Final
SUPPLEMENT
to the
MITIGATED NEGATIVE DECLARATION
with edits

for

CALAVERAS BIG TREES STATE PARK
VISITOR CENTER PROJECT

State Clearinghouse #2004072144

March 2011

Lead Agency

State of California
DEPARTMENT OF PARKS AND RECREATION
Acquisition and Development Division
Northern Service Center
One Capitol Mall - Suite 500
Sacramento, California 95814

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

NOTICE OF DETERMINATION

TO: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, California 95812-3044

FROM: Department of Parks and Recreation
Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814

SUBJECT: Filing of the Notice of Determination in compliance with §21108 of the Public Resources Code.

PROJECT TITLE: Visitor Center
STATE CLEARINGHOUSE NUMBER: 2004072144

CONTACT PERSON: Stephanie Coleman, Environmental Coordinator
Department of Parks and Recreation
One Capitol Mall, Suite 410
Sacramento, CA 95814

PHONE NO.: (916) 445-8779

PROJECT LOCATION: Calaveras Big Trees State Park, Arnold CA

PROJECT DESCRIPTION: Build a new 6,500 square foot Visitor's Center with an assembly area and improved parking lot.

The California Department of Parks and Recreation has approved this project on December 28, 2010, and has made the following determinations:

1. ☒ The project will not have a significant effect on the environment.
   ☐ The project will have a significant effect on the environment.
2. ☒ A Final Negative Declaration was prepared and adopted, pursuant to the provisions of the California Environmental Quality Act (CEQA).
   ☐ A Final Environmental Impact Report has been completed in compliance with CEQA, and has been presented to the decision-making body of this Department for its independent review and consideration of the information, prior to approval of the project.
3. Mitigation measures or Monitoring Plan ☒were ☐were not made conditions of project approval.
4. A Statement of Overriding Considerations ☐was ☒was not adopted for this project.
5. Findings ☒were ☐were not made on environmental effects of the project.

The Negative Declaration may be examined at the California Department of Parks and Recreation at the contact address listed above, on the website & by request.

RECEIVED
MAR - 4 2011
STATE CLEARING HOUSE

Date Received for Filing

Stephen R. Lehman, Deputy Director
Acquisition and Development Division

March 2, 2011
Date

TABLE OF CONTENTS

SUPPLEMENT
MITIGATED NEGATIVE DECLARATION

PROJECT: **VISITOR CENTER PROJECT, CALAVERAS BIG TREES STATE PARK**

LEAD AGENCY: California Department of Parks and Recreation (DPR)

INTRODUCTION AND REGULATORY GUIDANCE

California Department of Parks and Recreation (DPR) adopted a Final MND for the above project on February 1, 2005. The State Clearinghouse number for this project is 2004072144.

A Supplement to the Final Mitigated Negative Declaration (MND) for the Visitor Center Project at Calaveras Big Trees State Park has now been prepared by DPR. It will disclose changes in project conditions and related mitigations that would require the preparation of a subsequent MND (per described in CCR §15162). However, the previous MND can be made adequate for the project in the changed situation, with only minor changes and additions to the previously adopted MND for this project, in accordance with CCR §15163(a)(1 & 2). This Supplement only contains that information necessary to make the previous MND adequate for the project as revised (CCR §15163(b)). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 *et seq.*, and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 *et seq.*

This Supplement to the Final MND will receive the same kind of notice and public review given to a draft MND, under CCR §15087 *et seq,* and will be filed with the Office of Planning and Research/State Clearinghouse (OPR).

The Project Description and Summary of Mitigation Measures sections below reflect changes as specified in the Corrections and Additions section of this document.

LEAD AGENCY

The lead agency is the public agency with primary approval authority over the proposed project. In accordance with CEQA Guidelines §15051(b)(1), "the lead agency will normally be an agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." The lead agency for the proposed project is DPR.

SUMMARY OF FINDINGS

While this document may alter or supplement information included in the original Draft and Final MND, a determination of no significant impact is still applicable and is supported by the findings indicated below.

- There was no potential for adverse impacts on Agricultural Resources, Land Use and Planning, Mineral Resources, and Population and Housing associated with the proposed

project.

- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: Aesthetics, Recreation, Transportation and Traffic, and Utilities and Service Systems.

- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impacts on Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Public Services to a less than significant level.

