



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: September 17, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: 559-624-7010				

SUBJECT: Adopt the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, for the Mineral King Bridge Project

REQUEST(S):
That the Board of Supervisors:

1. Certify the Mitigated Negative Declaration for the Mineral King Bridge Project near Three Rivers (State Clearinghouse #2016121028) 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.

SUMMARY:
As required by the California Environmental Quality Act (CEQA), the County of Tulare, acting as the lead agency for the Mineral King Bridge (Historic Oak Grove Bridge) Rehabilitation/Retrofit Project, must certify and adopt the Mitigated Negative Declaration (MND) prior to proceeding with the project.

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One of the key initial tasks for the project team involved development of a Project Scoping Study (PSS) used to identify deficiencies with the existing bridge. The PSS included a load rating analysis, seismic evaluation, field investigations and exploratory work, materials testing, and research of adjacent structures or potential impacts. Nine (9) bridge alternatives were initially developed in the PSS. The project design team, in conjunction with Caltrans Structures Local Assistance, eliminated several alternatives, resulting in a total of three (3) feasible project alternatives which included the following:

- Alternative 1 – Rehabilitation/Retrofit of the Existing Open Spandrel Arch Bridge
- Alternative 2B – Replace with a New Girder Bridge Located Upstream while Preserving the Existing Bridge
- Alternative 3 – Hybrid Rehabilitation/Replacement of the Existing Bridge

The County, in cooperation with Caltrans, concluded that of three feasible alternatives, only Alternative 1 (Rehabilitation/Retrofit) resulted in No Effect under Section 106 of the National Historic Preservation Act under NEPA. The State Historic Preservation Office (SHPO) concurred with the Finding of No Effect and the County was therefore required to proceed with the Alternative 1.

Located approximately 6.5 miles east of State Route 198, east of the community of Three Rivers, the existing structure (constructed in 1923) is eligible for federal funding due to deficiencies found in existing bridge structural members including the deck and spandrel columns. The rehabilitation project will require replacement of all structurally deficient members while ensuring the project will have no effect on the historical function and significance of the bridge [which is listed in the National Register of Historic Places (NRHP)]. Also located approximately 18 miles from Mineral King Valley (located in Sequoia National Park), this bridge primarily serves recreational and forestry vehicles. Due to the lack of an available detour and to accommodate traffic during construction of the rehabilitation/retrofit, it is anticipated that a temporary one-lane bridge will be constructed downstream of the existing bridge.

As part of the engineering design stage of the bridge rehabilitation/retrofit project, an Initial Study was conducted in conformance with CEQA Guidelines. The Initial Study determined that the proposed project may have a potentially significant effect on the environment. Therefore, mitigation measures and project design features 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 mitigation measures that will be incorporated into the project. Mitigation measures incorporated specifically to address any potential impacts on the historical and cultural significance of the bridge include:

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- Existing bridge will be rehabilitated/retrofitted to current safety standards while maintaining its overall aesthetic appearance
- Rehabilitation/Retrofit involves replacing the existing bridge deck, spandrel columns, arch fins, transverse deck beams, longitudinal exterior beams over the main arch span, barrier rail and repairing carbonated concrete at pier spandrel columns and arches. All work will be completed to closely match the look and feel of the existing structure
- No additional permanent structures will be constructed in the area
- Alternative 1 retains the historic and aesthetic properties that have led to the structure becoming NRHP-eligible and will lead to optimum preservation of the existing structure's historical significance

The MND concludes that none of the environmental resources 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 25, 2019, and closing on February 25, 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 Environmental Impact Reports, 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. Resource Management Agency Planning staff have provided a summary of all Final MND modifications including updates to the MMRP as previously noted (Attachment E).

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 March 2021 followed by Construction, which is expected to start by October 2021.

FISCAL IMPACT/FINANCING:

No Net County Cost.

An environmental filing fee of \$2,354.75 must be paid to the California Department of

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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 Mineral King Bridge Project.

A summary of the total estimated project cost for the Mineral King Bridge is as follows:

No.	Phase	Cost
1	Engineering Design	\$1,560,000
2	Right-of-Way	\$20,000
3	Construction	\$9,000,000
Total		\$10,580,000

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 (Engineering Design, 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.

