COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: **Santa Cruz County Public Works Attn: John Swenson**

APPLICATION NO.: **09-0053**

APN: **County Right-of-Way @ Nelson Road Postmile Marker (PM) 0.07**

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

XX Negative Declaration
(Your project will not have a significant impact on the environment.)

XX Mitigations will be attached to the Negative Declaration.

_____ No mitigations will be attached.

_____ Environmental Impact Report
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **October 22, 2009**

Matt Johnston, staff planner

Phone: **Phone #: (831) 454-3201**

Date: **September 21, 2009**

NAME : Nelson Road
APPLICATION: 09-0053
A.P.N: County Right of Way

NEGATIVE DECLARATION MITIGATIONS

A. In order to ensure that mitigation measures B through D are communicated to the crew members responsible for constructing the project and are properly implemented, the Department of Public Works (DPW) shall organize a pre-construction meeting on the site to review the mitigation measures. The following parties shall attend: DPW project engineer, project crew supervisor, project biologists and Environmental Planning staff. The disturbance envelope will be verified, silt fence will be inspected, erosion control plan verified, dewatering and fish removal plan reviewed, and the results of pre-construction wildlife surveys will be collected at that time.

B. In order to prevent adverse impacts to California red legged frogs (*Rana aurora draytonii*) (CLRF), foothill yellow-legged frogs (*Rana boylii*), and Western pond turtle (*Clemmys marmorata*), a qualified wildlife biologist shall perform pre-construction surveys and conduct an educational session with all work crewmembers prior to disturbance. If either species of frog are present, all vegetation removal and disturbance shall only occur in the presence of a qualified biological resource monitor. If CLRF are identified in the work area during the project the monitor shall halt activity and contact the U.S. Fish and Wildlife Service for direction and recommendations to avoid take of the species.

C. In order to prevent erosion and sedimentation of the creek, prior to disturbance DPW shall implement an erosion control plan to be reviewed and approved by Environmental Planning staff at the pre-construction meeting. Environmental Planning staff shall confirm that access to the work area is from the top of the bank and construction will be accomplished per the erosion control plan, that if dewatering of the keyway trench is necessary all provisions are in place to address sediment, that the spoils storage area is away from the creek bank and protected from erosion, and shall confirm the silt fencing and other erosion control features are properly installed.

D. To minimize noise impacts on surrounding properties to a less than significant level during construction, construction shall be limited to the time between 8:00 A.M. and 5:00 P.M. weekdays.

Environmental Review
Initial Study

Application Number: 09-0053

Date: September 8, 2009
Staff Planner: Matthew Johnston

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: Dept. of Public Works

APN: County Right-of Way @ Nelson Road Postmile Marker (PM) 0.07

Attn: John Swenson
(831) 454-2160

SUPERVISORAL DISTRICT: 5

LOCATION: Project site located on the north side of Nelson Road, 370 feet north of the intersection of Nelson Road and Lockhart Gulch Road.

SUMMARY PROJECT DESCRIPTION:

Proposal to repair 3 separate slip-outs including backfill of approximately 372 cubic yards of material (186 cubic yards of soil and 186 cubic yards of rock slope protection), adjacent to Lockhart Gulch stream. Requires a Riparian Exception and Environmental Review. Project located within the right-of- way for Nelson Road at post mile marker 0.07.

ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.

____	Geology/Soils	____	Noise
____	Hydrology/Water Supply/Water Quality	____	Air Quality
X	Biological Resources	____	Public Services & Utilities
____	Energy & Natural Resources	____	Land Use, Population & Housing
____	Visual Resources & Aesthetics	____	Cumulative Impacts
____	Cultural Resources	____	Growth Inducement
____	Hazards & Hazardous Materials	____	Mandatory Findings of Significance
____	Transportation/Traffic		

DISCRETIONARY APPROVAL(S) BEING CONSIDERED

____ General Plan Amendment	____ Grading Permit
____ Land Division	__X__ Riparian Exception
____ Rezoning	____ Other:
____ Development Permit	____
____ Coastal Development Permit	____

NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations:

Army Corps of Engineers
California Department of Fish & Game
Regional Water Quality Control Board

ENVIRONMENTAL REVIEW ACTION

On the basis of this Initial Study and supporting documents:

___ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

__X__ I find that *although the proposed project could* have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

___ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Matt Johnston

9/17/09
Date

For: Claudia Slater
Environmental Coordinator

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size: Not Applicable
Existing Land Use: Public right-of way and riparian open space
Vegetation: Himalayan Blackberry
Slope in area affected by project: ___ 0 - 30% _X_ 31 – 100%
Nearby Watercourse: Lockhart Gulch Creek
Distance To: Adjacent to stream channel

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: No
Water Supply Watershed: Yes
Groundwater Recharge: Yes
Timber or Mineral: No
Agricultural Resource: No
Biologically Sensitive Habitat: Yes (Riparian)
Fire Hazard: No
Floodplain: No
Erosion: Yes
Landslide: Yes (Roadside slip-out)

Liquefaction: NA
Fault Zone: No
Scenic Corridor: No
Historic: No
Archaeology: Mapped
Noise Constraint: No
Electric Power Lines: Yes
Solar Access: NA
Solar Orientation: NA
Hazardous Materials: No

SERVICES

Fire Protection: NA
School District: NA
Sewage Disposal: NA

Drainage District: Zone 7
Project Access: Nelson Road
Water Supply: NA

PLANNING POLICIES

Zone District: RA
General Plan: R-R
Urban Services Line: ___ Inside _X_ Outside
Coastal Zone: ___ Inside _X_ Outside

Special Designation: NA

PROJECT SUMMARY DESCRIPTION:

During the September and October 2006 high storm water flows within the stream channel, three sections of streambank were eroded and the adjacent roadway upslope undermined. Road repair plans (Attachment 2) have been designed to stabilize the toe of the failed slope and reconstruct the slope and roadway to previous conditions. The project requires a Riparian Exception in order to complete the repair.

PROJECT SETTING AND BACKGROUND:

The project area is located within the existing county right-of-way near the intersection of Nelson Road and Lockhart Gulch Road (Attachment 1). The project site consists of a two-lane roadway and the down-slope area just below the road. The northern stream bank slope is well vegetated with conifer trees and established understory. The southern stream bank slope (project area) is vegetated with non-native blackberry.

