

COUNTY OF SAN LUIS OBISPO
PUBLIC WORKS DEPARTMENT
OFFICE MEMORANDUM

TO: File

FROM: Cori Marsalek, Project Manager
Katie Drexhage, Environmental Resource Specialist

SUBJECT: Cypress Mountain Drive at Klau Creek Bridge Replacement Project
Public Comment on CEQA document

DATE: March 17, 2015

During the 30-day public comment period for the Mitigated Negative Declaration prepared for the subject project, a comment letter was received from one member of the public discussing various design, budgeting, and safety concerns based mainly on the proposed width of the bridge. This memo is intended to address the issues raised in the comment letter but does not address each bulleted item individually due to repetition and does not address issues raised that are unrelated to the Mitigated Negative Declaration.

A. Comments Regarding the (CEQA) Document

1. The comment letter states that environmental impacts would be reduced “had the bridge replacement structure been proposed to be replaced by pragmatic minimum AASHTO design guidelines.”

Response: Cypress Mountain Drive is designated as a rural collector in the County's Land Use and Circulation Element and on the California Road System (CRS) Map. The CRS Maps display the functional classification of roads according to the service they provide and are approved by the Federal Highway Administration. Cypress Mountain Drive is shown on CRS Map 8R and was approved by FHWA on April 23, 2013.

The proposed project has received federal-aid through FHWA's Highway Bridge Program (HBP) as administered through Caltrans' Division of Local Assistance, and is therefore required to follow the Local Assistance Procedures Manual (LAPM). Based on Chapter 11 of the LAPM, new and reconstruction projects receiving federal-aid shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standards as defined in the current edition of A Policy on Geometric Design of Highways and Streets (Green Book).

The comment letter notes several times that the County should have utilized AASHTO's Guidelines for Design of Very Low-Volume Local Roads. These guidelines are not appropriate for the proposed project since Cypress Mountain Drive is not classified as a local road.

2. The comment letter states that the project is 'capacity increasing' and requires the preparation of an Environmental Impact Report pursuant to CEQA.

Response: Although installing a two-lane bridge on Cypress Mountain Drive will increase the capacity of the bridge and approach roadways within the project boundaries by allowing two-way traffic, the project will not increase the number of vehicles using Cypress Mountain Drive. This project will not result in increased traffic on Cypress Mountain Drive or lead to an increase in land use development in the area; therefore, the project is not considered growth inducing and a Mitigated Negative Declaration is the appropriate level of environmental review pursuant to CEQA.

3. The comment letter states that the Environmental Document prepared for the project misrepresents the Average Daily Traffic (ADT) and points to a discrepancy between the ADT on the Caltrans Bridge Inspection Report and the ADT used for this project.

Response: The County's Traffic Engineer has confirmed that the ADT information used for the design was appropriate and is coordinating with Caltrans to correct future Bridge Inspection Reports. It is not general practice to rely on the ADT information in the Bridge Inspection Reports as a basis for design. It is important to note that the design of the proposed bridge and roadway approaches would be the same whether the proposed bridge has a future ADT of 99 as shown on the Bridge Inspection Report or a future ADT of 160 as shown on the Roadway Data Sheet (page 3 of Exhibit 4 of the comment letter). The design is dictated by several factors is not solely dependent on the ADT.

4. The comment letter states that replacing the bridge with a single lane, sixteen foot wide bridge would be a cost-effective replacement bridge alternative that would minimize environmental impacts to the greatest extent feasible and meet minimum AASHTO design guidelines/standards.

Response: The proposed bridge has 10-foot lanes and 2-foot shoulders, which meets the minimum AASHTO standards (Chapter 6 of the Green Book) for a collector road with less than 400 vehicles per day. It would not be sound engineering to reduce the bridge width as suggested in the comment letter.

5. The comment letter states that the County should have designed the bridge width to be "traveled way + 2 ft (each side)" and claims that the "traveled way" should be the existing width of the traveled way rather than the minimum width of the traveled way based on the AASHTO Green Book.

Response: As discussed in item 1 above, the proposed project has received federal-aid through FHWA's Highway Bridge Program (HBP) as administered through Caltrans' Division of Local Assistance, and is therefore required to follow the Local Assistance Procedures Manual (LAPM). Chapter 11 of the LAPM deals with the design standards for which the County is required to meet. FHWA has designated lane width and shoulder width as two of the twelve geometric controlling criteria that that are of primary importance for safety. This means that the County is required to design the lane width and shoulder width within the limits of the project in accordance with the AASHTO Green Book.

