

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**APPLICANT:** Trinity River Lumber

**REPORT BY:** Frank Lynch

**APN:** 024-210-08 and 11

**APPLICATION:** Use Permit

**PROPOSAL:** Use Permit to construct and operate a cogeneration plant, additional dry kilns, and an additional planer mill at its existing sawmill complex in Weaverville, California.

**LOCATION:** In the community of Weaverville, lying within the property commonly known as the Trinity River Lumber Mill, lying to the north of Highway 299 (Main Street).

**PROJECT INFORMATION:**

- A) Planning Area: Weaverville
- B) Existing General Plan Designation: Industrial
- C) Existing Zoning: Industrial
- D) Existing Land Use: Existing lumber mill
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	Mix of Res and Com PF	OS – buffer, R-3, MHP	OS – buffer, MF
South:	Com	C-2	C
East:	Res	SUD, RR5, Ag, R-1A	RR, RR, SF-L
West:	Com/Res	C-2, R-1, R-2, PF, MHP	C, SF-H, MF, PF

**PROJECT DESCRIPTION:** Trinity River Lumber Company (TRL) is requesting a conditional use permit to construct and operate a cogeneration plant, additional dry kilns, and an additional planer mill at its existing sawmill complex in Weaverville, California. The proposed cogeneration facility would be fueled using primarily existing mill residuals and will have the capability to accept forest logging residuals and other external supply of clean wood products. Steam generated by the boiler would supply the existing and proposed dry kilns and allow TRL to produce and market kiln-dried lumber products. The kiln dried lumber will be sized and surfaced in a new planer mill proposed to be constructed within an enlarged existing building. Excess steam will be routed through a turbine generator with capacity to produce up to 5 megawatts (MW) of electric energy. Electric power will be used to operate the sawmill, with excess electric power sold to Trinity Public Utilities District (TPUD) that will be available for use in the TPUD service area. The proposed project would be equipped with a diesel generator of a size to start the plant in the event of a utility power outage.

The objectives of the proposed project are to enable TRL to expand its product line to include dry lumber and to develop the capability to manage wood byproducts onsite. The proposed project would allow TRL a wider array of sales options and customers and decrease freight costs associated with shipping dry wood products from the mill.

Staff also points out that the applicants did hold a “community meeting,” on Monday evening, February 24, 2014 to apprise the public of this project. The meeting did gather a few concerned citizens with the likely most critical comment being one concerning potential noise impacts.

**ENVIRONMENTAL EVALUATION:** The applicant submitted, over time, an application and supplemental supporting reports to assist in defining the project and its potential impacts. Upon staff’s review, it was determined that a third party consultant, hired by the County at the applicant’s expense, would provide the most professional, neutral, and comprehensive review of potential environmental impacts resulting from the project. The firm of North State Resources was selected based on the fact that they were already under retainer by the County to conduct such services and that they provided the most comprehensive response to a request for submittal from the County from the two such firms under retainer at that time.

North State Resources (NSR) first assessed the information supplied by the applicant and their consultants and determined areas of potential deficiencies or concern. The firm then reviewed either the applicant’s responses or conducted their own independent analysis to draw their conclusions. It was concluded upon NSR’s completion of an Initial Study as required by CEQA, that while the project may have some significant environmental impacts, those impacts could be reduced to a level of insignificance with compliance with specific mitigation measures. Therefore, a mitigated Negative Declaration has been prepared for this project.

**Principal Areas of Environmental Concern:** The analysis provides assessment of numerous environmental concerns, but identifies the following topic areas as being of greatest potential environmental concern:

**Air Quality:** The storage of fuel wood supplies may result in release of odors if decomposition occurs and is found objectionable by adjacent land owners or businesses

**Water Quality:** Construction activities have the potential to disturb or disrupt active special status or migratory bird nests that may be located in the vicinity of the mill site

Noise: Construction activities would generate noise capable of disturbing or annoying adjacent residential land uses

Aesthetics: Installation of proposed mill improvements could introduce new sources of light and glare that potentially illuminate off site lands, including residential areas.

With mitigation, the analysis concludes that all significant impacts can be mitigated.

The complete Initial Study is attached to the report for review

**GENERAL PLAN CONSISTENCY:** The following General Plan and Weaverville Community Plan goals and policies could be found to relate to the project proposal. The specific statements most related to the project and its potential impacts are underlined for ease of review:

**General Plan Land Use Element**

**P 5 Economic**

To maintain and enhance a viable economic base for Trinity County:

- By maintaining as many privately owned prime timber, agricultural, mineral, sport and commercial fishery, and animal-producing lands as possible.
- By encouraging tourism.
- By participating in review of state and federal regulations that would affect all aspects of the production of those resources.
- By encouraging a variety of heavy resource-related industrial and service commercial development to remain in or move to Trinity County, thus reducing the individual tax burden.

