

Final Mitigated Negative Declaration, Response to Public Comments, &  
Mitigation Monitoring Program

Fryer Creek Pedestrian and Bicycle Bridge Project

State Clearing house # 2011012065



April 2011

Prepared by:

City of Sonoma  
Planning Department  
No. 1 The Plaza  
Sonoma, California 95476  
(707) 938-3681

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Appendix A - Mitigation Monitoring Program

**FINAL MITIGATED NEGATIVE DECLARATION**  
**Fryer Creek Pedestrian and Bicycle Bridge Project**

April 2011

**Lead Agency and Project Proponent**

City of Sonoma  
No. 1 The Plaza  
Sonoma, CA 95476  
Phone (707) 938-3681

**PROJECT DESCRIPTION**

The Fryer Creek Pedestrian and Bicycle Bridge Project consists of two components:

- Construction of a new bicycle and pedestrian bridge and path and
- Circulation and accessibility improvements to Newcomb Street and Fryer Creek Drive

The following describes the various project components.

*Fryer Creek Bridge*

A new bridge would be constructed over Fryer Creek to connect Newcomb Street on the east and the existing multi-use paths and Manor Drive on the west. The Fryer Creek Pedestrian Bridge would be a green-painted, prefabricated steel truss bridge. The bridge would be approximately 48 feet long and 8 feet wide. The bridge would look similar to the existing bridge at Todd Avenue, which is located approximately 1,600 feet south of the proposed bridge location. The bridge would be placed on newly constructed concrete abutments approximately 13 feet long, 3 feet wide and 3 feet deep. The abutments would be located adjacent to Fryer Creek. The bridge abutments would be excavated vertically and cast-in-place to avoid disturbance to the creek bank during installation. The bridge would be designed such that the bridge and the abutments would be located above the 100-year flood water surface elevation (WSEL). Horizontal safety rails approximately 4.5 feet in height and would be placed on the side trusses for safety.

Existing utilities, including water and sewer lines, cross beneath Fryer Creek at the project site. The bridge abutments would be placed to avoid conflict with existing utilities. The western abutment would be located a minimum of five feet away from the existing water line.

*Bicycle and Pedestrian Path*

The project also includes construction of a new 8-foot wide, 60-foot long paved bicycle and pedestrian path. The new path would extend from the eastern bridge approach to the existing residential driveway on the north side of Newcomb Street. Approximately 30 feet of the path would fork into two 4-foot paths in order to preserve two existing trees along the route. City bike trail signage, directional striping and bollards would be installed along the path to guide users and encourage safe travel. The bicycle and pedestrian path would be located within the City right-of-way.

### *Circulation and Accessibility Improvements*

A new sidewalk and associated curb and gutter would be constructed along Newcomb Street. The sidewalk would begin at the end of the new pedestrian path and end at the intersection of Fryer Creek Drive and Newcomb Street. The sidewalk would range from 8 feet wide near the new path and narrow to 4 feet wide at the intersection. A new City-standard streetlight with LED lighting would be installed immediately to the east of the driveway. In order to accommodate the construction of the new sidewalk, one row of existing grape vines and a portion of a privately-owned rock wall within the City right-of-way would be removed to the limits of the new sidewalk (which corresponds with the City right-of-way). Additionally, an existing residential driveway would be repaired flowing construction of the new sidewalk.

A new buried electrical line would be installed to provide electricity to the new street light and for future lighting on the bridge. Installation would require an 80-foot long and 4-inch wide trench. The trench would be 12 inches deep from the streetlight to the bridge conduit stub, and 24 inches deep between the street light and the existing PG&E vault. The trench would be located outside of the dripline of the two existing trees to avoid potential tree impacts. Bridge lighting is not proposed at this time. An existing stormwater inlet at the corner of Newcomb Street and Fryer Creek Drive would be relocated and connected to the storm drain system. The new location would be approximately 5 feet north of its current location. Relocation of the inlet would be required to accommodate the new sidewalk in the area.

A new 6-inch curb and Type C Americans with Disabilities Act (ASDA) compliant curb ramp would be constructed on the northwestern corner of Newcomb Street and Fryer Creek Drive, and a new detectable warning surface would be installed on the existing curb ramp at the eastern corner. On Fryer Creek Drive, an existing stop sign would be relocated and new striping and crosswalk would be added. A new stop sign and accompanying striping would be installed heading east on Newcomb Street. The project would also remove the existing barricade and fencing at the dead-end of Newcomb Street and replace it with a new City-standard barricade and gate. Additionally, a new driveway and curb and gutter would be constructed for Sonoma County Water Agency (SCWA) access at the dead-end of Newcomb Street.

