CALENDAR ITEM
C27

A 31 10/27/11
W 26461
S 14 K. Foster

GENERAL LEASE - PUBLIC AGENCY USE
AND ENDORSEMENT OF SUBLEASES

APPLICANT:
City of Reedley
1733 Ninth Street
Reedley, CA 93654

AREA, LAND TYPE, AND LOCATION:
Sovereign land in the Kings River, in the city of Reedley, Fresno County.

AUTHORIZED USE:
The construction, use, and maintenance of a new bridge with utility conduits at Manning Avenue on the Kings River; the use of a temporary construction easement; the temporary use and maintenance of the existing Manning Avenue bridge; the demolition of the existing bridge; and the potential abandonment in place of piers and pilings upon completion of the new bridge.

LEASE TERM:
20 years, beginning October 27, 2011.

CONSIDERATION:
Bridge: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

Utilities: Annual rent in the amount of $384, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

1. Lessee shall not install, attach, or authorize the placement of any utilities or other improvements on the bridge or within the Lease Premises, other than those subject to existing Franchise and/or Licensing Agreements as

described in the Lease, without the Commission's prior review and consideration.

2. Lessee shall place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the bridge replacement project and to advise the public to exercise caution. Lessee shall place and maintain such signage and/or buoys at all times during bridge removal and construction activities, and shall notify the California Department of Boating and Waterways of the location, description, and purpose of such signage and/or buoys upon their installation and removal.

OTHER PERTINENT INFORMATION:

1. Applicant owns and has the right to use the upland adjoining the lease premises.

2. The proposed bridge replacement project is part of a larger project to bring the Manning Avenue bridge and approaches up to current engineering and safety standards and to improve vehicular traffic flow.

3. The City of Reedley Department of Public Works (City) is responsible for the maintenance of the existing Manning Avenue bridge crossing the Kings River within the City's boundary. The original two-lane bridge was constructed in 1929 and subsequently widened in 1952. A second two-lane structure was added in 1974 adjacent to the 1929 structure to increase the capacity from two lanes to four. Neither structure was authorized by the Commission. The Applicant has submitted an application requesting a General Lease - Public Agency Use to authorize all the uses described above.

3. The existing four-lane bridge was deemed to be structurally deficient in a recent California Department of Transportation maintenance report, and any rehabilitation project would also likely require seismic retrofitting, making rehabilitation too costly. It was determined that the preferred alternative for the project is to divert traffic onto the 1974 bridge section while the older portion of the bridge is demolished and replaced with a new two-lane bridge section within the same right-of-way alignment. Upon completion, traffic would then be diverted to the new section and the remaining 1974 structure would be demolished and replaced with another new two-lane section, to be joined to the other new section within the same right-of-way alignment.

4. The replacement bridge will consist of an approximately 480-foot long by 102-foot-wide, four-lane, cast-in-place concrete structure with a median strip and sidewalks, and will be anchored by concrete abutments on each end with two piers of three pilings each supporting the spans.

5. Since the project must utilize portions of the existing bridge during construction, the project will be completed in phases and is expected to span several construction seasons. Any foundation piers or pilings that cannot be effectively removed will be cut off a minimum of five feet below the mudline and left in place. Temporary coffer dams will be constructed in the river bed to divert water flow from around the piers during removal operations.

6. If the City is unable to remove any piers or pilings completely, the City will retain responsibility for any abandoned structures. Should the Commission determine at any time that any abandoned structures have become a hazard to the public, the City will be required to remedy the hazard at its sole risk and expense.

7. The proposed bridge construction project includes the relocation of existing utility conduits onto the new bridge. The existing utilities at the site include Southern California Gas Company (SoCal Gas), Comcast, and Verizon. City water and sewer lines will also be located within the new bridge structure. SoCal Gas and Comcast are subject to existing Franchise Agreements with the City, which require payments ranging from two to five percent of gross revenues to the City. The Agreements are effectively revenue-generating subleases for Commission leasing purposes and are subject to rent. Verizon is subject to a Statewide Franchise Agreement and does not pay any use fees to the City. Any future utilities to be located within the right-of-way may require either an amendment of this Lease or separate leases from the Commission.

8. A Mitigated Negative Declaration SCH# 2009051117 was prepared for this project by the City of Reedley and adopted on August 25, 2009. The California State Lands Commission's staff has reviewed such document.

9. A Mitigation Monitoring Program was prepared by the City of Reedley and adopted on June 27, 2011. The California State Lands Commission's staff has reviewed such document.

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon

the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Reedley

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, California Regional Water Quality Control Board, Central Valley Flood Protection District, Kings River Conservation District, U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers

EXHIBITS:

A**.** Location And Site Map
B**.** Legal Land Description
C. Mitigation Monitoring Program

PERMIT STREAMLINING ACT DEADLINE:

February 4, 2012

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration SCH# 2009051117 was prepared by the City of Reedley and adopted on August 25, 2009, and a Mitigation Monitoring Program was prepared by the City of Reedley and adopted on June 27, 2011 for this project, and that the Commission has reviewed and considered the information contained therein. Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATIONS:

1. Authorize issuance of a General Lease - Public Agency Use to the City of Reedley beginning October 27, 2011, for a term of 20 years, for the construction, use, and maintenance of a new bridge with utility conduits at Manning Avenue on the Kings River; the use of a temporary construction easement; the temporary use and maintenance of the existing Manning Avenue bridge; the demolition of the existing

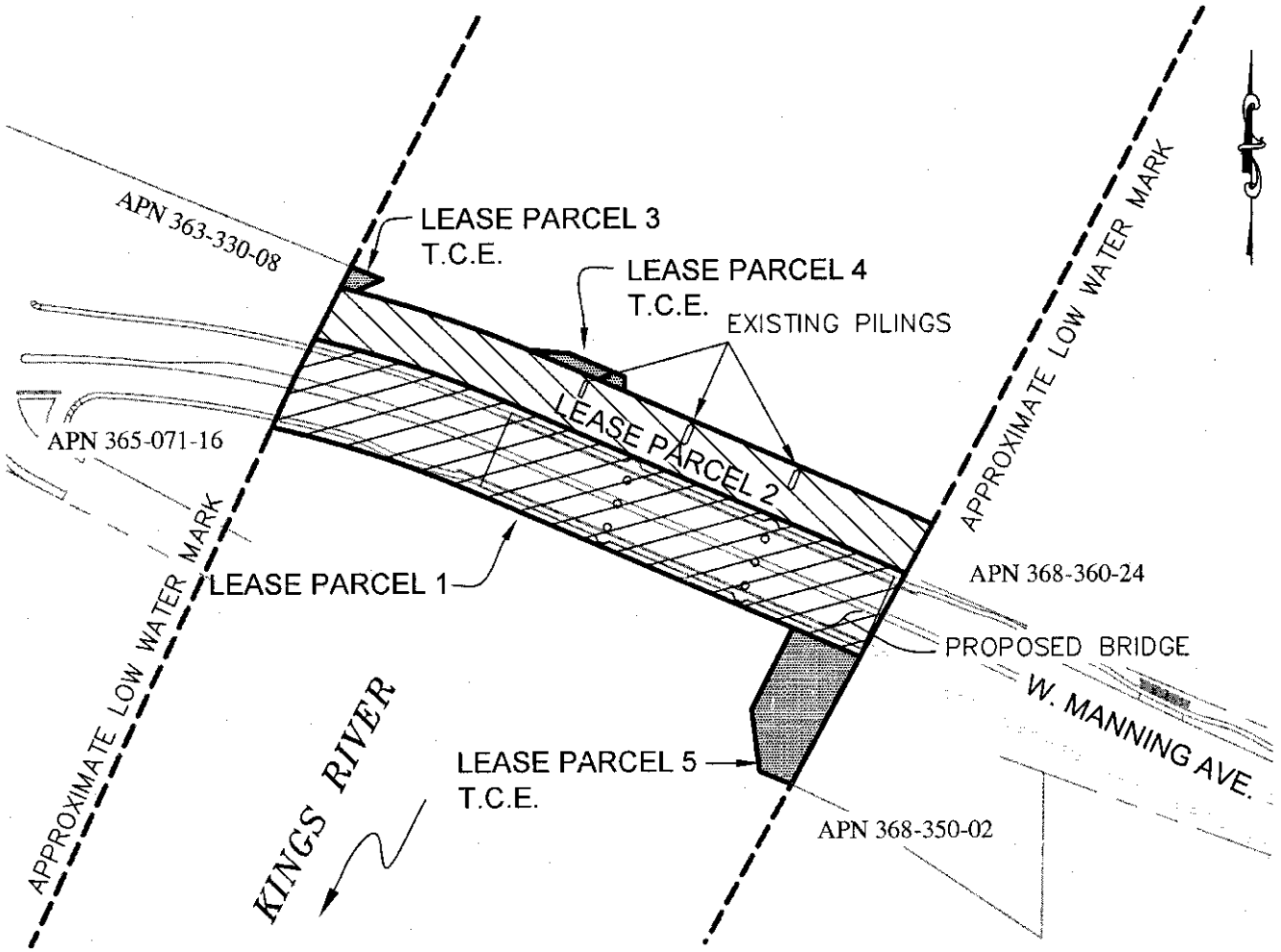
bridge; and the potential abandonment in place of piers and pilings upon completion of the new bridge, as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; consideration for the bridge: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; consideration for the utilities: annual rent in the amount of $384, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

