

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

<b>RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARING HOUSE NO. 2021040495), APPROVING A MITIGATION MONITORING PLAN, AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT &amp; STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVING GRADING PERMIT PWGR20-0020 FOR THE SR 20/KIBBE ROAD INTERSECTION PROJECT</b>	) ) ) ) ) ) ) ) ) )	<b>RESOLUTION NO. <u>2022-152</u></b>
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**WHEREAS**, Teichert Aggregates, Inc. (Teichert), has filed an application for a Grading Permit (PWGR20-0020); a request to construct a private haul road to connect the Teichert Hallwood mine directly to State Route (SR) 20. The project site is located south of the intersection of SR 20 and Kibbe Road (APN: 006-100-137) east of the community of Hallwood; and

**WHEREAS**, the County of Yuba is lead agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*, hereinafter, CEQA) for approval of the Project; and

**WHEREAS**, the County of Yuba determined that the project would require certification of an Environmental Impact Report (EIR) pursuant to CEQA for approval of the Project; and

**WHEREAS**, a Notice of Preparation for the Draft Environmental Impact Report (Draft EIR) was released for Trustee and Responsible Agencies and interested parties requesting comments on the Project on April 21, 2021, with the comment period ending on May 20, 2021, and a duly noticed scoping meeting was held through an online Zoom teleconference on May 12, 2021, to solicit comments on the appropriate scope and content of the Draft EIR; and

**WHEREAS**, the Draft EIR was completed on December 3, 2021, and a Notice of Completion was filed with the State Clearinghouse and a Notice of Availability of the Draft EIR was released for Trustee and Responsible Agencies and interested parties for review and comment on the Draft EIR on December 3, 2021, with a 55-day comment period ending on January 26, 2022; and

**WHEREAS**, a duly noticed Public Hearing to receive comments on the Draft EIR was held before the County of Yuba County Planning Commission on January 19, 2022; and

**WHEREAS**, the Planning Department of the Yuba County Community Development and Services Agency caused to be prepared a Final Environmental Impact Report (Final EIR), including responses to comments received on the Draft EIR and distributed to all those who commented on the Draft EIR; and

**WHEREAS**, a duly noticed Public Hearing was provided before the Yuba County Board of Supervisors with the intent to certify the Final EIR and approve PWGR20-0020 at said hearing; and

**WHEREAS**, the documents and other materials constituting the administrative record of the proceedings upon which the Board of Supervisors decision is based are located at the Yuba County Government Center offices at 915 8<sup>th</sup> Street, Marysville, CA 95901, and that the custodian of the records is the Yuba County Planning Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba as follows:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors certifies that the Final EIR reflects the independent judgment and analysis of the County.
3. The Board of Supervisors certifies that it has reviewed and considered the information contained in the Final EIR.
4. The Board of Supervisors finds that the EIR has identified all potentially significant impacts associated with the project, all of which were mitigated to a level which has been determined to be acceptable to the County.
5. The Board of Supervisors certifies that the Final EIR has been prepared as required by CEQA and is adequate.
6. The Board of Supervisors has not been presented with evidence which would require recirculation of the EIR, or a portion thereof.
7. The Board of Supervisors hereby adopts the CEQA Findings of Fact and Statement of Overriding Considerations set forth in **EXHIBIT 1** attached hereto and incorporated herein.
8. The Board of Supervisors hereby approves and adopts the Mitigation Monitoring and Reporting Plan, which is attached hereto as **EXHIBIT 2** and incorporated by reference herein

**STATE ROUTE 20/KIBBE ROAD  
INTERSECTION PROJECT  
CEQA FINDINGS OF FACT**

**I. INTRODUCTION**

These Findings of Fact (“Findings”) have been prepared to comply with requirements of the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, Section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, Section 15000 et seq.).

**II. DEFINITIONS**

“Applicant” means Teichert, Inc.

“Board” means the Board of Supervisors of the County of Yuba.

“Caltrans” means the State of California, Department of Transportation.

“CEQA” means the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*)

“Community Development” means the Yuba County Community Development and Services Agency.

“County” means County of Yuba.

“DEIR” or “Draft EIR” means the Draft EIR for the proposed SR 20/Kibbe Road Intersection Project (December 2021).

“Director” means the Director of the Yuba County Community Development and Services Agency.

“EIR” means environmental impact report.

“FEIR” or “Final EIR” means the Final EIR for the proposed SR 20/Kibbe Road Intersection Project (March 2022).

“General Plan” means the Yuba County General Plan, as adopted on June 7, 2011, with subsequent amendments.

“MMRP” means the Mitigation Monitoring and Reporting Program for the Project.

“NOP” means notice of preparation.

“Planning Commission” means the Yuba County Planning Commission.

“Planning Department” means the Yuba County Community Development and Services Agency, Planning Department.

“Project” means the proposed SR 20/Kibbe Road Intersection Project.

“Public Works Department” means the Yuba County Community Development and Services Agency, Public Works Department.

“SMARA” means the Surface Mining and Reclamation Act of 1975, as codified in Public Resources Code § 2710 *et seq.*, and subsequent amendments thereto.

“State CEQA Guidelines” means the California Environmental Quality Act Guidelines adopted by the State of California Resources Agency, as codified in the California Code of Regulations, title 14, §§ 15000 *et seq.*

“Teichert” means Teichert, Inc., the Project Applicant.

“Zoning Ordinance” means the Yuba County Zoning Ordinance, including all amendments thereto.

### **III. BACKGROUND AND PROJECT HISTORY**

Teichert Aggregates (Teichert) owns and operates the Hallwood mine, an existing 720-acre mining and processing facility that has been operating since the 1950s. Teichert's Hallwood mine is currently accessed through Hallwood Boulevard and Walnut Avenue. The neighborhood surrounding the existing haul route has been slowly transitioning from agricultural uses to rural residential uses. Teichert has proposed the project as an effort to alleviate the Hallwood mine's traffic impacts on the Hallwood Boulevard and Walnut Avenue neighborhoods. The proposed project would include the construction of a private haul road to connect the Teichert Aggregates' Hallwood mine directly to State Route (SR) 20, at the existing intersection of SR 20 and Kibbe Road. The proposed project would also include the addition of a left-turn pocket for westbound SR 20 traffic and the installation of 12-foot shoulders on both sides of SR 20 to the west of the proposed intersection. (DEIR, pp. 1-1, 1-2.)

In 2003, Teichert partially constructed the private haul road portion of the project pursuant to a ministerial grading permit issued by Yuba County. Although the private haul road was constructed as a ministerial project, the proposed improvements at the SR 20/Kibbe Road intersection required additional County and Caltrans approvals. Therefore, in December 2003, an Initial Study/Mitigated Negative Declaration was prepared and circulated for public review on the proposed intersection improvements. The Initial Study/Mitigated Negative Declaration received public comments, to which responses were prepared by the Yuba County Community Development and Services Agency. Based upon the issues raised on the project, including whether the existing private roadway construction was addressed, the County determined that an

Environmental Impact Report (EIR) shall be prepared in order to ensure full public disclosure of the potential environmental effects of both the previously constructed private haul road and the proposed intersection improvements. (DEIR, p. 1-2.)

An EIR was prepared for the proposed project and certified by Yuba County in 2006. However, the project was subject to litigation that ultimately resulted in the Yuba County Superior Court invalidating the EIR for the project based on several identified legal deficiencies, such as failing to adequately analyze drainage easement impacts, single event traffic noise (including Jake Brake usage), and an alternative alignment along the Cordua Canal. Teichert has resubmitted an application for the proposed project with the intent to prepare this EIR to address the deficiencies in the 2006 EIR identified by the Court, and to update the environmental analysis based on current environmental conditions. (DEIR, p. 1-2.)

On April 21, 2021, the County issued a notice of preparation (NOP) of an EIR for the Project. The NOP was circulated for a 30-day public comment period that ended May 20, 2021. In addition, a public scoping meeting was held on May 12, 2021, at 6 p.m., for the purpose of receiving public comments regarding the scope of the EIR. (DEIR, pp. 1-5, 1-6.)

On December 3, 2021, the County released the Draft EIR (DEIR) for the Project for public review. The Draft EIR was circulated for a 55-day public review period that ended on January 26, 2022. In addition, the Planning Commission held a public hearing on January 19, 2022, for the purpose of receiving public comments on the DEIR. (FEIR, pp. 1-1, 1-2.)

On March 8, 2022, the County published the Final EIR (FEIR) for the project.

On April <sup>26</sup>~~12~~, 2022, the Board of Supervisors held a public hearing for the EIR and the Project. At the end of that meeting, the Board certified the FEIR, adopted these Findings, and approved the grading permit for the Project.

#### **IV. PROJECT DESCRIPTION**

##### **Project Location.**

The project site consists of approximately 10 acres and is located at the intersection of SR 20 and Kibbe Road, approximately three miles northeast of the City of Marysville, within Yuba County. The project site extends north from the 720-acre mining and processing facility of Hallwood mine towards SR 20 through a connection to a previously constructed portion of a private haul road. Existing land uses in the vicinity of the site include agricultural, industrial (aggregate mining and associated uses), and rural residential uses. Kibbe Road is an east-to-west and north-to-south two-lane County road that connects to SR 20. The proposed project would require right-of-way acquisition from portions of approximately 13 parcels. (DEIR, p. 3-2.)

## **Project Setting**

Currently, Kibbe Road north of SR 20 is a paved roadway, and the segment to be realigned includes driveway access for homes located on the eastern side. Kibbe Road south of SR 20 is currently an unpaved private roadway and provides driveway access to three homes on the east side of the roadway. Kibbe Road south of SR 20 terminates after the southernmost residence. (DEIR, p. 3-2.)

The northwest and southwest portions of the project site are currently in use as grazing/pasture land, while rural residential uses are located in the northeastern and southeastern quadrants of the existing SR 20/Kibbe Road intersection. Several rural residences exist northeast of Kibbe Road/SR 20 intersection, and three residences exist southeast of Kibbe Road/SR 20 intersection. The haul road proposed as part of the project would connect to the previously constructed portion of a private haul road which extends north from the Hallwood mine towards SR 20, and is located to the west of the residences that exist in the southeast quadrant of the intersection. The northernmost and the southernmost residences are owned by Teichert, and the southernmost residence is currently vacant. In addition, unmarked bus loading areas are provided in the northeast and southwest corners of the SR 20/Kibbe Road intersection which service four schools in the Marysville Joint Unified School District (MJUSD). (DEIR, p. 3-3.)

The previously constructed portion of the proposed haul road alignment crosses three existing canals. The Cordua Canal is owned and operated by the Cordua Irrigation District, while the Stahl Ditch and an unnamed irrigation ditch are owned and operated by the Hallwood Irrigation District. Culverts were installed at each of these canal crossings with the permission of the Cordua and Hallwood irrigation districts as part of the construction of the existing portion of the private haul road in 2003. (DEIR, p. 3-3.)

## **Project Characteristics**

The proposed project consists of the completion of a previously constructed private haul road and improvements to the intersection of SR 20 and Kibbe Road. The purpose of such improvements would be to provide a new haul route for Teichert's existing Hallwood mine to alleviate existing traffic-related impacts on rural residences in the Hallwood Boulevard and Walnut Avenue neighborhoods. (DEIR, p. 3-4.)

