

August 21, 2023

Honorable Board

The Hirschdale community has worked with many departments of Nevada County for numerous years concerning the reconstruction of the Hirschdale bridges. These bridges were originally being reconstructed with the intent of Tiechert using these roadways for their what is called now Boca Quarry. We worked long and hard with Public Works, Planning Commissioners, Dept of Transportation, Cal Trans, Fish and Game, Devision of Mines, Lahontan Regional Water Quality Control Board, and others. We had multiple meetings in our homes in our neighborhood and even had an outreach program working with us with all our environmental concerns. There is only one Board member on this Board that is very aware of our efforts to keep Hirschdale, as it was then a very quiet neighborhood without heavy truck traffic and all the issues of environmental impacts to our community. This Board member is Ed Scofield

We were in support of the bridge construction, as long as, it did not bring environmental impacts to our community. We are now being faced with a plan allowing recreationalists into our community with an additional stairway being placed on these bridges. It is stated this stairway was adopted because of requests from Whitewater rafting and Trout Unlimited. This stairway brings in all the same environmental concerns we had for the bridge reconstruction with Teichert. Our community responses were numerous. We won with our environmental concerns and Teichert then built an alternative route to their mine out and away from the Hirschdale community.

Whitewater rafting, which is one of the rafting companies requesting this stairway has a rafting permit which is very restricted as to river access. There are a total of four rafting companies with strict restrictions on the Truckee River from Boca to Floriston. It is clearly stated the ingress is Boca Dam and egress is Floriston Bridge area. There are multiple restrictions including no stopping along this route on the riverbanks. Now the Public Works Department is proposing a stairway for these rafting companies which goes against their present permits with strict regulations and ordinances. These rafting permits are renewed on a two-year basis and because of covid these permits were extended. I have attached the rafting permit regulations. This stairway allowing rafting companies to use this stairway brings multiple issues to our community along with no restrictions or ordinances for them to follow. Parking is a number one issue as there is not ample parking for a few rafters let alone four rafting companies with 5 rafts per day allowed per company. That is a number of 20 rafts in a day. I am not sure how many people fill a raft, but I would say about 6-8 persons per raft.

<https://www.nevadacountyca.gov/DocumentCenter/View/42595/PLN22-0022-0023-0025-0026-RAF22-0001-0002-0003-0004-Rafting-Permits-SR?bidId=>

This stairway would also accommodate as stated in Exhibit A Amendment 4 Scope of Services, Hirschdale Road @Truckee River Bridge February 10, 2022, "The revalidation will document the requests for the stairway coming from multiple recreation advocacy groups." The studies presented to Cal Trans was not provided to the Hirschdale community even though we as a community will be fully affected by these impacts from these "multiple recreational advocacy groups". Attached Amendment sent by Patrick Perkins.

The Hirschdale community is small, there is only one roadway into Hirschdale. Traffic on Hirschdale Road directly impacts our community. This river access is directly in the backyards of multiple riverfront landowners.

This stairway construction was introduced to the Board as a resolution for funding in April of 2022. Funding for a stairway was approved April 26th, 2022. This funding was approved without outreach to the Hirschdale community. This stairway was once again discussed at Board meeting on September 13, 2022. It was stated there were no CEQA requirements, as this was a minor change to the bridge construction with minimal environmental impacts, so no public hearing was required. This was stated by the Public Works department, Trisha Tillotson and Patrick Perkins to the Board at this meeting in September. Recordings of this meeting are on the County website.

Supervisor Bullock at this meeting asked Public Works to please send the amendment that was given to Cal Trans, to all Hirschdale community. This never transpired. The community did not receive this amendment and many of the Hirschdale community were unaware of any such stairway amendments to the bridge as we did not receive any mailings of meetings, or resolutions being proposed to the Board of Supervisors. We in the past have always been represented by our Supervisor and have received notice of meetings and resolutions concerning our neighborhood of Hirschdale.

This stairway is in the backyard of many homeowners and the impacts on our community will be huge. Parking has always been an issue and there is no way a few parking spaces will accommodate these large numbers of people. As in many other responses to the Board, there are numerous environmental concerns. All much the same as we had with the Teichert permit. These responses to the Board date back to 2007. Trash, traffic, speeding, law enforcement, restroom, trespassing on private properties.

