Department of Conservation and Development

30 Muir Road
Martinez, CA 94553

Phone:1-855-323-2626

Contra Costa County

FILED
AUG 30 2016
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August 31, 2016

NOTICE OF PUBLIC REVIEW AND INTENT TO ADOPT A PROPOSED MITIGATED NEGATIVE DECLARATION

County File No. CP 05-04

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as amended to date, this is to advise you that the Department of Conservation and Development of Contra Costa County has prepared an Initial Study for the following project:

PROJECT NAME: Kirker Pass Northbound Truck Climbing Lane

LEAD AGENCY: Contra Costa County Department of Conservation and Development

APPLICANT: Contra Costa County Public Works Department

LOCATION: Kirker Pass Road between Clearbrook Drive in the City of Concord and the northern Hess Road intersection in central-eastern Contra Costa County

ZONING: A-4 (Agricultural Preserve), A-2 (General Agriculture)

DESCRIPTION: Kirker Pass Road is a four-lane principal arterial and route of regional significance between Central and East Contra Costa County. The roadway connects the City of Concord on the southwest end, through the Meridian Hills, to the City of Pittsburg on the northeast end.

The purpose of the project is to provide a northbound truck climbing lane and paved shoulders for future Class II bike lanes. The project is intended to improve circulation for motorists and bicyclists along this stretch of road. The road is frequently used by commuters and has heavy truck traffic. With sustained grades steeper than 8 percent, trucks are unable to match the speed of other vehicles on the roadway, causing significant congestion and impacting traffic flow. Project elements will include roadway widening for the truck climbing lane, paved shoulders for future Class II bike lanes, relocation of drainage features, retaining wall construction; installation of signage and striping; construction of two bioretention areas; roadway conforms due to change in grade; and relocation of other existing roadside features. An open grade asphalt concrete overlay will be placed along the southbound and northbound lanes.

Construction is expected to begin in 2018 and may require two construction seasons. Standard construction equipment will be used, including but not limited to: excavators, graders, scrapers, loaders,

sweepers/scrubbers, plate compactors, rollers, backhoes, cranes, drill rigs, and pavers. Construction activities will generally be limited to the hours between 7:00 a.m. to 5:00 p.m. with noise-generating activities focused between 8:00 a.m. to 5:00 p.m.; however, there will be limited night work as necessary. Disturbed areas will be stabilized following construction to ensure appropriate erosion and sediment control.

Real Property transactions, including right-of-way acquisition and temporary construction easements for access and staging areas and permanent easements for access and maintenance may be necessary in support of this project.

ENVIRONMENTAL EFFECTS: The Initial Study (IS) for the proposed project identified potentially significant impacts in the environmental area of Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas, Hazards and Hazardous Materials, Noise, and Transportation/Traffic sections. Environmental analysis determined that measures were available to avoid and mitigate potential adverse impacts to insignificant levels. As a result, a Mitigated Negative Declaration (MND) has been prepared pursuant to Public Resources Code Section 21080(c), 21063.5, and Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

Pursuant to the requirements of CEQA (CEQA Guidelines Section 15071) the Initial Study/Mitigated Negative Declaration (IS/MND) describes the proposed project; identifies, analyzes, and evaluates the potential significant environmental impacts, which may result from the proposed project; and identifies measures to mitigate adverse environmental impacts. Mitigations identified in this document designed for the proposed project will ensure that the project will not cause a significant impact on the environment.

A copy of the IS/MND may be reviewed at the Contra Costa County Public Works Department, 255 Glacier Drive, Martinez, during normal business hours. You may also view the IS/MND on the County's webpage: http://www.co.contra-costa.ca.us/4629/Public-Notices. All documents referenced in the IS/MND are available on request.

PUBLIC COMMENT PERIOD: The 30-day public comment period for accepting comments on the adequacy of the environmental document is from **August 31, 2016 to September 29, 2016**. Any comments should be in writing and submitted to the following address and/or email address:

Claudia Gemberling, Environmental Analyst II
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553
Claudia.Gemberling@pw.cccounty.us

It is anticipated that the proposed IS/MND will be considered for adoption at the County Board of Supervisors meeting on **October 18, 2016**. To confirm the Board date, please contact Claudia Gemberling at (925) 313-2192.

Lead Agency Representative
Contra Costa County Department of Conservation and Development

8-26-16
Date

Contra Costa County

PUBLIC WORKS DEPARTMENT INITIAL STUDY OF ENVIRONMENTAL SIGNIFICANCE

Project # **0662-6R4052**
CP# **15-04**

PROJECT NAME: **Kirker Pass Road Northbound Truck Climbing Lane Project**

PREPARED BY: Leigh Chavez JNB DATE: **August 16, 2016**

APPROVED BY: _____ DATE: _____

RECOMMENDATIONS:

☐ Categorical Exemption ☐ Negative Declaration

☐ Environmental Impact Report Required ☒ Conditional Negative Declaration

The project will not have a significant effect on the environment. The recommendation is based on the following: There is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment pursuant to Section 15063 (b) (2) of the CEQA Guidelines.

What changes to the project would mitigate the identified impacts: N/A

USGS Quad Sheet:	Base Map Sheet #:	Parcel #:
Clayton	**J-18**	**N/A**

GENERAL CONSIDERATIONS:

1. **Location:** The project is located in East Contra Costa County, along Kirker Pass Road from Clearbrook Drive in the City of Concord to the northern Hess Road intersection. (*Figs.* 1-3)

2. **Project Description:**
   The Contra Costa County Public Works Department (PWD) proposes to provide a truck climbing lane along Kirker Pass Road between Clearbrook Drive in the City of Concord and the northernmost Hess Road intersection. Kirker Pass Road is a four-lane principal arterial and route of regional significance between Central and East Contra Costa County. The roadway connects the City of Concord on the southwest end, through the Meridian Hills, to the City of Pittsburg on the northeast end. The purpose of the project is to provide a northbound truck climbing lane and paved shoulders for future Class II bike lanes. The project is needed to improve safety for motorists and bicyclists along this stretch of road. The road is frequently used by commuters and has heavy truck traffic. With sustained grades steeper than 8 percent, trucks are unable to match the speed of other vehicles on the roadway, causing significant congestion and creating a safety hazard. Project elements will include roadway widening for the truck climbing lane, paved shoulders for future Class II bike lanes, relocation of drainage features, retaining wall construction; installation of signage and striping; construction of two bioretention areas; roadway conforms due to change in grade; and relocation of other existing roadside features. An open grade asphalt concrete (OG AC) overlay will be placed on the southbound and northbound lanes as part of the project, within the project limits. Standard construction equipment will be used, including but not limited to: excavators, graders, scrapers, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, cranes, drill rigs, and pavers. Disturbed areas will be stabilized following construction to ensure appropriate erosion and sediment control. Construction activities will generally be limited to the hours between 7:00 a.m. to 5:00 p.m. with noise-generating activities focused between 8:00 a.m. to 5:00 p.m.; however, there will be limited night work as necessary and as approved by the Resident Engineer. Construction is expected to begin in 2018 and may require two construction seasons. Both temporary and permanent construction

easements and property rights may be necessary to construct the project, and other real property transactions and utility relocations may also be necessary in support of this project. At least one lane of traffic along Kirker Pass Road will be open at all times during construction activities.

3. **Does it appear that any feature of the project will generate significant public concern?**
☐ yes ☒ **no** ☐ maybe (Nature of concern): _____

4. **Will the project require approval or permits by other than a County agency?**
☒ yes ☐ **no** U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S Fish and Wildlife Service, HCP/NCCP Conservancy

5. **Is the project within the Sphere of Influence of any city? Yes**, the City of Concord

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Kirker Pass Road North Bound
Truck Climbing Lane Project

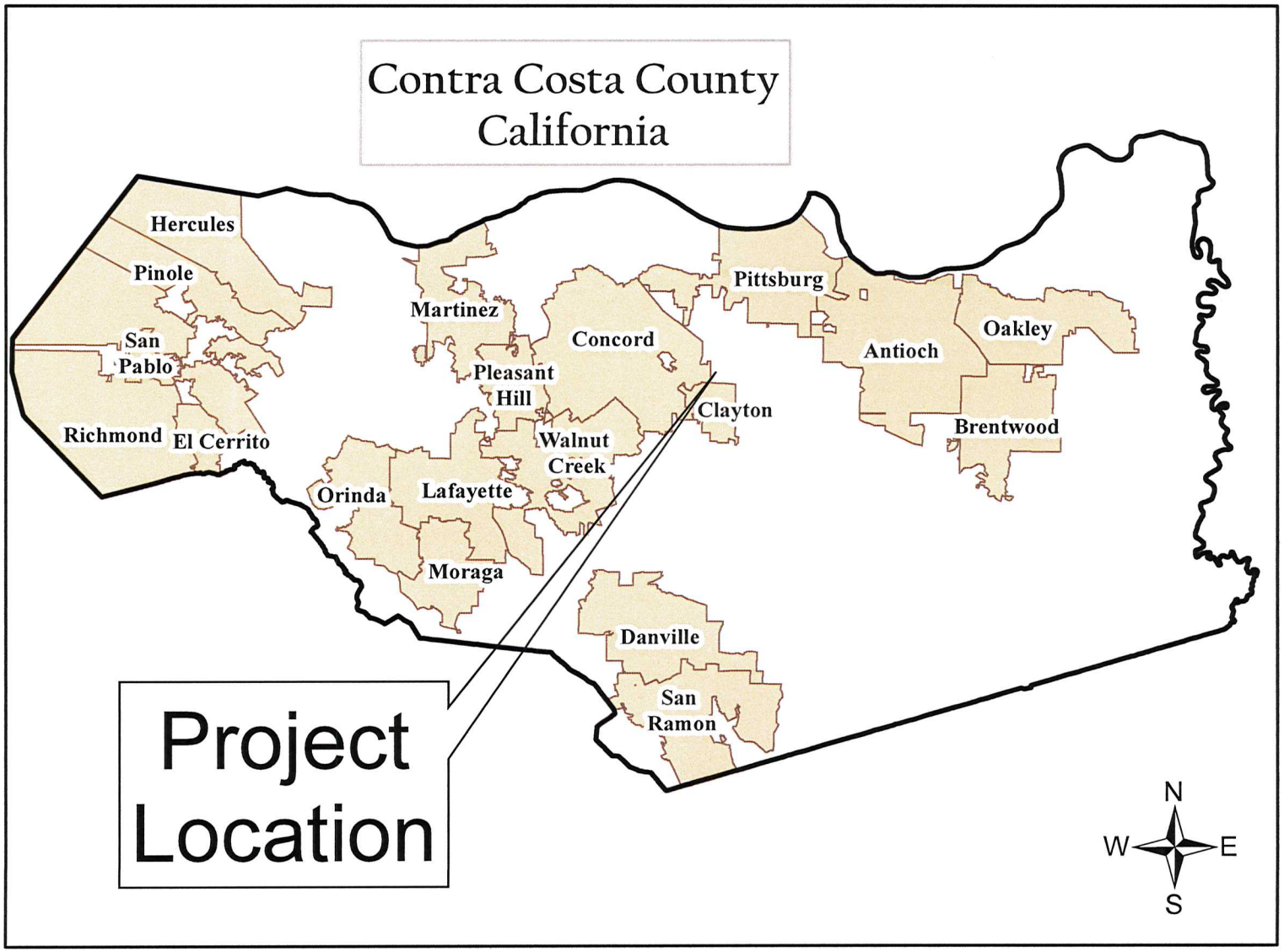

Figure 1

Kirker Pass Road North Bound Truck Climbing Lane Project

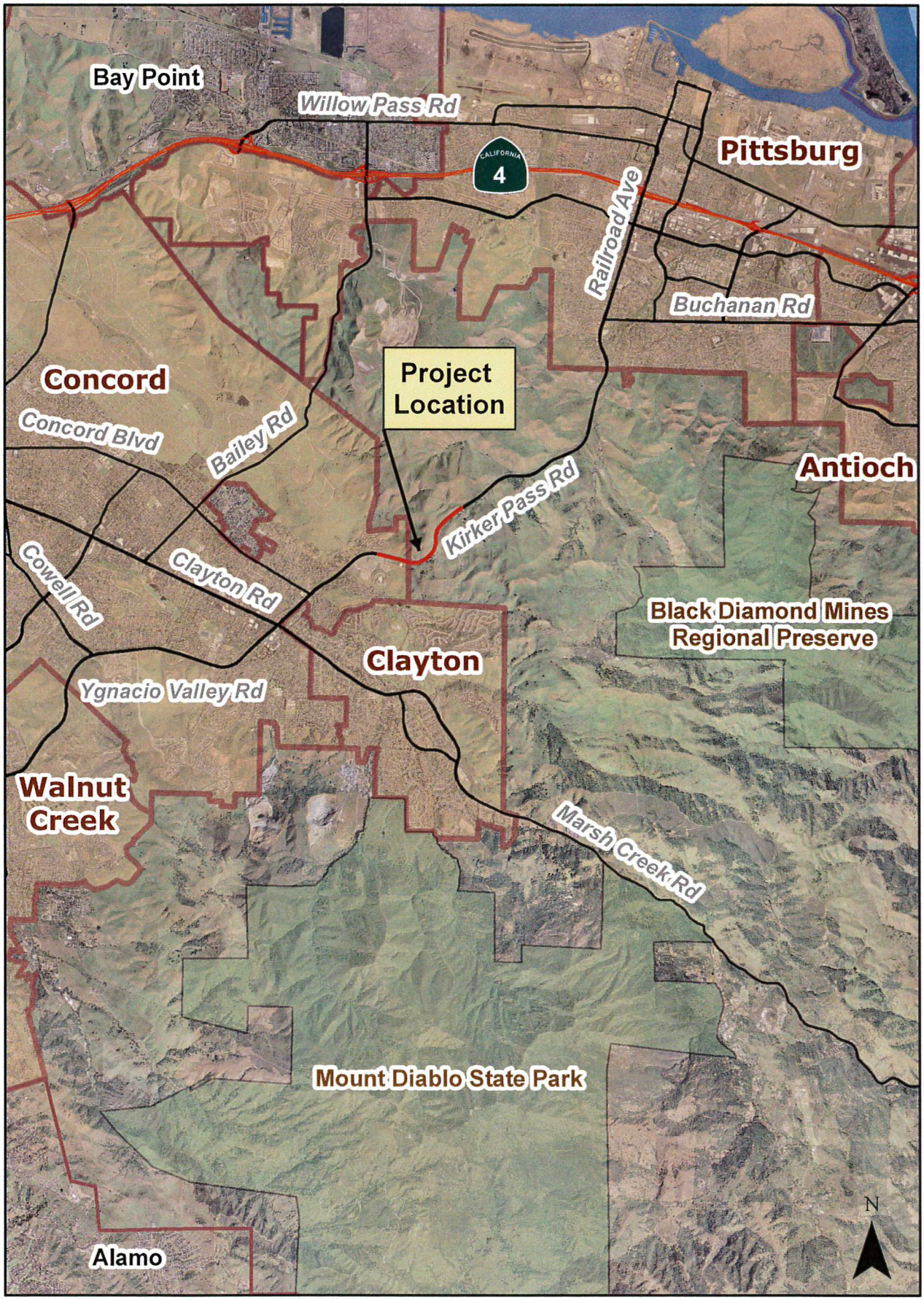

Figure 2

Kirker Pass Road North Bound Truck Climbing Lane Project

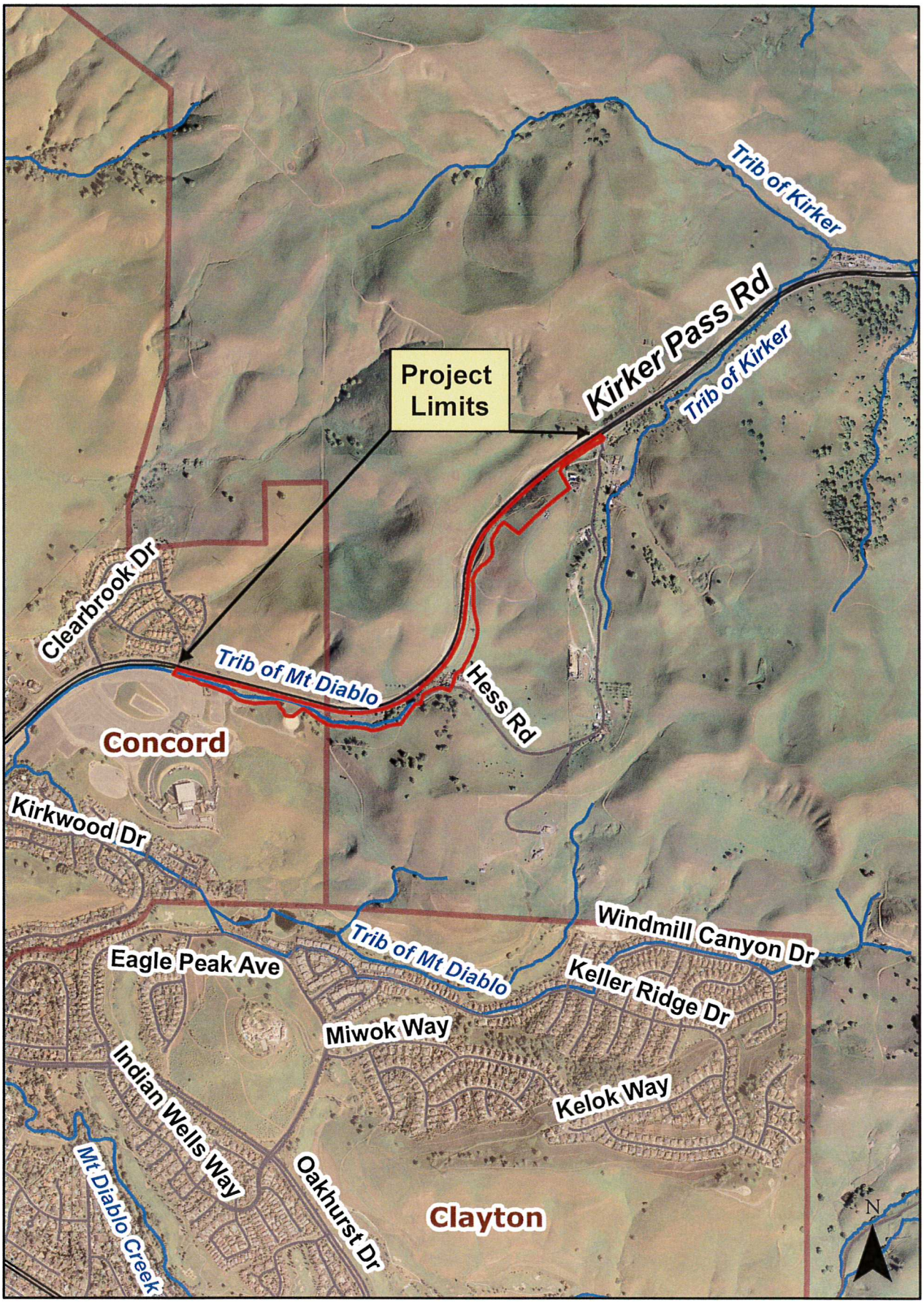

Figure 3

Environmental Checklist Form

1. **Project Title:**
   Kirker Pass Road Northbound Truck Climbing Lane Project

2. **Lead Agency Name and Address:**
   Contra Costa County Department of Conservation and Development
   30 Muir Road, Martinez, CA 94553

3. **Contact Person and Phone Number:**
   Claudia Gemberling, Environmental Analyst, (925) 313-2192
   Contra Costa County Public Works Department

4. **Project Location:**
   The project is located along a 1.2 mile stretch of Kirker Pass Road, between Clearbrook Drive in the City of Concord to the northern Hess Road intersection in central-eastern Contra Costa County (Figures 1- 3).