### **PROJECT LOCATION**

The project is located in the southwest portion of the City of Sonoma. The Fryer Creek Pedestrian and Bicycle Bridge would span across Fryer Creek, with the eastern approach connecting to Newcomb Street, and the western approach connecting to existing multi-use paths, one of which connects to Manor Drive.

### **FINDING OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT**

Based on the Initial Study and other pertinent information, with the recommended mitigation measures, the project does not have a significant effect on the environment. This project will not have a detrimental effect upon either short-term or long-term environmental goals. This project will not have impacts which are individually limited

but cumulatively considerable. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly. Mitigation measures have been added to the project to reduce potential significant impacts to a less-than-significant level.

### **INITIAL STUDY**

An Initial Study was prepared for the Fryer Creek Pedestrian and Bicycle Bridge Project and sent to the State Clearinghouse and interested agencies on January 21, 2011 for a 30-day public review period. Five letters were received from the general public during the 30-day comment period. One letter was received from the California Department of Fish and Game which iterated the permit requirements that may be encountered during the project construction.

### **RESPONSE TO COMMENTS ON THE INITIAL STUDY**

The City council must consider the comments received during the comment period prior to adopting a Mitigated Negative Declaration. Responses to the comments received are included below. The comments did not require changes in the Initial Study or in the Project, and no significant effects were identified.

### **LOCATION OF DOCUMENTS**

The documents which constitute the record of proceedings for this project are located at the City of Sonoma No. 1 The Plaza, Sonoma, California 95476.

### **MITIGATION MEASURES**

The mitigation measures below are compiled from the Initial Study. These mitigation measures have been added to the project and have been found to reduce potentially significant impacts of the proposed project to less than significant. A Mitigation Monitoring Program has been prepared, and it is included in this document beginning on page 16.

#### ***Mitigation Measure AES-1: Landscaping and Tree Replacement***

The City shall replant trees removed during construction to meet the Sonoma Municipal Code Chapter 12.08 for tree replacement. These trees shall be replaced within the existing landscape strip adjacent to the multi-use path as shown of Figure 4. The replacement trees shall be of sufficient size to provide immediate screening for the adjacent residence.

#### ***Mitigation Measure AQ-1: Basic Air Quality Protection Construction Measures***

For all proposed projects, the Bay Area Air Quality Management District (BAAQMD) recommends the implementation of Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable thresholds of significance. The following measures from BAAQMD are applicable to all construction activities for the project:

- All exposed surfaces shall be watered two times per day.
- All haul trucks transporting soil, sand or other loose material off-site shall be covered.

- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All roadway, driveway, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California code of Regulations).
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air District' phone number shall also be viable to ensure compliance with applicable regulations.

***Mitigation Measure BIO-1: Conduct Pre-Construction Biological Surveys***

Pre-construction surveys for California red-legged frog and western pond turtle shall be conducted by a qualified biologist approved to conduct such surveys by CDFG, USFWS, and NMFS. If any of these species are found in the project area during preconstruction surveys, CDFG, USFWS and/or NMFS shall be notified and individuals shall be captured by the qualified biologist and relocated to suitable areas above or below the project. Surveys for California red-legged frog shall be conducted according to current USFWS guidance, or as recommended by the agencies. If preconstruction surveys identify active western pond turtle nests, it shall be documented and reported to the CDFG CNDDDB database, and a qualified biologist shall establish a no-disturbance buffer zone around the nest using temporary orange construction fencing. The radius of the buffer zone and the duration of the exclusion shall be determined in consultation with USFWS and CDFG. The buffer zone fencing shall remain in place until the young have left the nest, as determined by a qualified biologist.

***Mitigation Measure BIO-2: Conduct Pre-Construction Nesting Surveys***

Pursuant to California Department of Fish and Game Codes (§3503, §3503.5, and §3800) and the Federal Migratory Bird Treaty Act (50CFR 10.13), birds, nests, eggs and young are protected. If project construction occurs between February 1 and October 15 of any year, a qualified biologist shall conduct preconstruction nesting surveys within 48 hours of construction for nesting passerines (small songbirds) and raptors. If nests are located the biologist, in consultation with CDFG, shall establish a buffer around the nest to remain in place until the young have fledged.