AVAILABILITY OF DOCUMENTS:
This Supplement to the MND for the Visitor Center Project, along with a copy of the original MND for this project, will be available throughout the 30-day public review period at the following locations:

Calaveras Big Trees State Park
1170 East Highway 4
Arnold, CA 95223

The Calaveras County Library Arnold
1065 Blagen Road
Arnold, CA 95223

The Calaveras County Library Angels Camp
185 S. Main
Angels Camp, CA 95222

Northern Service Center
One Capitol Mall, Suite 410
Sacramento, CA 95814

Central Valley District Headquarters offices
11255 Jackson Street
Columbia, CA 95310-9425

DPR's website http://www.parks.ca.gov/?page_id=980

The Initial Study for this Mitigated Negative Declaration was made available throughout the 30-day public review period at the reference desks of the Calaveras County Library - Arnold and Angels Camp Branches. It was also available at the public information desks of DPR's Northern Service Center and Central Valley District Headquarters offices and available on DPR's website. The Notice of Determination for the Final MND for this project was filed on

February 1, 2005 (SCH#2004072144). This Supplement will be appended to the Final Mitigated Negative Declaration and will be available by request, along with all supporting materials, at DPR's Northern Service Center and Central Valley District Headquarters office.

Supplement Information

Corrections and additions included in this Supplement to the Visitor Center Project MND could result in substantial changes to the circumstances under which the project will be undertaken, new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, as identified in CCR §15162, *et seq,* thereby requiring the preparation of a subsequent MND or EIR. However, these changes and potential effects can be identified with minor additions and changes to the previous MND; per CCR §15163(a)(1 & 2), this Supplement to an MND is, therefore, sufficient to identify and address these conditions and revisions, and preparation of a Subsequent MND is no longer required.

The following corrections, additions, and deletions will supplement and, where contradictory, supersede the applicable portions of the previously certified Final MND for this project. Additions and corrections are underlined; strikeout indicates a deletion. In some cases, in areas where there were many individual changes, an entire paragraph or section was deleted and re-written, even if portions of the narrative remained the same in both versions. This was done for ease of presentation and public review. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been included in this document.

This Supplement, along with the previously adopted Final MND (SCH#2004072144), will now constitute the Final MND for the Visitor Center Project.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the California Department of Parks and Recreation (DPR) has independently reviewed and analyzed the information contained in the Supplement to the Final MND for the proposed project and finds that this document reflects the independent judgment of DPR. DPR, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the Final MND.

Stephanie Coleman
Environmental Coordinator
Northern Service Center

1/18/2011
Date

Kathleen Amann
Assistant Deputy Director
Northern/Southern Service Centers

JAN 18, 2011
Date

Chapter 2

PROJECT DESCRIPTION:

This project is located within the boundary of Calaveras Big Trees State Park, on the southeast corner of the existing main parking lot adjacent the main entrance to the park. Visitor Center architectural design concepts will be compatible and in compliance with the Calaveras Big Trees State Park General Plan 1990.

The proposed visitor center consists of two single story structures connected by an open plaza. The Visitor Center design character, scale, and detail implement and enhance the use of natural materials similar in color and texture to the local environment. The overall scale and shape of the facility takes advantage of the open, sloping meadow site that is formed by the forest on three sides. The design character will reflect "Sierra Mountain" architecture while complimenting the existing "rustic style" of the Civilian Conservation Corps buildings. The site improvements will enhance the existing amenities through minor changes, additions, and improvement to the surrounding site features, terrain, and appearance. The new facility will connect to existing utilities including water, sewer, electricity, telephone, environmental control, security/fire alarm, upgrade the telecommunications infrastructure, and install a new additional propane tank.

The following is a summary of the proposed work:

1. Construct a permanent, accessible visitor center of approximately 6,500 square feet. The proposed visitor center will involve two separate enclosed spaces, the Exhibit Hall / Gift Center and Education Center, separated by an open space plaza on one level.