5. **Project Sponsor's Name and Address:**
   Contra Costa County Public Works Department
   255 Glacier Drive, Martinez CA 94553

6. **General Plan Designation:**
   AL (Agricultural Lands)

7. **Zoning:**
   A-4 (Agricultural Preserve), A-2 (General Agriculture)

8. **Project Description:**
   The Contra Costa County Public Works Department (PWD) proposes to provide a truck climbing lane along a 1.2-mile section of Kirker Pass Road between Clearbrook Drive in the City of Concord and the northernmost Hess Road intersection. Kirker Pass Road is a four-lane principal arterial and route of regional significance between Central and East Contra Costa County. The roadway connects the City of Concord on the southwest end, through the Meridian Hills, to the City of Pittsburg on the northeast end.

   The purpose of the project is to provide a northbound truck climbing lane and paved shoulders for future Class II bike lanes. The project is intended to improve circulation for motorists and bicyclists along this stretch of road. The road is frequently used by commuters and has heavy truck traffic. With sustained grades steeper than 8 percent, trucks are unable to match the speed of other vehicles on the roadway, causing significant congestion and impacting traffic flow. Project elements will include roadway widening for the truck climbing lane, paved shoulders for future Class II bike lanes, relocation of drainage features, retaining wall construction; installation of signage and striping; construction of two bioretention areas; roadway conforms due to change in grade; and relocation of other existing roadside features. An open grade asphalt concrete overlay will be placed along the southbound and northbound lanes.

Construction is expected to begin in 2018 and may require two construction seasons. Standard construction equipment will be used, including but not limited to: excavators, graders, scrapers, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, cranes, drill rigs, and pavers. Construction activities will generally be limited to the hours between 7:00 a.m. to 5:00 p.m. with noise-generating activities focused between 8:00 a.m. to 5:00 p.m.; however, there will be limited night work as necessary. Disturbed areas will be stabilized following construction to ensure appropriate erosion and sediment control.

9. **Surrounding Land Uses and Setting:**
The project is located within the northern foothills of Mount Diablo near Kirker Pass. In this location, Kirker Pass Road climbs steeply from the low-lying Clayton Valley, summits near Kirker Pass at an elevation of 965 feet, and descends toward the City of Pittsburg. The project area includes the paved northbound travel lanes of the existing road right-of-way, compacted gravel road shoulders, and steep canyon slopes and grade cuts that are located to the south of the road. The surrounding area is characterized by hilly grassland, undeveloped terrain north of the road and sparse rural development south of the road, with the Concord Pavilion located further south at the western end of the project.

10. **Other public agencies whose approval is required** (e.g. permits, financing, approval, or participation agreement):

Federal Highway Administration (FHWA), California Department of Transportation (Caltrans)
Contra Costa Transportation Authority (CCTA), Regional Water Quality Control Board (RWQCB)-San Francisco Bay, California Department of Fish and Wildlife (CDFW)-Region 3, U.S. Army Corps of Engineers (USACE)-San Francisco District, U.S. Fish and Wildlife Service (USFWS), East Contra Costa County Habitat Conservancy (Habitat Conservancy).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigations measures that are imposed upon the proposed project, nothing further is required.

Signature

Aug. 23, 2016
Date

Contra Costa County Department of Conservation and Development

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EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Contra Costa County has two main scenic resources in addition to many localized scenic features: (1) scenic ridges, hillsides, and rock outcroppings; and (2) the San Francisco Bay/Delta estuary system. Throughout much of the County, there are significant topographic variations in the landscape. The largest and most prominent of these are the hills that form the backdrop for much of the developed portions of the area. Views of these major ridgelines help to reinforce the rural feeling of the County's rapidly growing communities (Contra Costa County 2005a).

a) Would the project have a substantial adverse effect on a scenic vista?

The project area generally consists of steep to moderately steep rolling, hilly topography dominated by ruderal and annual (non-native) grassland vegetation. The project area's viewshed is primarily made up of cattle-grazed pastureland and hillsides. Following construction these will remain the primary views. The retaining walls will receive an architectural treatment such as exposed rock, textural wave, or vertical ribbing to provide textural interest to the otherwise plain concrete surface. The walls will be installed at the edges of existing stands of trees, many of which will be intentionally retained where possible. Based on the textural finish, retained trees, and remaining views of adjacent hillsides, the project will not substantially change the overall visual character of the area. Therefore, project impacts will be **less than significant.**

b) Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is not located within a state scenic highway; however, Kirker Pass Road is designated as a Scenic Route (Caltrans 2015a; County General Plan 2005l). The project is consistent with the Scenic Routes Implementation Measure 5-bh (County General Plan 2005l) as the visual qualities and character of the roadway were considered during plan design and the design will remain consistent with the rural character of the area, despite the new retaining walls. Further, the purpose of the project is constructing a truck lane which will improve traffic flow on Kirker Pass Road, a benefit to the traveling public. Therefore, project impacts will be **less than significant**.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The project will not substantially degrade the existing visual character or quality of the site and its surroundings as the project will be limited to areas immediately around the existing roadway and based on the textural retaining wall finish, retained trees, and persisting views of adjacent hillsides, the project will not substantially change the overall visual character of the area. Construction activities may degrade the visual character of this area but this impact will be limited and temporary. Therefore, project impacts will be **less than significant.**

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

The constructed project will not introduce a new source of light or glare. The majority of construction will take place during the daylight hours; however, some night work will occur and must be approved by the County Resident Engineer who will be available to address any concerns. Therefore, project impacts will be **less than significant**.

II. AGRICULTURE AND FOREST RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	☐	☐	☒	☐
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Regulatory Background

The Farmland Mapping and Monitoring Program (FMMP) was established in 1982 in response to a critical need for assessing the location, quality, and quantity of agricultural lands and conversion of these lands over time. FMMP is a non-regulatory program that provides a consistent and impartial analysis of agricultural land use and land use changes throughout California (California Department of Conservation [DOC] 2015).

In order to be shown on FMMP's Important Farmland Maps as Prime Farmland and Farmland of Statewide Importance the land must have been used for irrigated agricultural production at some time during the four years prior to the Important Farmland Map date and must meet physical and chemical soil criteria as determined by the Natural Resource Conservation Service. Prime Farmland has the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Farmland of Statewide Importance is similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Unique Farmland consists of lesser quality soils used for the production of the state's leading agricultural crops; this land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California (California Department of Conservation [DOC] 2015).

In addition, land may be enrolled under the 'Prime Agricultural Land' designation under the state's Williamson Act if it meets certain economic or production criteria. The California Land Conservation Act of 1965, commonly known as the Williamson Act, created a program to help counties preserve agricultural land

and open space by offering a tax incentive to property owners. The Williamson Act provides an arrangement where private landowners voluntarily restrict their land to agricultural and compatible open space uses under a contract with the County (Contra Costa County Department of Conservation and Development [CCCDCD] 2015).

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

County staff completed a Farmland Conversion Impact Rating analysis and received concurrence from USDA Natural Resources Conservation Service (NRCS) staff that the project location lacks the specific soil and site characteristics to meet the Prime, Unique, or Farmland of Statewide Importance designation (USDA NRCS 2015). Therefore, the project will have **no impact**.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?

A portion of the project is located adjacent to two Williamson Act contracted parcels (094-130-017 and 118-050-009). The project will not require any rights of way from these two parcels or convert their existing agriculture zoning but may require temporary and/or permanent easements from parcel 118-050-009. California Government Code Section 51292 allows for public improvements if no other land outside the agricultural preserve is reasonably feasible to locate the public improvement with notification and explanation to the California Department of Conservation (DOC) and local governing body responsible for administration of the Williamson Act program (DOC 2015a, b). No other non-Williamson Act contracted lands can be considered as the easement is needed at this specific location adjacent to the road. Further, the easement will not ultimately convert the agricultural land use as the land will be returned to pre-project conditions. Nevertheless, CCCPWD will notify DOC and the CCCDCD in accordance with California Government Code Section 51292. Therefore, project impacts will be **less than significant**.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?

The project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g) as no forest land or timberland is present within or adjacent to the project area. Therefore, the project will have **no impact**.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

The project will not result in the loss of forest land or conversion of forest land to non-forest use because forest land is not present within or adjacent to the project area. Therefore, the project will have **no impact**.

e) Would the project involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project will not result in other changes that would result in conversion of farmland or forest land. Therefore, project impacts will be **no impact.**

III. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Regulatory Background

The federal Clean Air Act (CAA) requires the U. S. Environmental Protection Agency (USEPA) to set National Ambient Air Quality Standards (NAAQS) for six common criteria air pollutants: particulate matter, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. Of the six pollutants, particle pollution and ground-level ozone are the most widespread health threats. The CAA requires the USEPA to designate areas as meeting (attainment) or not meeting (nonattainment) the standards (USEPA 2015). In addition, the California Health and Safety Code requires the California Air Resources Board (CARB), a division of the California EPA, to establish and periodically review area designation criteria for state standards, which are more stringent than federal standards. The project is located within the San Francisco Bay Area Air Basin which is currently designated as nonattainment for national and state ozone and particulate matter standards (Bay Area Air Quality Management District [BAAQMD] 2015a).

The CAA also requires states to develop a general plan to attain and maintain the NAAQS and a specific plan to attain the standards for each nonattainment area. The CARB and the BAAQMD periodically prepare and update these plans in cooperation with regional agency partners. These plans usually define control strategies to reduce air pollutant emissions from industrial facilities, commercial processes, motor vehicles, and other sources which are typically implemented through a combination of regulations enforced by the BAAQMD, grant and incentive programs, public education and outreach, and partnerships with other agencies and stakeholders. The current air quality plan is the 2010 Clean Air Plan which includes the most recent ozone attainment plan and focuses on reduction of ozone, particulate matter, and greenhouse gases (GHGs) (BAAQMD 2010a).

In order to address GHGs, which include criteria air pollutants (regional pollutants) and toxic air contaminants (local pollutants), the BAAQMD adopted CEQA thresholds of significance and updated its 1999 CEQA Air Quality Guidelines in 2010 to assist lead agencies in evaluating air quality impacts to

determine if a project's individual emissions would be cumulatively considerable. Various modeling tools are used to estimate emissions based on the type of project (i.e., land use developments, linear transportation and utility projects) (BAAQMD 2010b). However, the BAAQMD's 2010 adopted thresholds were challenged in a lawsuit and in March 2012 the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the 2010 thresholds of significance. As such, the 2010 thresholds are not formally in place pending CEQA review and have been pulled from the 2011 CEQA Guidelines which were updated in 2012 to omit the thresholds to reflect this ruling (BAAQMD 2012). In the interim, while the BAAQMD has indicated that Lead Agencies may rely on BAAQMD's updated CEQA Guidelines for assistance in calculating air pollution emissions, obtaining information regarding health impacts of air pollutants, and identifying potential mitigation measures, the BAAQMD suggests that Lead Agencies determine appropriate thresholds for each project, and consider the 1999 thresholds along with the evidence in record for the project to determine air quality impacts. The deferral of the 2010 thresholds was based on a procedural action and not on the scientific merits of the thresholds. For this reason, and in this case, the 2010 thresholds were used to determine the project impacts. The 1999 and 2012 CEQA Guidelines were also consulted (BAAQMD 1999, 2010b, 2012).

In addition to criteria air pollutants, naturally-occurring asbestos (NOA), a toxic air contaminant, is also an air pollutant of concern. It can cause lung cancer and mesothelioma which is dependent upon the type of asbestos fibers inhaled and exposure levels. NOA is typically associated with serpentinite and ultramafic rocks formed in high-temperature environments below the surface of the earth when metamorphic conditions are right for the formation of asbestos. The BAAQMD requires that projects implement the best available dust control measures where NOA is likely to be found in order to reduce dust emissions as well as notification to the BAAQMD (BAAQMD 2015b, CARB 2015, Office of Planning and Research [OPR] 2008a). The project area is not located within an area identified as having rocks associated with NOA (DOC 2000).

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The air quality plan applicable to the project area is the Contra Costa County Climate Action Plan, adopted on December 15, 2015 which is consistent with the BAAQMD Bay Area 2010 Clean Air Plan (Clean Air Plan) adopted on September 15, 2010 (CCCDCD 2015b, BAAQMD 2010a). Both plans identify strategies to improve air quality and protect public health through implementation of control measures. The BAAQMD Clean Air Plan identifies a number of control measures for stationary, mobile, transportation, land use and local impact, and energy and climate sources. The County Climate Action Plan identifies implementation measures for energy efficiency and conservation, renewable energy, land use and transportation, solid waste, water conservation, and government operations. While most of the measures are not applicable to the project as the completed project will not create air pollutant sources beyond what already exists from existing traffic use of the road, the project will not conflict with or obstruct implementation of the applicable air quality plans as the project will improve the performance and efficiency of traffic movement. The additional truck climbing lane will alleviate congestion caused by passenger cars being trapped behind slow-moving trucks climbing Kirker Pass Road and would be expected to reduce congestion-related tailpipe emissions. Therefore, project impacts will be **less than significant**.

b) Would the project violate any air quality standard or contribute to an existing or projected air quality violation?

Both the state and federal governments have established health-based Ambient Air Quality Standards for six criteria air pollutants: carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead (Pb), and suspended particulate matter (PM). These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. The Bay Area is under nonattainment status for State 1-hour and 8-hour ozone standards. In addition, the Bay Area was designated as a nonattainment area for the federal 8-hour ozone standard. The Bay Area is also considered a nonattainment area for $PM_{2.5}$ at the state level and an attainment area at the federal level.

To meet these standards the BAAQMD has established project level thresholds for reactive organic gases (ROG), nitrogen oxides (NO_x), and particulate matter 2.5 ($PM_{2.5}$). ROG is formed from combustion of fuels and evaporation of organic solvents. ROG is an ozone precursor and a prime component of the photochemical reaction that forms ozone. NO_x refers to the compounds of NO_2, a reddish-brown gas, and nitric oxide (NO), a colorless, odorless gas, that are formed from fuel combustion under high temperature or pressure. NO_x is a primary component of the photochemical smog reaction. $PM_{2.5}$ refers to fine suspended particulate matter with an aerodynamic diameter of 2.5 microns or less, and particulate matter 10 (PM_{10}) refers to coarse particles that are larger than 2.5 microns but smaller than 10 microns.

According to the BAAQMD's *CEQA Air Quality Guidelines* (2012), to meet air quality standards for operational-related criteria air pollutant and air precursor impacts, the project must not:

1. Generate construction emissions of ROG, NO_x or $PM_{2.5}$ greater than 54 pounds per day or PM_{10} exhaust emissions greater than 82 pounds per day;
2. Contribute to CO concentrations exceeding the state ambient air quality standards; or
3. Generate operation emissions of ROG, NO_x or $PM_{2.5}$ of greater than 10 tons per year or 54 pounds per day or PM_{10} emissions greater than 15 tons per year or 82 pounds per day.

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by excavation, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, ROG, directly-emitted particulate matter ($PM_{2.5}$ and PM_{10}), and toxic air contaminants (TACs) such as diesel exhaust particulate matter. Site preparation and project construction would involve grading and paving activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase because most engine emissions are associated with the excavation, handling, and transport of soils on the site. Sources of fugitive dust would include disturbed soils at the construction site. PM_{10} emissions would depend on soil moisture, silt content of soil, wind speed, and the number of equipment pieces operating on-site. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions (PM_{10}). With the implementation of standard construction measures such as frequent watering (e.g., two times per day at a minimum), fugitive dust emissions from construction activities would not result in adverse air quality impacts. In addition to dust-related PM_{10} emissions, construction equipment powered by gasoline and diesel engines would generate CO, SO_2, NO_x, VOCs and some soot particulate ($PM_{2.5}$ and PM_{10}) in exhaust emissions. These emissions would be temporary and limited to the immediate area surrounding the construction sites. Construction emissions for the project were calculated using the Road Construction Emissions Model v. 7.1.5.1, developed by the Sacramento Metropolitan Air Quality Management District. Construction will likely occur over two

construction seasons, during the months of April through October, in 2018 and 2019, for a total duration of approximately 12 months. Construction-related emissions for the project are shown in Table 1.

Table 1: Project Construction Emissions in Pounds Per Day

Project Construction	**ROG**	**NO_x**	**CO**	**Exhaust $PM_{2.5}$**	**Exhaust PM_{10}**
Average Daily Emissions	5.5	52.6	26.8	2.7	2.7
BAAQMD Thresholds	54.0	54.0	NA	54.0	82.0
Exceed Threshold?	**No**	**No**	**NA**	**No**	**No**

Source: LSA Associates, Inc., 2015.

As shown in Table 1, average daily construction emissions would not exceed the BAAQMD's numeric threshold for ROG, NO_x or particulate matter exhaust emissions. However, in order to reduce fugitive dust emissions to a less than significant level, the following BAAQMD Construction Mitigation Measures (2012) would be implemented.

MITIGATION MEASURE AIR-1:

Consistent with the Construction Mitigation Measures required by the BAAQMD, the following actions shall be incorporated into construction contracts and specifications for the project:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

Localized CO Impacts The BAAQMD has established a screening methodology that provides a conservative indication of whether implementation of a proposed project would result in significant CO emissions. According to the BAAQMD's *CEQA Air Quality Guidelines*, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

1. The project is consistent with an applicable congestion management program established by the

county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.