***Mitigation Measure BIO-3: Tree Replacement and Tree Protection Measures***

To protect existing trees during project construction, the Contractor shall comply with the following mitigation measures to protect existing trees:

- When constructing the bicycle and pedestrian path, grading shall be minimized, and existing grading shall be used as much as possible. Geotextile fabric shall be used in place of soil compaction.
- During construction, access shall be restricted to the tree on the south side of Newcomb Street. The tree shall be protected with a tree protection fence. Occasional access may occur only under the direction of the project arborist representing the City of Sonoma.
- Pruning of trees shall comply with standard pruning practices designed to protect trees. Pruning shall occur only for the following purposes: construction clearance; site and equipment access; and placement of the bridge itself. No other pruning shall be allowed. All pruning cuts shall be in compliance with the International Society of Arboriculture Pruning Standards. All pruning shall occur under the direct supervision of the project arborist representing the City of Sonoma.
- Trees removed during construction shall be replaced. The City of Sonoma Tree Ordinance restricts the damage, removal or destruction of trees without replacement. Therefore, the removal of up to two trees would require replacement trees as part of the project and discussed in the project description. The Tree Ordinance states that tree replacement shall occur onsite, and shall occur at a minimum of a 1:1 ration and a 15-gallon box size for each 6 inches of tree diameter removed.

***Mitigation Measure CR-1: Procedures for Handling Unanticipated Archaeological and Paleontological Resources***

There is a low possibility that subsurface archaeological deposits may exist at the project location, given the archaeological sensitivity of areas near water courses. If concentrations of prehistoric or historic-period materials are encountered during ground-disturbing work along Fryer Creek, all work in the immediate vicinity shall halt until a qualified archaeologist can evaluate the finds and make recommendations. Prehistoric material might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heataffected rock, artifacts, or shellfish remains; and stone milling equipment (e.g. mortars, pestles, handstones). Historical materials might include stone, concrete. Or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. Any evaluation or treatment considerations shall be made in consultation with the Federated Indians of Graton Rancheria.

***Mitigation Measure CR-2: Procedures for Encountering Human Remains***

The possibility of encountering human remains in the study area cannot be entirely discounted. Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human grave. If human graves are encountered, work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission with 24 hours of this identification.

***Mitigation Measure GEO-1: Prepare an Erosion and Sediment Control Plan***

The City shall require that the Contractor prepare an Erosion and Sediment Control Plan for the project prior to construction. Below are some of the measures that would be taken to reduce soil erosion and protect water quality during construction. The use of BMPs is designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality in Fryer Creek. The City shall require the Contractor to follow BMPs for erosion and sedimentation outlined in the most recent version of the Erosion and Sediment control Field Manual (California Regional Water Quality Control Board, 2002), or an equivalent publication.

- Best management practices outlined in the most recent version of the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
- Exposed slope would be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls.
- Erosion prevention and sediment control measures would be inspected and maintained until disturbed areas are stabilized.
- Disturbed ground surfaces near the creek bank would be revegetated and monitored for future erosion.
- To ensure that stockpiled granular material does not enter the creek or storm drains, the material would be covered with a tarp and surrounded with sand bags when rain is forecast.
- At the end of each working day roadways would be cleaned and swept, and scrap, debris, and waste material, would be collected and disposed of properly.
- Vehicle or equipment cleaning would be performed with water only, and in a designated, bermed area that would not allow rinse water to run off-site or into the creek.
- Maintenance and fueling of construction vehicles and equipment would be performed in a designated, bermed area or over a drip pan that would not allow run-on of stormwater or runoff of spills.

***Mitigation Measure NOI-1: Comply with the City Noise Performance Standards***

In accordance with the City of Sonoma's Municipal code Ordinance 02-2010, Chapter 9.56-Noise, the City shall limit construction activities to the hours between 8:00 a.m. and 6:00 p.m. Monday through Friday, between 9:00 a.m. and 6:00 p.m. on Saturday and between 10:00 a.m. and 6:00 p.m. on Sundays and holidays.

***Mitigation Measure NOI-2: Reduce Construction-Related Noise***

The City shall ensure that construction equipment is properly turned and muffled according to the manufacturer's specifications. Noise construction activities whose specific location on the site may be flexible (e.g. operation of compressors, cement mixing, general truck idling) shall be conducted as far as possible from nearby residences in order to achieve the reduction of construction noise to at or below 90 dBA outside of the construction property plane.