This stairway will drop into the private properties of many landowners even if it is constructed on county property as there is very little space on each side of the bridge to accommodate these recreationalists. Why would the county propose, approve, and fund such a plan? The resolution being proposed August 22, 2023, is for all funding of the bridges which includes the stairway construction without public review. The memorandum sent to us by Trisha after a request from Public Works specifically states:

“California Street and Highway Code 991 places a requirement on county highways: Before any bridge on a county highway is constructed over any navigable river, The Board of Supervisors, after a study and public hearing, on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided” California Street and Highway Code 1809.

This was never done it was simply stated only and addendum to the bridge construction was necessary from Cal Trans. No hearing nor feasibility study was completed. Environmental concerns have not been addressed or considered by a feasibility study.

Memorandum attached (not a requirement) as Supervisor Bullock told us he was told this is a requirement.

A letter was sent to the Board from Greg Gatto of September 13 along with a public comment which he presented to the Board. This letter was not read as a public comment outload, as it was stated it exceeded the three-minute time. It is attached to this letter and is of public record.

These bridges are our secondary fire escape for the Hirschdale community along with multiple land owners beyond the bridges. The Railroad accesses these bridges to maintain the railways. AT & T accesses these bridges for the purpose of phone/internet service maintenance. Liberty utilities access these bridges for maintenance of power lines in the area. The bridges are necessary for Fire protection to these landowners and surrounding properties. These bridges are a necessity for all these needs. Is fire escape a consideration for impacts to this community providing access to the numerous recreational users? and surrounding properties in the feasibility study which is required to be provided?

Placing recreational access in our small area of Hirschdale consisting of private properties with no public access rather than the county property at the bridges proposes many environmental issues and concerns. It is stated we will have a meeting on August 31st with the Resiliency planner in our area, yet all the funds will have already been approved without further consideration or mitigation measures for issues many residents are presenting to this Board.

We ask that the Board take into consideration the multiple concerns concerning construction of this stairway. The multiple impacts to the Hirschdale Community. This is not just a parking issue. All the concerns should be considered.

Supervisor Anderson worked with the County and Tiechert to propose secondary access in the event of fire via Hinton Road. This was agreed upon at a Board of Supervisor meeting with County, Tiechert and multiple Hirschdale residents. This statement below is to the contrary. We would like it implemented that our secondary escape access is Hinton Road as agreed upon by County and Teichert.

Below are environmental impacts that were addressed in the EIR for the bridge project. Many of these impacts do not now have "No Impact" to our community as stated in the original Mitigated Declaration and should be addressed with the addition of the stairway as this stairway increases many impacts.

PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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:

FIRE

Emergency access in the project vicinity has been designated by the Town of Truckee in coordination with Nevada County through the "Greater Truckee Area Emergency Preparedness and Evacuation Guide." According to the guide, the nearest designated primary community evacuation route begins at the intersection of Hirschdale Road and Glenshire Drive. Residents of the community of Hirschdale (adjacent to the southern portion of the project site) in the event of an emergency where evacuation is needed would travel north on Hirschdale Road and connect with Glenshire Road. Glenshire Road continues through the community of Glenshire and connects with Donner Pass Road in the Town of Truckee. From this point evacuees can access Interstate 80 (I-80) to leave the area. Residents of Hirschdale currently have a potential secondary route to leave and enter the community; however, this access is not viable as an emergency route as it is blocked at three separate locations by security gates. The route consists of traveling east on Hirschdale Road over the Truckee River Bridge and

Hirschdale Road Overhead and turning north onto Hinton Road. Hinton Road continues under I-80 and connects with West Hinton Road which then continues until this road connects with Stampede Meadows Road. This secondary route is longer than the designated primary community evacuation route and is mostly comprised of unpaved roads that are more difficult to pass with lower clearance vehicles. Additionally, this route currently traverses the Boca Quarry. Implementation of the project would result in the replacement of the Truckee River Bridge and rehabilitation of the Hirschdale Road Overhead, and slightly improve the use of this secondary route by residents of Hirschdale. This secondary route is not an emergency access/departure route designated by Nevada County. Residents would continue to leave the Hirschdale area in the event of an emergency by accessing Glenshire Road which is designated as the primary community evacuation route for the area. Additionally, emergency access across the Truckee River Bridge will be maintained through use of temporary trestle bridge. Implementation of the project would not impair or physically? interfere with the designated primary community evacuation route; therefore, no impacts would occur.

