR analyzes the overall project plans and the three segments of the proposed project in as much detail as possible. As each segment of the project is designed, Trinity County will evaluate the design to determine if the proposed work is within the scope of the EIR. If the County determines that the proposed work is outside the scope of the EIR, it will prepare and circulate for public review and comment a follow up document in compliance with the California Environmental Quality Act (e.g., Subsequent EIR or Initial Study/Mitigated Negative Declaration) that tiers off the Program EIR.

Detailed information regarding the Project, environmental setting, environmental effects, and alternatives is included in the EIR. The EIR consists of the Draft EIR dated April 2014 and the Final EIR dated June 2014.

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.).

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 Wildwood Road Realignment and Widening Project, 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;
- The Mitigation Monitoring and Reporting Program for the Project (Appendix B of the Final EIR);
- All findings and resolutions adopted by County decision-makers in connection with the Project (including these findings), and all documents cited or referred to therein;
- 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 comment period on May 19, 2014;
- 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;
- 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 Department of Transportation, PO Box 2490, 31301 State Highway 3, Weaverville, CA 96093.

The Board of Supervisors has relied on all of the documents listed above in reaching its decision on the 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 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 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 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 II”) (1990) 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

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 incorporation of standard construction measures into the Project and through the adoption of mitigation measures.

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

Such a statement of overriding considerations is not required for this Project because, as noted above, the Project incorporates standard construction measures (e.g., borrow areas/stockpiles, waste disposal, traffic control, instream construction, pollution prevention and erosion control, and winterization) to minimize potentially significant effects and all remaining 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

These findings constitute the Trinity County Board of Supervisors' best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various construction measures incorporated into the Project and proposed mitigation measures outlined in the Draft EIR, as revised in the Final EIR, are feasible and have not been modified, superseded, or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the Project.

V. MITIGATION MONITORING PROGRAM

A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the Project and has been adopted by Trinity County by the same resolution that has adopted these Findings. (See Exhibit B to this Resolution, Appendix B of the Final EIR, Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) As a condition of the EIR approval process, Trinity County must adopt the MMRP. Through this condition, Trinity County has ensured the implementation of all identified construction and mitigation measures. Trinity County will use the MMRP to track compliance with the measures incorporated into the Project and the Project mitigation measures. The MMRP 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 Project could cause. All of these significant effects can be fully avoided (i.e., mitigated to less than significant levels) through the adoption of the feasible mitigation measures identified in the MMRP (Exhibit B of this Resolution; Appendix B of the Final EIR). 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).) The County is responsible for carrying out the construction-related mitigation measures as well as monitoring and reporting, as stated in the MMRP. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur. Since the Board is not rejecting any measures as “infeasible” (id., § 15091, subs. (a)(2), (a)(3)), 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, either because of the standard construction measures that have been incorporated into the Project or because the analysis did not reveal any evidence that the impacts could be significant. Trinity County identified a number of standard construction measures that would be implemented as part of the Project in order to comply with relevant laws or regulations and design features that would ensure sensitive resources are protected during implementation of each segment. These measures are described in the MMRP and include scheduling and winterization requirements; restrictions on staging, stockpile, and borrow area locations; waste disposal restrictions; traffic control planning and measures; instream diversion requirements; and compliance with a stormwater pollution prevention plan. The impacts that are not significant are not listed in this section, as nothing in CEQA requires findings to address such impacts.

The EIR presents the reasoning regarding why or why not, in light of such inquiries regarding the significance of impacts, the 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 explanations in the EIR regarding the nature of the effects at issue and the effectiveness of the mitigation measure(s). 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.

Impact TT-1 (Transportation and Traffic): Construction activities could restrict or impede access to lands along Wildwood Road.

Mitigation Measure TT-1a: Require contractor to make special accommodations for residents and property owners.

In Segment 1, from Post Mile 11.6 to 11.4, and in Segment 3, from Post Mile 5.3 (Gemmill Gulch) to Post Mile 6.2 (STNF boundary–north end of private properties), maximum delays of 30 minutes will be allowed. Contractor will be required to post flag people equipped with radios at each end of the construction zone. When no cars are waiting at either end of the construction zone, construction may proceed until the first car arrives at the north or south limits of the construction area. Then, the delay timer will start. Traffic must be allowed through in both directions when the first car has waited for 30 minutes.

Mitigation Measure TT-1b: Require contractor to make special accommodations for emergency services.

The contractor or Resident Engineer shall have radios and/or portable telephones and shall provide contact information to the Forest Service and local emergency service providers (ambulance, local fire districts, and sheriff). Upon being contacted regarding an emergency call on Wildwood Road, the contractor or Resident Engineer shall inform the provider of the estimated time it will take to open the road and will proceed with road opening immediately. If no phone or radio contact is made, contractor shall proceed with road opening as soon as emergency vehicles arrive. The road shall be kept open (at a minimum of one lane with flag persons, signals, or signage) until the emergency is over.

Finding: The two mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects relating to access to lands along Wildwood Road during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact AQ-1 (Air Quality): Construction activities would generate emissions, including greenhouse gas emissions, and could result in violations of air quality standards.