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COMMENT LETTER #1

**Wendy Atkins**

---

**From:** David Goodison  
**Sent:** Monday, March 14, 2011 9:19 AM  
**To:** Wendy Atkins  
**Subject:** FW: Yes to Fryer Creek Bridge

On 3/14/11 9:06 AM, "CityHall Mailbox" <CityHall@sonomacity.org> wrote:

>  
>  
>Gay Johann, MMC  
>City Clerk  
>City of Sonoma  
>No. 1 The Plaza  
>Sonoma CA 95476  
>707-933-2216  
>707-938-2559 Fax  
>www.sonomacity.org  
>-----Original Message-----  
>From: Reed Martin [mailto:reedmartinrsc@gmail.com]  
>Sent: Sunday, March 13, 2011 10:30 PM  
>To: CityHall Mailbox  
>Cc: Gay Johann  
>Subject: Yes to Fryer Creek Bridge

>  
>Dear City Council Members:  
>  
>I just wanted to go on record to say that I am in favor of building the  
>Fryer Creek pedestrian bridge at the Newcomb Street site. My family  
>and I live on Manor Drive - about one block from the bike path.

>  
>Thanks! Reed Martin  
>

RECEIVED

MAR 15 2011

CITY OF SONOMA

COMMENT LETTER #2

Wendy Atkins

**From:** David Goodison  
**Sent:** Monday, March 14, 2011 9:19 AM  
**To:** Wendy Atkins  
**Subject:** FW: Neighborhood Bridge at end of Newcomb Street

---

**From:** CityHall Mailbox <CityHall@sonomacity.org>  
**Date:** Mon, 14 Mar 2011 09:06:26 -0700  
**To:** Joanne Sanders <jsanders@boltstaffing.com>  
**Cc:** David Goodison <davidg@sonomacity.org>  
**Subject:** FW: Neighborhood Bridge at end of Newcomb Street

Gay Johann, MMC  
City Clerk  
City of Sonoma  
No. 1 The Plaza  
Sonoma CA 95476  
707-933-2216  
707-938-2559 Fax  
[www.sonomacity.org](http://www.sonomacity.org)

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**From:** Teri Coates[mailto:tericoat@gmail.com]  
**Sent:** Sunday, March 13, 2011 4:31 PM  
**To:** sbarbose@vom.com; Ken Brown; lauriegallian@comcast.net; CityHall Mailbox; SonomaRouse@gmail.com  
**Subject:** Neighborhood Bridge at end of Newcomb Street

Dear City Council Members,

My family and I live at 1174 Neil Court here in Sonoma and we are in full favor of the construction of the neighborhood bridge and bike path that is planning to be built at the end of Newcomb Street. This bridge and thoroughfare will allow all of the local school children from the neighborhoods on the other side of the current bike path to have a safe passage way from their neighborhood to SVHS and Adele. Currently many of these kids have to walk along MacArthur Street which can be unsafe with traffic congestion and there are not full sidewalks all the way either. Connecting these neighborhoods will bring the community closer together and make walking and bike riding safer for all who live here. I will look forward to seeing all of you at the March 21st meeting where this item is on your agenda. Thank you.

Sincerely,

Teri Coates and Family  
174 Neil Ct  
Sonoma, CA

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MAR 15 2011  
CITY OF SONOMA

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FEB 08 2011

CITY OF SONOMA

COMMENT LETTER #3

February 7, 2011

City Council  
City of Sonoma  
No. 1 The Plaza  
Sonoma, CA 95476

Subject: Fryer Creek Pedestrian and Bicycle Bridge Project

Dear City Council Members:

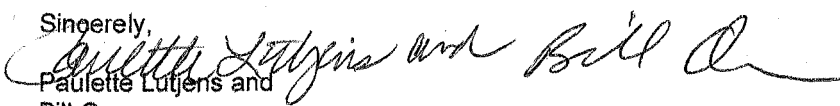
As you prepare for your upcoming meetings on the above project, we are asking City Council members to reconsider their decision to support the building of another bridge across Fryer Creek which we understand will cost tax payers over \$300,000 in total.