    - The Exhibit Hall / Gift Center One, approximately 3,050 square feet, is located adjacent existing visitor parking and east of the Education Center, will incorporate the following functions:
        - Orientation Lobby
        - Information Counter and Gift Shop
        - Audio/Visual Experience and Presentation Area
        - Interpretive Exhibit Gallery
        - Administrative Office Space with Docent Workrooms

    - The Education Center and Staff Office, approximately 2,450 square feet, is intended to provide the following functions:
        - Meeting/Lecture/Presentation Classroom Space
        - Work Shop Laboratory
        - Artifact and Exhibit Storage Area
        - Utility and Janitorial Service Space
        - Public Restrooms

- Library and Archives Spaces
- Utility and Janitorial Service compartments

- The open space area created between these two structures will provide the following functions:
  - Group Orientation Area
  - Outdoor Exhibit Space
  - Park Guided Tour Embarkation Point
  - Visitor Relaxation and Meeting Place
  - Scenic Overlook and Interpretation

2. Install a new trailhead/assembly area adjacent to the entrance of the proposed visitor center and south of the parking lot to accommodate small and medium size group gatherings.
3. Improve the existing 79 stall parking area with the addition of four ADA accessible parking spaces, including one van accessible space; delineation of three bus parking sites; and a bus unloading area at the building entrance. An all season pedestrian pathway will extend the length of the south side of the parking lot to the new Visitor Center.
4. ~~Remove approximately six trees of no more than 30" dbh (diameter at breast height) from within the proposed building footprint to accommodate placement of the visitor center.~~
5. Provide low-maintenance, native plant landscaping around visitor center. ~~Over trenching areas, adjacent to pathways, and all areas disturbed by construction.~~

6. Provide connections from existing utilities to the proposed Visitor Center including ~~water, sewer, electricity, telephone, environmental control, security/fire alarm, and telecommunications infrastructure, and install a new additional propane tank~~ :
   - Install an additional new propane tank adjacent to the existing propane tank near the comfort station on the north side of the parking lot. Trenching from the tank to the Visitor Center will extend approximately 200 feet.
   - Connect to the existing sewer line with the addition of a new manhole approximately 150 feet to the west of the proposed Visitor Center.
   - Combine underground telephone and power lines in one trench and extend approximately 1500 feet to connect to the Visitor Center from the north. Electrical work will require the installation of a new main switchboard for the Visitor Center.
   - Install 10,000 gallon water tank adjacent existing 40,000 gallon water tank located at Westside of park at POC to county water supply line. Tank to be placed on concrete slab with inlet / outlet line control valves to be located in valve box. Valve box to be buried and located between exiting water line and new tank; distance between tank and line less than 10 feet.
7. Extend the existing water line, located west of the building for approximately 120 feet from the existing 3-inch water main.

CHAPTER 3

SUMMARY OF MITIGATION MEASURES

(Corrections and Additions indicated in this document have been incorporated into this section.)

The following mitigation measures have been incorporated into the scope of work for the Visitor Center Project and will be fully implemented by DPR to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures will be included in contract specifications and instructions to DPR personnel involved in implementing the project.

AESTHETICS

No mitigation measures required.

AGRICULTURAL RESOURCES

No mitigation measures required.

AIR QUALITY

MITIGATION MEASURES AIR-1

- All active construction areas will be watered at least twice daily during dry, dusty conditions. Any activities that cause visible dust plumes that cannot be controlled by watering will be suspended
- All trucks hauling soil, sand, or other loose materials on public roads will be covered or required to maintain at least two feet of freeboard.
- All gasoline-powered equipment will be maintained in good mechanical condition (according to manufacture's specifications), and in compliance with all State and federal requirements.
- Excavation and grading activities will be suspended when sustained winds exceed 15 mph, instantaneous gusts exceed 25 mph, or dust from construction might obscure driver visibility on public roads.
- Disturbed areas will be re-vegetated as quickly as feasible following completion of construction.
- Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets will be promptly removed.

BIOLOGICAL RESOURCES

MITIGATION MEASURES BIO-1 – NEST PROTECTION FOR SPOTTED OWL AND NORTHERN GOSHAWK

- A DPR-qualified resource ecologist will conduct surveys for nests of spotted owl and northern goshawk to identify active nests within 0.25 miles of the project area. The surveys will be conducted during each breeding season beginning in 2004 and continued for each year of the construction period. The surveys will follow protocols approved by the California Department of Fish and Game.

- In the event that nesting spotted owls are found in the vicinity of the project area, an appropriate buffer zone with activity restrictions will be established, in consultation with DFG. Restrictions will remain in place from February 1 to August 31.
- In the event that nesting northern goshawks are found in the vicinity of the project area, an appropriate buffer zone with activity restrictions will be established, in consultation with DFG. Restrictions will remain in place from March 15 to August 31.