2. Authorize endorsement of subleases, in the form of Franchise Agreements, between the City of Reedley and the following utilities: Southern California Gas Company, and Comcast.

3. Authorize endorsement of a sublease, in the form of a Statewide Franchise Agreement, between the State of California and Verizon.

NO SCALE

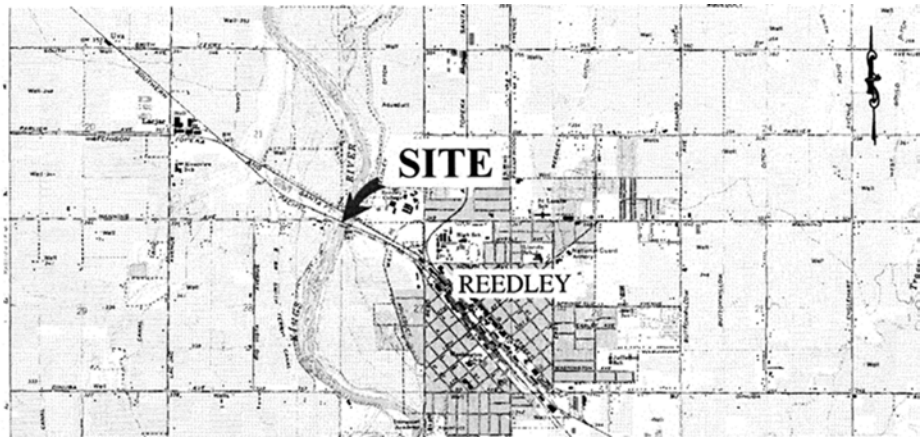
SITE



MANNING AVE. BRIDGE, KINGS RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A

W 26461
CITY OF REEDLEY
GENERAL LEASE -
PUBLIC AGENCY USE
FRESNO COUNTY

DJF 10/10/11

EXHIBIT B

W 26461

LAND DESCRIPTION

Five parcels of submerged lands lying in the bed of Kings River adjacent to Sections 21, 22, 27 and 28 of Township 15 South, Range 23 East, M.D.B.&M., as shown on Official Government Township plat approved December 21st, 1854, and more particularly described as follows:

Parcel 1

A strip of land 110 feet wide, lying 55 feet on both sides of the following described centerline:

COMMENCING at the North ¼ Corner of said Section 27; thence S 81°17'38" W 2,103.14 feet to the POINT OF BEGINNING; thence N 63°59'59" W 101.32 feet to the beginning of a curve to the left having a radius of 5,000.16 feet; thence along said curve through a central angle of 2°38'58" an arc distance of 231.22 feet; thence N 66°38'58" W 404.85 feet to the beginning of a curve to the left having a radius of 1,330.00 feet; thence along said curve through a central angle of 25°42'44" an arc distance of 596.85 feet to the end of said centerline.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the Kings River.

Parcel 2

A strip of land 65 feet wide, the north line of which lies 120 feet northerly, measured at right angles, of the following described line:

COMMENCING at the North ¼ Corner of said Section 27; thence S 81°17'38" W 2,103.14 feet to the POINT OF BEGINNING; thence N 63°59'59" W 101.32 feet to the beginning of a curve to the left having a radius of 5,000.16 feet; thence along said curve through a central angle of 2°38'58" an arc distance of 231.22 feet; thence N 66°38'58" W 404.85 feet to the beginning of a curve to the left having a radius of 1,330.00 feet; thence along said curve through a central angle of 25°42'44" an arc distance of 596.85 feet to the end of said line.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the Kings River.

Parcel 3 (Temporary Construction Easement)

COMMENCING at the North ¼ Corner of said Section 27; thence S 81°17'38" W 2,103.14 feet; thence N 63°59'59" W 101.32 feet to the beginning of a curve to the left having a radius of 5,000.16 feet; thence along said curve through a central angle of 2°38'58" an arc distance of 231.22 feet; thence N 66°38'58" W 404.85 feet to the beginning of a curve to the left having a radius of 1,330.00 feet; thence along said curve through a central angle of 8°18'48" an arc distance of 192.98 feet; thence N 15°02'14" E 119.86 feet to a point on the North line of the herein above described Parcel 2, said point also being the beginning of a non-tangent curve to the left, having a radial bearing of N 15°02'14" E and a radius of 1,450.14 feet, said point also being the POINT OF BEGINNING; thence along said North line, or the westerly prolongation thereof, through a central angle of 14°49'45" an arc distance of 375.32 feet; thence leaving said North line, or the prolongation thereof, the following five (5) courses:

1) N 66°37'46" W 79.30 feet;
2) N 69°49'06" W 78.91 feet;
3) N 24°09'45" E 122.12 feet;
4) S 67°31'08" E 539.32 feet;
5) S 66°24'10" W 33.28 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the Kings River.

Parcel 4 (Temporary Construction Easement)

COMMENCING at the North ¼ Corner of said Section 27; thence S 81°17'38" W 2,103.14 feet; thence N 63°59'59" W 101.32 feet to the beginning of a curve to the left having a radius of 5,000.16 feet; thence along said curve through a central angle of 2°38'58" an arch distance of 231.22 feet; thence N 66°38'58" W 404.18; thence N 23°21'02" E 120.00 feet to a point on the North line of the herein above described Parcel 2, said point also being the POINT OF BEGINNING; thence along said North line S 66°38'58" E 119.99 feet; thence leaving said North line N 2°38'17" E 15.95 feet; thence N 66°36'27" W 69.24 feet; thence N 85°00'21" W 47.52 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the Kings River.

Parcel 5 (Temporary Construction Easement)

COMMENCING at the North ¼ Corner of said Section 27; thence S 81°17'38" W 2,103.14 feet; thence N 63°59'59" W 101.32 feet to the beginning of a curve to the left having a radius of 5,000.16 feet; thence along said curve through a central angle of 2°37'04" an arch distance of 228.46 feet; thence S 23°22'56" W 55.00 feet to a point on the South line of the herein above described Parcel 1, said point also being the beginning of a non-tangent curve to the right, having a radial bearing of

N 23°22'56" E and a radius of 4945.16 feet, said point also being the POINT OF BEGINNING; thence along said South line, or the easterly prolongation thereof, through a central angle of 2°37'04" an arc distance of 225.95 feet; thence S 63°59'59" E 92.60 feet; thence leaving said South line, or the prolongation thereof, the following 6 courses:

1) S 0°49'57" W 225.17 feet;
2) N 55°55'53" W 256.54 feet;
3) N 64°20'54" W 83.38 feet;
4) N 67°20'21" W 39.16 feet;
5) N 7°09'21" W 71.69 feet;
6) N 26°47'24" E 105.41 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the Low Water Mark of the Kings River.