RESPONSE: Supervisor Anderson worked with both Teichert and the County to implement access through Hinton Road as our secondary access. It is stated above it is not an emergency access/departure route designated by Nevada County. Supervisor Anderson wanted this stipulated in the Contract with Teichert and County that this was a secondary escape route, and it is on record at a public hearing which Ron Legg, Mary Rivara and Cheryl Andresen attended making sure this was implemented.

Police protection

It is stated no impact.

RESPONSE: With the stairway construction there will be multiple issues with trespassing as this stairway is surrounded by private property. This will hugely impact our "Sheriff" protection. This only invites violations of private property. This will undoubtedly place a strain on County services and result in multiple if not daily calls for service from Nevada County Sheriff especially concerning trespassing.

TRANSPORTATION/TRAFFIC

It was stated in environmental review before the proposed stairway brought in multiple recreationalist organizations.

"No increase in traffic would impact existing traffic operations, including traffic contributed by recreationalists, bicyclists, anglers, campers, and boaters. The project would not result in an increase in LOS or exceed the standards established by Nevada County. To further remain consistent with the traffic operations."

RESPONSE: Traffic circulation will definitely be impacted. Parking will be very limited as this area cannot accommodate parking for large amounts of traffic. This will have an impact on recreationalists, bicyclists, anglers.

XV. RECREATION (Stated in the current EIR)

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

c) Will the project conflict with established recreation uses of the area, including biking equestrian and/or hiking trail?

Environmental Setting

The project site is located in a rural part of Nevada County containing mostly open space with a few scattered rural residences. There are no developed neighborhood or regional parks or other recreational facilities within or adjacent to the project area. The project is located in the vicinity of the Truckee River. This segment of the Truckee River offers opportunities for recreation including fishing, swimming, and rafting for locals, but no designated recreational facilities are located within the project area. Currently, the local population accesses the western banks of the Truckee River by crossing privately owned land east of Hirschdale Road and accesses the eastern banks of the Truckee River by crossing the Truckee River Bridge and crossing privately owned land. The only public access to the Truckee River in the vicinity of the project is the 80-foot wide (approximately) County-owned ROW where Hirschdale Road crosses over the Truckee River (the eastern and western bank immediately under the existing Truckee River Bridge). Other than the area immediately under the Truckee River Bridge, all other Truckee River access in the project vicinity is through privately owned parcels.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The project would replace the existing Truckee River Bridge and rehabilitate the existing Hirschdale Road Overhead, both structurally deficient bridges. The project would not increase the use of any designated recreational facility. No impacts would occur.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not include recreational facilities or require the construction of recreational facilities; therefore, no impacts to recreational facilities or construction or expansion of recreational facilities will occur.

RESPONSE: The project does include multiple recreationalist organizations using this stairway so this would have impacts on recreation to the area. There is also the Tahoe Pyramid Bike Trail bringing in recreationalists. This stairway will have an impact on the environment.

LAND USE AND PLANNING

The project does not involve a change in land use and the project is planned in accordance with the Nevada County General Plan. The project would not conflict with applicable land use plans, policies, or regulations. No impacts would occur.

RESPONSE: Adding the stairway does change the land use of this project as it allows for multiple recreationalists to recreate in this area and will bring impacts to this area concerning the use of the land compared to just a bridge construction.

HYDROLOGY AND WATER QUALITY

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

RESPONSE: USE IN THIS AREA OF THE TRUCKEE RIVER WILL HAVE AN IMPACT ON WATER QUALITY. RIVERBANKS WILL BE ERODED BY MULTIPLE USERS USING THE RIVERBANKS. WITH MULTIPLE USERS THE WATER QUALITY WOULD ALSO BE AFFECTED

Otherwise substantially degrade water quality?

