

**RESPONSES TO COMMENTS FOR THE  
Initial Study/Mitigated Negative Declaration for the  
Greenstone Road at Slate Creek Bridge (No. 25C0087)  
Replacement Project (CIP #77137)**

**CEQA REQUIREMENTS**

The CEQA Guidelines §15073.5(a) requires that a lead agency re-circulate a negative declaration “when the document must be substantially revised.” A “substantial revision” includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. Recirculation is not required when new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Although not required under CEQA, the County is also providing responses to certain comments made on the IS/MND during the public review period. No new information, no new impacts and no new mitigation was necessary as a result of these comments. Copies of the comment letters and responses are presented below.

**Responses to Comments**

The following letters were received during the public review period:

- Letter 1: Wayne Haile, April 4, 2016
- Letter 2: U.S. Fish and Wildlife Service, April 7, 2016
- Letter 3: Central Valley Regional Water Quality Control Board, April 26, 2016
- Letter 4: Shingle Springs Band of Miwok Indians, April 27, 2016
- Letter 5: Robert A. Smart, Jr., April 28, 2016
- Letter 6: El Dorado County Historical Society, April 29, 2016
- Letter 7: Cheryl Langley, May 4, 2016

**Letter 1: Wayne Haile**

No response necessary.

**Letter 2: U.S. Fish and Wildlife Service**

The California Department of Transportation (Caltrans), acting as the lead federal agency (action agency) on behalf of the Federal Highway Administration, determined that the proposed project would not affect federal listed species or their designated critical habitats. These findings were documented in the Natural Environment Study (NES) prepared for the proposed project. The results of this study superseded the Biological Assessment that had originally been submitted to the Service. On April 12, 2016, North State Resources, Inc., on behalf of the County, emailed copies of the Natural Environment Study report and biologist resumes to Chris Nagano in response to the comment letter. This report served as the basis for the impact analysis in the IS/MND. A summary of the conclusions made in the NES is below.

**Valley Elderberry Longhorn Beetle.** As the action agency, Caltrans determined that the proposed project will not affect the federal threatened valley elderberry longhorn beetle. As noted in the NES, neither the valley elderberry longhorn beetle nor its host plant, the elderberry

shrub, were observed during surveys conducted for the project. Because field surveys were negative, the species is not discussed further in the NES.

Page 2 of the July 9, 1999 *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Guidelines) states that surveys for the presence of the valley elderberry longhorn beetle and its host plant should be conducted by a “qualified biologist;” however, the Guidelines do not include any information regarding the qualifications needed to be considered qualified by the Service. In the absence of any specific guidance regarding qualifications, Caltrans, as the federal lead agency, determined that the biology staff assigned to the proposed project possessed sufficient suitable experience with the species to conduct the necessary surveys.

**California Red-legged Frog.** Upon further review of the best available scientific and commercial data for the California red-legged frog, Caltrans determined that construction of the proposed project would not affect the species. This conclusion was documented in the NES.

The Biological Study Area (BSA) for the proposed project is not located within designated or proposed critical habitat for California red-legged frog or in a Core Area identified in the species’ recovery plan (U.S. Fish and Wildlife Service 2002). The nearest known extant breeding population in El Dorado County according to the CNDDDB is located approximately 16 miles east of the BSA at Spivey Pond, in a different watershed. North State Resources (NSR) in 2008 performed protocol-level surveys approximately 13 miles east of the BSA near the community of Pleasant Valley in El Dorado County. The surveys were performed in accordance with the *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (U.S. Fish and Wildlife Service 2005) and included six breeding and two non-breeding season surveys. California red-legged frogs were not observed during those protocol-level surveys (North State Resources, Inc. 2008).

Slate Creek in the BSA lacks pools more than 1 foot deep during the summer months and lacks the necessary dense emergent and submergent vegetation for larval development; therefore, the BSA does not provide potential breeding habitat for the species. The BSA also lacks significant riparian vegetation, small mammal burrows, willow root wads, and other cover sites that could serve as upland refugia for the frog during the summer months. Therefore, given the distance to the nearest breeding population and the habitat conditions present, California red-legged frogs are not expected to occur in the BSA.

*U. S. Fish and Wildlife Service. 1999. Conservation Guidelines for the Valley Elderberry Longhorn Beetle. Sacramento, CA.*

*U. S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (Rana aurora draytonii). U. S. Fish and Wildlife Service, Portland, OR.*

*U.S. Fish and Wildlife Service. 2005. Revised guidance on site assessments and field surveys for the California red-legged frog.*

*North State Resources, Inc. 2008. California Red-Legged Frog Site Assessment and California Red-legged Frog Survey for the Sly Park Road/Clear Creek Bridge Improvements Project. Prepared for the County of El Dorado Department of Transportation.*

**Letter 3: Central Valley Regional Water Quality Control Board**

No response necessary.

**Letter 4: Shingle Springs Band of Miwok Indians**

The County arranged a site visit with representatives of the Shingle Springs Band (Kara Perry) and Wilton Rancheria (Antonio Ruiz) on May 20, 2016 to discuss the project and proximity of proposed activities to a Nisenan Village site. As a result of this meeting, the two tribes asked if a Native American monitor could be present during geotechnical testing and excavation activities associated with the project. Based on the nature of the project, neither tribe expressed further concerns about potential impacts on tribal cultural resources.

**Letter 5: Robert A. Smart, Jr.**

The County does not currently intend to establish bike lanes along Greenstone Road, as noted in the El Dorado County Bicycle Transportation Plan, 2010 Update; therefore, bike lanes are not intended to be part of the proposed project. The proposed bridge and roadway approaches would be wide enough to accommodate bike lanes in the future, if the County proposes to establish them.

