

FINDINGS

CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDINGS FOR NILES CANYON SAFETY IMPROVEMENTS PROJECT: CONSTRUCTION OF MULTIPLE SAFETY IMPROVEMENTS AT SPOT LOCATIONS ON STATE ROUTE 84 (SR-84) FROM POSTMILE (PM) 10.8 TO PM 18.0 IN SOUTHERN ALAMEDA COUNTY.

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Chapter 3, Section 15901) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Chapter 11, Section 1501). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.

Cultural Resources

Adverse Environmental Effects:

The Build Alternative would have a significant impact on an archaeological site

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Statement of Facts:

The Niles Canyon Safety Improvements Project would adversely affect an archaeological property. A Memorandum of Agreement (MOA) between Caltrans and the State Historic Preservation Officer (SHPO) was prepared and signed on June 9, 2017. An Archaeological Treatment and Data Recovery Plan was prepared and submitted to the SHPO's office with the MOA. Caltrans is also consulting with Native American tribes in the area regarding the treatment of the archaeological site. The Niles Canyon Safety Improvements Project would have a significant impact to cultural resources (archaeology), however, with the implementation of Mitigation Measure CULTURAL-3 and CULTURAL-4, this impact would be reduced and mitigated. Refer to Section 2.1.6 in the FEIR for a more detailed analysis.

- CULTURAL-3. If archaeological resources cannot be avoided, a pre-construction Phase III Data Recovery Plan will be implemented by a qualified archaeologist for the significant archaeological site that is

directly affected. Data Recovery will only occur in the portion of the site being directly affected.

- CULTURAL-4. As per Stipulation II.A.2 of the June 2017 MOA Caltrans has prepared an Archaeological Monitoring plan to be implemented during construction. This would include establishing an archaeological monitoring area and having an archaeologist monitor job site activities within the archaeological monitoring area to reduce the project's impacts to the resource within the project limits. Caltrans will have an archaeologist monitor job site activities within the archaeological monitoring area (AMA). No work can be conducted within the AMA unless the archeological monitor is present. Reference Caltrans Standard Specification 14-2.03 (Caltrans, 2015a).

Paleontological Resources

Adverse Environmental Effects:

The Build Alternative could substantially impact paleontological resources.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

Statement of Facts:

The Niles Canyon Safety Improvements Project is located in an area with geologic units containing high sensitivity for producing paleontological resources. Specific locations of paleontological resources are unknown and impacts cannot be quantified or determined until construction begins. The Build Alternative includes a wide range of construction elements; however, activities involving excavation or ground disturbance have the greatest potential to adversely affect paleontological resources. Paleontological resources within the Panoche Formation could exist at any layer or depth of ground disturbing activities. As a result, the proposed project has the potential to significantly impact paleontological resources. However, project impacts to paleontological resources would be lessened through the implementation of a PMP. The PMP would define specific measures and methods in the event that paleontological resources are discovered. With the implementation of Mitigation Measure PALEONTOLOGY-1 this impact would be reduced and mitigated. Refer to Section 2.2.4 in the FEIR for a more detailed analysis.

- PALEONTOLOGY-1. A Paleontological Mitigation Plan (PMP) defining specific measures and methods, will be prepared and implemented before construction begins¹. The PMP would include:
 - The presence of the Principal Paleontologist at pre-construction meetings to consult with the construction contractor.
 - Paleontological awareness training for construction workers to be provided for by the Principal Paleontologist.

¹ Until design is finalized, it is not possible to estimate how much excavation will occur and in what geologic units. After the design phase is completed, a PMP will be developed that estimates the amount of material within paleontological units that will be disturbed as a result of the project.

- Monitoring of ground disturbing activities such as excavation by the paleontological monitors, to be conducted under the supervision and/or at the direction of the Principal Paleontologist.
- Temporary halting or diversion of construction activities in areas where fossils are discovered.
- Preparation, sorting, and cataloging of fossils collected during the monitoring and salvage. Fossils are prepared to the point of identification, not display.
- Curation of fossils, along with copies of all pertinent field notes, photos, and maps at a curation facility acceptable to Caltrans.
- Preparation of the Paleontological Mitigation Report to document the results of the mitigation program

Biological Resources

Adverse Environmental Effects:

Implementation of the Build Alternative would have a significant impact on the Niles Canyon Riparian Corridor.

Findings:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the FEIR. With the implementation of avoidance, minimization, and/or mitigation measures, the impact to the Niles Canyon Riparian Corridor could not be reduced to a less than significant impact for the project area and would remain significant.

Statement of Facts:

The Niles Canyon Safety Improvements Project would result in temporary and permanent impacts to riparian communities at spot locations along the Niles Canyon Corridor. The lack of development and disturbance within the Niles Canyon Riparian Corridor over the past 100 years preserved Alameda Creek as an intact and contiguous riparian corridor. There are few hardscape areas that can be removed without impacts to other uses in Niles Canyon. Opportunities and areas to restore or mitigate onsite within the Niles Canyon Corridor are limited or not practicable. As a result, project impacts to riparian natural communities are considered a significant impact that cannot be mitigated below a level of significance. Refer to Section 2.3.1 in the FEIR for more detailed analysis.

Although impacts to riparian communities are considered significant and cannot be mitigated within the Niles Canyon Riparian Corridor, Caltrans would continue to discuss and coordinate with CDFW and RWQCB about riparian mitigation opportunities in Alameda Creek tributaries and the Alameda Creek watershed.

- RIPARIAN TREES-1. During the design phase of the project, Caltrans' Office of Biological Science and Permits would work with the Caltrans Design team to further avoid and minimize project impacts to riparian trees. The tree removal plan will emphasize reduction in tree removal along the riparian zone, and possibly the preservation of root balls from large canopy trees. Efforts to preserve trees in place (by designating

trees on plan sheets and marking trees with Environmentally Sensitive Area fencing or flagging) would be made to avoid or minimize project impacts to trees located in temporarily impacted areas. Trees removed from the riparian zone would be replaced at a minimum 3:1 ratio on-site, to the maximum extent possible given space available. Replacement priority will be placed on Alameda Creek riparian zone within Niles Canyon; however, as of December 2017, Caltrans anticipates a need for off-site riparian planting. Potential planting locations within the Alameda Creek watershed would be identified working with local stakeholders, private landholders, and public agencies including, but not limited to, EBRPD, and Alameda County. On-site riparian trees would be planted within two years of completion of the Niles Canyon Safety Improvements Project construction and would be monitored for three years following the planting to ensure that the mortality rate does not exceed 30% of all riparian trees planted. Details for off-site planting and riparian tree planting success criteria would be determined during the design and permitting phase of the project with CDFW (1602 Streambed Alteration Agreement) and RWQCB (401 Certification).