RESPONSE: WATER QUALITY WOULD BE AFFECTED BY EROSION OF THE RIVERBANKS BY MULTIPLE USERS OF THE RIVER AS MULTIPLE RECREATIONALISTS ARE BEING INVITED TO USE THE RIVERBANK WITHOUT A STAIRWAY, WE ONLY HAVE THE IMPACT OF A CONSTRUCTION OF A BRIDGE WHICH AFTER CONSTRUCTION DOES NOT HAVE AN IMPACT ON THE RIVERBANKS.

GEOLOGY AND SOILS

Result in substantial soil erosion or the loss of topsoil?

RESPONSE: YES, USE OF THE RIVERBANKS BY MULTIPLE RECREATIONALISTS WILL HAVE A SUBSTANTIAL IMPACT ON THE EROSION OF THE RIVERBANKS. WE SEE IT NOW WITH USES OF THE RIVERBANKS, LET ALONE ALLOWING MULTIPLE RECREATIONALISTS ON THIS PROTECTED TRUCKEE RIVER THAT SUPPLIES WATER TO THE RENO COMMUNITY.

AESTHETICS

Have a substantial adverse effect on a scenic vista?

Substantially degrade the existing visual character or quality of the site and its surroundings?

RESPONSE: THIS WILL HAVE A HUGE IMPACT ON THE AESTHETICS OF OUR COMMUNITY HAVING MULTIPLE RECREATIONALISTS USING THE STAIRWAY DIRECTLY IN OUR BACKYARDS OF OUR COMMUNITY PROPERTIES. RIVER BANKS WILL BECOME ERODED. TRAFFIC WILL BE AN ISSUE; PARKING WILL BE AN ISSUE AND CAUSE CONGESTION IN THIS SMALL AREA WHERE THE STAIRWAY WILL BE CONSTRUCTED. NOISE FROM ALL THIS COMMOTION WILL BE AN IMPACT TO NEIGHBORING PROPERTIES. TRESPASSING WILL BE AN ISSUE AND RUIN THE AESTHETICS TO THIS SMALL COMMUNITY. WE HAVE ALREADY IN THE PAST HAD OVER 16 CARS TRYING TO PARK IN OUR LITTLE AREA WHERE THIS STAIRWAY WOULD BE CONSTRUCTED.

MANDATORY FINDINGS OF SIGNIFICANCE

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, the effects of other current projects, and the effects of probable future projects.) c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

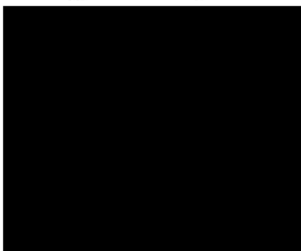
RESPONSE: ALL OF THE ENVIRONMENTAL IMPACTS HAVE BEEN NOTED ABOVE AND YES WILL HAVE A SIGNIFICANT IMPACT TO OUR ENVIRONMENT “CUMULATIVELY CONSIDERABLE.” THESE IMPACTS WERE NOT PROPOSED AS A CEQA REQUIREMENT TO THE LEAD AGENCY AND SHOULD BE PROPOSED AS IMPACTS TO THE CHANGE OF THIS PROJECT ADDING THE STAIRWAY TO THE BRIDGE PROJECT. CAL TRANS SHOULD BE MADE AWARE OF THE IMPACT CONCERNS WHICH ARE NOT ADDRESSED IN THE EIR GIVEN FOR THIS PROJECT AS THIS DID NOT INCLUDE THE STAIRWAY.

WE ASK THAT THE BOARD OF SUPERVISORS CONSIDER ALL OF THE ABOVE IMPACT CONCERNS WHICH AFFECT THE COMMUNITY OF HIRSCHDALE WHEN CONSIDERING FUNDING THIS PROJECT RESOLUTION FOR THIS PROJECT. AGENDA ITEM 13. SR 23-4188 DISTRICT V

THE STAIRWAY PROJECT SHOULD BE REVIEWED FURTHER AND IMPACTS ON THE HIRSCHDALE COMMUNITY BE TAKEN INTO CONSIDERATION WHEN APPROVING FUNDING OF THE BRIDGE RESOLUTION BEING PRESENTED TO YOU TODAY.

THANK YOU FOR YOUR REVIEW AND CONSIDERATION. WE HAVE WORKED HARD TO KEEP OUR COMMUNITY PROTECTED FROM ALL ISSUES OF ENVIRONMENTAL CONCERN.

