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

**PLANNING COMMISSION
MEETING DATE:** February 27, 2019

SUBJECT: Approval of the Mitigated Negative Declaration for the Walker Creek Road Bridge Replacement Project

PROJECT INFORMATION

Supervisory District: District 5

Project Applicant: Inyo County Public Works

Community: Olancha

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

The Inyo County Public Works Department (County) proposes the Walker Creek Road Bridge Replacement Project (proposed project), which would involve the replacement of County Bridge 48C0039 with a new bridge and would close the existing bridge to public vehicular traffic. The proposed project would also include the realignment of Walker Creek Road as it approaches the bridge in either direction. The bridge is located approximately 1.5 miles south of Olancha, California.

The proposed project is needed to improve bridge functionality and public safety. The existing bridge has been evaluated under the Federal Highway Administration's (FHWA) Highway Bridge Program (HBP) and was classified as functionally obsolete according to the National Bridge Inspection Standards because of the bridge's width. The bridge is less than 9 feet wide, which is too narrow for some vehicles. The existing bridge also poses several structural and safety concerns.

The purpose of the proposed project is to replace the old bridge with a new bridge that is structurally sound, meets modern structural and safety codes, and provides adequate vehicle access between U.S.

Highway 395 and destinations west of the Los Angeles Aqueduct, including the Wild Burro Rescue and Preservation Project and recreational destinations in the Inyo National Forest.

Environmental Review

The Inyo County Department of Public Works (County) has assessed the potential environmental impacts to replace County Bridge 48C0039 and realign Walker Creek Road as it approaches the bridge in either direction. The Mitigated Negative Declaration (MND) has been prepared pursuant to the California Environmental Quality Act (CEQA) based on the assessment presented in the Inyo County Walker Creek Road Bridge Replacement Project Initial Study.

The Notice of Availability for the proposed MND was issued on November 5th, 2018 with the Inyo County Recorder's Office. The proposed Mitigated Negative Declaration was publicly noticed in the Inyo County Register on November 3rd, beginning a 30-day review window. One comment was received during the comment period from the Native American Heritage Commission. The full comment and response can be found in Appendix D to the IS/MND. Due to this comment a correction was made:

The NAHC shall immediately notify the identified Most Likely Descendant (MLD), and the MLD has 24 48 hours from the time they are granted access to the site to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. (*Mitigation Measure CUL-3: Human Remains, page MND-15*).

The public hearing for this environmental document was noticed on February 16th, 2019.

Mitigation Measures

Mitigation measures have been identified to reduce potentially significant impacts of the project. Implementation of identified mitigation measures would result in avoiding the impact or reducing it to a less than significant level. These measures contain mitigations to ensure protection of federally and state protected plants and species potentially present in the project area including Mojave desert tortoise (MDT), Mohave ground squirrel (MGS), American badger, desert kit fox and Pallid bats. Cultural mitigation measures include pre-construction training pertaining to inadvertent discovery of paleontological or archaeological resources. The proposed project would also require dust, engine emissions control and weed control measures. All mitigation measures are described in detail in the MND.

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. In October 2017, Inyo County Board of Supervisors sent a formal notification to representatives of the eight Native American tribes with traditional or cultural affiliation to the project area: 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.

Two tribes sent responses to the County. The Bishop Paiute Tribe response stated that the tribe had no comments on the project. The Twenty-nine Palms Band of Mission Indians stated that the tribe was not aware of any archaeological or cultural sites in the vicinity of the project and indicated that the tribe has no interest in the project. To date, no additional responses have been received. No tribes have requested

formal consultation or additional information about the proposed project. There are no known tribal cultural resources in the project vicinity.

RECOMMENDATION

County staff recommends the approval of the Mitigated Negative Declaration for the Walker Creek Road Bridge Replacement Project.

Findings

1. The proposed project 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).