DETAILED PROJECT DESCRIPTION:

The repair project involves excavating the soil from the eroded slope areas (excavated material to be reused to rebuild the slope above the rock slope protection); place approximately 186 cubic yards of ½ ton "Rock Slope Protection" (RSP) along the toe of the slope; place 186 cubic yards of structural fill above the RSP, and rebuild three sections totaling 90 linear feet of roadway and 90 linear feet of asphalt concrete dike along the outer edge of newly constructed roadway (Attachment 2).

Prior to commencement of any on-site construction activities a qualified wildlife biologist shall complete pre-construction surveys for the following protected species: (steelhead (*Oncorhynchus mykiss*), California red-legged frog (*Rana draytonii*) and Western pond turtle (*Clemmys marmorata*), Cooper's hawk (*Accipter cooperii*) and Sharp-shinned hawk (*Accipter striatus*) identified in the "Biological Constraints Analysis" (Attachment 3). The project wildlife biologist shall be on site during slope excavation work and during any dewatering operations that may be required during the course of the project. The work to be completed will be done from the roadway and the stream channel will remain open throughout slope repair activities. To further minimize impacts to the surrounding natural habitat: the construction period will be limited to low flow periods (June 1 - October 15); prior to any excavation work the limits of project area will be demarcated with orange construction fencing and appropriate best management practices will be installed (straw rolls, plywood debris barriers, gravel bags, etc.). If dewatering is required during construction activities, gravel bags shall be placed at the toe of slope near the creek and a sump pump that discharges to a filter bag shall be employed. The section of reclaimed roadway will be repaved upon the completion of the slope repair and all disturbed soil will be replanted with willow tree cuttings and erosion control seeding.

Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

III. ENVIRONMENTAL REVIEW CHECKLIST

A. Geology and Soils

Does the project have the potential to:

1.	Expose people or structures to potential adverse effects, including the risk of material loss, injury, or death involving:				
	A. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or as identified by other substantial evidence?	____	____	____	X
	B. Seismic ground shaking?	____	____	X	____

The Department of Public Works will use a standard design for the project that is used on all projects of this type in Santa Cruz County. The standard design has been designed to mitigate potential hazards due to seismic ground shaking.

	C. Seismic-related ground failure, including liquefaction?	____	____	X	____
	D. Landslides?	____	____	X	____

All of Santa Cruz County is subject to some hazard from earthquakes. However, the project site is not located within or adjacent to a county or State mapped fault zone, therefore the potential for ground surface rupture is low. The project site is likely to be subject to strong seismic shaking during the life of the improvements.

2.	Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?	____	____	X	____

The Department of Public Works will use a standard design for the project that is used on all projects of this type in Santa Cruz County. The standard design has been

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

designed to mitigate potential hazards due to seismic ground shaking.

3.	Develop land with a slope exceeding 30%?	____	____	X	____

The failed slopes exceed 30% but the development activity in this case is the repair and stabilization of that slope, therefore this is a beneficial impact.

4.	Result in soil erosion or the substantial loss of topsoil?	____	____	X	____

The project is designed to minimize short-tem construction related erosion as well as long-term erosion due to road failure. All work is to be completed from the roadway. Erosion control measures that are part of the construction plan include: protective fencing to delineate the limits of the disturbance area in the field; scheduling of construction activities to coincide with low flows (June 1- October 15) in the creek channel; placement of best management practices (gravel bags, straw rolls) between the toe of the slope and the stream channel; and the repaired slope will be revegetated.

5.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code(1994), creating substantial risks to property?	____	____	X	____

There is no indication that the development site is subject to substantial risk caused by expansive soils.

6.	Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems?	____	____	____	X
7.	Result in coastal cliff erosion?	____	____	____	X

B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

1.	Place development within a 100-year flood hazard area?	____	____	____	X

According to the Federal Emergency Management Agency (FEMA) National Flood

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

2.	Place development within the floodway resulting in impedance or redirection of flood flows?	____	____	____	X

According to the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map, dated March 2, 2006, no portion of the project site lies within a 100-year flood hazard area.

3.	Be inundated by a seiche or tsunami?	____	____	____	X
4.	Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table?	____	____	____	X

This project will have no impact on groundwater.

5.	Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).	____	____	X	____

No commercial or industrial activities are proposed that would contribute a significant amount of contaminants to a public or private water supply. Potential siltation from the proposed project will be addressed through implementation of erosion control measures (refer to A.4.).

6.	Degrade septic system functioning?	____	____	____	X

There are no septic systems in the vicinity of the project.

7.	Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?	____	____	X	____

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

No work is proposed within the stream channel and the stream bank will be reconstructed to pre-slipout conditions. The rock slope protection placed at the toe of the slope will not displace floodwaters. The rock slope protection proposed for the toe of the slope will provide future slope protection during high stormwater events and decrease erosion of soil into the stream channel thus improving water quality.

8. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?				X

This project will not create any new runoff.

9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?				X

No new impervious surfaces are proposed as part of the project, thus there will be no additional storm water runoff that could contribute to flooding or erosion.

10. Otherwise substantially degrade water supply or quality?			X	

This project will reduce sedimentation of the adjacent creek. This is a beneficial impact.

C. Biological Resources

Does the project have the potential to:

1. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?		X		

A "Biological Constraints Analysis" (Attachment 3) has been prepared which evaluates the potential for special status (threatened, endangered, etc.) wildlife species to occur within the vicinity of the project site. The analysis determined that in addition to steelhead (*Oncorhynchus mykiss*), an endangered species, the following California Species of Special Concern have the potential to occur at the project site: California red-legged frog (*Rana draytonii*) federally threatened; and Western pond turtle (*Clemmys marmorata*).

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

A qualified wildlife biologist will conduct pre-construction surveys for protected fish/amphibians and birds, listed above, prior (1 week) to commencement of any work. The biologist will be on-site during excavation work for the rock slope protection and its placement, and during potential dewatering activities within the area of rock slope protection. The construction period for this project will run from June 1 to October 15.