ADMINISTRATIVE SIGN-OFF:



Reed Schenke, P.E.
Director

cc: County Administrative Office

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

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

IN THE MATTER OF ADOPT THE)
MITIGATED NEGATIVE DECLARATION,) Resolution No. _____
AND MITIGATION MONITORING AND)
REPORTING PROGRAM, FOR THE)
MINERAL KING BRIDGE PROJECT)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 17, 2019,
BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

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

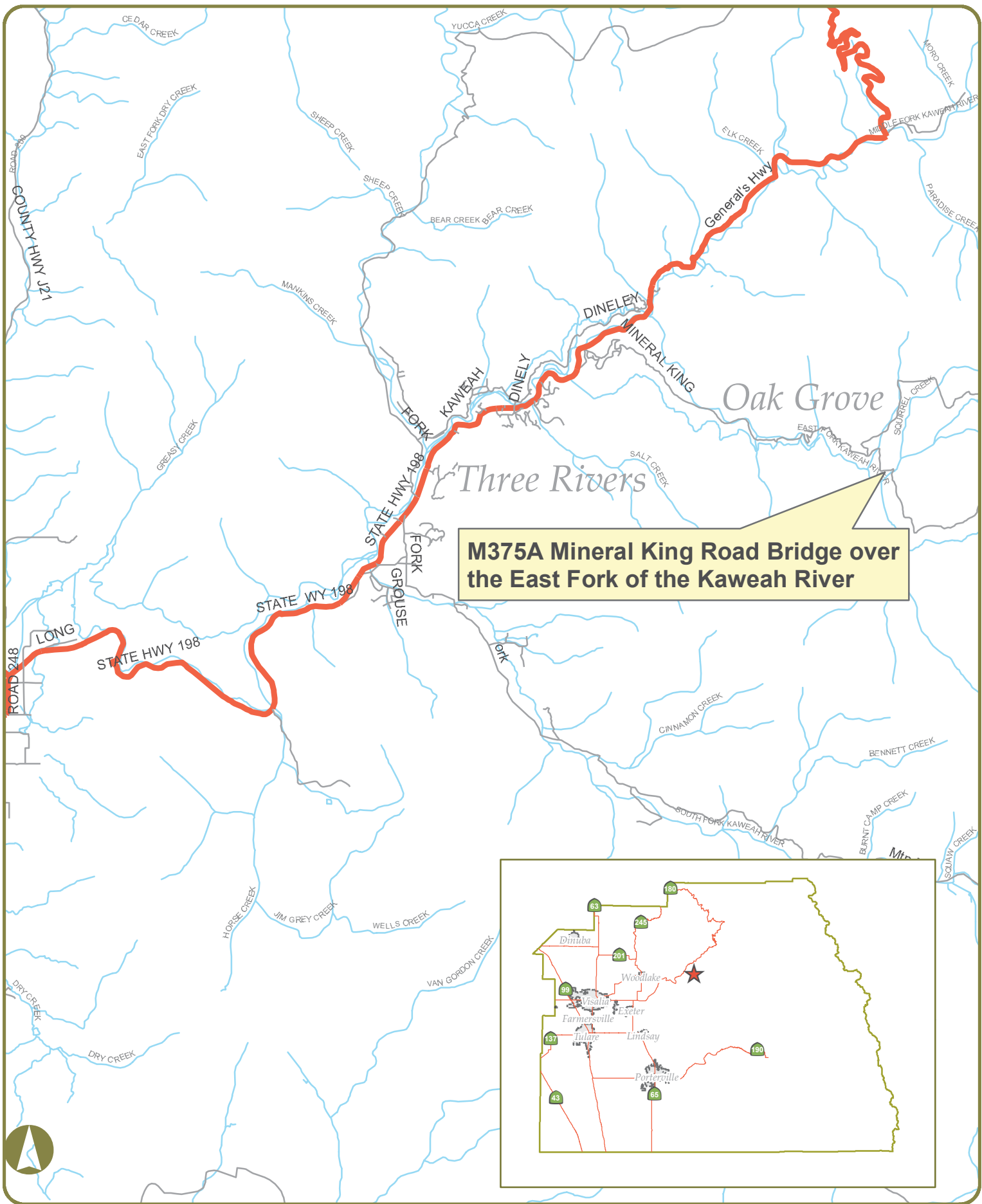
BY: _____
Deputy Clerk

* * * * *

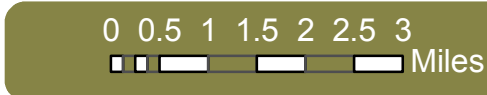
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Attachment A