2. The proposed project would be expected to alleviate congestion on roadways and not increase traffic volumes. Therefore, the project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour, nor would it increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

The proposed project would not conflict with the Contra Costa County Transportation Authority's Congestion Management Program for designated roads or highways, a regional transportation plan, or other agency plans (CCTA 2013). Therefore, the proposed project would not result in localized CO concentrations that exceed state or federal standards. Further, the proposed project would consist of a dedicated truck climbing lane. The roadway project would help alleviate congestion caused by passenger cars being trapped behind slow-moving trucks climbing Kirker Pass Road and would be expected to reduce congestion-related tailpipe emissions. Therefore, project impacts will be **less than significant with mitigation incorporated.**

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

CEQA defines a cumulative impact as two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts. According to the BAAQMD, air pollution is largely a cumulative impact and no single project is sufficient in size itself to result in nonattainment of ambient air quality standards. In developing the thresholds of significance for air pollutants used in the analysis above, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The BAAQMD *CEQA Air Quality Guidelines* (2012) indicate that if a project exceeds the identified significance thresholds, it's emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, if a project's daily average or annual emissions of operational-related criteria air pollutants exceed any applicable threshold established by the BAAQMD, the proposed project would result in a cumulatively significant impact. Because the project would likely reduce operational emissions with improved traffic flow (less congestion resulting from slower moving trucks), the proposed project would not exceed established thresholds for regional emissions or make a cumulatively considerable contribution to regional air quality impacts. Therefore, project impacts will be **less than significant.**

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers, and other high-risk receptors. Individuals particularly vulnerable to diesel particulate matter (DPM) are children, with lung tissue that is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to DPM. Health risks from toxic air contaminants (TACs) such as construction diesel emissions are a function of both concentration and duration of exposure. Construction diesel emissions are temporary, affecting an area for a period of days or perhaps weeks throughout the construction period. Additionally, construction-related sources are mobile and transient in nature and the emissions occur with the project site with concentration dispersing rapidly with distance.

Implementation of Mitigation Measure AIR-1 would help to reduce construction pollutant concentrations. The closest sensitive receptor in the project vicinity is a residence located approximately 200 feet east of Kirker Pass Road on Hess Road on the northern end of the project boundary. Residents could be temporarily exposed to diesel engine exhaust during the construction period due to the operation of construction equipment. The BAAQMD CEQA significance threshold for potential effects of DPM applies to the hypothetical exposure of a person continuously for 70 years. The duration of the construction period is expected to be a total of 12 months spread over two construction seasons which is relatively short when compared to the 70-year risk exposure period. Additionally, the 12 month duration would cover the entire 1.2 mile length of the project, therefore emission concentrations at any one receptor location would have a much shorter duration. Therefore, due to the short duration of the construction period and the dispersion of project construction emissions, health risk impacts associated with project construction would be less than significant. Additionally, with implementation of Mitigation Measure AIR-1, which is consistent with BAAQMD guidelines, health risks from construction emissions of DPM would be less than significant. Therefore, project impacts will be **less than significant with mitigation**.

e) Would the project create objectionable odors affecting a substantial number of people?

The proposed project would include the addition of a truck climbing lane on Kirker Pass Road. There may be odors associated with project construction, but these will be limited and temporary in nature therefore, project impacts will be **less than significant.**

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	☐	☐	☐	☒

Regulatory Background

In 1973, the federal Endangered Species Act (ESA) was passed by Congress to protect ecosystems supporting special-status species to be administered by the U. S. Fish and Wildlife Service (USFWS). The California Endangered Species Act was passed as a parallel act to be administered by the California Department of Fish and Wildlife (CDFW). Special-status plant and wildlife species are defined as those species listed as Endangered, Threatened, or Proposed for listing or are designated as Fully Protected species under one or more of the following regulatory status:

- Federal Endangered Species Act, as amended (Code of Federal Regulations, Title 50, Section 17);
- California Endangered Species Act (California Code of Regulations Title 14, Section 670.5);
- California Fish and Game Code (Section 1901, 2062, 2067, 3511, 4700, 5050, and 5515);
- Species considered to be rare or endangered under the conditions of Section 15380 of the CEQA Guidelines such as those identified in the *Inventory of Rare and Endangered Vascular Plants of California* by the California Native Plant Society (CNPS) (Native Plant Protection Act of 1977); and
- Other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing, or rejection for state or federal status such as Species of Special Concern (SSC) designated by the CDFW as well as locally rare species defined by CEQA Guidelines 15125(c) and 15380, which may include species that are designated as sensitive, declining, rare, locally endemic or as having limited or restricted distribution by various federal, state, and local agencies, organizations, and watchlists such as those identified in the CDFW California Natural Diversity Database; as well as birds and raptors protected under the Federal Migratory Bird Treaty Act (16 U.S.C. 703-711) (Executive Order 13186).

East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP or Plan) is intended to provide an effective framework to protect natural resources and special-status species recovery in eastern Contra Costa County while improving and streamlining the environmental permitting process for impacts on these species and associated habitats. The HCP/NCCP complies with Section 10(a)(1)(B) of the federal ESA and California Natural Community Conservation Planning Act of 2003 and as such covered activities are authorized to have incidental take of HCP/NCCP-covered special-status species subject to mitigation fees for both permanent and temporary impacts to species habitats and implementation of specific conditions and conservation measures to avoid or minimize potential effects to species and/or their habitats (Jones & Stokes 2006).

The project is a covered activity under the HCP/NCCP; however, approximately one third of the project's alignment falls outside the Plan Service Area (the portion of the project that lies within the Concord City Limits). The portion of the project that falls within the Plan Service Area will comply with all avoidance and minimization measures and mitigation fee payment required by the Plan and will receive incidental take coverage for HCP/NCCP-covered species via the Plan. However, the HCP/NCCP cannot provide take coverage for HCP/NCCP-covered species outside the Plan area, so for the portion of the project outside the Plan Service Area, the Public Works Department will obtain a separate Section 2081 Incidental Take Permit from the CDFW and a separate Section 7 Biological Opinion from the USFWS. Nevertheless, in an effort to provide for reasonable streamlining, staff from the Public Works Department worked with staff from the Habitat Conservancy who in turn coordinated with staff from the signatory Wildlife Agencies (USFWS and CDFW) to provide a framework for consistent, project-wide avoidance and minimization measures based on the measures in the HCP/NCCP and to allow the project to be mitigated through a mitigation fee payment to the Habitat Conservancy. The Habitat Conservancy will use the mitigation fees paid for the project's impacts to create beneficial mitigation that is consistent with the overall conservation strategy of the HCP/NCCP. This will allow the project to have a consistent mitigation approach for the full project alignment but it will ensure that the impacts due to the portion of the project that falls outside the Plan Service Area do not count against the Plan's take limits, nor will they count toward the Plan's overall conversation requirements (East Contra Costa County Habitat Conservancy 2016).

Environmental Setting

The project vicinity can be characterized as steep rolling hills, grazing land, riparian woodland, and oak woodland that support several native tree and shrub species, including valley oak, California walnut, cottonwood, and arroyo willow. Riparian woodland is the predominant tree canopy found within the project boundary. The riparian woodland is concentrated in two areas of the project boundary; the western and eastern limits. Both riparian woodland concentrations follow a ravine that runs along the south side of Kirker Pass Road; the ravine experiences above ground water flow due to the presence of an unnamed intermittent stream. Single family residences are located at the western and eastern ends of the project boundary. Suburban homes are located north of Clearbrook Road on the northern side of Kirker Pass Road. A salvage yard is present below the intersection of Kirker Pass Road and Hess Road; this yard contains a mobile home and permanent structures that may house residents. Qualified biologists conducted habitat assessments to identify habitats within and around the project area to determine if sensitive habitats, natural communities, and wetlands and waters of the U.S. occur. Habitat assessments were conducted from May 23rd to July 18th 2014 and updated in October of 2015 (LSA Associates 2015a,b).

The majority of the area surrounding the project limits is grazing land. A number of plant and wildlife species from the region were considered and either determined to have the potential to occur within the project vicinity or not; based on the level of suitable habitat within or adjacent to the project area. No special-status fish species have the potential to occur within the project area. The animal and plant species in Table 1 below were determined to have the potential to occur in the project vicinity.

Table 1: Special-Status Species that may be impacted by the Project

SPECIES	LISTING STATUS*	HCP/NCCP STATUS	POTENTIAL PROJECT IMPACT
Amphibians			
California red-legged frog	Fed: FT CA: SSC	Covered	Upland Aestivation non-breeding habitat
California tiger salamander	Fed: FT CA: SSC	Covered	Upland Aestivation non-breeding habitat
Birds			
Golden eagle	Fed: BGPA CA: CAFWC	Covered	Nesting and Foraging Habitat
Burrowing owl	Fed: None CA: SSC	Covered	Nesting and Foraging Habitat
White tailed kite	Fed: MBTA CA: Fully protected	Not Covered	Nesting and Foraging Habitat
Bats			
Townsend's big-eared bat	Fed: None CA: Candidate	Covered	Possible day or night roosting
Pallid bat	Fed: None CA: SSC	Not Covered	Possible day or night roosting
Mammals			
San Joaquin kit fox	Fed: FE CA: ST	Covered	Denning and Foraging Habitat

Plants			
Diablo helianthella	Fed: None CA: 1B	Covered	identified in the BSA but outside project limits

(FE) Federally Endangered; (T) Threatened; (SSC) Special Species of Concern; (BGPA) Bald, Golden Eagle Protection Act; (FP) Fully Protected; (1B) California Rare Plant Rank, (MBTA) Migratory Bird Treaty Act, (CAFWC) California Fish and Wildlife Code.

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The project will result in permanent impacts to approximately 3.828 acres (0.893 acre of these impacts will occur outside of the Plan Service Area) and temporary impacts to approximately 2.723 acre (0.576 acre of these impacts will occur outside of the Plan Service Area) (East Contra Costa County Habitat Conservancy 2016a,b). However; the project will not have a substantial adverse effect on any species identified as a candidate, sensitive or special status species in local or regional plans, because project-related impacts will be avoided, minimized, or appropriately mitigated. Measures to avoid, minimize and/or mitigate project impacts are described below:

California red-legged frog
Suitable aestivation, foraging, and/or dispersal habitat occurs in the project area. However, because the project does not contain suitable California red-legged frog breeding habitat, no species-specific avoidance and minimization measures are required under the HCP/NCCP. Further, early consultation with CDFW, USFWS and the Conservancy has led to a tentative agreement to allow the Public Works Department to follow the HCP/NCCP avoidance and minimization measures project-wide, including the area outside the Plan Service Area. This avoidance strategy has been approved by the Habitat Conservancy Board as a component of a larger strategy to provide streamlined permitting for this project even though it falls both outside of and within the Plan Service Area (East Contra Costa County Habitat Conservancy 2016a,b).

California Tiger Salamander
Suitable aestivation, foraging, and/or dispersal habitat occurs in the project area. However, because the project does not contain suitable California tiger salamander breeding habitat, no species-specific avoidance and minimization measures are required under the HCP/NCCP. Further, early consultation with CDFW, USFWS and the Conservancy has led to a tentative agreement to allow the Public Works Department to follow the HCP/NCCP avoidance and minimization measures project-wide, including the area outside the Plan Service Area. This avoidance strategy has been approved by the Habitat Conservancy Board as a component of a larger strategy to provide streamlined permitting for this project even though it falls both outside of and within the Plan Service Area (East Contra Costa County Habitat Conservancy 2016a,b).

Golden eagle
The limited large trees in the vicinity of the project vicinity are unlikely to provide suitable nesting habitat due to human activity along Kirker Pass Road; however, the possibility of nesting cannot be completely ruled out. Therefore, the following avoidance measure will be implemented prior to start of construction.

AVOIDANCE MEASURE BIO-1:
Prior to ground disturbance, a qualified biologist will conduct a preconstruction survey to establish whether golden eagle nests within 0.5 mile of the proposed project site are occupied. The survey will be conducted no more than one month in advance of construction. Occupancy of nests will be determined by observations from the project site and public roads or by observations of golden eagle activity (e.g., foraging) near the project site. Covered activities will be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Habitat Conservancy will coordinate with CDFW/USFWS to determine the appropriate buffer size. During construction, biological monitoring will focus on ensuring that no covered activities occur within the buffer zone established around an active nest.

Burrowing owl
Burrowing owl is known to occur in the project vicinity and the habitat assessments identified appropriately sized ground-squirrel burrows, although no burrowing owl, or signs of burrowing owl occupation were observed. However, the possibility of occupancy cannot be completely ruled out. Therefore, the following avoidance measure will be implemented prior to start of construction.

AVOIDANCE MEASURE BIO-2:
Prior to any ground disturbance related to covered activities, a USFWS/CDFW approved biologist will conduct a preconstruction survey in areas identified in the habitat assessments as having potential burrowing owl habitat. Surveys will establish the presence or absence of burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (CDFG 1995). On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 30 days prior to construction. During the breeding season (February 1 – August 31), surveys will document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1 – January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted. If burrowing owls are found during the breeding season (February 1– August 31), the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1 – January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone. If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and

refilled to prevent reoccupation (CDFG 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. The applicant may conduct burrow management (i.e., regular surveys to find and proactively collapse unoccupied yet suitable burrows) in advance of and during construction to lower the likelihood of owls occupying burrows within the project area.

White-tailed kites

Although the large trees near the project site are unlikely to provide suitable nesting habitat due to human activity along Kirker Pass Road, nesting cannot be completely ruled out as the adjacent grassland and ruderal habitat provide suitable foraging for this species. Therefore, the following avoidance measure will be implemented prior to start of construction.

AVOIDANCE MEASURE BIO-3:

To the extent feasible, vegetation removal activities will not occur during the breeding season of February 15 through August 31. If vegetation removal must occur during the breeding season, all sites will be surveyed by a qualified biologist to verify the presence or absence of nesting birds. Preconstruction surveys will be conducted no more than two weeks prior to the start of work from February 15 through August 31. If the survey indicates the potential presence of nesting birds, a buffer will be placed around the nest in which no work will be allowed until the young have successfully fledged or the nest has failed. The size of the nest buffer will be determined by a qualified biologist in consultation with CDFW/USFWS. In general, buffer sizes of 250 feet for raptors and 50 feet for passerines should prevent disturbance to birds nesting in a moderately urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species, the level of disturbance anticipated near the nest and other factors such as topography and vegetation shielding.

Townsend's big-eared bat

Suitable foraging and movement habitat occurs on the project site, although no evidence of possible roosting sites was observed and the potential for the species to occur is low.

AVOIDANCE MEASURE BIO-4:

A preconstruction survey is required to determine whether project area trees are occupied or whether they show signs of recent previous occupation. If the species is observed or if evidence of recent occupation is established, construction activities must be scheduled to minimize impacts on Townsend's big-eared bat. The establishment of maternity or hibernation roosts is highly unlikely due to a lack of appropriate habitat, however, if such sites are discovered they will be sealed in accordance with HCP/NCCP requirements as follows: hibernation site with evidence of prior occupation will be sealed before the hibernation season (November to March), and nursery sites will be sealed before the nursery season (April to August). If the site is occupied, then the action will occur either prior to or after the hibernation season and after August 15 for nursery colonies.

Pallid bat

Suitable foraging habitat occurs in the grassland and ruderal habitats in the project vicinity, and the larger trees on the project site could provide suitable day or night roosting habitat, although no evidence of such roost occurrence has been observed. Suitable maternity roost habitat is absent from the project site.

AVOIDANCE MEASURE BIO-5:

All potential roost trees within the BSA will be surveyed for the presence of bat roosts by a qualified biologist no more than two weeks prior to the initiation of tree removal or ground disturbing activities. If no roosting sites are present, the trees will be removed within two weeks following the survey. If roosting habitat is present and occupied, then a qualified biologist will determine the species of bats present. If it is determined that the bats are not a special-statues species and the roost is not being used as a maternity roost, then the bats may be evicted using methods developed by a biologist experienced in developing bat mitigation and exclusion plans. If the bats are found to be pallid bats of the roost is being used as a maternity roost by any bat species, then a biologist experience in bat mitigation and exclusion plans must prepare an eviction plan detailing the methods of excluding bats and the method to secure the roost site to prevent its reuse prior to removal. Removal of the roost may only occur after the eviction plan has been approved by CDFW. Tree removal surrounding roost trees will be conducted without damaging roost trees. All trees will be cut and left on the ground overnight prior to onsite chipping or removal of trees to allow bats to escape from the downed trees. No diesel or gas-powered equipment will be stored or operated directly beneath a roost site and all construction activity in the vicinity of an active roost will be limited to daylight hours.

San Joaquin kit fox

Surveys identified suitable foraging, movement, and denning habitat in the project area however the potential for occurrence is low due to the absence of observations in Contra Costa County since 1993.

AVOIDANCE MEASURE BIO-6:

Prior to any ground disturbance related to covered activities, a USFWS/CDFW–approved biologist will conduct a preconstruction survey in areas identified in the surveys as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys will establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service 1999). Preconstruction surveys will be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens will be determined and mapped. Written results of preconstruction surveys will be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below will be implemented. If a San Joaquin kit fox den is discovered in the proposed development footprint, the den will be monitored for 3 days by a USFWS/CDFW-approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used. Unoccupied dens should be destroyed immediately to prevent subsequent use. If a natal or pupping den is found, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW. If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it

is temporarily vacant (i.e., during the animal's normal foraging activities). If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities will occur within the exclusion zones. Exclusion zone radii for potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

Diablo helianthella

Diablo helianthella were observed within the study area along the HCP/NCCP covered portion of the project but south and outside of the project impact footprint. The plants are outside of the project boundaries; therefore, the project is not expected to have any impact on these individuals. A subsequent blooming period survey may be conducted in summer 2017 (the year prior to construction) to rule out the possibility of Diablo helianthella occurring in the impact area. If subsequent blooming period surveys are not conducted, preconstruction surveys will be conducted prior to project implementation to verify that the population has not moved into the impact area.

Other Nesting Birds and Raptors

AVOIDANCE MEASURE BIO-7:

Additional passerine and raptor bird species also have the potential to breed and forage within the project vicinity due to the presence of riparian and oak woodlands, native grassland, and seasonal wetlands in the project area or vicinity. Most passerine and raptor species are protected by the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. Construction of the project will require removal of trees and shrubs along Kirker Pass Road. The general avian nesting season is February 1 – August 31. Therefore, the project may directly or indirectly impact listed and/or MBTA-protected nesting birds and/or raptors if present. The project is not anticipated to impact these species with implementation of the following avoidance measures:

1. If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February – outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting migratory birds.
2. If project construction begins during the breeding season (February 1 to August 31), preconstruction surveys will be conducted within the project footprint and a 250-foot buffer for raptors and a 50-foot buffer for all other nesting birds, by a qualified biologist no more than two weeks prior to staging, pruning/grubbing or surface-disturbing activities. If no active nests are found within the project footprint and a 250-foot buffer, no further measures need to be implemented.
3. If active nests (i.e. nests in the egg laying, incubating, nestling or fledgling stages) are found within 250 feet of the project footprint, non-disturbance buffers will be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. Sufficient buffers are generally 250 feet for raptors and 50 feet for passerines. No work will occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist. Buffer size will be determined in cooperation with the CDFW and the USFWS Migratory Bird Permit Office. If buffers are established and it is determined that project activities are resulting in nest

disturbance, work will cease immediately and the CDFW and the USFWS Migratory Bird Permit Office should be contacted for further guidance.

