FINAL
MITIGATED NEGATIVE DECLARATION
(with edits incorporated)

CHINA CAMP STATE PARK
TURTLE BACK HILL TRAIL ACCESSIBILITY IMPROVEMENTS

State Clearinghouse # 2007032060

April 2007

Lead Agency

State of California
DEPARTMENT OF PARKS AND RECREATION

MITIGATED NEGATIVE DECLARATION

PROJECT: **TURTLE BACK HILL TRAIL ACCESSIBILITY IMPROVEMENTS PROJECT**
CHINA CAMP STATE PARK

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

AVAILABILITY OF DOCUMENTS:
The Initial Study for this Mitigated Negative Declaration was made available throughout the 30-day public review period at the reference desks of the San Rafael and Civic Center (County of Marin) public libraries. It was also available at the public information desks of DPR's North Bay and Marin District Headquarters office, China Camp State Park, and Northern Service Center. It was also published on the DPR website. The Final Mitigated Negative Declaration and all supporting materials will be available, by request, at DPR's Northern Service Center office, One Capitol Mall, Suite 410, Sacramento.

PROJECT DESCRIPTION:
The Department of Parks and Recreation proposes to make the improvements described herein to the Turtle Back Hill Trail at China Camp State Park in order to remove barriers to persons with disabilities choosing a bay-side hiking experience and comply with the Americans with Disabilities Act (ADA). The following is a summary of the planned improvements:

Reroute of approximately 3,220 linear feet (lf) of trail to reduce linear grades, convert approximately 230 lf of existing dirt road to trail by reducing width, construct approximately 110 lf of four-foot-wide elevated boardwalk, and armor the trail tread. Total length of ADA-compliant trail will be approximately 3,560 lf upon completion. Approximately 1,000 lf of existing road (currently used as a trail) and approximately 1,600 lf of existing trail will be obliterated, decompacted, and revegetated with native vegetation. Permanent and temporary fencing will be installed to discourage visitor use of rehabilitated areas. Approximately six interpretive and information signs and one bench will be located along the trail. Two accessible parking spaces along North San Pedro Road will be developed.

FINDINGS
An Initial Study has been prepared to assess the proposed project's potential impacts on the environment and the significance of those impacts and is incorporated in the Draft MND. Based on this Initial Study, it has been determined that the proposed project would not have any significant impacts on the environment, once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- There was no potential for adverse impacts on agricultural resources, land use and planning, minerals, population and housing, or utilities and service systems associated with the proposed project.
- Potential adverse impacts resulting from the proposed project were found to be less than significant in the following areas: air quality, cultural resources, geology and

soils, hazards and hazardous materials, hydrology and water quality, public services, and transportation/traffic.
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impacts on aesthetics, biological resources, noise, and recreation to a less than significant level.

MITIGATION AND AVOIDANCE MEASURES

The following mitigation measures and project conditions have been incorporated into the scope of work for the Turtle Back Hill Trail Accessibility Improvements 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.

Mitigation Measure Aesthetics-1

- Affected purple needlegrass habitat will be replaced onsite at a ratio of 3:1 using purple needlegrass seeds and salvaged plants collected from the project site.
- Purple needlegrass plants removed for trail construction and other project activities will be salvaged during trail construction to the extent feasible and replanted on Turtle Back Hill in mitigation areas.
- A mitigation plan outlining methods to be used, success criteria to be met, and adaptive management strategies will be completed prior to project construction.
- Soil excavated for the trail segments through native perennial grassland will not be side cast into the grassland. Excavated soil will be removed to a site outside the boundary of the native perennial grassland.
- Trails and roads that pass through native habitats are known to encourage the spread of non-native, and oftentimes invasive, plant species. In order to lessen long-term impacts to the native perennial grassland, follow up weed management will occur annually for a minimum of two successive years along the new trail alignment at Turtle Back Hill. All weed management activities will be planned in co-operation with the State Parks District Environmental Scientist.
- Replacement of native grasslands removed at a ratio of 3:1. Will be conducted on Turtle Back Hill on unauthorized trail areas and other scars and on realigned areas.
- Affected coast live oak-black oak habitat and native tree species will be replaced onsite at a ratio of 3:1 using native trees and shrubs grown from locally collected plant material.

Condition Air-1

- All active construction areas will be watered at least twice daily during dry, dusty conditions.
- 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 equipment engines will be maintained in good condition, in proper tune (according to manufacturer's specifications), and in compliance with all State and federal requirements.
- Excavation and grading activities will be suspended when sustained winds exceed 25 mph, instantaneous gusts exceed 35 mph, or dust from construction might obscure driver visibility on public roads.

- Earth or other material that has been transported onto paved streets by trucks, construction equipment, erosion, or other project-related activity will be promptly removed.