**Page 17 Economic Findings and Policies**

Important timber, agriculture, recreation, scenic, mineral, and wildlife resources should be protected for use. These resources are critical to the economic well-being of Trinity County.

Industrial and Commercial Development, especially those directly related to the resources found in Trinity County, should be encouraged. Prime sites for new industrial development should be reserved in each part of the county.

**Page 20 Weaverville Findings**

Balanced growth and development of residential, commercial, industrial and recreation land uses at a moderate and planned rate are desirable.

**Page 22 Industrial uses:**

Reserve land for future industrial development.

**Page 34 Project Consistency with the Land Use Element and Community Plans**

When decision makers are faced with decisions on allowed uses, they should refer not only to the Zoning Ordinance, but also to the goals and policies established for the targeted area. Uses allowed as a matter of right within a zone must be uniformly applied throughout the county. Uses requiring Special Use Permits are potentially detrimental, therefore, they should be scrutinized for conformance with the goals and policies of the General Plan and Community Plan for the specific area as well as for conformance with the requirements of the California Environmental Quality Act (CEQA).

**Weaverville Community Plan**

**Page 35 Utilities**

Goal #4: Ensure that the development of future utility improvements generally enhance and do not significantly detract from the overall appearance of the community.

Objectives:

4.1 Provide future street lighting services only where it is desirable to improve the safety of street intersections.

4.2 Encourage the undergrounding of utility lines, especially when such undergrounding can be accomplished in conjunction with road construction or other improvements.

**Page 58 Natural Resources**

Goal #3: To strive to conserve those resources of the County that are important to its character and economic well being.

Objectives:

3.2 Protect the basin's air quality from deterioration through the subsequent development of a basin air quality maintenance plan.

**Page 70 Hazards:**

Goal #4: To protect the public from adverse noise impacts.

Objectives:

4.1 Assess new projects and their noise impacts on individual neighborhoods.

**Page 80 Economic Development**

Goal #3: To provide more diverse sources of income to stabilize the economy.

Objectives:

3.1 Encourage industrial, or manufacturing, activities, which result in, further processing, or utilization, of resource products prior to export from Trinity County.

## Land Use

P 85 (Section providing description of various land use designations) **Industrial (I)**  
Industrial areas are designated to indicate the most likely and desirable areas for industrial development including federal, state, or local facilities of an industrial nature. Industrial areas should be located near existing communities to promote energy conservation and to utilize community services as required. Industrial areas should be located so as to adversely affect residential areas.

## Page 99 Recommendations for Future Growth

Goal #3: To incorporate special provisions to protect and enhance the appearance of the community along State Highways 299 and 3.

Objectives:

3.1 Encourage the undergrounding of overhead utilities, especially when such undergrounding can be accomplished in conjunction with road construction projects or other improvements.

3.2 Encourage the planting of deciduous trees with bright fall foliage along highway frontages, similar to those trees in the “downtown” area, both to visually enhance these areas as well as to compensate for removal of on-site trees during development.

3.3 Encourage monument type signage, which incorporates native materials over pole signs for commercial or institutional uses along these highway frontages.

3.4 Provide for a zoning incentive program to encourage visual enhancement of “straight stretch” properties.

Objectives 1, 2 and 3 will be utilized during the project approval process to guide both Planning Staff and Planning Commission decision. Objective 4 has been realized in the draft zoning map by “up zoning” these properties from predominately Retail Commercial (C-1) to General Commercial (C-2) and Highway Commercial (HC). Both the C-2 and HC zoning allow more land use activities than does C-1 zoning, hence this is considered as an incentive zoning. However, the trade-off on this incentive zoning is that the front 100 feet of each parcel is also to be overlay-zoned “Plan-Review”. The purpose of this Plan Review Overlay zone is to emphasize aesthetic considerations on these properties prior to issuance of building permits.

Page 100 Goal #5: To provide for a variety of land use types and residential densities within the plan area.

Objectives:

5.1 Continuance, as a basis for eventual community build out, of the existing (1987) mixture of housing types and general lot sizes.

5.2 Utilize the Specific Unit Development approach for the Weaver Bally and Ten Cent Gulch areas to provide for comprehensive development of these areas.