General Avoidance and Minimization

The project has been designed to be consistent with the HCP/NCCP Conservation Measure 1.14 Design Requirements for Covered Roads Outside the Urban Development Area. In compliance with that measure, the following additional avoidance measures will be implemented for protection of the biological resources within the project area and vicinity:

AVOIDANCE MEASURE BIO-8:

1. Equipment storage, fueling, and staging areas will be sited on disturbed areas or on ruderal or non-sensitive, non-native grassland land cover types, when these sites are available to minimize risk of direct discharge into sensitive land cover types
2. No erodible materials will be deposited into watercourses. Brush, loose soils, or other debris will not be stockpiled within stream channels or on adjacent banks
3. All no-take species will be avoided
4. Construction activities will comply with the MBTA and will consider seasonal requirements for birds and migratory non-resident species, including HCP/NCCP covered species
5. Temporary stream diversions, if required, will use sand bags or other approved methods that minimize in-stream impacts and effects on wildlife
6. Silt fencing or other sediment trapping methods will be installed down-gradient from construction activities to minimize the transport of sediment off site
7. Barriers will be constructed to keep wildlife out of construction sites, as appropriate
8. On-site monitoring will be conducted throughout the construction period to ensure that disturbance limits, BMPs and HCP/NCCP restrictions are being implemented properly
9. Active construction areas will be watered regularly to minimize the impact of dust on adjacent vegetation and wildlife habitats, if warranted
10. Vegetation and other debris will be managed in and near culverts and under and near bridges to ensure that entryways remain open and visible to wildlife and the passage through the culvert or under the bridge remains clear.
11. Cut and fill slopes will be revegetated with native, non-invasive non-native, or non-reproductive (i.e., sterile hybrids) plants suitable for the altered soil conditions.

MITIGATION MEASURE BIO-1: COMPENSATORY MITIGATION (SPECIES/HABITAT)

Compensatory mitigation for impacts to sensitive species and habitat will take the following two forms:

1. **HCP/NCCP Development and Wetland Mitigation Fees:**
   For impacts within the HCP/NCCP Service Area, the project will mitigate permanent and temporary impacts by fee payment to the Habitat Conservancy. Mitigation fees are based on the project's impact acreages and are calculated based on two fee types (the project-wide development fee and the wetland mitigation fee). These fees are currently estimated to be $137,056.47. The fees may adjust as project plans are further refined. In addition, the HCP/NCCP fees adjust annually (in March). Final project fees based on final project impacts will be paid at construction contract award.

2. **Supplemental mitigation funds:**
   For impacts outside the Plan Service Area, an additional mitigation fee will be paid. The additional mitigation fee will consist of a base fee (i.e., the fee that would be paid if this portion of the project fell within the Plan Service Area), plus a "contribution to recovery fee" to ensure there is funding for an endowment and management in perpetuity for the mitigation. In addition, a nominal processing fee will be provided to the Habitat Conservancy for implementation of conservation goals beyond those required by the HCP/NCCP in accordance with Sections 8.6.2 and 9.3.2 of the HCP/NCCP. Mitigation achieved with this supplemental funding will consist of additional land acquisition and preservation; habitat enhancement, restoration, and creation; and species-specific management actions. With payment of these supplemental mitigation funds, the Public Works Department will transfer the mitigation obligation to the Conservancy. The Conservancy will track the supplemental mitigation funds separately from covered projects; however, the conservation performed by the funds would be subsumed into the Preserve System and the lands managed in perpetuity consistent with the HCP/NCCP and appropriate Regional Preserve Management Plan. These fees are currently estimated to be $117,900.37. The fees may adjust as project plans are further refined. In addition, the HCP/NCCP fees adjust annually (in March). Final project fees based on final project impacts will be paid at construction contract award.

The project is not anticipated to substantially impact any special-status species with implementation of the mitigation and avoidance measures described above. Therefore, project impacts will be **less than significant with mitigation incorporated**.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

The project alignment has been carefully designed to minimize impacts to an unnamed tributary to Mt. Diablo Creek; however the project will result in limited temporary and permanent impacts to the tributary.

In order to protect those portions of the tributary that will not be temporarily or permanently impacted, the following avoidance and minimization measures will be implemented:

AVOIDANCE MEASURE BIO-9:

1. Provision C.3 of the Contra Costa County Clean Water Program's National Pollutant Discharge Elimination System (NPDES) permit will be followed to minimize the effects of urban development on downstream hydrology, streams, and wetlands
2. All wetlands, ponds, streams, and riparian woodland/scrub to be avoided will be temporarily staked in the field by a qualified biologist
3. Personnel conducting ground-disturbing activities within or adjacent to the buffer zone of wetlands, ponds, streams, or riparian woodland/scrub will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations
4. Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas
5. Trash will be promptly and properly removed from the site
6. No construction or maintenance vehicles will be refueled within 200 feet of wetlands, ponds,

streams, or riparian woodland/scrub unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill

7. Appropriate erosion control measures will be used on-site to reduce siltation and runoff of contaminants into the wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh will be of material that will not entrap reptiles and amphibians. Erosion control blankets will be used as a last resort because of their tendency to biodegrade slowly and to trap reptiles and amphibians. Erosion control measures will be placed between the outer edge of the buffer and the project site.
8. Fiber rolls used for erosion control will be certified as free of noxious weed seed
9. Seed mixtures applied for erosion control will not contain invasive non-native species and will be composed of native species or sterile non-native species

MITIGATION MEASURE BIO-2: COMPENSATORY MITIGATION (WETLANDS AND WATERS)

In order to mitigate for unavoidable temporary and permanent impacts to the unnamed tributary, the temporary and permanent wetland impact fees will be paid to the Habitat Conservancy as described in BIO-1 above.

The project is not anticipated to substantially impact the stream and riparian woodland habitat with implementation of the mitigation and avoidance measures described above. Therefore, project impacts will be **less than significant with mitigation incorporated**.

c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no known federally protected wetlands within the project boundaries. Further, the completed field surveys concluded that there are no wetlands within the study area (LSA 2015a). Therefore, the project will have **no impact.**

d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project consists of adding a northbound truck climbing lane to an existing heavily-traveled roadway with an existing median that is a pre-existing barrier to wildlife movement. The project will not result in any additional permanent disruption to movement of any wildlife species. Activities associated with construction of the project may temporarily inhibit dispersal, migration, and daily movement in the immediate vicinity of the work area; however, this disruption is limited and short term in nature. Further, temporary impacts will be mitigated through payment of HCP/NCCP temporary impact fees as discussed in Mitigation Measure BIO-1. Therefore, project impacts will be **less than significant with mitigation incorporated**.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?

The project will not conflict with any local policies or ordinances protecting biological resources as potential impacts and anticipated impacts will be avoided where feasible and where not feasible will be mitigated through the HCP/NCCP or the Habitat Conservancy (for the area that falls within the Concord City Limits). This is consistent with the policies for protection of biological resources included in the Conservation Element section of the County General Plan (Contra Costa County 2005d). The project is not subject to the County Tree Ordinance as tree trimming and clearing will occur within the County right-of-way. Therefore, the project will have **no impact**.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

The project is consistent with the HCP/NCCP as mitigation fees will be paid to offset impacts and the required surveys and required avoidance and minimization measures will be implemented as described above. Therefore, the project will have **no impact.**

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐
e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in §21074?	☐	☐	☐	☒

Regulatory Background

CEQA requires lead agencies to determine if a project will have an adverse impact on a significant cultural resource (includes historical and archaeological) (Public Resources Code Sections 21084, 21084.1, 21083.2). A resource is considered significant if it 1) is listed in or has been determined eligible for listing in the California Register of Historic Resources (CRHR); 2) is included in a local register of historical resources, as defined in Public Resources Code 5020.1(k); 3) has been identified as significant in an historical resources survey, as defined in Public Resources Code 5024.1(g); or 4) is determined to be historically significant by the CEQA lead agency [CCR Title 14, Section 15064.5(a)]. The following CRHR eligibility criteria need to be considered when making a significance determination.

1. Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual, or possesses high artistic values; or

1. Has yielded, or may be likely to yield, information important in prehistory or history.

If a significant resource will be impacted, the Lead Agency must determine whether there is "substantial evidence" in the administrative record to support a finding of significant effect (Section 21080(e)). CEQA requires examination of mitigation measures or feasible project alternatives that would avoid or minimize any impacts or potential impacts.

Tribal Cultural Resources

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the proposed project may have a significant impact on a Tribal Cultural Resource, and that this consideration be made separately from cultural and paleontological resources.

Section 21073 of the Public Resources Code defines California Native American tribes as "a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines Tribal Cultural Resources for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are any of the following:
   A. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
   B. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
   C. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA, a Tribal Cultural Resource may also require additional consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (21080.3.2[b]), whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

The Public Works Department has received only one letter to date requesting formal notification under AB52. On August 24, 2015, the County received a notification letter from the Wilton Rancheria requesting formal notification of proposed projects within their geographic area of traditional and cultural affiliation.

Cultural and Historical Resource Assessment

In order to determine if the project area contains potential significant cultural and/or historical resources, a qualified cultural resource specialist conducted research of recorded sites and surveys within one mile of the project area and also reviewed historic maps and literature at the Northwest Information Center at California State University, Sonoma, and various libraries. In addition, the Native American Heritage Commission (NAHC) was contacted for a Sacred Lands File search to determine if any recorded Native American sites occur within the project area. The NAHC provided a list of Native American tribal representatives provided that may have knowledge of unrecorded sites who were also contacted. A field survey was also conducted of the study area to determine if any cultural resources are present (Condor Country 2015).

Environmental Setting

The project site lies on the fringe of suburban sections of Concord and rural sections of unincorporated Contra Costa County. The project area consists of the paved road, the shoulder (which includes a mixture of asphalt and compacted rocks), and a fairly narrow band of adjacent grassy hillsides along the existing roadway. A tributary of Mount Diablo Creek lies along the southern side of Kirker Pass Road. Approximately 75 percent of the Area of Potential Effect (APE) includes open grasslands and patches of riparian vegetation along the tributary to Mount Diablo Creek that have remained largely unchanged over time.

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The records search and field survey did not identify historic resources in the project area. The records search revealed that there are seven historic-era built environment structures located within a one-mile radius of the project site. Five of these are located northwest of the project site, one is located to the north, and two are located southwest of the project area. The field survey did not identify the presence of recorded or unrecorded historical resources within the project area. Condor Country Consulting archaeologists estimate that the probability for encountering unexpected subsurface cultural resources is low to moderate. Nevertheless, the potential for subsurface resources cannot be completely ruled out and the project may unearth unanticipated historic or pre-historic Native American period resources; therefore, the following avoidance measures will be followed in the event subsurface resources are discovered during project construction. Therefore, project impacts will be **less than significant.**

AVOIDANCE MEASURE CUL-1**:**

- Contractor will be notified of the possibility of encountering archaeological materials during ground-disturbing activities and will be educated on the types of historic and pre-historic Native American period archaeological materials that may be encountered.
- If an inadvertent discovery is made, the Contractor will cease all ground-disturbing activities in the area of discovery.
- The Contractor will immediately notify the County Public Works Department Resident Engineer who will then request a qualified archaeologist to evaluate the finding(s).
- If the finding(s) is determined to be potentially significant, the archaeologist in consultation with the appropriate Native American tribal representative or historical society will develop a research design and treatment plan outlining management of the resource, analysis, and reporting of the find.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The records search and field survey did not identify archaeological resources within the project area. Although there is a documented historical site (P-07-000104) located 0.50 mile southwest of the project area, there are no physical indicators that the site's boundaries extend into the project footprint and Condor County Consulting concluded it is unlikely that the site extends to the southwest border of Kirker Pass Road. In addition, the NAHC and the Native American tribal representatives contacted did not identify native lands, plant gathering areas, archaeological deposits, or traditional cultural properties within the project area. Further, an intensive reconnaissance archaeological survey conducted for construction of the Concord Pavilion found no evidence of archaeological or historical materials. Nevertheless, the potential for subsurface resources cannot be completely ruled out and the project may unearth unanticipated historic or pre-historic Native American period resources; therefore, Avoidance Measure CUL-1 will be followed in the event subsurface resources are discovered during project construction. Therefore, project impacts will be **less than significant**.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The site is primarily underlain by Markley Sandstone Member of the Kreyenhagen Formation within an area of alluvial deposit within the narrow valley in the western portion of the project (Mark Thomas & Co., Inc. 2016). The Markley Sandstone unit is a marine deposit and contains bony fish (Osteichthyes) fossils as well as gastropods and microfossils whereas alluvial deposits are younger units that do not contain significant fossils. The University of California Museum of Paleontology database indicates there are four records in Contra Costa County. Fossils commonly found in the Markley Formation are not highly sensitive because of their abundance but there is potential for significant resources (Solano Transportation Authority 2010).While no evidence of paleontological resources was observed during the field survey, the potential for subsurface resources cannot be completely ruled out and the project may unearth unanticipated paleontological resources; therefore, Avoidance Measure CUL-1 will be followed in the event subsurface resources are discovered during project construction. Therefore, project impacts will be **less than significant**.

d) Would the project disturb any human remains, including those interred outside of formal cemeteries?
The project will not impact any formal or informal cemeteries because none are present within or adjacent to the project area. In order to determine if there are any unrecorded burial grounds and/or sacred land sites in the vicinity of the project area, the NAHC was contacted to check their Sacred Lands File of recorded sites. While no recorded sites were found, the NAHC provided a list of Native American tribal representatives for the region to be notified for unrecorded sites. The listed Native American representatives were notified of the project via certified mail and follow up emails or phone calls. None of the tribal representatives identified Traditional Cultural Properties or plant collection areas within the APE. Native American tribal representative Andrew Galvan responded with a request for additional information and Native American tribal representative Ramona Garibay responded with a concern that the prehistoric burial site may extend into the northern hillside surrounding Kirker Pass Road. Based upon the recent archeological site reconnaissance conducted for the project as well as earlier intensive surveys and negative findings during construction of the Concord Pavilion, and the existing site conditions, Condor County Consulting recommended no Native American monitoring unless an inadvertent discovery should occur during project construction. Although unexpected, should there be an inadvertent discovery of Native American burials during construction excavation activities the following avoidance measure will be implemented. Therefore, project impacts will be **less than**

significant.

AVOIDANCE MEASURE CUL-2:
Project specifications will require that the contractor shall stop work in the area of any discovery and immediately notify CCCPWD Resident Engineer who will then contact the County Coroner, NAHC, and a qualified archeologist to determine how to appropriately deal with the remains in coordination with the Most Likely Descendent and in accordance with the California Health and Safety Code (Health and Safety Code Section 7050.5[b]).

e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in §21074?

The Public Works Department Environmental Services Division sent out a notice of opportunity to consult letter to the Wilton Rancheria on September 9, 2015. A brief description of the project and its location, and the lead agency contact information was provided, along with notification that the tribe had 30 days to request consultation. No response to that letter was received and no further communication has been received from the tribe concerning this project to date. The project is not expected to cause a substantial adverse change in the significance of a Tribal Cultural Resource as no response was received from the tribe that has requested formal notification. Therefore, the project will have **no impact**.

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VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1 Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division	☐	☐	☒	☐
2 Strong seismic ground shaking?	☐	☐	☒	☐
3 Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
4 Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Environmental Setting

Geology

The project is within the Coast Ranges Geomorphic Province, positioned near the eastern boundary of the Diablo Range to the west and San Joaquin River Delta and Valley to the east. The Coast Ranges in this area consist of Mesozoic rocks, folded into a series of northwest-striking anticlines and synclines. The Diablo Range, which forms the east edge of the Coast Ranges, includes numerous folds and thick sections of sedimentary, igneous and metamorphic rocks.

The project area is located on the northern flank of the Diablo Range at the southern edge of the Pittsburg/Antioch Plain which is essentially a floodplain of Suisun Bay. The southern half of the plain is covered by alluvial material eroded from the Diablo Range to the south. Alluvial materials were deposited along the length of the base in a series of fans that spread outward across the plain toward Suisun Bay (Mark Thomas & Co. 2016).

The Preliminary Geologic Map emphasizing bedrock formations in Contra Costa County indicates that the project site is underlain by the Lower Member of the Markley Formation described as thin-bedded to massive sandstone with minor siltstone and mudstone; alluvium is mapped within the narrow valley in the western portion of the project. Dibblee's geologic map indicates the project site is underlain by Markley Sandstone Member of the Tertiary-age Kreyenhagen Formation which is described as light gray to tan, fine to medium grained, arkosic (quartz-rich), locally contains thin layers of coal; Quaternary-age alluvium is mapped as occupying the floors of the narrow valley where the western portion of the project is located (Mark Thomas & Co., Inc. 2016).

Soil

The soil types in the project area consist of Altamont-Fontana complex, 30 to 50 percent slopes; the Altamont series consists of well-drained soils underlain by shale and fine-grained sandstone. Slopes within the road right-of-way range from 4 to 10 percent while slopes within the steep canyon areas on the south side of the road range from 30 to 50 percent. Based on subsurface boring data, the soils below the existing roadway generally consist of varying thickness of stiff to hard clay overlying weathered rock (Mark Thomas & Co. 2016).

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving?

1 Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Contra Costa County is located within a region of high seismicity; the San Francisco Bay Region has been impacted by severe earthquakes during historic time (Contra Costa County 2005e). In order to provide safety of structures for human occupancy, the Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazards. The law requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps (Association of Bay Area Governments [ABAG] 2015).