The development of the proposed project would include the relocation of the SR 20/Kibbe Road intersection, as well as construction of associated intersection improvements for the purpose of connecting the intersection to the existing private haul road. The private haul road is approximately 3,250 feet in length measured from the northern property line of the Hallwood mine to the SR 20 right-of-way. The previously completed section of the private haul road ends approximately 50 feet south of SR 20. The proposed project would also include the westerly realignment of approximately 600 feet of Kibbe Road, north of SR 20, to connect with the relocated intersection and

account for the distance that would be created between the existing roadway and the proposed intersection. Without realignment, Kibbe Road north would be located east of the proposed intersection, and the location of the existing roadway could create traffic hazards at the proposed intersection. Driveway access would be constructed to connect existing homes north of SR 20 with the realigned segment of Kibbe Road. The segment of Kibbe Road which is being replaced north of SR 20 would be decommissioned and removed. The proposed roadway and intersection improvements would include a left-turn pocket for westbound SR 20 traffic, the installation of 12-foot shoulders on both sides of SR 20 to the west of the proposed intersection, and additional improvements to SR 20 as determined by Caltrans. (DEIR, p. 3-6.)

Teichert anticipates the installation of a traffic signal, following approval by Caltrans. Nonetheless, for the purposes of the analysis included in the EIR, three different intersection control options: a stop sign, a traffic signal, and a roundabout were considered and evaluated. However, the analysis will draw conclusions based on the most impactful intersection control option. As such, analysis of the proposed project considered the worst-case scenario traffic control option for the environmental factors that would potentially be affected. (DEIR, p. 3-6.)

After completion of the proposed intersection improvements, the existing truck traffic to and from the Hallwood mine would be relocated to the new haul road and would access SR 20 through the realigned Kibbe Road intersection. The existing access on Walnut Road would then be used for employee and vendor access only. (DEIR, p. 3-6.)

The proposed project would require a grading permit and an encroachment permit from Yuba County, and an encroachment permit from Caltrans. Contingent upon the approval of the encroachment permit and associated improvement plans, the County and Caltrans would require additional right-of-way acquisition. (DEIR, p. 3-6.)

Construction is estimated to begin in 2022, and would last approximately one to two months.

Construction activities would include grading/excavation, drainage/utilities/sub-grade installation, and paving. During construction of the proposed project, various types of equipment and vehicles would be used including, but not limited to: excavators, backhoes, pavers, rollers, and scrapers. Approximately 12,400 cubic yards of soil would be exported as part of the proposed project. Additionally, the proposed project would use 17,760 tons of aggregate base and 6,000 tons of hot mix asphalt (HMA) paving during project construction. Project construction would also include the installation of 1,876 linear feet of 18-inch to 24-inch underground storm drain culverts. Installation would include trenching, grading, laying, shading, and backfilling the storm drain culverts. (DEIR, p. 3-6.)

### **Project Objectives**

Teichert has provided the following objectives for the Project:

- 1) Minimize, to the extent feasible, Teichert-generated truck traffic and its associated effects on the neighborhoods along Hallwood Boulevard and Walnut Avenue.
- 2) Identify the shortest possible route from Teichert's on-site scalehouse to SR 20.
- 3) Acquire property from willing property owners.
- 4) Facilitate the ongoing operation of the Hallwood mining facility.
- 5) Minimize, to the extent feasible, impacts to the natural environment, including riparian habitat and the Yuba River.

(DEIR, p. 3-4.)

### **Required Public Approvals**

Implementation of the proposed project would require the following discretionary actions by Yuba County:

- Certification of the Environmental Impact Report;
- Adoption of the Mitigation Monitoring and Reporting Program;
- Acquisition of right-of-way along the 13 parcels adjacent to Kibbe Road; and
- Encroachment permit from Yuba County.

Implementation of the proposed project would require the following discretionary approvals from other agencies:

- Encroachment permit from Caltrans;
- Section 401 water quality certification and/or waste discharge requirements (WDRs) from the Central Valley Regional Water Quality Control Board (RWQCB); and
- Section 404 permit from U.S. Army Corps of Engineers (USACE).

(DEIR, p. 3-9; FEIR, pp. 3-1, 3-2.)

## **V. RECORD OF PROCEEDINGS**

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

1. The Initial Study prepared for the Project;
2. All Notices of Preparation and other public notices issued by the County in conjunction with the Project;
3. The DEIR, including all technical appendices;



4. All comments submitted by agencies or members of the public during the public comment period on the DEIR and responses to those comments;
5. The FEIR, including all technical appendices;
6. The application package filed by the Applicant, including written documentation, maps, and subsequent amendments, including, but not limited to, forms, exhibits, attachments, and correspondence relating thereto;
7. All staff reports, memoranda, maps, letters, minutes of meetings, referrals, and other planning documents prepared by County staff relating to the Project;
8. All testimony, documents, and other evidence presented by the Applicant or the Applicant's agents relating to the Project;
9. All documents submitted to the County by agencies or members of the public in connection with the Project;
10. Minutes and verbatim transcripts of all public hearings held by the County in connection with the Project;
11. Any documentary or other evidence submitted to the County at such public hearings;
12. The Findings of Fact and Statement of Overriding Considerations adopted for the Project;
13. Matters of common knowledge to the County, including, but not limited to, the following:
  - a. Federal, state, and local laws and regulations;
  - b. The Yuba County General Plan, adopted December 10, 1996, and subsequent amendments thereto;
  - c. The Yuba County Zoning Ordinance;
  - d. The Yuba County Code;
  - e. Other formally adopted policies and ordinances.

Items listed under 1 through 13 (a, b, c, and e) are in the custody of the Yuba County Community Development Department, located at 915 8<sup>th</sup> Street, Suite 123, Marysville, California 95901. Items listed under 13 (d) are in the custody of the Yuba County Counsel's office, located at 915 8<sup>th</sup> Street, Suite 111, Marysville, California 95901.

## **VI. FINDINGS REQUIRED UNDER CEQA**

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

The mandate and principles announced in Public Resources Code § 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code § 21081, subd. (a); CEQA Guidelines § 15091(a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines § 15091(a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines § 15091(a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines § 15091(a)(3).)

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

These findings constitute the County's best efforts to set forth the rationale and support for their decision under the requirements of CEQA.

## **VII. LEGAL EFFECTS OF FINDINGS**

To the extent that these Findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when County decisionmakers formally approve the Project.

Mitigation measures are also referenced in the Mitigation Monitoring and Reporting Program adopted concurrently with these Findings, and will be effectuated through the process of constructing and implementing the Project.

## **VIII. MITIGATION MONITORING AND REPORTING PROGRAM**

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and has been adopted concurrently with these Findings with modifications consistent with the Project's conditions of approval. (See Pub. Resources Code § 21081.6(a)(1); CEQA Guidelines § 15097.) The County will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

## **IX. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

These Findings do not address impacts that are considered less than significant or beneficial prior to mitigation. Therefore, these Findings do not address the following impacts because they were determined to be less than significant in the EIR for the Project:

- Air Quality – Conflict with or obstruct implementation of the applicable air quality plan during project construction (DEIR, pp. 2-5, 4.1-39 to 4.1-41);
- Air Quality – Conflict with or obstruct implementation of the applicable air quality plan during project operation (DEIR, pp. 2-5, 4.1-41);
- Air Quality – Expose sensitive receptors to substantial pollutant concentrations (DEIR, pp. 2-5, 4.1-42 to 4.1-45);
- Air Quality – Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (DEIR, pp. 2-5, 4.1-45, 4.1-46);
- Air Quality – Generate GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs (DEIR, pp. 2-5, 4.1-46, 4.1-47);
- Biological Resources – 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 (DEIR, pp. 2-9, 2-10, 4.2-38, 4.2-39);

- Biological Resources – Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (DEIR, pp. 2-10, 4.2-39);
- Biological Resources – Cumulative impact on biological resources (DEIR, pp. 2-10, 4.2-40);
- Cultural Resources – Cause a substantial adverse change in the significance of a historical resources pursuant to CEQA Guidelines, Section 15064.5 (DEIR, pp. 2-10, 4.3-14, 4.3-15);
- Cultural Resources – Cause a cumulative loss of cultural resources (DEIR, pp. 2-15, 4.3-20);
- Noise – Generation of a substantial 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 (DEIR, pp. 2-17, 2-18, 4.4-19 to 4.4-23);
- Noise – Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels (DEIR, pp. 2-18, 4.4-23, 4.4-24);
- Noise – Cumulative noise impacts (DEIR, pp. 2-18, 4.4-25, 4.4-26);
- Transportation – Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (DEIR, pp., 2-18, 4.5-24, 4.5-25);
- Transportation – Cumulative impacts to transportation (DEIR, pp. 2-21, 4.5-27 to 4.5-33).

The Final EIR identified several significant environmental effects (or “impacts”) that the Project would cause or could potentially cause. All of these significant effects can be fully avoided through the adoption of feasible mitigation measures. (DEIR, pp. 2-5 to 2-22, 5-3, 6-7.) This section presents in greater detail the County’s findings with respect to the significant and potentially significant environmental effects of the Project.

## **A. BIOLOGICAL RESOURCES**

**Impact 4.2-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations (significant). (DEIR, pp. 2-6 to 2-8, 4.2-32 to 4.2-36.)**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** Vernal Pool Fairy Shrimp. Potential direct effects on vernal pool fairy shrimp would include the direct loss of suitable habitat from the grading and filling of seasonal wetlands in the project site. The nearest ground disturbance caused by the proposed project would be more than 230 feet north of the suitable vernal pool fairy

shrimp habitat in the project site, which exists along the previously constructed haul road. Therefore, direct impacts on seasonal wetlands that provide potential habitat for vernal pool fairy shrimp would be avoided because grading or filling of suitable vernal pool fairy shrimp habitat would not occur.

Potential indirect effects on vernal pool fairy shrimp include changes in hydrology and degradation of seasonal wetlands due to water quality resulting from construction within the vicinity of suitable vernal pool fairy shrimp habitat. Vernal pool habitat would be considered indirectly impacted where it is damaged by a loss of watershed, human intrusion, introduced species, and pollution caused by the project. If the extent of these effects cannot be determined definitively, habitat within 250 feet of proposed disturbance may be assumed to be indirectly affected. Proposed ground disturbance would include minor surface disturbance to the existing roadbed just north of the end of the existing pavement. Ground disturbing activities would not substantially change the topography and would not require excavation that has a potential to disrupt any restrictive soil layers that support local hydrology. Therefore, the hydrology supporting the nearest suitable vernal pool fairy shrimp habitat would not likely change such that it no longer has a potential to support vernal pool fairy shrimp, if present. However, the proposed project could result in indirect effects on several seasonal wetlands considered habitat for vernal pool fairy shrimp due to fuel or oil leaks or spills that result in discharge to nearby seasonal wetlands that could result in injury to or mortality of vernal pool fairy shrimp and degradation of habitat. Although surveys for vernal pool fairy shrimp were not conducted for the proposed project, habitat in the project site that supports suitable habitat characteristics is presumed to be occupied by vernal pool fairy shrimp as a conservative approach for the analysis within this EIR. If a Clean Water Act Section 404 permit is required for the project, information regarding potential indirect effects would be provided to the USACE for purposes of consultation with the USFWS pursuant to Section 7 of the FESA. Although ground disturbance in the vicinity of potential vernal pool fairy shrimp habitat along the previously constructed private haul road would occur more than 200 feet away, the habitat areas could potentially be impacted by spills of construction related materials that could reach the wetlands, particularly during rain events, and result in the injury and mortality of vernal pool fairy shrimp, if present. (DEIR, pp. 4.2-33 to 4.2-34.)

