



Legislation Text

File #: 09-0204, **Version:** 1

Transportation Department recommending the Board authorize the Chairman to sign an Agreement Regarding Proposed Stream Alteration AGMT 09-52605 between the County of El Dorado and the State of California, Department of Fish and Game for the U.S. 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project 71336 for the period through December 31, 2013.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fee Program.

Fiscal Impact/Change to Net County Cost:

The application fee of \$4,000 required by the California Department of Fish and Game (DFG) was paid by the Department of Transportation (DOT) in October 2008. There is no net cost to the County General Fund associated with this agenda item.

Reason for Recommendation:

The Department is advancing the design and construction of the U.S. 50/ Missouri Flat Road Interchange Improvements - Phase 1B Project (Project). DFG has determined this project will affect the natural habitat and flow of Weber Creek. The County is entering into this Agreement to mitigate the impacts the Project will have on the area.

Planned activities include widening the eastbound and westbound Weber Creek Bridges. Footings and columns for the bridge widening would be constructed in the streambed of Weber Creek. The Department completed both California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) documentation for this project. The Board certified the documents in August of 2004. Due to the impacts of this work on the streambed, this permit is required.

The requirement for mitigating riparian and wetland habitats was determined in the environmental document and will be done through either implementation of a revegetation plan to be completed within the Project boundaries and/or acquisition of mitigation credits. Environmental subconsultant, Jones & Stokes, Associates, Inc., is currently preparing a plan that will be sufficient to secure approval from the DFG to allow the County to proceed with construction of Project. If it is determined that mitigation credits will also be needed, DOT will acquire mitigation credits from an approved mitigation bank.

In addition to the riparian revegetation plan there are other mitigation monitoring (MMP) requirements in the draft permit that follow the MMP's from the project's EIR. These requirements will be implemented either through specific requirements in the construction specifications or procedures to be taken as a part of the construction administration.

DFG Code Section 1602 requires the issuance of a lake or streambed alteration agreement to any entity whose activities could adversely affect fish and wildlife resources. The DOT is requesting approval of the attached Agreement to advance the Project

Action to be taken following Board approval:

1. The Chairman will sign two originals of the Agreement Regarding Proposed Stream Alteration between the County of El Dorado and DFG.

2. Board Clerk will forward both partially-executed original Agreements to DOT for DFG review and approval.

3. DOT will return a fully-executed Agreement to the Board Clerk.

Contact: James W. Ware, Interim Director of Transportation

Concurrences: County Counsel and Risk Management