The BASIS OF BEARINGS for the above described parcels is the East line of West half of Section 27, Township 15 South, Range 23 East, M.D.B.&M. as shown on Record of Survey, filed in Book 45, Pages1 thru 2, Official Records of Fresno County, shown as N 0°08'39" E.

END OF DESCRIPTION

Prepared 10/12/2011 by the California State Lands Commission Boundary Unit.

W 26461

EXHIBIT C

Introduction

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to comply with CEQA for the proposed project. The IS/MND identifies potential significant environmental impacts in the following areas as well as mitigation measures to reduce the significance of these impacts to less-than-significant levels.

- Air Quality
- Biological Environment
- Cultural Resources
- Geology and Soils
- Hazardous Wastes/Materials
- Noise
- Paleontology
- Transportation/Traffic
- Water Quality

Project Description

The City of Reedley, in cooperation with the California Department of Transportation, proposes to replace the Manning Avenue Bridge over the Kings River. The proposed project would also install new curb, gutter, and sidewalk approximately 1,250 feet along north side of Manning Avenue from the east end of the Kings River Bridge to the project limits. The purpose of the proposed project is to replace the structurally deficient Manning Avenue Bridge to improve public safety. The project would also have the following benefits: improve

pedestrian safety; improve bridge performance in the event of the maximum credible earthquake; improve the aesthetics of the western gateway of the city; reduce maintenance costs; and improve water recreation by increasing the spans between bridge piers.

Regulatory Background

CEQA provides that when an agency approves a project for which mitigation is required. The MMP includes those mitigation measures identified in the IS/MND that are the responsibility of the agency to implement. CEQA's mandate is rather brief and gives agency's leeway in designing their MMPs: some agencies focus on monitoring, some on reporting, and some provide both in their programs.

This MMP has been prepared to comply with PRC 21081.6(a)(1), which requires the following:

> The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.

This MMP is intended to ensure the effective implementation of mitigation measures that are within the authority of the City of Reedley to implement (including monitoring where identified) throughout all phases of construction of the proposed project.

Implementation of Mitigation and Monitoring

The City of Reedley, as the lead agency under CEQA, has developed this MMP for the proposed project. This MMP is designed to ensure that the mitigation measures adopted by the City of Reedley for this project are implemented.

This MMP lists all mitigation measures identified in the IS/MND for the proposed project. In general, monitoring becomes effective at the time the action is taken on the project. Timing of monitoring is organized as follows:

1. *During preparation of final design plans:* The monitoring activity consists of insuring that a particular mitigation action has taken place during the preparation of final design plans.
2. *Prior to construction:* The monitoring activity consists of insuring that a particular mitigation action has taken place prior to the beginning of any construction or grading activities.
3. *During construction:* The monitoring activity consists of active monitoring while grading or construction is occurring on the project site.

The MMP is presented in tabular form. For each adopted mitigation measure, the table identifies the:

- Mitigation Measure No.,
- Description of Mitigation Measure
- Where the Mitigation Measure will be shown
- Who Preforms the Mitigation Measure
- How the Mitigation Measure will be paid
- Status and/or comments.

Each mitigation measure is taken directly from the IS/MND. The table is intended to be used as a reference by the City of Reedley to identify the applicable measures and ensure that they have been implemented in a timely manner.

The City of Reedley will bear the primary responsibility for ensuring that the mitigation measures are implemented. When project work is undertaken by the City of Reedley's contractors, the pertinent mitigation measures will be included in the terms and conditions of the contracts. The City of Reedley's construction inspectors will undertake regular inspections of the job site to ensure that contractors are implementing the mitigation measures and complying with their contract. The City of Reedley's project manager will be responsible for ensuring that mitigation measures that are the responsibility of City are carried out.

The mitigation measures in the following table are numbered as they are described in the IS/MND. The table presents the mitigation measures in the general order of implementation.

Mitigation Measure #	Description	Specs/ Plans/ Permits	Who Performs Work	How Paid?	Status/Comments
1	**Mitigation Measure BIO-7: Replace Bat Roosting Habitat by Using Bat-Friendly Bridge Design** Implementation of the following bat-friendly designs would avoid long-term impacts on nursery or hibernation bat roosts by providing suitable replacement habitat to accommodate the existing bat colony. Off-structure mitigation for bats on bridges has been marginally or not at all effective and is not considered adequate mitigation for the loss of roosting habitat at Manning Avenue Bridge (H. T. Harvey and Associates 2004). The following basic design recommendations (H. T. Harvey and Associates 2004) should serve as general guidance only. Final design of these structures will depend on the final bridge design. <u>Bridge Design—Single-Width Box Girder Design of Two Sections with Closure Pour</u> Two-inch-thick, cast, lightweight concrete panels mounted on spacers for one or both of the vertical surfaces of the closure pour. These should be installed longitudinally. The top edge of the panels should be capped, with the panels mounted as close to the deck/girder joint as reasonable. They should extend down at least 36 inches (up to 72 inches, if possible). The gap created by mounting on spacers should be equal to the size of the gap in the existing expansion joints. It can be varied by mounting on tapered spacers. The total roost area should replicate that available in the existing bridge. Hanging, cast, lightweight, concrete single-crevice sections mounted on the ventral surface of the closure pour. These should be installed centrally along the axis of the closure pour. They should extend down at least 36 inches (or farther, if possible). The total roost area should replicate that available in the existing bridge. These designs will provide primarily day-roost habitat. They will probably replace only a small percentage of the existing night-roost habitat lost with the box girder replacement design. To replace lost night-roost habitat, lateral interstices should be designed into the closure pour to create pockets similar to those found in the existing bridge that trap warm air.	Plans / Specs	Contractor to install as part of bridge construction.	A bid item will be created and added into the Engineers Estimate.	Bat Boxes have been designed to attach between Stage 1 and Stage 2 of the bridge.
2	**Mitigation Measure BIO-12: Obtain Required Permits, Authorizations, Certifications, and Agreements** Before construction, the City will obtain the following necessary regulatory authorizations including, but not limited to:				
	- Clean Water Act, Section 401: Water Quality Certification;	Permits	LSA		Application has been submitted
	- Clean Water Act, Section 404: Placement of Fill;	Permits	LSA		Application has been submitted

	- Endangered Species Act, Section 7 Biological Opinion - Land Use Agreement (lease), California State Land Commission - California Fish and Game Code, Section 1602. All conditions that are attached to the state and federal permits will be implemented as part of the project. The conditions will be identified clearly in the construction plans and specifications and monitored during and after construction to ensure compliance.	Report Permits Permits	LSA Quincy LSA		Done Application has been submitted Application has been submitted
3	**Mitigation Measure HAZ-1: Prepare a Risk Assessment Plan** As part of construction specifications, a risk assessment plan will be prepared and procedures established before the commencement of construction activities to address the identification, excavation, handling, and disposal of hazardous materials. Procedures will include notifying the appropriate local environmental management agencies and local fire departments if contaminated soil or groundwater is encountered. The City will ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the risk assessment plan will be implemented by the City and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to adverse conditions on the project site.	Specs - Construction Site Management	Contractor to preform all work specified in the "Construction Site Management"	A lump sum item will be created to cover all work done as part of "Construction Site Management"	
4	**Mitigation Measure HYD-3: Identify Additional Construction-Related Best Management Practices in the Construction Plans** In the final construction plans, the City will identify specifications and BMPs for grading and erosion control that are necessary to prevent water quality impacts. The specifications will be included in construction contracts. Standard erosion control measures, such as management, structural, and vegetative controls, shall be implemented for all construction activities that expose soil. Erosion in disturbed areas shall be controlled by grading so that direct routes for conveying runoff to the Kings River are eliminated; constructing erosion control barriers, such as silt fences and mulching material; and reseeding disturbed areas with grass or other plants. These measures could include, but not be limited to, the following standard Caltrans BMPs (California Department of Transportation 2003) listed below, and described in Appendix D. The specific locations for each measure would be identified in the project drainage plan or SWPPP. - Temporary sediment control - Temporary soil stabilization - Waste management	Plans / Specs	Quincy will include BMP measures into plans / Contractor shall operate to meet all conditions of SWPPP.	Bid items will be included in the Engineers Estimate to cover all all temporary stormwater pollution control items. Also covered under "Construction Site Management"	

