



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
MEETING DATE: JUNE 3, 2024
FROM: DAN LAFONTAINE, PUBLIC WORKS DIRECTOR
SUBJECT: SUBMISSION OF A NOTICE OF EXEMPTION FOR THE LAKE OR STREAMBED ALTERATION PERMIT FOR THE CREEK CLEARING PROJECT

Recommendation

Consider the proposed exemption class and adopt the NOE. After the NOE has been adopted and signed it will be posted with the Amador County Clerk. The NOE can then be referenced as the completed CEQA documentation for the Lake or Streambed alteration permit application to the Department of Fish and Game.

Background and Analysis

The City has recently submitted a Lake or Streambed Alteration permit notification to the Department of Fish and Game on May 16, 2024. As part of the permit application the City of Sutter Creek as the Lead agency is required to make a determination on the environmental impact of the permit through California Environmental Quality Act (CEQA). Alternatively, the City could deem the Department of Fish and Game the lead agency, which would need approval from Fish and Game. Estimates, based on conversations with Fish and Game, are that costs could be up to 6-months in delays and 30 to 40K based on other similar projects. The Creek cleaning project entails creek/tributary cleaning around the City including Bryson Park Culverts, Old Rte. 40 Culvert, Sutter Creek, and The Grizzly culvert per the map attached to this staff report (which was included in the permit application).

Staff has prepared the following Notice of Exemption (NOE). Under Exempt Status, Categorical Exemption Section 15301 (existing Facilities) allows operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Sutter Creek Maintenance project is consistent with 15301.h as it proposes maintenance of existing landscaping, native growth, and water supply reservoirs without the use of pesticides. Therefore, the project qualifies for this exemption.

Fiscal Impact

If the council does not believe that the NOE is appropriate, Staff will need to prepare an Initial Study with a Negative Declaration or Mitigated Negative Declaration or an Environmental Impact Report at considerable expense to the City.