

COASTAL CONSERVANCY

Staff Recommendation
October 18, 2012

**INTERTRIBAL SINKYONE WILDERNESS
PUBLIC ACCESS TRAILS PROJECT**

Project No. 05-007-02
Project Manager: Su Corbaley

RECOMMENDED ACTION: Consideration and possible Conservancy approval of a Mitigated Negative Declaration and Mitigation Monitoring Program for the InterTribal Sinkyone Wilderness Plan for Public Access; further authorization to disburse up to \$220,000 to the InterTribal Sinkyone Wilderness Council for implementation of public access improvements in the InterTribal Sinkyone Wilderness, Mendocino County.

LOCATION: The Lost Coast Region of northern Mendocino County

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
- Exhibit 2: [Access Plan](#)
- Exhibit 3: [Mitigated Negative Declaration](#)
- Exhibit 4: [Mitigation and Monitoring Plan](#)
- Exhibit 5: [Project Letters](#)

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 34000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby:

1. Adopts the Mitigated Negative Declaration prepared under the California Environmental Quality Act (“CEQA”) for the InterTribal Sinkyone Wilderness Limited Access Management Plan, attached as Exhibit 3 to the accompanying staff recommendation.
2. Adopts the InterTribal Sinkyone Wilderness Limited Access Management Plan Mitigation Monitoring Program, attached as Exhibit 4 to the accompanying staff recommendation.
3. Authorizes disbursement of an amount not to exceed two hundred twenty thousand dollars (\$220,000) to the InterTribal Sinkyone Wilderness Council (“the Council”) to implement

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public access improvements, consistent with the InterTribal Sinkyone Wilderness Access Management Plan, attached as Exhibit 2 to the accompanying staff recommendation, subject to the following conditions:

- a. Prior to disbursement of any funds, the Conservancy's Executive Officer shall approve in writing a work plan, budget and schedule, project designs, and any contractors to be used for the activities under this authorization.
- b. With respect to work funded by the Conservancy and constituting an improvement or development, the Council shall provide evidence that it has obtained all necessary permits for the project.
- c. The Council shall implement all mitigation measures for the project identified in the InterTribal Sinkyone Wilderness Limited Access Management Plan Mitigation Monitoring Program, attached as Exhibit 4 to the accompanying staff recommendation.
- d. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign or signs, the design and placement of which has been reviewed and approved by the Conservancy's Executive Officer, or by some other alternative form of acknowledgement, appropriate to the project and approved by the Conservancy's Executive Officer."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to and along the coast.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, most recently updated by the Conservancy on November 10, 2011.
3. Consistent with 14 California Code of Regulations Section 15074, the Conservancy has considered the Mitigated Negative Declaration and Mitigation Monitoring Program including comments received during the public review process, attached to the accompanying staff recommendation as Exhibits 3 and 4, respectively, and finds, on the basis of the whole record before it and its independent judgment and analysis, that there is no substantial evidence that the project as mitigated will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. The proposed project will serve greater than local needs.
5. The Intertribal Sinkyone Wilderness Council is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code whose purposes are consistent with Division 21 of the Public Resources Code."

PROJECT SUMMARY:

Staff is recommending the Conservancy approve the Mitigated Negative Declaration ("MND") for the InterTribal Sinkyone Wilderness Plan for Limited Public Access ("the Plan") and

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authorize the disbursement of up to \$220,000 to the InterTribal Sinkyone Wilderness Council (“the Council”) to implement public access improvements consistent with the Plan, specifically to construct approximately 1.4 miles of new trail in two locations across the InterTribal Sinkyone Wilderness (“the ITSW”) (Exhibit 1). These trails will provide access from the Usal County Road, across the ITSW to the Sinkyone Wilderness State Park (“the State Park”), owned and managed by the California Department of Parks and Recreation (“DPR”), and adjoining the ITSW along its western boundary. These trails will provide an inland link to the California Coastal Trail segment in the Sinkyone Wilderness State Park.