Earlier this week, we learned that the City is applying for a grant from Cal Trans under the Bicycle Authority Account (BTA) for \$188,000 for this bridge. With the overwhelming debt and drastic budget cuts we are facing in the state at all levels, we strongly oppose using any funds to build another bridge over Fryer Creek when there are currently two bridges within approximately 1900 feet from one another. The proposed bridge would fall approximately between those two crossings. Marginal projects such as this should not be funded while funds for schools and other essential services like fire protection go wanting.

We have sent similar letters to Governor Brown and our Assembly Member Jared Huffman expressing our opposition to the funding of this project from state funds.

Thank you for your attention to this matter.

Sincerely,

  
Paulette Lutjens and  
Bill Oran  
1055 Fryer Creek Drive  
Sonoma, CA 95476

Cc: David Goodison, Planning Director  
Wendy Atkins, Associate Planner

COMMENT LETTER #4

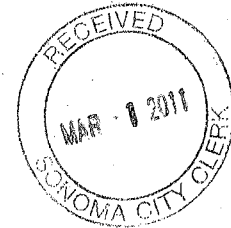
LAW OFFICE OF  
JANET FOGARTY & ASSOCIATES

*C: Councilmembers  
City Mgr.  
Planning Dir.*

198 Taylor Boulevard  
Millbrae, CA 94030

Telephone 650-652-5601  
Facsimile 650-652-5604

VIA FACSIMILE 707-938-8775  
AND FIRST CLASS MAIL



February 25, 2011

Mayor and City Council  
City of Sonoma  
No. 1 The Plaza  
Sonoma, CA 95476

RE: Freyer Creek Bridge

Dear Mayor and Councilmembers:

This firm represents Samir and Mary Ann Moghannam, who live at 1095 Freyer Creek Drive, Sonoma, and whose home and property will be most impacted by this project. We ask that this letter be included in the public record of the Council's deliberations of certifying the Mitigated Negative Declaration. This letter is to oppose the alternative of placing the bridge at Newcomb Road at Freyer Creek, and to urge the Council to place the bridge at Pickett Street as a much safer and less expensive, and therefore, uncontested, alternative.

The proposed bridge at Newcomb and Freyer Creek Drive will create an unsafe condition, in that it will create a new conflict between bike riders and pedestrians with automobiles at a newly created intersection of the end of the new bridge and bikeway and the sole entrance to the garage at 1095 Freyer Creek Drive and to two other houses. The draft Mitigated Negative Declaration, while acknowledging this conflict and foreseeably hazardous situation, nonetheless attempts to mitigate it by placing a bike stop sign at the entrance to the driveway. This purported solution will do nothing to resolve the problem, for two reasons: pedestrians, primarily children, will continue to walk across the property and driveway of this property and adjoining properties without stopping and likely without looking; and bike riders are notorious for ignoring stop signs at street intersections, and will be highly unlikely to stop their bikes at a driveway. The result will be that children going to and coming from school will likely use this shortcut but will be unlikely to take care because the area gives the impression of being quiet and without automobile traffic, when in fact, three driveways use this end of Newcomb and Freyer Creek Drive, backing out into a blind intersection with regard to bikes and pedestrians using the proposed bridge.

According to the Supplemental Report for the Council meeting of November 18, 2009,

the staff advises: "In comparison to the Newcomb Street site, the Pickett Street option would provide connectivity between the neighborhoods west of Freyer Creek to the high school and middle school, although the route would not be as direct. The Pickett Street option does not raise issues of potential vehicle conflicts that are associated with the Newcomb Street site and it would not require the installation of additional sidewalk."

Pursuant to Cal. Gov. Code § 835, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and either:

(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or

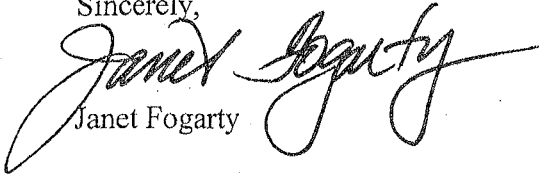
(b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

In the cases interpreting this statute, the courts have found that when a public agency creates the project with the dangerous condition, it is construed as constructive notice sufficient to hold the public agency liable. *McAtee v. City of Marysville* 111 Cal. App. 2d 507 (1952). It is well settled that when a public improvement, such as was involved in the instant case, has been planned by city officials and constructed in accordance with such plans, and when it is shown that by carrying out the plan a dangerous or defective condition has been created, no further proof is needed to charge the city with notice of that condition and the statutory requirement under the Public Liability Act that a city sought to be held responsible thereunder had notice has been met. *Fackrell v. City of San Diego*, 26 Cal.2d 196, 203, 157 P.2d 625, 158 A.L.R. 773, and cases cited. *McAtee* at 512. See also (*Sandstoe v. Atchison, Topeka & Santa Fe Ry. Co.*, (1938) 28 C.A.2d 215, 219, 82 P.2d 216; *Pritchard v. Sully-Miller Contracting Co.* (1960) 178 C.A.2d 246, 256, 2 C.R. 830.)