Nesting Birds and Raptors. The project site contains potential habitat for raptors and nesting birds that are protected by the MBTA including Swainson's hawk, northern harrier, white-tailed kite, burrowing owl, grasshopper sparrow, and song sparrow, as well as cliff swallows, barn swallows, and black phoebe. Loss of foraging habitat (annual grassland and agricultural lands) in the project site is not considered a significant impact on special-status bird species because the habitat loss would be less than 2.0 acres and would not substantially decrease the available foraging habitat for locally nesting birds and raptors, including Swainson's hawks. The minimum patch sizes for Swainson's hawk foraging are generally considered to be between 5 and 25 acres. However, the project has the potential to affect migratory birds and raptors either through direct injury or mortality during ground disturbing activities (i.e., vegetation removal) or by disrupting normal behaviors, including nesting. Construction noise and

activities during the nesting season (February 1 to September 30) could result in the loss or disturbance of fertile eggs or nestlings or otherwise lead to nest abandonment of these special-status birds, which would violate the CFGC and MBTA. (DEIR, pp. 4.2-34 to 4.2-35.)

Based on the above, implementation of the proposed project could have a substantial adverse effect either directly or through habitat modifications, on vernal pool fairy shrimp and nesting birds and raptors covered by the MBTA, which are species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Thus, a **significant** impact could occur. (DEIR, p. 4.2-35.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.2-1(a) – Vernal Pool Fairy Shrimp**

The project applicant shall comply with all construction site Best Management Practices (BMPs) specified in the Storm Water Pollution Prevention Plan (SWPPP), as required in Mitigation Measure X-1 of the Initial Study prepared for the proposed project (see Appendix A), and any other permit conditions to minimize the introduction of construction related contaminants and mobilization of sediment in wetlands and non-wetland waters in and adjacent to the project site. These BMPs will address soil stabilization, sediment control, wind erosion control, vehicle tracking control, non-stormwater management, and waste management practices. The BMPs will be based on the best conventional and best available technology. Prior to issuance of grading permits, the SWPPP shall be prepared and submittal for review and approval to the RWQCB. In addition, if a Clean Water Act Section 404 permit is required for the project, the USACE will consult with the USFWS, pursuant to Section 7 of the FESA, regarding potential indirect impacts to vernal pool fairy shrimp as a result of project activities. The project applicant will comply with any mitigation measures identified by USACE and USFWS as a result of this consultation. (DEIR, pp. 2-6, 4.2-35.)

**Mitigation Measure 4.2-1(b) – Nesting Birds and Raptors**

Where vegetation removal is required to construct project features, the project applicant shall conduct this activity during the nonbreeding season for migratory birds and raptors (generally between September 1 and February 28), to the extent feasible.

If construction activities (including vegetation removal) cannot be confined to the nonbreeding season, the project applicant shall retain a qualified wildlife biologist with knowledge of the relevant species specific to the area to conduct nesting surveys before the start of construction. The

migratory bird and raptor nesting surveys shall include a minimum of two separate surveys to look for active migratory bird and raptor nests. Surveys shall include a search of all trees and shrubs that provide suitable nesting habitat in the construction area. In addition, a 0.5-mile area around the construction area shall be surveyed for Swainson's hawk, a 500-foot area around the construction area shall be surveyed for nesting raptors, and a 50-foot area around the construction area shall be surveyed for songbirds. One survey should occur within 14 days prior to construction and the second survey within 48 hours prior to the start of construction or vegetation removal. If no active nests are detected during these surveys, no additional measures are required. Survey results shall be submitted for review and approval to the Yuba County Community Development and Services Agency.

If an active nest is found in the survey area, a no-disturbance buffer shall be established around the nest site to avoid disturbance or destruction of the nest until the end of the breeding season (August 31) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project site (this date varies by species). The extent of these buffers shall be determined by the biologist in coordination with USFWS and/or CDFW as applicable, and will depend on the level of construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species. (DEIR, pp. 2-6 to 2-8, 4.2-35, 4.2-36.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-6, 4.2-35.)

**Impact 4.2-2 Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS through direct removal, filling, hydrological interruption, or other means (significant). (DEIR, pp. 2-8, 2-9, 4.2-32 to 4.2-36.)**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** The proposed project could result in the direct removal, filling, or hydrological interruption of approximately 0.26-acre of aquatic resources, including the permanent loss of 0.13-acre of aquatic resources and temporary disturbance of 0.13-acre of aquatic resources that may be regulated by the USACE and/or the SWRCB under the Porter-Cologne Water Quality Control Act. As mentioned, although the

NWPR exempts ditches constructed in upland areas from jurisdiction under Section 404 of the Clean Water Act, this rule was recently vacated, and the Corps will determine jurisdiction of ditches and other aquatic features on a case-by-case basis. The ditches within the project site which would be disturbed with implementation of the proposed project are artificial and were constructed in uplands and area less than one acre in size. Therefore, the project site ditches may not qualify as waters of the United States and/or waters of the State. However, the preliminary jurisdictional determination of these features must be verified by the USACE and RWQCB. Loss or filling of the aquatic resources within the project site, if regulated by the RWQCB or the USACE, would be considered a substantial adverse effect. Therefore, impacts on aquatic resources could be considered **significant**. (DEIR, pp. 4.2-36, 4.2-37.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.2-2(a)**

Prior to construction, the project applicant shall submit an Aquatic Resources Delineation Report to the USACE and RWQCB to determine if the seasonal wetlands, roadside ditches, and agricultural ditches would be regulated by the USACE under Section 404 of the Clean Water Act and/or by the RWQCB under Section 401 of the Clean Water Act or the Porter-Cologne Water Quality Control Act. If the RWQCB and/or the USACE determines that the wetlands and non-wetland waters are not regulated under State and federal laws, further mitigation is not required.

If the RWQCB and/or the USACE determines that the wetlands and non-wetland waters are regulated under State and federal laws, the project applicant shall obtain the required permits and implement any required compensation for the loss of waters of the U.S. and/or waters of the State. The actual mitigation ratio and associated credit acreage shall be based on USACE and RWQCB permitting, which will dictate the ultimate compensation for permanent or temporary impacts to waters of the U.S./waters of the State. RWQCB and USACE determinations, as well as proof of required permits, if any, shall be submitted to the Yuba County Community Development and Services Agency for review. (DEIR, pp. 2-8, 2-9, 4.2-37, 4.2-38; FEIR, pp. 3-7.)

**Mitigation Measure 4.2-2(b)**

Implement Mitigation Measure 4.2-1(a). (DEIR, pp. 2-9, 4.2-38; FEIR, p. 4-6.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-8, 4.2-37; FEIR, 3-7.)



## **B. CULTURAL RESOURCES**

**Impact 4.3-2 Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries (significant). (DEIR, pp. 2-10 to 2-13, 4.3-15 to 4.3-17.)**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** As part of the investigation of the project site for cultural resources, ICF conducted a field survey, which did not reveal any evidence of unique archaeological resources and/or human remains. The project site has been heavily modified due to agricultural use, road construction, and features associated with irrigation and water delivery; therefore, the potential for buried archeological deposits to occur beneath the surface of the project site is low. However, visibility throughout the project site during the field survey was generally fair to poor, averaging 20 percent surface visibility due to the thick grasses covering most of the areas within the project site that had not already been developed by road construction. Additionally, the following two areas within the APE could not be intensively surveyed due to property access: a segment of land that followed the Stahl Ditch south of SR 20 and west of the access road, and a small portion of land northwest of the intersection of Kibbe Road and SR 20. Although archeological resources have not been previously recorded within the project site, and the likelihood for discovery is low due to past disturbance, the potential exists for unknown archaeological resources and/or human remains to exist in the project area.

In addition, the project site is located in a region which was once occupied by the Nisenan people. While field surveys did not detect human remains within the project's APE, the potential for human remains to be discovered during construction cannot be eliminated due to the known prehistoric occupation of the project area by Native American tribes.

In an effort to minimize impacts to archeological resources and human remains, Yuba County General Plan Policy NR6.2 requires work to stop and consultation to take place if any prehistoric resources are discovered during construction activities. Therefore, the applicant would be required to halt construction and initiate consultation with the appropriate agency, should any unique archeological resources and/or human remains be identified. However, Policy NR6.2 does not include further direction regarding the consultation process nor identify standards for the appropriate course of action, and would not necessarily preclude substantial adverse changes to previously unknown archeological resources.

Although archeological resources and human remains have not been identified in the immediate project vicinity, while unlikely, the possibility exists that previously unknown

resources could be discovered within the project site or off-site improvement areas during construction activities. Therefore, construction activities associated with buildout of the proposed project, including off-site improvements, could uncover undocumented archaeological resources, including human remains. Compliance with General Plan Policy NR6.2 would generally help ensure that work would stop if archeological resources or human remains are identified during construction, but does not specify the appropriate course of action if such resources are discovered. As a result, without mitigation, the proposed project could cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries, and a **significant** impact could occur. (DEIR, pp. 4.3-15, 4.3-16.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.3-2**

The following requirements shall be included via notation on all project improvement plans prior to the issuance of grading permits, to the satisfaction of the Yuba County Community Development and Services Agency.

In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained by the applicant to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify Yuba County and applicable landowner. The project applicant shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work shall not resume within the no-work radius until the applicant, through consultation as appropriate and concurrence with the County, determines that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the

CEQA Guidelines; or 2) that the treatment measures have been completed to the County's satisfaction.

- If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.

(DEIR, pp. 2-10 to 2-13, 4.3-16, 4.3-17.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-10, 4.3-16.)

**Impact 4.3-3 Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074 (significant).** (DEIR, pp. 2-13, 2-14, 4.3-18; FEIR, pp. 3-7, 3-8.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** As part of AB 52 requirements, the County sent a project notification letter to the United Auburn Indian Community. The letters were distributed on March 31, 2021, and requests to consult were not received within the consultation period. As noted previously, a records search of the NAHC SLF did not indicate the presence of tribal cultural resources within the project's APE. Furthermore, considering the results

of the literature search and the prehistory and history of the area, the project site was determined by ICF to have a low probability for tribal cultural resources. Nonetheless, even though the likelihood is low, the possibility exists that buried tribal cultural resources associated with local tribes could occur in the project site. Thus, ground-disturbing activities associated with the proposed project could cause a substantial change in the significance of a Tribal Cultural Resource as defined in PRC Section 21074, and a **significant** impact could occur. (DEIR, p. 4.3-18.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.3-3(a)**

Implement Mitigation Measure 4.3-2. (DEIR, pp. 2-13, 4.3-18; FEIR, p. 3-7.)

**Mitigation Measure 4.3-3(b)**

Prior to initiation of ground-disturbing activities associated with the proposed project, a consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American Tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program shall include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential tribal cultural resources are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values. Documentation of the brochure and training program (i.e., a sign-in sheet) shall be retained at the project site and shall be submitted with applicable reports to the Yuba County Community Development and Services Agency. (DEIR, pp. 2-13, 2-14, 4.3-18.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-13, 4.3-18; FEIR, p. 3-7.)