Mitigation Measure Bio-1 (Salt Marsh Harvest Mouse)

- Road removal work requiring mechanized decompaction methods will be completely fenced with Salt Marsh Harvest Mouse (SMHM) exclusion fencing. Timing of fencing installation and removal will be staggered into segments (phases) so that only one section of fencing is in place at any time. This is required in order to prevent forming a total barrier between SMHM and their refugial upland habitat on the east side of Turtle Back Hill. A USFWS-approved biologist will monitor for SMHM avoidance during installation of the SMHM exclusion fencing, to include both sides of the road and gates across the road. USFWS will review and approve location and design specifications for proposed SMHM exclusion fencing. A USFWS-approved biologist will approve fence installation methods. Road removal work and decompaction utilizing hand tools will not require exclusion fencing, but must occur only during low tides. All road removal work on the east side of Turtle Back Hill will occur only within the tread of the existing road, and a USFWS-approved biological monitor will be onsite all day/every day during all work activities (including work using handtools).
- Fencing specifications and installation methodology will follow recommendations of Geoff Monk of Monk and Associates, local salt marsh harvest mouse expert.
- On the east side of Turtle Back Hill from North San Pedro Road to the boardwalk section, work will occur only within the tread of the abandoned roadway (with up to 60 square feet of disturbance to adjacent vegetation in the boardwalk section) and a monitor will be onsite all day/every day during all work activities (including work using hand tools).
- A USFWS-permitted or approved biologist will monitor and instruct DPR staff and/or construction contractor in the materials and methods required for proper installation of salt marsh harvest mouse exclusion fencing, to train the construction crew on approved avoidance measures and on the life history of salt marsh harvest mouse, to train DPR biological monitors in appropriate monitoring techniques and methods for salt marsh harvest mouse protection so that these individuals can conduct daily monitoring on their own for the duration of project work, and be available on an “on-call” basis.
- A qualified biological monitor will conduct daily monitoring on the project site during all work activities that are occurring near the edge of the salt marsh.
- If a salt marsh harvest mouse is observed on the project site, work will stop and the USFWS-permitted or approved biologist will be notified. If the mouse leaves the work area of its own volition, then work can proceed only if approved by the USFWS-permitted or approved biologist. If the mouse does not leave the project site, then no work will be restarted until the USFWS has been notified and additional avoidance measures, if any, are discussed and implemented.
- On the west side of Turtle Back Hill, a qualified biological monitor will be onsite for all trail removal work that is located next to the marsh edge. Trail removal work will be within the existing tread only (with possibly up to 6” disturbance on each side of the trail tread), and only hand tools will be used. No fencing will be installed in this section, but a qualified biological monitor will be on-site during all work activities.

Mitigation Measure Bio-2 (California Black Rail)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the California black rail breeding season. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.

Mitigation Measure Bio-3 (California Clapper Rail)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the California clapper rail breeding season. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.
- A USFWS-permitted or approved biologist will train the construction crew on approved avoidance measures and on the life history of California clapper rail, train DPR biological monitors in appropriate monitoring techniques so that these individuals can conduct daily monitoring on their own for the duration of project work, and be available on an "on-call" basis.
- A qualified biological monitor will conduct daily monitoring on the project site during all work activities that are occurring near the edge of the salt marsh.
- If a California clapper rail is observed on the project site, work will stop and the USFWS-permitted or approved biologist will be notified. If the rail leaves the work area of its own volition, then work can proceed only if approved by the USFWS-permitted or approved biologist. If the rail does not leave the project site, then no work will be restarted until the USFWS has been notified and additional avoidance measures, if any, are discussed and implemented.

Mitigation Measure Bio-4 (San Pablo Song Sparrow)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the San Pablo song sparrow breeding season. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.

Mitigation Measure Bio-5 (Salt Marsh Common Yellowthroat)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the salt marsh common yellowthroat breeding season. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.

Mitigation Measure Bio-6 (Nesting Raptors)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the breeding season for nesting raptors. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.

Mitigation Measure Bio-7 (Nesting Migratory Bird Species)

- All project work (including mitigation planting) will occur between September 1 and December 15 to avoid the breeding season for nesting migratory bird species. Seed collection may occur on the project site prior to September 1, but will be conducted using hand tools only.

