



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Dogtown Road over Indian Creek	Board Meeting Date August 14, 2018	Agenda Number 11
Dept: Public Works Contact: Matthew Boyer Phone: 209/754-6401	Supervisory District Number District 2	Consent Agenda
Published Notice Required? Yes Public Hearing Required? No		Estimated Time: 0
Type of Document? Resolution PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution to approve the Initial Study/Mitigated Negative Declaration for Dogtown Road over Indian Creek Bridge Replacement Project, Federal-aid Project No. BRLO-5930(074).

DISCUSSION/SUMMARY:

The Department of Public Works (DPW) proposes to replace the existing functionally obsolete bridge on Dogtown Road at the Indian Creek crossing (County Bridge No. 30C0051).

The proposed replacement structure is precast concrete, single span, approximately 40 feet long, and approximately 27 feet wide with railing.

As this project is Federally-funded, it is subject to the National Environmental Policy Act (NEPA) in addition to State laws. The U.S. Fish and Wildlife Service (“Service”) has issued an informal consultation regarding the California red-legged frog, a federally recognized threatened species. The presence of this species has not been confirmed in Indian Creek or surrounding habitat; however, the natural environment of the project site possesses the characteristics of habitat used by California red-legged frog. As such, the Initial Study (IS) with Mitigated Negative Declaration (MND) includes mitigation measures with which the Service concurred through their response in the informal consultation.

Calaveras County is the lead agency, project proponent, and is responsible for California Environmental Quality Act (CEQA) compliance. Upon completion of the IS, the DPW determined that a MND was necessary for CEQA compliance. Implementation of required measures established by the IS/MND reduces environmental impacts to less than significant levels. The Mitigation Monitoring and Reporting Program, Appendix C of the IS/MND, must be adopted as a condition of project approval to ensure mitigation measures are implemented.

The following are several examples of the mitigation measures of the IS/MND: a qualified biologist shall conduct site surveys for special status and protected species, such as California red-legged frog, foothill yellow-legged frog, western pond turtle, pallid bat and nesting migratory birds and raptors; permanent impacts to riparian habitat will be mitigated by implementing an approved replanting plan or purchase of habitat credits; impacts to waters of the United States will be minimized by implementation of Best Management Practices, and compliance with conditions established by the US Army Corps of Engineers and State Water Board; Environmentally Sensitive Area Action Plan shall be implemented to ensure no damage to

sensitive cultural resource; work shall be halted in the event of suspected discoveries of cultural resources, and the appropriate expert (coroner, archaeologist, or paleontologist) called to the project site; the site will be tested for the presence of hazardous materials, such as existing lead paint on the bridge; and the contractor shall notify the public in advance of the start of the roadway work.

The Notice of Intent (NOI) to Adopt an IS/MND was published on April 18, April 25, and May 2, 2018. The NOI described the Project and its location, specified the starting and ending days of the review period, the time and place of a scheduled public meeting, and the location where copies of the IS/MND were available for review. An electronic copy of the IS/MND was available on the DPW webpage and paper copies were available in the DPW office.

The Final IS/MND includes any comments that were received from State agencies or the public. Comment letters were received from one local resident, Central Valley Regional Water Quality Control Board, and State Clearinghouse. The Final IS/MND includes responses to comments. The comments received and responses to comments are available in Appendix B of the Final IS/MND.

The Board's action to adopt the IS/MND completes the CEQA process. Required findings per CEQA are included in the Resolution.

FINANCING:

There is no impact to the County General Fund.

Fees associated with the adoption of the IS/MND are for filing the Notice of Determination with the County Clerk-Recorder (\$50) and the California Department of Fish and Wildlife (\$2,280.75), which will be reimbursed by Federal grant funds and are included in the FY 2018-19 DPW budget.

ALTERNATIVES:

The Board may choose to do any of the following:

1. Support the Department's recommendation;
2. Continue the item to another date for further consideration. This option is not recommended unless the Board specifically requests additional information which cannot be obtained during this meeting; or
3. Deny the request. This is not recommended as project completion would be put at risk and any federal funds that have been authorized.