5.3 Insure retention of the Mill Industrial Complex and supportive uses.

**COMMENTS RECEIVED:** See attached from Consultant.

**RECOMMENDED MOTION:** That the Planning Commission makes the following findings:

Environmental Finding: That no significant environmental effect has been identified that can not be mitigated to a level of insignificance via conditions, therefore adopt of a negative declaration.

General Plan Consistency Finding: That the project is consistent with the Trinity County General Plan, including the Weaverville Community Plan.

Project Finding: That the Planning Commission approves a use permit, case file #P 14-04, subject to the following additional findings and conditions:

**FINDINGS OF FACT**

**1. Finding: Sound Principles of Land Use. The use permit is granted on sound principles of land use.**

Statement of Fact: The potential impacts resulting from the project have been thoroughly vetted via the Initial Study and public hearing process. The project can be found to be compatible with the existing land use and zoning designations, and will be compatible with surrounding land uses.

**2. Finding: Not injurious. Granting of the use permit will not be detrimental to the public health, safety or welfare, nor will it create a public nuisance.**

Statement of Fact: Per the analysis of the Initial Study, and as conditioned, the facility can be found compatible with surrounding land uses.

**3. Finding: The use permit complies with the objectives of the general plan for the area in which it is located.**

Statement of Fact: As conditioned the use would be consistent with the provisions of the zoning ordinance, General Plan, and Community Plan.

Figure 1

*Conditions of Approval*

- A. See Mitigation Monitoring and Reporting Plan which is adopted as mitigation to address environmental concerns identified by the Initial Study.
- B. In addition to those conditions and mitigations in the Mitigation Monitoring and Reporting Plan, the following conditions shall apply:
  - 1.. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
  - 2. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
  - 3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of the Trinity County Code and County Zoning Ordinance unless modified by conditions of the use permit.
  - 4. That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
  - 5. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
    - a. That one or more of the conditions upon which such permit was granted have been violated.
    - b. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Zoning Ordinance of Trinity County.

**Draft**  
**Mitigation Monitoring and Reporting Plan**  
**for the**  
**Trinity River Lumber Biomass Energy Project**

**Conditional Use Permit No. 14-04**

**CEQA Lead Agency:**  
**Trinity County Planning Department**

**Prepared: October 2014**



# Introduction

## Purpose

Trinity County Planning Department (County) has prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) for the proposed Trinity River Lumber Biomass Energy Project (project). Trinity River Lumber Company (TRL) is requesting a conditional use permit to construct and operate a cogeneration plant, additional dry kilns, and an additional planer mill at its existing sawmill complex in Weaverville, Trinity County, California. The proposed cogeneration facility would be fueled using primarily mill residuals, but would also be capable of utilizing forest logging residuals and other clean wood products from outside sources. Steam generated by the boiler would be used to operate the existing and proposed dry kilns and allow TRL to produce and market kiln-dried lumber products. Kiln dried lumber would be sized and surfaced in a new planer mill proposed to be constructed within an enlarged existing building. Excess steam would be routed through a turbine generator with the capacity to produce up to 5 megawatts (MW) of electric energy. This electric power would be transmitted through the Trinity Public Utilities District (TPUD) for delivery to Western Area Power Administration (WAPA) and for sale to California utility. The proposed project would be equipped with a diesel generator of a size to start the plant in the event of a utility power outage. The proposed project is described in more detail in the IS/MND.

As described in the IS/MND (Chapter 2, Project Description), the proposed project includes environmental commitment measures that will be used to minimize or prevent adverse impacts on the environment (see below for list of these measures). The IS/MND also identified mitigation measures that will be used to reduce potentially significant environmental impacts to levels that are less than significant (see below for list of these measures). This Mitigation Monitoring and Reporting Plan (MMRP) describes a program for ensuring that the environmental commitments and mitigation measures will be implemented in conjunction with the proposed project. Any additional measures specified in the regulatory permits will also need to be implemented in conjunction with the proposed project and be monitored to ensure implementation. Monitoring and reporting requirements will be identified in the respective permits.

The County, as the lead agency under the California Environmental Quality Act (CEQA), is responsible for overseeing the implementation and administration of this MMRP. The County will designate a staff member to manage the MMRP. Duties of the staff member responsible for plan coordination will include conducting routine inspections and reporting activities, coordinating with TRL, coordinating with regulatory agencies, and ensuring enforcement measures are taken.

## Regulatory Framework

California Public Resources Code Section 21081.6 and California Code of Regulations Title 14, Chapter 3, Section 15097 require public agencies to adopt mitigation monitoring or reporting plans when they approve projects that may result in significant impacts. The reporting and monitoring plans must be adopted when a public agency makes its findings pursuant to CEQA so that the mitigation requirements can be made conditions of project approval.