Cheryl and Larry Andresen



Attachments:

Link to Rafting permits

Email and information from Patrick Perkins regarding Addendum, includes Resolution 22-164 Memorandum sent from Trisha Tillotson regarding Board Approval of public access not stated a Requirement rather a consideration of and a report of feasibility providing means of public access for public recreational purposes.

Letter from Greg Gatto dated September 12

serenevisions@gmail.com

From: Patrick Perkins <Patrick.Perkins@nevadacountyca.gov>
Sent: Monday, October 03, 2022 1:00 PM
To: [REDACTED]
Cc: Trisha Tillotson; Hardy Bullock
Subject: RE: Hirschdale bridge addendum
Attachments: RES 22-164 Amendment to Contract with Dokken Engineering for the Hirschdale Road at Truckee River Bridge Project-1.pdf

Hello, Mrs. Andresen,

Please find attached a copy of the Amendment that was processed to the Dokken Engineering contract, for the design of the Staircase, that is proposed to be placed as part of the Truckee River Bridge Replacement Project. I hope this is what you were looking for.

We have not sent out an official letter regarding the change on the Resolution of Necessity hearing. I did send an unofficial email to the parties involved in the acquisition process, just to confirm that an official letter will be forthcoming.

We do intend to move that hearing from 10/11 to 10/25. I am waiting to send the official letter until I get updated appraisals of the parcels that are in question. Hopefully I will get those very soon.

When the official letter goes out I will forward a copy to you.

With regard to the Truckee River Resiliency Plan I do not have a copy of that. Perhaps it has a different name, or was prepared by another agency? If I come across it I will forward it to you.

Thank you

Patrick Perkins P.E, CCM
Principal Civil Engineer



Department of Public Works
County of Nevada

*950 Maidu Ave suite 170
P.O. Box 559002
office 530.265-1712
Nevada City, CA 95959-
7902*

From: [REDACTED]
Sent: Thursday, September 29, 2022 7:41 AM
To: Trisha Tillotson <Trisha.Tillotson@nevadacountyca.gov>; Hardy Bullock <Hardy.Bullock@nevadacountyca.gov>; Patrick Perkins <Patrick.Perkins@nevadacountyca.gov>
Subject: re: Hirschdale bridge addendum

CAUTION: This email is from an external sender. If you are not expecting this email or don't recognize the sender, consider deleting.

Trisha,

I watched the Board of Supervisors meeting regarding the Hirschale bridge project.

Supervisor Bullock had asked for a letter to be sent out the Hirschdale community with the Addendum to

Be sent out to the Hirschale community along with changing the hearing date from October 11th to the 25th.

We have yet to receive a letter from you in this regard or the addendum.

Can you please send a copy of this addendum to us.

Also, I have asked numerous times in an email, to be added to the updates for the Truckee River Resiliency plan and

have not received any information in this regard. Will you please add my email to this list and send me the most updated

Information regarding this plan.

Thank you,

Cheryl Andresen



RESOLUTION No. 22-164

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 4 TO THE CONTRACT BETWEEN THE COUNTY OF NEVADA AND DOKKEN ENGINEERING FOR ENGINEERING AND DESIGN SERVICES FOR THE HIRSCHDALE ROAD AT TRUCKEE RIVER BRIDGE REHABILITATION AND SEISMIC RETROFIT PROJECT, INCREASING THE AMOUNT BY \$30,000 TO A NEW MAXIMUM AMOUNT NOT TO EXCEED \$534,400.00 – BRLO 0517 (092) – COUNTY PROJECT NO. 224029 – DISTRICT 5

WHEREAS, the County of Nevada entered into a contract with Dokken Engineering on July 26, 2016, by Resolution 16-376 for a contract totaling \$504,400.00 for engineering and design services for the Hirschdale Road at Truckee River Bridge Rehabilitation and Seismic Retrofit Project; and

WHEREAS, on January 12, 2021, the Nevada County Community Development Agency received a joint letter from American Whitewater, Trout Unlimited and the Truckee River Alliance requesting public river access be added to this project; and

WHEREAS, the Department of Public Works proposes to add a pedestrian stairway from Hirschdale Road to the east bank of the Truckee River; and

WHEREAS, the cost to permit, process environmental review, and design a pedestrian stairway from Hirschdale Road to the Truckee River is anticipated to cost \$30,000; and