While public coastal access in this region is available on the State Park, it can only be accessed from the southern- and northern-most boundaries of the State Park, making access along most of its extent difficult. The ITSW trails, known as the South Trail and the Middle Trail, will make it easier for visitors who don’t have several days to hike the area, to experience this remote region of the coast of California, where the Sinkyone Indian once lived. The level of access called for in the Plan is ‘limited’ in that public access will be limited to specific trails only, including the trails in the proposed project, and one other described in the Plan and which may be developed at a future date. Controlling and designating where trails will be developed for public use will allow the Council to manage for the protection of its historic Native American resources and property, while providing the public with much needed and anticipated access across the property to the State Park.

The proposed project is intended to:

- Increase the opportunity for coastal access experiences by the general public.
- Provide low-maintenance backcountry trails.
- Improve the aesthetic and recreational qualities of the property.
- Improve visitor safety by providing well-designed and constructed trails.

The locations, lengths, and uses planned for the two trails and trailheads are as follows:

South Trail: The trailhead is located approximately 2.7 miles up Usal Road from the northernmost Usal campground in the State Park, and approximately 100 feet southwest of the road. The total length of the planned trail is approximately .978 miles (5155’), and would intersect with the Hotel Gulch Trail, at a point approximately two miles northwest of the northernmost Usal campground in the State Park. This trail is designed for hiking access for the general public. Ancillary improvements would include a parking lot and signage at the trailhead area.

Middle Trail: The Middle Trail is located in a narrow east-west region of the ITSW. The trailhead is located approximately 2 miles further up Usal Road from South Trail trailhead, or 4.7 miles from the northernmost Usal campground in the State Park, and approximately 100 feet southwest of the road. Total length of the planned trail is approximately .315 miles (1665’), and would intersect with the Hotel Gulch Trail at a point approximately 150’ southeast of the Hotel Gulch Trail/Wheeler Trail junction. The trail is designed for recreational hiking and equestrian uses, by both the general public and the Council. Additionally, as with the South Trail, Council staff will also use the Middle Trail for equestrian-mounted patrol and maintenance activities. One bridge will be constructed on the Middle Trail route. The Department of Fish and Game has recently visited the bridge site and determined the installation of the bridge, as planned, designed

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and sited, will not impact stream water resources and will not require a streambed alteration permit.

Trail structures, such as steps, armored drain swales, drain lenses, retaining walls, a foot bridge and puncheons, will be installed along the new routes to control erosion and provide a low-maintenance trail tread. The project will also include construction of trailhead parking areas, signs and picnic tables at both trailhead locations. Each of the trails can be used by Council staff to access the property on horseback for management patrol. The anticipated construction window for this project would occur between July 15, 2013 and January 31, 2015. Various trail crews of three to 10 people, using small-scale mechanized trail equipment and hand tools and small power equipment would perform the proposed work.

Other infrastructure improvements that are included in the Plan, and analyzed in the MND, but which are not included in the proposed project for funding at this time include campground facilities and waterless toilets. The Council does not currently have adequate staff available to regularly and frequently monitor and maintain campground and restroom facilities. However, the Council is working toward staffing that position as soon as possible and may seek additional funds from the Conservancy to add those infrastructure elements. In the mean time, hikers will have access to coastal camping by way of the State Park accessed by the ITSW trails.

Also analyzed in the MND and discussed in the Plan but is not a part of the proposed project, and therefore not intended for construction, or funding by the Conservancy at this time, is the Northern Trail (depicted in Exhibit 1). However, after the completion of the Plan and due to a route confirmation / re-evaluation conducted during the environmental review phase of the proposed project, it was determined that certain segments of the trail would be steeper than desirable or safe. This determination requires modification of the Northern Trail route from the route identified in the Plan, and necessitates a separate environmental review than that contained in the MND. If the Council determines to do so, the existing but disused logging road located near the planned route, can serve as an out-and-back trail at this time, though it does not connect to the State Park. It is anticipated that the Council will seek additional funding to construct the new Northern Trail once environmental review of that changed route is completed.