	- Materials handling - Vehicle and equipment operations to minimize release of contaminants - Preservation of existing vegetation - Water conservation practices - Removal of sediment from dewatering effluent - Scheduling - Temporary concentrated flow conveyance controls The general contractors and subcontractors conducting the work will construct or implement, regularly inspect, and maintain the BMPs identified in the construction plans. The construction contractors and subcontractors will also implement appropriate hazardous material management practices to reduce the potential for chemical spills or releases of contaminants, including any non-stormwater discharge to drainage channels. Standard hazardous material management and spill control and response measures will be implemented to minimize the potential for surface and groundwater contamination. (See also Mitigation Measure HAZ-1: Prepare a Risk Assessment Plan.)				
5	**Mitigation Measure BIO-2: Compensate for Direct and Indirect Effects on VELB Habitat** Several of the 12 elderberry shrubs within the direct impact area are in poor condition (high amount of dead growth and severely leaning) and would most likely not survive transplantation. These shrubs will be removed prior to construction, and, as directed by Jeff Jorgenson of USFWS in a October 24, 2007 phone conversation, unhealthy shrubs that would not be directly impacted by physical damaged due to construction but would be in close proximity to construction, such that their drip lines would fall within the construction area, could be left alone. Still, the USFWS would have to approve impeding on the typical minimum protection barrier of 20 feet for these shrubs. Unhealthy shrubs that would be directly impacted by construction should be attempted to be transplanted to a USFWS-approved conservation area and their survival monitored. Elderberry seedlings or cuttings and associated native species will also be planted in the conservation area. The relocation of the elderberry shrubs will be conducted according to the USFWS-approved procedures outlined in the USFWS guidelines (U.S. Fish and Wildlife Service 1999). USFWS will be provided with a map and written details identifying the conservation area before the mitigation program is initiated. The City and Caltrans must receive approval from USFWS that the conservation area is acceptable. Healthy elderberry shrubs within the project area that cannot be avoided will be transplanted during the plant's dormant phase (November through the first 2 weeks of February). A qualified biological monitor will remain on site while the shrubs are being transplanted.	Plans - will show barrier protecting shrubs. Revegetation plans to show areas to be replanted.	The contractor will place fencing around shrubs to be protected. Contractor will relocate healthy shrubs that are in conflict and cannot be protected. Revegetation plans will show areas for replanting areas around bridge.	Water Pollution Control items will be included in the Engineers Estimate. Relocation of shrubs will be handled with separate bid items.	The ESA fencing around the shrubs will be placed by the contractor per the plans show. The replanting will be done by the contractor as shown on the revegetation plans.

	Evidence of VELB occurrence in the conservation area, the condition of the elderberry shrubs in the conservation area, and the general condition of the conservation area itself will be monitored over a period of 10 consecutive years or for seven years over a 15-year period from the date of transplantation. The City will be responsible for funding and providing monitoring reports to Caltrans and USFWS in each of the years in which a monitoring report is required. This could be accomplished by purchasing mitigation credits at a full-service USFWS-approved mitigation bank. As specified in the guidelines, the report will include information on timing and rate of irrigation, growth rates, and survival rates and mortality. To meet the success criteria specified in the guidelines, a minimum survival rate of 60% of the original number of elderberry replacement plantings and associated native plants must be maintained throughout the monitoring period. Within one year of discovery that survival has dropped below 60%, the applicant must replace failed plantings to bring survival above this level. The USFWS would then make a determination as to the applicant's replacement responsibilities. Twelve elderberry shrubs will be removed as part of bridge construction, and shrubs will be transplanted as described above. In addition to transplanting shrubs, the guidelines require that each elderberry stem measuring 1 inch or greater in diameter at ground level that is directly or indirectly affected to be replaced in a conservation area with elderberry seedlings or cuttings at ratios between 1:1 and 8:1. The ratio used is based on whether or not the shrub is located in riparian or nonriparian habitat, the diameters of the elderberry stems, and whether or not VELB exit holes are present. Replacement of the bridge will directly affect 12 elderberry shrubs having a combined total of 14 stems measuring 1 inch or more in diameter. A total of 39 elderberry seedlings or cuttings would be planted at the conservation area (Table 3-11 in IS/MND). Elderberry cuttings or seedlings and native plants will be obtained from local sources or from an approved plant donor site. A mix of native plants associated with the elderberry shrubs at the project site will be planted in the conservation area at a ratio of 1:1 or 2:1. The ratio used depends on whether or not the transplanted shrub contains VELB exit holes. A mixture of native grasses and forbs from local stock will also be planted along with the native trees. The conservation area will be at least 1.65 acre in size to accommodate the 12 elderberry shrubs, 39 elderberry cuttings or seedlings, and 39 native plants. The conservation area in which the transplanted elderberry shrubs and seedlings are planted will be protected in perpetuity as habitat for VELB.				
6	**Mitigation Measure BIO-9: Compensate for Permanent Loss of Riparian Vegetation**	Revegetation Plans	Work will be handled	Bid Items will	City my elect to use

	The City of Reedley will compensate for the permanent loss of riparian vegetation at a minimum ratio of 1:1 (1 acre restored or created for every 1 acre permanently affected). This ratio will be confirmed through coordination with state and federal agencies as part of the permitting process for the proposed project. Compensation in this area could be easily achieved through onsite enhancement of 0.13 acre within and adjacent to the project area. The riparian area on the southwest side of the existing bridge could be enhanced by planting native woody species, including valley oak, Fremont's cottonwood, arroyo willow, and black willow or other readily establishing native riparian species. Plantings will consist of cuttings taken from local plants or plants grown from local material obtained from the nearby Kings River riparian corridor. Plantings will be monitored annually for 3 years or as required in the project permits. A minimum of 75% of the plantings will survive at the end of the monitoring period. If this survival criterion is not met at the end of the monitoring period, planting and monitoring will be repeated until the survival criterion is met.		by Contractor.	be added to cover plantings.	own force for monitoring period.
7	**Mitigation Measure BIO-13: Compensate for Permanent and Temporary Loss of Open Water Habitat** The City will compensate for the permanent fill of other waters of the United States (a direct impact associated with bridge foundations) in the Kings River at a minimum ratio of 2:1 (2 acres restored or created for every 1 acre permanently affected). Because the proposed project will result in the permanent loss of 0.01 acre of other waters of the United States (Table 3-7), a minimum of 0.02 acre of compensation will be required. Compensation could be accomplished by restoring and/or enhancing riparian and in-stream habitats in the project area. Compensation for other waters of the United States will be in addition to and will follow the guidelines for riparian habitat compensation described in mitigation measure BIO-9. The approximate 0.57 acre of the river that will be temporarily filled for placement of stream diversions and falsework during construction will be returned to original grade following construction and will result in no permanent impacts. No additional mitigation is proposed for the temporarily filled areas in the Kings River.				No action required. 404 permit indicates a net gain of 0.103 acres to open water as part of this project.
8	**Mitigation Measure BIO-3: Conduct Preconstruction Surveys for Western Pond Turtle and Construct Exclusion Fencing, If Needed**	Specs	Construction Management contract	Separate contract to be	