This letter, therefore, is to put the City of Sonoma on notice that it will be held liable, and indemnity will be sought against the City, in the event that someone is injured because of this unsafe condition which will be created by the City choosing to construct the bridge crossing at Newcomb/Freyer Creek Drive instead of at the safer alternative of Pickett Road, where the driveway conflict will not exist. Merely placing a bikeway stop sign at the driveway is not sufficient to mitigate this dangerous condition, despite the conclusory statements in the City's Mitigated Neg Dec to the contrary. It is entirely foreseeable that someone will be injured here, and it will be a great tragedy if it is a child on his or her way to school.

We therefore urge the City Council to reject this conclusion in the Mitigated negative Declaration, and that the Council instead pursue the safer, less expensive, and uncontested alternative of Pickett Street as the bridge's location.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Fogarty". The signature is written in black ink and is positioned to the right of the printed name.

Janet Fogarty



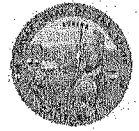
DEPARTMENT OF FISH AND GAME

HN McCAMMAN, Director

Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.dfg.ca.gov](http://www.dfg.ca.gov)

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FEB 15 2011



COMMENT LETTER #5

CITY OF SONOMA

February 15, 2011

Wendy Atkins, Associate Planner  
City of Sonoma  
Planning Department  
No.1 The Plaza  
Sonoma, CA 95476

Dear Ms. Atkins:

Subject: Fryer Creek Pedestrian and Bicycle Bridge Project, SCH 2011012065,  
County of Sonoma

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA). DFG, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Mr. Adam McKannay, Environmental Scientist, at (707) 944-5534; or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.

Sincerely,

Scott Wilson  
Acting Regional Manager  
Bay Delta Region

cc: State Clearinghouse

*Conserving California's Wildlife Since 1870*



## RESPONSE TO COMMENTS

### *Comment Letter 1: Reed Martin*

#### Response to Comment

Thank you for your input on this important City project. The City appreciates your support of the project.

### *Comment Letter 2: Teri Coates and Family*

Thank you for your input on this important City project. The City appreciates your support of the project.

### *Comment Letter 3: Paulette Lutjens and Bill Oran*

Thank you for your input. The City Council will take into consideration your comments; however, the comments do not pertain to the adequacy of the Initial Study/Proposed Mitigated Negative Declaration

### *Comment Letter 4: Law Office of Janet Fogarty & Associates*

Thank you for your input. The analysis prepared in the Initial Study/Proposed Mitigated Negative declaration found that the new stop sign proposed for vehicles traveling east on Newcomb Street mitigated the potential conflict for bicycles and pedestrians at the location. Please see section 16.b. (Transportation/Traffic) of the document.

### *Comment Letter 5: California Department of Fish and Game*

Thank you for your input. The Initial Study evaluated potential impacts to fish and wildlife resources in Section 4, beginning on page 22. Mitigation measures have been added to the project that reduces potentially significant impacts of the proposed project to less than significant. A Mitigation Monitoring Program has been prepared and is attached as Appendix A to the Initial Study and is included in this document beginning on page 17. The City will comply with the permitting requirements of the Department of Fish and Game. Please see Response to Comment 1-1.

**Appendix A**  
**Mitigation Monitoring Plan – Fryer Creek Pedestrian Bridge Project**

Mitigation Measure	Method of Monitoring/Reporting	Verifying Department	Time of Compliance	Initiation Date
<p><b>Mitigation Measure AES-1: Landscaping and Tree Replacement</b>                      The City shall replant trees removed during construction to meet the Sonoma Municipal Code Chapter 12.08 for tree replacement. These trees shall be replaced within the existing landscape strip adjacent to the multi-use path as shown on Figure 4. The replacement trees shall be of sufficient size to provide immediate screening for the adjacent residence.</p>	<p>1) City inspect construction site</p>	<p>Public Works</p>	<p>Construction completion</p>	<p>Start of construction</p>
<p><b>Mitigation Measure AQ-1: Basic Air Quality Protection Construction Measures</b>                      For all proposed projects, the Bay Area Air Quality Management District (BAAQMD) recommends the implementation of Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable thresholds of significance. The following measures from BAAQMD are applicable to all construction activities for the project:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations).</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. The person shall respond and take corrective action within 48 hours. The Air</li> </ul>	<p>1) City inspect construction site</p>	<p>Public Works</p>	<p>Ongoing through construction</p>	<p>Start of construction</p>