The Council is a non-profit 501(c)(3) organization whose purposes include the preservation of land for scenic and open space opportunities. As the landowner, the Council knows the property intimately, has worked closely with State Parks to finalize the trail routes, and is the logical choice to undertake this trail implementation project. As evidenced by the thorough and successful completion of the trail planning and environmental review analysis, as well as other enhancement projects on its adjoining properties, the Council is qualified to carry out the proposed project.

Site Description: The 3,845-acre ITSW is located in northern Mendocino County in a remote section of California known as the Lost Coast, and stretches for 7 miles along the western slope of the ocean-facing ridge of the coast range. The south end of the property is located approximately 27 air miles north of the town of Fort Bragg, and the north end of the property is located approximately 13.5 air miles southwest of the town of Garberville. The property is bounded on the north, west, and south by the 7,250-acre Sinkyone Wilderness State Park and on the east by the approximately 50,000-acre "Usal Redwood Forest" owned by the Redwood Forest Foundation, Inc. The property's eastern boundary (approximately 12 road miles) is

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defined entirely by Usal Road. The Hotel Gulch Trail defines the boundary between Council land and the State Park for approximately one-third of the southernmost portion of the property.

Access to the project site from the south is via Usal Road, a county road which intersects State Highway 1 roughly half way between Leggett and Fort Bragg. Access from the north is by Usal Road, via the Briceland-Thorn Road, which originates to the east in Redway. The Usal Road is an unimproved dirt road, of which the approximately northernmost two-third segment is closed via locked gates to public vehicular traffic between November 15 and April 15, or for longer periods annually as determined by the Mendocino County of Transportation. The ITSW is undeveloped and road access is gained along the Usal Road. The property contains many of California's most significant and irreplaceable natural and visual resources, including stands of coast redwoods, prairie vistas, historic features, clear streams, and unspoiled coastlines. Remnant old growth as well as second-growth and third-growth redwood forests and mixed coniferous-deciduous forests are common. The visual aesthetics range from dense forests to expansive views of coastline and ocean.

Project History: The Conservancy has been involved with projects in the InterTribal Sinkyone Wilderness since the mid-1980s when it began working to facilitate the sale of nearly 4,000 acres of land (that would become the ITSW) from the Trust for Public Lands ("TPL") to the Council. TPL had acquired over 7,000 acres of redwood lands along the Mendocino coast, in part with a \$1.1 million dollar loan authorized by the Conservancy. In 1996, the Council acquired its property from TPL and established the InterTribal Sinkyone Wilderness. The remaining approximately 3,000 acres held by TPL was added to the Sinkyone Wilderness State Park, to create over 8,000 acres owned and managed by DPR. In 1996, in conjunction with the acquisition of the property by the Council, the Conservancy funded the acquisition of a conservation easement over the ITSW by another non-profit organization, Pacific Forest Trust ("PFT"). As part of the transaction, TPL recorded offers to dedicate public access easements over the ITSW property, which can be accepted by the Conservancy or its designee only if the Council fails to develop and maintain public access trails on the property. The Conservancy has long supported the Council's efforts to plan for, develop, and manage public access on its property.

In February 1998 and December 2000, the Conservancy authorized funds for access planning on the Council's property, in order to identify and design appropriate visitor camping facilities and trails to connect to the public trails on the Sinkyone Wilderness State Park, to its west. In August 2004, the Council completed the plan for its Public Trails Project.

In 2005, the Conservancy authorized funds to the Council to prepare the necessary environmental review of the proposed project, pursuant to the California Environmental Quality Act ("CEQA"). That work was accomplished through consultation with and contracting to the Roads, Trails and Resources Program of the DPR's North Coast Redwoods District to develop MND, attached as Exhibit 4 to this staff recommendation.