No active fault is mapped through the project area. However based on the published geologic map (Dibblee) an unnamed fault trending north across Kirker Pass Road is mapped at the east end of the project. This fault, like many others in the Markley Formation, is a relic of an old stress regime and not involved in the current tectonic deformation of the area. Therefore, it has no potential for surface rupture other than the slight possibility of sympathetic movement in response to ground shaking produced by a large earthquake originating on an active fault somewhere in the Bay Region. The impact to the project is considered low (Mark Thomas & Co. 2016). Nevertheless, the project design and construction will incorporate measures that are in accordance with applicable state and local design practice and guidelines to ensure the project will withstand seismic activity as defined in the Caltrans Highway Design Manual (Caltrans 2015b). Therefore, project impacts will be **less than significant.**

2 Strong seismic ground shaking?

The project is mapped in an area of very strong seismic shaking (ABAG 2016). As discussed above, the project is not expected to expose people or structures to potential substantial adverse effects from strong seismic ground shaking as the project does not include features that would increase risk to people or structures as it is primarily limited to adding a truck lane to an existing roadway. Further, the project design and construction will incorporate measures that are in accordance with applicable state

and local design practices and guidelines to ensure that the project will withstand seismic activity as defined in the Caltrans Highway Design Manual (Caltrans 2015b). Therefore, project impacts will be **less than significant.**

3 Seismic-related ground failure, including liquefaction?

The project area is located within a generally low liquefaction potential (Contra Costa County 2005e, Mark Thomas & Co. 2016). Nevertheless, the project design and construction will incorporate measures that are in accordance with applicable state and local design practice and guidelines to ensure that the project will withstand seismic-related failures as defined in the Caltrans Highway Design Manual (Caltrans 2015b). Therefore, project impacts will be **less than significant.**

4 Landslides?

The project site is located within an area identified as having landslide deposits (Contra Costa County 2005e: Figure 10-6). Two landslides were identified at the northeastern end of the project and an unmapped pre-existing slide was observed within the project area where a retaining wall will be constructed (Mark Thomas & Co. 2016). The project design and construction will incorporate measures in accordance with state and local design practice and guidelines as defined in the Caltrans Highway Design Manual to ensure that the project will withstand landslide potential. Therefore, project impacts will be **less than significant.**

b) Would the project result in substantial soil erosion or the loss of topsoil?

The existing slopes have established vegetation to help control erosion. Some erosion gullies have been developed by the runoff along the slope surface within the project area (Mark Thomas & Co. 2016). The project will be constructed primarily during the dry season (April – October) which will not result in substantial soil erosion or the loss of topsoil. Construction of the project will temporarily increase the exposure of soils to wind erosion from grading and excavation activities. However, standard dust and erosion control practices will be implemented as outlined in discussion item (a) of the Air Quality section during construction to minimize impacts. The project site will be stabilized with hydroseeding following grading activities to limit the potential for erosion. Therefore, project impacts will be **less than significant.**

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

As discussed above, the project area is located within an area subject to landslides but is not subject to lateral spreading, subsidence, liquefaction or collapse as the site is generally underlain by bedrock and groundwater appears to be relatively deep (Mark Thomas & Co. 2016). The project design and construction will incorporate measures in accordance with state and local design practice and guidelines as defined in the Caltrans Highway Design Manual to ensure the project will withstand landslide potential. Therefore, project impacts will be **less than significant.**

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Expansive soils swell when they absorb water and shrink as they dry. The basic cause of expansion is the attraction and absorption of water in the expandable crystal structures of clays (Contra Costa County 2005e). Bedrock is expected to be encountered at the pavement subgrade. Based on boring data and site geology, the bedrock consists of sandstone with claystone beds. Claystone may shrink or swell due to moisture fluctuation. The project will be engineered according to standard industry practice, which

includes design considerations for soil type. Therefore, project impacts will be **less than significant**.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?

Neither the constructed project nor project construction will require septic or other waste disposal systems. Therefore, the project will have **no impact.**

VII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Regulatory Background

Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of greenhouse gases (GHGs) that keep the earth's surface warm by trapping heat in the atmosphere. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land (California Office of Planning and Research [OPR] 2008b).

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, recognized that California is the source of substantial amounts of GHG emissions which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California (OPR 2008b). Potential adverse impacts of global warming include severe air quality problems, a reduction in the quality and supply of water from the Sierra snowpack, a rise in sea levels causing the displacement of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems (OPR 2008b). This bill directed the California Air Resources Board (CARB) to begin developing discrete early actions to reduce GHGs to reach the GHG reduction goals by 2020.

As discussed in the air quality section, in order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emissions (global pollutants) which includes criteria air pollutants (regional pollutants) and toxic air contaminants (local pollutants). As a result, the BAAQMD adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. Various modeling tools are used to estimate emissions based on the type of project (i.e., land use developments, linear transportation and utility projects). While the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, sources of construction-related GHGs include exhaust (carbon dioxide, nitrous oxide) for which the same detailed guidance as described for criteria air pollutants and precursors should be followed (BAAQMD 2012).

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Construction activities, such as site preparation, site grading, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, and motor vehicles transporting the construction crew would produce combustion emissions from various sources. During construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

Using the Road Construction Emissions Model, it is estimated that the project would generate approximately 876 metric tons of CO_2e during construction of the project. Although the BAAQMD does not have a threshold for construction-related greenhouse gas emissions, implementation of the BAAQMD's construction mitigation measures would reduce greenhouse gas emissions by requiring that all engines are properly maintained and by reducing the idling times of construction equipment. Implementation of Mitigation Measure AIR-1 (see Air Quality section) would ensure that construction emissions impacts due to the project are **less than significant with mitigation incorporated**.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Contra Costa County adopted the Contra Costa County Climate Action Plan in December 2015, developed for the purpose of reducing the County's GHG emissions and contribution to climate change. Most of the measures identified in the Climate Action Plan consist of programs and incentives to be implemented by the County and are not applicable to the proposed project.

In developing the threshold of significance for GHG emissions, the BAAQMD identified the emissions level for which a project would conflict with existing California legislation adopted to reduce Statewide GHG emissions. As indicated in the analysis presented above, the proposed project would not generate emissions that would exceed the project-level significance criteria established by the BAAQMD and, therefore, the proposed project would not conflict with plans adopted for the purpose of reducing GHG emissions. Therefore, project impacts will be **less than significant.**

VIII. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Regulatory Background

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. The release of hazardous materials into the environment could potentially contaminate soils, surface water, and groundwater supplies. The California Environmental Protection Agency (Cal/EPA) which consists of the Air Resources Board, Department of Pesticides Regulation, Department of Resources and Recycling and Recovery, Department of Toxic Substance Control (DTSC), Office of Environmental Health Hazard Assessment, and State Water Resources Control Board (SWRCB) regulates hazardous materials and waste. Under Government Code Section 65962.5, the DTSC maintains a list of hazardous substance sites (Cortese List) which includes leaking underground storage tank sites, hazardous material sites, and landfills with evidence of groundwater

contamination (Cal/EPA 2016a). The Contra Costa County Health Services, Hazardous Materials Program (2016) serves area residents by responding to emergencies and monitoring hazardous materials.

Environmental Setting

The project area includes the paved northbound travel lanes of the existing road right-of-way, compacted gravel road shoulders, and steep canyon slopes and grade cuts that are located to the south of the road. The surrounding area is characterized by hilly grassland, undeveloped terrain north of the road and sparse rural development south of the road, with the Concord Pavilion located further south at the western end of the project.

Kirker Pass Road was built before the 1990 ban on leaded gasoline in California; consequently vehicles fueled with leaded gasoline used Kirker Pass Road. Therefore, a qualified Geologist specializing in hazardous material analysis was directed by County Public Works staff to conduct aerially deposited lead sampling along the length of the project.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

The project will not create a significant hazard to the public or the environment because once constructed, the project would not result in routine transport, use or disposal of hazardous materials other than what already occurs by the traveling public. Therefore project impacts will be **less than significant**.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Project construction could cause an unforeseen release of hazardous materials such as a hazardous materials spill or equipment leak. However, the project contract specifications will require the contractor to implement best management practices (BMPs) such as hazardous materials spill management and regular maintenance of vehicles to minimize potential impacts from accidental spills associated with project construction or construction equipment. In addition, project contract specifications will require the contractor to contact Underground Service Alert (USA) prior to conducting any ground-disturbing work that could potentially impact utilities.

Testing conducted along the project alignment concluded that several soil samples taken along Kirker Pass Road exhibited elevated levels of aerially-deposited lead which is likely present due to the historical use of Kirker Pass Road by vehicles using lead-based gasolines. Four of the samples' lead concentrations exceeded the allowable thresholds and are classified as California Class I Hazardous Waste or Resource Conservation and Recovery Act (RCRA) Hazardous Waste (or both). Soils with elevated levels will be disturbed during construction which could pose a potential hazard to the public or environment. The County Public Works Department has retained the services of hazardous waste specialist Geocon Consultants Inc. (Geocon) to determine the exact depths and spatial locations of contaminated areas within the project boundaries. Once this process is complete, Geocon and Public Works staff will generate project contract specifications to specify appropriate excavation, materials handling, transport, and disposal methods to protect project workers and the public. The following mitigation measures will be implemented to ensure potential impacts are reduced to a level that is less than significant:

MITIGATION MEASURE HAZ 1: MATERIALS HANDLING/STORAGE/TRANSPORT

1. Soil exhibiting elevated lead levels will be handled as defined by a Final Lead Management Plan prepared by a qualified hazardous waste specialist for the project. The Plan will identify specific measures for on and/or off-site handling, storage, transport, and disposal. The Plan will include a Worker Safety component utilizing BMPs to minimize worker exposure. The Worker Safety Plan will include protocols for environmental monitoring, personnel monitoring including personal protective equipment, and other appropriate health and safety protocols and procedures for the handling of lead-impacted soil. Additional measures could include contractor and subcontractor employee education regarding identification, storage, and disposal of hazardous wastes; ongoing hazardous waste training incorporated into regular safety meetings; and repair or replacement of perimeter controls, containment structures, covers, and liners as needed.
2. Further testing of stockpiled soil will be conducted during construction to verify lead levels.
3. Stockpiled soil that has verified lead levels that do not exceed California Class I Hazardous Waste and/or RCRA Hazardous Waste thresholds may be used on-site with no further restrictions.
4. Specific handling, use, and/or disposal protocols as follows:
   a. Soil that is disposed of as a California Hazardous Waste and/or RCRA Hazardous Waste will be transported to a Class I landfill.
   b. Soil that is not disposed of as a California Hazardous Waste may be reused on-site (e.g., as embankment fill) in a manner to protect human health and the environment.

Project impacts will be **less than significant with mitigation incorporated**.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?

The closest schools are over a mile from the project site. Therefore, the project will have **no impact.**

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

After records review (local, state, tribal, and federal environmental record sources), no documentation or evidence of known soil or groundwater contamination were found. The project is not included on a known list of hazardous materials sites (CalEPA 2016b) however after preliminary soil testing was conducted several samples taken along Kirker Pass Road exhibited elevated levels of aerially-deposited lead. Mitigation will be implemented as identified in Mitigation Measures HAZ-1 above. Therefore, project impacts will be **less than significant with mitigation incorporated.**

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.

The project site is not within two miles of an airport. The closest airport is the Buchanan Field Airport located approximately 7 miles to the west. According to Figure 5-5 of the Contra Costa County General Plan the project is not within the Buchanan Field Airport Influence Area. Therefore, the project will have **no impact**.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project is not located in the vicinity of a private airstrip. Therefore, the project will have **no impact**.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The constructed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Access for emergency vehicles will be provided at all times during construction. Therefore, project impacts will be **less than significant.**

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project area is primarily located within a high fire hazard zone (CalFire 2007). The project does not consist of development of structures that would expose people or structures to a significant loss, injury, or death from wildland fires. However, project construction may spark unintentional fires. Standard practice and OSHA regulations require the development of a fire protection program to be followed through all phases of construction work and provide firefighting equipment (OSHA 2016). Therefore, project impacts will be **less than significant**.

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on-or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Environmental Setting

The project site is located within the northern foothills of Mount Diablo. Slopes within the Kirker Pass Road right-of-way range from 4 to 10 percent, while slopes within the steep canyon areas on the south side of the road are considerably steeper. The portion of the study area to the west of the Kirker Pass summit generally drains to the adjacent, roughly parallel unnamed tributary, roadway culverts, or concrete-lined ditches south

of the road. The portion of the study area to the east of Kirker Pass summit generally drains south off of the road to concrete or earthen ditches, and then eastward along Kirker Pass Road. The unnamed tributary within the study area originates along Hess Road on the west side of Kirker Pass and to the south of the study area. The crest of the roadway is located at approximately Engineering Station 115. A drainage lies to the west of the crest and eventually drains to Mt. Diablo Creek in the city of Concord. An unformed drainage area lies to the east of the crest and eventually drains to Kirker Creek.

a) Would the project violate any water quality standards or waste discharge requirements?

The federal Clean Water Act and state Porter-Cologne Water Quality Act have promulgated a number of program permits to improve surface and groundwater quality and meet water quality objectives through the National Pollutant Discharge Elimination System (NPDES) permit program. The San Francisco Bay Regional Water Quality Control Board Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049) requires new development and redevelopment projects that create more than 10,000 square feet of impervious surface area to construct stormwater treatment systems to treat stormwater runoff (Provision C.3) (Regional Water Quality Control Board 2015). As a component of the project, two bioretention areas will be installed to satisfy the requirements of Provision C.3 of the Contra Costa County Clean Water Program's NPDES Permit.

The NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbances* (Order No. 2012-0006-DWQ) requires that construction projects that disturb more than one acre of soil to seek permit coverage from the State Water Resources Control Board (SWRCB) which requires notification, fees, and preparation of a Stormwater Prevention Pollution Plan (SWPPP) that identifies best management practices (BMPs) to be implemented during and after construction to avoid and minimize polluted runoff from construction sites (SWRCB 2015).

The project will not violate any water quality standards or waste discharge requirements for the reasons discussed above. Therefore, project impacts will be **less than significant**.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The project will not affect groundwater supply or groundwater recharge. Therefore, the project will have **no impact**.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Existing roadside drainage features, such as concrete ditches, asphalt dikes, and inlets, will be relocated during pavement widening, and existing culverts under the roadway will be extended. Once complete the project will largely maintain the existing drainage pattern; however, two bioretention features will be installed to satisfy the requirements of Provision C.3 of the Contra Costa County Clean Water Program's NPDES Permit. Provision C.3 requires stormwater retention and treatment to reduce erosion and sediment associated with runoff and to mimic the site's pre-construction hydrology. Therefore, project impacts will be **less than significant**.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on-or off-site?

The project will create additional impervious surface area as a result of the pavement widening. While there will be an increase in impervious area which could potentially increase the amount of surface run-off, construction of the two C.3 facilities will mimic the site's preconstruction hydrology; therefore, project impacts will be **less than significant.**

e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

As noted above, the constructed project will create additional impervious surface area; however, the project design will also include two bioretention facilities that will ensure the project will not contribute to substantial additional sources of polluted runoff. Therefore, project impacts will be **less than significant.**

f) Would the project otherwise substantially degrade water quality?

Implementation of appropriate best management practices (BMPs) will avoid potential impacts to water quality during construction. Therefore, project impacts will be **less than significant**.

g) Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project is not located within a 100-year flood zone (Contra Costa County 2016). Further, the project will not create housing. Therefore, the project will have **no impact**.

h) Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?

As noted above, the project is not located within a 100-year flood plain zone, and the project will not create any structures which would not impede or redirect flood flows. Therefore, the project will have **no impact**.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project will not expose people or structures to a significant risk of loss, injury or death involving flooding due to levee or dam failure as the project will not create levees or dams. Therefore, the project will have **no impact**.

j) Would the project the expose people or structures to risk of inundation by seiche, tsunami, or mudflow?

The project area is not subject to seiche, tsunami, or mudflow. Therefore, the project will have **no impact**.

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X. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

The project is located primarily within unincorporated Contra Costa County with a portion of the project located within the City Limits of Concord. Land use policies are established in the County's General Plan and Zoning Code. In addition, the project is subject to the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) (Jones and Stokes 2006).

a) Would the project physically divide an established community?

The project would not physically divide an established community because the project involves improvement to an existing roadway (Kirker Pass Road). Therefore, the project will have **no impact.**

b) Would the project conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project does not conflict with any applicable land use plan, policy or regulation; the project is consistent with the Transportation and Circulation Elements goals and policies of the County General Plan (Contra Costa County 2005g):

1. Roadway and Transit Goals #5-A: To provide a safe, efficient and balanced transportation system
2. Roadway and Transit Policy #5-9: Existing circulation facilities shall be improved and maintained by eliminating structural and geometric design deficiencies, and
3. Roadway and Transit Policy #5-17: The design and the scheduling of improvements to arterials and collectors shall give priority to safety over other factors including capacity

Therefore, the project will have **no impact**.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The project is located partially within the East Contra Costa County HCP/NCCP (HCP/NCCP) service

area (approximately 23.445 acres) and partially outside the service area (6.582 acres). As discussed in the Biological Resources section of this document, the project is being implemented consistent with the HCP/NCCP and Public Works staff have coordinated with staff from the Habitat Conservancy, California Department of Fish and Wildlife, and U.S. Fish and Wildlife to ensure the HCP/NCCP mitigation program can carry over to those areas that fall outside of the HCP/NCCP Service area. Therefore, the project will have **no impact.**

XI. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss or availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Mineral resources such as crushed rock, sand, and other resources, are important minerals in the region as they provide the necessary components for construction materials including asphalt and concrete for current and future development in the region. The most important mineral resources that are currently mined in the County include diabase near Mt. Zion on the north side of Mt. Diablo, which provides crushed rock primarily for roadbase and streambank stabilizations; domengine sandstone, located in the eastern portion of the County just south of Camino Diablo and east of Vasco Road in the Byron area, which is the sole deposit in the state; and shale in the Port Costa area, which has been designated for protection by the County General Plan (Contra Costa County 2005h).

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no mapped mineral resource areas in the project area (Contra Costa County 2005h). Therefore, the project will have **no impact**.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

There are no mapped mineral resource areas in the project area (Contra Costa County 2005h). As such, the project will not adversely affect the availability of a locally important mineral resource recovery site shown in the General Plan. Therefore, the project will have **no impact.**

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XII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b)	Exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Background

The effects of noise on people include subjective effects of annoyance, nuisance, and dissatisfaction. Persistent and escalating noise sources can affect one's overall health including stress-related illnesses, high blood pressure, hearing loss, speech interference, sleep disruption, and lost productivity (USEPA 2016). The main contributors to a community noise problem are transportation sources such as highways, railroads, and airports as they are the most pervasive and continual. Temporary noise sources can add to the noise problem such as equipment operating at a construction site. The dynamic of the noise problem are based on the relationship between the noise source, the person or place exposed to the noise (receiver or sensitive receptor) and the path the noise will travel from the noise source to the receiver/sensitive receptor. Since the ear is not as sensitive at some frequencies and sound pressure level as at others, several methods of expressing average noise levels over a period of time have been developed (HUD 2016).

Sound intensity is typically measured in decibels (dB) from a range of 0 (threshold of hearing) to 140 (threshold of pain); the higher the decibels, the greater the intensity. For example, a decibel level of 10 is the sound of leaves rustling, a decibel level of 30 is a whisper, a decibel level of 60 is freeway traffic, a decibel of 90 is a noisy urban street, and a decibel level of 140 is a nearby jet engine. Prolonged exposure from at least 75 dB increases tension affecting blood pressure, heart function, and nervous system; prolonged exposure from at least 85 dB causes physical damage to human hearing; above 90 dB results in permanent cell damage, at 140 dB feeling of pain, and 190 dB will rupture the eardrum and

permanently damage the inner ear (HUD 2016).

