

Wagon Trail Mitigation Site Project

District 10-CAL

EA 10-0E5300

Project ID 1000000025

State Clearinghouse Number 2015092066

Initial Study with Mitigated Negative Declaration

Volume 1 of 2



Prepared by the
State of California Department of Transportation
and Calaveras County

March 2021



General Information About This Document

The California Department of Transportation (Caltrans), in cooperation with Calaveras County, has prepared this Initial Study, which examines the potential environmental impacts of alternatives being considered for the proposed project in Calaveras County in California. Caltrans is the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) lead agency for the project. The document explains why the project is being proposed, the alternatives being considered for the project, the existing environment that could be affected by the project, the potential impacts of each of the alternatives, and proposed avoidance, minimization, and/or mitigation measures.

The Initial Study circulated for public review and comment for 32 days between September 29, 2020 and October 30, 2020. Comments submitted during that time are included in Appendix B, which has been added since circulation of the draft environmental document. Changes made to the document in response to public comments are noted as such. Minor editorial changes and clarifications have not been indicated. Additional copies of this document and the related technical studies can be made available by contacting Jennifer Lugo by phone at 559-779-6612 or by email at jennifer.lugo@dot.ca.gov.

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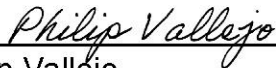
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The Wagon Trail Mitigation Site project will place a conservation easement on 41 acres of private property and enhance habitat values within the conservation easement area to mitigate for impacts to biological resources from the State Route 4 Wagon Trail Realignment project

**INITIAL STUDY
with Mitigated Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation
and
Calaveras County



Philip Vallejo
Environmental Office Chief, North
California Department of Transportation
CEQA Lead Agency

3/1/2021
Date

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Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans), in cooperation with Calaveras County, proposes to mitigate for project impacts resulting from the State Route 4 Wagon Trail Realignment project (State Clearinghouse Number 2015092066) by placing a conservation easement and completing habitat enhancements on a 41-acre portion of Parcel Number 040-002-027-000 about 13.5 miles north of the State Route 4 Wagon Trail Realignment project. The parcel is privately owned.

Determination

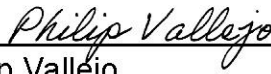
Caltrans has prepared an Initial Study for this project and, following public review, has determined from this study that the project would not have a significant effect on the environment for the following reasons:

The project would have no effect on aesthetics, air quality, cultural resources, energy, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

The project would have no significant effect on agriculture and forest resources, geology and soils, greenhouse gas emissions, and hydrology and water quality.

The project would have no significantly adverse effect on biological resources because the following mitigation measures would reduce potential effects to insignificance:

- No ground-disturbing activities will occur during rain or potential rain events.
- A qualified biologist(s) will conduct a visual encounter pre-construction survey for California tiger salamanders, and pond excavation will occur during the dry season.



Philip Vallejo
Environmental Office Chief, North
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3/1/2021
Date

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Chapter 1 Proposed Project

1.1 Introduction

Caltrans, in cooperation with Calaveras County, proposes to mitigate for biological impacts for Phase 1 of the State Route 4 Wagon Trail Realignment project, including impacts to oak woodland habitat, riparian habitat, California red-legged frog (*Rana draytonii*) habitat, impacts to waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers, and waters under the jurisdiction of the California Department of Fish and Wildlife, by completing a habitat enhancement and conservation project on a privately owned parcel about 13.5 miles north of the main project alignment.

The Wagon Trail Mitigation Site project is along Gillam Road in an unincorporated area of Calaveras County, about 0.80 mile west of State Route 26 and about 0.60 mile north of State Route 12 (see Figure 1-1 and Figure 1-2). The project area encompasses 41 acres on a privately owned parcel on the Rana Ranch property and will be placed under a conservation easement as part of the project (see Figure 1-3). This property was chosen because it is within critical habitat for the California red-legged frog.

Conservation of this property is proposed to include the construction of a pond and the establishment of riparian and oak woodland habitat. Due to the type of conservation requirements listed in the biological opinion for the State Route 4 Wagon Trail Realignment project (Reference Number 08ESMF00-2016-F-0444) and guidelines under the California Environmental Quality Act (known as CEQA), the 41-acre conservation easement is considered a separate project and requires independent environmental approval under both CEQA and the National Environmental Policy Act (known as NEPA).

Figure 1-1 Project Vicinity Map

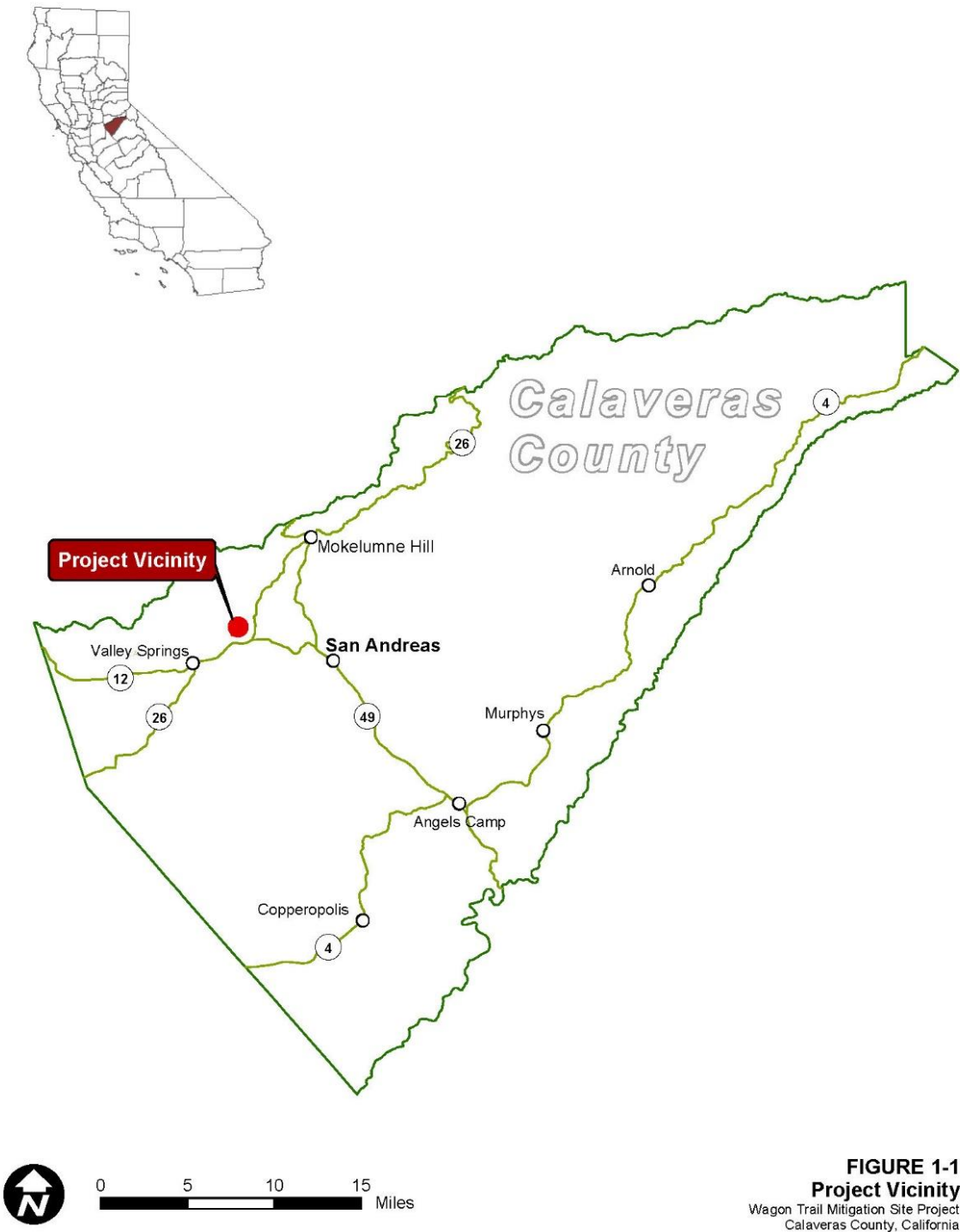
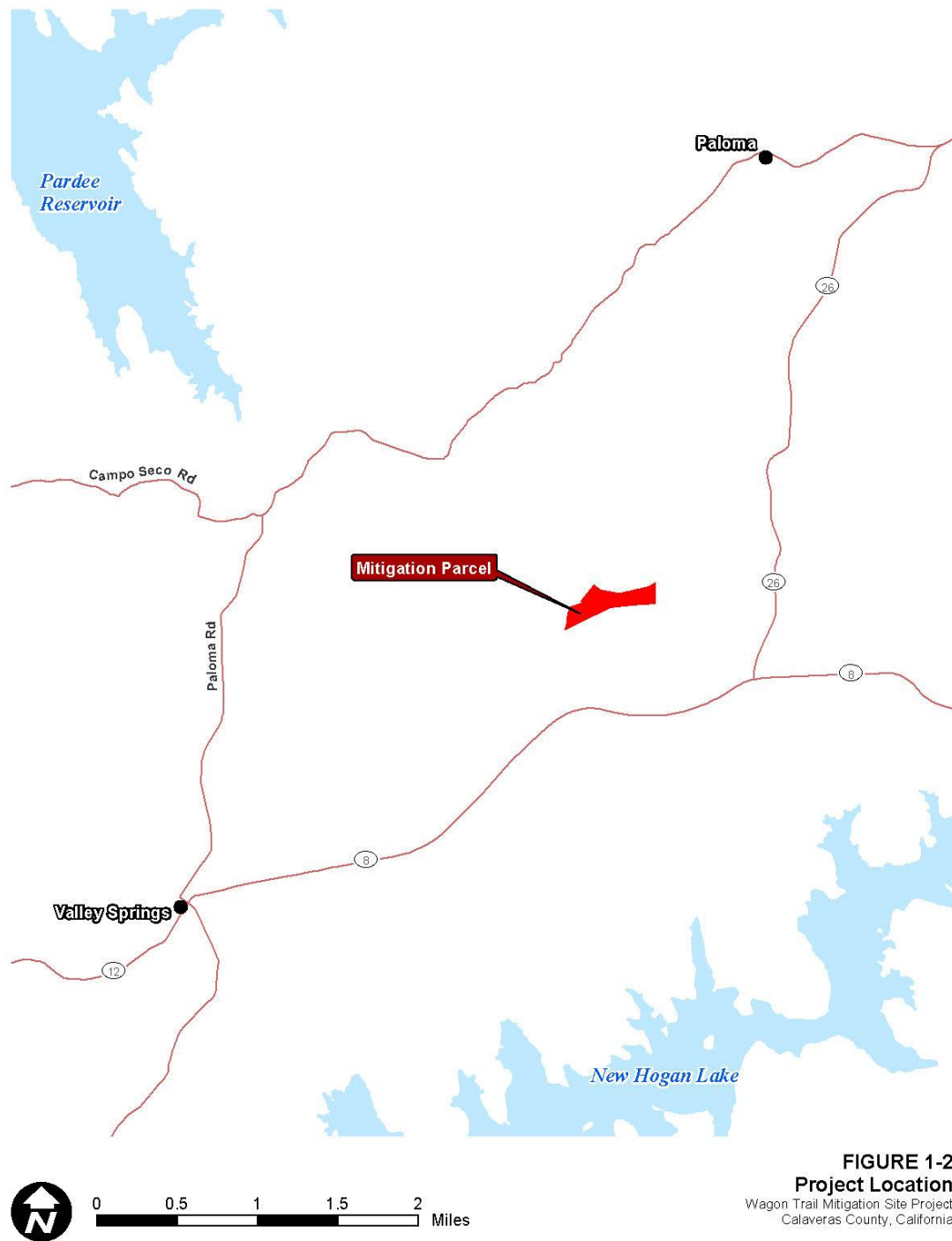