**Impact 4.3-4 Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature (significant).** (DEIR, pp. 2-15, 4.3-19.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** A Stratigraphic Inventory and Paleontological Resource Inventory were conducted to develop a baseline inventory of paleontological resources within the areas addressed by the General Plan, including the project site. According to the Stratigraphic Inventory and Paleontological Resource Inventory, paleontological finds have not been discovered within Yuba County. Additionally, the project site has been previously disturbed through grading activities when the current roadway was built, therefore the project site does not include any unique geologic features. Although unlikely, the potential exists for previously unknown paleontological resources to be discovered during ground-disturbing activities associated with the remaining roadway construction and intersection improvements. As a result, the proposed project could directly or indirectly destroy a unique paleontological resource or unique geologic feature, and a **significant** impact could occur. (DEIR, p. 4.3-19.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.3-4**

Prior to the issuance of grading permits, the following language shall be included via notation on the Improvement Plans: "Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. The Yuba County Community Development and Services Agency shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development and Services Agency for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred." (DEIR, pp. 2-15, 4.3-19.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-15, 4.3-19.)

**C. NOISE**

**Impact 4.4-1** Generation of a substantial temporary 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 (significant). (DEIR, pp. 2-15 to 2-17, 4.4-17 to 4.4-19.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** During the construction of the proposed project, noise from construction activities would add to the noise environment in the project vicinity. Although much of the construction of the proposed haul route extension has been previously completed, during the remaining project construction, heavy equipment would be used for grading, excavation, and paving, which would generate noise in the immediate vicinity of the construction. The noise levels generated by construction equipment vary depending upon factors such as the type and specific model of the equipment, the operation being performed, the condition of the equipment and the prevailing wind direction. As discussed above, while single-family residences, which are considered noise sensitive receptors, exist northeast and southeast of the SR 20/Kibbe Road intersection and could be exposed to construction noise, Receptor 1 is the nearest noise sensitive receptor, and therefore, the noise levels at Receptor 1 would be greater than at all other sensitive receptors in the vicinity of the project site.

Per the Environmental Noise and Vibration Assessment, activities involved in roadway construction would generate maximum noise levels of 85 dB to 90 dB at a distance of 100 feet. The nearest identified existing sensitive structure (Receptor 1), is located approximately 180 feet from where from construction activities would occur along the project haul route. The noise levels from a source decrease at a rate of approximately 6 dB per every doubling of distance from the noise source. By applying the aforementioned rate of noise level attenuation to the maximum construction noise level of 90 dB at 100 feet, the maximum noise level at Receptor 1 (180 feet) was estimated to be approximately 85.2 dB. As a result, the maximum noise levels at Receptor 1 would exceed the County's 75 dBA Lmax noise threshold.

Construction noise is a normal component of virtually every type of project undertaken within Yuba County. Construction activities for the proposed project would be temporary in nature and are anticipated to occur during normal daytime working hours, as regulated by Yuba County. According to Section 8.20.310 of the County's Code of Ordinances, construction activities are prohibited outside of the hours of 7:00 AM to 10:00 PM. Additionally, General Plan Policies HS10.6 and HS10.7 require new developments to incorporate all feasible noise mitigation measures and ensure that construction equipment is properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications. The General Plan EIR concluded that, with the implementation of General Plan Policies HS10.6 and HS10.7, a less-than-significant impact related to construction noise would occur.

Based on the above, compliance with General Plan Policies HS10.6 and HS10.7 would ensure that construction activities would not result in significant adverse noise impacts at existing noise-sensitive land uses in the project vicinity. However, in the absence of

mitigation, implementation of the proposed project could result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, and a **significant** impact could result. (DEIR, pp. 4.4-17, 4.4-18.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.4-1**

Prior to issuance of a grading permit, the project contractor shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive land uses and include specific noise management measures to be included within the project plans and specifications, subject to review and approval by the Yuba County Community Development and Services Agency. The project contractor shall demonstrate, to the satisfaction of the County, that the project complies with the following:

- Noise-generating construction activities, including truck traffic coming to and from the project site for any purpose, shall be limited to the hours outlined in Section 8.20.310 of the County's Code of Ordinances, specifically, construction activities shall be prohibited outside of the hours of 7:00 AM to 10:00 PM.
- All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise-control features that are readily available for that type of equipment.
- All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.
- Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

- Construction site and access road speed limits shall be established and enforced during the construction period.
  - The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
  - Project-related public address or music systems shall not be audible at any adjacent receptor.
- (DEIR, pp. 2-15 to 2-17, 4.4-18, 4.4-19.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-15, 4.4-18.)

#### **D. TRANSPORTATION AND CIRCULATION**

**Impact 4.5-1 Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (significant).** (DEIR, pp. 2-18, 4.5-17 to 4.5-24.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** While public transit service bus routes and bus stops do not exist within the project vicinity, unmarked bus loading areas are provided in the northeast and southwest corners of the SR 20/Kibbe Road intersection which service the MJUSD. School buses stop on the “near side” SR 20 shoulder (i.e., prior to the SR 20/Kibbe Road

intersection) without requiring highway traffic to stop, and children are typically picked up and dropped off on the side of SR 20 closest to their home, thereby not requiring pedestrian highway crossings. The proposed project would not affect operations at the school bus stop on the northeast corner of SR 20/Kibbe Road. Inbound project traffic would use the eastbound right-turn and westbound left-turn pockets. Westbound through project traffic would not increase with implementation of the proposed project. In addition, outbound project traffic would use the northwest and southwest portions of the intersection, thereby not affecting the northwest corner. However, the proposed project would add an eastbound right-turn pocket at SR 20/Kibbe Road, which would be heavily utilized by Hallwood facility employees and haul trucks. School bus operations on the southwest corner of the intersection would be disrupted due to the conflict between school buses loading or unloading on the SR 20/Kibbe Road eastbound approach and inbound project traffic using the eastbound right turn lane. In addition, school children crossing the unmarked crosswalk on the northbound approach would also conflict with inbound/outbound project traffic. Therefore, the proposed project’s impacts related to transit facilities are considered potentially significant.



Based on the above, implementation of the proposed project could conflict with the MJUSD bus stop at the southwest corner of the SR 20/Kibbe Road intersection, which would impact both pedestrian and transit facilities in the project vicinity. Therefore, the project could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a **significant** impact could occur. (DEIR, pp. 4.5-22, 4.5-23.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.5-1**

Prior to approval of Improvement Plans, the project applicant shall show on the plans construction of an eastbound bus pullout on the far side of the SR 20/Kibbe Road intersection (i.e., just east of the intersection) to eliminate the conflict between school buses and right-turning vehicles. Design of the eastbound bus pullout shall be included on project Improvement Plans to be reviewed and approved by the Yuba County Community Development and Services Agency, the County Engineer, and Caltrans. (DEIR, pp. 2-18, 4.5-23, 4.5-24.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-18, 4.5-23.)

**Impact 4.5-3 Substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (significant).** (DEIR, pp. 2-18 to 2-21, 4.5-25 to 4.5-27; FEIR, pp. 3-8 to 3-10.)

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** During operation, the proposed project would maintain employee and emergency vehicle access at the Hallwood mine entrance on Walnut Avenue. If emergency vehicle access is provided on the proposed haul road, the project would increase emergency access after construction. Additionally, as discussed in the Sight Distance Analysis prepared for the proposed project, the eastbound approach of the proposed project has adequate stopping sight distance and corner sight distance. However, the westbound approach is obstructed to some degree, by trees, picnic tables, and signs in the vicinity of the SR 20/Kibbe Road intersection, which would require removal in order to not hinder sight distance of the drivers on the westbound approach of the proposed roadway realignment.

It should be noted that comments were received on the NOP prepared for the proposed project related to the safety of the Cordua Canal undercrossing of SR 20 as it relates to obstructed views from land fog and a "blind hill" at the crossing. The Cordua Canal

undercrossing of SR 20 is an existing condition within the project vicinity, and the proposed project would not affect the sight distance of traffic travelling along SR 20. Additionally, the canal undercrossing is located approximately 0.35-mile east of the project site, and therefore, would not be affected during project construction.

However, during construction the proposed project could substantially increase hazards to vehicle safety because construction activities could interfere with the movement of traffic at the SR 20/Kibbe Road intersection, which could result in a hazardous traffic situation. The proposed project would consist of various construction activities, which would generate new truck and employee trips until completion. The construction process could cause lane closures, damage to roadways, friction between construction site vehicles and travelers on SR 20, and increased conflicts with bicyclists, pedestrians, and residents on Kibbe Road.

Based on the above, the proposed project would substantially increase hazards to vehicle safety due to a geometric design feature or incompatible uses during construction activities. In addition, if trees, picnic tables, and signs in the vicinity of the SR 20/Kibbe Road intersection, the proposed project would hinder the sight distance of the drivers on the westbound approach of the proposed roadway realignment. Therefore, a **significant** impact could occur. (DEIR, pp. 4.5-25, 4.5-26.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure 4.5-3(a)**

Prior to issuance of construction permits, the project applicant shall prepare a Construction Traffic Management Plan (CTMP) to the satisfaction of the Yuba County Community Development and Services Agency, and Caltrans. The plan shall include (but not be limited to) items such as:

- Guidance on the number and size of trucks per day entering and leaving the project site;
- Identification of arrival/departure times that would minimize traffic impacts;
- Approved truck circulation patterns;
- Locations of staging areas;
- Locations of employee parking and methods to encourage carpooling;
- Methods for partial/complete street closures (e.g., timing, signage, location and duration restrictions);
- Criteria for use of flaggers and other traffic controls;
- Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;
- Monitoring for roadbed damage and timing for completing repairs;

- Limitations on construction activity during peak/holiday weekends and special events;
- Preservation of emergency vehicle access;
- Coordination of construction activities with construction of other projects that occur concurrently in Yuba County to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences of similar signage), and maximize effectiveness of traffic mitigation measures (e.g., joint employee alternative transportation programs);
- Implementation of Caltrans provided lane closure requirements to reduce potential public delay impacts;
- Removing traffic obstructions during emergency evacuation events; and
- Providing a point of contact for Yuba County residents and guests to obtain construction information, have questions answered, and convey complaints.

The CTMP shall be developed such that the following minimum set of performance standards is achieved throughout project construction. It is anticipated that additional performance standards will be developed once details of project construction are better known.

- Delivery trucks do not idle/stage on SR 20.
- SR 20 and Kibbe Road do not feature any construction-related lane closures on peak activity days.
- All construction employees shall park in designated lots owned by the project applicant or on private lots otherwise arranged for by the project applicant.
- Roadways, unmarked crosswalks, and bicycle facilities (e.g., roadway shoulders that could be used by bicyclists) shall be maintained clear of debris (e.g., rocks) that could otherwise impede travel and impact public safety.

(DEIR, pp. 2-18 to 2-21, 4.5-26, 4.5-27; FEIR, pp. 3-8 to 3-10.)