Other Conservancy projects on the ITSW include the 2001 authorization of funds for the Council to complete in-stream salmonid habitat improvement projects along Jackass Creek (Wolf Creek), which traverses from its headwaters on the ITSW to the Pacific Ocean on the Sinkyone Wilderness State Park. The construction for that project was completed in 2004 and the final report was completed in 2005.

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PROJECT FINANCING

Coastal Conservancy	\$220,000
InterTribal Sinkyone Wilderness Council	<u>20,500</u>
Total Project Cost	\$240,500

The expected source for the Conservancy funds for this project is the fiscal year 2008-2009 appropriation from Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for Coastal Conservancy state-wide resource protection projects, which can be used for the development of public access consistent with Division 21 of the Public Resources Code, the Conservancy's enabling legislation.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 *et seq.*).

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy has a principal role in the implementation of a system of public accessways to and along the state's coastline. In the proposed project, the Conservancy funding would enable the Council to construct a system of trails across its property to connect with public access on the adjacent Sinkyone Wilderness State Park. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Sections 31400.1 and 31400.2 allow the Conservancy to provide grants to nonprofit organizations to develop lands for public access purposes. Consistent with Section 31400.1, the Council is a nonprofit organization that will carry out this project with the purpose of developing public access to the coast.

Section 31400.2 allows the Conservancy to fund up to the total cost of the initial development of public accessways by nonprofit organizations. The Conservancy will contribute funds for the project, and the Council will contribute some staff time assist with project coordination, oversight, and monitoring.

The proposed funding authorization is consistent with Public Resources Code Section 31400.3, which states that the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal access ways. The Conservancy funding would enable the Council to construct 1.4 miles of trail across its property.

The proposed project is also consistent with §31408(a), directing the Conservancy to coordinate the development of the California Coastal Trail, and §31409, which authorizes the Conservancy to award grants and provide assistance to establish and expand inland trail systems that may be linked to the California Coastal Trail. The trails planned for construction would serve as spur trails to the California Coastal Trail on the Sinkyone Wilderness State Park.

**CONSISTENCY WITH CONSERVANCY'S 2007
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1, Objective C**, the proposed project will result in the construction of approximately 1.4 miles of trails within nonprofit ownership.

Consistent with **Goal 2, Objective B**, the proposed project will result in opening a previously inaccessible area for public access while protecting and restoring sensitive habitat.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 10, 2011, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** State Senator Noreen Evans, State Assembly Member Wesley Chesbro, and the California Department of Parks and Recreation support the project. See Exhibit 5 for copies of the support letters.
4. **Location:** The proposed project is located partially within the coastal zone of northern Mendocino County and will connect to the California Coastal Trail.
5. **Need:** The Council is in a position to make great progress toward the goals and objectives established when it acquired the property in 1997, but does not have funding to complete the construction of the trails. The Council will provide over 8 percent of the project cost, but without Conservancy funds, the project is not likely to occur and the highly anticipated public access links to the coast would thus be delayed indefinitely.
6. **Greater-than-local interest:** Hikers from around the world are drawn to the coastal regions of California and are particularly attracted to the beauty and remoteness of the Lost Coast. The proposed project will provide a connection to the coast through an area that is currently unavailable to the public.
7. **Sea level rise vulnerability:** The proposed project is located in an area well above the high-end predictions for sea level rise of 69 inches by the year 2100. Thus, the project is not vulnerable to projected sea level rise.

Additional Criteria

8. **Urgency:** The public awareness of, and desire to access, the ITSW grows more each year, and requests to the Council for public access are increasing. The Council must continually control unauthorized access on its property in order to protect it from inappropriate uses that may affect its cultural and natural resources. Construction of the trails is urgently needed in order to provide the highly anticipated public access to the coast in a manner that would be protective of cultural and natural resources.