Mitigation Measure AQ-1: Implement fugitive dust and greenhouse gas emission reduction measures.

The contractor will be required to implement a dust-control program to limit fugitive dust emissions and implement emission reduction measures for GHGs. The dust control program and GHG emission reduction measures shall include, but not be limited to, the following:

- Water inactive work areas at least twice daily on work days when soils are not naturally moist. Water shall be applied in a manner that does not result in runoff. Disturbed areas shall be covered with mulch, vegetation, rock, paving, or fabrics during extended non-working periods.
- Pursuant to the California Vehicle Code (State of California 2012), all trucks hauling soil and other loose material to and from the construction site shall be covered or should maintain at least 6 inches of freeboard (minimum vertical distance between top of load and the trailer).
- Exposed stockpiles of soil and other fine backfill material shall be watered twice daily, be covered, or have soil binders added.
- Any topsoil that is removed during construction shall be stored on site in piles not to exceed 4 feet tall to allow development of microorganisms prior to resoiling of the work area. These topsoil piles shall be clearly marked and flagged. Topsoil piles that will not be immediately returned to use shall be revegetated with a non-persistent erosion control mixture.
- Soil piles for backfill shall be marked and flagged separately from native topsoil stockpiles. These soil piles shall be surrounded by silt fencing, straw wattles, or other sediment barriers or covered unless they are to be immediately used.
- A construction traffic and parking management plan will be developed and implemented to maintain traffic flow and minimize vehicle trips. Construction workers will park in designated parking area(s) to help reduce dust emissions.
- On-site vehicles will be limited to a speed that minimizes dust emissions on unpaved roads or dirt work areas.
- All construction equipment will be maintained in proper tuning according to manufacturer's specifications. Unnecessary vehicle idling will be limited to 5 minutes.
- A publicly visible sign with the telephone number and person to contact regarding dust complaints will be posted in a publicly accessible area near the project area. The person named will respond to complaints and take corrective action within 24 hours. The telephone number of the North Coast Unified AQMD will also be visible.

- Contractors will commit to using the best available emissions control technology. The use of diesel construction equipment meeting the California Air Resources Board 1996 or newer certification standard for off-road heavy-duty diesel engines and having Tier 4 engines will be maximized to the extent feasible. Equipment may be electrified if feasible, and gasoline-powered equipment should be substituted for diesel-powered equipment when feasible, unless alternatively fueled construction equipment can be used. If the use of all equipment with Tier 4 engine standards is not feasible, the contractor should commit to using CARB and EPA-verified particulate traps, oxidation catalysts, and other appropriate controls when suitable to reduce emissions of diesel particulate matter and other pollutants during construction.
- To the extent feasible, a minimum of 50 percent of construction and demolition waste including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard will be reused and/or recycled.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to fugitive dust and greenhouse gas emissions during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact BR-1 (Biological Resources): Construction activities could affect resident and special-status aquatic species and their habitat.

Mitigation Measure BR-1a: Remove fish from instream work areas and divert flows.

No equipment will be operated in a live stream. Gemmill Gulch and any other perennially flowing streams will be diverted before operating equipment to excavate in the channel and/or place culverts and rock slope protection. Prior to stream diversion, the work area will be isolated from the rest of the stream by permeable fencing materials. A qualified biologist shall salvage and relocate all aquatic life, including fish, and place them upstream or downstream outside of the fenced area. The instream diversion structure shall be installed by hand and shall direct flows into a culvert, pipe, or hose to be pumped or gravity-fed around the work area. The biologist shall check the worksite daily for stranded aquatic life until dewatering is complete.

Mitigation Measure BR-1b: Prevent impedance of fish passage.

The County will be responsible for designing the culverts to accommodate hydraulic function, including, but not limited to, incorporating the measures listed below into the design. The contractor will be responsible for installing culverts in accordance with the specifications of those designs. The contractor will also be responsible for installing them by mid-October, or earlier as specified by the National Marine Fisheries Service (NMFS), to accommodate fish passage. The following measures will be implemented:

- Any new or previously excavated gravel material placed in the channel will meet Caltrans’ Gravel Cleanliness Specification #227 with a value of 85 or higher

indicating the relative proportions of clay-sized material clinging to coarse aggregate and screenings. Gravel would also be completely free of oils, clay, debris, and organic material.