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District's phone number shall also be visible to ensure compliance with applicable regulations.				
<p><b>Mitigation Measure BIO-1: Conduct Pre-Construction Biological Surveys</b>                      Pre-construction surveys for California red-legged frog and western pond turtle shall be conducted by a qualified biologist approved to conduct such surveys by CDFG, USFWS, and NMFS. If any of these species are found in the project area during preconstruction surveys, CDFG, USFWS and/or NMFS shall be notified and individuals shall be captured by the qualified biologist and relocated to suitable areas above or below the project. Surveys for California red-legged frog shall be conducted according to current USFWS guidance (USFWS 1997), or as recommended by the agencies. If preconstruction surveys identify active western pond turtle nests, it shall be documented and reported to the CDFG CNDDDB database, and a qualified biologist shall establish a no- disturbance buffer zone around the nest using temporary orange construction fencing. The radius of the buffer zone and the duration of the exclusion shall be determined in consultation with USFWS and CDFG. The buffer zone and fencing shall remain in place until the young have left the nest, as determined by a qualified biologist.</p>	<ol style="list-style-type: none"> <li>1) Review and approval of preconstruction biological survey report</li> <li>2) If buffers needed, City shall inspect construction site</li> <li>3) Notify State and Federal agencies if species found</li> </ol>	Planning	Prior to construction	Start of construction
<p><b>Mitigation Measure BIO-2: Conduct Pre-Construction Nesting Surveys</b>                      Pursuant to California Department of Fish and Game Codes (§3503, §3503.5, and §3800) and the Federal Migratory Bird Treaty Act (50 CFR 10.13), birds, nests, eggs and young are protected. If project construction occurs between February 1 and October 15 of any year, a qualified biologist shall conduct preconstruction nesting surveys within 48 hours of construction for nesting passerines (small songbirds) and raptors. If nests are located the biologist, in consultation with CDFG, shall establish a buffer around the nest to remain in place until the young have fledged.</p>	<ol style="list-style-type: none"> <li>1) Review and approval of pre-construction nesting survey report</li> <li>2) If buffers needed, City shall inspect construction site</li> </ol>	Planning	Prior to construction, if construction occurs February 1-October 15	Start of construction

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<p><b>Mitigation Measure BIO-3: Tree Replacement and Tree Protection Measures</b></p> <p>To protect existing trees during project construction, the Contractor shall comply with the following mitigation measures to protect existing trees:</p> <ul style="list-style-type: none"> <li>• When constructing the bicycle and pedestrian path, grading shall be minimized, and existing grading shall be used as much as possible. Geotextile fabric shall be used in place of soil compaction.</li> <li>• During construction, access shall be restricted to the tree on the south side of Newcomb Street. The tree shall be protected with a tree protection fence. Occasional access may occur only under the direction of the project arborist representing the City of Sonoma.</li> <li>• Pruning of trees shall comply with standard pruning practices designed to protect trees. Pruning shall occur only for the following purposes: construction clearance; site and equipment access; and placement of the bridge itself. No other pruning shall be allowed. All pruning cuts shall be in compliance with the International Society of Arboriculture Pruning Standards. All pruning shall occur under the direct supervision of the project arborist representing the City of Sonoma. Trees removed during construction shall be replaced. The City of Sonoma Tree Ordinance restricts the damage, removal or destruction of trees without replacement. Therefore, the removal of up to two trees would require replacement trees as part of the project and discussed in the project description. The Tree Ordinance states that tree replacement shall occur onsite, and shall occur at a minimum of a 1:1 ratio and a 15-gallon box size for each 6 inches of tree diameter removed.</li> </ul>	<p>1) City shall inspect construction sites</p>	<p>Public Works</p>	<p>Ongoing through construction</p>	<p>Start of construction</p>
<p><b>Mitigation Measure CR-1: Procedures for Handling Unanticipated Archaeological and Paleontological Resources</b></p> <p>There is a low possibility that subsurface archaeological deposits may exist at the project location, given the archaeological sensitivity of areas near water courses. If concentrations of prehistoric or historic-period materials are encountered during ground-disturbing work along Fryer Creek, all work in the immediate vicinity shall halt until a qualified archaeologist can evaluate the finds and make recommendations. Prehistoric materials might include</p>	<p>1) City shall inspect construction activities</p> <p>2) City to notify Federated Indians of Graton</p>	<p>Public Works</p>	<p>If archaeological / paleontological resources encountered during construction</p>	<p>Start of construction</p>