#### **Mitigation Measure 4.5-3(b)**

Prior to issuance of construction permits, the maintenance and removal of trees in the vicinity of the SR 20/Kibbe Road intersection, as well as the relocation of picnic tables and signs in order to not hinder sight distance of the drivers on the westbound approach of the proposed roadway realignment shall be conducted. The project applicant shall formulate an agreement with adjacent property owners which would allow for off-site improvements to occur to the satisfaction of the Yuba County Community Development and Services Agency, and Caltrans. (DEIR, pp. 2-21, 4.5-27.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, pp. 2-18, 4.5-26; FEIR, p. 3-8.)

## **E. HYDROLOGY AND WATER QUALITY**

**Impact**        **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (significant). (DEIR, pp. 2-21, 2-22; FEIR, p. 3-10.)**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the final EIR.

**Explanation:** The proposed project would involve the realignment and extension of an existing intersection in order to connect with the previously constructed portion of a private haul road. The project would require excavation and grading during construction, which could result in an increase in erosion which could affect water quality. During project construction, topsoil would be exposed due to grading of the site. After grading and prior to overlaying the ground surface with impervious surfaces, the potential exists for wind and water erosion to discharge sediment into stormwater runoff, which could adversely affect water quality. Stormwater pollution control is the responsibility of the State Water Resources Control Board and Regional Water Quality Control Board. Stormwater pollution control is implemented through the use of National Pollution Discharge Elimination System (NPDES) permits. Yuba County is responsible for ensuring compliance with the stormwater pollution control standards. The County's NPDES permit requires all construction projects that have soil disturbance to develop and submit an Erosion and Sediment Control Plan (ESCP), and projects having more than one acre of soil disturbance may be required to comply with the SWCB's Construction General Permit (CGP) and develop a Storm Water Pollution Prevention Plan (SWPPP).

The proposed intersection improvements would not involve operations typically associated with the generation or discharge of polluted water. Additionally, the roadway and intersection would be paved following construction, thereby preventing any erosion from occurring during project operations. Thus, typical operations on the project site would not violate water quality standards or waste discharge requirements, nor degrade water quality.

Based on the above, the proposed project would not include land uses typically associated with the generation or discharge of polluted water. However, a SWPPP has not yet been prepared for the proposed project. Without preparation of a SWPPP, proper compliance with the NPDES permit cannot be ensured at this time, and the project's construction activities could result in an increase in erosion, and consequently affect water quality. Thus, the project's impact would be less-than-significant with regard to violation of water quality standards and degradation of water quality, but

mitigation is included to ensure that a SWPPP is developed and implemented for the project. (DEIR, App. A, Initial Study, pp. 29-30.)

**Mitigation:** The following mitigation measures have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

**Mitigation Measure X-1**

Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the RWQCB. The contractor shall file the Notice of Intent (NOI) and associated fee to the RWQCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction (temporary) BMPs for the Project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to the Director of Public Works/County Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable. (DEIR, pp. 2-21, 2-22; FEIR, p. 3-10.)

**Level of Significance After Mitigation:** Less-than-significant (DEIR, p. 2-21; FEIR, p. 3-10.)

## **X. PROJECT ALTERNATIVES**

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

The County acknowledges that, through the implementation of mitigation measures identified in the EIR, the Project would not result in any significant and unavoidable impacts. (DEIR, pp. 2-5 to 2-22, 5-3, 6-7.)

The Findings will address the extent to which particular alternatives might or might not be environmentally superior with respect to the identified significant impacts of the

Project. In the further interest of full disclosure, moreover, these Findings will also address the environmental merits of the alternatives with respect to all broad categories of impacts. The Findings will also assess whether each alternative is feasible in light of the Project objectives and compliance with the goals and policies of the Yuba County General Plan.

As noted earlier in Section IV of these Findings, the Applicant's objectives for the Project are:

- 1) Minimize, to the extent feasible, Teichert-generated truck traffic and its associated effects on the neighborhoods along Hallwood Boulevard and Walnut Avenue.
- 2) Identify the shortest possible route from Teichert's on-site scalehouse to SR 20.
- 3) Acquire property from willing property owners.
- 4) Facilitate the ongoing operation of the Hallwood mining facility.
- 5) Minimize, to the extent feasible, impacts to the natural environment, including riparian habitat and the Yuba River.

(DEIR, p. 3-4.)

The FEIR identified and analyzed the following alternatives to the Project: 1) No Project Alternative 2) Existing Alignment Alternative, and 3) Cordua Canal Alternative. (DEIR, p. 5-7.)

## **A. NO PROJECT ALTERNATIVE**

### **Description**

The No Project Alternative uses, as a baseline, the existing conditions of the project site such that an intersection relocation and a roadway realignment have not occurred, and would not occur, and that the trucks associated with the Hallwood mine would continue to use Walnut Avenue and Hallwood Boulevard as their hauling route from the Hallwood mine. The project site would remain as is: undeveloped except for the previously constructed 3,250 lineal feet of an unused private haul road located to the south of the SR 20/Kibbe Road intersection, which would continue to be unused. However, the alternative's nullification of the proposed project would continue to impact the neighborhoods surrounding Walnut Avenue and Hallwood Boulevard. (DEIR, p. 5-9.)

### **Environmental Impacts**

#### **Air Quality and Greenhouse Gas Emissions**

Under the No Project Alternative, the current haul route for the Hallwood mine would remain. The proposed relocation of the SR 20/Kibbe Road intersection or the realignment of the existing road would not occur. While air quality and greenhouse gas

emissions would still occur in the area as a result of hauling trucks continuing to travel along the current haul route, construction-related emissions associated with implementing the proposed haul route would not occur. Therefore, the No Project Alternative would result in fewer construction-related impacts on the project site as compared to the proposed project. (DEIR, p. 5-9.)

## **Biological Resources**

Under the No Project Alternative, the current haul route for the Hallwood mine would remain and the proposed relocation of the SR 20/Kibbe Road intersection or the realignment of the existing road would not occur. As such, impacts would not occur to the existing habitats of special-status plant and wildlife species, nor would impacts occur to the site's existing aquatic resources. Additionally, trees would not be removed as a result of the No Project Alternative. Thus, Mitigation Measures 4.2-1 through 4.2-5 would not be required, and the No Project Alternative would result in fewer construction-related impacts related to Biological Resources as compared to the proposed project. (DEIR, p. 5-9.)

## **Cultural and Tribal Cultural Resources**

The No Project Alternative does not include any construction, including the relocation of an intersection or the realignment of an existing road. The No Project Alternative would result in no impact related to cultural resources, because the No Project Alternative would not include ground-disturbing construction activities, such as grading or excavation, which could uncover previously unknown paleontological, archaeological, or historical artifacts. Thus, mitigation measures would not be required. Therefore, the No Project Alternative would result in fewer impacts to cultural resources than the proposed project. (DEIR, p. 5-10.)

## **Noise**

Under the No Project Alternative, truck traffic associated with the Hallwood mine would continue using Walnut Avenue and Hallwood Boulevard. Bollard Acoustical Consultants prepared an Environmental Noise and Vibration Assessment for the proposed project, which provided existing noise levels under the No Project scenario, which essentially represents the No Project Alternative. Under the No Project Alternative, existing noise levels for segments of Walnut Avenue and Hallwood Boulevard are between 64.1 decibels (dB) and 68.2 dB. The ambient noise levels for segments of SR 20 are between 66.1 dB and 67.4 dB. Under the No Project Alternative, noise levels in the project vicinity would remain the same. However, under the proposed project, noise levels along the existing haul route would be reduced by between 16 dB and 12.1 dB. Additionally, a larger number of sensitive receptors exist along Walnut Avenue and Hallwood Boulevard, than along the proposed haul route, and the noise level increases associated with the proposed project would be less than the County's noise standards. Under the No Project Alternative, construction noise would not occur; however, the proposed project concluded that impacts related to exposing sensitive receptors to

construction noise would be less than significant with the implementation of Mitigation Measure 4.4-1. Based on the above, the No Project Alternative would result in greater noise impacts than the proposed project because implementation of the proposed project would reduce noise levels at existing sensitive receptors, and would not increase noise levels at new sensitive receptors to a significant level. (DEIR, p. 5-10.)

## **Transportation**

Under the No Project Alternative, the trucks associated with the Hallwood mine would continue to use Walnut Avenue and Hallwood Boulevard as the hauling route from the Hallwood mine, and the project site would remain as is. The proposed intersection relocation and roadway realignment would not occur. As a result, the alternative would not result in impacts to the project site because construction activities associated with implementing the proposed project would not occur. Additionally, Mitigation Measures 4.5-1, 4.5-3(a), and 4.5-3(b) would not be required. However, hauling trucks and Hallwood mine employees would travel approximately 0.25-mile to 0.54-mile more using the existing haul route, which would result in an increase in VMT compared to the proposed project. Therefore, the No Project Alternative would result in greater impacts related to transportation as compared to the proposed project. (DEIR, p. 5-10.)

## **Summary of Environmental Impacts**

As discussed above, the No Project Alternative would result in greater noise and transportation impacts than would the proposed project. However, this alternative would result in fewer impacts relative to air quality, biological resources, and cultural resources, than would the proposed project. Overall, the No Project Alternative is not considered to be environmentally superior to the proposed project because of its increased noise and traffic impacts relative to the project. (DEIR, pp. 5-9 to 5-10, 5-18.)

## **Relationship to Project Objectives**

Under the No Project Alternative, the existing haul route would continue to impact the neighborhoods surrounding Walnut Avenue and Hallwood Boulevard. Thus, the No Project Alternative would not minimize, to the extent feasible, Teichert-generated truck traffic and its associated effects on the neighborhoods along Hallwood Boulevard and Walnut Avenue (Objective #1). Additionally, the Alternative would not identify the shortest possible route from Teichert's on-site scalehouse to SR 20 (Objective #2), or acquire property from willing property owners (Objective #3). The No Project Alternative would generally meet Objectives #4 and #5. (DEIR, p. 5-9.)

## **Finding**

The County rejects this alternative as infeasible because it does not meet the project objectives and is not environmentally preferable to the Project. (DEIR, pp. 5-9 to 5-11.)



## **B. EXISTING ALIGNMENT ALTERNATIVE**

### **Description**

The Existing Alignment Alternative would involve the easterly realignment of the private haul road to connect with the existing SR 20/Kibbe Road intersection. As a result, the SR 20/Kibbe Road intersection would not be shifted to the west, and the relocation of Kibbe Road north and the driveways along the roadway segment would not be required. Access to the Hallwood mine would be provided in the same location as the proposed project and, also similar to the proposed project, would be located along the majority of the previously constructed private haul road located to the south of the SR 20/Kibbe Road intersection. (DEIR, p. 5-11.)

### **Environmental Impacts**

#### **Air Quality and Greenhouse Gas Emissions**

The Existing Alignment Alternative would only include minor changes to the proposed project at the SR 20/Kibbe Road intersection by providing an easterly realignment of the private haul road to connect with the existing intersection. However, the Alternative would still require the construction of a new roadway segment and roadway improvements. Therefore, the Alternative's impacts related to air quality and GHGs would be similar to the proposed project. (DEIR, p. 5-11.)