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- 13. Readiness:** The Council and the DPR are ready to begin the work in the summer of 2013. It is anticipated the project can be completed within 2 years.
- 14. Realization of prior Conservancy goals:** The proposed project will further the Conservancy's and Council's goals established in 1996 with the acquisition of the ITSW property by the Council, achieve some of the objectives outlined the *InterTribal Sinkyone Wilderness Plan for Limited Public Access*, completed by the in Council 2004, and would solidify the Council's commitment to providing public access across its property.
- 16. Cooperation:** The Council will complete the project in cooperation with the Roads, Trails, and Resources Program of DPR's North Coast Redwoods District to construct the trails and parking areas. Efforts will be made to also involve the California Conservation Corps, Back-Country Trails Crews in the project.
- 17. Vulnerability from climate change impacts other than sea level rise:** It is unclear to what extent other climate change impacts such as higher air temperatures, altered precipitation patterns, more severe El Nino climate events, increased storm frequency and intensity, higher coastal erosion rates, greater fire intensity and frequency, etc. will impact the ITSW. However, changes in rainfall, storm patterns, sedimentation, and wind speed could affect vegetation and soil cover, and as a result the trails' integrity. The Council will pursue an adaptive management approach to maintaining the new trails in response to the impacts of climate change.
- 18. Minimization of greenhouse gas emissions:** During construction, there may be short-term greenhouse gas emissions from the use of small scale petrol-powered equipment associated with vegetation 'limbing' and trail bed construction and contouring, as well as by vehicles delivering materials to the project sites. The greenhouse gas emissions from those construction activities will be minimized to the extent possible, as follows. Idling time of fueled equipment will be minimized either by shutting equipment off when not in use or reducing the time of idling to a minimum amount (e.g., 3 – 5 minutes). All construction equipment will be maintained in proper working condition. Utilizing hand equipment for most trail building and other improvements will cause no increase in greenhouse gases. No major excavation of materials will occur, so there is no need for dump trucks to haul away materials; all soil removed in the course of trail establishment will be used on site for grading. Where possible, local equipment and materials will be procured, and stocked on site to avoid multiple vehicle trips to and from the project site. All of these practices incorporated into the project reduce the generation of greenhouse gases associated with equipment and material hauling.

Consistency With Conservancy Standards And Recommendations For Accessway Location And Development

The Conservancy-adopted "*Standards and Recommendations for Accessway Location and Development*" is relevant to the proposed project. Consistent with Standard No. 1, 2 and 5, the proposed project will protect the public and coastal resources by routing and signing trails to promote safe recreation onsite while protecting sensitive habitats; avoiding casual trails through adequate way finding signage to reduce or eliminate resource erosion through forest or plant habitat; and installing a foot bridge over creek.

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Consistent with Standard 8, the proposed project will provide trails connecting to publicly owned lands and will provide safe trail access from parking lots to the Sinkyone Wilderness State Park, avoiding unstable or erosive soils. Trails will be signed to promote safe access and inform the public about the local environment; and picnic table and benches will be provided where needed.

Consistent with Standard No. 12, the proposed project includes support facilities to accommodate public use of the site, including signs, picnic tables and parking.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed project is consistent with the Mendocino County General Plan (MCGP) in the following respects. Chapter 4 of the MCGP, Coastal Element, presents the Descriptions and Policies for Thirteen Planning Areas. The Usal Road Coastal Trail, and its associated potential trails, are discussed as designated in the County approved trails plan for development. Specifically, the Usal Road Coastal Trail is defined “as “approximately 30 miles of County maintained road, suitable for hikers and equestrians. Potential for trails to connect to the shoreline”,[sic] and “designated in the County approved Trails plan for development.”

Further, the MCGP discusses trail development in the Lost Coast. Specifically, Policy 4.1-11 states “[t]he coastal trails for hiking and equestrian use which connect Usal Road with coastal beaches along the Lost Coast area should utilize existing roads and trails where feasible to minimize impacts to the environment. Parking areas at the Usal Road trailheads shall be provided to encourage hike-in recreation.” The proposed project is consistent with the foregoing in that it 1) will fulfill the recommended potential to develop trails to the coast off Usal Road, and 2) completes the evaluation and feasibility review for location and trail alignment, to ensure environmental impacts are minimized.