WHEREAS, the General Fund will reimburse the Road Fund at the end of the design phase; and

WHEREAS, and the initial expense will be paid out of the Road Capital Improvement Fund 1114-30154-702-3000-540712 and a budget amendment is not necessary.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors approves Amendment No. 4, attached hereto, to the professional services contract by and between the County of Nevada and Dokken Engineering, increasing the amount by \$30,000 for a maximum not to exceed amount of \$534,400 and the Chair of the Board of Supervisors is hereby authorized to execute Amendment No. 4 and authorizes the Auditor Controller to encumber the contract amount.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of April, 2022, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Susan K. Hoek, Chair

4/26/2022 cc: DPW*
AC*(hold)

5/4/2022 cc: DPW*
AC*(release)

**AMENDMENT NO. 4 TO THE CONTRACT WITH
DOKKEN ENGINEERING INC.**

THIS AMENDMENT is executed this 26th day of April, 2022, by and between DOKKEN ENGINEERING, and COUNTY OF NEVADA. Said Amendment will amend the prior agreement between the parties entitled "Professional Engineering Services for the Hirschdale Road at Truckee River Bridge Rehabilitation and Seismic Retrofit Project" executed on July 26, 2016, by Resolution No. 16-376.

WHEREAS, the parties desire to amend their agreement to allow or provide for an additional Thirty Thousand dollars (\$30,000) for a not to exceed amount of Five Hundred Thirty-Four Thousand Four Hundred dollars and Twenty-Five cents (\$534,400.25); and

WHEREAS, this amendment shall be effective when signed by both parties.

NOW, THEREFORE, the parties hereto agree as follows:

1. That the Maximum Contract Price set forth is increase by Thirty Thousand Dollars (\$30,000) for the new not to exceed amount of Five Hundred Thirty-Four Thousand Four Hundred dollars and Twenty-Five Cents (\$534,400.25)
2. The original scope of work is amended to include Exhibit "A" attached.
3. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

COUNTY OF NEVADA

BY: 
Chair, Board of Supervisors

ATTEST:

By: 
Clerk of the Board of Supervisors

CONTRACTOR:

By: 



EXHIBIT A – AMENDMENT 4 SCOPE OF SERVICES, HIRSCHDALE ROAD @ TRUCKEE RIVER BRIDGE

Revised February 10, 2022

The following scope of work is intended to provide Nevada County with design and environmental approval to add a stairway from Hirschdale Road down to the shore of the Truckee River.

The existing contract covers environmental, design, right of way, and permitting of the project without the stairway.

TASK 17 FINAL PS&E

17.1 Design River Access Stairway

Dokken will prepare design details for an access stairway on the south east corner of the bridge. Details will include grading, concrete stairway, and rock slope protection. The design will include longer run steps to accommodate carrying of rafts. Due to the risk of high-water damage, the stairway will have a railing attached to the abutment only. Rock slope protection will prevent erosion on the downstream side of the sidewalk and the upstream edge will be adjacent to the new bridge abutment.

Deliverables – Task 17

In addition to deliverables in the original contract,

- Design of Road to River Stairway
- Details of the grading, RSP and stairway
- Special Provisions
- Coordinate Design with the Environmental Team

TASKS 22 CEQA, NEPA AND PERMIT REVISIONS TO ADD STAIRWAY

22.1 CEQA/NEPA Revisions

Dokken will prepare a CEQA Addendum to document the addition of the public access stairway and the additional project footprint. A recirculation of the CEQA document is not anticipated or included due to the minor nature of the stairway. The stairway will not result in any new potentially significant impacts or new mitigation measures.

Dokken will prepare a NEPA revalidation for submittal to Caltrans District 3 for the inclusion of the stairway as a project feature. The revalidation will document the requests for the stairway coming from multiple recreation advocacy groups. Many of the NEPA technical studies will also require minor amendments to update the project description, exhibits, and impact quantities. Dokken's



environmental staff will prepare these amendments and coordinate with Caltrans for their approval. The NEPA revalidation will start immediately so it will be complete in advance of the construction RFA.