**Letter 6: El Dorado County Historical Society**

No response necessary.

**Letter 7: Cheryl Langley**

Responses to comments are numbered below and on the letter.

7-1 The County retained a consultant, North State Resources, Inc., to conduct a biological study for the proposed project. The results of this study concluded that the proposed project would not affect the California red-legged frog or valley elderberry longhorn beetle. NSR biologists conducted a habitat assessment in the project area to assess the potential for special-status animals to occur. Per Mitigation Measure 4 in the IS/MND, a qualified biologist will conduct a pre-construction survey for nesting birds; during this survey, if other special-status animals are encountered, the County will be informed and appropriate measures identified in Mitigation Measure 3 will be implemented. Targeted surveys for animals prior to construction are often inconclusive due to the mobile nature of the species and are not recommended. The County will retain a qualified biologist to assist with compliance with the mitigation monitoring and reporting plan.

7-2 The July 10, 2012 Peremptory Writ of Mandate by the Superior Court of California states as follows:

*2) to retain in place, for an interim period until the County develops an offsite mitigation strategy in compliance with the Settlement Agreement in El Dorado County Taxpayers for Quality Growth v. County (Case number 96CS01290) and CEQA, a limited public safety exemption from the requirements of General Plan Policy 7.4.4.4 for road projects as set forth below:*

*Public Road Safety Projects Exempt from Policy 7.4.4.4. Oak canopy removal necessary to complete the County capital improvement projects are exempt from the canopy retention and replacement standards, when the new alignment is dependent on the existing alignment. This exemption applies to road realignment or widening which are necessary for public safety reasons within the existing or any acquired right of way. The county will minimize impacts to oak woodlands and utilize the minimum area of the acquired right of way necessary to achieve the public safety purpose. This exemption shall also apply to removal of oak*

*canopy necessary to comply with safety regulations of the Public Utilities Commission and necessary to maintain the safe operation of utility facilities.*

The Federal Highway Bridge Program is a safety program, and therefore qualifies for this exemption, which remains in place until the County's offsite mitigation strategy is in place. Unlike development projects, road safety projects utilize every square foot of a project area to minimize impacts on right of way and the environment, often making it impossible to mitigate onsite. For the proposed project, the County will retain as many trees in the project area as is practicable.

- 7-3 Section III, Air Quality/Greenhouse Gas of the Initial Study discloses that the project area is more likely to contain Naturally Occurring Asbestos (NOA), and the Discussion of Impacts for items a, b) on page 13 acknowledges the potential for asbestos in soils in the project area, citing the AQMD Rule 223-2 Fugitive Dust–Asbestos Hazard Mitigation to ensure that NOA is not released into the air in quantities that could affect public health or safety. These measures were established to be enforced as standards that the County will strictly implement for all construction projects, so they would not be in any way overlooked during the construction process in El Dorado County. El Dorado County takes the issue of NOA very seriously. For more information in lay terms, consult the El Dorado County AQMD website at <http://edcgov.us/Government/AirQualityManagement/Asbestos.aspx>.
- 7-4 The County will evaluate the bridge width and structure type during final design, but must design the bridge to meet current standards. The applicable standard can be found on Table 6-5 of the AASHTO "A Policy on Geometric Design of Highways and Streets" dated 2011, which is based on the traffic volume of roads. The average daily trip count (ADT) for Greenstone Road is currently about 1,300 near the project area. However, according to the County's updated traffic model, the anticipated ADT is 1,900, which is too high to qualify for a design exception from Caltrans to reduce the shoulders from 4 feet to 3 feet.

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Priority

**Google Calendar**

**Today** (Mon, Apr 4)

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1:30p Staff Meeting

**Tomorrow** (Tue, Apr 5)

6:30 blood test

2p Fairlane PM's & RO

3:30p Prep Meeting on

Wed, Apr 6

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**Greenstone Bridge Replacement Projectr (Count CIP #**



**Wayne and Florene Haile** <wayneflorene@hotmail.com>

to me

I am glad to hear about this bridge project, and hope that the project pr  
bridge is a dangerous bottleneck.

Wayne Haile, Shingle Springs/Greenstone Estates

17.17 GB (57%) of 30 GB used  
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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
08ESMF00-2016-TA-1210

April 7, 2016

Ms. Janet Postlewait  
Transportation Division  
El Dorado County Development Agency  
2850 Fairlane Court  
Placerville, California 95667

Subject: Greenstone Road at Slate Creek Bridge (No. 25C0087) Replacement Project

Dear Ms. Postlewait:

This is in response to your March 31, 2016, Notice of Intent to adopt a Mitigated Negative Declaration for the Greenstone Road at Slate Creek Bridge (No. 25C0087) Replacement Project (County CIP #77137) in El Dorado County, California. Your request was received by the U.S. Fish and Wildlife Service (Service) on April 4, 2016. The Service is concerned about the potential adverse effects on the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the threatened California red-legged frog (*Rana draytonii*). It appears this project is identical to the Greenstone Road at Slate Creek Bridge Project (Caltrans # BRLO-5925(103)), which the California Department of Transportation submitted to us for review on October 21, 2015. We advised them in our October 23, 2015, response letter that the minimal level of information they had provided on these two listed species precluded an adequate analysis of the effects of the proposed project. This letter is issued under the authority of the Endangered Species Act of 1973, as amended (Act)(16 USC 1531 *et seq.*).