COMPLIANCE WITH CEQA: The Conservancy is the lead agency for this project under the California Environmental Quality Act. On September 10, 2012, staff noticed and circulated for public review a proposed Mitigated Negative Declaration (“MND”), attached as Exhibit 3. The comment period ended October 10; no comments were received.

The MND assesses the potential impact to 16 resources and found that there is no potential significant impact to Aesthetics, Agricultural Resources, Geology And Soils, Land Use And Planning, Mineral Resources, Population And Housing, Public Services, Recreation, Transportation And Traffic, or Utilities and Service Systems. The MND identified potentially significant impacts, if not mitigated, to **air quality**, **biological resources**, **cultural resources** and **hydrology/water quality**, and from **hazards/hazardous materials** and **noise**. The potential effects and the proposed mitigations that will avoid, reduce, or minimize the possible effect to a level of insignificance are discussed below.

Air Quality

With regard to **air quality**, the project will generate greenhouse gases that may have an adverse effect on the environment. Greenhouse gases would be generated from the use of vehicles to transport crew, materials and equipment to the work site, from the use of equipment during construction, and from the use of generators at the work site. These potential impacts to air

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quality will be mitigated to a level of insignificance by implementing mitigation measures, including:

- Construction activities will be restricted to the period July 12 to February 1 in any given year. Vehicles and equipment used in the project shall be allowed to idle only when absolutely necessary.
- Engines, carburetors, and exhaust systems of project's vehicles and equipment shall be maintained in excellent operating condition.
- Work crews shall camp at trailhead locations during workweeks to eliminate daily commutes to worksites.
- Work crews shall not use generators for powering camp lights or appliances. Camp stoves and lights, as well as appliances, utilities, and devices used in the camps shall be gas- or battery-powered instead of generator-powered.
- Work crews shall carpool weekly to worksites to eliminate taking individual vehicles to the worksites.
- Use of manual tools shall be maximized, and small-scale construction equipment shall be used only when needed.
- Project contractors and work crew members shall be hired locally whenever possible to reduce travel distances.
- Project equipment and materials shall be procured locally whenever possible to reduce travel distances.
- Project materials shall be procured from project property whenever possible (including wood materials for various trails structures).

Biological Resources

With regard to **biological resources**, the project may have possible adverse impacts on plants and trees, amphibians, birds and mammals from construction-related activities such as brush clearing and limbing and trail grading. Regarding plants of concern, while not observed in the region of the trail bed construction, there is a possible impact on the suitable habitat for one plant of concern at the trail head location for the middle trail, slated for improvements for parking and for future campground construction. No plants of concern were noted during the field survey in 2006. If any are identified during the field visit prior to initiation of construction (see Plants, below), DFG will be consulted to develop, on-site, any necessary mitigation measures.

Trees could be impacted from limb removal, tree removal, and root disturbances.

Amphibians could be disturbed from moving down logs, stones and trees and from trail bed construction activities.

Birds (including migratory non-game, raptors, and passerines) within the project area could be disturbed from construction activities, particularly noise from operating equipment.

The potential impacts to biological resources cited above will be mitigated to a level of insignificance by implementing mitigation measures including:

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Plants

- Provide Department of Fish and Game with results of project surveys at least ten (10) days prior to commencement of project work. [Note: this survey was completed in preparation of the MND.]

Trees

- Work crews shall not cut redwood tree roots greater than 2" in diameter within the root health zone of redwood trees (5x stem diameter). Limits of this zone will be marked prior to a crew beginning excavations and crew shall closely monitor its work to ensure no root damage occurs.
- Cutting of trees (Douglas-fir and tanoak) will be limited to less than ten trees that are estimated to be between 10 inches dbh (diameter breast height, or approximately 4.5 feet above forest floor) and 22 inches dbh.
- To minimize impacts to native vegetation, work crews shall limit ground disturbance whenever possible by restricting traffic to the trail prisms and allowing down woody debris already present to remain as much as possible.