22.2 Permit Revisions For River Access Stairway

Revise and Resubmit 401, 404 and 1602 Permits - The project's permit applications will be revised to reflect the addition of a stairway from the west end of the bridge down to the west bank overflow beach of the river. This will include the U.S. Army Corps of Engineers Section 404 Nationwide Permit, the Lahontan Regional Water Quality Control Board Section 401 Water Quality Certification, and the California Department of Fish and Wildlife Service Section 1602 Streambed Alteration Agreement. In addition, the mitigation plans associated with these permits will be revised to reflect the new permanent impacts. Dokken will coordinate with the permitting agencies to determine what additional mitigation efforts may be necessary as an offset.

Deliverables – Task 22

- CEQA Addendum
- NEPA Technical Study Amendments
- NEPA Revalidation
- 401, 404 and 1602 Permit Modifications

END OF SCOPE OF WORK

MEMORANDUM**Providing for Public Access to Rivers and Streams at New Bridges****Brian Easley- UGA Environmental Law Practicum****Date: 11/21/14**

Unfortunately, few states seem to have taken measures to encourage the creation of public access points to rivers and streams at bridge crossings. After researching the topic, I could only find examples in two states. California and Tennessee have both implemented policies, but they have adopted markedly different means through which to achieve their goals.

Tennessee law does not require that boat launch access be provided with the construction of any new bridge over a river. Instead the Tennessee Department of Transportation (TDOT) and the Tennessee Wildlife Resources Agency (TWRA) have entered into a cooperative agreement to provide for access at certain existing bridges and bridges to be built in the future.¹ Thus, instead of relying on instruction by way of legislation, TDOT and TWRA formed a partnership to achieve their goals. This program is called “park and float.”² The program only applies to bridges on state highways. TDOT and TWRA have created a list of eligible streams and rivers on which new access points will be created under the program.³

In contrast, California has gone a different route by using legislation. California law has incorporated a requirement for the consideration of public access at new bridge constructions. California Streets and Highway Code § 84.5 states: “During the design hearing process relating to state highway projects that include the construction by the department of a new bridge across a navigable river, there shall be included full consideration of, and a report on, the feasibility of providing a means of public access to the navigable river for public recreational purposes.”⁴ California Street and Highway Code § 991 places a similar requirement on county highways: “Before any bridge on a county highway is constructed over any navigable river, the board of supervisors, after a study and public hearing on the question, shall determine and shall prepare a report on the feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.”⁵ California Street and Highway Code § 1809 extends the requirement to city streets: “Before any bridge on a city street is constructed over any navigable river, the legislative body of the city, after a study and public hearing on the question, shall determine and shall prepare a report on the

¹ TDOT and TWRA Partner to Launch Park and Float Program, tn.gov, October 22, 2010, <https://news.tn.gov/node/6225>.

² *Id.*

³ *Id.*

⁴ West's Ann.Cal.Str. & H.Code § 84.5.

⁵ West's Ann.Cal.Str. & H.Code § 991.

feasibility of providing public access to the river for recreational purposes and a determination as to whether such public access shall be provided.”⁶

Although the California statutes have been on the books for over 40 years, it was only in recent years that groups such as American Whitewater and American Rivers called attention to these laws and petitioned for their enforcement.⁷ Prior to the actions of these groups only one feasibility study on public access at a new bridge had been conducted in the preceding 40 years.⁸ Notably, all of the relevant code sections provide for a hearing process. This is likely a positive component for paddlers and other benefactors because it allows them to demonstrate the level of public demand for access at bridges.

Georgia does not have a similar program or law. Currently in Georgia, access to navigable rivers via bridges is limited to the narrow right of way around the bridge. But this is often problematic because parking may be limited and adjacent landowners may believe that they have the right to exclude prospective recreational users. The examples in Tennessee and California demonstrate two different ways to pursue the goal of greater public access to streams and rivers. Neither seems to have a particular advantage over the other if implemented properly. Choosing between the two for implementation in Georgia may depend on the expectations one can place on each state governmental entity to faithfully adhere to the law or cooperative agreement. Additionally, California and Tennessee provide only two examples in what is likely a wide spectrum of possible policies to achieve a similar goal. There is certainly room for the creation of a policy distinct from the examples in other states, which may better suit the needs on Georgia.

⁶ West's Ann.Cal.Str. & H.Code § 1809.