MITIGATION MEASURES BIO-2 – WILDLIFE TREE RETENTION

- A DPR Resource Ecologist will identify wildlife trees on the project site during initial planning. Trees in the active construction zone will be identified with flagging and protected if necessary with fencing or weed-free straw bales. Any such tree scheduled for removal will be felled between August and April to avoid the breeding season, and left on site, if possible, to function as coarse woody debris.

~~**MITIGATION MEASURES BIO-3 – TREE PROTECTION MEASURES**~~

- ~~Prior to construction, trees selected for retention will be identified, and all areas of ground disturbance will be flagged on the ground and inspected by a DPR Ecologist for potential impacts to roots, trunks and limbs~~
- ~~Ground disturbing activities that will impact trees, as determined by the DPR Ecologist, will be conducted at a depth and location to avoid structural tree roots (roots > 1.5" diameter). If tree roots >1.5" diameter are encountered, then contractor will excavate by hand underneath tree roots. Alternatively, boring or trenching will go at least three feet deep to avoid mature tree roots~~
- ~~DPR will replace, at a ratio of 1 per inch of diameter at breast height, all trees designated for removal~~
- ~~In the event that construction work takes place next to mature retention trees, these will be protected by the contractor with safety fencing and/or certified weed-free straw bales to prevent damage to roots, trunk, and limbs~~
- ~~In the event that retention trees must be removed due to damage based on an evaluation by a DPR Resource Ecologist, then the contractor will mitigate at a ratio of 1 seedling per inch of dbh for each retention tree removed as directed by a DPR Resource Ecologist.~~

Reason for Change: When the original MND was finalized, the exact construction limits had not been determined and the potential existed for encroachment into the Big Trees Forest habitat. Measure Bio-3 was developed to mitigate any loss of this sensitive natural community. As of October 2010 the construction plans were finalized and construction limits defined. Based on these plans it has been determined that there will be no encroachment into the Big Trees Forest habitat therefore this mitigation measure is no longer required.

CULTURAL RESOURCES

~~MITIGATION MEASURE CULT 1~~

- ~~Existing mature vegetation at the proposed construction site will be retained, with limited pruning to protect the view shed of the historic Hotel Annex building.~~

Reason for Change: Based on the final plans the construction area is not within the view shed of the historic Hotel Annex building therefore Mitigation Measure Cult 1 is not required.

MITIGATION MEASURE CULT 2 – PRECONSTRUCTION TESTING

- In those areas of the APE where project redesign is impossible and ground disturbances are unavoidable, a pre-construction archaeological testing program will be implemented to determine if archaeological deposits exist below the surface. The data generated from this investigation will determine if a data recovery or archaeological monitoring will be implemented.
- If archaeological monitoring is determined to be necessary during ground-disturbing activities, the work will be conducted by and at the discretion of the DPR archaeologist assigned to the project. The archaeological monitor will be notified a minimum of two weeks prior to the start of ground-disturbing work to schedule monitoring, unless other arrangements are been made in advance.
- A report of the findings from the testing, data recovery, or monitoring will be completed and copies distributed to the Cultural Resource Division, California State Park Headquarters; the DPR Northern Service Center; and the Central Valley District.

MITIGATION MEASURE CULT 3 – MONITORING

- In the event that previously unknown cultural resources (including but not limited to dark soil containing shellfish, bone, flaked stone, groundstone, or deposits of historic trash) are encountered during project construction by anyone, the state representative will put work on hold at that specific location and contractors will be redirected to other tasks. A DPR-qualified archaeologist will record and evaluate the find and work with state representative to implement avoidance, preservation, or recovery measures as appropriate prior to any work resuming at that specific location.
- In the event that significant cultural resources are found in a project location, a qualified historian, archaeologist, and/or Native American representative (if appropriate) will monitor all subsurface work including trenching, grading, and excavations in that area from that point forward to ensure avoidance of significant impacts to cultural resources.

MITIGATION MEASURE CULT- 4 – BURIAL SITES

- In the event that human remains are discovered, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate DPR personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The DPR Sector Superintendent (or authorized representative) will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code, and the Native American Heritage Commission ~~*(or Tribal Representative). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American*~~

~~authorities~~.