Figure 1-2 Project Location Map



1.2 Purpose and Need

1.2.1 Purpose

The purpose of the project is to enhance, restore, and protect California red-legged frog habitat by building a pond, establishing riparian and oak woodland habitat, and conserving about 2,700 linear feet (0.59 acre) of the Youngs Creek tributary within the easement area.

1.2.2 Need

The project is needed to mitigate biological impacts to oak woodland habitat, riparian habitat, California red-legged frog habitat, and jurisdictional waters as a result of Phase 1 of the State Route 4 Wagon Trail Realignment project.

1.3 Project Description

The State Route 4 Wagon Trail Realignment project proposes to realign about 6 miles of a segment of State Route 4 from Bonanza Mine Way to Stockton Road, beginning about 2.6 miles east of Copperopolis and ending about 1.6 miles west of the State Route 4/State Route 49 junction in Altaville in Calaveras County. The State Route 4 Wagon Trail Realignment project has been environmentally cleared through CEQA and NEPA. An Initial Study with Mitigated Negative Declaration (State Clearinghouse Number 2015092066) and an Environmental Assessment with Finding of No Significant Impact was approved for the State Route 4 Wagon Trail Realignment project in December 2016.

Due to funding constraints, the project is being built in phases, with Phase 1 being defined as the westerly 3.3 miles beginning at the intersection of State Route 4/Bonanza Mine Way and ending just east of the State Route 4/Appaloosa Road intersection.

Caltrans, in cooperation with Calaveras County, proposes to mitigate for the State Route 4 Wagon Trail Realignment project impacts to California red-legged frog habitat and California Department of Fish and Wildlife jurisdictional habitats by placing a conservation easement on a 41-acre portion of Parcel Number 040-002-027-000 about 13.5 miles north of the State Route 4 Wagon Trail Realignment project and enhancing habitat values within the conservation easement.

The parcel is privately owned and is within critical habitat for the California red-legged frog. The parcel is currently used for cattle grazing, and the existing land cover is almost entirely disturbed annual grassland. The Youngs Creek tributary runs through the parcel. A Habitat Enhancement Plan and a Long-Term Mitigation Management Plan will be prepared before the start of

construction and submitted to the California Department of Fish and Wildlife for review and approval.

Habitat enhancement efforts include building a nearly half-acre pond designed to provide aquatic California red-legged frog habitat while also being designed to drain completely every fall to break the life cycle of the American bullfrog (*Lithobates catesbeianus*) and other invasive aquatic predators. The pond will be excavated to a maximum depth of about 3 feet, and soil material will be used to build a 6-foot berm at the downstream side of the pond to create a pond with a design depth of about 6 feet. Boulders and large woody debris would be used to make several submerged aquatic habitat types; the pond's edge would be planted with emergent vegetation to provide cover habitat for amphibians and wading birds. A gate valve installed in the berm would be used to control water levels within the pond and ensure the pond drains completely every fall.

Also, native emergent and riparian vegetation will be established around the perimeter of the pond and extend along the corridor of a portion of the existing ephemeral creek. While young plants establish, fencing will be temporarily added around most of the habitat enhancements to exclude cattle that currently graze on the parcel. Over time, cattle usage will be restored to all or portions of the project site. On the hillsides surrounding the Youngs Creek tributary, about 400 native oak trees (*Quercus* sp.) will be planted to recreate historical oak woodlands that were removed in the early part of the 20th century. Riparian plantings and native oak trees would be provided with irrigation water for several years following installation.

The following sentence has been revised since the circulation of the draft environmental document. Patches of Himalayan blackberry (*Rubus armeniacus*) within the conservation parcel along Youngs Creek tributary downstream of the pond will remain because they provide valuable cover and foraging habitat for songbirds and pollinating insects.

Following the implementation of habitat enhancement efforts, the pond, riparian plantings, and native oak tree plantings will be maintained and monitored for 5 years. Success criteria will be defined in the Habitat Enhancement Plan submitted to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife for review and approval before construction starts.

One of the goals of the conservation easement will be to protect a cultural resource within the proposed conservation easement boundary. The conservation easement will include restrictions and/or conditions that will prohibit land development and alteration or modification to the topography within and next to the recorded resource boundary, permanently, thereby protecting the resource.

1.4 Project Alternatives

Two project alternatives—a Build Alternative and a No-Build Alternative—for the Wagon Trail Mitigation Site project are described below.

1.4.1 Build Alternative

The project design includes the construction of a pond, about a half-acre in size, in the eastern portion of the conservation easement. The pond area will be excavated to a depth of about 3 feet and will include a 6-foot berm on the downstream side of the pond to create a total pond depth of about 6 feet. The project will include other habitat elements for California red-legged frogs, including semi-submerged logs and emergent vegetation. The pond may need to be lined due to the soil permeability onsite. A manually operated drainpipe will be installed within the pond to allow the pond to be drained in late fall for years when the pond does not dry naturally. Draining the pond will discourage American bullfrogs, a known predatory species of California red-legged frogs, from successfully reproducing in the pond.

Native emergent and riparian vegetation will be established around the pond's perimeter and extend along the corridor of a portion of the existing ephemeral creek. Habitat enhancement efforts will also focus on the removal of invasive plant species around the pond location. A total of about 0.67 acre of Youngs Creek tributary will be conserved within the easement. Oak woodland habitat will be established in the upland areas in the eastern portion of the easement and north and south of Youngs Creek tributary. Oaks will be planted within the appropriate elevation range to ensure successful establishment. Irrigation will be provided, likely through a gravity-fed irrigation system from onsite wells and water tanks. While young plants establish, fencing will be temporarily added around most of the habitat enhancements to exclude cattle that currently graze on the parcel. Over time, cattle use will be restored to all or portions of the project site.

Construction of the Wagon Trail Mitigation Site project will be included in the Clean Water Act Section 401 Water Quality Certification and the U.S. Army Corps of Engineers Clean Water Act Section 404 Permit application packages for the State Route 4 Wagon Trail Realignment project. A separate 1602 Streambed Alteration Agreement will be acquired for the Wagon Trail Mitigation Site project. Construction equipment necessary for the Wagon Trail Mitigation Site project is expected to include, but not be limited to, an excavator, a backhoe, large trucks to haul materials, and hand tools for removing and planting vegetation. Existing dirt roads on the easement would allow access for construction equipment and personnel. Construction is expected to start in 2021 and will require about four months to complete.