This letter is based on: (1) letter from the California Department of Transportation to the Service, Subject: Request for informal consultation for impacts to the California red-legged frog for the Greenstone Road at Slate Creek Bridge Replacement Project dated October 20, 2015; (2) *Greenstone Road at Slate Creek Bridge (No. 25C0087) Biological Assessment California Red-legged Frog (Rana draytonii) El Dorado County California Shingle Springs, California 7.5-Minute Quadrangle Section 33, Township 10 North, Range 10 East Federal Aid Number: BRLO 5925(103)*(Biological Assessment) dated September 2015 that was prepared by North State Resources; (3) letter from the Service to the California Department of Transportation (Service file 08ESMF00-2016-I-0114), Subject: Greenstone Road Bridge Replacement Project in El Dorado County, California (Caltrans BRLO-5925(103)), dated October 23, 2016; (4) Notice of Intent to Adopt a Mitigated Negative Declaration (for the Greenstone Road at Slate Creek Bridge Replacement Project) that was prepared by the County of El Dorado dated March 31, 2016; (5) *Initial Study/Mitigated Negative Declaration for the Greenstone Road at Slate Creek Bridge (No. 25C0087) Replacement Project* (Initial Study) dated March 2016 that was prepared by North State Resources and the El Dorado County Community Development Agency; and (6) other information available to the Service.

The Act prohibits the take of the California red-legged frog and the valley elderberry longhorn beetle by any person subject to the jurisdiction of the United States, unless it is a California red-legged frog taken during

the course of routine ranching activities as defined in the section 4(d) rule for this species (Service 2006). As defined in the Act, take is defined as "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct..." Harm has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, not only are the California red-legged frog and the valley elderberry longhorn beetle protected from an activity such as collecting, but also from actions that damage or destroy their habitats.

Section 7 of the Act requires that when a Federal agency, such as the California Department of Transportation when it is acting on behalf of the Federal Highway Administration, is involved with the permitting, funding, or carrying out of a project and a listed species may be affected, they are required to make one of two determinations: (1) *may affect, not likely to adversely affect* if the effects of the action (project) will be insignificant, discountable, or entirely beneficial to the listed species; or (2) *may affect, likely to adversely affect* if the proposed project will have an adverse effect on a listed species, including direct, indirect, and/or cumulative effects. If the Federal agency makes a *may affect, not likely to adversely* determination, they are required under the Act to obtain written concurrence from the Service (50 CFR § 402.13(a)). If the proposed action is determined to be *may affect, likely to adversely affect*, then initiation of formal consultation must be initiated between the Federal agency (e.g., California Department of Transportation) and the Service (50 CFR § 402.14). The formal consultation will result in a biological opinion issued by the Service that analyses the anticipated effects of the project on the listed species and it may authorize a limited level of incidental take.

It was reported in the Biological Assessment that no elderberry shrubs, the sole host-plant of the valley elderberry longhorn beetle, were found in the biological study area on June 9, 2015. However, no specific or supporting information was provided by the California Department of Transportation regarding the qualifications of surveying biologist(s), or the nature and extent of the survey.

Barry and Fellers (2013) noted that natural ponds, such as those used by the threatened California red-legged frog in the Bay Area, are nearly absent in the Sierra Nevada foothills, but quiet pools and backwaters where the animal could breed are not uncommon along low gradient streams that characterize this region. Barry and Fellers (2013) suggested that California red-legged frogs use stream habitat in the same manner as do the Coast Range populations, and they hypothesized given the absence of natural ponds, it seems most likely that permanent or near-permanent stream courses and possibly associated springs comprise the principal natural breeding and non-breeding habitat through much of its distribution in the Sierra Nevada and associated western foothills. In the Bay Area of northern California, California red-legged frogs often utilize stock ponds and seasonal ponds for breeding and other behaviors (Bobzien and DiDonato 2007; Fellers and Kleeman 2007), a situation that also may be occurring in the Sierra Nevada. The compatibility of the California red-legged frog with on-going routine ranching activities, including its use of stock ponds and rangelands, led to the issuance of section 4(d) rule by the Service that exempts these activities from the prohibitions of the Act.

Some individuals of the California red-legged frog remain at their breeding site all year while others disperse. Dispersal distances typically are less than 0.5 mile, however, some individuals have been documented to move up to 2 miles (Fellers 2005; Fellers and Kleeman 2007; Bulger *et al.* 2003). Movements typically are along riparian corridors, but some individuals, especially on rainy nights, move directly from one site to another through normally inhospitable habitats. In one study, dispersing California red-legged frogs in northern Santa Cruz County were found to travel distances from 0.25 mile to more than 2 miles without apparent regard to topography, vegetation type, or riparian corridors (Bulger *et al.* 2003). Uplands also provide habitat for this listed species for foraging, aestivation, movement, and other essential behaviours (Bishop *et al.* 2014; Fellers 2005; Service 2002; Hayes *et al.* 2006). Individuals often remain concealed under vegetation, surface debris, or surface litter when they are terrestrial and away from wetlands, but not actively moving (Dodd 2013). Logs, downed large branches, exposed tree roots, rodent burrows, and low-lying vegetation, are among the habitat elements that provide foraging, aestivation and cover for the California red-legged frog.

The October 20, 2015, letter from the California Department of Transportation to the Service contained the determination that the proposed Greenstone Road at Slate Creek Bridge Project *may affect, not likely to adversely affect* the California red-legged frog and provided no determination for the effects on the valley elderberry longhorn beetle. According to the Biological Assessment that was prepared by North State Resources, a field reconnaissance to assess potential California red-legged frog habitat in Slate Creek was conducted on June 9, 2015. No individuals reportedly were observed during the single visit. Based on this information, it appears a protocol level survey for this threatened animal was not completed in the action area. The Biological Assessment stated that Slate Creek does not possess breeding habitat, and the action area lacks significant riparian vegetation, small mammal burrows, willow root wads, and other cover sites that could serve as upland refugia during dispersal or as cover during the dry months. However, the Biological Assessment did not dismiss the presence of the California red-legged frog at the project site and vicinity stating that "...Slate Creek may be considered potential dispersal habitat" (page 15) and "...the potential for California red-legged frog to occur in the action area or nearby vicinity is considered to be low" (page 15). Pages 18-19 of the Biological Assessment described a number of direct and indirect effects that will result from the project on the threatened amphibian, and associated avoidance and minimization measures that were proposed to be implemented by the California Department of Transportation. The Initial Study prepared by North State Resources and the County of El Dorado lacks any mention or discussion of the threatened California red-legged frog. Despite the fact the project proposed by the California Department of Transportation and the project proposed by the County of El Dorado appear to identical with each other, no documentation was included with the Initial Study that provided a biological basis or rationale for the omission of the California red-legged frog.