## Format of This Plan

The MMRP describes environmental commitment measures included in the proposed project and the mitigation measures identified in the IS/MND. A corresponding impact statement is included with each mitigation measure to identify the impact that requires mitigation. Mitigation measures are followed by an implementation description, the criteria used to determine the effectiveness of the mitigation, the timeframe for implementation, and the party responsible for monitoring implementation of the measure.

Implementation of mitigation measures will ultimately be the responsibility of TRL; during construction; the delegated responsibility will be shared with the construction contractor. Enforcement of the mitigation measures is the responsibility of the County. Each mitigation measure in this plan contains a “Verified By” signature line, which will be signed by the County’s designated MMRP manager when the measure has been fully implemented and no further actions or monitoring are necessary for the implementation or effectiveness of the measure.

## Noncompliance Complaints

Complaints of noncompliance with adopted mitigation measures shall be directed to the County in written form, providing specific information on the alleged violation. If any complaints are received, the County shall conduct an investigation and determine the validity of the complaint. If noncompliance with a mitigation measure has occurred, the County shall take the appropriate action to remedy the violation. The complainant shall receive written confirmation indicating the results of the investigation or the final action corresponding to the particular noncompliance issue.

## Environmental Commitment Measures

TRL and its construction contractor(s) will be responsible for compliance with all applicable rules, regulations, and ordinances associated with project activities and for implementing construction-related measures to avoid or minimize adverse environmental impacts. Specific measures and performance standards have been included in the project design and proposed operations to comply with regulatory requirements, pending permit conditions, and applicable standards that may apply to the proposed project. The environmental commitments listed below will be implemented during the specified timing phase (e.g., before construction). TRL will be responsible for complying with and implementing these environmental commitment measures in addition to the mitigation measures listed in the next section, and the County will be responsible for enforcing the measures and monitoring their implementation.

### Air Quality

**Emission Reduction Credits (ERC) Measure 1.** Prior to operation of the biomass plant, TRL will provide a detailed Rule 106-compliant ERC plan to the North Coast Unified Air Quality Management District (AQMD) and obtain AQMD approval for the plan.

**Implementation:** The County and TRL will consult with North Coast Unified AQMD and TRL will prepare a plan that is acceptable to itself, the County, and the North Coast AQMD.

**Timing:** Before construction

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

**ERC Measure 2.** TRL will provide required offsets as quarterly open biomass burning ERCs in accordance with the provisions of North Coast Unified AQMD Rule 106.

**Implementation:** TRL will secure offsets.

**Timing:** Quarterly during plant operation.

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

### **Hazardous Materials**

**Hazard Materials Measure 1.** TRL will update its hazardous material business plan to identify any storage or use of qualifying substances during or after project construction.

**Implementation:** TRL will update its existing plan.

**Timing:** As necessary, before, during and after construction.

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

### **Pollution Prevention and Erosion Control**

**Water Quality Measure 1.** TRL will prepare a separate construction Stormwater Pollution Prevention Plan (SWPPP) to describe implementation of best management practices (BMPs), training, monitoring, and reporting required by the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2010-0014-DWQ, CAS000002. Additionally, TRL's existing industrial SWPPP will be updated as needed to reflect the changes to the mill site and operations.

**Implementation:** TRL will prepare the SWPPP and update as necessary.

**Timing:** Before, during, and after construction.

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

**Water Quality Measure 2.** TRL will consult with the North Coast Regional Water Quality Control Board (RWQCB) to determine the need for any modifications to the current applicable Waste Discharge Requirements for the existing sawmill complex.

**Implementation:** TRL identifies waste water discharge requirement modifications to its project in consultation with North Coast RWQCB and the County.

**Timing:** Before construction

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

**Water Quality Measure 3.** TRL will obtain an industrial pretreatment permit from the North Coast RWQCB for industrial wastewater proposed to be discharged to the municipal sewer system.

**Implementation:** TRL will obtain the required permit.

**Timing:** Before operation.

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

### **Cultural Resources**

**Cultural Resources Measure 1:** In the event that previously unidentified cultural or paleontological resources are encountered during construction, there shall be no further excavation or disturbance of that area. TRL and its contractor shall avoid the materials and their contents. The Trinity County Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the Planning Director.

**Implementation:** TRL and the contractor will comply with cultural resources protection measures. TRL will consult with the County and will retain a qualified archaeologist to implement treatment measures if necessary. The County will be responsible for ensuring compliance.

**Timing:** During construction

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

**Cultural Resources Measure 2:** In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per state law. If the Coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent.