2.	Have an adverse effect on a sensitive biotic community (riparian corridor), wetland, native grassland, special forests, intertidal zone, etc.)?	____	____	X

There will be temporary disturbance within the riparian corridor during construction activities but an overall net benefit to the riparian area once the project is completed. All disturbed soil within the project area shall be revegetated with native seed and willow.

3.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?	____	X	____

The stream channel will remain open during construction activities. The trench area receiving the "Rock Slope Protection" may fill with groundwater and may need to be dewatered. If necessary, the dewatering shall be done by placing sandbags between the trench area and the live channel and pumping the water through a sediment filter such that no sediment-laden water shall enter the live channel. This will be done under the supervision of the project biologist.

4.	Produce nighttime lighting that will illuminate animal habitats?	____	____	X
5.	Make a significant contribution to the reduction of the number of species of plants or animals?	____	X	____

Refer to C.3 above.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)?			X	

The project will not conflict with any local policies or ordinances.

7. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?			X	

The project will not conflict with any Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan.

D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?			X	

The project is not adjacent to land designated as Timber Resource.

2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use?			X	

The adjacent lands are designated for agriculture but are not in active production. As a bank stabilization project, this project would not affect agricultural operations.

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner?				X

This project does not involve activities that result in the use of large amounts of fuel, water, or energy.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)?				X

E. Visual Resources and Aesthetics

Does the project have the potential to:

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource?				X

There are no identified scenic resources in the project vicinity.

2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings?			X	

The project site is not located along a County designated scenic road or within a designated scenic resource area.

3. Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridge line?			X	

Upon completion of the slope repair the slope will be revegetated with willows (*Salix lasiolepis*) and an appropriate erosion control mix.

4. Create a new source of light or glare which would adversely affect day or nighttime views in the area?				X

No new lighting is associated with this project.

5. Destroy, cover, or modify any unique geologic or physical feature?				X

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

F. Cultural Resources

Does the project have the potential to:

1. Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5?				X
2. Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5?			X	

The project area is mapped for archeological resources, however, the failed roadbank was engineered fill and previously disturbed, therefore no archeological resources are expected to be present in the area to be excavated. Pursuant to Section 16.40.040 of the Santa Cruz County Code, if archeological resources are uncovered during construction or grading, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

3. Disturb any human remains, including those interred outside of formal cemeteries?			X	

See F.2. above.

4. Directly or indirectly destroy a unique paleontological resource or site?				X

G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?				X

No hazardous materials are proposed to be used as a part of this project.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

This project site is not included on the July 31, 2009 Site Mitigation List.

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?				X

This project is not located near any airport.

4. Expose people to electro-magnetic fields associated with electrical transmission lines?				X
5. Create a potential fire hazard?				X
6. Release bio-engineered organisms or chemicals into the air outside of project buildings?				X

H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	

No additional traffic will be generated.

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?				X

No additional need for parking will result from this project.

3. Increase hazards to motorists, bicyclists, or pedestrians?		X		

The project will result in temporary lane closures during construction and limiting traffic to one lane. The Department of Public Works (DPW) will provide signage and traffic control to mitigate potential hazards to motorists, bicyclists and pedestrians.

4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?				X

I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

No permanent noise impacts will be generated as a result of this project.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?			X	

Work activities are not expected to exceed County standards.

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

There will be a temporary increase in noise due to construction activities and the operation of heavy equipment. The impact will be mitigated by restricting the hours of operation to Monday-Friday (8am to 5pm).

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

J. Air Quality

Does the project have the potential to: NOTE: Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations.

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	

The North Central Coast Air Basin does not meet State standards for ozone and particulate matter (PM10). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides [NOx]), and dust.
Given that no new traffic will be generated by the project there is no indication that new emissions of VOCs or NOx will exceed Monterey Bay Unified Air Pollution Control District (MBUAPCD) thresholds for these pollutants and therefore there will not be a significant contribution to an existing air quality violation.
Given the small scope of the project, impacts from dust are not expected to exceed the 82 pounds per day identified by the MBUAPCD as the threshold of significance.

2. Conflict with or obstruct implementation of an adopted air quality plan?				X
3. Expose sensitive receptors to substantial pollutant concentrations?				X
4. Create objectionable odors affecting a substantial number of people?				X

K. Public Services and Utilities

Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
a. Fire protection?				X
b. Police protection?				X
c. Schools?				X
d. Parks or other recreational activities?				X
e. Other public facilities; including the maintenance of roads?				X

This project will improve the stability of the roadway and will not result in the need for any public services.

2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board?				X
5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?				X

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable
6. Result in inadequate access for fire protection?			X	

One lane will remain open at all times. Fire trucks, ambulances and other emergency vehicles will not be blocked from using the road at any time (Refer to H.3.).

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?				X
8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management?				X

L. Land Use, Population, and Housing

Does the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect?			X	

The proposed project does not conflict with any policies adopted for the purpose of avoiding or mitigating an environmental effect.

2. Conflict with any County Code regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

The proposed project does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect.

3. Physically divide an established community?				X
4. Have a potentially significant growth inducing effect, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	

	Significant Or Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant Or No Impact	Not Applicable

The proposed project will not extend the road or increase its capacity.

5.	Displace substantial numbers of people, or amount of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	X

M. Non-Local Approvals

Does the project require approval of federal, state, or regional agencies? Yes X No ____