Vicinity Map



M375A Mineral King Road Bridge over the East Fork of the Kaweah River



Attachment B
Mitigated Negative
Declaration with MMRP
(On File w/BOS Clerk)

Attachment C
Mitigation Monitoring
and Reporting Program
(MMRP Table Only)

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
<i>Aesthetics</i>							
VIA 1.1	<i>(Staging Areas)</i> Staging areas would be located away from the public view where feasible. These areas would be fenced to reduce visibility, and would be kept clean and orderly	Prior to start construction-related activities.	On-going monitoring by construction manager and reporting to County.	County of Tulare Planning Department			
VIA 1.2	<i>(Vegetation)</i> Vegetation removal would be minimized to the extent feasible. Vegetated areas temporarily disturbed by the project would be restored following project construction using a context sensitive design that is visually compatible with the surrounding landscape.	Prior to start and during construction-related activities.	On-going monitoring by construction manager and reporting to County.	County of Tulare Planning Department			
VIA 1.3	<i>(Hardscape)</i> Barriers, fencing, and other hardscape elements would be designed using materials and aesthetic treatments that are compatible with the existing bridge features and surrounding landscape features.	Prior to start and during construction-related activities.	On-going monitoring by construction manager and reporting to County.	County of Tulare Planning Department			
<i>Biological Resources</i>							
<i>Natural Communities</i>							
BIO 4.1	<i>(Avoidance/Minimization)</i> Removal of oak trees shall be avoided, if feasible. If avoidance is feasible, protective fencing shall be installed beyond the dripline of the tree(s) during construction to prevent construction staff or equipment from entering this area.	Prior to start and during construction-related activities.	On-going monitoring by construction manager and reporting to County.	County of Tulare Planning Department			
BIO 4.2	<i>(Replacement)</i> Native oak trees measuring six inches in diameter at breast height or greater and requiring removal, shall be replaced onsite at a minimum 3:1 ratio.	Post construction.	Coordination between construction manager and County.	County of Tulare Planning Department			
<i>Plant Species</i>							
BIO 4.3	<i>(Pre-construction Survey)</i> Prior to construction, a qualified botanist shall conduct plant surveys within the construction area. Surveys would be conducted during the appropriate blooming period for species with potential to be in the project area, to the extent feasible. If special-status plant species are	Prior to construction-related activities.	Retention of qualified botanist during appropriate blooming period of species; development of avoidance measures.	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	found during surveys, avoidance measures would be developed and implemented based on recommendations from the qualified botanist. If surveys cannot be conducted within the appropriate blooming period, if presence of species cannot be ruled out for any other reason, or if species present cannot be avoided, appropriate mitigation would be developed and implemented.						
BIO 4.4	(Restoration/Revegetation) If it is determined that special-status plants would be impacted as a result of the project, an on-site or off-site restoration plan will be prepared by a qualified botanist. The plan will include, at a minimum, the following: receiver locations; number of plants to be replanted and the methods of replanting; maintenance and monitoring requirements; and measures necessary for the establishment of self-sustaining populations in suitable open space areas to ensure the long-term survivability of the species in the vicinity. The restoration plan will be implemented prior to the completion of the project.	Following completion of construction-related activities.	Ongoing monitoring by County until revegetated plants are established. Restoration plan will be prepared by a qualified botanist prior to construction.	County of Tulare Planning Department			
<i>Invertebrates</i>							
BIO 4.5	(Minimization) Vegetation removal and excavation shall be reduced to the extent feasible.	Prior to construction.	Monitored by construction manager; oversight by County.	County of Tulare Planning Department			
BIO 4.6	(Pre-construction Survey) Within 48 hours of construction, a qualified biologist shall survey the construction area to confirm the presence/absence of bumble bee nests and other invertebrates.	During construction-related activities.	Monitored by qualified biologist.	County of Tulare Planning Department			
BIO 4.7	(Buffer Area/Relocation) If a nest is identified within the BSA, all efforts shall be taken to avoid the nest, and an appropriate buffer would be installed as determined by a qualified	During construction-related activities..	Monitored by qualified biologist; oversight by County.	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	biologist. If avoidance cannot be accomplished, the nest would be safely relocated by a qualified biologist.						
BIO 4.8	(Minimization) Pesticide/insecticide shall not be used as part of the project.	Self-explanatory.	Oversight by County.	County of Tulare Planning Department			
BIO 4.9	(Restoration/Revegetation) Areas temporarily impacted during construction shall be restored using native species, including one or more of the food plant genera for the Crotch bumble bee (<i>Antirrhinum</i> sp., <i>Phacelia</i> sp., <i>Clarkia</i> sp., <i>Dendromecon</i> sp., <i>Eschscholzia</i> sp., and <i>Eriogonum</i> sp.) if appropriate for the region.	Upon completion of construction-related activities.	Monitored by qualified biologist; oversight by County.	County of Tulare Planning Department			
