# BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA 

IN THE MATTER OF ADOPT THE )<br>MITIGATED NEGATIVE DECLARATION, AND MITIGATION MONITORING AND REPORTING PROGRAM, FOR THE M348 OVER SOUTH FORK KAWEAH RIVER BRIDGE PROJECT<br>) Resolution No. 2019-0235

UPON MOTION OF SUPERVISOR SHUKLIAN, SECONDED BY SUPERVISOR VALERO, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 2, 2019, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE


ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/ CLERK, BOARD OF SUPERVISORS

BY:


1. Certified the Mitigated Negative Declaration (Attachment B) for the M348 over South Fork Kaweah River Bridge Project (State Clearinghouse \#2019011029) as complete and in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and
2. Found that the Project is accurately described in the Mitigated Negative Declaration; and
3. Approved the Project as described in the Mitigated Negative Declaration; and
4. Found that significant impacts could result from the Project, but are mitigated to a level that is less than significant by Project features or deliberate mitigation measures; and
5. Approved and adopted the Mitigated Negative Declaration, including the accompanying Mitigation Monitoring and Reporting Program; and
6. Authorized the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination with the County Clerk.

RMA

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# Resource Management Agency COUNTY OF TULARE AGENDA ITEM 

AGENDA DATE: April 2, 2019


## SUBJECT:

Adopt the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, for the M348 over South Fork Kaweah River Bridge Project

## REQUEST(S):

That the Board of Supervisors:

1. Certify the Mitigated Negative Declaration (Attachment B) for the M348 over South Fork Kaweah River Bridge Project (State Clearinghouse \#2019011029) as complete and in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and
2. Find that the Project is accurately described in the Mitigated Negative Declaration; and
3. Approve the Project as described in the Mitigated Negative Declaration; and
4. Find that significant impacts could result from the Project, but are mitigated to a level that is less than significant by Project features or deliberate mitigation measures; and
5. Approve and adopt the Mitigated Negative Declaration, including the accompanying Mitigation Monitoring and Reporting Program; and
6. Authorize the Environmental Assessment Officer, or designee, to sign and file the Notice of Determination with the County Clerk.

SUBJECT: Adopt the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, for the M348 over South Fork Kaweah River Bridge Project
DATE: April 2, 2019

## SUMMARY:

As required by the California Environmental Quality Act (CEQA), the County of Tulare, acting as the lead agency for the Mountain Road 348 (M348) over South Fork Kaweah River Bridge Project, must certify and adopt the Mitigated Negative Declaration (MND) prior to proceeding with the project.

The County, in cooperation with Caltrans, proposes to replace the existing functionally obsolete (narrow) and fracture critical bridge on M348 over the South Fork Kaweah River. Located approximately 12 miles southeast of the community of Three Rivers, the existing structure (constructed in 1952) will be replaced with a wider one-lane, clear-span, steel girder bridge with precast or cast-in-place concrete deck panels. Also located approximately 0.42 miles from Sequoia National Park, this bridge primarily serves recreational and forestry vehicles traveling to South Fork Campground at the terminus of South Fork Drive. Due to the lack of an available detour and to accommodate traffic during construction, the replacement structure will be constructed along a new alignment upstream of the existing bridge.

As part of the preliminary engineering stage of the bridge replacement project, an Initial Study was conducted in conformance with CEQA Guidelines. The Initial Study determined that the proposed project may have a potential effect on the environment. Therefore, mitigating factors have been developed to reduce the impacts of the project on the environment to levels of insignificance consistent with CEQA Guidelines. An MND has been prepared to summarize the potential impacts of the project and the mitigating factors that will be incorporated into the project. The MND states that none of the environmental factors contained in the CEQA Guidelines would be impacted to a level that is considered potentially significant.

The Draft and Final MND was prepared by Tulare County RMA's Economic Development and Planning Branch. Your Board is being asked to certify that this document complies, and is in conformance, with the requirements of CEQA and to adopt the MND including an accompanying Mitigation Monitoring and Reporting Program (MMRP) (Attachment C).

The MND was circulated to interested parties and agencies for their comments for a 30 -day public review period beginning on January 15, 2019 and closing on February 13, 2019. Comments from the California Department of Fish and Wildlife (Attachment F) and the San Joaquin Valley Unified Air Pollution Control District (Attachment G) were received within the 30-day public review period. In accordance with CEQA § 21091(d), with the exception of EIRs, responses to comments by reviewing agencies do not need to be submitted to the commenting agencies. It should be noted however, that the project mitigation measures in the MMRP have been updated pursuant to commenting agency recommendations. RMA Planning staff have provided a summary of all Final MND modifications including updates to the MMRP as previously noted (Attachment E). See below for additional comments and responses pertaining to the project:

SUBJECT: Adopt the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, for the M348 over South Fork Kaweah River Bridge Project
DATE: April 2, 2019

- Tulare County Fire Battalion Chief Kevin Riggi indicated that a new bridge will need to be constructed to carry the weight of a fire truck and meet CA fire code. Response: Bridge design ensures all CA fire requirements are met (weights and clearances).