N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory? Yes ____ No X

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future) Yes ____ No X

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)? Yes ____ No X

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes ____ No X

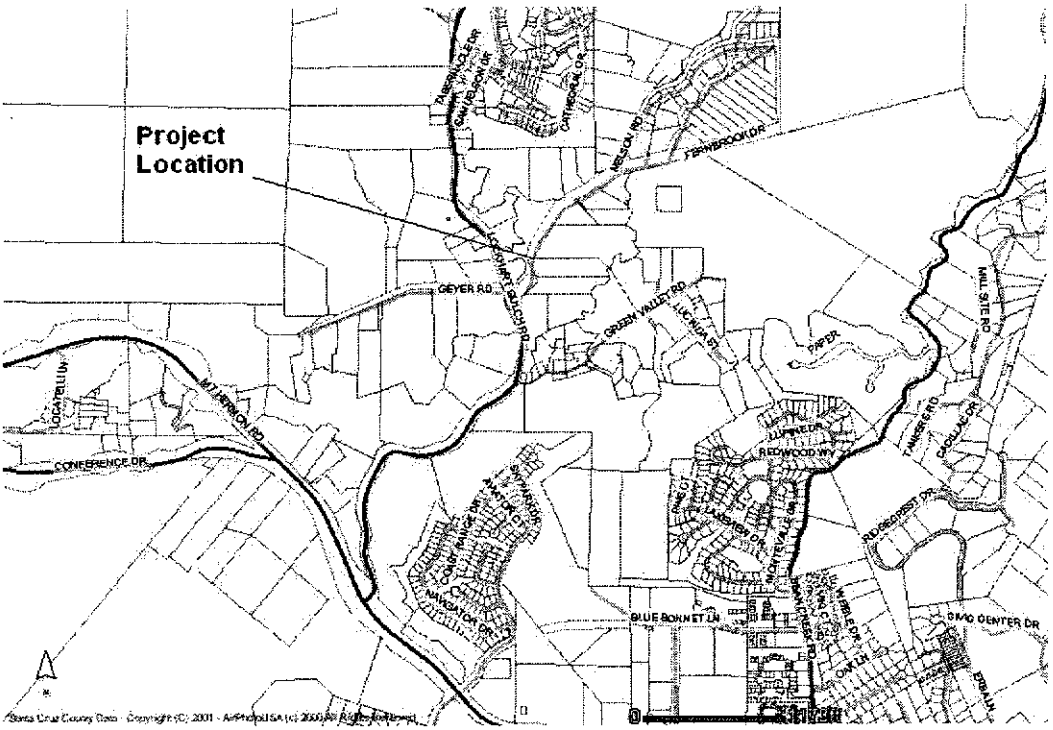
TECHNICAL REVIEW CHECKLIST

	REQUIRED	COMPLETED*	N/A
Agricultural Policy Advisory Commission (APAC) Review			X
Archaeological Review			X
Biotic Report/Assessment		12/10/08	
Geologic Hazards Assessment (GHA)			X
Geologic Report			X
Geotechnical (Soils) Report			X
Riparian Pre-Site			X
Septic Lot Check			X
Other:			

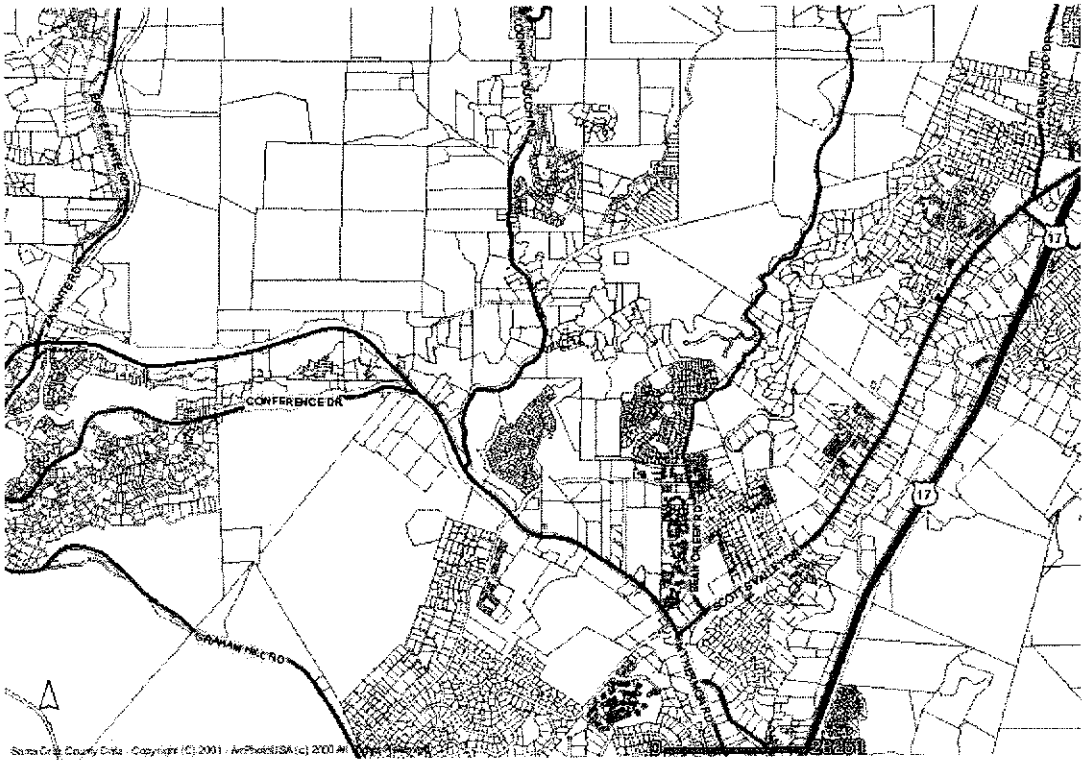
Attachments:

1. Nelson Road Location Map
2. Slope Repair Plan
3. Biological Constraints Analysis, dated 12/10/08

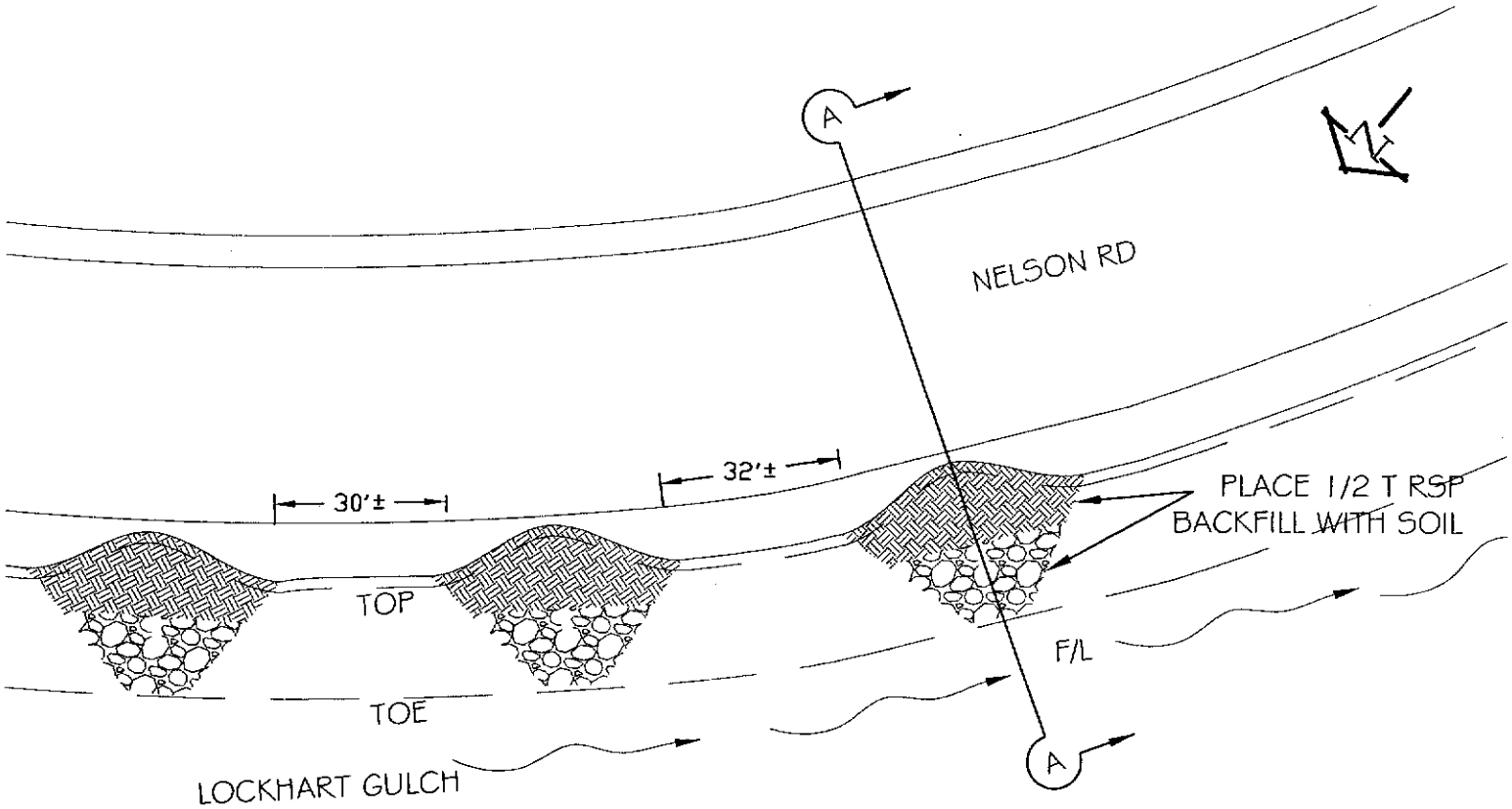
Nelson Road Slipout Repair
Location Map



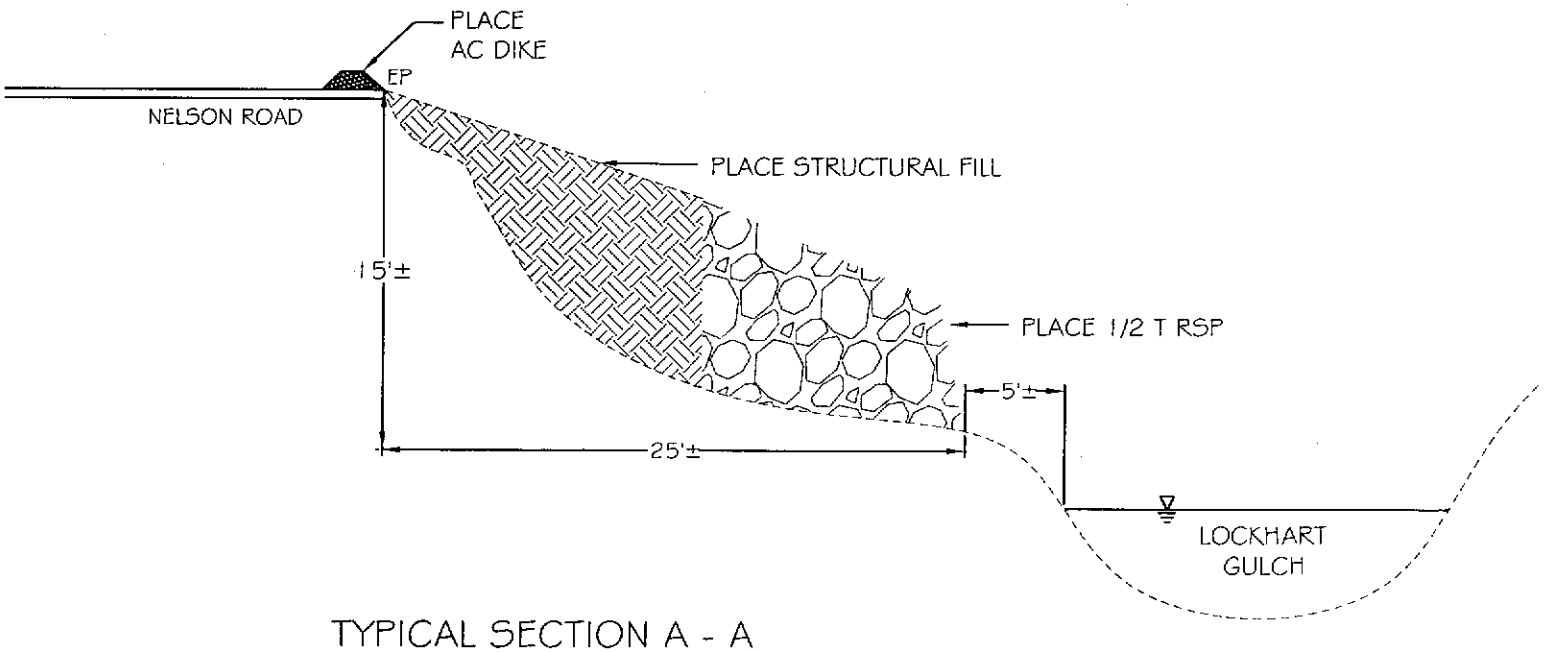
The project area is located within the existing county right-of-way near the intersection of Nelson Road and Lockhart Gulch Road, West of the City of Scotts Valley in Santa Cruz County.