Amphibians							
BIO 4.10	(Minimization) Vegetation removal and excavation shall be reduced to the extent feasible.	Prior to construction-related activities.	Monitored by construction manager; oversight by County.	County of Tulare Planning Department			
BIO 4.11	(Pre-construction Survey) Within 48 hours of construction, a qualified biologist shall survey the construction area to confirm the presence/absence of amphibians.	During construction-related activities.	Monitored by qualified biologist; oversight by County.	County of Tulare Planning Department			
BIO 4.12	(Buffer Area/Relocation) If any amphibians are identified within the BSA, all efforts, to the extent feasible, shall be taken to avoid the individual, and an appropriate buffer would be installed as determined by a qualified biologist. If avoidance cannot be accomplished, the individual shall be safely relocated by a qualified biologist.	Prior to and during construction-related activities.	Monitored by qualified biologist; oversight by County.	County of Tulare Planning Department			
BIO 4.13	(Minimization) Pesticide/insecticide shall not be used as part of the project.	Self-explanatory.	Oversight by County.	County of Tulare Planning Department			
Reptiles							
BIO 4.14	(Avoidance) Vegetation removal and excavation shall be reduced to the extent feasible.	Prior to construction-related activities.	Monitored by construction manager; oversight	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
			by County.				
BIO 4.15	(Pre-construction Survey/Removal) Pre-construction surveys for reptiles shall be conducted by a qualified biologist in the upland portions of the construction area no more than 48 hours prior to construction. Surveys shall be repeated if construction activities are suspended for five days or more. If these species, or other reptiles, are observed within the construction area, a qualified biologist shall capture and relocate them to suitable habitat at least 100 feet outside of the construction area.	Prior to construction-related activities.	Monitored by qualified biologist and construction manager; oversight by County.	County of Tulare Planning Department			
BIO 4.16	(Restoration/Revegetation) Temporarily disturbed areas shall be restored following construction.	Upon completion of construction-related activities.	Monitored by qualified biologist and construction manager; oversight by County.	County of Tulare Planning Department			
Birds							
BIO 4.17	(Minimization) Construction in areas that include trees, vegetation, and structures that may provide nesting habitats for birds and raptors shall be reduced to the maximum extent feasible.	Prior to initiation of construction.	Monitoring by qualified biologist and construction manager.	County of Tulare Planning Department			
BIO 4.18	(Minimization) Trimming and removal of vegetation and trees shall be minimized and performed outside of the nesting season (February 1 to September 30), to the extent feasible.	Self-explanatory.	Monitoring by construction manager; oversight by County.	County of Tulare Planning Department			
BIO 4.19	(Pre-construction Survey) In the event that trimming or removal of vegetation and trees must be conducted during the nesting season, nesting bird surveys shall be completed within 500 feet of the construction area by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if	Prior to initiation trimming or tree removal.	Monitoring by qualified biologist and construction manager.	County of Tulare Planning Department			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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	trimming or removal activities are suspended for five days or more.						
BIO 4.20	(Buffer Area) If nesting birds are found within 500 feet of the construction area, appropriate buffers consisting of orange flagging/fencing or similar (typically 300 feet for birds and 500 feet for raptors) shall be installed and maintained until nesting activity has ended, as determined in coordination with the project biologist and regulatory agencies, as appropriate.	Prior to and during construction-related activities.	Monitoring by qualified biologist and construction manager.	County of Tulare Planning Department			
BIO 4.21	(Removal/Monitoring) Prior to construction, any inactive swallow nests and other nests shall be removed under supervision of a qualified biologist during the non-breeding season (October 1 to January 31). The inactive nests shall also be checked for bats prior to removal. During the nesting season (February 1 to September 30), the BSA shall be monitored as necessary to ensure that no new nests are built, and any partially-built nests shall be removed from the bridge during construction to prevent swallows from nesting on the bridge structure. Monitoring and nesting deterrence would continue until birds no longer attempt to nest.	Prior to construction-related activities.	Monitoring by qualified biologist and construction Manager.	County of Tulare Planning Department			
BIO 4.22	(Avoidance) In the event that any bird species is observed foraging within the construction site, it shall be allowed to move away from the site prior to initiating any construction activities that could result in direct injury or disturbance of the individual.	On-going during construction-related activities.	Monitoring by construction manager.	County of Tulare Planning Department			
BIO 4.23	(Minimization) Construction shall be in compliance with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM10 Prohibition), which requires a number of measures to control fugitive dust during construction activities.	On-going.	Monitoring by construction manager.	Valley Air District and County of Tulare Planning Department.			