	In April or May, before construction, a qualified biologist, under contract to the City of Reedley, will conduct a survey for western pond turtles along the Kings River. The survey will encompass the project area and an area 0.25 mile upstream and downstream of this area. The purpose of this survey is to determine whether turtles are using the creek during the period when they are most likely to be observed. If turtles are observed, "a" and "b" below will be implemented. If turtles are not observed, only "b" will be implemented. **a.** If western pond turtles are observed during the spring survey, fences will be constructed upstream and downstream of the project area to prevent turtles from entering the construction area. The fences will be constructed 150 feet beyond the limit of construction or attached to right-of-way fencing. The fences will be perpendicular to the river and will extend 200 feet from the center of the river on each side. Turtles will be moved downstream of the project area, outside the barrier fences, by a qualified biologist in accordance with an Memorandum of Understanding from California Department of Fish and Game before construction begins. Turtles will be excluded from the construction area between July and October to prevent them from seeking hibernation sites within the construction area. If construction takes place over two seasons, the fencing will be removed at the end of the first season and replaced the following season. If construction takes place over one season, the fencing will be left in place the entire time. **b.** Before the Kings River is dewatered and there is any activity within the flowing river, a qualified biologist will conduct a preconstruction survey for western pond turtles within the project area. This survey will be conducted 24 hours before construction activities begin. If a turtle is found in the construction area, the biologist will try to passively move the turtle downstream of the construction area or to outside the barrier fence, if constructed (see "a" above). If barrier fences have not been installed, the biologist will return to the construction site the following day to ensure that the turtle has not moved back into the construction area		will cover all biological surveys. Exclusion fencing will be placed by the contractor.	developed for construction management services of project with City.	
9	**Mitigation Measure HAZ-3: Develop and Implement a Construction Management Plan** The City of Reedley will mitigate the proposed project's construction-related traffic impacts by requiring their contractors to develop and implement a Construction Management Plan (CMP) in accordance with City of Reedley policies and ordinances. The CMP will be implemented throughout project construction. Through requirements similar to the following, the CMP will. - contain a plan for communicating with emergency service providers and residences, and anyone else who may be affected by project construction;	Specs - Temporary Traffic Control	Contractor is responsible for implementing CMP.	All items will be included in the Engineers Estimate or covered under bid item for Traffic Control.	Items will be included as Temporary Traffic Control and included in specs.

	- contain an access and circulation plan for use by emergency vehicles when lane closures and detours are in effect; - specify that, if lane closures occur, the contractor will provide advance notice to local fire and police departments to ensure that alternative evacuation and emergency routes are designed to maintain response times; - require that access to driveways and private roads be maintained at all times; - provide for adequate off-street parking for construction-related vehicles throughout the construction period; - restrict delivery of construction materials to between the hours of 9:00 a.m. and 3:00 p.m. to avoid more congested morning and evening hours; - require flag persons wearing bright orange or red vests and using a "Stop/Slow" paddle to control oncoming traffic when one-lane closures occur; - require construction warning signs be posted in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices (MUTCD), in advance of the construction area and at any intersection that provides access to the construction area; - require that written notification be provided to contractors regarding appropriate routes to and from the construction site and the weight and speed limits on local roads used to access construction sites; and - specify that a sign be posted at all active construction areas giving the name and telephone number or e-mail address of the City of Reedley staff person and contractor personnel designated to receive complaints regarding construction traffic.				
10	**Mitigation Measure BIO-1: Avoid and Minimize Potential Impact to VELB** a) Conduct a Biological Resources Education Program for Construction Crews A qualified biologist, under contract to the City, will conduct an environmental education program for construction employees on the importance of onsite biological resources, including special-status species. The environmental education program will be provided to all construction personnel to brief them on the need to avoid impacts on VELB and the penalties for not complying with biological mitigation requirements. The biologist will inform all construction personnel about the life history of VELB, the importance of elderberry shrubs as habitat for VELB, and the terms and conditions of the biological opinion. Proof of this instruction will be submitted to the USFWS Sacramento Field Office.	Specs / Plans	Construction Management Biological Monitor and Construction Site Management will monitor these conditions.	Item for Temporary ESA fencing and Construction Site Management will be included in Engineers Estimate.	

The program will also cover the restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive species during project implementation. The crew foreman will be responsible for ensuring that crewmembers adhere to the guidelines and restrictions. Educational programs will be conducted for appropriate new personnel as they are brought on the job during the construction period. Restrictions and guidelines that must be followed by construction personnel are listed below. Project-related vehicles will observe the posted speed limit on hard-surfaced roads and a 10 mile-per-hour speed limit on unpaved roads during travel in the project area. Project-related vehicles and construction equipment will restrict off-road travel to the designated construction area. All food-related trash will be disposed of in closed containers and removed from the project area at least once a week during the construction period. Construction personnel will not feed or otherwise attract fish or wildlife to the project area. No pets or firearms will be allowed in the project area. To prevent possible resource damage from hazardous materials such as motor oil or gasoline, construction personnel will not service vehicles or construction equipment outside designated staging areas. Any worker who inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped will immediately report the incident to the biological monitor. The monitor will immediately notify Caltrans, which will provide verbal notification to the USFWS Endangered Species Office and the local CDFG warden or biologist within three working days. Caltrans will follow up with written notification to USFWS and CDFG within five working days. The biologist will also notify USFWS of any unanticipated harm to VELB or elderberry shrubs associated with the proposed project. All observations of VELB (live, injured, or dead) or fresh beetle exit holes will be recorded on CNDDB field sheets and sent to CDFG. <u>b) Fence Elderberry Shrubs to Be Protected</u> A qualified biologist, under contract to the City, will mark the elderberry shrubs that will be protected during construction. Thirty-one elderberry shrubs (EB 13–43) within 100 feet of the direct impact area will be protected by a buffer area and barrier fencing (Figure 3-2). Elderberry clumps/shrubs outside of this buffer area will not be fenced because they will be located well outside the construction area; no construction activities will occur outside the direct impact area. Elderberry shrubs 13–43 will be protected with a minimum 20-foot buffer from the drip line of each shrub. No construction activities will be permitted within the buffer zone, other than those activities necessary to erect the fencing. Signs will be posted every 50 feet along the perimeter of the buffer area fencing. The signs will contain the following information:	Specs / Plans	Construction Management Biological Monitor will cover these conditions. Contractor will places ESA fencing per plans and Biological Monitors direction	Item for Temporary ESA fencing will be included in Engineers Estimate. Construction Management will be paid under separate contract with City.	

	This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment. Temporary fences will be installed around the elderberry shrubs as the first order of work. Temporary fences will be furnished, constructed, maintained, and later removed as shown on the plans, as specified in the special provisions, and as directed by the project engineer. Temporary fencing will be at least 4 feet high and made of commercial-quality woven polypropylene, orange in color (Tensor Polygrid or equivalent). The fencing will be tightly strung on posts set at maximum intervals of 10 feet. c) Inspect Buffer Area Fences during Construction A qualified biologist, under contract to the City, will inspect the buffer area fences around elderberry shrubs/clumps weekly during ground-disturbing activities and monthly after ground-disturbing activities until project construction is complete or until the fences are removed, as approved by the biological monitor and the resident engineer. The biological monitor will be responsible for ensuring that the contractor maintains the buffer area fences around elderberry shrubs in the project area and the 100-foot buffer area. Biological inspection reports will be provided to the City, Caltrans, and the USFWS.	Specs	Construction Management Biologist Monitor	Construction Management Contract with City	
	d) Water Down Construction Areas to Control Dust in the Vicinity of Elderberry Shrubs The City, or its contractor, will ensure that the project area will be watered down as necessary to prevent dirt from becoming airborne and accumulating on elderberry shrubs in and adjacent to the project area. Dust control is a standard item required of contractors during highway construction.	Specs	Contractor	Paid for as part of Construction Site Management	
11	**Mitigation Measure BIO-8: Reduce Impacts to Riparian Forest** a) Install construction Barrier Fencing around the Construction Area to Protect Sensitive Areas Biological Resources to Be Avoided The City of Reedley or its contractor will install orange construction barrier fencing to identify environmentally sensitive areas. A qualified biologist will identify sensitive biological habitat at the bridge site before the final design plans are prepared so that the areas to be fenced can be included in the plans. The pockets within this area that are to be avoided during construction should be fenced off to avoid disturbance. Sensitive biological habitat that occurs adjacent to the construction area includes the Kings River, the riverine wetland, native trees, elderberry shrubs, and any trees that support nests of special-status bird species.	Plans / Specs	Contractor and Construction Management Biological Monitor will work together to reduce impacts	Portions of work will be paid under Temporary ESE Fencing and Construction Site Management. Biologist will be paid under separate contract with City.	