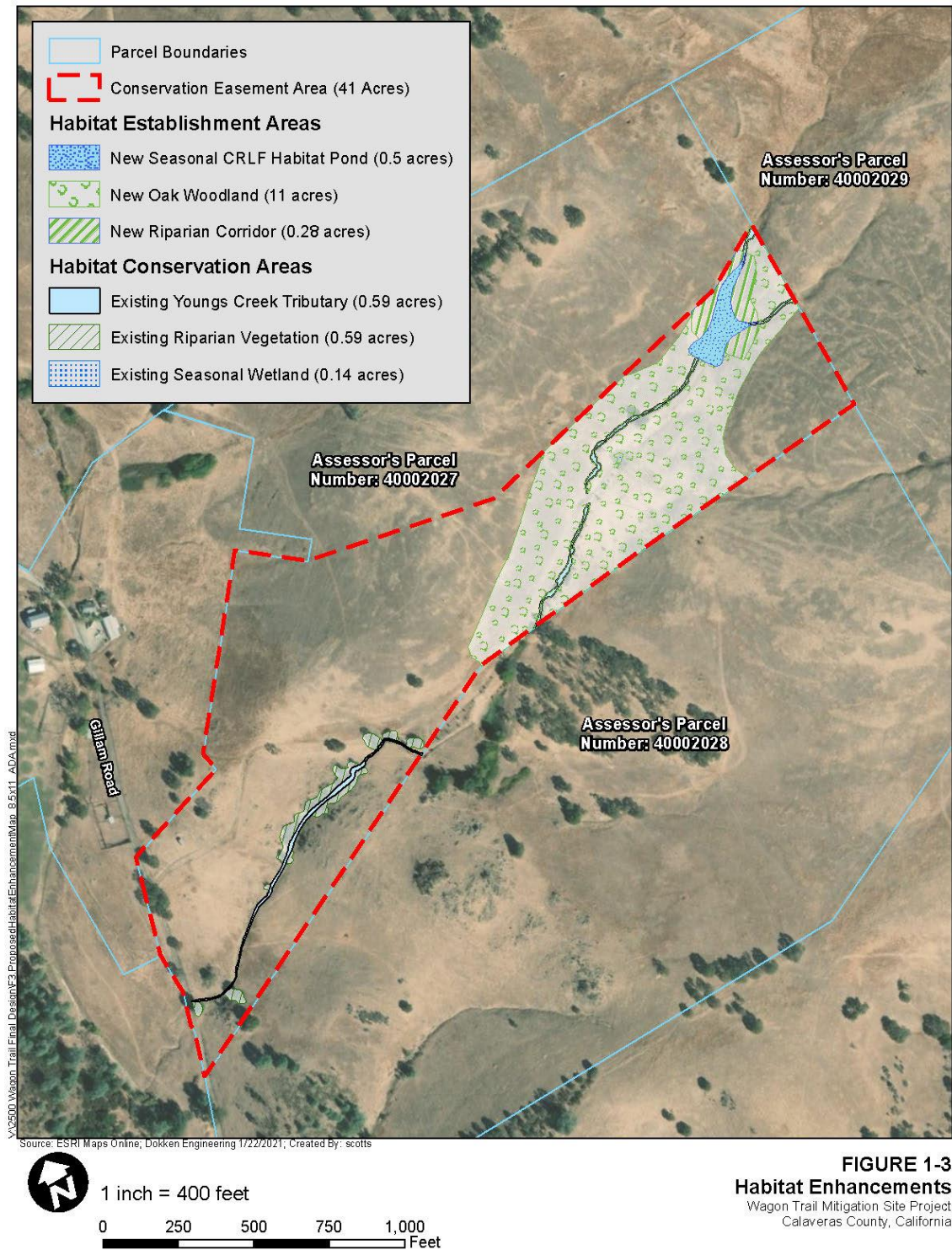
Based on preliminary cost estimates, mitigation costs for Phase 1 of the State Route 4 Wagon Trail Realignment project are expected to total \$1,220,000.

The budget includes \$450,000 for construction and short-term maintenance and monitoring of the habitat enhancement project, \$300,000 to establish a non-wasting endowment to fund monitoring of the restoration project and legal defense of the conservation easement in perpetuity, about \$220,000 in real estate and transaction costs, \$110,000 for the purchase of 0.38 mitigation credits from the National Fish and Wildlife Foundation's Sacramento District in-lieu fee program, and \$140,000 for the purchase of riparian floodplain mitigation credits from the Cosumnes Floodplain mitigation bank. Mitigation costs will be funded as part of the State Route 4 Wagon Trail Realignment project.

The Wagon Trail Mitigation Site project contains a number of standardized project measures that are used on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed project. These measures are listed later in this chapter under "Standard Measures and Best Management Practices Included in All Alternatives."

Figure 1-3 shows Habitat Establishment Areas and Habitat Conservation Areas for the State Route 4 Wagon Trail Realignment project.

Figure 1-3 Proposed Habitat Enhancements



1.4.2 No-Build (No-Action) Alternative

Under the No-Build Alternative, habitat enhancements would not occur on the Rana Ranch property, and commitments listed in the biological opinion would not be satisfied. Biological impacts from Phase 1 of the State Route 4 Wagon Trail Realignment project would not be adequately mitigated.

1.5 Identification of a Preferred Alternative

This paragraph and its heading have been added since the draft environmental document was circulated. Caltrans and Calaveras County have identified the Build Alternative as the preferred alternative. No opposition to the Build Alternative was received during the public circulation (review and comment period) of the document.

1.6 Standard Measures and Best Management Practices Included in All Alternatives

The Wagon Trail Mitigation Site project will follow the Best Management Practices and Standard Measures recommended by Caltrans.

The following measures are proposed during project construction. These measures are directly from the recommended dust control plan conditions noted in Calaveras County Air Pollution Control District's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

AQ-1—The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.

AQ-2—All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air quality standard. Watering should occur at least twice daily, with complete site coverage.

AQ-3—All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.

AQ-4—All onsite vehicle traffic shall be limited to a speed of 15 miles per hour on unpaved roads.

AQ-5—All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance, and there must be a minimum of 6 inches of freeboard in the bed of the transport vehicle.

The following Best Management Practices will be implemented to protect biological resources and water quality.

BIO-1—Before the start of construction within the project limits, seasonal wetland habitat must be marked with environmentally sensitive area high visibility orange fencing in areas that are proposed to be avoided.

BIO-2—Before the start of construction, the project biologist will conduct environmental awareness training for all construction personnel to brief them on general water quality compliance, project limit boundaries, and any special-status species that have the potential to occur onsite. All personnel will be required to sign a form stating attendance of the environmental awareness training.

BIO-3—Contract specifications will include the following Best Management Practices, where applicable:

- The project specifications will require the contractor to operate under an approved spill prevention and cleanup plan;
- Oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and,
- Any debris from construction must be taken to an approved disposal site.

BIO-4—Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from wetland habitat and the ephemeral creek. Any necessary equipment washing shall occur where the water cannot flow into the wetland or ephemeral creek. A spill prevention and cleanup plan will be prepared for the project. (This measure has been revised since circulation of the draft environmental document.)

BIO-5—Construction equipment shall not drive through the Youngs Creek tributary except where needed for habitat enhancements to occur. An existing culvert crossing about 670 linear feet downstream from the proposed pond will allow access for construction equipment.

WQ-1—Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and other harmful materials from entering aquatic resources. Before operating equipment near aquatic resources, all such equipment will be free of external petroleum products, hydraulic fluids, and coolants. Wash water will not be discharged to any water body without pretreatment, and all wash activities will take place outside of the floodplain.

The following Best Management Practices will be implemented to limit noise nuisances.

NOI-1—Noise generated from construction shall be limited to daytime hours from 7:00 a.m. to 6:00 p.m.

NOI-2—Noise generated from construction will not exceed 86 A-weighted decibels Lmax (maximum level of sound) at 50 feet from the job site from 9:00 p.m. to 6:00 a.m.

If unknown hazardous waste/material is encountered during construction, the procedures outlined in Caltrans Hazards Procedures for Construction shall be followed. In addition to the measures listed above, the contractor selected to implement habitat enhancement shall comply with standard air pollution control rules, regulations, ordinances, and statutes, including those provided in Government Code Section 11017. (Public Contract Code Section 10231)

1.7 Discussion of the NEPA Categorical Exclusion

This document contains information regarding compliance with CEQA and other state laws and regulations. Separate environmental documentation supporting a Categorical Exclusion determination will be prepared in accordance with NEPA. When needed for clarity, or as required by CEQA, this document may contain references to federal laws and/or regulations (CEQA, for example, requires consideration of adverse effects on species identified as a candidate, sensitive, or special-status species by the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service—in other words, species protected by the Federal Endangered Species Act).