Mitigation Monitoring Reporting Program						
Mitigation Measure	Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
				Initials	Date	Remarks
Mammals						
BIO 4.24	(Avoidance) To avoid potential impacts to maternity bat roosts, where feasible, tree and structure removal shall be conducted 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.. If pre-construction and focused surveys (see Mitigation Measure BIO 4.25) indicate the presence of bat roosts and tree and structure removal is to be conducted within the bat roosting period, a Bat Eviction Plan will be prepared and written approval given by CDFW prior to start of tree removal and construction activities.	Prior to construction-related activities.	Monitoring by qualified biologist; removal by construction manager.	County of Tulare Planning Department		
BIO 4.25	(Pre-construction and Focused Surveys) 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. 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 and/or construction activities, a qualified biologist shall conduct a thorough bat roosting habitat assessment (survey) of all trees and structures to be removed or otherwise impacted during	Prior to construction-related activities.	Monitoring by qualified biologist and removal by construction manager.	County of Tulare Planning Department and California Dept. of Fish and Wildlife, as necessary		

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	construction. Visual and acoustic surveys shall be conducted for at least two nights at all identified roosting habitat to assess the presence of roosting bats. If presence is detected, a count and species analysis shall be completed to help assess the type of colony and usage. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.						
BIO 4.26	(Removal/Relocation) No less than two weeks prior to construction, and during the non-breeding and active season (typically October), bats shall be safely evicted from roosts impacted by the project under the direction of a qualified biologist. Once bats have been safely evicted, exclusionary devices shall be installed to prevent bats from returning and roosting in these areas prior to removal. Roosts that would not be impacted by the project shall be left undisturbed.	Prior to construction-related activities.	Monitoring by qualified biologist and eviction by construction manager.	County of Tulare Planning Department and California Dept. of Fish and Wildlife, as necessary			
BIO 4.27	(Avoidance/Removal) If the presence or absence of bats cannot be confirmed in potential roosting habitat, a qualified biologist shall be onsite during removal or disturbance of this area. If the biologist determines that bats are being disturbed during this work, work shall be suspended until bats have left the vicinity on their own, or can be safely excluded under direction of the biologist. Work shall resume only once all bats have left the site and/or approval to resume work is given by a qualified biologist.	During construction-related activities.	Monitoring by qualified biologist and removal by construction manager.	County of Tulare Planning Department and California Dept. of Fish and Wildlife, as necessary			
BIO 4.28	(Buffer Area) In the event that a maternal colony of bats is found, no work shall be conducted within 100 feet of the maternal roosting site until the maternal season is finished or the bats have left the site, or as otherwise directed by a qualified biologist. The	Prior to and during construction-related activities.	Verification by County of Tulare.	U.S. Fish and Wildlife Service U.S. Army Corps of Engineers California Dept. of Fish and			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
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site shall be designated as a sensitive area and protected as such until the bats have left the site. No activities shall be authorized adjacent to the roosting site. Combustion equipment, such as generators, pumps, and vehicles, shall not be parked nor operated under or adjacent to the roosting site. Construction personnel shall not be authorized to enter areas beneath the colony, especially during the evening exodus (typically between 15 minutes prior to sunset and one hour following sunset).				Wildlife Central Valley Regional Water Quality Control Board			
Riparian Habitat							
BIO 4.29	Minimization) Work areas would be reduced to the maximum extent feasible, and staging areas shall be located away from the river.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
BIO 4.30	(Best Management Practices) Best management practices (BMP), such as silt fencing, fiber rolls, straw bales, or other measures would be implemented during construction to minimize dust, dirt, and construction debris from entering the river and/or leaving the construction area. Construction shall be in compliance with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive PM10 Prohibitions), which requires a number of measures to control fugitive dust during construction-related activities.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
BIO 4.31	(Best Management Practices) Appropriate hazardous material BMPs would be implemented to reduce the potential for chemical spills or contaminant releases into the	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or			