- Prior to mid-October (or earlier as specified by NMFS), culverts will be in place and fully functional and all equipment and temporary construction materials removed from the stream. No structure or fill shall be left where it could become a barrier to the free passage of water or the movement of fish and aquatic animals between mid-October and June 15 or after construction is complete.
- To the extent feasible, culverts will be designed to mimic natural stream processes, such that sediment transport and flood and debris conveyance occur as they would in a natural channel, consistent with the Stream Simulation Design Method. Fish passage design will be a priority for perennial tributaries because they have the greatest potential to affect habitat connectivity. Culverts at each perennial tributary (except Gemmill Gulch) will be designed to meet the need for sediment transport, flood, and debris conveyance and will include measures to protect fish passage to the extent possible. This means that culverts will be a minimum of 3 feet in diameter and that they will be installed at the same gradient as the stream in which they are placed. Where conditions preclude embedment measures, downspouts, outlet protection, or energy dissipaters will be designed and installed to prevent changes in channel elevation below the culvert that could exceed the maximum allowable hydraulic drop.
- Hydraulic drops between the water surface in the culvert and the water surface at the culvert inlet and outlet of the adjacent channel should be avoided. Where a hydraulic drop is unavoidable, its magnitude should be evaluated for both high design flow and low design flow and will not exceed 1 foot under the high flows for adult fish or 6 inches under the low flows for juvenile fish. If a hydraulic drop occurs at the culvert outlet, a jump pool of at least 2 feet deep should be provided.
- Consistent with the Hydraulic Design method (excluding the determination of high and low fish passage designs), fish passage at Gemmill Gulch will meet the following: (1) minimum culvert width will be 3 feet; (2) culvert slope will not exceed the slope of the stream; and (3) if physically possible, the bottom of the culvert will be buried into the streambed a minimum of 20 percent of the height of the culvert below the elevation of the tail-water control point downstream of the culvert.

Mitigation Measure BR-1c: Conduct preconstruction surveys for special-status herpetofauna and implement avoidance measures.

The County or its contractor will implement the following measures to avoid or minimize project-related impacts on foothill yellow-legged frogs, tailed frogs, and western pond turtles:

- Any project activities in perennial streams or adjacent riparian habitat will be preceded by a preconstruction survey for special-status herpetofauna and their eggs conducted by a qualified biologist within the stream and adjacent riparian habitat in the project area. Surveys will be conducted within 24 hours of any instream

construction (including diversion installations) or riparian vegetation removal. If a foothill yellow-legged frog, tailed frog, or western pond turtle is found, the qualified biologist will move the animal to habitat either up or downstream of the project area. Monitoring and species removal shall continue daily until the work area is dewatered or in-stream and riparian zone construction is complete. If frog egg masses or turtle eggs are found during the survey in an area that will be disturbed, a no-disturbance buffer will be established around the eggs until the eggs hatch, as determined by a biologist. If avoidance is not practicable, the egg mass(es) or turtle eggs may be relocated to a suitable location in or near the same stream in coordination with CDFW.

- To the extent feasible, vegetation removal and grading activities within 660 feet of aquatic habitat should be scheduled outside the western pond turtle nesting period (March-August). If this is not feasible, a preconstruction survey will be conducted by a qualified biologist within 2 weeks prior to construction to locate western pond turtle nests. This survey will be conducted within 660 feet of aquatic habitat in riparian and upland areas that provide nesting habitat for western pond turtle. If a pond turtle nest is found, the biologist will flag the site and determine whether construction activities can avoid affecting the nest. In consultation with CDFW, a no-disturbance buffer zone may be established around the nest until the young have left the nest or the nest may be excavated and re-buried at a suitable location outside of the construction impact zone by a qualified biologist.
- If a foothill yellow-legged frog, tailed frog, or western pond turtle is encountered during instream or riparian zone activities, work in the vicinity will cease until appropriate corrective measures have been implemented (e.g., relocation of the animal by a qualified biologist) or it has been determined that the frog or turtle will not be harmed. Any trapped, injured, or killed frogs or turtles will be reported immediately to the CDFW.

Finding: The three mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects on aquatic species and their habitat during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact BR-2 (Biological Resources): Construction activities could adversely affect special-status birds and mammals that nest or breed in the project area.

Mitigation Measure BR-2a: Minimize noise and tree removal and implement limited operating periods for nesting birds and special-status mammals.

The construction contractor will implement the following measures to avoid or minimize impacts on nesting birds and special-status mammals during construction activities:

- All construction equipment will be properly muffled.
- Tree removal will be minimized. Large snags and old-growth trees that are not within the project limits and that do not pose a risk to the safety of motorists will be avoided, to the extent feasible.
- Vegetation removal will be scheduled to avoid the breeding/nesting or denning seasons listed below to the extent practicable. If the breeding/nesting or denning season cannot be avoided, preconstruction and protocol-level surveys will be conducted as described in subsequent measures. If no nesting birds or special-status mammals are observed, trees and other vegetation may be removed without seasonal restrictions. Surveys for nesting birds and special-status mammals will be repeated each year if construction activities commence in subsequent years during the nesting or breeding period.
 - Northern spotted owl: February 1 to July 31
 - Other nesting birds: February 15 to August 31
 - Pacific fisher and ring-tailed cat: March 1 to July 31

Mitigation Measure BR-2b: Conduct preconstruction surveys for nesting raptors and other birds.

The County will retain a qualified biologist to conduct surveys during the nesting season. The construction contractor will implement avoidance measures if birds are nesting in or near the project area. Survey requirements and avoidance measures include the following:

- If construction is to occur during the breeding season, a qualified biologist will conduct preconstruction surveys of the project area and a surrounding 250-foot buffer (where accessible) for raptors and migratory birds 2 weeks prior to the initiation of construction in any given area to ensure that no nests will be disturbed during project implementation. Surveys may be conducted concurrently with other required preconstruction surveys for special-status species.
- If an active nest more than half completed is found, a construction-free buffer zone will be established around the nest until nestlings have fledged or breeding has failed based on field verification by a qualified biologist. The size of the buffer zone will be determined by a qualified biologist in consultation with CDFW. If no active nests are identified, no further mitigation is necessary.