The local County Coroner will make the determination of whether the human bone is of Native American origin. In many of California's historic townsites and rural communities discoveries have been made of non-Native American human bone including non-Anglo.

If the coroner ~~or tribal representative~~ determines the remains represent Native American interment, the NAHC in Sacramento ~~and/or tribe~~ will be consulted to identify the most likely descendants and appropriate disposition of the remains. Work will 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

If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office and review by the Native American Heritage Commission/Tribal Cultural representatives will also occur as necessary to define additional site mitigation or future restrictions.

GEOLOGY AND SOILS

MITIGATION MEASURES GEO-1 – EROSION CONTROL

- A Stormwater Pollution Prevention Plan will be developed outlining BMPs to be used in all areas to control soil and surface water runoff during construction activities (see Hydro 1). Grading and excavation activities will not be planned during the rainy season (October 31 to May 1), but if storms are anticipated during construction or if construction will occur during winter months, "winterizing" will occur, including the covering (tarping) of any stockpiled soils and the use of temporary erosion control methods to protect disturbed soil. Temporary erosion control measures (BMPs) will be used during all soil disturbing activities and until all disturbed soil has been stabilized (recompacted, re-vegetated, etc.) These BMPs will include, but not be limited to, the use of silt fences, straw bales, or straw or rice coir rolls, to prevent soil loss and siltation into nearby water bodies, such as Big Tree Creek.
- Permanent BMPs for erosion control will consist of properly compacting disturbed areas and revegetation of appropriate disturbed soil areas with native species using seed collected locally, where possible. Otherwise, if local seed is not available, a weed-free native mixture will be used. Final design plans will include the permanent erosion control measures to be incorporated into the project.

HAZARDS AND HAZARDOUS MATERIALS

MITIGATION MEASURES HAZMAT-1 – SPILL PREVENTION

- All equipment will be inspected by the contractor for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from park premises.

- The contractor(s) and/or DPR will prepare an emergency Spill Prevention and Response Plan prior to the start of construction and maintain a spill kit on-site throughout the life of the project. This plan will include a map that delineates construction staging areas, where refueling, lubrication, and maintenance of equipment may occur. Areas designated for refueling, lubrication, and maintenance of equipment will be at least 50 feet from any surface water body. In the event of any spill or release of any chemical in any physical form at the project site or within the boundaries of the Park during construction, the contractor will immediately notify the appropriate DPR staff (e.g., project manager, supervisor, or State Representative).
- Equipment will be cleaned and repaired (other than emergency repairs) outside the park boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside park boundaries, at a lawfully permitted or authorized destination.

MITIGATION MEASURES HAZMAT-2 – CONSTRUCTION FIRE MANAGEMENT

- A fire safety plan will be developed by the contractor and approved by DPR prior to the start of construction.
- 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 or brush. At the end of each workday, heavy equipment will be parked over mineral soil, asphalt, or concrete to reduce the chance of fire.
- Fire suppression equipment will also be available and located on park grounds.

HYDROLOGY AND WATER QUALITY

MITIGATION MEASURE HYDRO 1 – WATER RUNOFF

- The amount of increased runoff due to the new building, expanded paved parking lot, and pathways will be determined and an appropriately sized and designed stormwater drainage system will be installed to prevent any on- or off-site flooding.
- As part of the grading and landscaping design, surface water runoff will be directed as much as possible into existing or new stormwater drains, into a grassed or lined swale, or into other types of energy dissipation devices.
- A Storm Water Pollution Prevention Plan, and associated erosion control plan, as required by the State Water Resources Control Board, will include BMPs for control of runoff and erosion.

LAND USE AND PLANNING

No mitigation measures required.

MINERAL RESOURCES

No mitigation measures required.

NOISE

MITIGATION MEASURES NOISE-1

- Construction activities will generally be limited to the daylight hours, Monday - Friday. If work during weekends or holidays is required, no work will occur on those days before 8:00 a.m. or after 5:00 p.m.
- 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.

POPULATION AND HOUSING

No mitigation measures required.

PUBLIC SERVICES

No mitigation measures required.

RECREATION

No mitigation measures required.

TRANSPORTATION/TRAFFIC

No mitigation measures required.

UTILITIES AND SERVICE SYSTEMS

No mitigation measures required.