Mitigation Measure Bio-8 (Sensitive Plant Communities – Purple Needlegrass Alliance)

- Affected purple needlegrass habitat will be replaced onsite at a ratio of 3:1 using purple needlegrass seeds and salvaged plants collected from the project site.
- Purple needlegrass plants removed for trail construction and other project activities will be salvaged during trail construction to the extent feasible and replanted on Turtle Back Hill in mitigation areas.
- A mitigation plan outlining methods to be used, success criteria to be met, and adaptive management strategies will be completed prior to project construction.
- Soil excavated for the trail segments through native perennial grassland will not be side cast into the grassland. Excavated soil will be removed to a site outside the boundary of the native perennial grassland.
- Trails and roads that pass through native habitats are known to encourage the spread of non-native, and oftentimes invasive, plant species. In order to lessen long-term impacts to the native perennial grassland, follow up weed management will occur annually for a minimum of two successive years along the new trail alignment at Turtle Back Hill. All weed management activities will be planned in co-operation with the State Parks District Environmental Scientist.

Mitigation Measure Bio-9 (Sensitive Plant Communities – Coast Live Oak-Black Oak Association)

- Affected coast live oak-black oak habitat will be replaced onsite at a ratio of 3:1 using native trees and shrubs grown from locally collected plant material.

Mitigation Measure Bio-10 (Native Tree Species)

- Affected native tree species will be replaced onsite at a ratio of 3:1 using native trees grown from locally-collected material.

Cultural Resource Condition Cult-1 (Excavation and Monitoring)

- A combined program of presence/absence testing and monitoring will be applied to avoid potential impacts to sensitive sites.
- A DPR-Qualified archaeologist will test the proposed work at sensitive site locations prior to construction. If midden is discovered the location of the work will be abandoned. In the event that previously undocumented cultural resources are encountered during project construction (including but not limited to dark soil containing shellfish, bone, flaked-stone, ground-stone, or deposits of historic trash), work within the immediate vicinity of the find will be halted temporarily or diverted until a DPR-qualified cultural resource specialist has evaluated the find and implemented appropriate disposition of the artifacts(s).

Cultural Resource Condition Cult-2 (Resource Avoidance)

- Prior to the start of construction a DPR qualified archaeologist will place flagging to exclude the features from all project activities.

Cultural Resource Condition Cult-3 (Human Remains)

- 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.

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 (NAHC) will be notified within 24 hours of the discovery if the Coroner determines that the remains are Native American. The NAHC will designate the "Most Likely Descendent" (MLD) of the deceased Native American. The MLD will recommend an appropriate disposition of the remains. If a Native American monitor is on-site at the time of the discovery and that person has been designated the MLD by the NAHC, the monitor will make the recommendation of the appropriate disposition.

Condition Geo-1 (Post-Earthquake Inspections)

- State Park staff will inspect boardwalks and trails for damage as soon as feasible after a large earthquake, and close trails if they pose a danger to park users.

Condition Geo-2 (Erosion Control)

- Best Management Practices (BMPs) will be used in all areas to control soil and surface water runoff during excavation and grading activities. Due to sensitive species avoidance measures, the project work must occur between September 1 and December 15. In order to minimize soil erosion during the construction period, "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) must be used during all soil disturbing activities and until all disturbed soil has been stabilized (recompacted, re-vegetated, etc.). A Stormwater Pollution Prevention Plan will be prepared and will include BMPs such as silt fences, fiber rolls, mulch or other applicable techniques. Information on approved BMPs can be found in the Stormwater Best Management Practice Handbook for Construction, available on-line at www.cabmphandbooks.com.
- Permanent BMPs for erosion control will consist of properly compacting disturbed areas and revegetation of disturbed soil areas in the Purple Needlegrass Alliance with native grass seed or salvaged native grass material collected onsite (see Mitigation Measure Bio-8 Sensitive Plant Communities-Purple Needlegrass Alliance). Newly disturbed areas in plant communities other than Purple Needlegrass Alliance will be stabilized using locally collected native plant seed, salvaged native grass material, or sterile wheat grass, as appropriate. Final design plans will include BMP measures to be incorporated into the project.

Condition Hazmat-1 (Spill Prevention and Response)

- 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.
- Prior to the start of construction, the contractor(s) and/or DPR will prepare a Storm Water Pollution Prevention Plan (SWPPP), which contains BMPs for spill prevention A spill kit will be maintained on-site throughout the life of the project. The SWPPP 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 shall be at least 50 feet from any spring/seep/wetland/marsh areas and 100 feet from creeks. 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 of the park boundaries. All contaminated water, sludge, spill residue, or other hazardous compounds will be disposed of outside of park boundaries, at a lawfully permitted or authorized destination.

Condition Hazmat-2 (Fire Safety)
- Prior to the start of construction, the Project Contractor will develop a DPR-approved Fire Safety Plan. The plan will include the emergency calling procedures for both CAL FIRE and the San Rafael Fire Station #5.
- 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.