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obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heataffected rock, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. Any evaluation or treatment considerations shall be made in consultation with the Federated Indians of Graton Rancheria.	Rancheria  3) City shall approve archaeologist’s recommendation and require implementation			
<b>Mitigation Measure CR-2: Procedures for Encountering Human Remains</b> The possibility of encountering human remains in the study area cannot be entirely discounted. Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human grave. If human graves are encountered, work shall halt in the vicinity and the County Coroner shall be notified immediately. At the same time, an archaeologist shall be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification.	1) City to notify County Coroner.  2) City to notify NAHC  3) City shall provide NAHC with access to the construction site, and confer regarding recommendations for treatment	Planning	If human remains encountered during construction	Start of construction
<b>Mitigation Measure GEO-1: Prepare an Erosion and Sediment Control Plan</b> The City shall require that the Contractor prepare an Erosion and Sediment Control Plan for the project prior to construction. Below are some of the measures that would be taken to reduce soil erosion and protect water quality during construction. The use of BMPs is designed to reduce erosion and prevent sediment or other potential pollutants from leaving the work site or impacting water quality in Fryer Creek. The City shall require the Contractor to follow BMPs for erosion and sedimentation outlined in the most recent version of the Erosion and Sediment Control Field Manual (California Regional Water Quality Control Board, 2002), or an equivalent publication. <ul style="list-style-type: none"> <li>• Best management practices outlined in the most recent version of the</li> </ul>	1) City shall inspect construction activities	Public Works	Ongoing during construction.	Start of construction

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<p>Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, or equivalent publication, shall be implemented for erosion, sediment and turbidity control during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.</p> <ul style="list-style-type: none"> <li>• Exposed slopes would be protected using temporary erosion control blankets, fiber rolls, silt fences, or other approved erosion and sediment controls.</li> <li>• Erosion prevention and sediment control measures would be inspected and maintained until disturbed areas are stabilized.</li> <li>• Disturbed ground surfaces near the creek bank would be revegetated and monitored for future erosion.</li> <li>• To ensure that stockpiled granular material does not enter the creek or storm drains, the material would be covered with a tarp and surrounded with sand bags when rain is forecast.</li> <li>• At the end of each working day roadways would be cleaned and swept, and scrap, debris, and waste material, would be collected and disposed of properly.</li> <li>• Vehicle or equipment cleaning would be performed with water only, and in a designated, bermed area that would not allow rinse water to run off-site or into the creek.</li> <li>• Maintenance and fueling of construction vehicles and equipment would be performed in a designated, bermed area or over a drip pan that would not allow run-on of storm water or runoff of spills.</li> </ul>				
<p><b><i>Mitigation Measure NOI-1: Comply with the City Noise Performance Standards</i></b></p> <p>In accordance with the City of Sonoma’s Municipal Code Ordinance 02-2010, Chapter 9.56-Noise, the City shall limit construction activities to the hours between 8:00 a.m. and 6:00 p.m. Monday through Friday, between 9:00 a.m. and 6:00 p.m. on Saturdays and between 10:00 a.m. and 6:00 p.m. on Sundays and holidays.</p>	<p>1) City shall inspect construction activities</p>	<p>Public Works</p>	<p>Ongoing through construction</p>	<p>Start of construction</p>

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<p><b><i>Mitigation Measure NOI-2: Reduce Construction-Related Noise</i></b>                      The City shall ensure that construction equipment is properly tuned and muffled according to the manufacturer’s specifications. Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors, cement mixing, general truck idling) shall be conducted as far as possible from nearby residences in order to achieve the reduction of construction noise to at or below 90 dBA outside of the construction property plane.</p>	<p>1) City inspect equipment</p>	<p>Public Works</p>	<p>Ongoing during construction</p>	<p>Start of construction</p>