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**AGENDA ITEM NO.:** 7 (Action Item – Public Hearing)

**PLANNING COMMISSION  
MEETING DATE:** October 24, 2018

**SUBJECT:** Approval of the Mitigated Negative Declaration for the Routine Maintenance Agreement between Inyo County Public Works and California Department of Fish and Wildlife

### **PROJECT INFORMATION**

**Supervisory District:** All

**Project Applicant:** Inyo County Public Works

**Community:** County wide

**Staff Recommended Action:** 1.) Approve the Mitigated Negative Declaration

**Alternatives:**

- 1.) Deny the Mitigated Negative Declaration
- 2.) Approve the Mitigated Negative Declaration with additional conditions of approval
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Manager:** Ashley Helms

### **STAFF ANALYSIS**

#### Background and Overview

Inyo County (County) Department of Public Works (ICPW) manages public roadways, including adjacent roadside drainages, and culverts as needed to protect County infrastructure, throughout in the unincorporated areas of the County. Management of these public facilities requires routine maintenance activities conducted by the Inyo County Roads Department (ICRD), including shoulder maintenance for paved roads, grading/leveling of unpaved dirt roads, removal of sediment and vegetation from adjacent drainage ditches, and removal of sediment and other debris from blocked or obstructed culverts. Routine maintenance activities are ongoing and necessary to ensure the continued safe and reliable operation of these roadways and associated drainage facilities. Without regular maintenance, the County's roadways could experience damage and/or flooding as a result of excessive amounts of sediment and vegetation obstructing the drainages.

Under existing conditions, when roadway maintenance activities are necessary, ICPW must individually comply with federal and state regulations by coordinating with relevant regulatory agencies, including

the California Department of Fish and Wildlife (CDFW). This regulatory compliance occurs on a project-by-project basis, substantially slowing regulatory approvals and delaying the overall schedule of critical maintenance tasks. In order to streamline permitting coordination, ICPW is proposing to enter into a 10-year Routine Maintenance Streambed Alteration Agreement with CDFW under the Lake and Streambed Alteration Program (Section 1600 of the California Department of Fish and Game Code), thereby accelerating the approval process for clearly defined activities.

## **ENVIRONMENTAL REVIEW**

Most maintenance activities are generally exempt under CEQA, however during early discussions with CDFW it was requested that an Initial Study (IS) be performed due to the large scope of this permit. All environmental factors reviewed in the IS were determined to have “less than significant [impacts] with mitigation incorporated”, therefore a Mitigated Negative Declaration was prepared for this project.

The Notice of Availability for the proposed Mitigated Negative Declaration was issued on July 6<sup>th</sup>, 2018 with the Inyo County Recorder’s Office. The proposed Mitigated Negative Declaration was publicly noticed in the Inyo County Register on July 12<sup>th</sup>, beginning a 30-day review window. A comment was received from Lahontan Regional Water Quality Control Board; the comment and response are included as Appendix B to the IS/MND. This was the only comment received. The public hearing for this permit was noticed on October 9<sup>th</sup>, 2018.

## **TRIBAL CONSULTATION**

California Assembly Bill 52 requires tribal consultation for any projects requiring a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to Public Resources Code Section 21080.3.1, Tribes have 30-days, after receiving invitations to consult on the proposed environmental document, to request consultation opportunities. Staff mailed consultation invitations on April 26, 2018 to the: Lone Pine Paiute-Shoshone Tribe, Fort Independence Indian Community of Paiutes, Timbisha Shoshone Tribe, Bishop Paiute Tribe and the Big Pine Paiute Tribe of the Owens Valley, Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and the Twenty Nine Palms Band of Mission Indians.

The Big Pine Paiute Tribe requested consultation on May 24<sup>th</sup>, 2018. The consultation meeting was held On June 18<sup>th</sup>, and resulted in the addition of a minimization measure being added to the Cultural Resources and Tribal Cultural Resources section of the Initial Study (*See page 21, #2*).

## **RECOMMENDATION**

County staff recommends the approval of the Mitigated Negative Declaration for the Routine Maintenance Agreement between ICPW and CDFW.

## **FINDINGS:**

1. The proposed Routine Maintenance Streambed Alteration Agreement is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: Pursuant to Title 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to “consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review” (Inyo County Code Section 15.28.030). This document contains the necessary “project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures” (Inyo County Code Section 15.28.040).*

## **CONDITIONS OF APPROVAL**

1. The Inyo County Road Department agrees to follow all avoidance and minimization measures outlined in the Initial Study during road maintenance activities included in the Routine Maintenance Streambed Alteration Agreement.