Mitigation Measure BR-2c: Conduct preconstruction surveys for nesting northern spotted owls.

The County or contractor will retain a qualified biologist to conduct protocol-level surveys for northern spotted owl. Survey requirements and avoidance measures include the following:

- Construction activities that will generate sound levels ≥ 20 decibels above ambient sound levels or sound levels > 90 decibels, such as blasting, within 330 feet of nesting/roosting habitat for northern spotted owls will be conducted between August 1 and January 31, outside the spotted owl nesting season. If schedule restrictions are not feasible, construction may occur during the nesting/breeding season if protocol-level surveys reveal no active nest sites within 330 feet of the construction area (actual footprint of ground-disturbing activities). The County shall retain a qualified biologist to conduct protocol-level surveys for northern spotted owl following the U.S. Fish and Wildlife Service (2011) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* or current USFWS Protocol. The protocol requires six surveys between March and August for 2 years prior to construction and should be scheduled no more than 2 years in advance of the anticipated construction season. Year 2 surveys will be completed the summer/fall prior to construction, so construction may commence the following spring/summer. Surveys will be phased and would be completed only along the segment proposed for construction. The surveys will be used to detect northern spotted owls in the project area and should be conducted in the delineated functional habitats within 330 feet of the project area (North State Resources, Inc. 2013b; U.S. Fish & Wildlife Service 2013). If an owl or pair of owls is observed, the biologist should determine if an active nest site is located nearby. If a nest site is observed, the following restrictions will be in place around the site until the young have successfully fledged:
- Between February 1 and July 31, no activities allowed within 330 feet of the nest site that cause noise above 90 A-weighted decibels.
- Between March 1 and July 31, no activities allowed within 650 feet of the nest site that involve nighttime construction (0.5 hour before sunset to 0.5 hour after sunrise).
- If no surveys have been conducted, or if owls have been detected, then no blasting shall occur within 0.25 mile of suitable nesting/roosting habitat between March 1 and September 30. If no nests are observed, the restrictions will not be necessary.

Mitigation Measure BR-2d: Conduct surveys for denning Pacific fisher and ring-tailed cat.

The County will retain a qualified biologist to conduct surveys during the breeding season for Pacific fisher and ring-tailed cat. The construction contractor will implement avoidance measures if a potential den tree is discovered in or near the project area. Survey requirements and avoidance measures include:

- If vegetation removal is to occur during the breeding season (March 1 through July 31), a qualified biologist will survey for potential natal or maternity den trees using stand search techniques within areas slated for vegetation removal and within 375 feet

of the vegetation removal area no more than 2 weeks before construction activities begin. No potential den trees will be felled within the natal denning period between March 1 and May 15. Female fishers move kits from one maternal den to another to minimize potential threats from predation and disturbance; vegetation removal is a disturbance that would cause a fisher to move her kits. During the maternal denning period (May 16 through July 31), trees that have maternal den characteristics will be retained until the day after all other trees within a 375-foot-radius have been felled.

- If no potential denning trees are observed within 375 feet of vegetation removal, these restrictions will not be necessary.

Mitigation Measure BR-2e: Conduct surveys for pallid bat roosts.

The County will retain a qualified biologist to conduct surveys for potential roost trees for pallid bats and coordinate with the CDFW if necessary. The construction contractor will implement avoidance measures if a potential roost tree is discovered in or near the project area. Survey requirements and avoidance measures include the following:

- If trees greater than 12 inches in diameter or snags are to be removed, a preconstruction survey for roosting bats will be conducted by a qualified biologist no more than 2 weeks prior to vegetation removal during any time of year. If a maternity roost is present, a qualified biologist will determine, in consultation with CDFW, the extent of construction-free zones to be maintained around active nurseries until the mother and young have dispersed.
- If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal, the individuals will be safely evicted, under the direction of a qualified bat biologist (as determined in consultation with CDFW), by opening the roosting area to allow air flow through the cavity. Removal of the tree or snag will be done no earlier than the following day (i.e., at least one night will be provided between initial disturbance and the demolition). This action will allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation during daylight.

Finding: The five mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects on special-status birds and mammals during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact BR-3 (Biological Resources): Construction activities could adversely affect plant and animal species designated as Forest Service Sensitive or Survey and Manage.

Mitigation Measure BR-3. Implement measures developed by the Forest Service to minimize effects on Forest Service Sensitive species and manage known sites of Survey and Manage species.

In addition to the measures provided to avoid and minimize effects on special-status aquatic and terrestrial species, the Forest Service will identify project-specific avoidance and mitigation measures to reduce effects on Forest Service Sensitive and Survey and Manage species that have the potential to occur in the project area. Measures prescribed by the Forest Service may include presence/absence surveys, habitat preservation measures, or management recommendations for Survey and Manage species (e.g., avoid known sites). Habitat preservation measures include limiting ground disturbance and soil compaction; conservation of favorable temperature and moisture conditions, herbaceous plants that are important as food, litter, large downed wood, decaying plant matter, and talus rock; avoidance of herbicides, pesticides, and other chemicals; and control of non-native plants and animals.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects on Forest Service Sensitive and Survey and Manage species and their habitat during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County, and the Forest Service shall monitor implementation of the measure. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact BR-4 (Biological Resources): Construction activities could result in a temporary or permanent loss of riparian habitat.