	Before construction, the construction contractor will work with the project engineer and a resource specialist to identify the locations for the barrier fencing and will place stakes around the sensitive resource sites (i.e., the river, riverine wetland, native trees, elderberry shrubs, trees that support nests of special-status birds) to indicate these locations. The protected areas will be designated as environmentally sensitive areas and identified clearly on the construction plans. The fencing will be installed before construction activities are initiated and will be maintained throughout the construction period. The following paragraph will be included in the construction specifications: The contractor's attention is directed to the areas designated as "environmentally sensitive areas." These areas are protected, and no entry by the contractor for any purpose will be allowed unless specifically authorized in writing by the City of Reedley. The contractor will take measures to ensure that his/her forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. Vehicle operation, material and equipment storage, and other surface-disturbing activities are prohibited within the fenced environmentally sensitive areas. Temporary fences will be installed around the environmentally sensitive areas as one of the first orders of work. Temporary fences will be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The fencing will be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing will be tightly strung on posts set at maximum intervals of 10 feet.				
	b) Retain a Biological Monitor to Conduct Weekly Visits during Construction in or near the Kings River The City of Reedley will retain a biologist to conduct weekly construction monitoring in and adjacent to the Kings River. The biological monitor will assist the construction crew as needed to comply with all project implementation restrictions and guidelines. The biological monitor also will be responsible for ensuring that the contractor maintains the staked and flagged perimeters of the construction area and staging areas adjacent to sensitive biological resources.	Specs	Construction Management Biological Monitor	Construction Management Contract with City	
	c) Avoid and Minimize Potential Indirect Disturbance of Riparian Communities To the extent possible, the City will avoid and minimize potential indirect disturbance of riparian communities by implementing the following measures.	Specs	Construction Management Biological Monitor and Arborist and contractor	Construction Management Contract with City	May use City maintenance staff to prune trees prior to bridge contract or contractor will preform work.

	The potential for long-term loss of riparian vegetation will be minimized by trimming vegetation rather than removing entire trees or shrubs. Trees or shrubs that need to be trimmed will be cut at least 1 foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone. Cutting will be allowed only in areas that do not provide habitat for sensitive species. To protect nesting migratory birds, the City will not allow pruning or removal of woody riparian vegetation between March 1 and August 15 without a preconstruction nesting season survey to determine if active migratory bird nests are present. A certified arborist will be retained to perform any necessary pruning or root cutting of riparian trees. The areas that undergo vegetative pruning and tree removal will be inspected immediately before construction, immediately after construction, and 1 year after construction to determine the amount of existing vegetative cover, cover that has been removed, and cover that resprouts. If after 1 year these areas have not resprouted sufficiently to return the cover to the pre-project level, the City of Reedley or its contractor will replant the areas with the same species to reestablish the cover to the pre-project condition. Work in riparian areas will be conducted between June 1 and October 1, and disturbed areas will be stabilized with erosion control measures before October 1.				
12	**Mitigation Measure BIO-6: Avoid Impacts to Bats Roosts Using Bat Exclusion Devices** As currently proposed, bridge construction would occur during the bat breeding season. A breeding-season survey was conducted in July 2007, which identified maternal roosting bats at the bridge. Nonbreeding-season surveys were not conducted; therefore, it is not known if the bridge is being used as winter hibernation habitat. Hibernation roosts are not well known in bridge structures, possibly due to airflow dynamics and the limited thermal mass of bridges as compared to caves or mines (Erickson 2002). Though there is limited information on the suitability of bridges as hibernation habitat, there is the potential for hibernating bats to use the bridge for winter hibernation. Thus, in order to avoid direct impacts on both maternal roosting bats and potential hibernating bats, bat exclusion will be implemented in late August as recommended in California Bat Mitigation—Techniques, Solutions, and Effectiveness (H. T. Harvey and Associates 2004).	Specs	Construction Management Biological Monitor	Construction Management Contract with City	May use City staff along with Biological Monitor to keep bats from roosting.

	Exclusion involves installing one-way devices that allow bats to exit the roost but not to return To implement an exclusion, all primary exit points are first identified and marked. All other emergence points larger than 0.25 inch are sealed with suitable material such as steel wool, wood, backer rod, expanding foam, or caulk. Access to unused portions of long crevices can also be minimized by sealing them with these materials. One-way valves are then placed over the primary exit points to prevent re-entry. Simple one-way valves can be constructed using wire mesh cones, polyvinyl chloride (PVC), and strips of clear plastic sheeting attached over exit points. Once the bats have been excluded, roosts spaces can be permanently filled with a suitable substance. Care should be taken to avoid sealing bats into a roost, particularly during the maternity season when non-flying young are present. To ensure that bats do not become trapped in the roost, a bat survey should be conducted from just before dark until complete darkness prior to sealing the roosting habitat.				
13	**Mitigation Measure BIO-11: Protect Water Quality and Prevent Erosion in the Kings River** To protect water quality in the Kings River, the City of Reedley will implement the following best management practices (BMPs) before and during construction. - All earthwork or foundation activities in the river will be limited to the low-flow period, as much as is feasible. - Equipment used in and around the river will be in good working order and free of dripping or leaking engine fluids. All vehicle maintenance, staging, and materials storage will occur at least 300 feet from the river. Any necessary equipment washing will occur where the water cannot flow into the river channel. - Any surplus concrete rubble, asphalt, or other rubble from construction will be taken to an approved landfill. - An erosion control plan will be prepared and implemented for the proposed project. It will include the following provisions and protocols: - Discharges from dewatering operations, if needed, and runoff from disturbed areas will be made to conform to the water quality requirements of the waste discharge permit issued by the RWQCB. - Material stockpiles will be located in non-traffic areas only. Side slopes will not be steeper than 2:1. The contractor will surround all stockpile areas with a filtering fabric fence and interceptor dike. - Erosion control measures will be applied throughout construction of the proposed project. The stormwater pollution prevention plan (SWPPP) for the project will detail the applications and types of measures and the allowable exposure of unprotected soils.	Specs	Contractor will be responsible for these tasks while being monitored by the Construction Management Staff	SWPPP/ Water Pollution Control / Construction Site Management	

