

# Notice of Exemption

Appendix E

To: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044 13-2025-007

From: (Public Agency):  
County of Imperial  
Planning & Development Services  
801 Main Street  
El Centro, CA 92243

County Clerk  
County of Imperial  
940 Main Street  
El Centro, CA 92243

**FILED**  
IMPERIAL COUNTY  
Jan 28 2025  
CHUCK STOREY, County Clerk  
By  Deputy Clerk

**POSTED**

Project Title: IS #25-0003

JAN 28 2025

Project Applicant: Imperial County Public Works

Imperial County Clerk-Recorder  
California

Project Location – Specific:  
Lyons Road Bridge over the New River: 32°43'01.3"N, 115°36'14.9"W

Project Location – City: Calexico, CA Project Location – County: Imperial

Description of Nature, Purpose and Beneficiaries of Project: The Imperial County Department of Public Works proposes the emergency repair of the Lyons Road Bridge. The project includes the replacement of obliterated south guardrails, backfilling of a hole on the northeast corner of the bridge due to rain runoff, and removal of stream flow debris at bents 3, 4 & 5 to prevent abutment scouring and possible undermining of the approach roadways. The Imperial County Board of Supervisors declared a state of emergency for the Lyons Bridge over the New River Bridge on December 3, 2024 through Minute Order #30.

Name of Public Agency Approving Project: Imperial County Planning and Development

Name of Person or Agency Carrying Out Project: Derek Newland, Planner III

Exempt Status: (check one):


- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Sec. 15269
- Statutory Exemptions, State Code Number: \_\_\_\_\_

Reasons why project is exempt: The project is being performed by the Imperial County Public Works Department as an emergency repair of the Lyons Road Bridge over the New River. The Imperial County Board of Supervisors approved the a resolution declaring a state of emergency for the Lyons Road Bridge over the New River on December 3, 2024 through Minute Order #30

Lead Agency Area Code/  
Contact Person: Derek Newland Telephone Extension: (442) 265-1736

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: 01/28/2025 Title: Assistant Director

Signed by Lead Agency  Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for Filing at OPR: \_\_\_\_\_  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



Public Works works for the Public



COUNTY OF IMPERIAL

January 15, 2025

DEPARTMENT OF PUBLIC WORKS

Mr. Jim Minnick, Planning Director  
County of Imperial Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243

155 S. 11th Street  
El Centro, CA  
92243

**SUBJECT: CEQA Categorical Exemption Request for Emergency Repair of the Lyons Road Bridge Over the New River, Bridge No. 58C0112, County of Imperial Project No. 7202M.**

Tel: (442) 265-1818  
Fax: (442) 265-1858

Follow Us:

Dear Mr. Minnick:



On the weekend of October 25, 2024, Imperial County Department of Public Works Field Operation personnel discovered that Lyons Road Bridge over the New River that a portion of the south guardrails had been obliterated. This six span multibeam timber bridge was originally built in 1940. Due to safety of the traveling public, Lyons Road was immediately closed from Brockman Road (west) to Nichols Road (east) and Wahl Road from Nichols Road (west) to Austin Road (east), southwest of the Townsite of Heber. On October 29, 2024, a Public Service Announcement (PSA) of the bridge closure was issued.

[www.facebook.com/ImperialCountyDPW/](http://www.facebook.com/ImperialCountyDPW/)



<https://twitter.com/CountyDpw/>

On October 29, 2024, an inspection of the bridge was completed by ICDPW Staff. It has been determined that the obliterated south guardrails will need to be replaced. Findings also included a rain runoff hole formed on the northeast corner of the bridge due to improper draining. It was determined the hole will need to be addressed (i.e. backfilled) to prevent further erosion and undermining of the approach roadway. Additionally, stream flow debris has built up in front of the upstream piles between bents 3 & 4 and in front of bent 5, and will need to be removed to prevent abutment scouring and possible undermining of the approach roadways. See attached location map and scope of work. All repair work will be within County Right of Way.

On December 3, 2024, M.O. #30, Imperial County Board of Supervisors approved the resolution declaring a state of emergency for the Lyons Road Bridge over the New River, Bridge No. 58C0112. The Public Works Department is diligently working on all aspects of the emergency repair of said bridge.