1.8 Permits and Approvals Needed

The following permits, licenses, agreements, and certifications are required for project construction:

Agency	Permit/Approval	Status
California Department of Fish and Wildlife	Section 1600 Streambed Alteration Agreement	Complete (1600-2020-0123-R2)
Central Valley Regional Water Quality Control Board	Section 401 Water Quality Certification	Complete (WDID 5B05CR00093)
U.S. Army Corps of Engineers	Section 404 Nationwide Permit Authorization	Complete (SPK-2010-01318)
State Regional Water Quality Control Board	National Pollutant Discharge Elimination System Permit	To be obtained by the construction contractor.
U.S. Fish and Wildlife Service	Biological Opinion	Complete (08ESMF00-2016-F-0444)

Chapter 2 **CEQA Evaluation**

2.1 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the project. Potential impact determinations include Potentially Significant Impact, Less Than Significant with Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A “No Impact” answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

“No Impact” determinations in each section are based on the scope, description, and location of the proposed project as well as the appropriate technical report (bound separately in Volume 2), and no further discussion is included in this document.

2.1.1 Aesthetics

Considering the information included in the Scenic Resource Evaluation dated April 28, 2020, the following significance determinations have been made: The project would not adversely affect any designated scenic resource and will not substantially change the current visual environment. Furthermore, the project is intended to enhance the existing habitat and is designed to complement the existing visual environment.

Except as provided in Public Resources Code Section 21099:

Question—Would the project:	CEQA Significance Determinations for Aesthetics
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No Impact

2.1.2 Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Calaveras County is not included in the California Department of Conservation's Division of Land Resource Protection, Farmland Mapping and Monitoring Program, so there is no mapped Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within Calaveras County. Considering the information included in the California Agricultural Land Evaluation and Site Assessment Model, Forest and Range Assessment Project and the Forest Legacy Assessment Project, and the California Department of Conservation's Division of Land Resource Protection, Farmland Mapping and Monitoring Program, the following significance determinations have been made: The project will have no impact on these farmland resources. The Calaveras County General Plan designates land use within the project area as RP (Resource Production), and the project area is zoned as Agricultural Preserve. (Calaveras County General Plan 2019)

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Less Than Significant Impact
c) Conflict with existing zoning, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use?	No Impact

Affected Environment

The project area is zoned as an agricultural preserve under the Calaveras County General Plan and is under a Williamson Act contract to limit future development. The project area is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance under the California Department of Conservation's Division of Land Resource Protection, Farmland Mapping and Monitoring Program because the program does not include Calaveras County.

The parcel is not within any forest land or designated timberland, and limited tree resources are present within the mitigation parcel or surrounding area.

Environmental Consequences

b) Establishing the conservation easement will not change the long-term land use of the property, which will remain as non-irrigated pastureland and open space which are compatible land uses with surrounding parcels under Williamson Act contracts. The project will have a less than significant impact on zoning or Williamson Act contracts.

2.1.3 Air Quality

Considering the information included in the Air Quality Technical Memorandum dated January 30, 2020, the following significance determinations have been made: Long-term impacts related to air quality are not expected as a result of the project. The project will comply with all federal and state air quality standards. While the project would contribute to a temporary increase in construction emissions, the project will adhere to all relevant avoidance and minimization measures from the Caltrans 2018 Standard Specifications and Calaveras County Air Pollution Control District's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects.

Question—Would the project:	CEQA Significance Determinations for Air Quality
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

2.1.4 Biological Resources

Considering the information included in the Natural Environment Study (Minimal Impact) dated May 2020, the following significance determinations have been made: The Wagon Trail Mitigation Site project, which is required by the Biological Opinion issued as part of the State Route 4 Wagon Trail Realignment project, will not result in impacts to federal fisheries, and no take of state-listed or candidate species is expected.

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration Fisheries?	Less Than Significant with Mitigation Incorporated

Question—Would the project:	CEQA Significance Determinations for Biological Resources
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

Affected Environment

The Wagon Trail Mitigation Site project is along Gillam Road in an unincorporated area of Calaveras County. The project encompasses 41 acres on a privately owned parcel on the Rana Ranch property, which will be placed under a conservation easement. This property was chosen because it is within critical habitat for California red-legged frogs. Biological surveys conducted on November 12, 2019 identified five different habitat communities that are present within the Biological Study Area, including annual grassland, riparian corridor, urban, Youngs Creek tributary, and a seasonal wetland. Jurisdictional waters include Youngs Creek tributary—an ephemeral creek about 0.67 acre in size—and a wetland feature about 0.01 acre in size. Special-status species that have been identified as having a low-to-moderate potential of occurring are the California tiger salamander (*Ambystoma californiense*), Swainson’s hawk (*Buteo swainsoni*), Crotch’s bumble bee (*Bombus crotchii*), and western bumble bee (*Bombus occidentalis*).

The next three paragraphs have been slightly revised since the draft environmental document was circulated.

California Tiger Salamander

California tiger salamanders live in grassland habitat. However, the soils within the Biological Study Area could not support the species’ estivation

cycle—prolonged torpor or dormancy of an animal during a hot or dry period—because they are not easily crumbled and few mammal burrows were observed. The species is not likely to inhabit the project area but may travel through the project area during the winter migration season. The nearest and most recent California Natural Diversity Database occurrence is about 1.1 miles northwest of the Biological Study Area and was recorded in 2019.

Swainson's Hawk

The Biological Study Area contains grassland habitat that Swainson's hawks can use for foraging; it also has large native oak trees potentially suitable for nesting. Although the California Natural Diversity Database has no documentation of a Swainson's hawk occurring within a 10-mile radius of the Biological Study Area, eBird, an online database, documented two occurrences of the species within 5 miles, suggesting that the species may be present within the project area.

Crotch's Bumble Bee and Western Bumble Bee

Crotch's bumble bee and the western bumble bee are known to occur in Central California grasslands. The Biological Study Area contains suitable native flowering plants to support both species. The nearest and most recent occurrence of Crotch's bumble bee documented in the California Natural Diversity Database was in 1967, about 23 miles east in the census-designated town of Arnold. The nearest and most recent occurrence of the western bumble bee documented in the California Natural Diversity Database was in 1967, about 16 miles southeast of the Biological Study Area in Arnold.

Environmental Consequences

a) California Tiger Salamander

The California tiger salamander is considered to have a low-to-moderate potential of occurring within the project area. The species was initially presumed absent from the project area because all regional occurrences of the species were at least 5 miles west of the project area at an average elevation of 600 feet below the project area. Also, the project was assumed to be outside of the species' local range. A new occurrence of the California tiger salamander about 1.4 miles north of the project area was documented in December 2019 and uploaded to the California Natural Diversity Database in February 2020. Considering this new occurrence, the presence of the species cannot be completely ruled out. With the inclusion of avoidance and minimization measures, the project is not expected to result in the take of California tiger salamanders. An Incidental Take Permit is not proposed for this species.

Swainson's Hawk

Swainson's hawk, a state-threatened species, has a low-to-moderate potential of occurring within the Biological Study Area. No Swainson's hawk

was seen during biological surveys; however, due to the presence of suitable habitat, the species has a low-to-moderate potential of occurring within the Biological Study Area. There is a grove of mature native oak trees next to the Biological Study Area, about 1,190 feet from the proposed pond location, where heavy machinery will be operated. Also, there is one interior live oak (*Quercus wislizeni*) tree about 340 feet west of the proposed pond location. Swainson's hawks typically return to the same nest every year, but raptor nests were not seen during biological surveys. An Incidental Take Permit is not proposed for this species.

Crotch's Bumble Bee and Western Bumble Bee

After a comparison between habitat requirements and the habitat available within the Biological Study Area, two special-status bumble bee species—Crotch's bumble bee and western bumble bee—which are listed as endangered candidate species under the California Endangered Species Act, have a low-to-moderate potential of occurring within the Biological Study Area. Preliminary surveys following the protocol established for the rusty patched bumble bee (*Bombus affinis*) did not identify either of the bumble bee species as being present within the project area. Crotch's bumble bee and the western bumble bee are presumed absent from the project area, and consultation with the California Department of Fish and Wildlife under Section 2081 of the California Fish and Game Code will not be required.

Mitigation measures BIO-6 through BIO-11 will be implemented to reduce impacts on species identified as a candidate, sensitive, or special-status species to less than significant.

b) Project impacts include the modification of about 476 linear feet, or 0.09 acre, of the Youngs Creek tributary that will be converted into pond habitat. The hydrological connection of the Youngs Creek tributary will remain intact. An existing creek crossing will allow construction equipment and personnel to access both sides of the creek without impacting the water feature. No other permanent or temporary impacts to jurisdictional waters are expected. Proposed pond creation will increase habitat values associated with the Youngs Creek tributary and will not result in significant impacts to this resource.

Avoidance and minimization measures BIO-1 through BIO-5 and BIO-10 will be implemented as standard construction best management practices to protect water quality.