#### **Biological Resources**

The Existing Alignment Alternative would realign the previously constructed haul road to connect to the existing Kibbe Road segment south of the SR 20/Kibbe Road intersection, and would not require the realignment of the intersection. Due to the location of potential ground disturbance, impacts to vernal pool fairy shrimp and nesting birds and raptors could occur with the Existing Alignment Alternative. Additionally, the changes to the alignment would result in the loss and/or disturbance of 0.264-acre of aquatic resources in the area, which would be only marginally larger than the 0.257-acre disturbance of the proposed project. Furthermore, the Existing Alignment Alternative would result in the removal of three eucalyptus trees, and one Fremont's cottonwood, and would potentially result in the removal of one oak tree presumed to have a diameter at breast height (dbh) exceeding 30 inches. Therefore, Mitigation Measures 4.2-1(a) through 4.2-2(b) would still be required under the Alternative, and impacts related to biological resources would be similar to the proposed project. (DEIR, p. 5-11.)

#### **Cultural and Tribal Cultural Resources**

The Existing Alignment Alternative would realign the previously constructed haul road to connect to the existing Kibbe Road segment south of the SR 20/Kibbe Road intersection, and would not require the realignment of the intersection. As a result, the

Alternative would not require the realignment of Kibbe Road north of the intersection, and would not disrupt the eastern boundary of the agricultural parcel located in the northwestern corner of the intersection. However, the alternative would still require the construction of a new roadway segment and roadway improvements. Thus, the area of impact under the Existing Alignment Alternative would largely remain the same. Therefore, Mitigation Measures 4.3-1, 4.3-2(a) and 4.3-2(b) related to the discovery of resources during ground disturbance would still be required under the Alternative, and impacts related to cultural and Tribal Cultural Resources would be similar to the proposed project. (DEIR, pp. 5-11, 5-13.)

## **Noise**

The Existing Alignment Alternative would realign the previously constructed haul road to connect to the existing Kibbe Road roadway south of the SR 20/Kibbe Road intersection, and would not require the realignment of the intersection. While the roadway realignment would result in moving the haul road slightly closer to the existing residences than the proposed project scenario, the Environmental Noise and Vibration Assessment prepared for the proposed project considered the potential noise impacts of the Existing Alignment Alternative and determined that the Alternative would not create additional impacts to the nearest sensitive noise receptors as compared to the proposed project. Additionally, the Alternative would require construction activities and, thus, Mitigation Measure 4.4-1 would still be required. Thus, the Existing Alignment Alternative would not significantly alter the noise levels in the project area beyond what was anticipated in the proposed project, and the Alternative's impacts related to noise would be similar to the impacts under the proposed project. (DEIR, p. 5-13.)

## **Transportation**

Because the Existing Alignment Alternative would include minor changes to the alignment of the proposed haul route, like the proposed project, the Alternative would also result in reduced VMT compared to baseline conditions due to the shortened haul route trip length. Under the Existing Alignment Alternative, the private haul road would access the Hallwood mine in the same location as the proposed project and would be located along the majority of the previously constructed private haul road located to the south of the SR 20/Kibbe Road intersection. However, the Existing Alignment Alternative would not include realignment of the existing SR 20/Kibbe Road intersection to connect with the private haul road; rather, the private haul road would be realigned to connect with the existing Kibbe Road roadway just south of the SR 20/Kibbe Road intersection. As a result, the Alternative would not result in construction-related impacts at the Kibbe Road/SR 20 intersection. However, haul truck traffic would still be routed to the SR 20/Kibbe Road intersection from the Hallwood mine; therefore, pedestrian and transit facilities in the project vicinity could still be impacted, and Mitigation Measure 4.5-1 would be required. Additionally, although construction for the Existing Alignment Alternative would not directly impact the SR 20/Kibbe Road intersection, construction activities would occur within the vicinity of the intersection in order to connect the previously constructed haul road with the existing roadway. Thus, the Existing

Alignment Alternative would be required to implement the same conditions of approval as the proposed project in order to ensure consistency with the County's applicable LOS standards.

During construction, the proposed project could substantially increase hazards to vehicle safety because construction activities could cause lane closures, damage to roadways, friction between construction site vehicles and travelers on SR 20, and increased conflicts with bicyclists, and pedestrians, which could result in a hazardous traffic situation. Mitigation Measures 4.5-1, 4.5-3(a), and 4.5-3(b) would be required to ensure hazards during construction do not occur under the Existing Alignment Alternative. Thus, the Existing Alignment Alternative would result in similar impacts as compared to the proposed project. (DEIR, pp. 5-13, 5-14.)

### **Summary of Environmental Impacts**

The Existing Alignment Alternative would result in similar impacts as the proposed project to all issue areas. Because the Existing Alignment Alternative would be substantially similar to the proposed project, all project objectives would be met. Overall, because the Existing Alignment Alternative would result in fewer impacts compared to the Cordua Canal Alternative, the Existing Alignment Alternative would be considered the environmentally superior alternative to the proposed project. However, Section 15126.6(a) of the CEQA Guidelines states that alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. The Existing Alignment Alternative would result in similar impacts to the proposed project. Therefore, although the Existing Alignment Alternative is considered the environmentally superior alternative for the purposes of this analysis, it should be noted that the proposed project would result in the same amount, or fewer impacts than all alternatives evaluated in the EIR. (DEIR, p. 5-18.)

### **Relationship to Project Objectives**

Because the Existing Alignment Alternative would only include minor changes to the alignment of the proposed project, the alternative would generally be capable of meeting all of the project objectives. (DEIR, p. 5-11.) The Applicant has indicated that it may implement either the proposed project or the Existing Alignment Alternative, depending on the availability of right-of-way from affected property owners. (FEIR, p. 2-13.)

### **Finding**

The County finds this alternative to be environmentally comparable to the proposed project and capable of meeting all project objectives. The Applicant has indicated that it may implement either the proposed project or the Existing Alignment Alternative, depending on the availability of right-of-way from affected property owners and subject to the approval of an encroachment permit from Caltrans. The previously-constructed private haul road alignment can be connected to, and function with, the SR 20/Kibbe

Road intersection configuration associated with either the proposed project or the Existing Alignment Alternative.

### **C. CORDUA CANAL ALTERNATIVE**

#### **Description**

The Cordua Canal Alternative would involve constructing a roadway along the Stahl Ditch, west of the existing private haul road. Under the Cordua Canal Alternative, the haul route would access the Hallwood mine in the same location as the proposed project and, also similar to the proposed project, would be located along the previously constructed haul route for approximately 1,800 feet, from the Hallwood mine access to just north of the Cordua Canal crossing. However, once across Cordua Canal, the Cordua Canal Alternative would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20, approximately 975 feet west of the existing SR 20/Kibbe Road intersection. Therefore, the Alternative would include the construction of approximately 2,045 feet of new roadway, as well as improvements to SR 20 to create a new intersection where the alternative haul route would connect to the existing roadway. Due to the creation of the new intersection, modifications to Kibbe Road north of the existing SR 20/Kibbe Road intersections and the associated driveways along the roadway segment would not be required. (DEIR, p. 5-14.)

#### **Environmental Impacts**

##### **Air Quality and Greenhouse Gas Emissions**

The Cordua Canal Alternative haul route would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20, approximately 975 feet west of the existing SR 20/Kibbe Road intersection. Although the alternative haul route would be located further from the nearest sensitive receptors than the haul route of the proposed project, the proposed project concluded that impacts related to exposing sensitive receptors to pollutants would be less than significant. Therefore, the Alternative would not reduce an identified impact. The Cordua Canal Alternative would include the construction of approximately 2,045 feet of roadway, as well as improvements to SR 20. Thus, implementation of the Cordua Canal Alternative would increase the amount of vegetation clearing and earth-moving activities, construction material hauling, and time of the construction period in order to complete the alternative haul route. As a result, construction-related emissions would be greater under the Cordua Canal Alternative. Therefore, the Alternative would result in greater impacts related to air quality and GHG emissions. (DEIR, pp. 5-14, 5-16.)

##### **Biological Resources**

Under the Cordua Canal Alternative, the haul route would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20,

approximately 975 feet west of the existing SR 20/Kibbe Road intersection. Construction noise and activities during the nesting season could result in the same types of impacts on nesting birds and raptors as described for the proposed project but would occur over a longer period of time. The Cordua Canal Alternative would not result in the removal of any trees large enough to meet the County's ordinance. However, the Cordua Canal Alternative could result in the direct removal, filling or hydrological interruption of 0.627-acre of aquatic resources, including the permanent loss of 0.545-acre, and the temporary disturbance of 0.082-acre. Thus, the Cordua Canal Alternative would result in direct impacts to vernal pool fairy shrimp because one 0.23-acre seasonal wetland that is considered suitable habitat for the vernal pool fairy shrimp would be filled under the Alternative. Supporting hydrology for suitable vernal pool fairy shrimp habitat could be altered due to the degree the topography would change and the potential excavation that may be required to construct the Cordua Canal Alternative, which could disrupt restrictive soil layers supporting the subsurface hydrology. Therefore, indirect impacts to vernal pool fairy shrimp could occur under the Alternative. Thus, potential changes under the Cordua Canal Alternative could alter the hydrology such that vernal pool fairy shrimp, if present, no longer have a potential to be supported. Finally, similar to the proposed project, the potential vernal pool fairy shrimp habitat in the project vicinity could possibly be impacted by spills of construction related materials that could reach the wetlands, particularly during rain events, and result in the injury and mortality of vernal pool fairy shrimp. As such, Mitigation Measures 4.2-1(a) through 4.2-2(b) would still be required for the Alternative. However, due to direct impacts to vernal pool fairy shrimp which would occur under the Cordua Canal Alternative, additional mitigation would also be required. Based on the above information, the Alternative would result in greater impacts related to biological resources than the proposed project. (DEIR, p. 5-16.)

### **Cultural and Tribal Cultural Resources**

Under the Cordua Canal Alternative, the haul route would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20, approximately 975 feet west of the existing SR 20/Kibbe Road intersection. Therefore, the area of potential effect (APE) would change under the alternative. As part of the Cultural Resources Survey Memorandum prepared for the proposed project, impacts related to the Cordua Canal Alternative were assessed; however, due to property access issues, the portion of the Alternative's APE that would differ from the proposed project's APE was unable to be intensely surveyed. As observed from the roadway and other accessible areas, the APE of the Cordua Canal Alternative is currently under agricultural production with row crops. Additionally, the irrigation canals within the Alternative vicinity are not considered significant historical resources, and the Cultural Resources Survey Memorandum concluded that known archeological and paleontological resources do not exist within the vicinity of the Alternative. Although an intensive survey was not completed for known cultural resources in the vicinity of the alternative location, the anticipated impacts of the Cordua Canal Alternative would likely be similar to the proposed project. As such, Mitigation Measures 4.3-1, 4.3-2(a) and 4.3-2(b), related to the discovery of resources during ground disturbance, would still be

required under the Alternative. Based on the above information, the Alternative would result in similar impacts related to Cultural and Tribal Cultural Resources as the proposed project. (DEIR, pp. 5-16, 5-17.)