Condition Hydro-1 (Water Quality)
- Implementation of Condition Geo-2 to provide BMPs to control erosion and runoff during the construction phase.
- The project will be in compliance with all applicable water quality standards and waste discharge requirements as specified in the SFBRWQCB Basin Plan.
- Implementation of Condition Hazmat-1 will prevent impacts to water quality from possible pollutants (fuels and other vehicle fluids) released from vehicles and or other equipment during construction.

Mitigation Measure Noise-1
- Work will general occur between 7 a.m. and 6 p.m., Monday through Sunday.
- 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. ducts, etc.) whenever feasible and necessary.
- Stationary noise sources and staging areas will be located as far from visitors as possible. If they must be located near visitors, stationary noise sources will be muffled to the extent feasible and/or, where practical, enclosed within temporary sheds.

The following corrections, additions, and deletions have been made to the Turtle Back Hill Trail Accessibility Draft MND. Minor punctuation, spelling, and grammatical corrections that contribute to ease of understanding, but have no significant impact on the content, have not been noted.

The following paragraphs will be inserted into the Final MND, Chapter 3, Section IX. Land Use and Planning, Environmental Setting, p. 61, following paragraph three:

> The project is subject to approval by the San Francisco Bay Conservation and Development Commission (BCDC), in compliance with the McAteer-Petris Act and the San Francisco Bay Plan (Bay Plan). Approximately 7.8 cubic yards of fill will take place in the BCDC Bay jurisdiction via placement of pilings for an elevated section of boardwalk. This fill is consistent with Section 66605 of the McAteer-Petris Act for the following reasons:
> (1) The public benefit of this small amount of fill will exceed any public detriment because the project will provide improved public access, in particular to persons with disabilities, while taking place within the existing trail footprint. Boardwalk installation will provide all-season trail access and improved outdoor educational opportunities to the general public and community school groups.
> (2) An upland alternative location would not be feasible for the purpose of this project. Location of fill is proposed along the existing trail route currently used by visitors and would thus eliminate the need for additional new trail construction. New trail construction to upland locations would involve the additional disturbance of large areas of Coast live oak alliance, Purple needlegrass alliance and California annual grass alliance plant communities. A new trail route in this location was not necessary to meet ADA trail slope requirements or improve visitor safety. The purpose of this project was to improve ADA access and public safety while minimizing additional impacts to surrounding resources.
> (3) The proposed fill is the minimum amount necessary to support the boardwalk, meet grade requirements in order to comply with the Americans with Disabilities Act and reduce harmful effects to the bay.
> (4) The fill will reduce harmful effects to the Bay because the proposed boardwalk will constrain pedestrians within a more narrow area than the current trail, protecting vegetation. It is anticipated that native bay vegetation will reestablish in disturbed locations near the proposed boardwalk.
> (5) The proposed fill will be constructed in accordance with sound safety standards as it will utilize an approved standard DPR design for structures located in wet areas.
>
> The proposed project is also consistent with the Bay Plan regarding public access, tidal marshes, tidal flats, and transition zones. The primary purpose of the project is to facilitate barrier-free access. DPR has worked with the U.S. Fish and Wildlife Service and California Department of Fish and Game, incorporating results of consultations with those agencies into the final design of the project in order to minimize adverse impacts from human disturbance on wildlife and transition zone habitats. The project will relocate large sections of existing trail from transition zone to upland areas.

One trail section—the abandoned road that runs from North San Pedro Road to the road-to-trail conversion segment--will be planted with native grassland and transition zone species. This area comprises 6,725 square feet. Another net 932 square feet of the road-to-trail conversion segment will also be planted with native grassland and transition zone species.

The following sentence will be inserted into the Final MND, Chapter 3, Section IX. Land Use and Planning, Discussion, b), p. 62, following sentence two:

As discussed in the Environmental Setting above, the proposed project is consistent with the McAteer-Petris Act and the San Francisco Bay Plan.

The following references will be inserted into Chapter 6: References, Land Use and Planning, p. 93:

California Government Code, Title 7.2. San Francisco Bay Conservation and Development Commission, Chapters 1 and 2, Sections 66600-66611.

San Francisco Bay Conservation and Development Commission, 2006. San Francisco Bay Plan, amended. www.bcdc.ca.gov/pdf/planning/plans/bayplan/bayplan.pdf

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This document, along with the Draft Initial Study/Mitigated Negative Declaration (SCH# 2007032060), corrected as noted above; Comments and Response to Comments; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Turtle Back Hill Accessibility Improvements Project at China Camp State Park.

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 Initial Study and Negative Declaration for the proposed project and finds that these documents reflect 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 Negative Declaration.

Original signed by 4/30/07

Gail Sevrens Date
Environmental Coordinator, Acquisition & Development Division
California Department of Parks & Recreation

Original signed by 4/30/07

Stephen R. Lehman Date
Deputy Director, Acquisition & Development Division
California Department of Parks & Recreation