Amphibians

- Care will be taken when moving woody material or large stones so that if amphibians are present they can be safely relocated away from the construction area.
- If observed in the construction path, amphibians will be carefully relocated only far enough away in order to protect them from disturbance during construction.
- When working in stream or along banks of streams, silt fences will be utilized. Any amphibians that are found will be moved outside of the fence throughout the construction period.

Birds

- Trail construction activities shall be restricted to the period July 12 to February 1 in any given year to minimize disturbance to potentially occurring Northern Spotted Owls.
- If any unoccupied raptor nest is detected (during the generic critical period of January 15 through August 31), the nest tree and surrounding screen trees shall not be disturbed and the location shall immediately be reported to DFG.
- If an unoccupied raptor nest is detected outside of the generic critical period then operations shall cease in the vicinity of the nest and its location shall be reported to DFG. The Council will then attempt to determine the species of raptor which constructed or used the nest and then the measures stated below will be applied (based on species).
- If an occupied raptor nest is detected in the project area, then the Council will cease operations within ¼ mile of the raptor nest (unless it known to be a peregrine falcon eerie, then a 1 mile buffer shall be applied) and immediately notify qualified biologists. The biologists will then determine the species of raptor and then applicable measures shall be developed in concert with DFG.

Cultural Resources

With regard to **cultural resources**, potential impacts to archaeological resources have been identified and include a potential adverse change to the significance of archaeological resource. Though no archaeological resources were identified within the trail alignments, campground or parking areas, four culturally sensitive areas were identified within the project area. While no human remains or burial sites have been documented or are known to exist at the proposed project sites, the potential exists that sites or remains could be encountered.

The potential impacts to cultural resources will be mitigated to a level of insignificance by implementing mitigation measures including:

Archaeological Resources

- A Native American Tribal representative shall be onsite to monitor all construction activities within the four culturally sensitive areas.
- A professional archaeologist shall be onsite to monitor all construction activities within the four culturally sensitive areas.
- In the event that previously undocumented cultural resources are encountered during project construction, work within the immediate vicinity (500 feet) of the find will be temporarily halted or diverted. Work would not continue at the site until the archaeologist and Tribal representative have evaluated and or recorded the site and prepared additional recommendations. Construction shall only resume with approval by the Council's board of directors.
- If any significant cultural resources are found in a project location, a qualified historian, archaeologist and/or appropriate Native American Tribal representative will be brought in to monitor any ground-disturbing work in that area from that point forward.

Human Remains or Burial Artifacts

- In the event that human remains are discovered, work shall cease immediately in the area of the find and the project manager/site supervisor will notify the Council's Executive Director. Any human remains and/or funerary objects shall be left in place or returned to the point of discovery and covered with soil. The Executive Director will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code, and the Native American Heritage Commission (NAHC). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the Council, which in turn will notify the appropriate authorities.
- If the coroner or tribal representative determines the remains represent Native American interment, the Council will contact the most likely descendants and work with appropriate parties to carry out appropriate disposition of the remains. Work shall not resume in the area of the find until proper disposition is complete (PRC §5097.98). No human remains or funerary objects will be cleaned, photographed, analyzed, or removed from the site prior to determination. Only authorized persons shall handle the human remains or funerary objects.
- If it is determined the find indicates a sacred or religious site, the site shall be avoided. Formal consultation with the State Historic Preservation Office and review by the

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NAHC/Tribal Cultural representatives shall also occur as necessary to define additional site mitigation or future restrictions.