Avoidance, Minimization, and/or Mitigation Measures

The following best management practices and species-specific measures will be implemented to avoid, minimize, or mitigate impacts.

BIO-1—Before the start of construction within the project limits, seasonal wetland habitat must be marked with environmentally sensitive area high visibility orange fencing in areas that are proposed to be avoided.

BIO-2—Before the start of construction, the project biologist will conduct environmental awareness training for all construction personnel to brief them on general water quality compliance, project limit boundaries, and any special-status species that have the potential to occur onsite. All personnel will be required to sign a form stating attendance of the environmental awareness training.

BIO-3—Contract specifications will include the following Best Management Practices, where applicable:

- The project specifications will require the contractor to operate under an approved spill prevention and cleanup plan;
- Oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and,
- Any debris from construction must be taken to an approved disposal site.

BIO-4—Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from wetland habitat and the ephemeral creek. Any necessary equipment washing shall occur where the water cannot flow into the wetland or ephemeral creek. A spill prevention and cleanup plan will be prepared for the project.

BIO-5—Construction equipment shall not drive through the Youngs Creek tributary except where needed for habitat enhancements to occur. An existing culvert crossing about 670 linear feet downstream from the proposed pond will allow access for construction equipment.

BIO-6—A minimum 100-foot no-disturbance buffer for songbirds and a 500-foot buffer for raptors must be established around any active nests. The contractor must immediately stop work in the nesting area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. If required, a reduced buffer may be used if approved by the California Department of Fish and Wildlife on a case-by-case basis.

BIO-7—A qualified biologist(s) will conduct a visual encounter pre-construction survey of the habitat enhancement area for California tiger salamanders no more than 14 days before the start of groundbreaking or other general construction activities that could affect the species. The survey

will pay attention to detecting any burrows that could be used as refugia by California tiger salamanders, as well as any potential depressions that may become inundated. If burrows are discovered, they will be flagged or otherwise marked and avoided by at least 50 feet. If the burrows cannot be avoided, Caltrans will contact the U.S. Fish and Wildlife Service to discuss additional measures that may be needed, such as using a scope to see inside the burrows.

BIO-8—Excavation of the new pond will be scheduled to occur within the dry season (about June 1 to October 31) when the California tiger salamander is more likely to be underground and not actively dispersing to and from aquatic habitat to breed.

BIO-9—No excavation or ground-disturbing activities will be conducted if 1) it is raining, 2) there is a greater than 70 percent chance of rain based on the National Oceanic and Atmospheric Administration's National Weather Service forecast on any given workday, or 3) a rain event greater than 0.25 inch has occurred within the past 48 hours. Before resuming work following a rain event, the qualified biologist(s) will conduct a new pre-construction survey of the work area for the California tiger salamander.

BIO-10—Before arriving at the project site and before leaving the project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.

BIO-11—If the project requires vegetation removal, the removal should occur outside of the nesting bird season (February 1 to August 31), if possible. If vegetation removal is to take place during the nesting season, a pre-construction nesting bird survey must be conducted within seven days before vegetation removal. Within two weeks of the nesting bird survey, all vegetation cleared during these surveys must be removed.

2.1.5 Cultural Resources

Considering the information included in the Historic Property Survey Report, the Archaeological Survey Report, and the Finding of No Adverse Effect that was approved April-June 2020, the following significance determinations have been made: A Finding of No Adverse Effect without Standard Conditions imposed is appropriate for this project. The Finding of No Adverse Effect was sent to the State Historic Preservation Officer on July 20, 2020. The State Historic Preservation Officer concurred with the Finding of No Adverse Effect on August 12, 2020.

A cultural resource was identified within the boundary of the proposed conservation easement area. This resource is assumed eligible for listing on the National Register of Historic Places and the California Register of Historical Resources. As a result of this assumption of eligibility, the resource

is considered a historic property/historical resource for this project only. No other cultural resources were identified in the conservation easement area.

Because the cultural resource is not within the proposed habitat enhancement area, it would not be impacted by any of the construction activities required to implement the habitat enhancements. As noted in the project description, one of the goals of the conservation easement is to include restrictions and/or conditions that will permanently prohibit land development and alteration or modification to the topography within and next to the recorded resource boundary, in perpetuity, or forever. Therefore, establishing the easement will protect this resource and all the characteristics that qualify it as a historic property/historical resource from all direct and indirect alteration and/or destruction throughout the duration of the easement. While cattle grazing and rangeland activities will continue to occur on the property, these activities have occurred historically through modern times and have not impacted the resource. Therefore, the continuance of these activities is not expected to have any impact on this resource. Because the project will not impact the resource, no avoidance, minimization, and/or mitigation measures are required.

Question—Would the project:	CEQA Significance Determinations for Cultural Resources
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

2.1.6 Energy

Considering the lack of energy resources present in the project area, the following significance determinations have been made: The Wagon Trail Mitigation Site project will have no impact on energy resources and will not conflict with energy efficiency.

Question—Would the project:	CEQA Significance Determinations for Energy
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

2.1.7 Geology and Soils

Considering the information included in the Limited Geotechnical Investigation of April 2020 and the Paleontological Memorandum of June 2020, the following significance determinations have been made: The Wagon Trail Mitigation Site project is feasible from a geotechnical viewpoint.

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: ii) Strong seismic ground shaking?	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) Seismic-related ground failure, including liquefaction?	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	Less Than Significant Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	Less Than Significant Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

Affected Environment

The project area is within the Sierra Nevada Geomorphic Province with the Haupt Creek Fault, an inactive fault, crossing the northeastern portion of the site, about 750 feet west of the proposed pond site. The area also consists of the Mehrten Formation. Thirty-three percent of the southwestern portion of the site is underlain primarily by Paleozoic-aged metavolcanic rock; 66 percent of the northeastern portion of the site is underlain by lahar material (hard volcanic mudflow breccia) in gently rolling, west-draining topography.

Eight exploratory test pits were checked to depths ranging from about 1 to 5 feet with relatively undisturbed and disturbed soil samples obtained from the test pits. Seepage occurred in five of the eight test pits at depths ranging from less than 1 foot to about 3 feet. Infiltration tests were conducted at three locations with the infiltration rates ranging from 0.25 to 1 inch per hour. The test pits and infiltration test holes were backfilled, and laboratory tests on the selected soil samples were conducted to determine relevant geotechnical parameters. Based on the topographic setting, static groundwater beneath the site may be present at a seasonally variable depth on the order of 50 feet or greater.

Environmental Consequences

b) Light-to-moderate excavation efforts with conventional, heavy-duty grading equipment will occur. The ground will likely need to be broken up with a large dozer for excavations that extend into the Mehrten Formation layer, and large excavators or rock trenchers will likely be required for trenching. These activities will have a less than significant impact on soil erosion and the loss of topsoil.

c) Construction of the pond will include building a 6-foot-tall berm on the downslope side of the excavation area to impound the unnamed tributary to Youngs Creek. Since the magnitude of infiltration is excessive, a pond liner or liner material will be used to reduce infiltration. The project will carefully assess if the pond embankment can be made with onsite soil or if import soil will be required. These activities could affect the stability of the soil; however, the potential of a landslide, lateral spreading, subsidence, liquefaction, or collapse is less than significant.

2.1.8 Greenhouse Gas Emissions

Considering the information included in the Climate Change Memorandum dated April 2020, the following significance determinations have been made: While the project will result in greenhouse gas emissions during construction, the project will result in a less than significant increase in operational greenhouse gas emissions.

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant Impact

Affected Environment

The California Air Resources Board sets regional targets for California's 18 Metropolitan Planning Organizations to use in their Regional Transportation Plan/Sustainable Communities Strategy to plan future projects that will cumulatively achieve greenhouse gas reduction goals. Targets are set at a percent reduction of passenger vehicle greenhouse gas emissions per person from 2005 levels. Calaveras County is not a Metropolitan Planning Organization and therefore does not have regional targets established and is not required to produce a Sustainable Communities Strategy under Senate Bill 375. However, the Calaveras County Regional Transportation Plan and the updated General Plan (2019) Transportation and Circulation element and Conservation and Open Space element contain goals and policies related to greenhouse gases in the project area. To date, the county has not implemented a climate action plan. (California Air Resources Board 2019)

The Calaveras Council of Governments Regional Transportation Plan Update 2017 identifies objectives to enhance sensitivity to the environment in all transportation decisions, including:

- Objective 3A: Promote transportation policies and projects that support a sustainable environment, particularly the preservation of open space and agriculture.
- Objective 3B: Promote and design transportation projects that will reduce greenhouse gas emissions and positively contribute to meeting statewide global warming emissions targets set in the Global Warming Solutions Act of 2006. (Assembly Bill 32)

Environmental Consequences

Operational Emissions

a) The purpose of the project is to enhance, restore, and protect California red-legged frog habitat by building a pond, establishing riparian and oak woodland habitat, and conserving about 2,700 linear feet (0.59 acre) of the Youngs Creek tributary within the easement area. The project will not change any roadway and will not increase vehicle capacity. Operation of the project may require one or two vehicle trips annually for site monitoring, which would result in a less than significant increase in operational greenhouse gas emissions.