## **Noise**

The Cordua Canal Alternative would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20, approximately 975 feet west of the existing SR 20/Kibbe Road intersection, thereby shifting the proposed haul road to the west and creating a larger setback from the nearest sensitive noise receptor of the proposed project. The Alternative would require construction and, thus, Mitigation Measure 4.4-1 would still be required. However, although the Cordua Canal Alternative would locate the haul road closer to the nearest residences on the south side of SR 20, the residences would be in excess of 900 feet from the haul route and would not be adversely impacted. Therefore, the Alternative would reduce noise impacts to the proposed project's nearest sensitive receptor to below proposed project levels, would reduce noise levels at noise sensitive receptors in the neighborhoods surrounding Hallwood Boulevard and Walnut Avenue, and would not significantly increase noise levels at the nearest residences on the south side of SR 20. Thus, the Cordua Canal Alternative would result in fewer impacts related to noise as compared to the proposed project. (DEIR, p. 5-17.)

## **Transportation**

The Cordua Canal Alternative would follow the east bank of the Stahl Ditch for approximately 1,070 feet before straightening to intersect with SR 20, approximately 975 feet west of the existing SR 20/Kibbe Road intersection, therefore creating a new intersection along SR 20. As such, the Alternative would result in additional truck traffic at the new intersection, and the traffic levels at the new intersection could conflict with the County's applicable LOS standards. Additionally, the Alternative would result in similar conflicts as the proposed project at all other intersections in the project vicinity, except for at the SR 20/Kibbe Road intersection, where LOS would be improved under the Cordua Canal Alternative. The County would condition the Cordua Canal Alternative to fully construct improvements to the roadways in the project vicinity, including the installation of a traffic signal control with a westbound left turn pocket, an eastbound right turn pocket, and a northbound right turn pocket at the SR 20/New Connection intersection, or the installation of a single lane roundabout control with a shared left/through/right turn lane on all approaches.

The distance of the Cordua Canal Alternative haul route to the Hallwood mine would be approximately 545 feet longer than the proposed haul route, which would result in an overall increase in VMT compared to the proposed project. Thus, the Cordua Canal Alternative would result in greater impacts related to VMT as compared to the proposed project.

The Cordua Canal Alternative would involve construction activities along SR 20 which could substantially increase hazards to vehicle safety and result in a hazardous traffic situation by interfering with the movement of traffic at the SR 20/New Connection intersection. Like the proposed project, the construction process could cause lane closures, damage to roadways, friction between construction site vehicles and travelers on SR 20, and increased conflicts with bicyclists and pedestrians. Therefore, Mitigation Measures 4.5-3(a) and 4.5-3(b) would be required under the Cordua Canal Alternative. However, because the Cordua Canal Alternative haul route would be located west of the existing SR 20/Kibbe Road intersection, the Alternative would not conflict with the school bus stops located at the intersection, and Mitigation Measure 4.5-1 would not be required. Based on the above information, the Alternative would result in greater impacts related to transportation as the proposed project. (DEIR, p. 5-17, 5-18.)

### **Summary of Environmental Impacts**

The Cordua Canal Alternative would result in fewer impacts related to Noise, and similar impacts as compared to the proposed project related to Cultural and Tribal Cultural Resources. However, the Alternative would result in greater impacts to Air Quality and GHG Emissions, Biological Resources, and Transportation. (DEIR, p. 5-18.)

### **Relationship to Project Objectives**

The Cordua Canal Alternative haul route would be approximately 545 feet longer than the proposed haul route, and would include the construction of approximately 2,045 feet of additional roadway. Therefore, the Alternative would result in a greater area of disturbance and longer haul route, and, thus, would not meet Objectives #2 or #5. Objectives #1, #3, and #4 would generally be met. (DEIR, p. 5-14.) Moreover, the Applicant indicates that this alternative would be more expensive to implement than the proposed project or the Existing Alignment Alternative. (FEIR, p. 2-13.)

### **Finding**

The County rejects this alternative as infeasible because it does not meet the project objectives and is not environmentally preferable to the Project. (DEIR, pp. 5-14 to 5-19.)

## **D. OTHER ALTERNATIVES CONSIDERED AND REJECTED**

The County considered and rejected the following Off-Site Location Alternatives from more-detailed study in the EIR:

**Alternative 1.** A north-south roadway, which would begin on the eastern tip of Teichert's property and would cross the Cordua Canal and the Browns Valley Ditch to intersect with SR 20 east of Spring Valley Road. (DEIR, p. 5-4.)

**Alternatives 2 and 3.** Similar to Alternative 1, these north-south roadways would begin on the eastern tip of Teichert's property and would cross the Cordua Canal and the Browns Valley Ditch. Alternative 2, however, would intersect with SR 20 farther east than Alternative 3. (DEIR, p. 5-4.)

**Alternative 4.** A roadway, which would begin in Teichert property and would run north-south transecting the orchard within the project site, and would cross the center irrigation ditch and immediately turn 90-degrees to the west and run east-west along the north edge of the center canal for approximately 3,000 feet and would then turn 90-degrees to the north to intersect with SR 20. (DEIR, p. 5-4.)

**Alternative 4A and 4B.** Variations of Alternative 4, these roadways would also begin in Teichert property and would run north-south transecting the orchard within the project site. Alternative 4A would then cross the center irrigation ditch, while Alternative 4B would not. The Alternatives would then immediately turn 90-degrees to the west and 4A would run east-west along the north edge of the center canal and 4B along the south edge until the ultimate connection with Hallwood Boulevard. (DEIR, p. 5-6.)

**Alternative 5.** Alternative 5 is an east-west running roadway, which would run adjacent to the southernmost irrigation ditch, then would cross the ditch and continue along the north edge of the ditch until its connection with Hallwood Boulevard. (DEIR, p. 5-6.)

**Alternatives 5A and 5B.** Variations of Alternative 5, these east-west running roadways would also run adjacent to the southernmost irrigation ditch. Alternatives 5A and 5B follow the same general course as Alternative Location 5, but access Hallwood Boulevard at different locations. (DEIR, p. 5-6.)

### **Evaluation of Off-Site Location Alternatives 1, 2, and 3**

Alternatives that avoid going through the neighborhood were considered to address a comment received on the NOP prepared for the proposed project. The alternatives would involve establishing a new haul route such that the hauling trucks travelling from the Hallwood mine would bypass the neighborhoods in the project region. A specific alternative hauling route that bypasses the communities along SR 20 has not been identified; therefore, this discussion generally evaluates three different scenarios: Off-Site Location Alternatives 1, 2, and 3.

The implementation of Off-Site Location Alternatives 1, 2, and 3 could result in greater overall impacts as compared to the proposed project. For example, Off-Site Location Alternatives 1, 2, and 3 would require longer lengths of roadway and would intersect with SR 20 further east than the proposed private haul road. By requiring the construction of an entirely new haul route which circumvents the existing neighborhoods and would result in a substantially larger area of ground disturbance as compared to the proposed project, impacts related to air quality and greenhouse gas (GHG) emissions, biological resources, and cultural and tribal cultural resources would be greater than the proposed project. In addition, because 75 percent of the trucks come from the west, the



alternatives located east of the project site would divert the majority of the trucks along a longer, less direct haul road, which would therefore result in greater impacts related to air quality. For the same reasons, traffic noise impacts on residences located along SR 20 east of Kibbe Road would increase with the Off-Site Location Alternatives 1, 2, and 3. Furthermore, potential jurisdictional waters have been identified in the region where the alternatives to the east of the project site would intersect with the Hallwood mine. Construction of the alternatives could, therefore, result in impacts to waters of the U.S. that would not occur with the proposed project. Lastly, the construction of a roadway through the eastern area of the Hallwood mine would cross existing riparian and fresh water marsh habitat, which could result in greater impacts related to biological resources as compared to the proposed project.

Objective #2, which pertains to identifying the shortest possible route from Teichert's on-site scalehouse to SR 20, would not be met by the Alternatives. Objective #3, regarding the acquisition of property from willing property owners may not be met if willing property owners are not available. Objective #5, pertaining to minimizing impacts to the natural environment, including riparian habitat and the Yuba River, also may not be achieved under Off-Site Location Alternatives 1, 2, and 3. Furthermore, implementation of Off-Site Location Alternatives 1, 2, and 3 would not reduce any identified impacts to less than those anticipated for the proposed project.

Given the reasons above, Off-Site Location Alternatives 1, 2, and 3 would fail to meet all of the basic project objectives and would not avoid any significant environmental effects. Thus, Off-Site Location Alternatives 1, 2, and 3 are hereby dismissed from further review. (DEIR, pp. 5-6, 5-7.)

#### **Evaluation of Off-Site Location Alternatives 4, 4A, 4B, 5, 5A, and 5B**

Off-Site Location Alternatives 4, 4A, 4B, 5, 5A, and 5B would be located west of the project site and would connect with Hallwood Boulevard. Currently, only trucks exiting the Teichert facility utilize Hallwood Boulevard. However, under Off-Site Location Alternatives 4, 4A, 4B, 5, 5A, and 5B, the affected segment of Hallwood Boulevard would accommodate 100 percent of the Teichert truck traffic. As a result, implementation of the Alternative would increase noise impacts to sensitive receptors along Hallwood Boulevard, as well as sensitive receptors at the intersection of Hallwood Boulevard and SR 20, to levels greater than what would occur under the proposed project. Furthermore, impacts related to transportation would likely be greater than under the proposed project due to the fact that the haul road, as included in the proposed project, would be a private road that connects directly to SR 20. Conversely, the alternative locations that connect to Hallwood Boulevard would place 100 percent of Teichert's truck traffic on a local roadway. Consequently, under the alternatives, the truck traffic would be added to the non-commercial vehicles utilizing the roadway, whereas traffic on the private haul road, included under the proposed project, would consist predominantly of trucks. Finally, air quality and GHG impacts associated with the Alternatives would be greater than the proposed project due to the increased length of the haul route.

Off-Site Location Alternatives 4, 4A, 4B, 5, 5A, and 5B would fail to meet project Objective #1, which entails minimizing Teichert-generated truck traffic on Hallwood Boulevard and Walnut Avenue. In addition, Objective #2, which pertains to identifying the shortest possible route from Teichert's on-site scalehouse to SR 20, would not be met by the Alternatives. Objective #3, regarding the acquisition of property from willing property owners may not be met if willing property owners are not available. Objective #5, pertaining to minimizing impacts to the natural environment, including riparian habitat and the Yuba River, also may not be achieved under the Alternatives.

Therefore, due to the potentially greater impacts associated with the alternative haul road locations, and because the Alternatives would not meet all project objectives, Off-Site Location Alternatives 4, 4A, 4B, 5, 5A, and 5B are hereby dismissed from further review. (DEIR, p. 5-7.)

### **Finding**

The County rejects these alternatives as infeasible because they do not meet the project objectives and are not environmentally preferable to the Project. (DEIR, pp. 5-4 to 7.)