⁷ AW Calls for Public Hearing – River Access and Bridges in CA, American Whitewater, July 9, 2012, <http://www.americanwhitewater.org/content/Article/view/id/31321/>; Finding New Ways to Access Your River, American Rivers, March 26, 2013, <http://www.americanrivers.org/blog/finding-new-ways-to-access-your-river/>

⁸ *Id.*



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September 12, 2022

VIA EMAIL ONLY
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Nevada County Board of Supervisors
950 Maidu Avenue
Nevada City, CA 95959-8617

Re: September 13, 2022, Nevada County BOS Meeting - Agenda Item No. 35 - SR 22-0948 - Resolution Approving the Notice of Intent to Consider Adopting a Resolution of Necessity re Hirschdale Road Bridge Project

Dear Honorable Members of the Board:

This correspondence is submitted on behalf of Ron and Virginia Legg, owners of real property designated as Nevada County APNs [REDACTED] located adjacent to the Truckee River and the Hirschdale Road bridge.

While the Leggs remain committed to working with the County to negotiate temporary construction easements for the Hirschdale Road Bridge Project (the "Project"), the Leggs object to the commencement of formal condemnation proceedings to take their property. The County has not yet confirmed whether the Project will involve impairment of the Leggs' abutter's rights, and therefore, it is premature to condemn the property without a full understanding of what the actual "take" will be. Moreover, absent a determination of whether the Project will "take" the Leggs' abutter's right, the County cannot comply with the statutory and other legal pre-requisites for adoption of a Resolution of Necessity and commencement of a condemnation action.

Accordingly, the Leggs respectfully request that the Board defer taking action to commence formal condemnation proceedings until such time as the County has completed the following:

- Determine whether a take of the Leggs' abutter's rights is necessary, and if so, that the Project has been designed so as to cause "the least private injury" to the Leggs. (Code of Civil Procedure § 1240.030(b).)
- If the County determines that a take of the Leggs' abutters rights is necessary, make an appropriate pre-condemnation offer under Government Code § 7267.2, which offer must include compensation for the impairment of access and associated severance damages.
- Prepare a feasibility report and hold a public hearing on the feasibility of providing public access vis-à-vis the proposed stairway on the south side of the Hirschdale Road Bridge, as required by Streets and Highways Code § 991.
- Conduct an appropriate environmental analysis under CEQA to assess and mitigate all potentially significant impacts of the proposed stairway, which impacts were not



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assessed under the prior mitigated negative declaration prepared for the bridge replacement project. (See 14 Cal. Code Regs. §§ 15162 & 15164 (an addendum to the prior adopted mitigated negative declaration is not authorized based on the substantial changes to the Project and the circumstances under which the Project is undertaken, and new information relating to the Project).)

As referenced in prior correspondence regarding this matter, the Leggs have been in negotiations with the engineering firm retained by the County for reconstruction of the Hirschdale Bridge for several years. The Leggs believed that a consensus had been reached on all issues related to the temporary construction access easements but were recently informed that the bridge construction and associated stairway may permanently and completely block vehicular access to the southern portion of the Legg property (APN 048-120-043).

Owners of property abutting a public right-of-way, such as Hirschdale Road, have a special easement for access to their property, referred to as abutter's rights. (*Rose v. State* (1942) 19 Cal.2d 713, 727.) This right "cannot be destroyed or substantially impaired for the benefit of the public without adequate compensation." (*People ex rel Dep't of Pub. Works v. Silveira* (1965) 236 Cal.App.2d 604, 611.) When abutter's rights are taken, the property owner is also entitled to severance damages, i.e., the diminution in value of the remaining property that formerly had the easement of access. (*People ex rel Dep't of Pub. Works v. Logan* (1961) 198 Cal.App.2d 581, 586.)

Until the County has determined whether the Project will result in a direct or indirect take of the Legg's abutter's rights, the fair market value of those rights (including severance damages) if they will be taken, and made an appropriate pre-condemnation offer under Government Code § 7267.2 to compensate the Leggs for the take of such rights, it cannot proceed with the formal condemnation process.

Thank you for your consideration of our comments.

Respectfully,

Greg Gatto

Cc: Patrick Perkins, PE - Principal Civil Engineer - Nevada County Department of Public Works