6. The comment letter states that the proposed approximate span length is unnecessary, not cost-effective, and has not minimized environmental impacts to

the greatest extent feasible based on an independent hydrologic/hydraulic analysis. The comment letter goes on to state that based on an independent hydrologic/hydraulic analysis it is not necessary to increase the bridge soffit elevation

Response: The “independent hydrologic/hydraulic analysis” presented in the comment letter applied the the Central Coast Region Regional Flood-Frequency Equation which is a statistical method based on a collection of historical stream gauge measurements. Unfortunately the equation breaks down when there are few stream gauge measurements to draw data from in a specific region, as is the case with the proposed project. Using the Central Coast Region Regional Flood-Frequency Equation for this location, generates values one half to one quarter of the theoretical peak flow rate. Designing a bridge by using these values may result in a bridge not meeting FHWA’s criteria which requires a bridge to pass the 50-year flood with 2 feet of freeboard and the 100-year flood with no freeboard. If this equation is used to design a bridge, an engineer may merely provide adequate design capacity for a 2- to 5-year flood peak flow rate.

The comment letter references that the SWMM program was used to develop the independent hydraulic analysis. SWMM is a computer model for analysis with urban runoffs and it performs best in urbanized areas with impervious drainage. It should be noted that Klau Creek is a mountain creek and extensive surveying was performed by the County to create detailed cross sections of the creek, which are necessary for a good hydraulic analysis.

7. The comment letter states the proposed project “must be considered under California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19, “Categorical Exemptions,” Section 15300, more specifically Section 15302, “Replacement or Reconstruction,” to have a significant effect on the environment and shall therefore not be exempt from the provisions of CEQA thereby requiring an Environmental Impact Report.”

Response: The County did not seek a Categorical Exemption from the provisions of CEQA. The Mitigated Negative Declaration prepared for the project is the appropriate level of environmental review pursuant to CEQA.

B. Comments Regarding Individual Environmental Checklist Items

1. The comment letter notes that the Document states “The project would not introduce a new type of roadway feature to the setting,” under the Aesthetics Section. The comment letter states that this is “a misrepresentation as the adjacent approach roadway is being unnecessarily widened to accommodate an unnecessary wider bridge structure that is not required...” The commenter disagrees with the Document statement that the project “would replace an existing bridge with a similar bridge in the same location.” The comment letter states that the new bridge will not be similar to the existing bridge since the new bridge will be wider, longer, and taller.

Response: The term “similar” appropriately describes this project which will replace an existing bridge at the same location with a comparable structure using the same alignment. The project will not change the visual character of the area. The current analysis under Section 1 of the checklist appropriately analyzes the

impacts of this project and no changes will be made to the Aesthetics Section of the CEQA document prepared for the project.

2. The comment letter notes that fewer trees would be impacted by replacing the existing bridge with a single-lane bridge.

Response: Please refer to the response under A-4 above.

3. The comment letter states that “not a single box is checked under the heading “Impact can & will be mitigated” with response to removal of trees to facilitate the unnecessary widened bridge structure and detour which is mentioned as a mitigation measure.”

Response: The document discusses the fact that the removal of trees will not impact aesthetics. The document states “These species are common throughout the project area. Removal of these trees would not represent significant visual impacts; however, mitigation measures required for biological impacts, including habitat restoration and tree replacement, would provide a co-benefit and further reduce visual impacts.” Therefore, the project is not anticipated to significantly impact the aesthetic nature of the project site or surrounding area.

4. The comment letter states that “the detour should be routed so as to eliminate any permanent removal of any trees whatsoever.”

Response: The detour route proposed in the comment letter is very similar to the detour route proposed by the County. Several factors were analyzed when the temporary detour was designed including the overall project footprint, the amount of disturbance within jurisdictional waters, impacts to trees, existing geologic features, and impacts to archaeological resources. The detour was chosen based on several environmental factors and not just tree removal.

5. The comment letter notes that the document incorrectly states that the temporary access/detour will be placed upstream of the existing bridge under the Agricultural Resources Section.

Response: We have corrected this error in the final document.