The aforementioned is considered an emergency project. Therefore, such is believed that this project qualifies for exemption under Article 18 "Statutory Exemptions", Section 15269 "Emergency Projects" of the California Environmental Quality Act (CEQA) guidelines.

It is, however, submitted for review and determination.

Should you have any questions or require additional information, please do not hesitate to contact Robert Ureña III, P.E., Principal Engineer, by email [roberturena@co.imperial.ca.us](mailto:roberturena@co.imperial.ca.us) or by phone at (442) 265-1814. We appreciate very much your attention to this matter.

Respectfully,

John A. Gay, P.E.  
Director of Public Works

- (c) Each public agency should, in its implementing regulations or ordinances, provide an identification or itemization of its projects and actions which are deemed ministerial under the applicable laws and ordinances.
- (d) Where a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080(b)(1), Public Resources Code; *Day v. City of Glendale*, 51 Cal. App. 3d 817.

### **15269. EMERGENCY PROJECTS**

The following emergency projects are exempt from the requirements of CEQA.

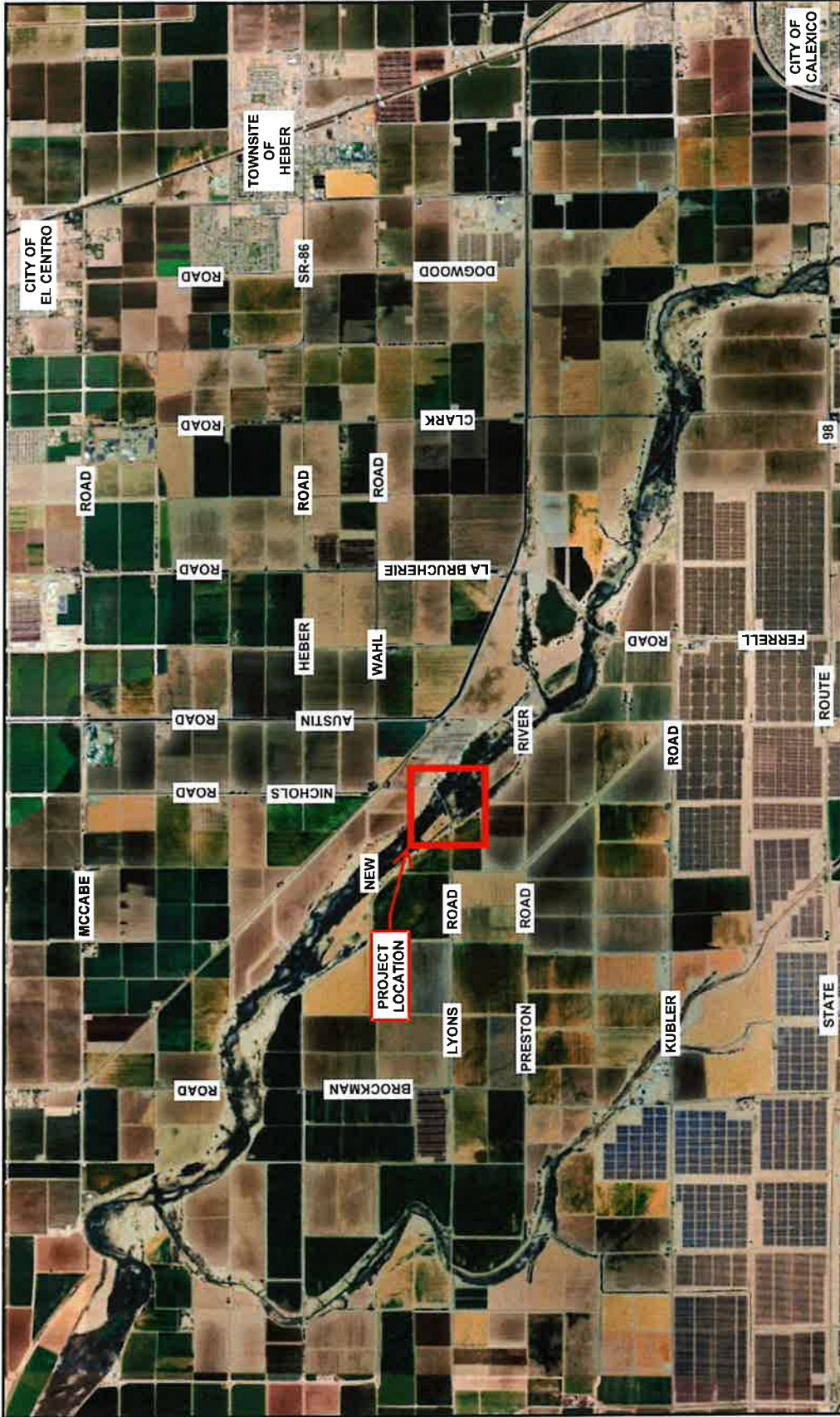
- (a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.
- (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.
- (c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.
- (d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
- (e) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 et seq.