Mitigation Measure BR-4a: Minimize removal of riparian habitat and restore similar habitat in nearby areas.

The County will design the project to minimize impacts on riparian vegetation by incorporating the measures listed below. The construction contractor will avoid and minimize impacts on riparian trees and implement restoration practices. Measures to reduce impacts on riparian vegetation include, but are not limited to, the following:

- The width of the construction disturbance zone within the riparian habitat will be minimized through careful preconstruction planning.
- Exclusionary fencing will be installed along the boundaries of all riparian areas to be avoided to ensure that impacts to riparian vegetation outside of the construction area are minimized.
- Equipment and materials will be stockpiled outside of riparian habitat.

- Impacts to herbaceous cover will be offset by reseeding any affected areas, including unvegetated areas, with a suitable seed mixture post construction.
- Where possible, temporary impacts on woody riparian vegetation should be minimized by trimming trees and shrubs rather than removing entire woody plants or by cutting trees or shrubs at least 1 foot above ground level to leave root systems intact and allow more rapid regeneration following construction.
- Revegetation to mitigate for permanent impacts will occur in areas suited for restoration or enhancement to help ensure that no net loss of riparian habitat function and value occurs within the project area.
- Riparian habitat areas temporarily disturbed will be replanted using riparian species that have been recorded along Hayfork Creek in the project area, including white alder, big-leaf maple, arroyo willow, narrowleaf willow, American dogwood, Sierra plum, and western choke cherry.
- Onsite creation/restoration of riparian habitat will occur in riparian areas disturbed during project construction and the amount of habitat created/restored will be at a 3:1 ratio of new plantings per each large woody plant removed that is greater or equal to 6 inches diameter at breast height. These replanting ratios will help ensure successful establishment of at least one vigorous plant for each large woody plant removed to accommodate the project, which shall be the success standard 5 years after construction is complete in each segment.
- Plant spacing intervals will be determined as appropriate based on site conditions following construction.
- Non-native tree species removed from riparian areas during project construction will be replaced with native riparian species.

Mitigation Measure BR-4b: Create, restore, or enhance riparian vegetation to compensate for the permanent loss of riparian vegetation in Segment 1.

The County will develop a restoration plan that will describe the specific restoration criteria and methods for the replacement of permanently lost riparian habitat in Segment 1. A suitable restoration site will be identified in the plan and selected by the County in coordination with the respective land owner (e.g., Forest Service or a private land owner). The site will be within or near the project area and will be along Hayfork Creek in riparian areas devoid of riparian vegetation or in degraded or disturbed riparian areas as determined by a qualified biologist. The plan will also describe restoration requirements for Segments 2 and 3, as outlined in Mitigation Measure BR-4a. The success standard required by the plan at the end of 5 years of annual monitoring will be a minimum of one living riparian tree per each riparian tree greater or equal to 6 inches diameter at breast height that is removed by the project.

Finding: The two mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects on riparian habitat, as determined in the Final EIR.

These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact BR-5 (Biological Resources): Construction activities could result in placement of fill material into waters of the United States and disturbance of wetlands.

Mitigation Measure BR-5: Compensate for the loss of waters of the United States in accordance with permit conditions provided by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

The County will design each segment to minimize the discharge of fill material into waters of the United States. The County will apply for the appropriate permits from the U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW) and will comply with the conditions of each respective permit. As applicable, the contractor will comply with the permit conditions. The County or its construction contractor will implement the following measures to avoid and minimize effects on waters of the United States:

- To the extent practicable, the design of each segment would consider waters of the United States and would minimize the discharge of dredged or fill material into these features.
- Prior to any discharge of dredged or fill material into waters of the United States, including wetlands, the County will obtain appropriate authorization from the Corps (CWA Section 404 nationwide or individual permit) and the RWQCB. (CWA Section 401 water quality certification).
- Prior to any activities that would obstruct the flow of or alter the bed, channel, or bank of any perennial, intermittent, or ephemeral creeks, the County will notify the CDFW of the alteration, and, if required, the CDFW would issue a Streambed Alteration Agreement.
- Any monitoring, maintenance, and reporting required by the regulatory agencies (i.e., Corps, RWQCB, and CDFW) will be implemented and completed. All measures contained in the permits or associated with agency approvals will be implemented.
- Impact on wetlands will be compensated at a ratio specified by the U.S. Army Corps of Engineers. Compensation of the loss of wetlands would be completed through on-site creation, restoration, enhancement, and/or preservation unless off-site mitigation is feasible and preferred by the Corps.
- Exclusionary fencing will be installed to mark the boundaries of all streams and wetlands that will be avoided. The fencing will be maintained throughout construction and pedestrian or vehicular entry will be prohibited during construction.