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4.2-1	Would the project 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 CDFW or USFWS.	<p><i>Vernal Pool Fairy Shrimp</i></p> <p>4.2-1(a) The project applicant shall comply with all construction site Best Management Practices (BMPs) specified in the Storm Water Pollution Prevention Plan (SWPPP), as required in Mitigation Measure X-1 of the Initial Study prepared for the proposed project (see Appendix A [of the Draft EIR]), and any other permit conditions to minimize the introduction of construction related contaminants and mobilization of sediment in wetlands and non-wetland waters in and adjacent to the project site. These BMPs will address soil stabilization, sediment control, wind erosion control, vehicle tracking control, non-stormwater management, and waste management practices. The BMPs will be based on the best conventional and best available technology. Prior to issuance of grading permits, the SWPPP shall be prepared and submittal for review and approval to the RWQCB. In addition, if a Clean Water Act Section 404 permit is required for the project, the USACE will consult with the USFWS, pursuant to Section 7 of the FESA, regarding potential indirect impacts to vernal pool fairy shrimp as a result of project activities. The project applicant will comply with any mitigation measures identified by USACE and USFWS as a result of this consultation.</p>	<p>Yuba County Community Development and Services Agency</p> <p>RWQCB</p>	<p>SWPPP prepared prior to issuance of grading permits, and implemented during project construction.</p>	
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		<p><i>Nesting Birds and Raptors</i>  <b>4.2-1(b)</b> Where vegetation removal is required to construct project features, the project applicant shall conduct this activity during the nonbreeding season for migratory birds and raptors (generally between September 1 and February 28), to the extent feasible.</p> <p>If construction activities (including vegetation removal) cannot be confined to the nonbreeding season, the project applicant shall retain a qualified wildlife biologist with knowledge of the relevant species specific to the area to conduct nesting surveys before the start of construction. The migratory bird and raptor nesting surveys shall include a minimum of two separate surveys to look for active migratory bird and raptor nests. Surveys shall include a search of all trees and shrubs that provide suitable nesting habitat in the construction area. In addition, a 0.5-mile area around the construction area shall be surveyed for Swainson's hawk, a 500-foot area around the construction area shall be surveyed for nesting raptors, and a 50-foot area around the construction area shall be surveyed for songbirds. One survey should occur within 14 days prior to construction and the second survey within 48 hours prior to the start of construction or vegetation removal. If no active nests are detected during these surveys, no additional measures are required. Survey results shall be submitted for review and</p>	Yuba County Community Development and Services Agency	Prior to the initiation of construction.	
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		<p>approval to the Yuba County Community Development and Services Agency.</p> <p>If an active nest is found in the survey area, a no-disturbance buffer shall be established around the nest site to avoid disturbance or destruction of the nest until the end of the breeding season (August 31) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the project site (this date varies by species). The extent of these buffers shall be determined by the biologist in coordination with USFWS and/or CDFW as applicable, and will depend on the level of construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.</p>			
4.2-2	Would the project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) or any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS through direct removal,	4.2-2(a) Prior to construction, the project applicant shall submit an Aquatic Resources Delineation Report to the USACE and RWQCB to determine if the seasonal wetlands, roadside ditches, and agricultural ditches would be regulated by the USACE under Section 404 of the Clean Water Act and/or by the RWQCB under Section 401 of the Clean Water Act or the Porter-Cologne Water Quality Control Act. If the RWQCB and/or the USACE determines that the wetlands and non-wetland waters are not regulated under State and federal laws, further mitigation is not required.	Yuba County Community Development and Services Agency  USACE  RWQCB	Prior to construction.	



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	filling, hydrological interruption, or other means.	<p><i>If the RWQCB and/or the USACE determines that the wetlands and non-wetland waters are regulated under State and federal laws, the project applicant shall obtain the required permits and implement any required compensation for the loss of waters of the U.S. and/or waters of the State. The actual mitigation ratio and associated credit acreage shall be based on USACE and RWQCB permitting, which will dictate the ultimate compensation for permanent or temporary impacts to waters of the U.S./waters of the State. RWQCB and USACE determinations, as well as proof of required permits, if any, shall be submitted to the Yuba County Community Development and Services Agency for review.</i></p> <p>4.2-2(b) Implement Mitigation Measure 4.2-1(a).</p>	See Mitigation Measure 4.2-1(a).	See Mitigation Measure 4.2-1(a).	
4.3-2	Would the project cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5 or disturb human remains, including those interred	<p>4.3-2 <i>The following requirements shall be included via notation on all project improvement plans prior to the issuance of grading permits, to the satisfaction of the Yuba County Community Development and Services Agency.</i></p> <p><i>In the event subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the</i></p>	<p>Yuba County Community Development and Services Agency</p> <p>Yuba County Coroner</p> <p>NAHC</p>	Noted on improvement plans prior to the issuance of grading permits, and implemented during construction.	



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	outside of dedicated cemeteries.	<p><i>Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologist, shall be retained by the applicant to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</i></p> <ul style="list-style-type: none"> <li><i>• If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required.</i></li> <li><i>• If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify Yuba County and applicable landowner. The project applicant shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work shall not resume within the no-work radius until the applicant, through consultation as appropriate and concurrence with the County, determines that the site either: 1) is not a historical resource under CEQA, as defined in Section</i></li> </ul>			



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		<p>15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the County's satisfaction.</p> <ul style="list-style-type: none"> <li>If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Yuba County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 shall be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not</li> </ul>			
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		reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinternment document with Yuba County (AB 2641). Work shall not resume within the no-work radius until the County, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.			
4.3-3	Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074.	<p>4.3-3(a) Implement Mitigation Measure 4.3-2.</p> <p>4.3-3(b) Prior to initiation of ground-disturbing activities associated with the proposed project, a consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American Tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program shall</p>	<p>See Mitigation Measure 4.3-2.</p> <p>Yuba County Community Development and Services Agency</p>	<p>See Mitigation Measure 4.3-2.</p> <p>Prior to initiation of ground-disturbing activities.</p>	



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		include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program shall also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential tribal cultural resources are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values. Documentation of the brochure and training program (i.e., a sign-in sheet) shall be retained at the project site and shall be submitted with applicable reports to the Yuba County Community Development and Services Agency.			
4.3-4	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	4.3-4	Prior to the issuance of grading permits, the following language shall be included via notation on the Improvement Plans: "Should construction or grading activities result in the discovery of unique paleontological resources, all work within 100 feet of the discovery shall cease. The Yuba County Community Development and Services Agency shall be notified, and the resources shall be examined by a qualified archaeologist, paleontologist, or historian, at the developer's expense, for the purpose of recording, protecting, or curating	Yuba County Community Development and Services Agency	Noted on improvement plans prior to the issuance of grading permits, and implemented during construction.



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		the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development and Services Agency for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred."			
4.4-1	Generation of a substantial temporary 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.	4.4-1	<p>Prior to issuance of a grading permit, the project contractor shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive land uses and include specific noise management measures to be included within the project plans and specifications, subject to review and approval by the Yuba County Community Development and Services Agency. The project contractor shall demonstrate, to the satisfaction of the County, that the project complies with the following:</p> <ul style="list-style-type: none"> <li>Noise-generating construction activities, including truck traffic coming to and from the project site for any purpose, shall be limited to the hours outlined in Section 8.20.310 of the County's Code of Ordinances, specifically, construction activities shall be prohibited outside of the hours of 7:00 AM to 10:00 PM.</li> </ul>	Yuba County Community Development and Services Agency	Prior to issuance of a grading permit, and implemented during construction.



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		<ul style="list-style-type: none"> <li>• All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise-control features that are readily available for that type of equipment.</li> <li>• All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, State, or local agency shall comply with such regulations while in the course of project activity.</li> <li>• Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.</li> <li>• Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.</li> <li>• Construction site and access road speed limits shall be established and enforced during the construction period.</li> </ul>			



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		<ul style="list-style-type: none"> <li>The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.</li> <li>Project-related public address or music systems shall not be audible at any adjacent receptor.</li> </ul>			
4.5-1	Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	<p>4.5-1 Prior to approval of Improvement Plans, the project applicant shall show on the plans construction of an eastbound bus pullout on the far side of the SR 20/Kibbe Road intersection (i.e., just east of the intersection) to eliminate the conflict between school buses and right-turning vehicles. Design of the eastbound bus pullout shall be included on project Improvement Plans to be reviewed and approved by the Yuba County Community Development and Services Agency, the County Engineer, and Caltrans.</p>	<p>Yuba County Community Development and Services Agency</p> <p>Yuba County Engineer</p> <p>Caltrans</p>	Prior to approval of improvement plans.	
4.5-3	Would the project substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	<p>4.5-3(a) Prior to issuance of construction permits, the project applicant shall prepare a Construction Traffic Management Plan (CTMP) to the satisfaction of the Yuba County Community Development and Services Agency, and Caltrans. The plan shall include (but not be limited to) items such as:</p> <ul style="list-style-type: none"> <li>Guidance on the number and size of trucks per day entering and leaving the project site;</li> <li>Identification of arrival/departure times that would minimize traffic impacts;</li> </ul>	<p>Yuba County Community Development and Services Agency</p> <p>Caltrans</p>	Prior to issuance of construction permits, and implemented during project construction.	



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		<ul style="list-style-type: none"> <li>• Approved truck circulation patterns;</li> <li>• Locations of staging areas;</li> <li>• Locations of employee parking and methods to encourage carpooling;</li> <li>• Methods for partial/complete street closures (e.g., timing, signage, location and duration restrictions);</li> <li>• Criteria for use of flaggers and other traffic controls;</li> <li>• Preservation of safe and convenient passage for bicyclists and pedestrians through/around construction areas;</li> <li>• Monitoring for roadbed damage and timing for completing repairs;</li> <li>• Limitations on construction activity during peak/holiday weekends and special events;</li> <li>• Preservation of emergency vehicle access;</li> <li>• Coordination of construction activities with construction of other projects that occur concurrently in Yuba County to minimize potential additive construction traffic disruptions, avoid duplicative efforts (e.g., multiple occurrences of similar signage), and maximize effectiveness of traffic mitigation measures (e.g., joint employee alternative transportation programs);</li> <li>• Implementation of Caltrans provided lane closure requirements to reduce potential public delay impacts;</li> </ul>			
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		<ul style="list-style-type: none"> <li>• Removing traffic obstructions during emergency evacuation events; and</li> <li>• Providing a point of contact for Yuba County residents and guests to obtain construction information, have questions answered, and convey complaints.</li> </ul> <p>The CTMP shall be developed such that the following minimum set of performance standards is achieved throughout project construction. It is anticipated that additional performance standards will be developed once details of project construction are better known.</p> <ul style="list-style-type: none"> <li>• Delivery trucks do not idle/stage on SR 20.</li> <li>• SR 20 and Kibbe Road do not feature any construction-related lane closures on peak activity days.</li> <li>• All construction employees shall park in designated lots owned by the project applicant or on private lots otherwise arranged for by the project applicant.</li> <li>• Roadways, unmarked crosswalks, and bicycle facilities (e.g., roadway shoulders that could be used by bicyclists) shall be maintained clear of debris (e.g., rocks) that could otherwise impede travel and impact public safety.</li> </ul>			



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		4.5-3(b) Prior to issuance of construction permits, the maintenance and removal of trees in the vicinity of the SR 20/Kibbe Road intersection, as well as the relocation of picnic tables and signs in order to not hinder sight distance of the drivers on the westbound approach of the proposed roadway realignment shall be conducted. The project applicant shall formulate an agreement with adjacent property owners which would allow for off-site improvements to occur to the satisfaction of the Yuba County Community Development and Services Agency, and Caltrans.	Yuba County Community Development and Services Agency  Caltrans	Prior to issuance of construction permits.	
X(a)	Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.	X-1. Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the RWQCB. The contractor shall file the Notice of Intent (NOI) and associated fee to the RWQCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction (temporary) BMPs for the Project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to	Director of Public Works/County Engineer	Prior to issuance of grading permits, and implemented during construction.	





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		the Director of Public Works/County Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.			