**Note:** Authority: Section 21083, Public Resources Code; Reference: Sections 21080(b)(2), (3), and (4), 21080.33 and 21172, Public Resources Code; *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal. App. 4th 529; *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257; and *Western Municipal Water District of Riverside County v. Superior Court of San Bernardino County* (1987) 187 Cal.App.3d 1104.

### **15270. PROJECTS WHICH ARE DISAPPROVED**

- (a) CEQA does not apply to projects which a public agency rejects or disapproves.





 <p>COUNTY OF IMPERIAL DEPARTMENT OF PUBLIC WORKS</p>	 <p>EMERGENCY REPAIR OF LYONS ROAD BRIDGE OVER NEW RIVER BRIDGE NO. 58C0112 COUNTY PROJECT NO. 7202M</p>	<p>DATE: OCTOBER 31, 2024</p> <p>SHEET 1 OF 2</p>
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CITY OF  
CALEXICO

TOWNSITE  
OF  
HEBER

CITY OF  
EL CENTRO

SR-86

DOGWOOD

CLARK

LA BRUCHERIE

HEBER

WAHL

AUSTIN

NICHOLS

NEW

LYONS

PRESTON

KUBLER

FERRELL

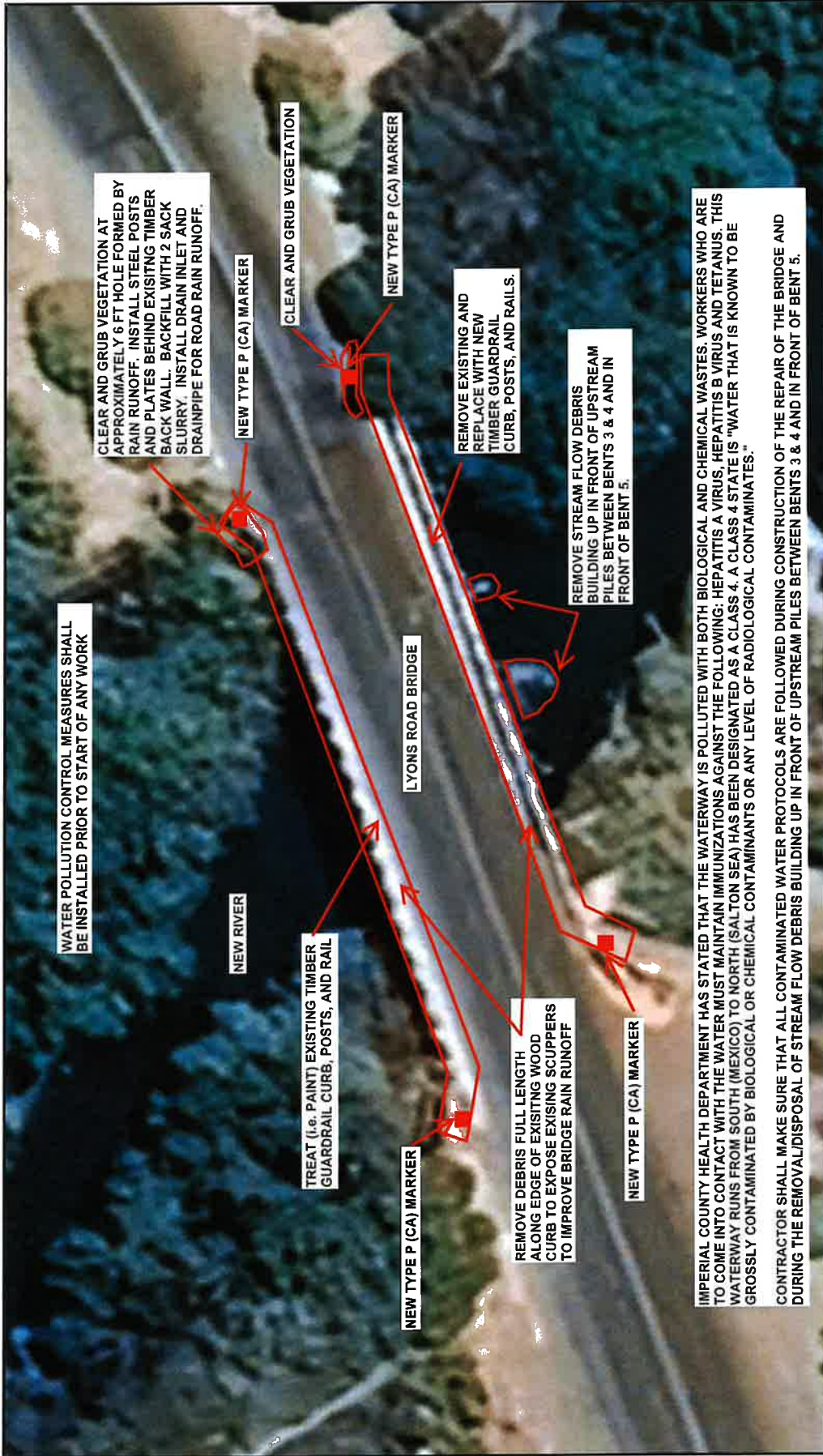
ROUTE  
98

STATE

PROJECT  
LOCATION

BROCKMAN





WATER POLLUTION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO START OF ANY WORK

CLEAR AND GRUB VEGETATION AT APPROXIMATELY 6 FT HOLE FORMED BY RAIN RUNOFF. INSTALL STEEL POSTS AND PLATES BEHIND EXISTING TIMBER BACK WALL. BACKFILL WITH 2 SACK SLURRY. INSTALL DRAIN INLET AND DRAINPIPE FOR ROAD RAIN RUNOFF.