The Initial Study stated that this project has Federal funding via the California Department of Transportation, and therefore, written concurrence by the Service with a *may affect, not likely to adversely affect* determination is required pursuant to 50 CFR § 402.13(a), or a biological opinion pursuant to 50 CFR 402.14 should be requested from the Service. We recommend the County of El Dorado resolve the issues regarding the threatened California red-legged frog and the threatened valley elderberry longhorn beetle with the Service prior to adoption of the Mitigated Negative Declaration.

If you have questions regarding our response to your Notice of Intent to Adopt a Mitigated Negative Declaration for the Greenstone Road at Slate Creek Bridge Project, please contact the Endangered Species Division (Forest) at the letterhead address, telephone 916/414-6621, or via electronic mail (Chris\_Nagano@fws.gov).

Sincerely,



Christopher D. Nagano  
Chief, Endangered Species Division (Forest)

cc:

Jennifer Garcia, Sandra Jacks, California Department of Fish and Wildlife, Rancho Cordova, California  
Amy Bailey, Jim Henke, California Department of Transportation, Sacramento, California

Attachment:

Letter from the Service to the California Department of Transportation (Service file 08ESMF00-2016-I-0114), Subject: Greenstone Road Bridge Replacement Project in El Dorado County, California (Caltrans BRLO-5925(103))



## Literature Cited

- Barry, S.J., and G. M. Fellers. 2013. History and status of the California red-legged frog (*Rana draytonii*) in the Sierra Nevada, California USA. *Herpetological Conservation and Biology* 8(2): 456-502.
- Bishop, M.R., R.C. Drewes, and V.T. Vredenburg. 2014. Food web linkages demonstrate importance of terrestrial prey for the threatened California red-legged frog. *Journal of Herpetology* 48(1): 137-143.
- Bobzien, S. and J.E. DiDonato. 2007. The status of the California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*) and other aquatic herpetofauna in the East Bay Regional Park District, California. East Bay Regional Park District, Oakland, California.
- Bulger, J.B., N. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. *Biological Conservation* 110(2003): 85-95.
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- Fellers, G.M. and P.M. Kleeman. 2006. Diurnal versus nocturnal surveys for California red-legged frogs. *Journal of Wildlife Management* 70: 1805-1808.
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- Hayes, M.P., M.R. Jennings, and G.B. Rathburn. 2006. *Rana draytonii* (California red-legged frog). Prey. *Herpetological Review* 37: 449.
- U.S. Fish and Wildlife Service. 2006. Endangered and threatened wildlife and plants: designation of critical habitat for California red-legged frog, and Special Rule exception associated with final rule for existing routine ranching activities; final rule. **Federal Register** 75(51): 12816-12959.



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

In Reply Refer To:  
08ESMF00-2016-I-0114

October 23, 2015

Ms. Susan D. Bauer  
California Department of Transportation  
703 B Street  
Marysville, California 95901

Subject: Greenstone Road Bridge Replacement Project in El Dorado County, California (Caltrans BRLO-5925(103))

Dear Ms. Bauer:

This is in response to your October 20, 2015, letter regarding the replacement of the Greenstone Road Bridge Replacement Project in El Dorado County, California. Your letter was received by the U.S. Fish and Wildlife Service (Service) on October 21, 2015. At issue are the potential adverse effects on the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the threatened California red-legged frog (*Rana draytonii*). This letter is issued under the authority of the Endangered Species Act of 1973, as amended (Act)(16 USC 1531 *et seq.*).

Your October 20, 2015, letter to the Service and *Greenstone Road at Slate Creek Bridge (No. 25C0087) Biological Assessment California Red-legged Frog (Rana draytonii) El Dorado County California Shingle Springs, California 7.5-Minute Quadrangle Section 33, Township 10 North, Range 10 East Federal Aid Number: BRLO 5925(103)*(Biological Assessment) dated September 2015 determined the project may affect not likely to adversely affect the California red-legged frog and the valley elderberry longhorn beetle. The Service does not concur with Caltrans' determinations for these two listed species.

According to the Biological Assessment, a field reconnaissance to assess potential habitat in Slate Creek support the California red-legged frog was conducted on June 9, 2015. No individuals were observed during the reconnaissance. Based on this information, it appears a survey for this threatened animal was not completed in the action area following Service protocol (Service 2015). The Biological Assessment stated that Slate Creek does not possess breeding habitat, and the action area lacks significant riparian vegetation, small mammal burrows, willow root wads, and other cover sites that could serve as upland refugia during dispersal or as cover during the dry months. However, the Biological Assessment also reports that Slate Creek likely functions as dispersal habitat for California red-legged frogs migrating through the area. The Biological Assessment describes a number of direct and indirect effects that will result from the project on the California red-legged frog, and associated avoidance and minimization measures that will be implemented by Caltrans.

It was reported in the Biological Assessment that no elderberry shrubs, the sole hostplant of the valley elderberry longhorn beetle, were found on June 9, 2015, in the biological study area. However, no specific information was provided as to the qualifications of surveying biologists, or the extent of the survey.