6. The comment letter states that a single-lane bridge would reduce to the maximum extent feasible impacts to vegetation, wetlands, and/or riparian habitat.

Response: Please refer to the response under A-4 above.

7. The comment letter states that the Natural Environment Study and Biological Assessment that were prepared for the project pursuant to the National Environmental Policy Act (NEPA) should not have been required for a “simple bridge replacement project.”

Response: The County followed all Federal regulations pursuant to NEPA by preparing said documents which analyze potential impacts to the environment resulting from the project. The trigger for analyzing a project pursuant to NEPA (or CEQA for that matter) is not whether or not a project is “simple,” which is an unquantifiable and subjective term, but rather the trigger is whether or not a project could potentially impact the environment. Accordingly, any project that could affect a federally listed species requires the preparation of a Biological Assessment pursuant to Section 7(a)(2) of the Endangered Species Act. Again, the trigger is not the size of a project but rather the potential for the project to

affect an endangered species. The Natural Environment Study and Biological Assessment were necessary and appropriate to analyze project impacts pursuant to NEPA.

8. The comment letter states that “there is far greater detrimental environmental impact by unnecessarily widening the bridge.”

Response: Please refer to the response under A-4 above.

9. The comment letter references mitigation measure #7 under Biological Resources which states “Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish or wildlife resulting from project-related activities, shall be prevented from contaminating the soil and/or entering Klau Creek.” The comment letter states that the project does not include plans to improve the existing dirt road surface by placement of aggregate base and asphalt pavement.

Response: This mitigation measure remains applicable to the project as this measure identifies various possible items that may be required as a part of construction. It is better to identify all potential sources of pollution so that the project can be fully analyzed for environmental impacts. The mitigation measure does not determine what will be used to construct the project; rather, the measure identifies a list of potential contaminants identified for avoidance within jurisdictional waterways.

10. The comment letter states that geotextile fabric should be placed upon the preexisting ground surface prior to the temporary placement of earthen materials for temporary roadway approaches to temporary bridge structures.

Response: This is something the County is looking in to but it’s too early in the design phase to commit to this measure. This level of detail is not warranted in the CEQA document but will be addressed in the final plans.

11. The comment letter states that a Habitat Mitigation and Monitoring Plan should not have been required for a “simple bridge replacement project.”

Response: The trigger for the preparation of a Habitat Mitigation and Monitoring Plan is not whether or not a project is “simple,” which is an unquantifiable and subjective term, but rather the trigger is whether or not a project impacts the environment in such a way that requires mitigation and/or post-construction monitoring pursuant to permit regulations.

12. The comment letter references the various mitigation measures that would avoid and/or minimize impacts to nesting bird species and argues that replacing the existing bridge with a single-lane bridge would eliminate the “need for removal of preexisting trees.”

Response: Please refer to our response under D-2 and A-2 above. Additionally, nesting birds are protected by various regulations that remain in place during any activity that could disturb various avian species during the nesting season. Tree removal is one aspect of the proposed project that could impact nesting birds. Construction activities, themselves, could also impact nesting birds and would still warrant the proposed mitigation measures. The mitigation measures regarding nesting birds do not only apply to tree removal activities.

13. The comment letter refers to a request for the hydrologic/hydraulic study that was prepared for the project.

Response: The study was mailed on March 6, 2015.

14. The commenter refers to project area's land use categories and states that the ADT out 20 years should not exceed 100 vehicles per day.

Response: Please refer to our response under A-3 above.

15. The comment letter states that it is "incomprehensible" that the California Department of Transportation (Caltrans) was not checked as an agency contact on Exhibit A of the environmental document.

Response: Because the project is partially funded by the U.S. Federal Highway Administration and said funding is coordinated through the local Caltrans office, the project design, plans, and environmental studies have been reviewed and approved by Caltrans, including the referenced Natural Environmental Study and Biological Assessment noted in D-7 above. The document prepared pursuant to CEQA contains the same information that Caltrans already approved. Therefore, Caltrans was not included on the list in Exhibit A.

In conclusion, the County has designed the proposed project using appropriate engineering based on the conditions of the project site, and has taken cost, safety, and the environment into consideration in its design. The Mitigated Negative Declaration prepared for the project appropriately analyzes project impacts pursuant to CEQA, and the preparation of an Environmental Impact Report is not warranted.