NEW TYPE P (CA) MARKER

CLEAR AND GRUB VEGETATION

NEW TYPE P (CA) MARKER

REMOVE EXISTING AND REPLACE WITH NEW TIMBER GUARDRAIL CURB, POSTS, AND RAILS.

REMOVE STREAM FLOW DEBRIS BUILDING UP IN FRONT OF UPSTREAM PILES BETWEEN BENTS 3 & 4 AND IN FRONT OF BENT 5.

NEW TYPE P (CA) MARKER

REMOVE DEBRIS FULL LENGTH ALONG EDGE OF EXISTING WOOD CURB TO EXPOSE EXISTING SCUPPERS TO IMPROVE BRIDGE RAIN RUNOFF

NEW TYPE P (CA) MARKER

TREAT (i.e. PAINT) EXISTING TIMBER GUARDRAIL CURB, POSTS, AND RAIL

LYONS ROAD BRIDGE

NEW RIVER

IMPERIAL COUNTY HEALTH DEPARTMENT HAS STATED THAT THE WATERWAY IS POLLUTED WITH BOTH BIOLOGICAL AND CHEMICAL WASTES. WORKERS WHO ARE TO COME INTO CONTACT WITH THE WATER MUST MAINTAIN IMMUNIZATIONS AGAINST THE FOLLOWING: HEPATITIS A VIRUS, HEPATITIS B VIRUS AND TETANUS. THIS WATERWAY RUNS FROM SOUTH (MEXICO) TO NORTH (SALTON SEA) HAS BEEN DESIGNATED AS A CLASS 4. A CLASS 4 STATE IS "WATER THAT IS KNOWN TO BE GROSSLY CONTAMINATED BY BIOLOGICAL OR CHEMICAL CONTAMINANTS OR ANY LEVEL OF RADIOLOGICAL CONTAMINATES."  
 CONTRACTOR SHALL MAKE SURE THAT ALL CONTAMINATED WATER PROTOCOLS ARE FOLLOWED DURING CONSTRUCTION OF THE REPAIR OF THE BRIDGE AND DURING THE REMOVAL/DISPOSAL OF STREAM FLOW DEBRIS BUILDING UP IN FRONT OF UPSTREAM PILES BETWEEN BENTS 3 & 4 AND IN FRONT OF BENT 5.



