

QUESTION # 01:

DATED: 12/19/13 TO: Kevin

The exemption from CEQA is to replace the existing bridge in the same location. The plans are to remove the existing bridge, fill in the area and put the bridge in a new location thus removing many trees. Where does it say in CEQA the removal of trees???

Kitty

ANSWER:

Projects are categorically exempt under CEQA when they fit within a particular category (in this case, 15302 Replacement or Reconstruction) and they don't have significant effects. The resident is interpreting the language in the CEQA exemption in an overly restrictive manner that is inconsistent with its intent, as well as inconsistent with standard practice under CEQA. The test for whether a project can be found exempt under CEQA is not whether it has any impacts; rather the question is whether the effects are significant. A project can remove trees and still be found categorically exempt provided the trees are not significant, as is the case here.

The project the County is proposing is, in fact, replacing the bridge at the same location, meaning the point where Alamos Road crosses Alamos Creek. The only difference is that the new bridge will correct an existing functional deficiency, which is the sharp turn and inadequate sight distance. The project requires the removal of a number of trees, as documented in a biology report. These trees are not significant visual or biologic resources and the project will plant replacement trees on-site.

I would also point out that, hypothetically, even if one were to close the road, remove the existing bridge, and install a new bridge without correcting the sharp turn/inadequate site distance (by the way, such a design would not qualify for federal funding), trees would still need to be removed 1) because the new bridge would be wider, and 2) because there would need to be room for construction access and equipment.

Finally, I would note that if the resident's strict interpretation of the exemption was correct, many replacement/reconstruction projects would likely not qualify because, by definition, various changes to comply with current design standards, codes, and regulations are an integral part of such projects. Such changes frequently require larger/wider structures, corrections to substandard alignments, etc., such that they are not exact replacements, but rather functional replacements.

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