Mitigation Monitoring Reporting Program							
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	river, including any non-stormwater discharge.			Central Valley Regional Water Quality Control Board			
BIO 4.32	(Best Management Practices) All equipment refueling and maintenance would be conducted in the staging area away from the river. In addition, vehicles and equipment would be checked daily for fluid and fuel leaks, and drip pans would be placed under all equipment that is parked and not in operation.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
BIO 4.33	(Restoration/Revegetation) Temporarily disturbed areas would be re-contoured and revegetated using native species. Any revegetation or erosion control implemented shall be completed using non-invasive species.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
All Special Status Species and Natural Communities							
BIO 4.34	<p>(CNDDDB Reporting) – Any special status species or natural communities identified during surveys shall be reported to the California Natural Diversity Database (CNDDDB).</p> <p>The types of information to be reported to CNNDDB can be found online at: https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals.</p> <p>CNDDDB field surveys forms can be found online at https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data.</p> <p>Completed forms can be mailed electronically to CNDDDB@wildlife.ca.gov.</p>	Prior to and during construction-related activities.	Verification by County of Tulare.	County of Tulare Planning Department and California Dept. of Fish and Wildlife, as necessary			

Mitigation Monitoring Reporting Program							
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Hydrology / Water Quality							
HYD 9.1	(Best Management Practices) Appropriate hazardous material BMPs, including having a spill prevention kit on site would be implemented to minimize the potential for chemical spills or containment releases into the Kaweah River, including any non-storm water discharge.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
HYD 9.2	(Fueling and Maintenance) All equipment refueling and maintenance would be conducted in the upland staging area away from the canal, per standard specifications and regulatory permits. In addition, vehicles and equipment would be checked daily for fluid and fuel leaks, and drip pans would be placed under all equipment that is parked and not in operation.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
HYD 9.3	(Work Areas) Work areas would be minimized to the smallest area feasible.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
HYD 9.4	(Staging Areas) Staging areas would be sited away from the edges of the river to reduce potential for disturbance of, or non-storm water discharge to, the Kaweah River.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
HYD 9.5	(Best Management Practices) BMPs, including silt fencing and fiber rolls, would be implemented to minimize dust, dirt, and debris resulting from construction activities, and to	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or			

Mitigation Monitoring Reporting Program							
Mitigation Measure		Monitoring Timing / Frequency	Action Indicating Compliance	Monitoring Agency	Verification of Compliance		
					Initials	Date	Remarks
	protect the water quality of the Kaweah River pursuant to the requirements of the RWQCB and project permits.			Central Valley Regional Water Quality Control Board			
HYD 9.6	(Erosion Control) Following completion of construction activities, appropriate erosion control measures would be implemented to ensure that soils disturbed by construction are stabilized, to minimize non-storm water discharges into the Kaweah River, and to meet the requirements of the RWQCB and project permits.	Prior to and during construction-related activities.	Verification by County of Tulare.	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			
HYD 9.7	(Minimization and Revegetation) All disturbance to aquatic habitat, including riparian vegetation and jurisdictional waters, would be minimized with the use of environmentally sensitive area fencing and all soil exposed as a result of project construction would be revegetated using native-plant hydroseeding or live planting methods. Restoration would be at a minimum ratio of 1:1, or as agreed upon as part of regulatory permitting.	Prior to and during construction-related activities	Verification by County of Tulare	California Dept. of Fish and Wildlife and/or Central Valley Regional Water Quality Control Board			

Attachment D

Notice of Determination

NOTICE OF DETERMINATION

Fee Exempt per Government Code Section 6103

To: Tulare County Clerk
Room 105, Courthouse
221 South Mooney Blvd.
Visalia, CA 93291

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Lead Agency: Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
(559) 624-7000
Attn: hguerra@co.tulare.ca.us