APPENDIX A

COMMENTS AND RESPONSE TO COMMENTS

STATE OF CALIFORNIA Gray Davis, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

February 17, 2011

Stephanie Coleman
One Capitol Mall, Suite 410
Sacramento, CA 95814

Sent Via Fax: 916-445-9100
Pages: 1

RE: SCH# 2004072144 – Calaveras Big Trees State Park Visitor Center Project

Dear Ms. Coleman:

The Native American Heritage Commission (NAHC) has reviewed the *Supplement Mitigated Negative Declaration* regarding the above project. The NAHC is vested by California Health and Safety Code Section 7050.5 and Public Resources Code Section (PRC) 5097.98 to designate a *Most Likely Descendant* (MLD). A MLD is a culturally affiliated Native American tribe or descendent that may make recommendations to landowners for the culturally appropriate disposition of Native American human remains and any associated grave goods, pursuant to PRC Section 5097.98. As such, the NAHC is commenting on *Mitigation Measure CULT-4_Burial Sites*, described on page 8 of your document.

In accordance with Health and Safety Code Section 7050.5, upon discovery of human remains the coroner must be contacted. The coroner then has two working days to determine whether the remains are that of a Native American, and if so the coroner then has 24 hours to notify the NAHC, where upon the NAHC designates a *Most Likely Descendant* in accordance with Public Resources Code Section 5097.98. The mitigation measure states that Parks and Recreation will notify the County Coroner and the *Native American Heritage Commission (or Tribal Representative)*, upon the discovery of human remains. Health and Safety Code Section 7050.5 clearly states that it is the coroner's responsibility to notify the NAHC, there is no additional option in the law for the coroner to notify a "Tribal Representative". Following notification by a coroner, it is then the responsibility of the NAHC to designate a MLD, not a *Tribal Representative*. The mitigation measure further states *If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities.* Under Health and Safety Code, the first notification must be to the coroner. The Measure also states: *If the coroner or tribal representative determines the remains represent Native American interment, the NAHC in Sacramento and/or tribe will be consulted to identify the most likely descendants and appropriate disposition of the remains.* Again the law is clear. The corner makes the final determination that the remains are Native American, not a *tribal representative*, and the NAHC designates a most likely descendant, not a *tribe*.

If you have any questions regarding the above comments, please let me know. I can be reached by email at rw_nahc@pacbell.net.

Sincerely,

Rob Wood
Associate Government Program Analyst

CC: State Clearinghouse

State of California • The Resources Agency
Edmund G. Brown, Jr., *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-001
(916) 445-8779
Ruth Coleman, *Director*

March 2, 2011

Rob Wood
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

RE: Supplement to Mitigated Negative Declaration
Calaveras Big Trees State Park
Visitor Center Project

Dear Mr. Wood:

Thank you for your comments during the public review period for the Draft Supplement Mitigated Negative Declaration (MND), Calaveras Big Trees Visitor Center Project. The following is a response to the February 17, 2011 letter submitted to the California Department of Parks and Recreation (CDPR).

You commented that in Mitigation Measure Cult-4 Burial Sites that per Health and Safety Code Section 7050.5 it is the coroner's responsibility to notify the Native American Heritage Commission (NAHC), that NAHC designates the most likely descendant, and that the coroner makes the final determination that the remains are Native American not a tribal representative or a tribe.

CDPR made the following changes to Mitigation Measure Cult-4 based on your comments (deleted information is indicated by ~~strikeouts~~):

> *"…The DPR Sector Superintendent (or authorized representative) will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code~~, and the Native American Heritage Commission (or Tribal Representative). If a Native American monitor is on-site at the time of the discovery, the monitor will be responsible for notifying the appropriate Native American authorities…~~.*
>
> *… If the coroner ~~or tribal representative~~ determines the remains represent Native American interment, the NAHC in Sacramento ~~and/or tribe~~ will be consulted to identify the most likely descendants and appropriate disposition of the remains…."*

Thank you again for your comments

Sincerely,

Stephanie Coleman
Environmental Coordinator
California Department of Parks and Recreation
Northern Service Center

APPENDIX B

MITIGATION AND MONITORING PLAN

Visitor Center Project
Calaveras Big Trees State Park
Initial Study Mitigated Negative Declaration
~~January 2005~~ Updated March 2011