Hydrology and Water Quality

With regard to **hydrology and water quality**, the potential exists for impacts to degrade water quality from short term sedimentation (increased turbidity) from runoff and accidental spillage of toxic substances during construction. The potential impacts to hydrology and water quality will be mitigated to a level of insignificance by implementing mitigation measures including:

- All mechanized trail equipment work will occur in the dry season, before October 15th.
- Trail Construction work will not occur in locations where surface runoff occurs due to rainfall.
- Mitigation measures related to hazards and hazardous materials (next section)

Hazards and Hazardous Materials

With regard to **hazards and hazardous materials**, potential impacts to the environment or people could occur from wildland fires or from exposure to hazardous materials, substances or waste. The potential impacts from hazards and hazardous materials will be mitigated to a level of insignificance by implementing mitigation measures including:

Hazards

- A fire safety plan will be in place prior to the start of any construction, including availability of identified fire suppression equipment and any required employee training.
- Smoking will not be allowed on any portion of the InterTribal Sinkyone Wilderness property at any time during the project, including at the work crew camps. Campfires will not be allowed at work crew camps located on the InterTribal Sinkyone Wilderness property.
- Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers will be required for all heavy equipment.
- Construction crews will be required to park vehicles away from flammable material such as dry grass and brush. At the end of each workday, trail equipment will be parked over mineral soil to reduce the chance of fire. Equipment will also be required to park in locations that will minimize prolonged exposure to slope failure. All equipment will be required to be mechanically sound and free of flammable debris.
- Contractors will be required to have a radio on site capable of direct contact to California Department of Forestry and Fire Protection and centralized dispatch center, to facilitate the rapid dispatch of control crews and equipment in case of a fire.

Hazardous Materials

- All equipment will be inspected for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from the project site. Leaks that develop will be repaired immediately in the field or work with that equipment will be suspended until repairs could be made.

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- The contractor(s) will prepare an emergency spill response plan prior to the start of construction. The Council will ensure that the contractor maintains a spill kit on-site throughout the life of the project, or provides multiple sets of cleanup materials to each crew, if sharing will prevent timely implementation of cleanup plans. In the event of any spill or release of any chemical in any physical form on or immediately adjacent to the project sites or within the ITSW during construction, the contractor will immediately notify the appropriate Council staff (e.g., project manager or supervisor). Appropriate agencies will be notified in the event of significant spillage.
- No maintenance or fueling activities shall be permitted within 200 feet of a stream.
- Equipment will be cleaned and repaired (other than emergency repairs) outside the ITSW boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside ITSW boundaries, at a lawfully permitted or authorized designation.
- If there is evidence of spillage from or free product discovered on or adjacent to the project sites, work will be halted or diverted from the immediate vicinity of the find and the ITCWC Executive Director will be contacted. Hazardous materials, if present, will be contained and removed from the site prior to resumption of work. Removal of all contaminants, including sludge, spill residue, or containers, will be conducted following established procedures and in compliance with all local, state, and federal regulations and guidelines regarding the handling and disposal of hazardous materials.

Noise

With regard to noise, the potential impacts to people (and wildlife, see Biological Resources discussion, above) or to the ambient noise levels could occur from the use of construction equipment. The potential impacts from noise will be mitigated to a level of insignificance by implementing mitigation measures including:

- Construction activities will be limited to the hours between sunrise and sunset.
- Internal combustion engines used for any purpose at the job site will be equipped with a muffler of a type recommended by the manufacturer.
- Equipment and trucks used for construction will utilize the best available noise control techniques (e.g., engine enclosures, acoustically attenuating shields or shrouds, intake silencers, ducts, etc.) whenever feasible and necessary.
- Stationary noise sources and staging areas will be located as far from sensitive receptors as possible. If they must be located near sensitive receptors, stationary noise sources will be muffled to the extent feasible and/or, where practicable, enclosed within temporary sheds.

Cumulative Impacts

The project, as proposed and mitigated, will not cause environmental impacts that are cumulatively significant.

INTERTRIBAL SINKYONE WILDERNESS TRAILS

Conclusion

Staff recommends that the Conservancy approve the proposed MND and find that, as mitigated, the project does not have the potential for a significant environmental effect as defined in 14 California Code of Regulations Section 15382. Staff also recommends that the Conservancy adopt the Mitigation, Monitoring and Reporting Program (attached as Exhibit 4), consistent with Public Resources Code Section 21081.6.

Upon Conservancy approval, staff will file a Notice of Determination for the project.