OTHER AGENCY INVOLVEMENT:

None

APPROVED BY:

Robert J. Pachinger *Diane Beverud*
Robert Pachinger 7/26/2018 Diane Beverud, Deputy Clerk of the Board of Supervisors 7/26/2018

Sarah DeKay *Christa Vo Latta*
Sarah DeKay 8/2/2018 Christa Vo Latta, Deputy CAO 8/6/2018

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
August 14, 2018

Resolution
No. (ID # 3915)

**RESOLUTION ADOPTING THE INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION FOR THE
DOGTOWN ROAD OVER INDIAN CREEK BRIDGE
REPLACEMENT PROJECT.**

WHEREAS, the County proposes to replace existing bridge No. 30C0051 on Dogtown Road at Indian Creek (Project) with a bridge that meets current design standards and provides an improved local transportation facility; and

WHEREAS, the Project is subject to the California Environmental Quality Act (CEQA), Public Resources Code §21000, et seq.; and

WHEREAS, in accordance with CEQA, through the Initial Study (IS), it was determined that a Mitigated Negative Declaration (MND) is required for the Project; and

WHEREAS, the Initial Study with Mitigated Negative Declaration (IS/MND) evaluated and revised the Project, where necessary, to reduce environmental impacts to less than significant; and

WHEREAS, to ensure that mitigation measures are implemented, a Mitigation Monitoring and Reporting Program is part of the IS/MND (Appendix C of the Final IS/MND); and

WHEREAS, the Notice of Intent to Adopt Mitigated Negative Declaration for the Project was published in the Valley Springs News, a newspaper of general circulation, on April 18, April 25, and May 2, in the year 2018; and

WHEREAS, the Draft IS/MND was circulated for review and comment by State agencies and the public for a 30-day period starting April 18, 2018, and ending May 17, 2018; and

WHEREAS, upon conclusion of the review and comment period for the Draft IS/MND, comments letters were received from one local resident, Central Valley Regional Water Quality Control, and State Clearinghouse; and

WHEREAS, the Department of Public Works finds that all comments have been addressed in the IS/MND (Appendix B of the Final IS/MND); and

WHEREAS, by the letter dated May 18, 2018, the State Clearinghouse acknowledged that the County complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA.

NOW THEREFORE BE IT RESOLVED that based on the evidence in the whole record, the Board of Supervisors of the County of Calaveras hereby finds that:

1. The above recitals are true and correct; and
2. The Board has received and considered the Final IS/MND together with all comments received during the review and comment period; and
3. The Mitigation Monitoring and Reporting Program is part of the Final IS/MND (Appendix C); and
4. The Final IS/MND, including all appendices, is incorporated by reference into this Resolution; and

5. On the basis of the whole record, including the initial study and all comments received, there is no substantial evidence that the Project as designed, conditioned, and mitigated will have a significant effect on the environment. The Final IS/MND has been prepared and completed in accordance with CEQA.

Evidence:

Pursuant to CEQA guidelines, consultant GEI Consultants prepared the Final IS/MND, evaluating and revising the Project to reduce any potentially significant environmental effects. The Final IS/MND concluded that with mitigations incorporated no potentially significant environmental impact would result from project implementation; and

6. The Final IS/MND reflects the independent judgment and analysis of the County; and
7. The Project is consistent with the County General Plan.

Evidence:

The proposed Project, by replacing a functionally obsolete bridge and removing the in-creek pier wall, is consistent with the following goal of the County General Plan: Goal III-6: maintain and improve existing levels of service of County roads; and

8. Adoption of the Mitigation Monitoring and Reporting Program fulfills a requirement of CEQA.

Evidence:

The Mitigation Monitoring and Reporting Program sets forth the mitigation measures in place for the Project and the reporting requirements to ensure CEQA compliance and as required by Section §21081.6 of the Public Resources Code. The mitigation measures will reduce potential environmental impacts of the Project to less than significant.

9. Calaveras County is the custodian of the documents and other material constituting the record of proceedings on which this decision is based, and such documents and other material are located at the Calaveras County Public Works Department, 891 Mountain Ranch Road, San Andreas, CA 95249.

BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby adopt the Mitigated Negative Declaration for the Dogtown Road over Indian Creek Bridge Replacement Project in its entirety, and directs the Director of Public Works to file a Notice of Determination with the County Clerk and State Clearinghouse within five days from the date of this action.

BE IT FINALLY RESOLVED, that the Board of Supervisors does hereby authorize the Department of Public Works to proceed with the Project as revised by the Mitigated Negative Declaration to reduce environmental impacts to less than significant.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk
