RESOLUTION - ACTION REQUESTED 2020-45

MEETING: January 28, 2020

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Mariposa Butterfly Festival

RECOMMENDATION AND JUSTIFICATION:
Designate the Mariposa Butterfly Festival as a County Sponsored Event on May 1 - 3 2020; Approve the Activities Associated with the Festival; Approve Closure of Areas During the Festival; Approve a Letter of Support to Caltrans Regarding Traffic Detours; and Authorize the Board of Supervisors Chair to Sign the Letter.

By designating the Mariposa Butterfly Festival to be a County sponsored event the County accepts a degree of responsibility for activities during the Festival, because the event will be covered by the County's liability insurance. Although there is no additional cost, if there is a claim it is possible that the County's insurance premium may be increased.

The Butterfly Festival has proven to be a boost for local businesses as it attracts visitors to Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Butterfly Festival has been designated by your Board as a County sponsored event for several years.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Without the County's participation the cost of operating the Butterfly Festival would increase for its sponsors possibly limiting their ability to conduct the annual event.

ATTACHMENTS:
Assemblage Permit 2020 (PDF)
Caltrans EP APP 2020 (PDF)
CHP Letter 2020 (PDF)
Encroachment permit 2020 (PDF)
Letter to the Board 2020 (PDF)
Board letter to Caltrans Butterfly 2020 (DOCX)
RESULT: ADOPTED AS AMENDED BY CONSENT VOTE [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey
EXCUSED: Merlin Jones
January 28, 2020

Bob Gill  
Department of Transportation District 10  
Post Office Box 2048  
Stockton, CA 95201

Dear Mr. Gill

On January 28, 2020, the Mariposa County Board of Supervisors adopted a Resolution approving the Encroachment Permit Application for the detour of traffic from state routes to Mariposa County roadways on Saturday May 2, 2020, for the duration of the “Butterfly Festival Parade.”

Mariposa County agrees to hold Caltrans and the State of California harmless for any damages to county roadways as a result of this detour.

Thank you for your consideration in this matter.

Sincerely,

Kevin Cann  
Chair, Mariposa Board of Supervisors
**STANDARD ENCROachment PERMIT APPLICATION**

**TR-0100 (REV. 03/2015)**

Please type or print clearly your answers. Complete ALL fields, write "N/A" if not applicable. This application is not complete until all requirements have been approved.

Permission is requested to encroach on the State Highway right-of-way as follows:

| 1. COUNTY | Mariposa |
| 2. ROUTE | HWY 140 |
| 6. CITY | Mariposa |
| 3. POSTMILE | |
| 4. ADDRESS OR STREET NAME | HWY 140 |
| 5. CROSS STREET (Distance and direction from project site) | 3rd Street & Jones Street |

| 7. PORTION OF RIGHT-OF-WAY | |

| 8. WORK TO BE PERFORMED BY | 9. ESTIMATED START DATE | 10. ESTIMATED COMPLETION DATE |
| Own Forces | Contractor | N/A | 5-2-20 |

| 12. ESTIMATED COST WITHIN STATE HIGHWAY RIGHT-OF-WAY | FUNDING SOURCE(S) | N/A |
| Excavation | Max. Depth | Avg. Depth | Avg. Width | Length | Surface Type |
| N/A | N/A | N/A | N/A | N/A |

| 11. EXCAVATION | 13. PIPES | PRODUCT TYPE | DIAMETER | VOLTAGE / PSIG | 14. CALTRANS’ PROJECT CODE (ID) |
| N/A |

| 15. | Double Permit | Parent Permit Number | NA |
| 16. | Have your plans been reviewed by another Caltrans branch? | ☑ NO | ☐ YES (If "YES") | Who? |

17. Completely describe work to be done within STATE Highway right-of-way:

Attach 6 complete sets of plans (folded to 8.5" x 11") and any applicable specifications, calculations, maps, etc.

Conduct the annual "Mariposa Butterfly Festival Parade", along State Highway 140 right of way between Jones Street and 3rd Street, as shown on the attachments, on May 2nd, 2020 between the hours of 9:30 AM and 12:30 PM in Mariposa County. Detour for both EB and WB directions will be off State Highway 140 and 3rd Street to Bullion Street to Jones Street and back onto State Highway 140. Traffic control, detours, place, maintain, and removal of temporary special event signs shall be done in accordance to the California Manual on Uniform Traffic Control Devices (MUTCD). Traffic Control shall be coordinated by CHP or local law enforcement agency.