	- Soil exposure will be minimized through the use of temporary BMP's, groundcover, and stabilization measures. Exposed dust-producing surfaces will be sprinkled daily, if necessary, until wet; this measure will be controlled to avoid runoff. Paved streets will be swept daily following construction activities. - The contractor will conduct periodic maintenance of erosion and sediment control measures - All temporary erosion and sediment control measures will be removed after the working area is stabilized or as directed by the engineer. - An appropriate seed mix of native species will be planted on disturbed areas upon completion of construction. Sandbagged silt fences will be installed both upstream and downstream of the construction site. Any accumulated sediment will be removed and trucked to an approved landfill or disposal site.				
14	**Mitigation Measure HYD-2: Implement Requirements for a Stormwater Pollution Prevention Plan** A SWPPP includes pollution prevention measures (such as erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills), demonstration of compliance with all applicable RWQCB standards, local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and a BMP monitoring and maintenance schedule. The City or its contractor is required to prepare a SWPPP before implementation of the proposed action, and doing so is a condition of the NPDES General Construction Permit. The objectives of the SWPPP include identifying pollutant sources that could affect the quality of stormwater, implementing practices to reduce pollutants in stormwater runoff, and protecting the quality of receiving water. The SWPPP may include the following BMPs. - Employ temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other groundcover) in disturbed areas. - Use earth dikes, drainage swales, and ditches to control runoff, erosion, and pollutant loading. Specifically, use these measures to do the following: - convey surface runoff down sloping land; - intercept and divert runoff and avoid sheet flow over sloped surfaces: - direct runoff toward a stable watercourse, drainage pipe, or channel; - prevent runoff from accumulating at the base of a grade; and - avoid flood damage along roadways and around facility improvements.	Specs	Contractor will be responsible for these tasks while being mointered by the Construction Management Staff	SWPPP / Temporary Erosion Control / Construction Site Management	

	- Identify on the construction drawings specific areas that may need the following measures. - As soon as possible, establish grass or other permanent vegetative cover in areas that have been disturbed by construction to reduce erosion by slowing runoff velocities, enhancing infiltration and transpiration, trapping sediment and other particulates, and protecting soil from raindrop impact. - Develop and implement a specific work schedule to coordinate the timing of land-disturbing activities with the installation of erosion and sedimentation control measures (such as limiting construction in active flow channels to the low-flow season). This measure will be used to reduce onsite erosion and offsite sedimentation. While it is often infeasible to remove 100% of the contaminants, BMPs would be selected and designed to achieve maximum contaminant removal, using the best available technology (BAT) that is economically feasible to use and explicitly identifying the expected level of BMP effectiveness regarding contaminant removal. In addition to BMPs, the SWPPP would include a spill prevention and control plan to minimize the potential for, and effects of, spills of hazardous substances during construction. In the event of a spill, the contractor's superintendent would notify the applicable Fresno County emergency services office and the California Department of Toxic Substances Control. The spill response and cleanup protocols used by the office and department would be followed. A written description of the reportable releases that occurred would be submitted to the applicable RWQCB, including a description of the spill that indicates the type of material, an estimate of the amount spilled, the date of the spill, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future spills. Spills will be documented on a spill report form.				
15	**Mitigation Measure AQ-1: Implement SJVAPCD Regulation VIII Control Measures for Construction Emissions of PM10** The detailed requirements of the Dust Control Plan are included in Appendix C. As part of that plan, the following controls are required to be implemented at all construction sites: - All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. - All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.	Specs	Contractor will be responsible for these tasks while being monitored by the Construction Management Staff	SWPPP / Temporary Erosion Control / Construction Site Management	

	- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. - All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. - Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.				
16	**Mitigation Measure AQ-2: Implement Enhanced Control Measures for Construction Emissions of PM10** The following measures will be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements): - Limit traffic speeds on unpaved roads to 15 miles per hour (mph); and - Install sandbags or other erosion control measures to prevent silt runoff. The following measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions: - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; - Suspend excavation and grading activity when winds exceed 20 mph (Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation); and Limit the area subject to excavation, grading and other construction activity at any one time.	Specs	Contractor will be responsible for these tasks while being monitored by the Construction Management Staff	SWPPP	
17	**Mitigation Measure BIO-4: Conduct Construction Activities During Nonbreeding Season for Special-Status Raptors, Non-Special-Status Raptors, and Other Migratory Birds or Retain a Qualified Biologist to Conduct a Nesting Bird Survey before Construction Activities**	Specs	Contractor will be responsible for these tasks while being monitored by the		A construction timeline will be identified within the Specifications to

	To avoid impacts on active sensitive and non-sensitive migratory bird nests protected under the MBTA and CDFG code, construction activities, including grading, clearing and tree and shrub removal activities, will be conducted during the nonbreeding season for migratory birds (generally August 16 through February 28) or after a qualified biologist determines that fledglings have left the nest. If construction activities will be conducted before August 16 or after February 28, a qualified biologist will be retained to survey for nesting birds in all trees (and shrubs) that will be removed and any tree (or shrub) located within 500 feet (0.25 mile for Swainson's hawk) of construction activities, including grading. The nesting bird survey will be conducted no more than 48 hours before tree (and shrub) removal activities. If the biologist determines that the area surveyed does not contain active nests, tree (and shrub) removal activities can commence without any further mitigation. If active nests are found, construction will not occur until nesting activities have ceased (after a qualified biologist determines that fledglings have left the nest). If a Swainson's hawk nest site is found, consultation with the CDFG will be required to ensure that project initiation will not result in nest disturbance. Removal of Swainson's hawk nest trees will be avoided. A "no-disturbance" buffer will be established for an active nest that is located on or within 0.25 mile of the project area for the time the nest remains active. No construction will be allowed within this exclusion area without consultation with CDFG. A qualified wildlife biologist will monitor the nest site at least once a week to ensure that the nest site is not disturbed and the buffer is maintained. If the nest tree cannot be avoided, the nest tree must be removed when nests are unoccupied (between September 16 and February 28), with consent from CDFG.		Construction Management Staff		show limitations on construction activates.
18	**Mitigation Measure BIO-5: Restrict Construction Activities that Could Disturb Nesting Swallows to the Non-Breeding Season or Remove Nests During Non-Breeding Season** To the extent possible, Caltrans, the City, or the contractor will limit construction activities that could potentially disturb nesting swallows to the period outside the breeding season for this species (the nonbreeding season is August 1 to March 1). If construction activities are to occur during the swallows' breeding season, the following measures will be implemented: - Hire a qualified biologist to inspect the underside of the bridge during the swallows' nonbreeding season. Nests that are abandoned may be removed during this time only. To avoid damaging active nests, nests must be removed before the breeding season occurs (March 1). A permit from CDFG and USFWS is required if active nests are to be removed.	Specs	Construction Management Biological Monitor will cover these conditions.	Construction Management Contract with City	A construction timeline will be identified within the Specifications to show limitations on construction activates

	- After nests are removed, cover the underside of the viaduct with a 0.5- to 0.75-inch-mesh net, poultry wire, or other CDFG-approved swallow exclusion device. All devices will be installed before March 1. The device must be anchored so swallows cannot attach their nests to the bridge through gaps in the device. An alternative to netting is to continually hose down inactive nests until construction occurs. If netting of the viaduct does not occur by March 1 and swallows colonize the bridge, modifications to these structures will not begin before August 1 or until the young have fledged and all nest use has been completed. If steps are taken to prevent swallows from constructing new nests, work can proceed at any time of the year, notwithstanding other restrictions specified in the mitigation measures identified above and in City ordinances.				
19	**Mitigation Measure BIO-10: Avoid and Minimize Potential Indirect Disturbance of the Riverine Wetland** The City of Reedley will minimize the potential for indirect disturbance of the riverine wetland in the project area by prohibiting the movement of vehicles and equipment in the wetland. All river access by vehicle will avoid the wetland. The potential for sedimentation in the wetland will be avoided by prohibiting the removal of vegetation upslope of the wetland.	Specs	Contractor will be responsible for these tasks while being monitored by the Construction Management Staff		
20	**Mitigation Measure CR-1: Implement Plan to Address Discovery of Unanticipated Buried Cultural or Paleontological Resources** If buried cultural resources such as chipped or ground stone, midden deposits, historic debris, building foundations, human bone, or paleontological resources are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the District and other appropriate agencies.	Specs	Contractor	Plan will be paid as part of the risk assement plan	
21	**Mitigation Measure CR-2: Implement Plan to Address Discovery of Human Remains** If remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws concerning the disposition of Native American burials, which fall within the jurisdiction of the NAHC. If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: - the Fresno County coroner has been informed and has determined that no investigation of the cause of death is required; and - if the remains are of Native American origin;	Specs	Contractor	Plan will be paid as part of the risk assement plan	