Construction Emissions

b) Construction greenhouse gas emissions would result from material processing, onsite construction equipment, and traffic delays due to construction. These emissions will be produced at different levels throughout construction phases; their frequency and occurrence can be reduced through innovations in plans and specifications, and by implementing better traffic management during construction phases.

Construction emissions were estimated using the latest Sacramento Metropolitan Air Quality Management District's Road Construction Model (<http://www.airquality.org/Businesses/CEQA-Land-Use-Planning/CEQA-Guidance-Tools>, Version 9.0.0).

Construction-related emissions for the project are shown in Table 2.1. The emissions are based on the best information available at the time of calculations. The emissions represent the peak daily construction emissions that would be generated by project construction.

Table 2.1 Construction Emissions During Construction

Activity and Phase	Carbon Dioxide (Tons Per Phase)
Grubbing and Land Clearing	0.0
Grading and Excavation	2.5
Drainage, Utilities, and Subgrade	31.2
Paving	0.0
Maximum Daily (number of pounds per day)	31.2
Project Total (tons per construction project)	38.0

Construction equipment necessary for the project is expected to include, but would not be limited to, an excavator, a backhoe, large trucks, and hand tools for removing and planting vegetation. Existing dirt roads on the easement would allow access for construction equipment and personnel. Construction is expected to start in 2021 and will require about four months to complete.

The project will adhere to all relevant avoidance and minimization measures from the Caltrans 2018 Standard Specifications and Calaveras County Air Pollution Control District's Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects. All construction contracts include Caltrans Standard Specifications Section 7-1.02A and 7-1.02C, Emissions Reduction, which requires contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all California Air Resources Board emission reduction regulations. Construction contracts also include Caltrans Standard Specifications Section 14-9.02, Air Pollution Control, which requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Equipment idling restrictions and

other common regulations that reduce construction vehicle emissions also help reduce greenhouse gas emissions.

While the project will result in greenhouse gas emissions during construction, the project is not expected to cause an increase in operational greenhouse gas emissions. The project does not conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of greenhouse gases. With the implementation of standard construction greenhouse gas reduction measures, the impact would be less than significant.

Caltrans is firmly committed to implementing measures to help reduce greenhouse gas emissions.

2.1.9 Hazards and Hazardous Materials

Considering the information included in the Hazardous Waste Initial Site Assessment dated March 2020, the following significance determinations have been made: No evidence of recognized environmental conditions or activity and use limitations within the project boundaries were found, except potential serpentine rock. Phase 2 investigations were conducted for naturally occurring asbestos, and the results were negative; no naturally occurring asbestos was detected within the project area. (Naturally Occurring Asbestos Site Investigation Report, April 2020)

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

2.1.10 Hydrology and Water Quality

Considering the information included in the Water Quality Technical Memorandum dated February 2020, the following significance determinations have been made: Two jurisdictional water features were found within the project area, including Youngs Creek tributary and one wetland feature.

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation onsite or offsite;	No Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	No Impact

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
(iv) impede or redirect flood flows?	Less Than Significant Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

Affected Environment

A single jurisdictional stream channel identified as the Youngs Creek tributary was seen within the proposed conservation area. An existing creek crossing will allow construction equipment and personnel to access both sides of the Youngs Creek tributary without impacting the water feature.

No other permanent or temporary impacts to jurisdictional waters are expected. One seasonal wetland is present in the eastern portion of the project area. On November 12, 2019, a wetland delineation, consistent with the U.S. Army Corps of Engineer's *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*, was completed using the Environmental Service Research Institute Collector and a Trimble R1 Global Navigation Satellite System Receiver. Vegetation within the wetland includes curly dock (*Rumex crispus*), black medick (*Medicago lupulina*), and bermuda grass (*Cynodon dactylon*). However, this habitat type has been continuously disturbed by cattle grazing. The seasonal wetland is about 0.01 acre in size.

Environmental Consequences

a) A small portion of the Youngs Creek tributary will be changed to support the purpose of the project. Effects to this stream channel include the conversion of about 476 linear feet, or 0.09 acre, of the Youngs Creek tributary to pond habitat. The hydrological connection of the Youngs Creek tributary will remain intact. No impacts to the seasonal wetland are expected. Construction activities and associated equipment will temporarily affect surface water; however, the impacts will be less than significant, and the Best Management Practices below will be implemented.

c, iv) The project would involve building a permanent berm within the stream channel to impound a small section of the Youngs Creek tributary. The project is not expected to cause long-term water quality impacts within the Youngs

Creek tributary. Construction activities will occur during the dry season, which will result in impacts being less than significant.

Avoidance, Minimization, and/or Mitigation Measures

Temporary and permanent impacts to jurisdictional waters will be avoided through the implementation of Best Management Practices listed below and in Section 1.6 of this document.

WQ-1—Equipment will be checked daily for leaks and will be well maintained to prevent lubricants and other harmful materials from entering aquatic resources. Before operating equipment near aquatic resources, all such equipment will be free of external petroleum products, hydraulic fluids, and coolants. Wash water will not be discharged to any water body without pretreatment, and all wash activities will take place outside of the floodplain.

WQ-2—The project would adhere to all measures listed in permits obtained from all required regulatory agencies.

WQ-3—Based on the initial project design, ground disturbance will be under 1 acre. As a result, a Water Pollution Control Plan will be developed and implemented to ensure stormwater is properly handled during construction.

2.1.11 Land Use and Planning

Considering the project does not conflict with any plans or policies adopted to avoid an environmental effect and is consistent with the land use designations within the Calaveras County General Plan (2019), the following significance determinations have been made: No impact will physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect.

Question—Would the project:	CEQA Significance Determinations for Land Use and Planning
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

2.1.12 Mineral Resources

Considering the information included in the Calaveras County General Plan (2019), which states there are no lands designated as mineral areas of regional or statewide significance, per the State Mining and Geology Board, as of 2013, the following significance determinations have been made: There

would be no adverse impacts on the availability of a known mineral resource or a locally important mineral resource recovery site.

Question—Would the project:	CEQA Significance Determinations for Mineral Resources
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact

2.1.13 Noise

Considering the information included in the Noise Quality Technical Memorandum dated February 2020, the following significance determinations have been made: No adverse noise impacts from construction are expected because construction would be conducted per Caltrans Standard Specifications Section 14-8.02 and with local noise policies. Construction noise would be short-term and intermittent. Construction is expected to be completed within four months.

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

2.1.14 Population and Housing

Considering the scope and location of the project, the following significance determinations have been made: The Wagon Trail Mitigation Site project will have no impact on population growth or housing in the area.

Question—Would the project:	CEQA Significance Determinations for Population and Housing
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

2.1.15 Public Services

Considering the rural setting of the project area, the following significance determinations have been made: The Wagon Trail Mitigation Site project will not impact the public services listed below.

Question:	CEQA Significance Determinations for Public Services
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?	No Impact
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

2.1.16 Recreation

The Wagon Trail Mitigation Site project does not affect any parks or recreational facilities. Considering the rural setting of the project area, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Recreation
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

2.1.17 Transportation

The Wagon Trail Mitigation Site project will have no effect on the transportation infrastructure or traffic in the project vicinity. Considering the rural setting of the project area and the fact that the project will not affect any roadway or transportation facility, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Conflict or be inconsistent with California Environmental Quality Act Guidelines Section 15064.3, subdivision (b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

2.1.18 Tribal Cultural Resources

Considering the information included in the Sacred Lands File, the Central California Information Center, the National Register of Historic Places, and the California Register of Historical Resources, the following significance determinations have been made: No impacts to tribal cultural resources will occur. A letter was mailed to the Native American Heritage Commission requesting a search of the Sacred Lands File. The Native American Heritage Commission responded, stating that a search of the Sacred Lands File returned negative results for the presence of known Native American cultural resources. Tribal government consultation letters were also mailed to tribes geographically associated with the project area, pursuant to Assembly Bill 52,

to gather information about potential tribal cultural resources that may be impacted by the project. A field survey and a search of files on record at the Central California Information Center were also conducted to identify any previously unknown cultural resources.

The following paragraph has been revised since circulation of the draft environmental document.

A cultural resource was identified and recorded within the project area. The resource is not within the area of the proposed habitat enhancements. This resource is assumed eligible for listing in the National Register of Historic Places and the California Register of Historical Resources. As a result of this assumption of eligibility, the resource is considered a tribal cultural resource for this project only. No other cultural resources were identified within the conservation easement area. The resource is not within the proposed habitat enhancement area and would therefore not be impacted by any of the construction required to implement the habitat enhancements. As noted in the project description, one of the goals of the conservation easement will be to include restrictions and/or conditions that will permanently prohibit land development and alteration or modification to the topography within and next to the recorded resource boundary. Therefore, establishing the easement will protect this resource—and all the characteristics that qualify it as a historic property/historical resource—from all direct and indirect alteration and/or destruction throughout the duration of the easement. While cattle grazing and rangeland activities will continue to occur on the property, these activities have occurred historically through modern times and have not impacted the resource. Therefore, the continuance of these activities is not expected to have any impact on this resource.

