MEETING: March 13, 2012
TO: The Board of Supervisors
FROM: Rick Benson, County Administrative Officer
RE: AB 1973 Resolution

RECOMMENDATION AND JUSTIFICATION: Adopt a Resolution supporting and sponsoring Assembly Bill (AB) 1973. Currently Caltrans is reviewing options to restore Highway 140 and one of the options is to construct a rock shed in the area of the existing road base. In order to proceed with this construction it may be unavoidable that an incidental "take" of an endangered species occurs. To allow for this possibility Assembly Woman Olsen has introduced AB 1973 which specifically allows for an incidental take during the restoration of Highway 140.

In order to encourage passage of this bill it is recommended that your Board adopt the attached resolution in support and also go on record as a sponsor of the bill.

BACKGROUND AND HISTORY OF BOARD ACTIONS: Your Board has previously taken actions to encourage the prompt restoration of Highway 140.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Do not adopt the resolution. Your Board would not be on record supporting this legislation which may impede its ultimate enactment. Individual Board members may write letters of support, which may not carry the same weight as support from the entire Board.

FISCAL IMPACT:
None

ATTACHMENTS:
ab_1973_bill (PDF)
AB 1973 resolution (PDF)

CAO RECOMMENDATION
Requested Action Recommended
RESULT: ADOPTED [UNANIMOUS]
MOVER: Lyle Turpin, District II Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen
MARIPOSA COUNTY RESOLUTION NO. 12-126

A RESOLUTION SUPPORTING THE ENACTMENT OF ASSEMBLY BILL 1973
AND INCLUDING MARIPOSA COUNTY AS A SPONSOR

WHEREAS, on April 29, 2006, a rockslide known as the Ferguson Slide, occurred in
Mariposa County and which subsequently closed Highway 140; and

WHEREAS, Highway 140 is a critical roadway which provides access into Yosemite
National Park to millions of visitors each year and, as such, is critical to the economic well-
being of the citizens of Mariposa County; and

WHEREAS, temporary bridges have been installed allowing traffic to circumvent the
Ferguson Slide; and

WHEREAS, a permanent repair is needed on Highway 140 in order to provide full
access to all vehicles; and

WHEREAS, Caltrans is charged with developing and implementing a plan to fully
restore Highway 140; and

WHEREAS, two species protected by the California Endangered Species Act live in the
area of the Ferguson Slide; and

WHEREAS, in order to allow Caltrans to consider a plan to restore Highway 140 along
its current alignment special legislation is required to allow for the incidental take of species
during the Highway 140 restoration project; and

WHEREAS, Assembly Bill 1973 has been introduced specifically to provide for the
incidental take of protected species during the Highway 140 restoration project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Mariposa
County a political subdivision of the State of California do hereby support the enactment of
Assembly Bill 1973; and

BE IT FURTHER RESOLVED that Mariposa County be included as a sponsor of

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 13th day of
March 2012, by the following vote:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE

JANET BIBBY, Chairman

ATTEST: MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:

STEVEN W. DAHLEM, County Counsel