Attachment 1



PROJECT PLAN
NTS



TYPICAL SECTION A - A
N.T.S.

Attachment 2

NELSON ROAD - PM 0.07
STREAMBANK STABILIZATION

Project General Information

Project Location:	Nelson Road – PM 0.07
Stream:	Lockhart Gulch Stream
County:	Santa Cruz
APN:	N/A
USPLSS Coordinates:	Township: 10S, Range: 2W
Mailing Address:	701 Ocean St, Rm 410, Santa Cruz, CA 95060
Driving Directions:	From Santa Cruz take Ocean Street N, which becomes Highway 17 for 3.5 miles, then turn NW onto Mt. Hermon Rd. 3 miles, then turn N onto Lockhart Gulch Rd., then turn right onto Nelson Rd for 0.07 miles.

Description of Work

Problem

During the Sept.-Oct. 2006 Storm (FEMA-CA DR1646), the high storm water flows in Lockhart Gulch washed out the toe slope of the roadway embankment causing a failure of the embankment and undermined the edge of roadway. Dimensions of damage at each location are as follows: Approximately 30' length, 28' width, 4' depth of embankment; 30' length, 2' width, 12' depth of shoulder; 28' length, 1' width, 4" depth of Nelson Road.

Project Proposal

The County proposes to repair the subject locations by installing 186 CY of structural backfill and 186 CY of ½ ton rock slope protection. Place 9 tons of asphalt concrete and 6 CY of class 2 aggregate. Install 84 LF of AC dike. Total fill volumes are 372 CY. These areas will be backfilled with compacted soil and bare areas will be seeded with a native seed mix. Construction equipment that will be used at these sites includes, but is not limited to, standard trucks and excavators; all work will be done from the roadway.

Biological Considerations

A biotic constraints analysis by Kittleson Consulting has confirmed that there will be no need to divert flow of water within the channel and no threat to any endangered or protected animal or plant species as a result of the proposed repairs. See attached biotic report for full details.

A standard erosion control plan will be used, including plywood debris barriers to be installed where necessary to intercept any potential sediment created by construction activities prior to entering the waterway. Any disturbance to vegetation will be negligible and replanting will occur as needed.

Biotic Assessment and Suggested Mitigation Measures
Nelson Road PM 0.20 Emergency Repair

December 10, 2008

Project Description

The County of Santa Cruz proposes to repair Nelson Road at PM 0.20 in the Bean Creek watershed in Santa Cruz County. The area of concern is an eroding road embankment above the Lockhart Gulch stream channel, a perennial stream that supports listed steelhead. As proposed, the emergency repair will fill the eroded area with rock slop protection, and repair the roadway shoulder and travel surface. No diversion is proposed, and all work will avoid the wetted perimeter of the channel.

Location

The proposed project is located on Nelson Road which runs along the lower reach of Lockhart Gulch approximately 200 yards upstream of the confluence with Bean Creek, a tributary of the San Lorenzo River in the county of Santa Cruz, California. Lockhart Gulch and Bean Creek flow into the mainstem of the San Lorenzo River in the town of Felton, California about 75 miles south from San Francisco. The San Lorenzo River drains an approximately 137-square mile watershed. The river drains to the Pacific Ocean at the north end of Monterey Bay.

The project area is located within the riparian corridor of Lockhart Gulch. The project site is located at Post Mile 0.20 on Nelson Road. See Location Map.

General Description

The project consists of excavating the failed embankment above the active stream channel and placement of rip-rap by excavator downstream of an existing left bank concrete crib wall. See Photo Appendix A.

Type of Habitat Affected by Proposed Project

The primary wildlife habitat in the Lockhart Gulch-Bean Creek watershed in the vicinity of the project area is mixed hardwood and conifer forest with sandy soils and scattered grasslands. The riparian corridor is predominantly red alder (*Alnus rubra*), bay laurel (*Umbellularia californica*), arroyo willow (*Salix lasiolepis*), box elder (*Acer negundo*) and creek dogwood (*Cornus californica*). The under-story is well-shaded and dominated by vines, primarily non-native periwinkle (*Vinca minor*) and Himalayan blackberry (*Rubus discolor*) and native California blackberry (*Rubus ursinus*).

The project impact area consists of the failed embankment above freshwater stream habitat in the incised willow-alder riparian zone between Lockhart Gulch Road and Nelson Road. The land use in the project vicinity is rural residential.

Kittleson Environmental Consulting
3284 Malibu Drive
Santa Cruz, CA 95062
(831) 251-0215
garykit@pacbell.net

The project area is presently covered by Himalayan blackberry and ruderal vegetation. As a result, minimal native vegetation is present where excavation is planned. No trees will be removed to access the site, or during excavation and rip rap placement.

Sediments in the project area are a mix of fine and coarse alluvium, mostly cobble-sized particles, with fine sand in slack water deposits on the stream bed and in overbank areas. The project site is located in a riffle-pool type stream environment within a deeply incised channel. Geomorphic conditions and pool formation within the creek appear to be greatly influenced by woody material and accumulated sediments within the incised channel. Upstream and downstream of the project impact area the creek banks support both native and non-native riparian and upland species. Adjacent resident structures across the channel and the roadways surfaces limit riparian habitat width.

Aquatic habitat capable of supporting salmonids and California red-legged frogs is present in the proposed project site. Avoidance of this habitat to the extent possible will minimize potential impacts to these species.

Listed Species in the Project Area and Vicinity

The CNDDB has listed 16 special status species with the potential to occur at or near the project area within the USGS Felton quad. Due to the proposed project's small size and location within a disturbed riparian corridor, only three species have the potential to be in or near the project site. The CNDDB-listed species are included in Table A.

The proposed project site is within the range of the California red-legged frog (*Rana aurora draytonii*) (Stebbins 1985, Jennings and Hayes 1994). The species is known from the Santa Cruz Mountains in Santa Cruz, San Mateo and Santa Clara Counties. California red-legged frog is known to occur in the upper watershed of the San Lorenzo River watershed in the Zayante subwatershed at Quail Hollow Park approx. 2.3 miles northeast of the project site, Bean Creek approx. 3.9 miles northeast of the project site, and Mountain Charlie Gulch approx. 3.5 miles northeast of the project site (CNDDB 2007, and personal obs. 2004).