<i>DATE RECEIVED FOR FILING AT TULARE COUNTY CLERK</i>

Applicant(s): Tulare County Resource Management Agency
5961 South Mooney Blvd.
Visalia, CA 93277
(559) 624-7000

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

Project Title: Mineral King Road Bridge (Historic Oak Grove Bridge, No. 46C0196) Rehabilitation Project

State Clearinghouse Number: 2016121028

Contact Person: Hector Guerra **Telephone Number:** 559-624-7121

Project Location: The Project is located on County of Tulare Mountain Road 375A (M375A, or Mineral King Road) over the East Fork Kaweah River, approximately 6.5 miles east of the unincorporated community of Three Rivers and State Route 198, in Tulare County within Section 15 of Township 17 South, Range 29 East, MDBM.

Project Description: The Project consists of the rehabilitation of the existing reinforced concrete open spandrel arch bridge over the East Fork Kaweah River. The purpose of the Project is to provide continuous access at M375A where it crosses the East Fork Kaweah River and to rehabilitate a structurally deficient facility while extending the life of the existing bridge and ensuring its historical significance is preserved. The Project will provide a long lasting, durable structure designed to accommodate a 100-year design storm within the East Fork of the Kaweah River. The Project area extends approximately 75 feet downstream and 60 feet upstream of the existing Mineral King Road Bridge (bridge), and includes the northern and southern approach roadways and encompasses Assessor Parcel Numbers (APNs) 069-390-021 and 069-390-010. In addition, three potential staging areas are being considered. The first construction staging area (West Construction Staging Area) is located immediately north of Mineral King Road, approximately 1.3 miles west of the existing bridge on APN 069-080-042 (which is owned by the United States Department of Interior, Bureau of Land Management). The second construction staging area (East Construction Staging Area) is located approximately 800 feet northeast of the existing bridge on APN 069-390-010 (which is privately owned). The third construction staging area (South Construction Staging Area) is located approximately 370 feet northeast of the existing bridge on APN 069-390-010 (which is privately owned).

This is to advise that the **TULARE COUNTY BOARD OF SUPERVISORS**, as Lead Agency Responsible Agency, has approved the above-described project on **September 17, 2019**, and has made the following determinations regarding the above-described project:

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

By: _____ Date: _____
Reed Schenke, P.E, Director and Environmental Assessment Officer

- Signed by Lead Agency
- Signed by Applicant

Attachment E

Summary of MND

Modifications by RMA

Planning Staff



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron R. Bock Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

INTRAOFFICE MEMORANDUM

DATE: March 12, 2019
TO: Jason Vivian, Engineer IV
FROM: Jessica Willis, Planner IV
SUBJECT: Mitigated Negative Declaration for the Mineral King Road Bridge (Historic Oak Grove Bridge) Rehabilitation/Retrofit Project

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

- 1) The date on the cover page and in the document footers has been changed from “January 2019” to “April 2019”.
- 2) The Mitigation Measures for Biological Resources have been updated pursuant to the recommendations provided by the California Department of Fish and Wildlife (CDFW).
 - a. To minimize the occurrence of changes in pagination within the MND, the Mitigation Measures included in the impact discussion of Checklist Item 4. Biological Resources were left unchanged. However, Mitigation Measures were modified and/or added in the Mitigation Monitoring and Reporting Program (MMRP).
 - b. Mitigation Measure BIO 4.25 was modified pursuant to CDFW Recommended Mitigation Measure 1 (Focused Bat Surveys).
 - c. Mitigation Measure BIO 4.24 was modified pursuant to CDFW Recommended Mitigation Measure 2 (Bat Avoidance) and Recommended Mitigation Measure 3 (Consultation).
 - d. Mitigation Measure BIO 4.34 was added pursuant to CDFW comment regarding environmental data.
- 3) With the exception of No. 1 and No. 2 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
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4014
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Tulare County
Resource Management Agency

February 27, 2019

MAR 07 2019

REC'D

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

**Subject: Mineral King Road Bridge (Historic Oak Grove Bridge)
Rehabilitation/Retrofit Project (Project),
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND)
SCH No: 2016121028**

Dear Mr. Guerra:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (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. Although the comment period for your request has passed, CDFW would appreciate if you would still consider the following comments.