**Implementation:** TRL, the contractor, and the County will comply with human remains protection measures. The County will consult with others and implement treatment measures if necessary.

**Timing:** During construction

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

## Impacts and Associated Mitigation Measures

**Impact AES-1: Installation of proposed mill improvements could introduce new sources of light and glare that potentially illuminate off site lands, including residential areas.**

*Mitigation Measure 1: New lighting shall be shielded and directed downward and inward to minimize off site scatter and illumination.*

While the project would include additional lighting associated with proposed structures, lights would be directed downward and toward the interior of the proposed project site, with the exception of beacons that may be required on the proposed stack for aviation safety purposes. Recommended mitigation consisting of shielding and directing new lighting systems downward and inward would minimize off site illumination while meeting mill site security and safety requirements.

**Implementation:** TRL will oversee contractor installation of new light sources.

**Timing:** During construction

**Effectiveness Criteria:** Goal is to avoid off-site illumination of adjacent properties and avoid complaints from nearby property owners.

**Verified By:** \_\_\_\_\_ Date: \_\_\_\_\_  
County MMRP Manager

**Impact AQ-1: The storage of fuel wood supplies may result in release of odors if decomposition occurs and is found objectionable by adjacent land owners or businesses.**

*Mitigation Measure AQ-1: Manage stored wood fuel to minimize adverse effects of decomposition.*

In the event that odors resulting from the decomposition of stored wood fuel occurs and is found to be objectionable, TRL shall prepare a plan to implement pile rotation, setting maximum size limits on piles and limiting the amount of time piles would remain on site awaiting feed to the boiler (e.g., first-in/first-out inventory management).

**Implementation:** TRL will implement a schedule for wood pile management and will limit and monitor wood pile size.

**Timing:** During operation.

**Effectiveness Criteria:** The goals are to minimize the potential for objectionable odors that would generate complaints from the public to TRL, the County or the North Coast Unified AQMD, and also avoid enforcement actions from the County or North Coast Unified AQMD.

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
County MMRP Manager

**Impact BR-1: Construction activities have the potential to disturb or disrupt active raptor or migratory bird nests that may be located in the vicinity of the mill site.**

*Mitigation Measure BR-1: Conduct preconstruction surveys for nesting raptors and other birds.*

- Prior to the initiation of ground disturbing or noise generating project activities (i.e., no more than 7 days prior to proposed activity) to occur during nesting season (February 1 through August 31), a qualified biologist shall conduct preconstruction surveys in areas of potentially suitable habitat for nests and nesting bird behavior (250-foot buffer from all proposed construction activities).
- The location of active nests within 250 feet of the TRL mill site shall be flagged, mapped, and communicated to TRL and California Department of Fish and Wildlife (CDFW). A qualified biologist, in coordination with the County and CDFW, shall determine the extent of a construction-free buffer zone to be established around an active nest.
- For each identified active nest the species, nest location, behavior, site conditions, estimated date of nest establishment, and estimated fledge date will be recorded.
- All workers involved with construction of the project shall be trained on these mitigation measures. New construction employees shall receive training prior to working onsite.
- Project activity footprints and access routes will be confined to pre-determined areas.

**Implementation:** TRL or the contactor will retain a qualified biologist for preconstruction surveys. The biologist will conduct the surveys and the contractor will implement measures to protect special-status species. TRL and the County will be responsible for monitoring compliance with these measures.

**Timing:** Prior to and during construction

**Effectiveness Criteria:** Biologist's reports will be retained in the project file. Goal is no bird mortality or abandonment of fledglings during construction.

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
County MMRP Manager

**Impact NOI-1: Construction activities would generate noise capable of disturbing or annoying adjacent residential land uses.**

*Mitigation Measure HM-2: Implement measures to minimize construction noise.*

To limit the nuisance effect of project construction noise, TRL and its construction contractor shall implement the following measures:

- Avoid operating heavy equipment and performing noisy construction activities outside of the hours of 7:00 a.m. through 7:00 p.m.
- Turn off construction equipment when not in use (i.e., avoid long-term idling of heavy construction equipment).
- Position all construction staging and laydown areas as far from neighboring residences as practicable.
- For equipment that emits loud noise levels and that would be operated for extended periods at staging or laydown areas, install portable construction noise barriers, where reasonable and feasible, to mitigate the effects of noise exposure at neighboring residences.
- Fit all heavy construction equipment with available, manufacturer-specified noise-level reduction components where reasonable and feasible. Maintain all heavy construction equipment in good working order during all operations.
- No noise-emitting construction activities shall be allowed on Sunday. Emergency maintenance and repair of erosion control and pollution prevention devices will be allowed on Sunday, if necessary to protect the environment.