- Construction activities that will affect waters of the United States will be conducted during the dry season to minimize erosion.
- Appropriate sediment control measures to protect avoided waters of the United States will be in place prior to the onset of construction and will be monitored and maintained until construction activities have ceased. Temporary stockpiling of excavated or imported material will occur only in approved construction staging areas. Excess excavated soil will be used on site or stockpiled in an upland area and stabilized to prevent erosion into waters of the United States. Temporary stockpiles that are to remain on the site through the wet season will be protected to prevent erosion (e.g., silt fences, straw bales, covers).

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects on wetlands and other waters of the United States during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact BR-6 (Biological Resources): Construction activities could introduce noxious weeds or modify habitats in the project area in a manner that would displace native plant species and increase the spread of invasive plant species.

Mitigation Measure BR-6: Implement construction measures to prevent the spread of invasive plants.

The County will require the contractor to implement the following measures to prevent the spread of invasive species in the project area:

- All equipment used for off-road construction activities will be weed-free prior to entering the project area.
- If project implementation calls for mulches or fill, they will be weed free.
- Any seed mixes or other vegetative material used for revegetation of disturbed sites will consist of locally adapted native plant materials to the extent practicable.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to the spread of invasive plants during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact CR-1 (Cultural Resources): Construction activities could disturb or damage previously undiscovered historical or archaeological resources or human remains.

Mitigation Measure CR-1a: Coordinate with the local Native American tribes prior to construction.

The County shall consult with members of the Nor-El-Muk Nation and the Wintu Education and Cultural Council before construction begins for each segment. They will be notified of the construction schedule for each segment and invited to visit the project area to view the project limits. If construction is to occur in areas considered by the Nor-El-Muk Nation or Wintu Cultural Council to be likely to contain burials or other archeological resources, then the Nation or Council may assign a representative to monitor construction in that vicinity under the provisions of a Memorandum of Agreement between the County and the Nor-El-Muk Wintu Nation. The physical limits of the areas to be monitored will be established in consultation with Nation and Council representatives prior to the commencement of construction. Contact numbers for a professional archaeologist under contract with the County, the STNF archaeologist, and the Caltrans archaeologist will be on file with the construction supervisor, Native American monitor, and other responsible individuals during construction. These individuals shall be contacted in the event resources are uncovered during construction.

Mitigation Measure CR-1b: Implement treatment measures and record previously undiscovered resources.

In the event that previously unidentified cultural resources are encountered during construction, all work in the immediate vicinity of the find will be halted, and the materials will be left untouched. The Trinity County Project Engineer, the STNF archaeologist the County's archaeologist and the Caltrans archaeologist shall be notified immediately. At least one of these qualified archaeologists shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Any cultural resources discovered during construction will be recorded according to accepted contemporary standards and evaluated to determine their eligibility for listing on the NRHP and CRHR. Impacts on the resources, if any, will be evaluated, and specific treatment measures will be identified in consultation with the State Historic Preservation Officer, Caltrans, and the Forest Service to determine the appropriate course of action if eligible resources would be adversely affected. Specific measures may be implemented to reduce adverse impacts, such as data recovery and curation of recovered materials or protection in place by avoiding the resource. Work in the area shall not resume until the mitigation measures have been implemented.

Mitigation Measure CR-1c: Implement treatment measures for human remains.

In the event that previously unidentified evidence of human burial or human remains are discovered, all work in the immediate vicinity of the find will be halted, and the remains will be left untouched. The STNF archaeologist and County coroner will be notified immediately, and the Forest Service or Trinity County will notify local Native American tribes and the Native American Heritage Commission, as appropriate. Discoveries on federal lands are subject to the Native American Graves Protection and Repatriation Act. The ancestry of the remains will be determined if feasible with minimal disturbance of the remains by the coroner or a qualified

archaeologist. All human remains and associated burial artifacts encountered will be protected and assessed in a respectful and dignified manner. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of such identification. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. They will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. If removal is necessary, it will be undertaken with a Native American representative present (if appropriate), and the remains will be treated according to the provisions set forth in Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code. Work in the area shall not continue until the human remains are protected or removed according to the recommendations of the County coroner, Native American Heritage Commission, and/or the most likely descendent.

Finding: The three mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects on cultural resources and human remains during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact HW-1 (Hydrology and Water Quality): Construction activities could discharge pollutants or sediment into Hayfork Creek.

Mitigation Measure HW-1a: Implement water quality control measures during construction.

The construction contractor will be responsible for implementing BMPs identified in the project SWPPP. In addition, the County or its contractor will develop an erosion control plan in compliance with Forest Service Standards and Guidelines that identifies specific practices or techniques incorporated into the project design to minimize erosion. The BMPs outlined in the SWPPP shall be implemented during all phases of construction and will include, but not be limited to, the measures identified in the project description in combination with the following:

- Riparian and vegetative coverage shall only be minimally removed near drainages and stream road crossings during construction to prevent potential temperature increases in the streams and other water bodies. Cleared areas will be revegetated immediately following construction and before predicted rains or the rainy season.
- Temporary erosion and sediment control structures must be in place and operational at the end of each construction day during the rainy season or when rain is forecast and maintained until disturbed ground surfaces have been successfully revegetated.
- A specified buffer will be established between staging areas and stream banks or riparian areas. Sedimentation fencing or erosion and sediment control measures will be installed between staging areas and streams to avoid sediment and pollutant discharges to creeks. Riparian vegetation shall not be removed for staging purposes.