18. Is a City, County or other public agency involved in the approval of this project?

- [ ] YES (If "YES", check type of project AND attach environmental documentation and conditions of approval)
  - [ ] Commercial Development
  - [ ] Building
  - [ ] Grading
  - [ ] Other
  - [ ] Categorically Exempt
  - [ ] Negative Declaration
  - [ ] Environmental Impact Report
  - [ ] Other

- [ ] NO (If "NO", please check the category below which best describes the project AND answer questions A - K on page 2)
  - [ ] Driveway or Road Approach, Reconstruction, Maintenance or Resurfacing
  - [ ] Public Utility Modifications, Extensions, Hookups
  - [ ] Flags, Signs, Banners, Decorations, Parades and Celebrations
  - [ ] Fence
  - [ ] Mailbox
  - [ ] Erosion Control
  - [ ] Landscaping
  - [ ] Other

**ADA NOTICE:** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-86, Sacramento, CA 95814.
The following questions must be completed when a City, County or other public agency is NOT involved in the approval of this project.

Your answers to these questions will assist Departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within State Highway right-of-way and to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies and in some cases this may be costly and time consuming. If possible, attach photographs of the location of the proposed project. Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

A. Will any existing vegetation and/or landscaping within State Highway right-of-way be disturbed?
   No

B. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or State Highway right-of-way?
   No

C. Is the proposed project located within five miles of the coast line?
   No

D. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jack-hammering, pile driving)?
   No

E. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?
   No

F. Are there any recreational trails or paths within the limits of the proposed project or State Highway right-of-way?
   No

G. Will the proposed project impact any structures, buildings, rail lines or bridges within State Highway right-of-way?
   No

H. Will the proposed project impact access to any businesses or residences?
   No

I. Will the proposed project impact any existing public utilities or public services?
   No

J. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks or overcrossings?
   No

K. Will new lighting be constructed within or adjacent to State Highway right-of-way?
   No

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource? ⊗ YES ☐ NO (If "YES", provide a description)

20. Is this project on an existing State Highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building? ⊗ YES ☐ NO (If "YES", provide a description)

21. Is work being done on the applicant's property? ⊗ YES ☐ NO (If "YES", attach 6 complete sets of site and grading plans.)

22. Will the proposed project require the disturbance of soil?
   ⊗ YES ☐ NO
   If "YES", estimate the area within State Highway right-of-way in square feet AND acres: (ft²) AND (acres)
   estimate the area outside of State Highway right-of-way in square feet AND acres: (ft²) AND (acres)

23. Will the proposed project require dewatering? ⊗ YES ☐ NO
   If "YES", estimate total gallons AND gallons/month. (gallons) AND (gallons/month)
   SOURCE: ☐ STORM WATER ☐ NON-STORM WATER

24. How will any storm water or ground water be disposed of from within or near the limits of the proposed project?
   ☐ Storm Drain System ☐ Combined Sewer / Storm System ☐ Storm Water Retention Basin
   ☑ Other (explain): NA
PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

The applicant, understands and herein agrees that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 571.5. All work shall be done in accordance with the California Department of Transportation’s (Department) rules and regulations subject to inspection and approval.

The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnities) from and against any and all claims, demands; causes of action, damages, costs, expenses, actual attorneys’ fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnities, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnities. The Applicant, however, shall not be obligated to indemnify Indemnities for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.

An encroachment permit is not a property right and does not transfer with the property to a new owner.

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990: All work within State Highway right-of-way shall be conducted in compliance with all applicable Federal, State and Local Access laws, regulations and guidelines including but not limited to the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the Public Rights-of-Way Guidelines (PROWG), the Department's current Design Information Bulletin 82, “Pedestrian Accessibility Guidelines for Highway Projects”, the Department's Encroachment Permits Manual and encroachment permit.

DISCHARGES OF STORM WATER AND NON-STORM WATER: All work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department, to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Department's NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCC), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:

http://www.dot.ca.gov/hq/constr/ stormwater

25. NAME OF APPLICANT OR ORGANIZATION
Mariposa County Public Works Department
ADDRESS OF APPLICANT OR ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code)
4639 Ben Hur Rd. Mariposa, CA 95338
E-MAIL ADDRESS jsteed@mariosacounty.org PHONE NUMBER (209) 966-5356 FAX NUMBER (209) 966-2828

26. NAME OF AUTHORIZED AGENT / ENGINEER (A "Letter of authorization" is required if different from #25)
Mike Healy
ADDRESS OF AUTHORIZED AGENT / ENGINEER (Include City and Zip Code)
4639 Ben Hur Rd. Mariposa, CA 95338
E-MAIL ADDRESS jsteed@mariosacounty.org PHONE NUMBER (209) 966-5356 FAX NUMBER (209) 966-2828

27. NAME OF BILLING CONTACT (Same as #25 ☐ Same as #26 ☐)

BILLING ADDRESS WHERE INVOICE(S) IS/ARE TO BE MAILED (Include City and Zip Code)

E-MAIL ADDRESS

28. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

29. PRINT OR TYPE NAME

30. TITLE

31. DATE 1-6-20