The project description and impacts are described in the MND. The findings in the MND conclude that potential project impacts on the environment would be mitigated to a level of insignificance through the inclusion and implementation of adequate mitigations as described and contained in the MND and accompanying MMRP.

Staff anticipates Design of the project will be completed by July 2019 followed by Construction which is expected to start by November 2019.

## FISCAL IMPACT/FINANCING:

No Net County Cost.
An environmental filing fee of $\$ 2,354.75$ must be paid to the California Department of Fish and Wildlife at the time the Notice of Determination is filed with the County Clerk. The costs associated with the preparation, review and certification of the Environmental Document will be borne by the design and environmental phases of the M348 over South Fork Kaweah Bridge Project.

A summary of the total estimated project cost for the M348 over South Fork Kaweah River Bridge is as follows:

| No. | Phase | Cost |
| :---: | :--- | ---: |
| 1 | Preliminary Engineering | $\$ 628,000$ |
| 2 | Right of Way | $\$ 20,000$ |
| 3 | Construction | $\$ 2,750,000$ |
| $r$ | Total | $\$ 3,398,000$ |

The Highway Bridge Program will fund this project at a $100 \%$ reimbursement ratio with the use of "toll credits" (no local match required).

County Road Funds will be used to fund all phases of the project (Preliminary Engineering, Right-of-Way and Construction), but will be fully reimbursed by Federal Highway Bridge Program funds.

## LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

This project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

SUBJECT: Adopt the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, for the M348 over South Fork Kaweah River Bridge Project
DATE: April 2, 2019

## ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director
cc: County Administrative Office

Attachments) Attachment A - Vicinity Map<br>Attachment B - MND with MMRP (On File w/ BOS Clerk)<br>Attachment C - Mitigation Monitoring and Reporting Program (MMRP<br>Table Only)<br>Attachment D - Notice of Determination<br>Attachment E - Summary of MND Modifications by RMA Planning Staff<br>Attachment F - CDFW Comments<br>Attachment G - SJV Air Pollution Control District Comments

## Attachment A Vicinity Map



## ATTACHMENT B

Mitigated Negative Declaration with MMRP
(On File with Clerk of the Board)

## Attachment C

## Mitigation Monitoring <br> and Reporting Program <br> (MMRP Table Only)

| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
| 4.0 Biological Resources |  |  |  |  |  |  |  |
| Sensitive Wildlife Species | BIO-I (Jurisdictional Waters) - Prior to the start of construction activities, the project limits must be marked with high visibility Environmentally Sensitive Area (ESA) fencing or staking to ensure construction will not further encroach into waters. The fencing must be maintained by the Contractor until completion of the project. The project biologist will periodically inspect the ESA to ensure sensitive locations remain undisturbed. <br> BIO-2 (Jurisdictional Waters) - Best Management Practices (BMPs) will be incorporated into project design and project management to minimize impacts on the environment including the release of pollutants (oils, fuels, etc.): <br> - The area of construction and disturbance would be limited to as small an area as feasible to reduce erosion and sedimentation. <br> - Measures would be implemented during land-disturbing activities to reduce erosion and sedimentation. These measures may include mulches, soil binders and erosion control blankets, silt fencing, fiber rolls, temporary berms, sediment desilting basins, sediment traps, and check dams. - Existing vegetation would be protected where feasible to reduce erosion and sedimentation. Vegetation would be preserved by installing |  | Prior to and during constructionrelated activities | Verification by County of Tulare | U.S. Fish and Wildlife Service <br> U.S. Army <br> Corps of Engineers <br> California Dept. of Fish and Wildlife <br> Central Valley Regional Water Quality Control Board |  |  |  |


| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Mitigation Measure | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  |  |  | Initials | Date | Remarks |
| temporary fencing, or other protection devices, around areas to be protected. <br> - Exposed soils would be covered by loose bulk materials or other materials to reduce erosion and runoff during rainfall events. <br> - Exposed soils would be stabilized, through watering or other measures, to prevent the movement of dust at the project site caused by wind and construction activities such as traffic and grading activities. <br> - All construction roadway areas would be properly protected to prevent excess erosion, sedimentation, and water pollution. <br> - All vehicle and equipment maintenance procedures would be conducted off-site. In the event of an emergency, maintenance would occur away from the South Fork Kaweah River. <br> - All concrete curing activities would be conducted to minimize spray drift and prevent curing compounds from entering the waterway directly or indirectly. <br> - All construction materials, vehicles, stockpiles, and staging areas would be situated outside of the stream channel as feasible. All stockpiles would be covered, as feasible. <br> - Energy dissipaters and erosion control pads would be provided at the bottom of slope drains. Other flow conveyance control mechanisms may include earth dikes, swales, or ditches. |  |  |  |  |  |  |


| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | Stream bank stabilization measures would also be implemented. <br> - All erosion control measures and storm water control measures would be properly maintained until the site has returned to a pre-construction state. <br> - All disturbed areas would be restored to pre-construction contours and revegetated, either through hydroseeding or other means, with native or approved non-invasive exotic species. <br> - All construction materials would be hauled off-site after completion of construction. <br> BIO-3 (Special Status Plant Species) During the spring blooming season immediately prior to initial ground disturbance activities, a focused botanical clearance survey will be conducted by a qualified botanist for special status plant species, including Springville clarkia (May) and Kaweah brodiaea (April-June), following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018). The protocol-level survey shall include the identification of reference populations to facilitate the likelihood of field investigation occurring during the appropriate floristic period. If Springville clarkia, Kaweah brodiaea, or other state or federally listed specialstatus plant species are found within the project area during the protocol-level survey, a minimum 50 -foot no |  |  |  |  |  |  |  |



| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |
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| Mitigation Measure | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
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| disturbance buffer shall be established from the outer edge of the plant population(s) or specific habitat type(s) required for identified special status species. If buffers cannot be maintained and special-status plant species cannot be feasibly avoided during construction, the project will then identify appropriate measures to minimize adverse effects to Springville clarkia, Kaweah brodiaea, and/or other special status plant species and initiate consultation with CDFW (Fresno Office) and Section 7 Consultation with USFWS (Sacramento Field Office) prior to the start of construction activities. If a special status plant species is identified during the protocol-level survey, the CDFW (Fresno Field Office) and USFWS (Sacramento Field Office) shall be consulted prior to start of construction activities to determine if the project can avoid take. If take cannot be avoided, issuance of an Incidental Take Permit (ITP) may be required by CDFW. <br> BIO-4 (Foothill Yellow-Legged Frog) All construction personnel will attend environmental awareness training. During the environmental awareness training, construction personnel will be briefed on regional special status species with potential to occur within the BSA. Construction personnel will also be informed of the legal protection of these species, the importance of not disturbing the species and possible penalties for not complying with these requirements. |  |  |  |  |  |  |

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[^2]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | River will be monitored by the project biologist. <br> BIO-6 (Invasive Species) - Prior to arrival and prior to leaving the project site, all construction equipment must be inspected and cleaned of mud, plant material and other debris that may contain invasive plants and/or seeds and inspected to reduce the potential spreading of noxious weeds. <br> BIO-7 (Invasive Species) - Erosion control measures for this project will be designed to prevent the spread of invasive plant species. All erosion control straw/hay will be certified weed free. Only native species found in this region will be included in seed and plant mixtures. Any landscaping designs for this project will not contain invasive and or noxious weed species in the plant selections or seed mixtures. <br> BIO-8 (Migratory and Nesting Birds) If possible, project implementation, including vegetation removal, should occur outside the nesting bird season (February 15th - September 1st). If vegetation removal and/or project construction activities are to take place during the nesting season, a preconstruction nesting bird survey must be conducted by a qualified wildlife biologist no more than 10 days prior to vegetation removal and/or construction activities. The survey shall cover a sufficient around the work site (i.e., any |  |  |  |  |  |  |  |

[^3][^4]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
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|  | area potentially affected by project related construction activity, noise, vibration, and movement by workers or equipment) and establish a behavioral baseline of all identified nests. Within 2 weeks of the nesting bird survey, all vegetation cleared during these surveys must be removed by the contractor. A minimum 250 foot no-disturbance buffer for songbirds and other non-listed bird species and 500 feet no-disturbance buffer for raptors must be established around any active nests. The contractor must immediately stop work in the nesting area until the appropriate buffer, as determined by the project biologist, is established and is prohibited from conducting work that could disturb the birds (as determined by the project biologist monitoring the nest and bird behavior, and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the project biologist and approved by CDFW. <br> BIO-9 (General Wildlife) - The contractor must not apply rodenticide or herbicide within the project area during construction. <br> BIO-10 (General Wildlife) - The contractor must dispose of all foodrelated trash in closed containers, and must remove it from the project area each day during construction. |  |  |  |  |  |  |  |

[^5]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | Construction personnel must not feed or attract wildlife to the project area. <br> BIO-1I (General Wildlife) - If any wildlife is encountered during the course of construction, said wildlife must be allowed to leave the construction area unharmed. <br> BIO-12 (General Wildlife) - Plastic mono-filament netting (erosion control matting) or similar material that could trap wildlife must not be used. Acceptable substitutes include jute, coconut coir matting or tackified hydroseeding compounds. <br> BIO-13 (Pallid and Towsend's BigEared Bat) - A habitat assessment for pallid and Townsends's big-eared bat shall be conducted by a qualified biologist prior to the start of construction activities to determine if the project area or its immediate vicinity contains suitable habitat for special status bat species. If suitable habitat is present a protocol-level survey shall be conducted during the appropriate seasonal period of bat activity. If during the protocol-level survey bats are found in the project area a Bat Eviction Plan will be prepared and written approval given by CDFW prior to start of construction activities. <br> - If any removal of mature trees or structure is to occur between April 1 and September 30, then within 30 days prior to scheduled removal, a qualified |  |  |  |  |  |  |  |

[^6]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | biologist will conduct a survey for roosting bats. The biologist will visually inspect all potential roost sites for individual bats, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed. <br> - To avoid potential impacts to maternity bat roosts, future tree and/or structure removal should occur outside of the period between April 1 and September 30 (general maternity bat roost season), the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse. <br> - Prior to tree removal, trees containing potential day roosts, identified as "habitat trees", must first be trimmed with initial supervision by a qualified bat expert. Trees must be trimmed or removed using a two-step process conducted over two consecutive days. Examples of habitat trees and proper procedures will be provided in the field to the tree cutting crew, after which the crew can work unsupervised by the bat expert. Trimmed habitat trees must be removed the next day to prevent reoccupation of trimmed trees. <br> - Prior to removal of habitat trees, all non-habitat trees adjacent to and/or surrounding habitat trees (including branches and small limbs containing no |  |  |  |  |  |  |  |

[^7]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | potential suitable habitat), as identified by a qualified bat biologist, must be removed/trimmed on the first of the two days and must only use hand tools (i.e. chainsaws). <br> - If a non-breeding bat colony is found in disturbance areas, the individuals will be humanely evicted from trees and/or structure, under the direction of a qualified biologist, to ensure that no harm or "take" of any bats occurs as a result of construction activities. <br> - If a maternity colony is detected during preconstruction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist. <br> BIO-14 (CNDDB Reporting) - Any special status species or natural communities identified during surveys shall be reported to the California Natural Diversity Database. <br> Field surveys forms can be found online at <br> https://www.wildlife.ca.gov/Data/CND DB/Submitting-Data. <br> Completed forms can be mailed electronically to <br> CNDDB@wildlife.ca.gov. |  |  |  |  |  |  |  |


| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
| 8. Hydrology and Water Quality |  |  |  |  |  |  |  |
| Water Quality | WQ-1 - BMPs will be incorporated into project design and project management to minimize impacts on the environment including the release of pollutants (oils, fuels, etc.): <br> - The area of construction and disturbance would be limited to as small an area as feasible to reduce erosion and sedimentation. <br> - Measures would be implemented during land-disturbing activities to reduce erosion and sedimentation. These measures may include mulches, soil binders and erosion control blankets, silt fencing, fiber rolls, temporary berms, sediment desilting basins, sediment traps, and check dams. <br> - Existing vegetation would be protected where feasible to reduce erosion and sedimentation. Vegetation would be preserved by installing temporary fencing, or other protection devices, around areas to be protected. <br> - Exposed soils would be covered by loose bulk materials or other materials to reduce erosion and runoff during rainfall events. <br> - Exposed soils would be stabilized, through watering or other measures, to prevent the movement of dust at the project site caused by wind and construction activities such as traffic and grading activities. <br> - All construction roadway areas would be properly protected to prevent |  | Prior to and during constructionrelated activities | Verification by County of Tulare | U.S. Fish and Wildlife Service <br> U.S. Army <br> Corps of <br> Engineers <br> California <br> Dept. of Fish and Wildlife <br> Central Valley <br> Regional <br> Water Quality <br> Control Board |  |  |  |

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| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | WQ-2 - Any requirements for additional avoidance, minimization, and/or mitigation measures will be in contained in the permits obtained from all required regulatory agencies. <br> WQ-3 - The project limits in proximity to the South Fork Kaweah River will be marked as an Environmental Sensitive Area (ESA) or either be staked or fenced with high visibility material to ensure construction activities will not encroach further beyond established limits. <br> WQ-4 - The proposed project would require a National Pollution Discharge Elimination System (NPDES) General Construction Permit for Discharges of storm water associated with construction activities (Construction General Permit 2012-0006-DWQ). A SWPPP or Water Pollution Control Plan would also be developed and implemented as part of the Construction General Permit. <br> WQ-5 - The construction contractor will adhere to the SWRCB Order No. 2012-0006- DWQ NPDES Permit pursuant to Section 402 of the CWA. This permit authorizes storm water and authorized non-storm water discharges from construction activities. As part of this Permit requirement, a SWPPP or Water Pollution Control Plan will be prepared prior to construction consistent with the requirements of the RWQCB. This |  |  |  |  |  |  |  |

[^9]| Mitigation Monitoring Reporting Program |  |  |  |  |  |  |  |
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| Mitigation Measure |  | Monitoring Timing/ Frequency | Action Indicating Compliance | Monitoring Agency | Verification of Compliance |  |  |
|  |  | Initials |  |  | Date | Remarks |
|  | SWPPP/Water Pollution Control Plan will incorporate all applicable BMPs to ensure that adequate measures are taken during construction to minimize impacts to water quality. <br> WQ-6 - Storm water systems will be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources. |  |  |  |  |  |  |  |
| 12. Noise (MINIMIZATION MEASURES) |  |  |  |  |  |  |  |
| Construction Noise | NOI-I - Do not exceed 86 dBA LMax at 50 feet from the job site activities from 9 A.M. to 6 A.M. <br> NOI-2 - Equip an internal combustion engine with the manufacturerrecommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler. <br> NOI-3 - Noise levels generated during construction shall comply with applicable local, state, and federal regulations. <br> NOI-4 - Construction activities are limited to the hours of 7 A.M. to 7 P.M., Monday through Saturday when construction activities are located near sensitive receptors. No construction shall occur on Sundays or national holidays without a permit from the County. No peak noise generating activities shall be allowed to occur | During constructionrelated activities | Verification by County of Tulare | County of <br> Tulare <br> Planning <br> Department |  |  |  |

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## Attachment D Notice of Determination

## NOTICE OF DETERMINATION

## Fee Exempt per Government Code Section 6103

To: $\boxtimes$ Tulare County Clerk<br>Room 105, Courthouse<br>221 South Mooney Blvd.<br>Visalia, CA 93291<br>$\square$ Office of Planning and Research<br>1400 Tenth Street, Room 121<br>Sacramento, CA 95814<br>Lead Agency: Tulare County Resource Management Agency 5961 South Mooney Blvd.<br>Visalia, CA 93277<br>(559) 624-7000<br>Attn: hguerra@co.tulare.ca.us<br>Applicant(s): Tulare County Resource Management Agency 5961 South Mooney Blvd.<br>Visalia, CA 93277<br>(559) 624-7000



Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: M348 South Fork Kaweah River Bridge (No. 46C0195) Replacement Project
State Clearinghouse Number: 2019011029
Contact Person: Hector Guerra Telephone Number: 559-624-7121
Project Location: The Project is located on County of Tulare mountain road M348 over the South Fork Kaweah River, approximately 10 miles southeast of the unincorporated community of Three Rivers and SR 198 , in Tulare County within Sections 23 \& 24 of Township 18 South, Range 29 East, MDBM.

Project Description: The Project consists of the replacement of an existing, paved bridge on M348 crossing South Fork Kaweah River. The purpose of the project is to provide continuous access at M348 where it crosses the South Fork Kaweah River and to replace a functionally obsolete facility while reducing the maintenance and repair costs. The Project will provide a permanent, durable structure designed to accommodate a 100 -year design storm within the South Fork of the Kaweah River.

This is to advise that the TULARE COUNTY BOARD OF SUPERVISORS, as $\boxtimes$ Lead Agency $\square$ Responsible Agency, has approved the above-described project on April 2,2019, and has made the following determinations regarding the abovedescribed project:

1. The project [ $\square$ will $\boxtimes$ will not] have a significant adverse impact on the environment.
2. $[\square$ A Final Environmental Impact Report, $\boxtimes$ Mitigated Negative Declaration, $\square$ Negative Declaration] was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [ $\boxtimes$ were $\square$ were not] made a condition of approval of this project.
4. A Mitigation Monitoring and Reporting Plan [区 was $\square$ was not] adopted for this project.
5. A Statement of Overriding Considerations $[\square$ was $\boxtimes$ was not] adopted for this project.
6. Findings [ $\boxtimes$ were $\square$ were not] made pursuant to the provision of CEQA.

This is to certify that the environmental document and record of project approval is available to the General Public and may be examined at: Tulare County Resource Management Agency, 5961 S Mooney Blvd., Visalia CA 93277.

By :
Hector Guerra, Chief Environmental Planner

By:
$\overline{\text { Reed Schenke, P.E, Director and Environmental Assessment Officer }}$
® Signed by Lead AgencySigned by Applicant

Cc: California. Dept. of Fish \& Game, 1416 Ninth St., $12^{\text {th }}$ Floor, Sacramento, CA 95814
Note: Authority cited: Section 21083, Public Resource Code; Reference: Sections 21108, 21152 and 21167, Public Resource Code.

## Attachment E

## Summary of MND

## Modifications by RMA

Planning Staff

## RESOURCE MANAGEMENT AGENCY

Public Works
Fiscal Services

# INTRAOFFICE MEMORANDUM 

DATE: $\quad$ March 13, 2019
TO: Jason Vivian, Engineer IV
FROM: Jessica Willis, Planner IV
SUBJECT: Mitigated Negative Declaration for the Road M348 South Fork Kaweah River Bridge Replacement

The Final Mitigated Negative Declaration (MND) for the Road M348 South Fork Kaweah River Bridge Replacement Project includes the following modifications:

1) The page formatting has been updated to properly fit the standard $8.5^{\prime \prime} \times 11$ " page format. As a result, page numbers have been updated to reflect the current format.
2) Nineteen (19) blank pages were inadvertently included in Attachment "A". These blank pages have been removed from the Final MND.
3) The State Clearinghouse number on the cover page has been updated from ""TBD" to "2019011029".
4) The Mitigation Monitoring and Reporting Program (MMRP) has been added to the List of Tables within the Table of Contents.
5) The Mitigation Measures for Biological Resources have been updated pursuant to the recommendations provided by the California Department of Fish and Wildlife (CDFW). As the Mitigation Measures included in the Biological Resources discussion of Section Three of the MND were cited directly from the Natural Environment Study (Minimal Impact) Report, they were left unchanged in the discussion. Rather, the Mitigation Measures were modified only in the MMRP.
6) With the exception of No. 3 through No. 5 above, no other textual changes were made to the MND.

## Attachment F

# California Department of Fish and Wildlife 

## Comments

State of California - The Natural Resources Agency
GAVIN NEWSOM, Governor
DEPARTMENT OF FISH AND WILDLIFE CHARLTON H. BONHAM, Director
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

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[5CO

Hector Guerra
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, California 93277
hguerra@co.tulare.ca.us

## Subject: M348 South Fork Kaweah River Bridge (No. 46C0195) Replacement Project (Project), INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) SCH No: 2019011029.