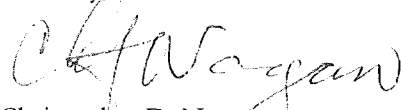
We request the following information about the proposed Greenstone Road Bridge Replacement Project:

1. The written results of a Service protocol survey for the California red-legged frog (Service 2005) that has been completed in the action area should be provided to us. If, based on the results of a protocol survey, you determine that this threatened species does not inhabit the action area and would not be adversely affected by proposed Greenstone Bridge Replacement Project, we recommend you obtain our written concurrence with the results; or if a California red-legged frog is located in the action area or would be adversely affected by the proposed project we recommend that you implement the appropriate avoidance measures, or obtain authorization for incidental take for this species from the Service. Alternatively, you may choose to assume the presence of the California red-legged frog in the action area and appropriate avoidance measures implemented or authorization for incidental take be obtained from the Service.
2. The written results of an assessment of the status of the valley elderberry longhorn beetle that has been completed in the action area following Service protocol (Service 1999) should be provided to us.
3. Pursuant to the "2015 Drought Response" memorandum from Caltrans dated October 15, 2015 (Caltrans 2015), and the National strategy to protect and enhance pollinators (President Obama 2014; The White House 2015), we recommend that restoration and any planting associated with the Greenstone Bridge Replacement Project utilise appropriate locally collected native plant species. Longcore *et al* (1997) described several incidents where the failure to use the correct vegetation species and ecotypes lead to type (=habitat) conversion, and the use of non-local native plants can result in local insects, possibly including native pollinators, from being able to utilise them or even being poisoned as a result of the differences in local plant biochemistry.

The Service may request additional information as we become more informed of the project during the consultation process. Pursuant to 50 CFR 402.14(c), the formal consultation process for the Greenstone Road Bridge Replacement Project will not begin until we receive all of the information requested, or a statement explaining why that information cannot be made available.

If you have questions regarding our response to your October 20, 2015, consultation request for the Greenstone Road Bridge Replacement Project, please contact me at the letterhead address, electronic mail (Chris\_Nagano@fws.gov) or at telephone 916/414-6621.

Sincerely,



Christopher D. Nagano  
Chief, Endangered Species Division (Forest)

cc:

Environmental Services, California Department of Fish and Wildlife, Rancho Cordova, California

Literature Cited

- California Department of Transportation. 2015. 2015 drought response. Memorandum from Karla Sutliff, Deputy Director Project Delivery, and Steve Takigawa, Deputy Director Maintenance and Operations. Sacramento, California.
- Longcore, T., R. Mattoni, G. Pratt, and C. Rich. 1997. On the perils of ecological restoration: lessons from the El Segundo blue butterfly. *In* J.E. Kelley (editor) 2<sup>nd</sup> interface between ecology and land development in California. Occidental College, Los Angeles, California.
- Obama, Barack. 2014. Presidential Memorandum -- Creating a Federal strategy to promote the health of honey bees and other pollinators. The White House, Washington, D.C. June 20, 2014.
- The White House. 2015. Pollinator Research Action Plan. Report of the Pollinator Health Task Force. Washington, D.C.
- U.S. Fish and Wildlife Service. 1999. Conservation guidelines for the valley elderberry longhorn beetle. Sacramento Field Office, Sacramento, California. July 9, 1999.
- \_\_\_\_\_. 2005. Revised guidance on site assessments and field surveys for the California red-legged frog. Sacramento Field Office, Sacramento, California. August 2005.



## Central Valley Regional Water Quality Control Board

26 April 2016

Janet Postlewait  
El Dorado County  
2850 Fairlane Court  
Placerville, CA 95667

CERTIFIED MAIL  
91 7199 9991 7035 8420 1114

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, GREENSTONE ROAD AT SLATE CREEK BRIDGE (NO. 25C0087) REPLACEMENT PROJECT, SCH# 2016042006, EL DORADO COUNTY**

Pursuant to the State Clearinghouse's 4 April 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Greenstone Road at Slate Creek Bridge (No. 25C0087) Replacement Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml).

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

#### **Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

#### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:



[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to*

*Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order).* A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



Janet Postlewait &lt;janet.postlewait@edcgov.us&gt;

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## Slate Creek Bridge

1 message

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**Kara Perry** <KPerry@ssband.org>

Wed, Apr 27, 2016 at 10:53 AM

To: Janet Postlewait &lt;janet.postlewait@edcgov.us&gt;

Good Morning Janet,

After reviewing the IS/MND for the Slate Creek Bridge replacement I have found that there is a Nisenan Village site in the vicinity of the project. This is the concern with many of the bridge replacements in the area. It may be beneficial to set up a meeting similar to the Oak Hill Road Bridge Replacement. Possibly onsite just to be able to see the project design and the area.