Section 65302(f) of the California Government Code requires that a noise element be prepared as a part of all city and county general plans. This state law requires that a jurisdiction's noise element identify and work toward mitigation of noise problems in the community and include implementation measures and possible solutions that address any existing and perceivable noise problems. The Contra Costa County General Plan Noise Element follows the guidelines established by the California Department of Health Services entitled *Guidelines for the Preparation and Content of the Noise Element of the General Plan*, which defines noise metrics, discusses the process of noise element development, and presents land use compatibility guidelines based on various noise levels and provides goals, policies, and implementation measures for consideration (Contra Costa County 2005i).

Contra Costa County does not have a noise ordinance and therefore, does not specify operational or construction noise level limits. The Noise Element of the General Plan does specify that construction activities shall be concentrated during the hours of the day that are not noise-sensitive for adjacent land uses and should be commissioned to occur during normal work hours of the day to provide relative quiet during the more sensitive evening and early morning periods. Construction activities are generally limited to the hours between 7 a.m. to 5 p.m. (Contra Costa County 2005i).

A portion of the project lies within the City Limits of Concord. Concord Municipal Code Section 62-32(I)(y) regulates noise by only allowing construction activity during certain hours each day of the week. Construction activity is allowed Monday through Friday from 7:30 am to 5:00 pm and on the weekends from 8:00 am to 5:00 pm.

Land Use Setting

The land uses surrounding the project area consist of grazing lands, a junk yard, a rural residence, nearby residential homes (located just outside the project limits) and the Concord Pavilion. Noise sensitive land uses consist of the residences located nearby the project area (along Flagstone Way) and one rural residence located within the project limits but higher in elevation than the construction area. The homes along Flagstone Way are located across Kirker Pass Road from the Concord Pavilion and have an existing 6-7 foot tall sound barrier that would provide a minimum 10 dBA reduction in noise levels. The existing noise environment in the project area is governed primarily by vehicular traffic traveling on Kirker Pass Road.

a) Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

According to noise modeling conducted for operational impacts, the constructed project will not increase ambient noise levels above what already exists. As no operational traffic noise impacts are anticipated, no noise abatement measures are warranted.

Project construction may temporarily increase the noise level in the project area as a result of construction equipment noise. Standard construction equipment anticipated to be used includes excavators, graders, loaders, sweepers/scrubbers, plate compactors, rollers, backhoes, and pavers. In general, these types of construction equipment generate noise levels ranging from about 76 to 83 decibels at 50 feet from the noise source (FHWA 2016).

Based on the Caltrans Standard Specifications Section 14-8.02, Noise Control (2010), the following rules are applicable to the project's construction activities:

1. Do not exceed 86 dBA at 50 feet from the job site activities from 9:00 p.m. to 6:00 a.m.
2. Equip an internal combustion engine with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

In accordance with the Noise Element of the General Plan and the City of Concord's Municipal Code, project work will occur primarily during daytime hours, the non-sensitive period. Further, roadway construction activities typically occur for relatively short periods of time as construction proceeds along the project's alignment. Construction noise would mostly be of concern where noise levels from individual pieces of equipment are substantially higher than ambient conditions, or when construction activities would occur during noise sensitive hours (early morning, evening, or nighttime hours).

Construction of the project is primarily anticipated to occur during daytime hours; however, there may be times when nighttime work is necessary. Most construction phases would generate average noise levels that would exceed ambient daytime noise levels by about 10 dBA $L_{eq[h]}$ with shielding provided by existing noise barriers and natural shielding such as topography and vegetation. Demolition involving impact tools would generate noise levels of about 20 dBA $L_{eq[h]}$. Maximum instantaneous noise levels generated by typical construction activities would generally be 5dB or less above existing maximum noise levels generated by traffic.

To reduce the potential for noise impacts resulting from project construction, the following measures will be implemented during project construction:

MITIGATION MEASURE NOI-1: EMPLOY NOISE-REDUCING PRACTICES DURING CONSTRUCTION

1. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
2. Unnecessary idling of internal combustion engines within 100 feet of residences should be strictly prohibited.
3. Locate stationary noise generating equipment as far as possible from sensitive receptors.
4. Utilize 'quiet' air compressors and other 'quiet' equipment where such technology exists.
5. Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment as far as practical from noise sensitive receptors.
6. Require all construction equipment to conform to Section 14-8.02 Noise Control, of the latest Standard Specifications.
7. Provide notification to the adjacent noise-sensitive receptors including the specific construction schedule for major noise-generating construction activities.

Therefore, project impacts will be **less than significant with mitigation incorporated**.

b) Would the project cause exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels?

Road traffic is rarely the source of perceptible ground-borne vibration. Exceptions to this occur when there is a significant discontinuity in the roadway surface. Vehicles traveling over a discontinuity can

impart energy into the ground that can be perceived as ground-borne vibration (Caltrans 2013). The project will result in a smoother road pavement surface. Therefore, the constructed project is not expected to result in perceptible ground-borne vibration. However, construction activities could include operation of large pieces of equipment (e.g., graders, excavators) that may result in the periodic temporary generation of ground-borne vibration. While the project vicinity is largely rural in nature, there is a residence near the project's eastern segment. Heavy construction equipment will primarily be operated during the clearing/grubbing and grading phases, which are not anticipated to occur continuously at any one location as it would move throughout the project limits. Therefore, project impacts will be **less than significant**.

c) Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

According to noise modeling conducted for operational impacts, the constructed project will not increase ambient noise levels above what already exists. As no operational traffic noise impacts are anticipated, no noise abatement measures are warranted. Therefore, project impacts will be **less than significant.**

d) Would the project cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The project will not contribute to temporary or periodic increases in the ambient noise levels in the project vicinity above what exists currently. The road improvements will create better traffic flow along the roadway. According to noise modeling conducted for operational impacts, the constructed project will not increase ambient noise levels above what already exists. As no operational traffic noise impacts are anticipated, no noise abatement measures are warranted. Therefore, project impacts will be **less than significant.**

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

There is no public airport located within two miles of the project area. Therefore, the project will have **no impact**.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The project is not located in the vicinity of a private airstrip. Therefore, the project will have **no impact**.

XIII. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Section 15126.2(d) of the CEQA Guidelines states that the lead agency shall discuss ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment including the removal of obstacles that would encourage population growth. Increases in the population may stress existing community service facilities, requiring construction of new facilities that could cause significant environmental effects (Contra Costa County 2005j).

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The project is a truck climbing lane project that is intended to reduce congestion along an existing roadway. The project does not include new development or other infrastructure that could induce substantial population growth. Therefore, project impacts will be **less than significant.**

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

While the project may require some sliver right-of-way acquisitions along Kirker Pass Road to accommodate the new truck lane, the project will not result in the displacement of existing homes. No homes will be demolished or removed by the project. Therefore, the project will have **no impact.**

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project will not displace residents because as stated above no residences will be removed or demolished. Therefore, the project would have **no impact.**

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XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
1 Fire Protection?	☐	☐	☒	☐
2 Police Protection?	☐	☐	☒	☐
3 Schools?	☐	☐	☐	☒
4 Parks?	☐	☐	☐	☒
5 Other public facilities?	☐	☐	☐	☒

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1 Fire Protection?

The Contra Costa County Fire Protection District provides fire protection services and emergency services for nine cities (including Concord) and the unincorporated areas in Contra Costa County (Contra Costa County 2005k). The constructed project will not increase demand for fire protection services and thus no new government facilities or expansion of existing facilities will be required. However, project construction could spark unintentional fires that may require fire services. Project contract specifications will require the contractor to contact local fire protection response services prior to project construction and provide at least one passable lane at all times during construction for fire protection vehicles. Therefore, project impacts will be **less than significant**.

2 Police Protection?

The Contra Costa County Sheriff's Department provides general public safety and law enforcement services in unincorporated areas of Contra Costa County (Contra Costa County 2005k) and the City of Concord provides police services within Concord City Limits. The constructed project will not increase demand for police services and thus no new government facilities or expansion of existing facilities will be required. However, to alleviate any disruption to police protection services during construction, the contractor will contact local police protection response services prior to project construction and provide at least one passable lane at all times during construction for police vehicles. Therefore, project impacts will be **less than significant**.

3 Schools?

The project is a truck climbing lane project and does not include new development that could increase

the need for new schools or related facilities. The project will not increase demand for school services and thus no new government facilities or expansion of existing facilities will be required. Therefore, the project will have **no impact**.

4 Parks?

The project area is not located within or near a park. The constructed project will not increase demand for parks and thus no new facilities or expansion of existing facilities will be required. Therefore, the project will have **no impact**.

5 Other public facilities?

There are no other public facilities that would require new or expanded service facilities. Therefore, the project will have **no impact.**

XV. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The project is a truck climbing lane project and does not include new development that could increase the use of existing parks or recreational facilities that could result in deterioration of facilities. Therefore, the project will have **no impact.**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

As noted above, the project is a truck climbing lane project and does not include new development that could require construction or expansion of existing recreational facilities. Therefore, the project will have **no impact**.

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XVI. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

Regulatory Background

The Contra Costa Transportation Authority (CCTA) is a public agency formed to manage the County's transportation sales tax program and to conduct countywide transportation planning. CCTA is responsible for maintaining and improving the County's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect the communities safely and efficiently including bicycle and pedestrian projects as described in the *2009 Countywide Bike and Pedestrian Plan* (CCTA 2009, 2014). In addition, the Transportation and Circulation Element of the County General Plan includes transportation goals and policies (Contra Costa County 2005l).

Existing Traffic Conditions

Kirker Pass Road will be widened so that the roadway on the southeast side from Clearbrook Drive in the City of Concord to the northern Hess Road intersection will accommodate a northbound truck climbing lane. This stretch of rural road experiences heavy commute traffic; including truck traffic. The steep grade of this stretch of Kirker Pass Road forces truck traffic to slow as truck drivers negotiate the steep grade. This slowing causes congestion, particularly during commute hours.

a) Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The constructed project will not conflict with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system since the purpose of the project is to create a truck lane that will allow for better traffic flow and will not lead to adverse changes in truck routing.

After reviewing the 2009 Contra Costa Countywide Bicycle and Pedestrian Plan, County Public Works Staff has determined that the project will not interfere with the County bicycle plan as Kirker Pass Road within the project segment is not designated as a bicycle facility but designated as a proposed facility (CCTA 2009). Once the project is completed the new paved shoulders could include a class II bike lane in the future.

While the constructed project will improve traffic circulation and will not interfere with other modes of motorized and non-motorized transportation, construction of the project will temporarily disrupt traffic circulation as it will result in traffic congestion and delays from one-way road closures. Construction activities will be generally limited to the hours between 7:00 a.m. to 5:00 p.m. Monday through Friday. Traffic control will be in place to accommodate morning and evening commute traffic.

In order to ensure traffic impacts are minimized during construction activities, the project contract specifications will require the contractor to implement the following avoidance measures:

AVOIDANCE MEASURE TRA-1:

1. No full lane closures allowed during commute hours; at off-peak hours one lane of Kirker Pass Road may be temporarily closed during active construction; reopening of lanes at the end of each working day.
2. Temporary lane closures may be scheduled at times of minimal traffic volumes such as nights, weekends, and off-commute hours where low traffic volumes are expected.
3. Traffic control including flaggers will be used as warranted to adjust flow as vehicle volume increases in either direction.
4. Placement of construction zone speed limits.
5. Advance letter notification to local emergency response services to allow them to plan for alternate routes.
6. Emergency vehicle access at all times.
7. Letter notification to local residents seven calendar days in advance of construction and road closure start date(s).
8. Publish press release in local newspapers seven days before construction start date.
9. Placement of portable changeable message signs at various locations in project vicinity with construction start and road closure dates and period at least seven calendar days in advance of start dates.
10. Provide accessibility to driveways to properties outside the project area throughout the project.

In addition, County Design and Construction Division staff will coordinate with the City of Concord and the Concord Pavilion as early as possible to minimize disruption to any scheduled events. Project impacts will be **less than significant** with these avoidance measures in place.

b) Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The constructed project will not conflict with a congestion management program as the purpose of the project is to improve the existing traffic flow along the roadway for trucks and cars. While there will be additional traffic generated during project construction from construction-related vehicles, the traffic increases are short-term. Therefore, project impacts will be **less than significant.**

c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The project will not result in a change in air traffic patterns as there will be no increase in traffic levels or change in location that would pose a substantial safety risk. Therefore, the project will have **no impact.**

d) Would the project substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

The constructed project will not substantially increase hazards due to a design feature as the purpose of the project is to improve traffic flow along the roadway. During construction the project contract specifications will require the contractor to implement the avoidance measures above to minimize potential construction impacts; therefore project impacts will be **less than significant**.

e) Would the project result in inadequate emergency access?

The constructed project would not result in inadequate emergency access. However, project construction could interfere with emergency access. The project contract specifications include the measures listed above to minimize potential impacts. Therefore, project impacts will be **less than significant**.

f) Would the project conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

As discussed above, the project will not disrupt any current or planned public transit, bicycle, or pedestrian facilities planned along Kirker Pass Road within the project segment. While Kirker Pass Road will not be designated as a current bicycle facility, the completed project will provide widened paved shoulders for future Class II bike lanes which is consistent with County transportation policies (Contra Costa County 2005l, CCTA 2009, 2014). Therefore, the project will have **no impact**.

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XVIII. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state and local statutes and regulations related to solid waste?	☐	☐	☐	☒

A portion of the project area is not located within service areas due to its location in a rural area beyond city limits, which relies on wells for domestic water and septic tanks and leach fields for sanitary waste (Contra Costa County 2005m). The other area of the project lies within the City of Concord and served by their services, but the project will not require water or wastewater treatment services.

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The project will not exceed wastewater requirements because the completed project would not result in the need for wastewater treatment. Therefore, the project will have **no impact.**

b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities because the completed project will not require or result in the need for water or wastewater services. Therefore, the project will have **no impact**.

c) Would the project require or result in the construction of new storm water drainage facilities, the construction of which could cause significant environmental effects?

Existing roadside drainage features, such as concrete ditches, asphalt dikes, and inlets, will be relocated during pavement widening, and existing culverts under the roadway will be extended. Once complete the project will largely maintain the existing drainage pattern; however, two bioretention features will be installed to satisfy the requirements of Provision C.3 of the Contra Costa County Clean Water Program's National Pollutant Discharge Elimination System (NPDES) Permit. Provision C.3 requires stormwater retention and treatment to reduce erosion and sediment associated with runoff and to mimic the site's pre-construction hydrology. Therefore, the project's impacts will be **less than significant.**

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The completed project will not require water service, and any water needed during construction activities would be provided by water trucks from off-site water sources. Therefore, the project will have **no impact**.

e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The completed project will not require wastewater treatment services. Therefore, the project will have **no impact**.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's waste disposal needs?

The completed project will not have waste disposal needs. Solid waste generated by project construction would be limited to construction debris such as vegetative matter, asphalt, and concrete. Material generated by the excavation of the existing roadway and construction of associated improvements will be disposed of in accordance with federal, state, and local regulations. Therefore, project impacts will be **less than significant**.

g) Would the project comply with federal, state and local statutes and regulations related to solid waste?

The project specifications will require that the contractor dispose of solid waste generated from construction in accordance with federal, state and local regulations. Therefore, the project will have **no impact.**

XIX. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project will not degrade the quality of the environment. There are no known historic or archaeological resources of importance that will be impacted due to anticipated absence in the project area and implementation of appropriate avoidance and minimization measures. Further, as described in the Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas, Hazards and Hazardous Materials, Noise, and Transportation/Traffic sections, appropriate avoidance, minimization, and/or mitigation measures will be implemented to ensure potential impacts due to the project remain **less than significant with mitigation incorporated.**

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

All project impacts were found to be less than significant or less than significant with avoidance, minimization, and/or mitigation measures incorporated. No other known projects that could result in cumulative construction impacts are currently planned. Therefore, the impacts will be **less than**

significant.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

The project will not cause substantial adverse direct or indirect effects on human beings as impacts will be avoided and minimized where possible and mitigated when necessary. Mitigation measures will be implemented as described in the Air Quality, Biological Resources, Greenhouse Gas, Hazards and Hazardous Materials, Noise, and Transportation/Traffic sections. Therefore, project impacts will be **less than significant with mitigation incorporated**.

