



## Legislation Text

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**File #:** 23-1600, **Version:** 1

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Department of Transportation recommending the Board take the following actions related to the Routine Maintenance Agreement with the California Department of Fish and Wildlife:

- 1) Adopt the California Environmental Quality Act Mitigated Negative Declaration;
- 2) Approve the project as described in the California Environmental Quality Act Initial Study with Proposed Mitigated Negative Declaration; and
- 3) Adopt the Mitigation Monitoring and Reporting Plan (Attachment B, Appendix A).

**FUNDING:** Road Fund (100%). (Local Funds)

### **DISCUSSION / BACKGROUND**

The Department of Transportation (Transportation) intends to enter into a 12-year Routine Maintenance Agreement (Agreement) with the California Department of Fish and Wildlife (CDFW) to conduct the Transportation's routine maintenance of the private and public facilities integral to the El Dorado County Road System (CRS). Following approval of the Agreement, Transportation will obtain the permit from the CDFW.

Transportation recommends the Board adopt the California Environmental Quality Act (CEQA) Mitigated Negative Declaration and approve the Agreement as described in the CEQA Initial Study with Proposed Mitigated Negative Declaration (IS/MND).

The recommended Board actions are based on the following findings:

A) The CEQA IS/MND, on file with the Clerk of the Board and on Transportation's website at <https://www.eldoradocounty.ca.gov/Land-Use/Transportation/CEQA>, was prepared pursuant to Public Resources Code §21000 et seq., and State CEQA Guidelines.

B) There is no substantial evidence that the Agreement will have a significant effect on the environment.

C) The IS/MND for the Agreement reflects Transportation's independent judgment and analysis as lead agency for the County.

**Project Description:** Transportation performs routine maintenance work to maintain functional and structural integrity of the facilities with the ultimate goal of the preservation of infrastructure and public safety. Transportation's proposed Agreement would cover routine maintenance in areas where maintenance would result in the modification of a lake or stream 's bed, bank, or channel. This routine maintenance work is divided into 10 categories: (1) Removal, Replacement, or Repair of Facilities; (2) Debris and Obstruction Removal; (3) Vegetation Control in Channels or on Banks; (4) Repair of Previous Erosion Control Work; (5) Minor Erosion Control Work; (6) Channel Alignment Maintenance; (7) Road Maintenance and Storm Water Runoff Systems (MS-4) Maintenance; (8) Minor Bridge Maintenance; (9) Silt, Sand, or Sediment Removal; and, (10) Maintenance of Existing Recreational Facilities. Permitted maintenance work will be performed by Transportation every one (1) to five (5) years. Work will be planned in order to avoid impacts to waterways, wetlands, vernal pools, and special-status species.

For a more detailed Agreement description, please refer to the IS/MND available on Transportation's website at [≤https://www.eldoradocounty.ca.gov/Land-Use/Transportation/CEQA≥](https://www.eldoradocounty.ca.gov/Land-Use/Transportation/CEQA), or Attachment B of this Legistar item.

Project Need: The primary purpose of the Transportation's Agreement with the CDFW is to maintain, on a routine basis, the design capacity of channels of its existing public facilities and other physical structures to protect public investments and to prevent the loss of life and property. Routine facility maintenance activities would include, but are not limited to, installing, repairing, or maintaining water diversions, culverts, stream crossings (e.g., bridges, rock fords) and extraction or deposition of material (i.e., sand, rock, or gravel) to maintain lake or stream water transport capacity and structural and functional integrity.

CEQA: Transportation is the CEQA lead agency and prepared the IS/MND to consider the significance of potential impacts resulting from the Agreement in accordance with CEQA Guidelines (14 CA Administrative Code, §14000 et seq.). Adoption of the Mitigated Negative Declaration would complete the CEQA portion of the environmental impact of the Agreement.

Mitigation Measures: Mitigation measures are added to the Agreement to reduce potential impacts to a level of insignificance. Avoidance, minimization and/or mitigation measures are established in the Environmental Checklist (Appendix G) of the IS/MND.

Agency and Public Notification: The Notice of Intent to Adopt a Mitigated Negative Declaration was advertised in the Mountain Democrat on January 12, 2024 and the entire document was posted on Transportation's website at [≤https://www.eldoradocounty.ca.gov/Land-Use/Transportation/CEQA≥](https://www.eldoradocounty.ca.gov/Land-Use/Transportation/CEQA). A hard copy was available at the Community Development Services building (front counter), located at 2850 Fairlane Court, Placerville, CA. Individual notices were sent via US Mail and electronic mail to all relevant agencies. The public review period began on January 12, 2024 and ended on February 21, 2024 to allow for a complete 30-day comment period.

Public Comments and Responses: During the thirty-day (30-day) public comment period, a total of three (3) comment letters were received from the Central Valley Regional Water Quality Control Board (RWQCB), the CDFW, and the Wilton Rancheria. Comments from the RWQCB centered around the quality of surface and groundwaters of the state. During the development of the Agreement, Transportation worked extensively with the CDFW, but the comments from them surrounded the conditional approvals of the maintenance work and conducting the work during certain times of the year. Clarification language was added to the IS/MND to address these details. Wilton Rancheria would like to be consulted as necessary.

## **ALTERNATIVES**

The Board could choose not to adopt the CEQA IS/MND. Transportation would provide changes as directed by the Board and bring this item back to the Board at a later date.

## **PRIOR BOARD ACTION**

On September 1, 2020 (Legistar File 20-0948), the Board approved Agreement for Services 4976 with Sycamore Environmental Consultants, Inc. (Sycamore) to assist Transportation with the development of the Agreement.

On September 21, 2021 (Legistar File 21-1374), the Board approved the first amendment to the

Agreement for Services 4976 due to the acquisition of Sycamore by SWCA, Environmental Consultants.

On August 22, 2023 (Legistar File 23-1371), the Board approved the second amendment to the Agreement for Services 4976 to extend the term.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the CEQA IS/MND.

#### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

#### **FINANCIAL IMPACT**

There is no net County cost associated with this item. Funding is available within the Department of Transportation, Maintenance and Operations Division Fiscal Year 2024-25 recommended budget.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

#### **TRANSPORTATION FOLLOW UP ACTIONS**

- 1) Transportation will file a Notice of Determination with the County Recorder/Clerk's office and with the Governor's Office of Planning and Research.
- 2) As authorized by Resolution 065-2018, the Director of Transportation will sign the application to obtain the permit with the CDFW.

#### **STRATEGIC PLAN COMPONENT**

Priority: N/A

Action Item: N/A

#### **CONTACT**

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Department of Transportation