Thank you

Kara



### Kara Perry

**Administrative Assistant**

Cultural Resources Department

Phone: (530) 488-4049

Mobile: (530) 363-5123

Fax: (530) 676-6288

Email: [kperry@ssband.org](mailto:kperry@ssband.org)

Shingle Springs Band of Miwok Indians | P.O. Box 1340, Shingle Springs, CA 95682 |  
[www.shinglespringsrancheria.com](http://www.shinglespringsrancheria.com)

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SSBMI Disclaimer: This email (Slate Creek Bridge) is from Shingle Springs Band of Miwok Indians: Cultural Resources Department and is intended for [janet.postlewait@edcgov.us](mailto:janet.postlewait@edcgov.us). Any attachments thereto may contain private, confidential, and privileged material. Any review, copying, or distribution of this email (or any attachments thereto) by parties other than the Shingle Springs Band of Miwok Indians (and its affiliated departments or programs) or the intended recipient(s) is strictly prohibited. If you properly received this e-mail as an employee of the Shingle Springs Band of Miwok Indians, outside legal counsel or retained expert, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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Janet Postlewait <janet.postlewait@edcgov.us>

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## Slate Cr. Bridge replacement (No. 25C0087) on Greenstone Rd,

1 message

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**rsmart41@comcast.net** <rsmart41@comcast.net> Thu, Apr 28, 2016 at 10:09 AM  
To: "Postlewait, Janet" <janet.postlewait@edcgov.us>  
Cc: "Horton, Doug and JoAnn" <jdhorton@comcast.net>, "Patterson, Larry" <larry@pattersondev.com>, "Pesses, Randy" <randypesses@hughes.net>, Erik Peterson <epeterson8101@comcast.net>, "Stirling, Meredith" <jmsilver857@gmail.com>, "Johnson, Deanne" <deannej@att.net>, "D-3, Brian" <bosthree@edcgov.us>

Janet, I am assuming the Slate Cr. Bridge will be designed to accommodate future bike lanes. Eventually the SPTC corridor, which is the backbone of our east-west cross county bike routes, will include a class 1 bike trail. Greenstone Road will need to have bike lanes that will be feeder routes to the backbone which will be serving the Community Regions of Diamond-El Dorado and Shingle Springs. I hope the approaches to the bridge will be designed with the future bike lanes mind.

*/s/ Robert A. Smart, Jr.*

b



Fountain Tallman Museum

**EL DORADO COUNTY HISTORICAL SOCIETY**  
524 Main Street  
Placerville, CA 95667

Letter 6

Community Development Agency, Transportation Division  
2850 Fair Lane Court  
Placerville, CA 95667

Attn: Janet Postlewait

April 29, 2016

Re: Response to Invitation to Comment

Greenstone Rd.-Slate Cr, Bridge Project

Dear Janet:

Thank you for the opportunity to comment on the cultural resource impact of your proposed project.

None of our reviewers are aware of any cultural resources in the immediate vicinity of this project, the nearest being the remaining portion of the Lincoln Highway to the south, which should be well beyond any earthwork.

Douglas A. Walker  
Cultural Resource Coordinator, EDCHS  
edhistoricalsociety@gmail.com

Cheryl Langley  
5010 Mother Lode Drive  
Shingle Springs, CA 95682

May 4, 2016

Janet Postlewait, Principal Planner  
EDC Community Development Agency, Transportation Division  
2850 Fairlane Court  
Placerville, CA 95667  
janet.postlewait@edcgov.us

**Subject:** Initial Study / Mitigated Negative Declaration for the **Greenstone Road at Slate Creek Bridge** (No. 25C0087) **Replacement Project** (County CIP #77137).

Ms. Postlewait:

Thank you for the opportunity to comment on the Initial Study / Mitigated Negative Declaration (IS/MND) for the **Greenstone Road at Slate Creek Bridge Replacement Project**. I have the following comments / concerns regarding this El Dorado County (EDC) project.

#### **Limited Surveys**

According to the IS/MND, EDC is conducting pre-construction surveys for *botanicals* (see Mitigation Measure 2; page 17) and *nesting birds* (Mitigation Measure 4; page 19), but not for *special status animal species* (Mitigation Measure 3; page 17-18).

- EDC has identified only the following special status species in their mitigation strategy for animals:
  - **Foothill yellow-legged frog** (*Rana boylei*)
  - **Western pond turtle** (*Actinemys marmorata*)

However, I believe EDC should also evaluate the site for the presence of the following species:

- **Red-legged frog** (*Rana draytonii*), which is known to occur in a nearby creek (a site less than two miles from the project site, and presumably with comparable ecological characteristics).
- **Valley elderberry longhorn beetle** (*Desmocerus californicus dimorphus*); elderberry bushes are present in close proximity, although not necessarily on the project site (I have no access to the project site to confirm either the presence or absence of elderberry bushes).
- There is also a **salamander** present at the project site, but I do not know which species; it is not mentioned in the IS/MND. It is unknown if this omission is because it is *not* a species of special concern, or because this salamander was simply overlooked. Because a survey has not been done—nor planned for special status animal species—it is impossible to know which is the case.

7-1

#### **Inadequate Mitigation Measures**

The proposed mitigation measures for the protection of candidate, sensitive, or special status animal species include the following:

**Mitigation Measure 3: Implement construction measures to reduce impacts on foothill yellow-legged frog and western pond turtle.**

The County and/or its contractor will implement the following measures to avoid or minimize project-related impacts on foothill yellow-legged frog and western pond turtle:

- Environmental awareness training will be conducted by a qualified biologist prior to onset of the work for construction personnel to brief them on how to recognize foothill yellow-legged frog, western pond turtle, and other special-status animals that may occur in the project area.

- If foothill yellow-legged frogs or western pond turtles or their nests are encountered in the project area during construction and will be harmed by construction activities, work will stop in the area and the County will notify the California Department of Fish and Wildlife (CDFW). Upon authorization from CDFW, a qualified biologist may relocate the individual(s) the shortest distance possible to a location containing habitat outside of the work area. If a pond turtle nest is discovered during construction activities, a qualified biologist will flag the site and determine if construction activities can avoid affecting the nest. If the nest cannot be avoided, it will be excavated and relocated at a suitable location outside of the construction impact zone by a qualified biologist in coordination with CDFW.

Source of excerpts:  
IS/MND,  
pages 17-18.