The Native American cultural resource and the proposed habitat enhancement activities and conservation easement were discussed with all interested tribes. The tribes agree that the project will not result in the alteration or destruction of the resource. Therefore, no impacts on tribal cultural resources were identified, and no avoidance, minimization, and/or mitigation measures are required.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

2.1.19 Utilities and Service Systems

The Wagon Trail Mitigation Site project will not impact utilities and service systems. Considering the rural setting of the project area and that the project will not affect any public utilities or service systems, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

2.1.20 Wildfire

The Wagon Trail Mitigation Site project is in a state responsibility area classified as a moderate fire hazard severity zone.

The project will have no impact on state responsibility areas classified as a very high fire hazard severity zone. Considering that the project is not in a state responsibility area classified as a moderate fire hazard severity zone, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Wildfire
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Less Than Significant with Mitigation Incorporated

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No Impact

a) As discussed in Section 2.1.4 Biological Resources, project construction may cause impacts to special-status species. With the inclusion of pre-construction avoidance surveys, construction timing windows, and worker environmental awareness training included in measures BIO-6 through BIO-9, these potentially significant impacts will be reduced to less than significant levels.

Affected Environment

As discussed in Section 2.1.4 Biological Resources, the Wagon Trail Mitigation Site project sits along Gillam Road in an unincorporated area of Calaveras County. The project area is roughly 41 acres on a privately owned parcel on the Rana Ranch property and will be placed under a conservation easement. The project area includes five habitats—annual grassland, riparian corridor, urban, Youngs Creek tributary, and a seasonal wetland. The Youngs Creek tributary and the seasonal wetland are jurisdictional waters. Four special-status species have been identified to have a low-to-moderate potential to occur within the area: western bumble bee, Crotch’s bumble bee, Swainson’s hawk, and California tiger salamander. All four special-status species live in grassland habitats; the Swainson’s hawk uses the habitat for foraging purposes. The Biological Study Area does not include suitable aquatic habitat to support listed fish or Essential Fish Habitat.

Environmental Consequences

As discussed in Section 2.1.4 Biological Resources, preliminary surveys following the protocol established for the rusty patched bumble bee did not identify the western bumble bee or Crotch’s bumble bee as being present in the project area. Both candidate species of bumble bee are presumed absent from the project area, and consultation with the California Department of Fish and Wildlife under Section 2081 of the Fish and Game Code will not be required.

Despite having suitable habitat present within the project area, the Swainson’s hawk, a state-threatened species, has a low-to-moderate

potential to occur within the project area considering no species or nests were seen during biological surveys.

The California tiger salamander was initially presumed absent from the project area. However, due to the recent occurrence 1.4 miles north of the project area in December 2019, the species cannot be ruled out. Mitigation measures BIO-6 through BIO-11 will be implemented to reduce impacts on species identified as a candidate, sensitive, or special-status species to less than significant.

Project impacts include the modification of about 476 linear feet, or 0.09 acre, of the Youngs Creek tributary that will be converted into pond habitat. The hydrological connection of the Youngs Creek tributary will remain intact. An existing creek crossing will allow construction equipment and personnel to access both sides of the creek without impacting the water feature. No other permanent or temporary impacts to jurisdictional waters are expected. Proposed pond creation will increase habitat values associated with the Youngs Creek tributary and will not result in significant impacts to this resource.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will be incorporated to ensure compliance with Best Management Practices and to avoid, minimize, or mitigate impacts.

BIO-1—Before the start of construction within the project limits, seasonal wetland habitat must be marked with environmentally sensitive area high visibility orange fencing in areas that are proposed to be avoided.

BIO-2—Before the start of construction, the project biologist will conduct environmental awareness training for all construction personnel to brief them on general water quality compliance, project limit boundaries, and any special-status species that have the potential to occur onsite. All personnel will be required to sign a form stating attendance of the environmental awareness training.

BIO-3—Contract specifications will include the following Best Management Practices, where applicable:

- The project specifications will require the contractor to operate under an approved spill prevention and cleanup plan;
- Oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and,
- Any debris from construction must be taken to an approved disposal site.

The following measure has been revised since circulation of the draft environmental document.

BIO-4—Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants shall be a minimum of 100 feet from wetland habitat and the ephemeral creek. Any necessary equipment washing shall occur where the water cannot flow into the wetland or ephemeral creek. A spill prevention and cleanup plan will be prepared for the project.

BIO-5—Construction equipment shall not drive through the Youngs Creek tributary except where needed for habitat enhancements to occur. An existing culvert crossing about 670 linear feet downstream from the proposed pond will allow access for construction equipment.

BIO-6—A minimum 100-foot no-disturbance buffer for songbirds and a 500-foot buffer for raptors must be established around any active nests. The contractor must immediately stop work in the nesting area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. If required, a reduced buffer may be used if approved by the California Department of Fish and Wildlife on a case-by-case basis.

BIO-7—A qualified biologist(s) will conduct a visual encounter pre-construction survey of the habitat enhancement area for California tiger salamanders no more than 14 days before the start of groundbreaking or other general construction activities that could affect the species. The survey will pay attention to detecting any burrows that could be used as refugia by California tiger salamanders, as well as any potential depressions that may become inundated. If burrows are discovered, they will be flagged or otherwise marked and avoided by at least 50 feet. If the burrows cannot be avoided, Caltrans will contact the U.S. Fish and Wildlife Service to discuss additional measures that may be needed, such as using a scope to see inside the burrows.

BIO-8—Excavation of the new pond will be scheduled to occur within the dry season (about June 1 to October 31) when the California tiger salamander is more likely to be underground and not actively dispersing to and from aquatic habitat to breed.

BIO-9—No excavation or ground-disturbing activities will be conducted if 1) it is raining, 2) there is a greater than 70 percent chance of rain based on the National Oceanic and Atmospheric Administration's National Weather Service forecast on any given workday, or 3) a rain event greater than 0.25 inch has occurred within the past 48 hours. Before resuming work following a rain event, the qualified biologist(s) will conduct a new pre-construction survey of the work area for the California tiger salamander.

BIO-10—Before arriving at the project site and before leaving the project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.

BIO-11—If the project requires vegetation removal, the removal should occur outside of the nesting bird season (February 1 to August 31), if possible. If vegetation removal is to take place during the nesting season, a pre-construction nesting bird survey must be conducted within seven days before vegetation removal. Within two weeks of the nesting bird survey, all vegetation cleared during these surveys must be removed.

Appendix A Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

November 2019

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page:
<https://dot.ca.gov/programs/business-and-economic-opportunity/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

A blue ink signature of Toks Omishakin, consisting of a stylized 'T' followed by a series of loops and a horizontal line.

Toks Omishakin
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix B Comment Letters and Responses

The Initial Study with Proposed Mitigated Negative Declaration was circulated for public review and comment from September 29, 2020 to October 30, 2020. An electronic copy of the document was posted on the Calaveras County Public Works Department website, and printed copies were made available upon request.

A public notice was published in the October 1, 2020 issue of the Calaveras Enterprise, notifying the public of the document's availability for review and public comment. Also, informational flyers with the same content as the public notice were sent to relevant public officials and individuals who own property next to the project area or along Gillam Road. The opportunity for a public hearing was provided in the public notice and informational flyers; no such requests were received from the public.

This appendix contains the comments received during the public circulation and comment period, retyped for readability. Comments are shown verbatim as received, so they may contain grammatical errors, abbreviations, acronyms and symbols. A Caltrans response follows each comment presented. Copies of the original comment letters and documents can be found in Volume 2 of this document.

Two comment letters were received during the public circulation period for the document: one from the Central Valley Regional Water Quality Control Board and the other from the California Department of Fish and Wildlife. These comment letters and a Caltrans' response to each letter are included in this appendix.

In addition, printed copies of the draft document were requested by two members of the public—Carol Gates and Hurst Jackson—during the public circulation period. Copies of the document were sent to them via the U.S. Postal Service, and their contact information was added to the project mailing list. No comments were received from these individuals.

Comment from the Central Valley Regional Water Quality Control Board

Comment 1:

COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, WAGON TRAIL MITIGATION SITE PROJECT, SCH#2015092066, CALAVERAS COUNTY

Pursuant to the State Clearinghouse's 30 September 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Wagon Trail Mitigation Site Project, located in Calaveras County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 Code of Federal Regulations Section 131.36, and the California Toxics Rule, 40 Code of Federal Regulations Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law and in some cases, the United States Environmental Protection Agency. Basin Plan amendments only become effective after they have been approved by the Office of Administrative Law and in some cases, the United States Environmental Protection Agency. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and

evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ.

Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan. For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers. If a Section 404 permit is required by the United States Army Corps of Engineers, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of United States Army Corps of Engineers at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If a United States Army Corps of Engineers permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If United States Army Corps of Engineers determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website

at:

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acres or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General

Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Nicholas White

Water Resource Control Engineer

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Response to comment 1: Caltrans and Calaveras County thank the Central Valley Regional Water Quality Control Board for its comment letter and the information provided. As indicated in Section 1.8 Permits and Approvals Needed, the following will be required:

- A Section 401 Water Quality Certification, Section 404 Nationwide Permit Authorization, and a National Pollutant Discharge Elimination System Construction General Permit or Water Pollution Control Plan.

Comment from the California Department of Fish and Wildlife

Comment 1:

The California Department of Fish and Wildlife appreciates the opportunity to comment on the proposed draft Mitigated Negative Declaration for the Wagon Trail Mitigation Project. The California Department of Fish and Wildlife is responding to the draft Mitigated Negative Declaration as a Trustee Agency for fish and wildlife resources (Fish and Game Code, sections 711.7 and 1802, and California Environmental Quality Act Guidelines, section 15386), and as a Responsible Agency regarding any discretionary actions (California Environmental Quality Act Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 et seq.) and/or a California Endangered Species Act Permit for incidental take of Endangered, Threatened, and/or Candidate species. (California Fish and Game Code Sections 2080 and 2080.1)

This project consists of the construction of a 0.5-acre pond on a unnamed tributary to Young's Creek in Calaveras County. This project is part of the mitigation proposal for the State Route 4 Wagon Trail Realignment Project. Approximately 0.7 acres of wetland and riparian vegetation will be installed surrounding the pond as well as 500 linear feet downstream that would establish a riparian corridor along the tributary. In addition, approximately 10.5 acres of oak woodland will be installed surrounding the pond and riparian areas. The entire Project area (41 acres) will have a conservation easement placed over it to protect it.

The California Department of Fish and Wildlife recommends the following items be addressed in the California Environmental Quality Act document:

1. Page 13 Himalayan Blackberry Removal

The California Department of Fish and Wildlife recommends that Caltrans confirms if the Himalayan blackberries will be removed. The California Department of Fish and Wildlife has written correspondence with Project contractors that states that the blackberries will not be removed. The reasoning provided was that these clumps of blackberries provide valuable cover and foraging habitat for songbirds as well as pollinating insects (State-listed bumble bees) in an otherwise sparse annual grassland.

2. Page 14 BIO-6

Due to potential for nesting birds in the Project area, The California Department of Fish and Wildlife recommends that a Bird Management and Monitoring Plan (Plan) measure be included in the Mitigated Negative Declaration. The Plan measure should include requirements related to survey results and the implementation of appropriate avoidance measures such as, but not limited to, temporary no-disturbance buffers, sound walls, visual

barriers, and/or changes in Project phasing to protect the nest and the birds. The Plan design should be based upon site conditions, Project activities, and species present or likely to be present during all construction activities. The California Department of Fish and Wildlife also recommends that a Qualified Biologist conduct a preconstruction nesting survey prior to the initiation of project activities to confirm the absence of nesting birds in and around the Project area.

3. Pages 25 **Biological Resources – Affected Environment**

Inferences from Incomplete Data. Please note the California Natural Diversity Database and eBird are only positive occurrence databases that are maintained through voluntary reporting. Therefore, extrapolation of California Natural Diversity Database and eBird data to make conclusions regarding sensitive habitat types, species' distribution, numbers or density is likely not correct representation. Conclusions regarding the extent of a species' potentially present should only be made if supported by current and comprehensive survey information. Where field surveys have been completed, the Mitigated Negative Declaration should specify the protocols used and dates when surveys were completed.

4. Pages 16-17 **Standard Measures and Best Management Practices**

Included in All Alternatives - BIO

The California Department of Fish and Wildlife recommends conducting additional preconstruction surveys. Additional special-status species that may not have been detected in previous focused surveys have the potential to be on-site. If suitable habitat is present, wildlife and plant species can move into the project area at any time.

Due to suitable habitat (Himalayan blackberry clumps) within the Project site, within one year prior to vegetation removal and/or grading, The California Department of Fish and Wildlife recommends that a qualified entomologist familiar with the species behavior and life history should conduct surveys to determine the presence/absence of Crotch's bumble bee (*Bombus crotchii*) and the Western bumble bee (*Bombus occidentalis*). The survey should be conducted as close to the flying season as possible when the species is most likely to be detected above ground, between March 1 to September 1. Survey results including negative findings should be submitted to The California Department of Fish and Wildlife prior to initiation of Project activities. If Project activities have the potential to cause take to these species during construction or through operations and maintenance over the life of the Project, a California Endangered Species Act Incidental Take Permit may be obtained to provide coverage in the event that take occurs (pursuant to Fish & Game Code, section 2080 et seq.). The California Department of Fish and Wildlife also recommends that a Qualified Biologist conducts preconstruction protocol

level surveys for rare plants and California red legged frog. The California Department of Fish and Wildlife also recommends that a biological monitor is present during Project activities due to the potential presence of special-status species (ex. California tiger salamander) within the vicinity of the Project.

Please note that when acting as a responsible agency, California Environmental Quality Act guidelines section 15096, subdivision (f) requires The California Department of Fish and Wildlife to consider the California Environmental Quality Act environmental document prepared by the lead agency prior to reaching a decision on the project. Addressing The California Department of Fish and Wildlife's comments and disclosing potential Project impacts on California Endangered Species Act-listed species and any river, lake, or stream, and provide adequate avoidance, minimization, mitigation, monitoring and reporting measures; will assist The California Department of Fish and Wildlife with the consideration of the Mitigated Negative Declaration.

Thanks.

Harvey Tran

Environmental Scientist

California Department of Fish and Wildlife

Region 2 - North Central Region

Habitat Conservation Program

(916) 358-4035

Response to comment 1: Caltrans and Calaveras County thank the California Department of Fish and Wildlife for its comment letter and the information provided within. Responses to individual comments within the letter are included below.

1. The Himalayan blackberry will not be removed as part of the project because this vegetation provides habitat for native species. The language in the document, under Section 1.3, Project Description, has been updated to reflect this decision.
2. Measure BIO-6 within the document will be implemented to avoid impacts to nesting bird species. Additional measures to protect nesting birds may be added in the 1600 Streambed Alteration Agreement (Notification Number 1600-2020-0123-R2) by the California Department of Fish and Wildlife. Ongoing coordination will occur with the California Department of Fish and Wildlife through the Section 1600 permitting process. No changes were made to the document.

3. A holistic approach was taken to determine the potential for special-status species to be present near or within the project area. Current site conditions were compared to specific habitat requirements for each species in conjunction with an assessment of the species' current range (ascertained from species occurrence databases). All these factors were considered when determining species potential. Databases, such as the California Natural Diversity Database and eBird, were used as a secondary tool to determine if the species have been sighted in the general vicinity of the project area. It is understood that these databases are not always accurate or reliable for determining species presence. Based on recent survey results of the existing site conditions, four special-status species—Swainson's hawk (*Buteo swainsoni*), western bumble bee (*Bombus occidentalis*), Crotch's bumble bee (*Bombus crotchii*), and California tiger salamander (*Ambystoma californiense*)—were determined to have the potential of occurring within the project vicinity based on the presence of suitable habitat. No changes were made to the document.
4. Requirements for additional pre-construction surveys for special-status bumble bee species, plant species, California red-legged frogs, and biological monitoring for California tiger salamanders were included in the draft Streambed Alteration Agreement (Notification Number 1600-2020-0123-R2) prepared for the project. To maintain consistency, these additional survey requirements from the California Department of Fish and Wildlife will be addressed during the Streambed Alteration Agreement process. Coordination with the California Department of Fish and Wildlife will continue to finalize the Streambed Alteration Agreement.

List of Technical Studies Bound Separately (Volume 2)

The technical studies, reports, and documents listed below are included in Volume 2 of the Wagon Trail Mitigation Site Initial Study.

- Scenic Resource Evaluation
- Air Quality Technical Memorandum
- Natural Environment Study (Minimal Impact)
- Historic Property Survey Report—Finding of No Adverse Effect
- Limited Geotechnical Investigation
- Climate Change Memorandum
- Hazardous Waste Initial Site Assessment
- Naturally Occurring Asbestos Site Investigation Report
- Water Quality Technical Memorandum
- Noise Quality Technical Memorandum
- Paleontology Memorandum

To obtain a copy of one or more of these technical studies/reports or the Initial Study, please send your request to:

Jennifer Lugo, Branch Chief

Central Region Environmental, California Department of Transportation

855 M Street, Suite 200, Fresno, California 93721

Or send your request via email to: jennifer.lugo@dot.ca.gov

Or call: 559-779-6612

Please provide the following information in your request:

Project title: Wagon Trail Mitigation Site Project

General location information: Wagon Trail Mitigation Site project along Gillam Road in an unincorporated area of Calaveras County, about 0.80 mile west of State Route 26 and about 0.60 mile north of State Route 12.

District number-county code-route-post mile: District 10-CAL

Project ID number: 1000000025

Expenditure Authorization number: 10-0E5300

State Clearinghouse Number: 2015092066