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,

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.

protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes 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, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Tulare County

Objective: The Project includes the rehabilitation/retrofitting of the Mineral King Road Bridge (Historic Oak Grove Bridge). The purpose of the Project is to resolve the structural deficiencies of the bridge while protecting its historical function and significance.

Location: Along Mineral King Road, approximately 6.5 miles east of State Route 198, east of the community of Three Rivers. The Project area extends approximately 75 feet downstream and 60 feet upstream of the existing Mineral King Road Bridge and includes the northern and southern approach roadways and encompasses APNs 069-390-021 and -010.

In addition, three potential staging areas are being considered:

- Staging area 1: immediately north of Mineral King Road, approximately 1.3 miles west of the existing bridge on APN 069-080-042
- Staging area 2: approximately 800 feet northeast of the existing bridge on APN 069-390-010
- Staging area 3: approximately 370 feet northeast of the existing bridge on APN 069-390-010

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 bat species including, but not limited to, the State Species of Special Concern pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*).

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 Bat Species

Issue: The Natural Environment Study (NES) included with the MND states that bats were observed roosting within the existing bridge structure and suggests that a maternity colony is present. Results of the acoustic survey also suggest most of the bats are Mexican freetail bats, a non-listed species, but acknowledges that there is potential for other species to be present. Special-status bat species have been documented in the vicinity of the Project area as recently as October 2018, including pallid bat and Townsend's big-eared bat (CDFW 2019).

The mitigation measures proposed in the MND include pre-construction surveys, eviction, the use of exclusionary devices, and a work-exclusion buffer around maternity colonies, and that these activities be performed under the direction of a qualified biologist. However, the measures do not specify eviction methods or the type of exclusionary devices to be used. Therefore, it is unclear if the provisions within these measures are 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 bat species, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with Project construction include habitat

loss, inadvertent entrapment, roost abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

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)

Because roosting bats have already been detected within the Project area, CDFW recommends including the following measures in addition to those already proposed in the MND, and that these be made conditions of approval for the Project.

Recommended Mitigation Measure 1: Focused Bat Surveys

CDFW recommends focused surveys for roosting bats be conducted during the appropriate seasonal period of bat activity.

Recommended Mitigation Measure 2: Bat Avoidance

If a bat roost is detected, CDFW recommends postponing Project implementation until repeat surveying documents that bats no longer use the roost.

Recommended Mitigation Measure 3: Consultation

Detection of special-status bat species warrants consultation with CDFW prior to any activity that may disturb bats. If postponement is not feasible, CDFW recommends submitting a Bat Eviction Plan to CDFW for written approval prior to Project implementation. Specifically, CDFW advises that the request to evict bats from a roost 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.

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 (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be

emailed to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/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

REFERENCES

- California Department of Fish and Wildlife, 2019. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed February 13, 2019.
- Lewis, S. E., 1994. Night roosting ecology of pallid bats (*Antrozous pallidus*) in Oregon. *The American Midland Naturalist*, Vol. 132, pp. 219-226.
- Gruver, J.C. and D.A. Keinath, 2006. Townsend's Big-eared Bat (*Corynorhinus townsendii*): A Technical Conservation Assessment. [Online]. USDA Forest Service, Rocky Mountain Region. Available: <http://www.fs.fed.us/r2/projects/scp/assessments/townsendbigearbat.pdf>

Attachment G

San Joaquin Valley Air Pollution Control District Comments



FEB 25 2019

Tulare County
Resource Management Agency

FEB 27 2019

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Blvd
Visalia, CA, 93277-9394

Project: Mitigated Negative Declaration – Mineral King Road Bridge Rehabilitation

District CEQA Reference No: 20190104

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of rehabilitation/retrofitting of the Mineral King Road Bridge (Project), located 6.5 miles east of Three Rivers, CA. 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. The District has reviewed the information provided and determined that the rehabilitation of the bridge would not be increasing single occupancy vehicle capacity. Therefore, the project is exempt from District Rule 9510, section 4.4.2.1, "A modification of existing roads subject to District Rule 8061 that is not intended to increase single occupancy vehicle capacity".

Therefore, District Rule 9510 requirements and related fees do not apply to the project referenced above. Please be aware that changes to the project, i.e., change in land use type, increase in use intensity, or increased construction emissions may exceed an applicability threshold, resulting in the project being subject to District Rule 9510.

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

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 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



for: Brian Clements
Program Manager

AM: em