- Maintenance and refueling areas for equipment will be located a minimum of 100 feet away from the active stream channel. If equipment must be washed, washing will occur where the water cannot flow into the creek channel.
- Major ground-disturbing activities will be completed during the dry season (i.e., May 1 to November 15) to avoid stormwater sedimentation and turbidity effects to Hayfork Creek and its tributaries. Major ground-disturbing activities may occur outside the defined dry season based on a forecast of dry weather and permission from the appropriate regulatory agencies. Ground-disturbing activities will not take place when the soils are saturated.
- All instream work will be conducted from the top of the bank or existing road surface where feasible. Instream work will require the preparation of a dewatering plan.
- The construction contractor will keep on site at all times straw bales, straw wattles, silt fencing, or other similar sediment-control materials. Exposed soils will be covered with erosion blankets, straw, hydromulch, or similar ground-covering materials as soon as feasible to control wind and water erosion of exposed soils and prevent erosion and sedimentation.
- Spill containment booms will be maintained on site at all times during construction operations and/or staging or fueling of equipment.

Mitigation Measure HW-1b: Implement site-specific erosion control measures.

The County will incorporate site-specific erosion control measures into the project design and identify the measures on construction drawings. The measures will be identified based on the final alignment and design and the soil conditions where extensive cuts into steep slopes or extensive fill is required. In areas of high to very high erosion potential near Hayfork Creek, the following measures will be considered and incorporated into the design, as appropriate:

- minimize the cutslope area and grade the cutslope to no steeper than a 0.5:1 slope,
- use subsoil to stabilize the grade and re-contour disturbed areas,
- grade finished slopes to a stable grade,
- minimize side-cast on the fill slope and end haul excess fill,
- use approved engineered structural fill and compact to standards specified by the engineer,
- use hydromulch with a tackifier to cover cut and fill slopes and revegetate the slopes,
- armor any inboard ditches with coarse rock, and/or
- construct sediment basins on the downslope ends of inboard ditches before water crossings.

Finding: The two mitigation measures identified above have been incorporated into the Project to avoid significant environmental effects on water quality in nearby creeks during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of these measures will ensure that mitigation of significant environmental effects will occur.

Impact HW-3 (Hydrology and Water Quality): The proposed project would encroach on the floodplain of Hayfork Creek and could alter flood flows.

Mitigation Measure HW-3: Design road improvements to incorporate flood requirements for drainage structures and floodplain encroachment.

The County will conduct appropriate hydrologic and flood hazard studies to support development of the final design for each segment and ensure that FEMA and Forest Service requirements are followed and adhered to. More specifically, the final design will verify that the 100-year flood elevation is not raised by more than 0.5 foot at and near Post Miles 11.15 and 11.44 and ensure that the design of the drainage structure near Post Mile 5.34 would not result in overbank flooding. The studies shall identify specific design measures relating to the inlet and outlet elevations of the drainage structures, the road elevation, and armoring of the creek or slopes near drainage structure outlets. All drainage structures will be designed using capacity and geometry criteria to accommodate 100-year peak flows. These designs should account for landslide and woody debris potential and would reduce the risk of overbank flooding, degraded water quality, and damage to life and property. The following specific measures for drainage structures will be followed:

- All existing culverts will be replaced with new drainage structures that can accommodate the 100-year peak flow. Culvert sizes will be as recommended by a qualified hydrologist or engineer.
- The inlets of the nine key drainage features should be designed with headwalls and with a beveled edge (1.5:1) to decrease head loss as flow enters the culvert barrel, to protect the fill, and to reduce erosion potential.
- Culverts should be fitted with downspouts, outlet protection, or energy dissipators (energy dissipation structures include rip-rap, drop structures, and sills) to reduce the effects of streambed scour and bank erosion downstream of the culvert outlet.
- The culvert invert should be aligned with the channel bottom and skew angle of the stream.
- The culvert design slope will be based on surveyed measurements of the existing culvert and the channel profile survey. If the culvert is relocated, the final culvert slopes will align with the existing topography based on the profile survey of the stream course.

- Wildwood Road will need to be raised approximately 2.5 feet above its existing grade at Post Mile 5.34 (Gemmill Gulch) and 3.5 feet at Post Mile 11.67 (Gurley Gulch), if the project crosses these gulches, to maintain adequate cover over the drainage structure and to ensure that headwater and flow capacity criteria are met.
- The culverts near Post Mile 10.5 (subwatershed 7) will be replaced with 60-inch culverts with a riser and trash rack, or similar engineered solution, on the inlet of the primary culvert crossing of Wildwood Road. The secondary culvert will need to exit below the existing irrigation pipeline.
- Drainage structures at Post Miles 6.62 (subwatershed 3), 7.27 (subwatershed 4), and 9.05 (subwatershed 6) will include appropriately sized culverts (48-inch at 6.62, 60-inch at 7.27, and 72-inch at 9.05) with risers and trash racks or similar devices to deter debris jams and additional cross-road drains (e.g., ditch relief culverts) on either side of the crossings to prevent sedimentation from ditch runoff and stream flow diversion.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to flood flows, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact GS-3 (Geology and Soils): The proposed project could trigger landslides along Wildwood Road.