	- the most likely descendants of the deceased Native Americans have made a recommendation to the landowner or person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98, or - if the NAHC has been unable to identify a descendant or the descendant failed to make a recommendation within 48 hours after being notified. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC				
22	**Mitigation Measure GEO-1: Implement Geotechnical Report Recommendations Related to Grading** Imported fill used at and below subgrade elevations will be nonexpansive; be free of organic and inorganic debris, rubble, and any other deleterious material; and consist of relatively granular material having a Plasticity Index of less than 15. Additionally, material within 3 feet of the proposed pavement subgrade will have a minimum R-value of 15. Onsite soils may be used as engineered fill, provided they meet the above criteria. Subgrade surfaces to receive fill, and general fill and backfilling after removing buried utilities and depressions caused by construction activities will be compacted to at least 90% relative compaction. Engineered fill for structural backfill of bridge abutments, footing subgrade, and for upper 6 inches of pavement subgrade and aggregate base of pavement sections will be compacted to 95% relative compaction. For slope construction, the following maximum slope gradients will be applied: 2H:1V for permanent fill slopes; 1.5H:1V for the end slopes at the abutments; 1H:1V for temporary slopes under dry conditions; and 1.5H:1V for temporary slopes under submerged conditions.	Specs	Contractor	Import Borrow, Structural Backfill	
23	**Mitigation Measure HAZ-2: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials**	Specs	Contractor	Plan will be paid as part of	

	In the event that previously unidentified waste or debris is discovered during construction/grading activities and the waste or debris is believed to include hazardous waste or materials, the contractor will immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area, notify the resident inspector, secure the area as directed by the resident inspector, and notify the City of Reedley Building/Engineering/Public Works Department and the Reedley Fire Department.			the risk assement plan	
24	**Mitigation Measure HYD-1: Low-Flow Season Construction** Since construction activity in a water body (the Kings River) is unavoidable, but flows in the water body are seasonal and affected by dam releases for irrigation diversions, construction will be conducted during the low water flow season as much as is feasible (see Table 3-12 for monthly average flows). Construction between the months of August to March will likely have less impact on the river because the flows are relatively lower, resulting in less disturbed sediment from construction. However, the timing and duration of construction may not be feasible for this to occur. Implementation of the BMPs required in other mitigation measures and in USACE, Central Valley RWQCB, and CDFG permit conditions for the stream diversion, and installation of a sheet-pile cofferdam would allow for construction to occur during the months of high flow.	Specs			A construction timeline will be identified within the Specifications to show limitations on construction activates.
25	**Mitigation Measure HYD-4: Implement Provisions for Dewatering** Before discharging any dewatered effluent to surface water, the contractor will be required to obtain a NPDES permit and/or WDRs from the RWQCB. Depending on the volume and characteristics of the discharge, coverage under the RWQCB's General Construction Permit or General Dewatering Permit is permissible. As part of the permit, the permittee will design and implement measures, as necessary, so that the discharge limits identified in the relevant permit would be met. As a performance standard, these measures will be selected to control pollutant discharges using BAT and best conventional technology, and any more stringent controls necessary to meet water quality standards.	Specs	Contractor	SWPPP	
26	**Mitigation Measure HYD-5: Monitor Turbidity and Suspended Solids for Installation of Sheet-Pile Cofferdam and if needed, Stream Diversion**	Specs	Construction Management will	Construction Management	

	The City or its contractor would monitor turbidity and suspended solids during the installation of any cofferdams needed for the new bridge piles. Installation of cofferdams may also result in increased turbidity, and it the contractor may deems it would be beneficial to not use cofferdams for the removal of the old piles to protect the rivers beneficial uses. If the diversion alternative is used, these same measures would also apply during installation of culverts. Basin plan standards for turbidity are based on natural background turbidity. According to the standards, project activities shall not cause an increase in ambient river turbidity by more than 20% above background turbidity if the background turbidity is between 5 and 50 Nephelometric Turbidity Units (NTUs). This strict turbidity standard could possibly be exceeded during construction activities, however, turbidity will drop back to ambient conditions each day after in-water construction is complete. To prevent this, during the first week of construction, turbidity measurements would be taken in the river channel upstream of construction for baseline comparison conditions and at distances of 200 feet and 600 feet downstream of the project site for baseline water quality conditions. Measurements would then be taken two times a day during the construction period. Measurements should be taken where the flow regime is applicable to the relative flow regime around the construction zone so that the sample is representative of the water quality affected by construction. The timing of the measurements should coincide with installation and removal of sheet piles and during any other in-water construction activities. If turbidity limits were to exceed 20% of normal turbidity, the RWQCB would be notified, and an explanation for the increased turbidity from construction would be included in a water quality memorandum along with the data collected. The applicant or their contractor can perform the turbidity measurements using a standard turbidity probe. (YSI Inc. is a leader in providing standard turbidity probes.) Measurements should be recorded and documented by the applicant and contractor. If the applicant or contractor prefers, a construction worker can be trained to record turbidity measurements. An investigation to determine the cause of the increased turbidity would be conducted and construction operations would be corrected where applicable. If necessary, the frequency and duration of monitoring could be revised, in consultation with the Central Valley RWQCB, as part of the NPDES permit process. In determining compliance with the above limits, the Central Valley RWQCB may prescribe approximate averaging periods provided that beneficial uses will be fully protected. This proposed monitoring is subject to additional conditions resulting from negotiations for the required permits with USACE, CDFG, and the Central Valley RWQCB.		monitor water quality during construction activities.	Contract with City	
27	**Mitigation Measure HYD-6: Implement Other Provisions for Work in Surface Waters**	Specs	Construction	Construction	

	Since year-round flows are present in the Kings River, the contractor will implement measures to protect surface water quality, in addition to the channel diversion or cofferdam, where applicable. The use of water quality measures would avoid direct exposure of surface water to sediment created as part of construction activity As a performance standard, the measures would maintain the Central Valley RWQCB basin plan standards for turbidity, listed below. - Where natural turbidity is between 0 and 5 NTUs, increases would not exceed 1 NTU. - Where natural turbidity is between 5 and 50 NTUs, increases would not exceed 20%. - Where natural turbidity is between 50 and 100 NTUs, increases would not exceed 10 NTUs. - Where natural turbidity is greater than 100 NTUs, increases would not exceed 1%. In determining compliance with the above limits, the Central Valley RWQCB may prescribe, as part of their permit conditions, approximate averaging periods provided that beneficial uses will be fully protected In areas where the proposed project has the potential to result in elevated turbidity, monitoring would be performed at least twice daily at upstream and downstream locations to determine whether the standards outlined above have been met. In the event that they are not being met, turbidity-generating activities would cease until turbidity is within the identified limits, and construction methods or turbidity control measures would be modified to ensure that turbidity limits continue to be met.		Management will monitor water quality during construction activities.	Management Contract with City	
28	**Mitigation Measure NOI-1: Employ Noise-Reducing Construction Practices** The City will employ noise-reducing construction practices so that noise from construction activities does not exceed County noise standards. Measures that can be employed include, but are not limited to, those listed below. - Prohibit noise-generating construction operations between the hours of 9:00 p.m. and 6:00 a.m. Monday through Friday and 5:00 p.m. and 7:00 a.m. on Saturday and Sunday. - Locate equipment as far a practical from noise-sensitive land uses. - Use sound control devices that are no less effective than the devices provided on the original equipment. - Use noise-reducing enclosures around noise-generating equipment. - Construct barriers between noise sources and noise-sensitive land uses or take advantage of existing barrier features (terrain, structures) to block sound transmission.	Specs	Contractor will be responsible for these tasks while being monitored by the Construction Management Staff		