Elsewhere in the upper San Lorenzo River watershed, California red-legged frogs were reported in 1974 and 1975 in a spring box along a service road that was situated in the north end of Castle Rock State Park (Johnston, pers. comm.). One additional RLF observation record is from the Sempervirens Reservoir at Big Basin Redwoods State Park (Allaback, pers. comm.; Hyland, pers. comm.). Both California red-legged frogs and introduced bullfrogs (*Rana catesbeiana*) inhabit the reservoir at Big Basin.

Habitat for fish in Lockhart Gulch in the vicinity of the repair site is good. NOAA Fisheries has listed the threatened Coho salmon (*Oncorhynchus kisutch*) and threatened steelhead (O. mykiss) as occurring in or around the project area. Both these species are known to occur in the San Lorenzo River Watershed, and their habitat is present at the project site. Steelhead/resident rainbow trout were observed within the project site during two site visits (8/6/207 and 8/30/2007). Coho are considered extremely rare in the San Lorenzo watershed and are unlikely to occur in the watershed, particularly following a low flow winter such as 2007.

No listed plants are present in the potential impact zone of the project site.

Other Wildlife Species

Wildlife effects associated with the proposed project are expected to be temporary. Wildlife species that use the Lockhart Gulch riparian corridor are mobile species that would leave the area during construction and return when construction is completed. Birds that may live in and around the project sites would also likely leave during construction and return when construction is completed.

Western pond turtles (*Clemmys marmorata*) are considered rare in the San Lorenzo River, although anecdotal observations on mainstem summer dams in the Boulder Creek area were made in the 1970's by valley residents (M. Stroud, pers. comm., 2005). One adult western pond turtle was observed swimming in the lower San Lorenzo between Water Street and the pedestrian bridge in 2002 (Kittleson, personal observation). No impacts to western pond turtles are anticipated.

No riparian vegetation will be removed during the emergency repair project. All work will be conducted from the existing roadway surface

Water Circulation, Fluctuation, and Salinity Impacts

The San Lorenzo River is a freshwater system until it reaches the estuarine area downstream of the Water Street Bridge. The project site is located in exclusively freshwater habitat in a small tributary to the San Lorenzo in the Zayante Creek subwatershed.

The proposed project is not expected to significantly change the water chemistry of the river. As conceived, no work will be conducted in the wetted perimeter of the low-flow channel. Installation and removal of silt fence and plywood debris fence may result in minor temporal disturbance and turbidity. This is not expected to change the chemistry of the river.

During construction, flow will not be altered. No temporary diversion will be required to the water around the construction site(s). The general pattern and flow of the river would not change. Therefore, construction activities would not be considered a significant adverse effect.

Suggested Best Management Practices

The following best management practices are suggested:

- Control of site runoff through during construction.
- Installation of temporary erosion and sedimentation control devices.
- Location of equipment and spoils in designated staging areas.
- Control of excavated materials to limit turbidity.
- Construction equipment should be maintained in proper operating condition to prevent leaks of oil or grease.

Suggested Mitigation Measures

1. A qualified biologist shall meet with the construction crew prior to beginning construction to conduct a worker training session on the biotic resources and protected species in the San Lorenzo River system.
2. A qualified biologist shall survey the project site for nesting birds, prior to site work if construction is planned before August 1.
3. A qualified biologist shall survey the project site for California red-legged frogs and western pond turtles, with 72 hours prior to initiation of site work.
4. A qualified biologist shall be on site during the initial clearing, as well as installation and removal of silt fence and debris fence.
5. Periodic daily monitoring during construction shall be conducted by the biological monitor to document that construction does not cause habitat degradation, excessive turbidity or adverse water quality conditions.

Cumulative Effects on the Aquatic Ecosystem

There would be no significant cumulative effects on the aquatic ecosystem due to this project. All of the effects described in this evaluation would be primarily temporary, minor in nature, or within acceptable limits. There are no known other concurrent projects in the Lockhart Gulch or upper San Lorenzo River watershed area that would contribute to cumulative adverse effects in the area.

Summary

As proposed, approximately 50' of the Nelson embankment above the ordinary high water line and low flow channel would be temporarily affected during construction. Due to the small size and minor nature of the emergency repair project, potential adverse impacts to listed species and their essential habitat are considered unlikely or temporary. Preventative measures would be taken to ensure that fish and wildlife are avoided, relocated and/or unharmed at all times.

As, proposed, state water quality standards would not be violated. The proposed action would not violate the Toxic Effluent Standards of Section 307 of the Clean Water Act.