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MEASURE #	MITIGATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
AIR-1	**MITIGATION MEASURE AIR-1: CONSTRUCTION IMPACTS** Consistent with the Best Management Practices required by the BAAQMD, the following actions shall be incorporated into construction contract and specifications for the project: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • A publicly visible sign shall be posted with the telephone number and contact information for the designated on-site construction manager available to receive and respond to dust complaints. This person shall report all complaints to Contra Costa County and take immediate corrective action as soon as practical but not more than 48 hours after the complaint is received. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	During construction	CCCPWD Construction Division	CCCPWD Environmental Services Division

MEASURE #	MITIGATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
BIO-1 and BIO-2	**MITIGATION MEASURE BIO-1: COMPENSATORY MITIGATION (SPECIES/HABITAT)** **And** **MITIGATON MEASURE BIO-2: COMPENSATORY MITIGATION (WETLANDS/WATERS)** Compensatory mitigation will take the following two forms: 1. HCP/NCCP Development and Wetland Mitigation Fees: For impacts within the HCP/NCCP Service Area, the project will mitigate permanent and temporary impacts by fee payment to the Habitat Conservancy. Mitigation fees are based on the project's impact acreages and are calculated based on two fee types (the project-wide development fee and the wetland mitigation fee). These fees are currently estimated to be $137,056.47. The fees may adjust as project plans are further refined. In addition, the HCP/NCCP fees adjust annually (in March). Final project fees based on final project impacts will be paid at construction contract award. 2. Supplemental mitigation funds: For impacts outside the HCP/NCCP Service Area, an additional mitigation fee will be paid. The additional mitigation fee will consist of a base fee (i.e., the fee that would be paid if this portion of the project fell within the HCP/NCCP Service Area), plus a "contribution to recovery fee" to ensure there is funding for an endowment and management in perpetuity for the mitigation. In addition, a nominal processing fee will be provided to the Habitat Conservancy for implementation of conservation goals beyond those required by the HCP/NCCP in accordance with Sections 8.6.2 and 9.3.2 of the HCP/NCCP. Mitigation achieved with this supplemental funding will consist of additional land acquisition and preservation; habitat enhancement, restoration, and creation; and species-specific management actions. With payment of these supplemental mitigation funds, the Public Works Department will transfer the mitigation obligation to the Conservancy. The Conservancy will track the supplemental mitigation funds	At Contract Award	CCCPWD Environmental Services Division	CCCDCD (Habitat Conservancy)

MEASURE #	MITIGATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	separately from covered projects; however, the conservation performed by the funds would be subsumed into the Preserve System and the lands managed in perpetuity consistent with the HCP/NCCP and appropriate Regional Preserve Management Plan.			
HAZ-1	**MITIGATION MEASURE HAZ-1: MATERIALS HANDLING/STORAGE/TRANSPORT MEASURES** 1. Soil exhibiting elevated lead levels will be handled as defined by a Final Lead Management Plan prepared by a qualified hazardous waste specialist for the Project. The plan will identify specific measures for on and/or off-site handling, storage, transport, and disposal. The Plan will include a Worker Safety component utilizing Best Management Practices (BMPs) to minimize worker exposure. The Worker Safety Plan will include protocols for environmental monitoring, personnel monitoring including personal protective equipment, and other appropriate health and safety protocols and procedures for the handling of lead-impacted soil. Additional measures could include contractor and subcontractor employee education regarding identification, storage, and disposal of hazardous wastes; ongoing hazardous waste training incorporated into regular safety meetings; and repair or replacement of perimeter controls, containment structures, covers, and liners as needed. 2. Further testing of stockpiled soil will be conducted during construction to verify lead levels. 3. Stockpiled soil that has verified lead levels that do not exceed California Class I Hazardous Waste and/or RCRA Hazardous Waste thresholds may be used on-site with no further restrictions. 4. Specific handling, use, and/or disposal protocols as follows: a. Soil that is disposed of as a California Hazardous Waste and/or RCRA Hazardous Waste will be transported to a Class I landfill	Immediately prior to and during construction	CCCPWD Construction Division	CCCPWD Environmental Services Division

MEASURE #	MITIGATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	b. Soil that is not disposed of as a California Hazardous Waste may be reused on-site (e.g., as embankment fill) in a manner to protect human health and the environment.			
NOI-1	**MITIGATION MEASURE NOI-1: CONSTRUCTION IMPACTS** 1. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment 2. Unnecessary idling of internal combustion engines within 100 feet of residences should be strictly prohibited 3. Locate stationary noise generating equipment as far as possible from sensitive receptors 4. Utilize 'quiet' air compressors and other 'quiet' equipment where such technology exists 5. Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment as far as practical from noise sensitive receptors 6. Require all construction equipment to conform to Section 14-8.02 Noise Control, of the latest Standard Specifications 7. Provide notification to the adjacent noise-sensitive receptors including the specific construction schedule for major noise-generating construction activities	During construction	CCCPWD Construction Division	CCCPWD Environmental Services Division

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
BIO-1	**AVOIDANCE MEASURE BIO-1 – GOLDEN EAGLE** Prior to ground disturbance, a qualified biologist will conduct a preconstruction survey to establish whether golden eagle nests within 0.5 mile of the proposed project site are occupied. The survey will be conducted no more than one month in advance of construction. Occupancy of nests will be determined by observations from the project site and public roads or by observations of golden eagle activity (e.g., foraging) near the project site. Covered activities will be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the covered activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity will coordinate with CDFW/USFWS to determine the appropriate buffer size. During construction, biological monitoring will focus on ensuring that no covered activities occur within the buffer zone established around an active nest.	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services
BIO-2	**AVOIDANCE MEASURE BIO-2 – BURROWING OWL** Prior to any ground disturbance related to covered activities, a USFWS/CDFW approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as having potential burrowing owl habitat. The surveys will establish the presence or absence of burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (CDFG 1995). On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls will be identified and mapped. Surveys will take place no more than 30 days prior to construction. During the breeding season (February 1– August 31), surveys will document	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1– January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or nonbreeding) during which the survey is conducted. If burrowing owls are found during the breeding season (February 1–August 31), the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1– January 31), the project proponent should avoid the owls and the burrows they are using, if possible. Avoidance will include the establishment of a buffer zone. If occupied burrows for burrowing owls are not avoided, passive relocation will be implemented. Owls should be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation (CDFG 1995). Plastic tubing or a similar structure should be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. The applicant may conduct burrow management (i.e., regular surveys to find and proactively collapse unoccupied yet suitable burrows) in advance of and during construction to lower the likelihood of owls occupying burrows within the project area.			
BIO-3	**AVOIDANCE MEASURE BIO-3: WHITE-TAILED KITE** To the extent feasible, vegetation removal activities will not occur during the breeding season of February 15 through August 31. If vegetation removal must occur during the breeding season, all sites			

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	will be surveyed by a qualified biologist to verify the presence or absence of nesting birds. Preconstruction surveys will be conducted no more than two weeks prior to the start of work from February 15 through August 31. If the survey indicates the potential presence of nesting birds, a buffer will be placed around the nest in which no work will be allowed until the young have successfully fledged or the nest has failed. The size of the nest buffer will be determined by a qualified biologist in consultation with the CDFW In general, buffer sizes of 250 feet for raptors and 50 feet for passerines should prevent disturbance to birds nesting in a moderately urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species, the level of disturbance anticipated near the nest and other factors such as topography and vegetation shielding.	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services
BIO-4	**AVOIDANCE MEASURE BIO-4: TOWNSEND'S BIG-EARED BAT** A preconstruction survey is required to determine whether Project area trees are occupied or whether they show signs of recent previous occupation. If the species is observed or if evidence of recent occupation is established, construction activities must be scheduled to minimize impacts on Townsend's big-eared bat. The establishment of maternity or hibernation roosts is highly unlikely due to a lack of appropriate habitat, however, if such sites are discovered they will be sealed in accordance with HCP/NCCP requirements as follows: hibernation site with evidence of prior occupation will be sealed before the hibernation season (November to March), and nursery sites will be sealed before the nursery season (April to August). If the site is occupied, then the action will occur either prior to or after the hibernation season and after August 15 for nursery colonies.	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services
BIO-5	**AVOIDANCE MEASURE BIO-5: PALLID BAT** All potential roost trees within the BSA will be surveyed for the presence of bat roosts by a qualified biologist no more than two weeks prior to the initiation of tree removal or ground disturbing			

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	activities. If no roosting sites are present, the trees will be removed within two weeks following the survey. If roosting habitat is present and occupied, then a qualified biologist will determine the species of bats present. If it is determined that the bats are not a special-statues species and the roost is not being used as a maternity roost, then the bats may be evicted using methods developed by a biologist experienced in developing bat mitigation and exclusion plans. If the bats are found to be pallid bats of the roost is being used as a maternity roost by any bat species, then a biologist experience in bat mitigation and exclusion plans must prepare an eviction plan detailing the methods of excluding bats and the method to secure the roost site to prevent its reuse prior to removal. Removal of the roost may only occur after the eviction plan has been approved by CDFW. Tree removal surrounding roost trees will be conducted without damaging roost trees. All trees will be cut and left on the ground overnight prior to onsite chipping or removal of trees to allow bats to escape from the downed trees. No diesel or gas-powered equipment will be stored or operated directly beneath a roost site and all construction activity in the vicinity of an active roost will be limited to daylight hours.	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services
BIO-6	**AVOIDANCE MEASURE BIO-6: SAN JOAQUIN KIT FOX** Prior to any ground disturbance related to covered activities, a USFWS/CDFW– approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as supporting suitable breeding or denning habitat for San Joaquin kit fox. The surveys will establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (U.S. Fish and Wildlife Service 1999). Preconstruction surveys will be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. The status of all dens will be determined and mapped. Written results of preconstruction surveys will be submitted to	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below will be implemented. If a San Joaquin kit fox den is discovered in the proposed development footprint, the den will be monitored for 3 days by a USFWS/CDFW-approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used. Unoccupied dens should be destroyed immediately to prevent subsequent use. If a natal or pupping den is found, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW. If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities). If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities will occur within the exclusion zones. Exclusion zone radii for potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.			

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
BIO-7	**AVOIDANCE MEASURE BIO-7: NESTING BIRDS AND RAPTORS** Additional passerine and raptor bird species also have the potential to breed and forage within the project vicinity due to the presence of riparian and oak woodlands, native grassland, and seasonal wetlands in the project area or vicinity. Most passerine and raptor species are protected by the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. Construction of the project will require removal of trees and shrubs along Kirker Pass Road. The general avian nesting season is February 1 – August 31. Therefore, the project may directly or indirectly impact listed and/or MBTA-protected nesting birds and/or raptors if present. The project is not anticipated to impact these species with implementation of the following avoidance measures: 1. If tree removal, pruning, or grubbing activities are necessary, such activities will be conducted between October and February – outside of the breeding season – and preferably during the fall, prior to the onset of the rainy season, to avoid impacts to nesting migratory birds. 2. If project construction begins during the breeding season (February 1 to August 31), preconstruction surveys will be conducted within the project footprint and a 250-foot buffer for raptors and a 50-foot buffer for all other nesting birds, by a qualified biologist no more than two weeks prior to staging, pruning/grubbing or surface-disturbing activities. If no active nests are found within the project footprint and a 250-foot buffer, no further measures need to be implemented. 3. If active nests (i.e. nests in the egg laying, incubating, nestling or fledgling stages) are found within 250 feet of the project footprint, non-disturbance buffers will be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. Sufficient buffers are generally 250 feet for raptors and 50 feet for other nesting birds. No work will occur within the non-disturbance buffers until the young have fledged, as determined	Prior to and during construction	CCCPWD Environmental Services	CCCPWD Environmental Services

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	by a qualified biologist. Buffer size will be determined in cooperation with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office. If buffers are established and it is determined that project activities are resulting in nest disturbance, work will cease immediately and the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service Migratory Bird Permit Office should be contacted for further guidance.			
BIO-8	**AVOIDANCE MEASURE BIO-8: GENERAL AVOIDANCE AND MINIMIZATION** The project has been designed to be consistent with the HCP/NCCP Conservation Measure 1.14 Design Requirements for Covered Road Outside the Urban Development Area. In compliance with that measure, the following additional avoidance measures will be implemented for protection of the biological resources within the Project area and vicinity: • Equipment storage, fueling, and staging areas will be sited on disturbed areas or on ruderal or non-sensitive, non-native grassland land cover types, when these sites are available to minimize risk of direct discharge into sensitive land cover types • No erodible materials will be deposited into watercourses. Brush, loose soils, or other debris will not be stockpiled within stream channels or on adjacent banks • All no-take species will be avoided • Construction activities will comply with the MBTA and will consider seasonal requirements for birds and migratory non-resident species, including HCP/NCCP covered species • Temporary stream diversions, if required, will use sand bags or other approved methods that minimize in-stream impacts and effects on wildlife • Silt fencing or other sediment trapping methods will be installed down-gradient from construction activities to minimize the transport of sediment off site • Barriers will be constructed to keep wildlife out of construction sites, as appropriate	During construction	CCCPWD Construction Division CCCPWD Environmental Services Division	CCCPWD Environmental Services Division

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	• On-site monitoring will be conducted throughout the construction period to ensure that disturbance limits, BMPs and HCP/NCCP restrictions are being implemented properly • Active construction areas will be watered regularly to minimize the impact of dust on adjacent vegetation and wildlife habitats, if warranted • Vegetation and other debris will be managed in and near culverts and under and near bridges to ensure that entryways remain open and visible to wildlife and the passage through the culvert or under the bridge remains clear. • Cut and fills lopes will be revegetated with native, non-invasive non-native, or non-reproductive (i.e., sterile hybrids) plants suitable for the altered soil conditions.			
BIO-9	**AVOIDANCE MEASURE BIO-9: RIPARIAN HABITAT** • Provision C.3 of the Contra Costa County Clean Water Program's NPDES permit will be followed to minimize the effects of urban development on downstream hydrology, streams, and wetlands • All wetlands, ponds, streams, and riparian woodland/scrub to be avoided will be temporarily staked in the field by a qualified biologist • Personnel conducting ground-disturbing activities within or adjacent to the buffer zone of wetlands, ponds, streams, or riparian woodland/scrub will be trained by a qualified biologist in these avoidance and minimization measures and the permit obligations • Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas • Trash will be promptly and properly removed from the site • No construction or maintenance vehicles will be refueled within 200 feet of wetlands, ponds, streams, or riparian woodland/scrub unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill • Appropriate erosion control measures will be used on-site to reduce siltation and runoff of contaminants into the wetlands, ponds, streams, or riparian woodland/scrub. Filter fences and mesh will	Prior to and during construction	CCCPWD Construction Division CCCPWD Environmental Services Division	CCCPWD Environmental Services Division

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
	be of material that will not entrap reptiles and amphibians. Erosion control blankets will be used as a last resort because of their tendency to biodegrade slowly and to trap reptiles and amphibians. Erosion control measures will be placed between the outer edge of the buffer and the project site. • Fiber rolls used for erosion control will be certified as free of noxious weed seed • Seed mixtures applied for erosion control will not contain invasive non-native species and will be composed of native species or sterile non-native species			
CUL-1	**AVOIDANCE MEASURE CUL-1: UNANTICIPATED SUBSURFACE CULTURAL RESOURCES** 1. Contractor will be notified of the possibility of encountering archaeological materials during Ground-disturbing activities and will be educated on the types of historic and pre-historic Native American period archaeological materials that may be encountered. 2. If an inadvertent discovery is made, the Contractor will cease all ground-disturbing activities in the area of the discovery. 3. The Contractor will immediately notify the CCCPWD Resident Engineer who will then request a qualified archaeologist to evaluate the finding(s). 4. If the finding(s) is determined to be potentially significant, the archaeologist in consultation with the appropriate Native American tribal representative or historical society will develop a research design and treatment plan outlining management of the resource, analysis, and reporting of the find.	Prior to and during construction	CCCPWD Construction Division	CCCPWD Environmental Services Division
CUL-2	**AVOIDANCE MEASURE CUL-2: UNANTICIPATED NATIVE AMERICAN BURIALS** Project specifications will require that the contractor shall stop work in the area of any discovery and immediately notify CCCPWD Resident Engineer who will then contact the County Coroner, NAHC, and a qualified archeologist to determine how to appropriately deal with the remains in coordination with the Most Likely Descendent and in accordance with the California Health and Safety Code (Health and Safety Code Section 7050.5[b]).	Prior to and during construction	CCCPWD Construction Division	CCCPWD Environmental Services Division

MEASURE #	AVOIDANCE/MINIMIZATION MEASURE	IMPLEMENTATION TIMING	IMPLEMENTATION RESPONSIBILITY	VERIFICATION RESPONSIBILITY
TRA-1	**AVOIDANCE MEASURE TRA-1: CONSTRUCTION TRAFFIC IMPACTS** 1. No full lane closures allowed during commute hours; at off-peak hours one lane of Kirker Pass Road may be temporarily closed during active construction; reopening of lanes at the end of each working day 2. Temporary lane closures may be scheduled at times of minimal traffic volumes such as nights, weekends, and off-commute hours where low traffic volumes are expected 3. Traffic control including flaggers will be used as warranted to adjust flow as vehicle volume increases in either direction 4. Placement of construction zone speed limits 5. Advance letter notification to local emergency response services to allow them to plan for alternate routes 6. Emergency vehicle access at all times 7. Letter notification to local residents seven calendar days in advance of construction and road closure start date(s). 8. Publish press release in local newspapers seven days before construction start date. 9. Placement of portable changeable message signs at various locations in project vicinity with construction start and road closure dates and period at least seven calendar days in advance of start dates. 10. Provide accessibility to driveways to properties outside the project area throughout the project.	Prior to and during construction	CCCPWD Construction Division	CCCPWD Environmental Services Division

APPENDIX B

Response to Comments
on the
Initial Study/Mitigated Negative Declaration
for the
Kirker Pass Northbound Truck Climbing Lane Project

LIST OF COMMENT LETTERS

1. Dario Arugay (September 2, 2016)
2. AT&T (September 7, 2016)
3. David Woodworth (September 13, 2016)
4. Contra Costa Health Services (September 14, 2016)
5. East Bay Regional Park District (September 29, 2016)
6. Governor's Office of Planning and Research (State Clearinghouse) (September 30, 2016)

COMMENT LETTER #1. DARIO ARUGAY (September 7, 2016)

Comment 1-1: Mr. Arugay notes there is an existing storm drain inlet at the intersection of Kirker and Clearbrook Drive, where the concrete median barrier ends. During the rains, this drain inlet does not function to catch any runoff from the hill because the inlet is above the existing grade, i.e., runoff is not going into the inlet. The runoff from the hill stops at the end of the concrete median barrier, and eventually flows toward the northbound (NB) lanes toward the pavilion and the left turn pocket to Clearbrook Drive, thus, creating skid or less traction to the car tires as residents enter the Canyon Creek Community (CCC). This is a safety issue. The current superelevation of southbound Kirker Pass is leaning toward the east side of the roadway to the Concord Pavilion. Mr. Arugay requests that the existing storm drain inlet be reconstructed below the existing grade as it will ensure that all runoff gets into the inlet and no spillage to the northbound lanes. Mr. Arugay further requests adding more drain inlets to be tied to the drain inlet from the hill down to the intersection's existing storm drain inlet.

Response: The Kirker Pass Road/Clearbrook Drive intersection is outside the limits of the proposed improvements for the project and within the City of Concord. Ms. Nancy Wein of the Contra Costa County Public Works Department, Transportation Engineering Division has notified the City of your concern for drainage in this intersection. The City of Concord's Infrastructure Manager, Jeff Rogers, can be reached at (925) 671-3108 or jeff.rogers@cityofconcord.org.

Comment 1-2: Mr. Arugay inquires as to where is the potential equipment staging area.

Response: The construction staging area is not specified by the construction plans and will be up to the contractor to establish; however, the contractor will be limited to staging on previously disturbed areas that are not environmentally sensitive.

Comment 1-3: Mr. Arugay inquires if there is a provision for a crosswalk at the intersection of Kirker Pass and Clearbrook Drive, i.e., from the Canyon Creek community to the Concord Pavilion, and requests to have one installed.

Response: The Kirker Pass Road/Clearbrook Drive intersection is outside the limits of the proposed improvements for the project and within the City of Concord. The best person at the City with whom to discuss an appropriate pedestrian pathway would be the Transportation Manager II, Abul Hossain, who can be contacted at (925) 671-3181 or abul.hossain@CityofConcord.org.

Comment 1-4: Mr. Arugay inquires if he may be informed of where the start of the northbound truck acceleration lane starts.

Response: The northbound truck climbing lane will begin just north of the northernmost driveway for the Concord Pavilion, approximately 800 feet north of the Clearbrook Drive intersection.

Comment 1-5: Mr. Arugay inquires if there are scuppers in the concrete median barrier for passage of animals and if not, requests they be provided.

Response: The project consists of the construction of a truck climbing lane on a heavily-traveled roadway with an existing median barrier. There are currently no scuppers in the median. Because the project does not involve any adjustments to the median barrier, we will not be modifying the barrier to include scuppers or openings for wildlife.