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Air Quality					
Mitigation Measure Air - 1					
All active construction areas will be watered at least twice daily during dry, dusty conditions. Any activities that cause visible dust plumes that cannot be controlled by watering will be suspended.	Construction phase	Contractor	State's Representative		
All trucks hauling soil, sand, or other loose materials on public roads will be covered or required to maintain at least two feet of freeboard.	Construction phase	Contractor	State's Representative		
All gasoline-powered equipment will be maintained in good mechanical condition (according to manufacture's specifications), and in compliance with all State and federal requirements.	Construction phase	Contractor	State's Representative		
Excavation and grading activities will be suspended when sustained winds exceed 15 mph, instantaneous gusts exceed 25 mph, or dust from construction might obscure driver visibility on public roads.	Construction phase	Contractor	State's Representative		
Disturbed areas will be re-vegetated as quickly as feasible following completion of construction.	Construction phase/post-construction	Contractor	State's Representative		
Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets will be promptly removed.	Construction phase	Contractor	State's Representative		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Biological Resources					
Mitigation Measure Bio 1 - Nest Protection For Spotted Owls And Northern Goshawk					
A DPR-qualified resource ecologist will conduct surveys for nests of spotted owl and northern goshawk to identify active nests within 0.25 miles of the project area. The surveys will be conducted during each breeding season beginning in 2004 and continued for each year of the construction period. The surveys will follow protocols approved by the California Department of Fish and Game.	Pre-construction/ Construction phase	DPR-qualified resource ecologist	DPR-qualified resource ecologist		
In the event that nesting spotted owls are found in the vicinity of the project area, an appropriate buffer zone with activity restrictions will be established, in consultation with DFG. Restrictions will remain in place from February 1 to August 31.	Construction phase	DPR-qualified resource ecologist	DPR-qualified resource ecologist		
Mitigation Measure Bio 2 - Wildlife Tree Retention					
A DPR Resource Ecologist will identify wildlife trees on the project site during initial planning. Trees in the active construction zone will be identified with flagging and protected if necessary with fencing or weed-free straw bales. Any such tree scheduled for removal will be felled between August and April to avoid the breeding season, and left on site, if possible, to function as coarse woody debris.	Pre-construction/ Construction phase	DPR-qualified resource ecologist	DPR-qualified resource ecologist		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Cultural Resources					
Mitigation Measure Cult. 1					
~~Existing mature vegetation at the proposed construction site will be retained, with limited pruning to protect the viewshed of the historic Hotel Annex building.~~	~~Construction phase~~	~~Contractor~~	~~State's Representative~~		
Mitigation Measure Cult. 2 - Preconstruction Testing					
In those areas of the APE where project redesign is impossible and ground disturbances are unavoidable, a pre-construction archaeological testing program will be implemented to determine if archaeological deposits exist below the surface. The data generated from this investigation will determine if a data recovery or archaeological monitoring will be implemented.	Pre-construction/ Construction phase	DPR-qualified cultural resource specialist	State's Representative/ DPR-qualified cultural resource specialist		
If archaeological monitoring is determined to be necessary during ground-disturbing activities, the work will be conducted by and at the discretion of the DPR archaeologist assigned to the project. The archaeological monitor will be notified a minimum of two weeks prior to the start of ground-disturbing work to schedule monitoring, unless other arrangements are been made in advance.	Construction phase	Contractor/DPR-qualified cultural resource specialist	State's Representative/ DPR-qualified cultural resource specialist		
Mitigation Measure Cult. 3 - Monitoring					
In the event that previously unknown cultural resources (including but not limited to dark soil containing shellfish, bone, flaked stone, groundstone, or deposits of historic trash) are encountered during project construction by anyone, the state representative will put work on hold at that specific location and contractors will be redirected to other tasks. A DPR-qualified archaeologist will record and evaluate the find and work with state representative to implement avoidance, preservation, or recovery measures as appropriate prior to any work resuming at that specific location.	Construction phase	Contractor/DPR-qualified cultural resource specialist	State's Representative/ DPR-qualified cultural resource specialist		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
In the event that significant cultural resources are found in a project location, a qualified historian, archaeologist, and/or Native American representative (if appropriate) will monitor all subsurface work including trenching, grading, and excavations in that area from that point forward to ensure avoidance of significant impacts to cultural resources.	Construction phase	Contractor/DPR-qualified cultural resource specialist	State's Representative/ DPR-qualified cultural resource specialist		