Dear Mr. Guerra:
The California Department of Fish and Wildlife (CDFW) received an Initial Study/ Mitigated Negative Declaration (IS/MND) from Tulare County Resource Management Agency for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. ${ }^{1}$

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.
Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of its own regulatory authority under the Fish and Game Code.

## CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) \& 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (/d., § 1802). Similarly, for purposes

[^11]Conserving California's Wildlife Since 1870

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February 4, 2019
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of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, construction associated with the Project may be subject to CDFW's Lake and Streambed Alteration regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, $\S 2050$ et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

## PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County, in cooperation with California Department of Transportation (Caltrans)

Objective: Tulare County, in cooperation with Caltrans, proposes to replace a paved bridge on M348 crossing South Fork Kaweah River in the vicinity of Three Rivers, California. The existing bridge is a paved, single-lane bridge that was constructed in 1952. It is a 82 -foot long by 12 -foot wide Bailey Truss Bridge and consists of a reinforced concrete superstructure supported by reinforced concrete piers founded on spread footings. Due to the narrow roadway width, the bridge has been deemed to be functionally obsolete. The new structure will be approximately 95 feet in length with a single lane travel way width of 18 feet and will span the approximate width of the channel to accommodate a 100-year design storm. The bridge will conform to the existing roadway approach width. A maximum of 400 feet of new roadway approach ( 200 feet in each direction) will be constructed to tie into the existing roadway approaches on both sides of the bridge. Hydraulic freeboard requirements and structure type will control the vertical profile.

Permanent right-of-way will be required for the new bridge and temporary construction easements will be used to conduct construction-related activities. M348 will remain open

Hector Guerra<br>M348 South Fork Kaweah River Bridge Replacement Project No. 46C0195<br>February 4, 2019<br>Page 3

to through traffic during construction and will ultimately align with the replacement bridge when it is completed. Upon completion of the replacement bridge, the existing bridge will be demolished. Staging areas will be used during construction. Existing vegetation may be removed to accommodate staging areas and demolition/construction of the replacement bridge structure.

Location: The existing bridge is located on M348 (South Fork Drive, a rural, mountain road) over the South Fork of the Kaweah River, approximately 10 miles southeast of the community of Three Rivers, Tulare County, California. Assessor's Parcel Nos. 114-210-007 and -008.

Timeframe: Unspecified

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Tulare County Resource Management Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

Currently, the IS/MND indicates that the Project's impacts would be less than significant with the implementation of mitigation measures described in the MND. However, as currently drafted, it is unclear whether the mitigation measures described will be enforceable or sufficient in reducing impacts to a level that is less than significant. In particular, CDFW is concerned regarding adequacy of mitigation measures for special-status species including, but not limited to, special-status plants and the State Candidate Threatened foothill yellow-legged frog (Rana boylii). In addition, CDFW is concerned regarding potential impacts to species not considered in the MND including, but not limited to, the State Species of Special Concern pallid bat (Antrozous pallidus) and Townsend's big-eared bat (Corynorhinus townsendii).

If significant environmental impacts will occur as a result of Project implementation and cannot be mitigated to less than significant levels, an MND would not be appropriate. Further, when an MND is prepared, mitigation measures must be specific, clearly defined, and cannot be deferred to a future time. However, when an Environmental Impact Review (EIR) is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. Regardless of whether an MND or EIR is prepared, CDFW recommends that the CEQA document provide quantifiable and enforceable measures as needed that will reduce impacts to less than significant levels.

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Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS)?

## COMMENT 1: Special-Status plants

Issue: Several special-status plant species have been documented to occur in the vicinity of the Project area (CDFW 2019). As stated in the Natural Environment Study, the Project area contains habitat suitable to support numerous special-status plant species meeting the definition of rare or endangered under CEQA Section 15380 including, but not limited to, the federally threatened, State endangered and California Rare Plant Ranked (CRPR)1B. 2 Springville clarkia (Clarkia springvillensis) and the State Endangered and CRPR 1B. 2 Kaweah brodiaea (Brodiaea insignis). A biological survey conducted in May 2016 yielded no observations of special-status plants, but it is unclear if appropriate survey methodology was used. In addition, 2016 was a drought year and therefore, may not represent current environmental conditions. Although the MND requires a focused botanical clearance survey, it does not specify the protocol to be used and it does not include a requirement for take authorization pursuant to Fish and Game Code Section 2081(b) if a State-listed plant species is detected and cannot be avoided. Mitigation Measure (MM) BIO-3 states that "if Springville clarkia or Kaweah brodiaea are found within the Project area and cannot be feasibly avoided during construction, the Project will then identify appropriate measures to minimize adverse effects, and initiate Section 7 Consultation with USFWS." The MND cannot defer mitigation measures and should include consultation with CDFW. Therefore, the measures in the MND may not be adequate or enforceable to reduce impacts to a level that is less than significant.

Specific impact: Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include inability to reproduce and direct mortality.

Evidence impact would be significant: Kaweah brodiaea and Springville clarkia are narrowly distributed endemic species known from only the Tule and Kaweah River drainages of California (California Native Plant Society [CNPS] 2019). They, and many of the other special-status plant species known to occur in the vicinity of the Project area, are threatened by residential development, road maintenance, vehicles, grazing, and non-native plants.

## Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends supplementing MM BIO-3 with the provisions below and that these be made conditions of approval for the Project.

## Recommended Mitigation Measure 1: Special-Status Plant Surveys

CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities" (CDFW 2018a). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

## Recommended Mitigation Measure 2: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

## Recommended Mitigation Measure 3: State-listed Plant Take Authorization

If a plant species listed pursuant to CESA or the Native Plant Protection Act is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code Section 2081(b).

## COMMENT 2: Foothill Yellow-Legged Frog (FYLF)

Issue: The MND identifies the potential for FYLF to occur on the Project site and addresses it as a CDFW Species of Special Concern. On July 7, 2017, the Fish and Game Commission published its acceptance of a petition for consideration and designation of the FYLF as a candidate species. Pursuant to Fish and Game Code Section 2074.6, CDFW has initiated a status review report to inform the Commission's decision on whether listing of FYLF, pursuant to CESA, is warranted. During the candidacy period, consistent with CEQA Guidelines, Section 15380, the status of the FYLF as a threatened candidate species under CESA (Fish and Game Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. It is

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unlawful to import into California, export out of California or take, possess, purchase, or sell within California, FYLF and any part or product thereof, or attempt any of those acts, except as authorized pursuant to CESA. Under Fish and Game Code Section 86, take means to hunt, pursue, catch, capture, or kill, or to attempt to hunt pursue, catch, capture, or kill. Consequently, take of FYLF during the status review period is prohibited unless authorization pursuant to CESA is obtained.

The MND identifies the potential for FYLF to occur within the Project area, and while it does include mitigation measures the species, BIO-4 only requires an environmental awareness training and BIO-5 requires that vegetation removal be monitored by the Project biologist. It does not include pre-construction surveys to assess FYLF occupancy on the Project site or provide guidance should they be detected. For these reasons, the measures proposed may not be adequate or enforceable to reduce impacts to a level that is less than significant.

Specific impact: FYLF are found in the vicinity of streams in a variety of habitats. Potentially significant impacts associated with Project activities include inadvertent entrapment, destruction of eggs and oviposition sites, degradation of water quality, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Evidence impact would be significant: The Project area is within the range of FYLF. In the Sierra Nevada, FYLF have disappeared from approximately $66 \%$ of locations historically documented as occupied (Thomson et al. 2016). Throughout the species' range, population declines, and local disappearances are most pronounced in the southern half of the Sierra slope, from approximately Madera County southward (Jennings 1995, Jennings 1996 in United States Department of Agriculture [USDA] 2016). Land use changes that result in degradation or destruction of riparian habitat, road development and use, urbanization, and water diversion are among proximate factors contributing to local declines of FYLF (Thomson et al. 2016, USDA 2016). In the context of development of the Project and declining population trend within this portion of the FYLF range, the effect of Project development on local and regional populations of FYLF may be significant.

Recommended Potentially Feasible Mitigation Measure(s)
CDFW recommends editing the MND to include the following measures and that these be made conditions of approval for the Project.

## Recommended Mitigation Measure 4: FYLF surveys

Because the Project site contains habitat suitable for FYLF and because take of FYLF during its candidacy period is prohibited unless authorization pursuant to CESA is

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obtained, CDFW recommends that focused visual encounter surveys be conducted by a qualified biologist during appropriate survey period(s) (April - October) in areas where potential habitat exists. CDFW advises that these surveys generally follow the methodology described in pages 5-7 of "Considerations for Conserving the Foothill Yellow-Legged Frog" (CDFW 2018). In addition, CDFW advises surveyors adhere to "The Declining Amphibian Task Force Fieldwork Code of Practice" (DAPTF 1998). If any life stage of the FYLF (adult, metamorph, larvae, egg mass) is found, CDFW recommends consulting with CDFW to develop avoidance measures and evaluate permitting needs.

## Recommended Mitigation Measure 5: Reporting survey results

Submission of survey results to CDFW is recommended. In the event of negative findings, CDFW recommends that consultation with CDFW include documentation demonstrating FYLF are unlikely to be present in the vicinity of the Project area. Information submitted may include, but is not limited to, a full habitat assessment and survey results. If any life stage of FYLF is detected, consultation with CDFW is advised to determine if an ITP is necessary to comply with CESA.

## Recommended Mitigation Measure 6: Take authorization

CDFW recognizes there may be circumstances where take of FYLF during candidacy may be unavoidable. If surveys find that FYLF are occupying the Project area and cannot be avoided, CDFW may issue an ITP authorizing take of FYLF, pursuant to Fish and Game Code Section 2081(b). Take authorization is issued only when take is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species.

## COMMENT 3: Special-Status Bat Species

Issue: Pallid bat and Townsend's big-eared bat have been documented to occur in the vicinity of the Project area (CDFW 2019). In addition, habitat features that have the potential to support both species are present within the Project area. However, the MND does not consider Project impacts to special-status bat species.