Claudia Gemberling

From: Nancy Wein
Sent: Thursday, September 15, 2016 10:48 AM
To: Claudia Gemberling; Angela Villar
Cc: Leigh Chavez
Subject: FW: Kirker Pass Road Northbound Truck Lanes

See below. He just sent me an e-mail he was ok with that.

N

From: Nancy Wein
Sent: Thursday, September 15, 2016 8:54 AM
To: 'Dario Arugay'
Subject: RE: Kirker Pass Road Northbound Truck Lanes

Hello Dario –

I wanted to let you know we are preparing a formal response since this will become public record as part of the Response to Comments for the Project CEQA document. The Response to Comments will be available in early October. Let me know if any questions in the meantime.

Nancy

From: Dario Arugay [mailto:dario_arugay@icloud.com]
Sent: Friday, September 09, 2016 6:42 AM
To: Nancy Wein
Subject: Re: Kirker Pass Road Northbound Truck Lanes

Hi Nancy,
Good morning!
I just wanted to make a correction on my comment #1.
The concrete median barrier is uphill and not at the intersection. The storm drain inlet is constructed in the concrete curb at the intersection of Kirker Pass and Clearbrook Drive.
Sorry for the confusion.

Thanks!
Sincerely,
Dario Arugay
CCC Resident

On Sep 8, 2016, at 11:40 AM, Nancy Wein <nancy.wein@pw.cccounty.us> wrote:

> Hello Dario,
>
> I wanted to let you know I've received your comments on the project and will be able to send you a response soon.
>
> Thanks.

Nancy C. Wein, Senior Civil Engineer

<image001.png>
255 Glacier Drive, Martinez, CA 94553-4825
Phone: (925) 313-2275 Fax: (925) 313-2333
e-mail: nwein@pw.cccounty.us website: www.cccpublicworks.org
Accredited by the American Public Works Association

From: Dario Arugay [mailto:dario_arugay@icloud.com]
Sent: Wednesday, September 07, 2016 9:34 PM
To: Nancy Wein
Subject: Re: Kirker Pass Road Northbound Truck Lanes

Hi Nancy,

Good evening!

Thank your for the responses you have provided. I just have a few concerns since you are still in the 65% design stage, to wit;

1. There is an existing storm drain inlet right smack at the intersection of Kirker and Clearbrook Drive, where the concrete median barrier ends. During the rains (I hope we have it this year as we are in a drought for the longest time), this drain inlet *is not functioning to catch* any runoff from the hill because the inlet is above the existing grade, i.e, runoff is not going into the inlet. The runoff from the hill stops at the end of the concrete median barrier, and eventually flows toward the northbound (NB) lanes toward the pavilion and the left turn pocket to Clearbrook Drive, thus, creating skid or less traction to the car tires as residents enter the Canyon Creek Community (CCC). This is a safety issue. The current superelevation, if you may, of SB Kirker Pass is leaning toward the east side of the roadway to the Concord Pavilion. Please reconstruct the existing storm drain inlet below the existing grade. This will ensure that all runoff gets into the inlet and no spillage to the NB lanes. Please add additional drain inlets to be tied to the drain inlet from the hill down to the intersection's existing storm drain inlet. **1-1**
2. May I know where is the potential staging area for equipment? **1-2**
3. Is there a provision for crosswalk at the intersection of Kirker Pass and Clearbrook Drive, i.e, from the Canyon Creek community to the Concord Pavilion? Please install one. **1-3**
4. May I know where is the start of the truck acceleration lane on the NB Kirker Pass? **1-4**
5. Are there scuppers in the concrete median barrier for passage of animals. If not, please provide. **1-5**

Thank you for giving me the opportunity in providing some comments to the project. I am hoping for a favorable response on these comments.

Sincerely,
Dario Arugay
CCC resident

On Sep 7, 2016, at 4:30 PM, Nancy Wein <nancy.wein@pw.cccounty.us> wrote:

Hello Dario -

The project design will be completed next year. We are at the 65% design stage which means we have a ways to go before final design is reached.

I'd be glad to meet with you at the front counter at the Public Works Department to show you what we have prepared so far if that is convenient for you. I can also give you a project exhibit for you to keep at that time.

We will be having large drawings at the public meeting that will show the major project elements, such as where the road will be widened and the location of retaining walls.

Let me know if you'd like to meet.

Thanks.

Nancy C. Wein, Senior Civil Engineer

255 Glacier Drive, Martinez, CA 94553-4825
Phone: (925) 313-2275 Fax: (925) 313-2333
e-mail: nwein@pw.cccounty.us website: www.cccpublicworks.org
Accredited by the American Public Works Association

-----Original Message-----
From: Dario Arugay [mailto:dario_arugay@icloud.com]
Sent: Wednesday, September 07, 2016 3:55 PM
To: Nancy Wein
Subject: Re: Kirker Pass Road Northbound Truck Lanes

Thank you, Nancy!
I will probably email you my comment when the technical plans are ready. When do you think the public can take a look at the plans?

On Sep 6, 2016, at 8:02 AM, Nancy Wein <nancy.wein@pw.cccounty.us> wrote:

> Good morning Dario,
>
> Below is a link to the project environmental document, a Mitigated Negative Declaration.
>
> http://www.co.contra-costa.ca.us/DocumentCenter/View/42234

We do not have any plans we can send, but we will be having a public work shop on Monday, September 19th and can show you a project exhibit and answer any questions you may have at the workshop. Attached is a flyer for the workshop. If you are unable to attend the workshop, we can arrange a time to meet at the front counter here at the Public Works Department.

Thanks.

Nancy C. Wein, Senior Civil Engineer

255 Glacier Drive, Martinez, CA 94553-4825

Phone: (925) 313-2275 Fax: (925) 313-2333

e-mail: nwein@pw.cccounty.us website: www.cccpublicworks.org

Accredited by the American Public Works Association

-----Original Message-----

From: Nancy Wein

Sent: Friday, September 02, 2016 5:45 PM

To: Dario Arugay; Angela Villar; Claudia Gemberling

Subject: RE: Kirker Pass Road Northbound Truck Lanes

Hello Dario - I'll be able to get that to you on Tuesday.

Nancy Wein

From: Dario Arugay [dario_arugay@icloud.com]

Sent: Friday, September 02, 2016 5:28 PM

To: Nancy Wein; Angela Villar; Claudia Gemberling

Subject: Kirker Pass Road Northbound Truck Lanes

Hi,

I am a Canyon Creek resident which is across the Concord Pavilion. May I ask whether you have project plans and an Environmental Document/ Environmental Impact Report for the Kirker Pass Road Northbound Truck Lanes project that I could look at? If you do, could please email me a copy or if you have it in your website for me to access?

Thank you!

Sincerely,

Dario T. Arugay

Concord, CA 94521

<workshop flyer - 2016-09-19.pdf>

COMMENT LETTER #2. AT&T (September 7, 2016)

Comment 2-1: AT&T notes that they received the Public Notice for the Kirker Pass Road widening project and unfortunately, were not able to attend the open house scheduled on Monday, September 19 at 6 p.m. as it is outside of their normal hours of operation but provided contact information.

Response: Comment noted. The project team has been provided with the contact information. No further response is necessary.

Claudia Gemberling

From: GREENWOOD, GREGORY L <gg7254@att.com>
Sent: Wednesday, September 07, 2016 12:21 PM
To: DAUGHTON, TERRY; Claudia Gemberling; Nancy Wein; Angela Villar
Subject: CCC - CP 05-04 - Kirker Pass Road - Highway Expansion
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Good Afternoon to all,

I have received the Public Notice for the Kirker Pass Road widening project. Unfortunately, the open house is outside of our normal hours of operation. **2-1**

AT&T Design Engineer for this project is Terry Daughton:
Email: TD4525@att.com
PH: (925)328-6821

Thank You,
Gregory Greenwood
AT&T North Bay C&E
Public Works Coordinator
5005 Executive Parkway
RM#3N750Q
San Ramon, CA 94583-5000
Communit NETwork Professional Development Council Member
Educate~Celebrate~Serve
http://www.cnaatp.org/
PH: 925.328.6922
CELL: 925.548.4668
FAX: 214-486-8045

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COMMENT LETTER #3. DAVID WOODWORTH (September 13, 2016)

Comment 3-1: Mr. Woodworth, a Concord resident living in the Canyon Creek neighborhood adjacent to the Concord Pavilion, comments that he is strongly against the construction of any more traffic lanes on Kirker Pass Road in either direction. Mr. Woodworth notes that Kirker Pass Road is already congested with traffic from commuters of neighboring cities using Kirker Pass Road as an alternative to State Route 4 and the addition of lanes will only entice more people to cut through the City of Concord causing more congestion. Mr. Woodworth further notes that the traffic noise from Kirker Pass Road is already loud, and with more traffic and more construction the noise would only increase. Mr. Woodworth notes that he frequently uses the northbound direction of Kirker Pass Road to access Pittsburg and Antioch and does not believe the truck traffic is an issue that requires a new traffic lane, and that he rarely sees any congestion caused by the slow moving trucks as there are ample opportunities to safely pass.

Response:
Traffic Congestion: The Kirker Pass Northbound Truck Climbing Lane Project is intended to improve safety rather than increase capacity. The project will add a northbound truck climbing lane to improve safety related to slow-moving trucks. With approximately 18,000 vehicles per day traveling along Kirker Pass Road and steep grades of approximately 10%, truck traffic contributes to congestion along the roadway. The proposed truck climbing lane is less than one mile in length and will remove trucks from the travel lanes in order to reduce conflicts between slow moving trucks and high speed passenger cars.

Traffic Noise: As discussed in Section XII. Noise of the IS/MND, noise modeling was conducted by Illingworth & Rodkin (December 2015) for operational impacts as well as project construction impacts. According to the results of the noise modeling, the project's operational noise is expected to be the same under a future build and future no-build scenario (under both scenarios operational noise levels were estimated to increase by 2 to 3 dBA $L_{eq[h]}$). In other words, once completed, the project will not increase ambient noise levels above what is expected to exist in the future without this project. Further, an increase in noise of 3 dBA is just discernable to the human ear; therefore, this increase in noise, regardless of the project, is not expected to be a significant impact. Since no operational traffic noise impacts are anticipated, no noise abatement measures are proposed.

Project construction would generate average noise levels that would exceed ambient daytime noise levels by about 10 dBA $L_{eq[h]}$ for most construction phases (demolition, earthwork, paving). Roadway construction activities typically occur for relatively short periods of time as construction proceeds along the project's alignment. Construction noise is expected to be of primary concern where noise levels from individual pieces of

equipment are substantially higher than ambient conditions, or when construction activities would occur during noise-sensitive early morning, evening, or nighttime hours. Construction of the project is primarily anticipated to occur during daytime hours; however, there may be times when nighttime work is required. To reduce the potential for noise impacts resulting from project construction, the following noise reduction measures were provided in the IS/MND as follows:

1. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
2. Unnecessary idling of internal combustion engines within 100 feet of residences should be strictly prohibited.
3. Locate stationary noise generating equipment as far as possible from sensitive receptors.
4. Utilize 'quiet' air compressors and other 'quiet' equipment where such technology exists.
5. Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment as far as practical from noise sensitive receptors.
6. Require all construction equipment to conform to Section 14-8.02 Noise Control, of the latest Standard Specifications.
7. Provide notification to the adjacent noise-sensitive receptors including the specific construction schedule for major noise-generating construction activities.

In addition, the construction contractor will be required to obtain an encroachment permit from the City of Concord Permit Center. That permit will address proposed construction hours. Further, the project's Resident Engineer will be available to answer questions from the public about issues such as construction noise.

Comment 3-2: Mr. Woodworth notes that the money required for this project would be much better spent repairing the crumbling roads throughout the City of Concord as all the main streets are plagued with large cracks, potholes, and bumps.

Response: A portion of the project is within the City of Concord, with the remaining length occurring within the unincorporated area. The project is County-sponsored and the City of Concord is a project partner. The current funding sources for the project include state and federal grants as well as local funding provided by the County. The City of Concord is not contributing any funds that could be used for routine road maintenance within the city limits.

re: Kirker Pass Road Northbound Truck Lanes Project

To whom it may concern:

As a Concord resident living in the Canyon Creek neighborhood adjacent to the Concord Pavilion, I am strongly against the construction of any more traffic lanes on Kirker Pass Road in either direction. Kirker Pass is already congested with traffic from commuters of neighboring cities using Kirker Pass as an alternative to SR-4. The addition of lanes will only entice more people to cut through the city of Concord, causing more congestion. The traffic noise from Kirker Pass is already loud, and with more traffic and more construction the noise would only increase. I frequently use the northbound direction of Kirker Pass to access Pittsburg and Antioch and do not believe the truck traffic is an issue that requires a new traffic lane. Rarely do I see any congestion caused by the slow moving trucks and there are ample opportunities to safely pass. 3-1

I believe the money required for this project would be much better spent repairing the crumbling roads throughout our city of Concord. All of the main streets are plagued with large cracks, potholes, and bumps. 3-2

Thank you,

David Woodworth

916-628-2775

Bluerock Court, Concord 94521

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SEP 15 2016
Environmental

COMMENT LETTER #4. CONTRA COSTA HEALTH SERVICES (September 14, 2016)

Comment 4-1: Contra Costa Health Services notes that permits will be required for well or soil boring activities prior to commencing drilling activities and abandoned wells and septic tanks must be destroyed under permit.

Response: Comments have been noted and forwarded to the project design team. No further response is necessary.

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER
MARILYN C. UNDERWOOD, PHD. REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Blvd., Suite 200
Concord, California 94520
Ph (925) 692-2500
Fax (925) 692-2502
www.cchealth.org/eh/

RECEIVED
SEP 20 2016
Environmental

September 14, 2016

Claudia Gemberling
Contra Costa Public Works Department
255 Glacier Dr.
Martinez, CA 94553

RE: Kirker Pass Northbound Truck Climbing Lane (CP 05-04)
APN Various

Dear Ms. Gemberling:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.

2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

4-1

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please feel free to call me at (925) 692-2535.

Sincerely

Joseph G. Doser, R.E.H.S.
Supervising Environmental Health Specialist

JGD:tf

COMMENT LETTER #5. EAST BAY REGIONAL PARK DISTRICT (September 29, 2016)

Comment 5-1: The East Bay Regional Park District (District) notes that the IS/MND lacks any conceptual project plans or exhibits demonstrating area of impact. Lacking an understanding of the project's footprint, the District was unable to assess what level of impact the project may have on District lands and what, if any, impact the project may have on ongoing restoration projects along the Kirker Pass corridor.

Response: Comment noted. The IS/MND that was posted on the Contra Costa County Public Works Department and Department of Conservation and Development websites was missing Figure 3 which showed the project footprint. Figure 3 and an additional project footprint overview ("Overall Exhibit") were provided to the District via email on September 29, 2016. Subsequent correspondence from the District indicates that the information provided has adequately addressed their concern (B. Holt, October 3, 2016). Figure 3 is included in this CEQA record for the final IS/MND.

Comment 5-2: The District inquires if this project requires the use of federal funding and if so, the District requests review of the projects 4(f) analysis.

Response: The project requires use of federal funding. However, as shown in the "Overall Exhibit" the project will not impact either of the District's properties that adjoin Kirker Pass Road as no proposed right-of-way takes or easements are proposed. Again, subsequent correspondence from the District indicates that the information provided to the District adequately addresses their concern.

Claudia Gemberling

From: Brian Holt <BHolt@ebparks.org>
Sent: Thursday, September 29, 2016 9:30 AM
To: Claudia Gemberling
Cc: Neoma Lavalle; Chris Barton
Subject: Kirker Pass Road Northbound Truck Lanes

Mrs. Gemberling –

The East Bay Regional Park District has reviewed the IS/MND for the Kirker Pass Road Northbound Truck Lanes and would like to provide the following comments:

1. The IS/MND lacks any conceptual project plans or exhibits demonstrating area of impact. Lacking an understanding of the projects footprint, we are unable to assess what level of impact the project may have on District lands and what, if any, impact the project may have on ongoing restoration projects along the Kirker Pass corridor. **5-1**

2. Would this project require the use of federal funding? If so, the District requests review of the projects 4(f) analysis. **5-2**

Thank you for the opportunity to provide comments.

East Bay Regional Park District

Brian Holt
Principal Planner | Advance Planning Unit
East Bay Regional Park District
2950 Peralta Oaks Court, Oakland, CA 94605
T: 510-544-2623| F: 510-569-1417
BHolt@ebparks.org | www.ebparks.org

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COMMENT LETTER #6. STATE CLEARINGHOUSE (September 30, 2016)

Comment 6-1: The Governor's Office of Planning and Research, State Clearinghouse and Planning Unit noted that the IS/MND was submitted to selected state agencies for review and provided the list of those agencies and comments letters received.

Response: Comment noted. No further response is necessary.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

September 30, 2016

Claudia Gemberling
Contra Costa County
255 Glacier Dr
Martinez, CA 94553

Subject: Kirker Pass Northbound Truck Climbing Lane
SCH#: 2016082079

Dear Claudia Gemberling:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on September 29, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 6-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016082079
Project Title Kirker Pass Northbound Truck Climbing Lane
Lead Agency Contra Costa County

Type **MND** Mitigated Negative Declaration

Description The County Public Works Dept proposes to provide a northbound truck climbing lane and paved shoulders for future class II bike lanes. The project is intended to improve circulation for motorists and bicyclists along this stretch of road. The road is frequently used by commuters and has heavy truck traffic. With sustained grades steeper than 8 percent, trucks are unable to match the speed of other vehicles on the roadway, causing significant congestion and impacting traffic flow. Project elements will include roadway widening for the truck climbing lane, paved shoulders for future class II bike lanes, relocation of drainage features, retaining wall construction; installation of signage and striping; construction of two bioretention areas; roadway conforms due to change in grade; and relocation of other existing roadside features.

Lead Agency Contact

Name Claudia Gemberling
Agency Contra Costa County
Phone 925-313-2192 **Fax**
email
Address 255 Glacier Dr
City Martinez **State** CA **Zip** 94553

Project Location

County Contra Costa
City Concord
Region
Lat / Long 37° 57' 44" N / 121° 55' 47" W
Cross Streets Hess Rd
Parcel No.
Township 2N **Range** 1W **Section** 1, 2 **Base** MD

Proximity to:

Highways 4
Airports
Railways
Waterways Tributary of Mt. Diablo
Schools Ayers ES
Land Use Adjacent land uses: General Ag, Ag preserve

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Noise; Toxic/Hazardous; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Air Resources Board, Transportation Projects; Native American Heritage Commission

Date Received 08/31/2016 **Start of Review** 08/31/2016 **End of Review** 09/29/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.