**Implementation:** The contractor will comply with the construction noise minimization measures, and TRL and the County will monitor and enforce contractor compliance.

**Timing:** During construction

**Effectiveness Criteria:** The goals are to minimize excessive construction noise that would generate complaints from the public to TRL or the County.

**Verified By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
County MMRP Manager

# Trinity River Lumber Biomass Energy Project

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## Comments and Response to Comments

This memorandum includes copies of comment letters received on the Public Draft Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration (IS/MND) that was circulated on September 8, 2014 for a 30-day public comment period. Comments received on the Draft IS/MND do not indicate new significant impacts or “significant new information” that would require recirculation of the IS/MND pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15073.5. Because no new significant environmental issues were raised during the 30-day comment period the County determined that a Final IS/MND should be prepared.

The following comment letters on the Public Draft IS/MND were received:

- Letter A: California Department of Fish and Wildlife (CDFW) (October 1, 2014)
- Letter B: Weaverville Community Services District (October 3, 2014)
- Letter C: Weaverville Fire District (September 25, 2014)
- Letter D: Mary Whitmore (October 6, 2014)

The letters are reproduced on the following pages. Responses to comments follow each comment letter. To assist in referencing comments and responses, each letter has been assigned a letter based on the commenter’s affiliation (i.e., State, local, or private). Each comment was assigned a specific number. Responses correspond to the codes used in the margin of each comment letter. If changes to the Public Draft IS/MND text were necessary in response to comments they are identified in the responses to comments.





October 1, 2014

Mr. Frank Lynch  
Trinity County Planning Department  
61 Airport Road  
Weaverville, CA 96093

**Subject: Mitigated Negative Declaration for Trinity River Lumber Biomass Energy Project, State Clearinghouse Number 2014092006, Trinity County**

Dear Mr. Lynch:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Mitigated Negative Declaration (MND) for the Trinity River Lumber Biomass Energy Project (Project). The Department offers the following comments and recommendations on the Project in our role as the State’s trustee for fish and wildlife resources under the California Environmental Quality Act, California Public Resources Code section 21000 et seq. Pursuant to Fish and Game Code section 1802, the Department has jurisdiction over the conservation, protection, and management of California’s fish, wildlife, native plants, and the habitats necessary for their sustenance.

**Project Description**

The Project as described in the MND is a request for a conditional use permit to construct and operate a cogeneration plant, additional dry kilns, and an additional planer mill at its existing sawmill complex. The Project is located on approximately four acres entirely within the developed 135-acre mill site in central Weaverville, Trinity County.

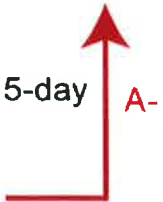
**Project Comments and Recommendations**

The Biological Resources section of the Environmental Impacts Analysis/Checklist discusses potential impacts to nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code. Mitigation Measure 3 proposes to survey for nesting birds no more than 15 days prior to ground disturbing or noise generating Project activities during the nesting season; however, nesting season dates are not identified. The Department recommends the completion of nesting surveys during the nesting season of February 1 - August 31. Additionally, the Department recommends the surveys be conducted no more than seven days prior to ground disturbing or noise generating activities. Department staff has

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Mr. Frank Lynch  
October 1, 2014  
Page 2

observed birds beginning nesting activities subsequent to the completion of a 15-day pre-construction survey. Conducting surveys closer to the time of construction ensures that nesting birds will not be inadvertently impacted.



The Department appreciates the opportunity to review this Project. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by e-mail at [Kristin.Hubbard@wildlife.ca.gov](mailto:Kristin.Hubbard@wildlife.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Curt Babcock".

**Curt Babcock**  
Habitat Conservation Program Manager

cc: Mr. Frank Lynch  
Trinity County Planning Department  
[flynch@trinitycounty.org](mailto:flynch@trinitycounty.org)

State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Mss. Kristin Hubbard and Amy Henderson  
Mr. Michael R. Harris  
California Department of Fish and Wildlife  
[Kristin.Hubbard@wildlife.ca.gov](mailto:Kristin.Hubbard@wildlife.ca.gov); [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov);  
[Michael.R.Harris@wildlife.ca.gov](mailto:Michael.R.Harris@wildlife.ca.gov)

## Response to Letter A Comments

A-1: This comment from CDFW recommends that preconstruction surveys for nesting birds proposed in Mitigation Measure 3 be conducted between February 1 and August 31, and no more than seven days prior to the start of construction. In response, Mitigation Measure 3 was revised as follows:

Mitigation Measure 3: Conduct preconstruction surveys for nesting raptors and other birds.