Mitigation Measure GS-3: Incorporate slope protection measures into the project design.

During design of each segment, the County will hire a Professional Geologist or Geotechnical Engineer to prepare a landslide mitigation plan that describes the types and locations of slope repairs, surface and subsurface drainage measures, and instrumentation and monitoring requirements. The slope repairs and monitoring will be based on a detailed subsurface exploration that defines the lateral and vertical extents of each landslide that would be disturbed and the probable grading limits.

Landslide stabilization methods fall into three categories:

- geometric methods where the geometry of the hillside is changed;
- hydrogeological methods where the groundwater level is lowered or water is diverted; and
- mechanical methods where the shear strength of the unstable mass is increased using active external forces (e.g., anchors, rock, or ground nailing) or passive techniques (e.g., structural walls or reinforced ground).

Stabilization methods for landslides in the project area that could be incorporated into the mitigation plan include, but are not limited to:

- minimize cut into unstable or potentially unstable slopes;
- grade cutslope to slope;
- minimize side-cast on fill slope and end haul excess fill;
- grade slope geometry to stable shape and install mechanical slope treatments, as needed;
- use hydromulch with tackifier to cover cut and fill slopes;
- construct sediment basins on downslope end of inboard ditch before first water crossing;
- design culverts in locations of active, semi-active, or potentially unstable landslides to convey landslide debris, as necessary; and
- create benches along steep slopes, where appropriate.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to landslide hazards during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact HM-1 (Hazards and Hazardous Materials): Construction activities could introduce hazardous materials into the environment and potentially contaminate Hayfork Creek.

Mitigation Measure HM-1: Implement spill containment measures in the event of a hazardous materials spill.

The contractor shall exercise every reasonable precaution to protect streams from pollution resulting from 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, North Coast RWQCB, and California Emergency Management Agency (CalEMA 800-852-7550) must be notified immediately in the event of a release of significant quantities of hazardous materials. In the event of a release into Hayfork Creek, CDFW must also be notified.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to hazardous materials during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

Impact HM-2 (Hazards and Hazardous Materials): Construction activities could increase the risk of fire hazards along Wildwood Road.

Mitigation Measure HM-2: Implement fire safety and response plans during construction.

The contractor will be required to prepare and implement a fire safety plan for construction operations to prevent and respond to fire. Construction equipment will also be equipped with fire prevention devices (e.g., spark arrestors) pursuant to Public Resources Code 4442. Water and firefighting tools (e.g. shovels, axes, fire extinguishers) will be maintained on site at all times.

The County will coordinate closely with emergency service providers before and during construction. A fire response plan will be developed in coordination with the Forest Service, Hayfork volunteer fire district, Trinity County Sheriff’s Office, and others as appropriate. The plan shall establish lines of communication so that the construction crew receives notification of the need to open the road prior to the arrival of emergency vehicles at the work area, if possible. Procedures will also be established to keep emergency service providers advised of the location of construction crews, the activities going on at the time, and the estimated time to clear the road for each activity in each segment. The emergency service providers will use this information to determine the fastest way to reach an emergency site under the circumstances occurring at the time of an emergency.

Finding: The mitigation measure identified above has been incorporated into the Project to avoid significant environmental effects relating to fire hazards during construction activities, as determined in the Final EIR. These “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).) These changes shall be implemented by Trinity County. Incorporation of the measure will ensure that mitigation of significant environmental effects will occur.

VII. SUMMARY OF 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 that 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 EIR. These changes will be implemented by Trinity County. The County is committed to implementing the measures listed in the MMRP within its authority and responsibility. Incorporation of these measures into the Project will ensure that mitigation of significant environmental effects will occur.

VIII. PROJECT ALTERNATIVES; OVERRIDING CONSIDERATIONS

CEQA provides that, where a significant environmental effect can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521; see also Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403.) The discussion of impacts and mitigation measures above reveals that all identified impacts will be reduced to a level of insignificance by the implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting Plan contained in Appendix B of the Final EIR and attached as Exhibit B to this Resolution. Trinity County need not, therefore, consider alternatives, and may adopt the Project as proposed.

Nor, under CEQA, is Trinity County required to adopt a “statement of overriding considerations” under the circumstances. The requirement to adopt a statement expressly concluding that the economic or social benefits of a proposed project outweighs its adverse environmental effects is only triggered where such effects will remain significant even with implementation of feasible mitigation measures. (CEQA Guidelines, §§ 15002, subd. (a)(4), 15021, subd. (d), 15093; see also Pub. Resources Code, § 21081, subd. (b).) Here, Trinity County has bound itself to the mitigation measures that are within its own authority and responsibility and agrees to carry out all of those mitigation measures, as identified throughout these findings and the MMRP.