COUNTY OF IMPERIAL  
 DEPARTMENT OF PUBLIC WORKS

EMERGENCY REPAIR OF LYONS ROAD BRIDGE OVER NEW RIVER  
 BRIDGE NO. 58C0112  
 COUNTY PROJECT NO. 7202M

DATE:  
 OCTOBER 31, 2024

NO SCALE  
 SHEET 2 OF 2

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL FOR DECLARATION OF STATE OF EMERGENCY FOR COMPROMISED TRAVELING PUBLIC SAFETY CROSSING OVER LYONS ROAD BRIDGE OVER THE NEW RIVER, BRIDGE NO. 58C0112 LOCATED SOUTHWEST OF THE TOWNSITE OF HEBER, IN IMPERIAL COUNTY**

**RESOLUTION NO. 2024-151**

**WHEREAS**, the Lyons Road Bridge over the New River, Bridge No. 58C0112 is located southwest of the Townsite of Heber, in Imperial County; and

**WHEREAS**, on the weekend October 25, 2024, Imperial County Department of Public Works Field Operations (“ICDPW”) discovered that a portion of south guardrails had been obliterated at the Lyons Road Bridge over the New River.; and

**WHEREAS**, the bridge was constructed in 1940 and due to the obliteration of the south guardrail at the six span multibeam timber bridge has compromised traveling public safety, and;

**WHEREAS**, after further inspection of the bridge a rain runoff hole was found forming on the northeast corner of the bridge due to improper drainage, possibly undermining the approach roadway. Stream flow debris has built up in front of the upstream piles between bents 3 & 4 and in front of bent 5, which will lead to abutment scouring issues, and;

**WHEREAS**, to protect the traveling public crossing over the bridge, the bridge was immediately closed, and immediate repairs were deemed to be warranted. A Public Service Announcement of the bridge closure was issued on October 29, 2024, and:

**WHEREAS**, in the case of emergency repairs, the Board of Supervisors, pursuant to a four-fifths vote, may repair or replace a public facility, take any directly related or immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

**WHEREAS**, Imperial County wishes to immediately repair the Lyons Road Bridge over the New River on an emergency basis pursuant to Section 4.08.070 of the Codified Ordinances of the County of Imperial and California Public Contract Code Section 22035 and 22050.

**NOW THEREFORE, THE BOARD OF SUPERVISORS FINDS** as follows:

1. The Lyons Road Bridge over the New River was found by Imperial County Department of Public Works Field Operations (“ICDPW”) to have a portion of south guardrails completely obliterated, compromising the safety of the traveling public.
2. The Lyons Bridge over the New River was immediately closed to protect the traveling public and a Public Service Announcement about the closure was issued on October 29, 2024.

3. Substantial evidence has been presented that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that immediate action is necessary to respond to the emergency.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Supervisors that:

1. The Director of Public Works is authorized to proceed with the repairs of the Lyons Road Bridge over the New River on an emergency basis and to take any immediate action required by this emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts, and to take any other actions pursuant to Imperial County Code Section 4.08.070 and California Public Contract Code Sections 22035 and 22050.
2. The Board of Supervisors hereby ratifies all repair work done associated with the Lyons Road Bridge over the New River.
3. The Board of Supervisors shall review this authorization every fourteen (14) days and this authorization shall be terminated at the earliest possible date that conditions warrant.

**PASSED AND ADOPTED** by the Board of Supervisors, County of Imperial, State of California, this 3rd day of December, 2024 by the following roll call vote:

Escobar, Plancarte, M. Kelley, R. Kelley

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Luis A. Plancarte,  
Chairman of the Board of Supervisors

ATTEST:



Blanca Acosta,  
Clerk of the Board of Supervisors