It seems more reasonable to have a *qualified biologist* perform a survey for special status species at the construction site prior to construction, followed by observations throughout the construction season to evaluate the site for the presence of, and impact to, species of special concern (in *addition* to previously mentioned mitigation training for construction personnel). Instead, EDC proposes no initial survey, and intends to appoint a County staff member to manage the *Mitigation Monitoring and Reporting Plan* (the staff member has not been identified as a biologist, and is likely *not* a biologist). This approach is inadequate.

7-1  
cont.

Therefore, I have the following requests:

1. Please include a survey for special status animal species (rare, endangered, candidate, sensitive, or other special status animal species)—performed by a qualified biologist (preferably from the California Department of Fish and Wildlife, if possible).
2. Assign a qualified biologist to manage the Mitigation Monitoring and Reporting Plan.
3. Document the particulars of the monitoring and reporting plan, such as the frequency of evaluations; what the evaluations will include, when evaluations will be reported (and to whom), and whether this information will be available for public review on an ongoing basis.

**Valley Oak Tree / Riparian Zone Mitigation**

The IS/MND states “The realignment of the roadway approaches to Slate Creek bridge would affect less than 1 acre of annual grassland and valley oak woodland habitats...”<sup>1</sup> Based on this measurement (< 1 acre), EDC is required to mitigate for oak tree loss in the following manner:

7-2

<sup>1</sup> IS/MND, page 16.

**Policy 7.4.4.4**

For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) The project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

**NOTE:**  
The INRMP referred to in (2) was never developed—it does not exist.

**Option A**

The County shall apply the following tree canopy retention standards:

Percent Existing Canopy Cover	Canopy Cover to be Retained
80-100	60% of existing canopy
60-79	70% of existing canopy
40-59	80% of existing canopy
20-39	85% of existing canopy
10-19	90% of existing canopy
1-9 for parcels > 1 acre	90% of existing canopy

- Under Option A, the project applicant shall also replace woodland habitat removed at 1:1 ratio.
- Impacts on woodland habitat and mitigation requirements shall be addressed in a Biological Resources Study and Important Habitat Mitigation Program as described in Policy 7.4.2.8.
- Woodland replacement shall be based on a formula, developed by the County, that accounts for the number of trees and acreage affected.

7-2 cont.

It should be noted that while EDC is in the *process* of revising its Oak Resources Management Plan (ORMP) to exclude oak tree mitigation from County road improvement projects, the ORMP has not been adopted (the draft EIR for the project has yet to be released). Therefore, EDC is bound to its *Interim Interpretive Guidelines*,<sup>3</sup> which specify oak tree mitigation *must* occur (and, actually, oak tree *retention* should be evaluated to make certain all trees that can possibly be saved are retained).<sup>4</sup>

Therefore, unless oak tree mitigation is planned, documented, and implemented, the following finding in the Initial Study / Mitigated Negative Declaration (IS/MND) false:

IV. BIOLOGICAL RESOURCES — Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Excerpt Source:**  
IS/MND, page 15.

<sup>2</sup> *Interim Interpretive Guidelines for El Dorado County, General Plan Policy 7.4.4.4, (Option A), pages 1-2.*

<sup>3</sup> *Ibid.*

<sup>4</sup> It is possible the project is also bound to the requirements of the *Bio Resource Study and Important Habitat Mitigation Program*, unless it is eligible for exemption under "Streamlined Replacement Procedures." Under this program, multiple woodland protective measures may be required, including higher canopy-retention standards and/or different mitigation standards/thresholds for habitat preservation, replacement, or enhancement, including careful siting of the project to limit disturbance, and retention of oak corridors. Higher wetland/riparian retention standards may also apply.



Despite the requirements of General Plan policy 7.4.4.4, the IS/MND appears to be largely devoid of mitigation for the loss of oak trees at the project site. While **Mitigation Measure 1** *appears* to include mitigation aimed at “re-vegetation,” no specifics are provided (see excerpt below). Does this mitigation include only *seeding* of the project site post-construction, or oak replacement? This measure is vague (nonspecific), *lacks documentation*, and *lacks performance standards*.

IS/MND, **Mitigation Measure 1**, page 17:

▪ All temporarily disturbed areas will be returned to pre-project conditions upon completion of construction and will be re-vegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. These areas will be properly protected from washout and erosion using appropriate erosion control devices, including coir netting, hydroseeding, and revegetation. In sloped areas, additional erosion control measures will be applied, including erosion control blankets and biodegradable fiber rolls.

Because it is noted in the “*Discussion of Impacts*” section (IS/MND, page 16) “...0.2 acre of annual grassland habitat would be created...” it seems probably mitigation includes only reestablishment of vegetation via seeding of forbs, grasses, etc. That is, if “<1acre” of oaks/oak woodland are removed, but an “available” 0.2 acre area is to be restored as grassland (and thus not being utilized as an oak replacement area), how is it possible to adequately replace lost oak woodland on-site? In fact, under “*Project Description*” (IS/MND, page 2) it is stated, “...pavement associated with the old roadway would be removed, and the disturbed area would be restored to match adjacent conditions (e.g., grasslands),” and under “*Construction Methods*” (IS/MND, page 3) it is stated the project would generally involve “...hydroseeding disturbed areas.” So I ask: **Is there a plan to mitigate for lost oaks on-site?**

7-2  
cont.

The majority of oak trees removed from this site will be Valley Oak (*Quercus lobata*), a species of “*special concern*”—an endemic species of limited range in EDC. Fewer than 3,500 acres of valley oak are present in EDC (out of an estimated 250,000 acres of oak woodland County-wide); road projects—specifically bridge replacement projects—disproportionately impact valley oak *woodland* (also designated a “*sensitive habitat*”) because this species is most often associated with riparian systems (woodlands that develop adjacent to streams and other water bodies).