In the event that human remains are discovered, work will cease immediately in the area of the find and the project manager/site supervisor will notify the appropriate DPR personnel. Any human remains and/or funerary objects will be left in place or returned to the point of discovery and covered with soil. The DPR Sector Superintendent (or authorized representative) will notify the County Coroner, in accordance with §7050.5 of the California Health and Safety Code, and the Native American Heritage Commission. The local County Coroner will make the determination of whether the human bone is of Native American origin. In many of California's historic townsites and rural communities discoveries have been made of non-Native American human bone including non-Anglo. If the coroner determines the remains represent Native American interment, the NAHC in Sacramento will be consulted to identify the most likely descendants and appropriate disposition of the remains. Work will 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. If it is determined the find indicates a sacred or religious site, the site will be avoided to the maximum extent practicable. Formal consultation with the State Historic Preservation Office and review by the Native American Heritage Commission/Tribal Cultural representatives will also occur as necessary to define additional site mitigation or future restrictions.	Construction phase	Contractor/State's representative	State's Representative		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Geology and Soils					
Mitigation Measure Geo 1 - Erosion Control					
A Stormwater Pollution Prevention Plan will be developed outlining BMPs to be used in all areas to control soil and surface water runoff during construction activities (see Hydro 1). Grading and excavation activities will not be planned during the rainy season (October 31 to May 1), but if storms are anticipated during construction or if construction will occur during winter months, "winterizing" will occur, including the covering (tarping) of any stockpiled soils and the use of temporary erosion control methods to protect disturbed soil. Temporary erosion control measures (BMPs) will be used during all soil disturbing activities and until all disturbed soil has been stabilized (recompacted, re-vegetated, etc.) These BMPs will include, but not be limited to, the use of silt fences, straw bales, or straw or rice coir rolls, to prevent soil loss and siltation into nearby water bodies, such as Big Tree Creek.	Pre-construction/ Construction phase	Contractor	State's Representative		
Permanent BMPs for erosion control will consist of properly compacting disturbed areas and revegetation of appropriate disturbed soil areas with native species using seed collected locally, where possible. Otherwise, if local seed is not available, a weed-free native mixture will be used. Final design plans will include the permanent erosion control measures to be incorporated into the project.	Pre-construction/ Construction phase	Contractor/designer	State's Representative		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Hazards and Hazardous Materials					
Mitigation Measure Hazmat 1 - Spill Prevention					
All equipment will be inspected by the contractor for leaks immediately prior to the start of construction, and regularly inspected thereafter until equipment is removed from park premises.	Construction phase	Contractor	State's Representative		
Equipment will be cleaned and repaired (other than emergency repairs) outside the park boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside park boundaries, at a lawfully permitted or authorized destination.	Construction phase	Contractor	State's Representative		
Construction Management					
Mitigation Measure Hazmat 2					
A fire safety plan will be developed by the contractor and approved by DPR prior to the start of construction.	Pre-construction	Contractor	State's Representative		
Spark arrestors or turbo-charging (which eliminates sparks in exhaust) and fire extinguishers will be required for all heavy equipment.	Construction phase	Contractor	State's Representative		
Fire suppression equipment will also be available and located on park grounds.	Construction phase	Park staff	State's Representative		

Mitigation Measure	Timing	Responsible for Implementing Mitigations	Responsible for Mitigation Oversight	Verification and Implementation	
				Date Completed	Status / Comments
Hydrology and Water Quality					
Mitigation Measure Hydro 1 - Water Runoff					
The amount of increased runoff due to the new building, expanded paved parking lot, and pathways will be determined and an appropriately sized and designed stormwater drainage system will be installed to prevent any on- or off-site flooding.	Pre-construction	DPR designer	DPR designer		
A Storm Water Pollution Prevention Plan, and associated erosion control plan, as required by the State Water Resources Control Board, will include BMPs for control of runoff and erosion.	Pre-construction/ Construction phase	Contractor	State's Representative		
Noise					
Mitigation Measure Noise 1					
Construction activities will generally be limited to the daylight hours, Monday - Friday. If work during weekends or holidays is required, no work will occur on those days before 8:00 a.m. or after 5:00 p.m.	Construction phase	Contractor	State's Representative		
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.	Construction phase	Contractor	State's Representative		
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.	Construction phase	Contractor	State's Representative		