Specific impact: Without appropriate avoidance and minimization measures for special-status bat species, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include habitat loṣs, inadvertent entrapment, roost abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

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Evidence impact is potentially significant: Pallid bat and Townsend's big-eared bat are known to roost under bridges (Lewis 1994 and Gruver 2006). Project activities and bridge removal have the potential to affect habitat upon which special-status bat species depend for successful breeding and have the potential to impact individuals and local populations.

Recommended Potentially Feasible Mitigation Measure(s)
CDFW recommends editing the MND to include the following measures and that these be made conditions of approval for the Project.

## Recommended Mitigation Measure 7: Habitat Assessment

CDFW recommends that a qualified biologist conduct a habitat assessment well in advance of Project implementation to determine if the Project area or its immediate vicinity contains suitable habitat for special-status bat species.

## Recommended Mitigation Measure 8: Focused Surveys

If suitable habitat is present, CDFW recommends assessing presence/absence of special-status bats by conducting protocol-level surveys during the appropriate seasonal period of bat activity.

## Recommended Mitigation Measure 9: Consultation

Detection of special-status bat species warrants consultation with CDFW prior to any activity that may disturb bats. CDFW recommends submitting a Bat Eviction Plan to CDFW for written approval prior to project implementation, and that the Eviction Plan include details for excluding bats from the roost site, and a monitoring plan to ensure that all bats have exited the roost prior to the start of activity and will be unable to re-enter the roost until activity is completed. CDFW also recommends that Project or bat eviction activities be timed to avoid lactation and young-rearing.

## Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed species including, but not limited to, Springville clarkia. Take under the federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of any ground disturbing activities.

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Nesting birds: CDFW encourages Project implementation occur during the bird non-nesting season. However, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project's applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends the work causing that change cease and CDFW consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 -foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be found at the following link:
https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

Hector Guerra
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The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

## FILING FEES

The Project, as proposed, has the potential to impact fish and/or wildlife, and assessment of filing fees may be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Tulare County in identifying and mitigating subsequent project's impacts on biological resources.

Should you have questions regarding this letter or for further coordination please contact Jennifer Giannetta, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014 extension 216, or by electronic mail at Jennifer.Giannetta@wildlife.ca.gov.

Sincerely,


Julie A. Vance
Regional Manager
ec: Office of Planning and Research:
State.Clearinghouse@opr.ca.gov
United States Fish and Wildlife Service:
Patricia Cole, Patricia Cole@fws.gov

## REFERENCES

California Department of Fish and Wildlife (CDFW), 2018. Considerations for Conserving the Foothill Yellow-Legged Frog. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562\&inline. Accessed February 1, 2019.

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Hector Guerra
M348 South Fork Kaweah River Bridge Replacement Project No. 46C0195
February 4, 2019
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Thomson, R. C., A. N. Wright, and H. Bradley Shaffer, 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press: 84-92.
U.S. Department of Agriculture (USDA), 2016. Foothill Yellow-Legged Frog Conservation Assessment in California. U.S. Forest Service, Pacific Southwest Research Station, General Technical Report PSW-GTR-248. August 2016.

## Attachment G

## San Joaquin Valley Air Pollution Control District Comments

Tulare County Resource Management Agency
Hector Guerra
County of Tulare
FEB 132019
Resource Management Agency
5961 South Mooney Blvd
RRCD

Visalia, CA, 93277-9394
Project: M348 South Fork Kaweah River Bridge Replacement Project
District CEQA Reference No: 20190086
Dear Mr. Guerra:
The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of replacement of an existing single lane bridge. (Project), located approximately 10 miles southeast of Three Rivers and State Route 198, in Tulare County. The District offers the following comments:

1. Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
2. Based on information provided to the District, the District has determined that this Project is exempt under District Rule 9510 (Indirect Source Review) section 4.4.1; reconstruction of any development project that is damaged or destroyed, or is retrofitted solely for seismic safety, and is rebuilt to essentially the same use and intensity. Therefore, Rule 9510 requirements and related fees do not apply to this Project.
3. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be
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Modesto, CA 95356-8718
Tel: (209) 557.6400 FAX: (209) $557-6475$
Central Region (Main Office)
1930 E. Gettysburg Avenue
Fresno, CA 93726.0244
Tel: $\mathbf{( 5 5 9 )} 230-6000$ FAX: $(559) 230.60$

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 861.392.5500 FAX: 661.392.5585
renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
4. The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please call Eric McLaughlin, at (559) 230-5808.

Sincerely,
Arnaud Marjollet
Director of Permit Services


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[^1]:    Tulare County RMA - M348 South Fork Kanveah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^2]:    Tulare County RMA - M348 South Fork Kavealh River Bridge Replacement Project Initial Study/Mitigated Negative Declaration -

[^3]:    January 2019
    90264

[^4]:    Tulare County RMA - M348 South Fork Kaveah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^5]:    Tulare County RMA - M348 South Fork Kaveah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^6]:    Tulare County RMA - M348 South Fork Kaweah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^7]:    January 2019
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[^8]:    Tulare County RMA - M348 South Fork Kaveah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^9]:    Tulare County RMA - M348 South Fork Kaweah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^10]:    Tulare County RMA - M348 South Fork Kaweah River Bridge Replacement Project
    Initial Study/Mitigated Negative Declaration -

[^11]:    ${ }^{1}$ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