It is *crucial* that this project include **replacement of removed valley oak woodland**—including associated species (blue oak [*Quercus douglasii*], gray pine [*Pinus sabiniana*], live oak [*Quercus wislizeni*], and understory components). Replacement should include planting of oaks on-site with 15 gallon or larger trees maintenance (watered, etc.) for a minimum of four years.

In view of this lack of specificity regarding oak replacement, I have the following request:

1. Please document how oak/riparian mitigation will be accomplished. Include the species, quantity, maintenance type and schedule, performance standard, and monitoring schedule for replacement vegetation.

**Serpentine Soils / Asbestos Hazard**

According to the IS/MND, page 13:

Naturally occurring asbestos is also a concern in El Dorado County because it is known to be present in certain soils and can pose a health risk if released into the air. The AQMD has adopted an El Dorado County Naturally Occurring Asbestos Review Area Map that identifies those areas more likely to contain naturally occurring asbestos (El Dorado County 2005). The project area is in an area identified by the County as being “More Likely to Contain Asbestos.”

And...

In addition, because of the potential for asbestos in the soils underlying the project area, the County would comply with AQMD Rule 223-2 Fugitive Dust–Asbestos Hazard Mitigation; the California Air Resources Board Airborne Toxic Control Measure at Title 17 Section 93105 addressing Construction, Grading, Quarrying, and Surface Mining activities; and the Asbestos Airborne Toxic Control Measure for Surfacing Applications (California Code of Regulations, Title 17, Section 93106).

7-3

This project site is not only “*more likely to contain asbestos,*” and “*have the potential for asbestos in the soils,*” the site northwest of the existing bridge identified as a “potential staging area” for heavy equipment, *is a serpentine outcrop with serpentine clearly visible at the surface.*

The potential staging area to the northwest of the existing bridge is depicted below (Figure 2, IS/MND, page 8).



Below is a photo of this **northwest** staging area—it is one of two “potential” staging areas mentioned in the IS/MND, but the only staging area identified in **Figure 2**. (A second potential staging area to the **southeast** of the bridge is mentioned, but **not** included in Figure 2).<sup>5</sup>



**This potential staging area northwest of the existing bridge is a serpentine outcrop.**

To mitigate for the “potential” hazard of asbestos in the project area, the IS/MND states the contractor will be required to do the following:

7-3  
cont.

IS/MND, page 4.

- Contract special provisions will require compliance with El Dorado County Air Quality Management District (AQMD) Rules 223, 223-1, and 223-2 to minimize fugitive dust emissions and naturally occurring asbestos hazards.
- The contractor will be required to comply with the California Air Resources Board Airborne Toxic Control Measure at Title 17 Section 93105 addressing Construction, Grading, Quarrying, and Surface Mining activities and with the Asbestos Airborne Toxic Control Measure for Surfacing Applications (California Code of Regulations, Title 17, Section 93106).

**“Acknowledge” the Hazard**

**My only point here is this:** EDC needs to be transparent and forthcoming about the asbestos hazard presented by this project, and specifically about the hazard associated with the use of the northwest staging area. This staging area is pure serpentine, with a thin layer of vegetative cover. Heavy

<sup>5</sup> IS/MND, page 3.

equipment moving over this site will release asbestos into the air unless exceptional precautions are taken. EDC staff needs to acknowledge the hazard involved with use of this site, and adjacent homeowners need to be made aware of the potential hazard. The fact that the presence of asbestos-bearing rock at this staging site has not been acknowledged and discussed in detail in this IS/MND is worrisome. **It makes one wonder**: How serious is EDC about enacting asbestos control measures when the hazard itself is downplayed in the IS/MND? For instance:

7-3  
cont.

- What *specifically* will be done to eliminate/control asbestos laden dust (in lay terms)?
- Who will enforce/monitor the measures taken to control dust from the staging area?
- How often will the site be monitored for compliance?
- Have adjacent homeowners been notified and provided with information regarding the asbestos hazard, and have they been told about precautions they can take to limit the entry of construction dust into their homes?

### **Size of the Roadway / Bridge: Visual Impact and Oak Woodland Impact**

I have seen the results of bridge replacement projects (such as the replacement project on North Shingle Road), and it is clear the visual character of the area will be significantly altered; the result will not be visually pleasing to those who are familiar with the existing bridge/woodland/creek area. Yes, I realize this is a subjective measure, just as is the conclusion reached in the IS/MND that project implementation “...would result in a less-than-significant impact on the area’s visual character.”

In view of this (albeit subjective measure), I make the following request:

7-4

- **Reduce the size (width) of the bridge to reduce its impact on adjacent woodland/creek habitat and reduce its visual impact.** Because no designated bike routes pass through the project area, “...and none are proposed along Greenstone Road (El Dorado County Transportation Commission 2010),”<sup>6</sup> a size reduction seems sensible and appropriate and would reduce impact on the adjacent woodland and creek habitat. This size reduction was discussed as a possibility during the Public Meeting on October 13, 2014 at Buckeye School. I ask that a reduction of the lane “shoulders” be considered; an evaluation of this should be possible given **the bridge structure type has not yet been determined** (see excerpt below).

IS/MND, page 2:

### 2.3. Project Description

#### Project Design

The County is proposing to replace the existing bridge with a standard two-lane bridge approximately 34 feet wide and 34 feet long. The bridge would have two 11-foot-wide travel lanes with 4-foot-wide shoulders on each side. The new bridge would be located slightly east of the existing bridge, which would straighten out the curve approaching the bridge from the north. The bridge structure type has not yet been determined. The foundation of the new bridge may consist of cast-in-drilled-hole piles or spread

### **In Conclusion**

Once again, thank you for the opportunity to comment on this project.

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<sup>6</sup> IS/MND, page 35.