- Prior to the initiation of ground disturbing or noise generating project activities (no more than  $\pm 7$  days prior to proposed activity) to occur during nesting season (February 1–August 31), a qualified biologist shall conduct preconstruction surveys in areas of potentially suitable habitat for nests and nesting bird behavior (250-foot buffer from all proposed construction activities).
- The location of active nests within 250 feet of the TRL mill site shall be flagged, mapped, and communicated to TRL and CDFW. A qualified biologist, in coordination with the County and CDFW, shall determine the extent of a construction-free buffer zone to be established around an active nest.
- For each identified active nest, species, nest location, behavior, site conditions, estimated date of nest establishment, and estimated fledge date will be recorded.
- All workers involved with construction of the project shall be trained on these mitigation measures. New construction employees shall receive training prior to working onsite.
- Project activity footprints and access routes will be confined to pre-determined areas.

**From:** Wes Scribner [mailto:wes@weavervillecsd.com]  
**Sent:** Friday, October 03, 2014 10:11 AM  
**To:** Frank Lynch  
**Subject:** TRLC Biomass Project O-14-04

Frank,

Only comments from WCSD would be that TRLC will be financially responsible for any Main line extensions on and off the property required to meet the project demands. Capacity charges will also need to be paid prior to connection.

There may be accusations from the community that WCSD does not have adequate supply to meet this demand. This volume of water is well within the District's capacity and still provides capacity for expansion beyond...even during times of drought.

Thanks

Wes Scribner, P.E.  
WeavervilleCSD – General Manager  
PO Box 1510  
Weaverville, CA 96093  
(530) 623-5051 ph  
(530) 623-2108 fx

## **Response to Letter B Comments**

- B-1: This comment defines TRL's financial responsibilities for utilities improvements and service fees associated with the project. The County will inform the Trinity River Lumber Company of this requirement.
- B-2: This comment states that the Weaverville Community Services District would be able to provide the anticipated increased demand for water that could result because of the project. Trinity River Lumber Company and the County have noted this comment.



# WEAVERVILLE FIRE DISTRICT

Fire Chief/Fire Marshal's Office  
P.O. Box 447  
Weaverville, CA 96093  
(530) 623-6156  
e-mail: chief@wfdca.org



September 25, 2014

To: Frank Lynch

From: Scott Alvord

Subject: Biomass Project, Trinity River Lumber

In reviewing the document submitted for the Trinity River Lumber Mill Biomass project, I have a couple of comments.

1. Chapter 2 page 2-9 section 2.3.1 regarding on site sprinkler systems. This should clarify that these are the wood deck sprinkler not the fire protection sprinklers. C-1
2. Chapter 2 page 2-12 section 6 regarding the stock piling of fuel product fall within the parameters of California Fire Code Chapter 28 section 2807. C-2
3. As the project moves forward and the system is constructed additional fire protection measures will need to be addressed through the building plan submittal process. C-3

If you have any question please call me.

Scott Alvord

  
Fire Chief

## Response to Letter C Comments

C-1: The comment requests clarification that the existing log deck sprinkler system is not intended for fire suppression purposes. In response, Chapter 2, Section 2.3.1, first paragraph (page 2-9) has been revised to include a sentence that clarifies that the existing log deck sprinkler system is not a part of the plant's fire suppression sprinkler system, as follows:

The cogeneration facility will require water supply, electrical power, sanitary wastewater connection, and industrial wastewater connection to the existing log deck sprinkler system. The existing log deck sprinkler system is not a part of the plant's fire suppression sprinkler system. Incoming water supply will be from the existing Weaverville Community Services District supply. Additionally, the water supply will require treatment to remove minerals that could be harmful to the boiler operation. A reverse osmosis (RO) water treatment system is proposed to provide water treatment.

C-2: The comment notes the California Fire Code section specific to the stockpiling of dry wood waste fuel as described in Chapter 2, Section 2.6 (page 2-12). In response, a sentence has been added stating that dry wood waste fuel will be handled in accordance with California Fire Code, Chapter 28, Section 2807, as follows:

The cogeneration facility is expected to consume, on average, 8,000 bone-dry tons per year of outside wood waste beyond that supplied by the sawmill/planer operation, with the capacity to accept up to 30,000 bone-dry tons per year of outside wood. All outside fuel deliveries would be delivered by self-unloading trailers and would be ground/chipped prior to delivery. The fuel would be stacked by loader in the wood storage yard to a maximum of 25 feet deep. The fuel would be reclaimed into a live-bottom bin with the same loader and would be elevated into the fuel silos with a bucket elevator for combustion. There would be a fuel rotation program to prevent spontaneous combustion fires. Dry wood waste fuel will be handled in accordance with California Fire Code, Chapter 28, Section 2807. All outside fuel would arrive during daylight hours only on Monday through Friday.