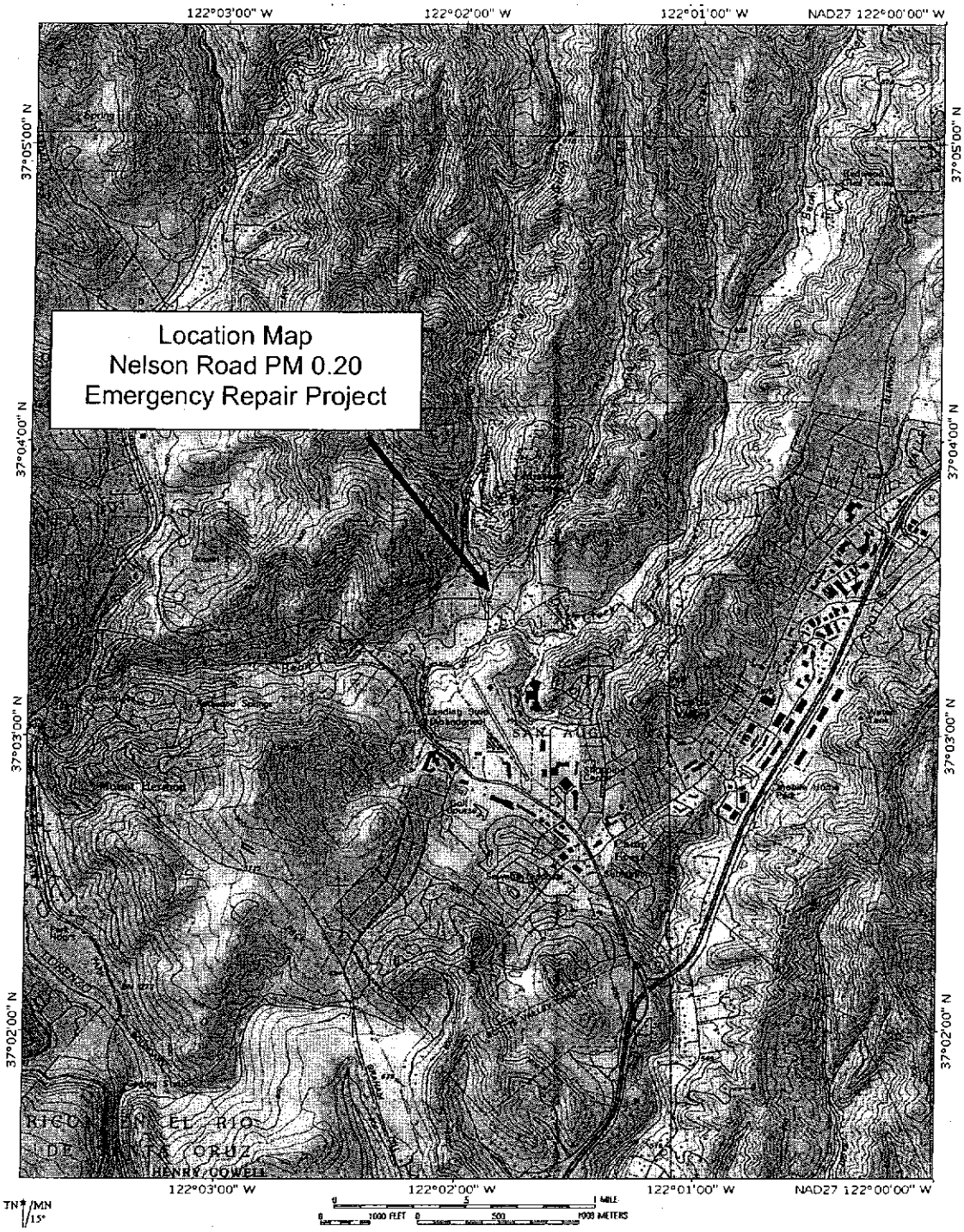
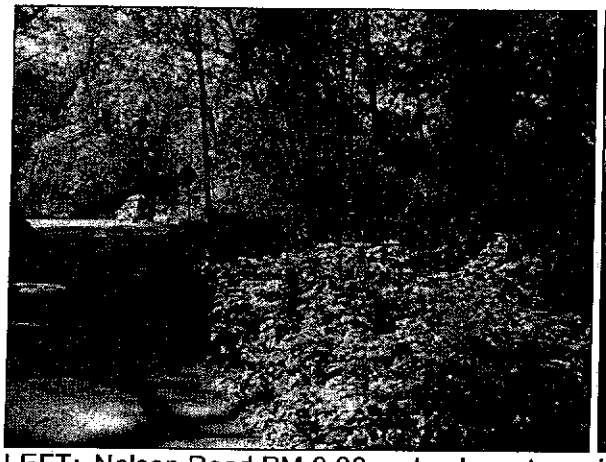

Location Map
Nelson Road PM 0.20
Emergency Repair Project
122°03'00" W
122°02'00" W
122°01'00" W
NAD27 122°00'00" W
37°05'00" N
37°04'00" N
37°03'00" N
37°02'00" N
SANTA CRUZ
HENRY COWELL
TN 15° MN

PHOTO APPENDIX A




LEFT: Nelson Road PM 0.20 embankment repair project location.
RIGHT: Nelson Road PM 0.20 embankment repair project location.


LEFT: Nelson Road upstream of project area. Note existing cribwall on left bank.
RIGHT: Lockhart Gulch stream corridor looking upstream towards project site. This reach is viable salmonid habitat. Juvenile steelhead were observed.

Table A. California Natural Diversity Database Listed Species – Felton Quad

Scientific Name	Common Name	Status (FED/STATE*)	General Habitat
Arenaria paludicola	marsh sandwort	E/E	MARSHES & SWAMPS
Chorizanthe pungens var. hartwegiana	Ben Lomond spineflower	E/none	LOWER MONTANE CONIFEROUS FOREST
Chorizanthe robusta var. hartwegii	Scotts Valley spineflower	E/none	GRASSLAND
Chorizanthe robusta var. robusta	robust spineflower	E/none	SANDHILLS, COASTAL DUNES & SCRUB
Cicindela ohlone	Ohlone tiger beetle	E/none	REMNANT NATIVE GRASSLANDS
Cupressus abramsiana	Santa Cruz cypress	E/E	CONIFEROUS FOREST
Erysimum teretifolium	Santa Cruz wallflower	E/E	CONIFEROUS FOREST, CHAPARRAL
Euphilotes enoptes smithi	Smith's blue butterfly	E/none	COASTAL DUNES & COASTAL SAGE SCRUB
Holocarpha macradenia	Santa Cruz tarplant	T/E	COASTAL PRAIRIE & GRASSLAND
Oncorhynchus kisutch	Coho salmon - Central California ESU	T/E	COASTAL RIVERS & STREAMS
Oncorhynchus mykiss irideus	Steelhead - Central California Coast ESU	T/none	COASTAL RIVERS & STREAMS
Pentachaeta bellidiflora	white-rayed pentachaeta	E/E	VALLEY & FOOTHILL GRASSLAND
Plagiobothrys diffusus	San Francisco popcorn-flower	none/E	COASTAL PRAIRIE & GRASSLAND
Polygonum hickmanii	Scotts Valley polygonum	E/E	VALLEY & FOOTHILL GRASSLAND
Polyphylla barbata	Mount Hermon (=barbate) june beetle	E/none	SAND HILLS
Rana aurora draytonii	California red-legged frog	T/none	WETLAND & STREAM HABITATS
Trimerotropis infantilis	Zayante band-winged grasshopper	E/none	SAND HILLS

* T = Threatened, E = Endangered, none = no listing status

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