C-3: The comment signals that the project will be subject to additional fire protection measures, not currently specified in the Final IS/MND, but that will be developed throughout the building plan approval process. This comment has been noted by the County.

**From:** Frank Lynch <flynch@trinitycounty.org>  
**Sent:** Monday, October 06, 2014 1:11 PM  
**To:** Wirt Lanning  
**Subject:** FW: Proposed Trinity River Lumber Biomass Energy Project

Another comment from a private source. The argument that the loss of trees impacting noise is interesting.

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

**From:** mary2098@velotech.net [mailto:mary2098@velotech.net]  
**Sent:** Monday, October 06, 2014 12:23 PM  
**To:** Frank Lynch  
**Subject:** Proposed Trinity River Lumber Biomass Energy Project

Dear Mr Lynch,

I am writing in regards to the proposed Trinity River Lumber Biomass Energy Project.

I would first like to say that I am not opposed to the concept of biomass energy generation, nor the Project in general. I have reviewed the Mitigated Negative Declaration and would like to comment specifically on the Noise portion of the document. From what I can learn from the document, it appears that the baseline noise studies were done in 2013, perhaps only one day of data collection?

Since 2013 there has been a dramatic change in ambient noise from the mill, most significantly since the beginning of construction of the Lance Gulch Road project. A large number of trees were removed for the construction of the road. These trees helped to form a natural buffer to surrounding residences from existing mill noise. That noise as well as existing road (non-construction) noise has increased at my residence which is off Browns Ranch Road.

Therefore I am requesting that the Noise portion of the study be redone to evaluate current Baseline noise and more accurately project the cumulative effect of noise to nearby residences and the community.

It is also unclear as to whether there was an evaluation of noise at my property which is adjacent to the mill and not included on your attached photos/maps .

Please feel free to contact me, either by phone or email for any questions.

Thank you,  
Mary Whitmore  
530 945 7389  
Mary2098@velotech.net  
PO Box 2098 Weaverville  
21 Shasta Springs Rd.



## Response to Letter D Comments

D-1 This comment questions the use of noise studies conducted in 2013 for the Lance Gulch Road Project—a project area located adjacent to the east boundary of the TRL property—as the baseline ambient noise study for the proposed Trinity River Lumber Biomass Energy Project. The commenter points to the removal of noise-buffering vegetation (i.e., large trees) that occurred as a result of the Lance Gulch Road project as the reason for increased ambient noise levels at residences adjacent to TRL’s mill. The commenter requests that a new noise study be conducted to evaluate current baseline ambient noise and the potential cumulative effects that the proposed project may have on ambient noise levels at nearby residences and throughout the community.

According to Jan Smith, Trinity County Department of Transportation, Environmental Compliance Specialist and the County’s Project Manager for the Lance Gulch Road environmental document, the swath of vegetated land that was cleared for the road project is primarily located along the east boundary of the Trinity River Lumber property, near the existing log decks. The vegetation in this area was not that dense and consisted primarily of scattered shrubs and pine trees with few low-hanging branches. Caltrans gives the following guidance regarding vegetative screening:

It is uncommon for trees and vegetation to result in a noticeable reduction in noise. A vegetative strip must be very dense and wide for there to be any meaningful shielding effect. Claims of increases in noise from removal of vegetation along highways are mostly spurred by the sudden visibility of the traffic source. There is evidence of a psychological effect (“out of sight, out of mind”) of vegetation on noise. For a vegetative strip to have a noticeable effect on noise levels, it must be dense and wide. A stand of trees with a height that extends at least 16 feet above the line of sight between source and receiver must be at least 100 feet wide and dense enough to completely obstruct a visual path to the source to attenuate traffic noise<sup>1</sup>.

Based upon the description of the cleared vegetation, it is unlikely that a substantial change in noise levels would be caused by removal of this sparse vegetation. Finally, it should be noted that even if a change in existing noise levels did occur due to the vegetation removal, the relative increase in noise levels due to the proposed Trinity River Lumber Biomass Energy project would not change. Increased noise levels due to the proposed project are predicted to be 0.3 to 0.4 dB towards the east/northeast of the existing mill site and this would remain a less than significant impact.

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<sup>1</sup> California Department of Transportation. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September 2013.