

**STAFF REPORT
C49**

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02/04/19
PRC 2961.9
D. Tutov

AMENDMENT OF LEASE

APPLICANT /LESSEE:

Stanislaus County

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Tuolumne River, adjacent to Assessor's Parcel Numbers 080-041-005, 080-035-009, 080-009-001, and 080-011-001, near Waterford, Stanislaus County.

AUTHORIZED USE:

Use, and maintenance of an existing bridge known as the Hickman Road Bridge.

LEASE TERM:

25 years, beginning December 6, 2011.

CONSIDERATION:

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 interests.

PROPOSED AMENDMENT:

Amend the lease to:

- In Section 1, Basic Provisions:
 - Replace the current Land Use or Purpose with: Construction, use, and maintenance of a new bridge known as the Hickman Road Bridge; use of a temporary construction easement; and the removal of the existing Hickman Road Bridge.
- In Section 1, Authorized Improvements:
 - Under Existing: Remove the existing bridge after the construction of the new bridge.
 - Under to be Constructed: Add construction of a two-lane concrete bridge.

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- Add special lease provisions related to the construction of the new and removal of the existing bridge.
- Replace the existing Exhibit B, Site and Location Map, with the attached and Exhibit B, Site and Location Map (for reference purposes only).
- Add Exhibit A-1, Land Description – Temporary Construction Area.
- Add Exhibit C, Mitigation Monitoring Program.

All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and the State's Best Interests Analysis:

On December 6, 1962, the Commission authorized a Bridge Easement to Stanislaus County (County) for the construction, operation, and maintenance of a two-lane concrete bridge crossing the Tuolumne River ([Item 9, December 6, 1962](#)). This easement expired December 5, 2011. On October 19, 2012, the Commission authorized a General Lease - Public Agency Use for the continued use and maintenance of an existing bridge known as the Hickman Road Bridge ([Item 56, October 19, 2012](#)). That Lease will expire on December 5, 2036. The County is now applying for an amendment to construct a new bridge and remove the existing one.

The Hickman Road Bridge was built in 1964 and connects 'F' Street in Waterford to Hickman Road in the town of Hickman. On October 12, 2011, the bridge was inspected by the California Department of Transportation (Caltrans) and no substantive issues were found. During a more recent Caltrans inspection, the bridge was classified as scour critical and seismic deficient. Some of the major deficiencies include: 12 to 16-inch-long transverse and pattern cracks throughout the bridge deck; erosion gully along the right slope embankment due to roadway runoff; observable settlement and displacement and scour protection deterioration at two of the bridge piers.

The concerns related to the scouring of the Tuolumne River channel and the undermining of the existing bridge's foundations requires the bridge to be closed when flows in the Tuolumne River exceed 15,000 cubic feet per second. The existing bridge was most recently closed for approximately 2

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weeks in late February 2017 due to a high-flow event, which caused the Hickman residents to be cut off from emergency services in Waterford. The proposed project will bring the bridge to current seismic standards, provide a deep foundation to address the Tuolumne River channel-scour and foundation-undermining concerns, and widen the bridge to provide for safe non-motorized use.

Demolition of the existing bridge will be performed in accordance with the Caltrans Standard Specifications modified to meet environmental permit requirements. The demolition work would begin at the middle of the bridge and move outwards towards each end of the bridge with the concrete deck and girders removed in panels. Netting or work platforms would be placed under the bridge to prevent falling debris from the Tuolumne River channel. The existing bridge is supported on steel H-piles. As part of the bridge demolition work, the existing bridge foundation pile caps will be completely removed. The existing piles will be cut 5 feet below the base of the pile caps and removed. No hazards will remain that could hinder navigation or become exposed in the riverbed.

The new bridge will be similar in size to the existing one with no additional lanes added. To improve the safety of non-vehicular use, the proposed bridge will have a slightly wider footprint and will be constructed with two 8-foot-wide shoulders and one 5-foot-wide sidewalk. The new bridge will be built adjacent to and upstream of the existing one. Constructing the new bridge on an adjacent alignment will allow for the continued use of the existing bridge during construction of the new bridge, minimizing the proposed project's impacts to local and regional traffic circulation. The existing bridge experiences an average daily travel count of approximately 8,000 vehicles. Once the new bridge and roadway approaches are constructed, traffic will be rerouted to the new structure and the existing structurally deficient bridge will be removed.

The Tuolumne River at the location of Hickman Road Bridge is currently used by the public for recreational fishing, small boat access, swimming, and walking. Promotion of public access to and use of California's navigable waters is a mandate of the California Constitution (article X, section 4), a condition of statehood in the Act of Admission (Act of Sept. 9, 1850, ch. 50, 9 Stat. 452), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. Often the most logical location for access to a waterway is where a bridge crosses it. Kayakers, rafters, and others may legally utilize the public access easements around bridges to enter and exit navigable waterways. With those factors in mind, the legislature adopted three code sections in 1974

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to facilitate increased public access around bridges (Streets and Highways Code §§ 84.5, 991, and 1809). All state or county highway projects and all city street projects that propose construction of a new bridge over a navigable waterway must consider, and report on, the feasibility of providing public access for recreational purposes to the waterway before the bridge is constructed. These code provisions apply to state agencies and city and county governments that approve bridge construction projects.

As part of the project action, on November 15, 2018, the Waterford City Council passed and adopted Resolution #2018-71 on the feasibility of providing public access to the Tuolumne River for recreational purposes as part of the Hickman Road Bridge Replacement Project. It determined that based upon the additional cost, potential delays, and the existence of two nearby access points, the construction of an additional public access facility to the Tuolumne River as part of the project is not feasible.

As noted above, two public access points to the Tuolumne River currently exist near the Hickman Road Bridge. One access point is approximately 1,200 feet west of Hickman Road and the second access point is approximate 900 feet east of Hickman Road. Both public access points have been improved with interpretative kiosks, picnic areas, parking lot and restroom facilities by the City of Waterford in the summer of 2017 as part of the City's River Trail project. The existing two river access points are well signed, well known, and used by the public. Furthermore, as part of the bridge replacement project, a non-ADA compliant dip in the trail located directly below the existing Hickman Road Bridge will be re-graded to meet ADA standards, further improving public access to the Tuolumne River.

Overall, the project is considered beneficial because it will protect public health and safety. The proposed lease includes certain provisions protecting the public use of the proposed lease area by requiring the County to obtain necessary permits for the project. The County has also adopted a Mitigation and Monitoring Program to substantially reduce or eliminate potentially significant impacts resulting from the project. Furthermore, the project will not substantially impede or impair Public Trust uses in the area. The lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

Greenhouse Gas Emissions:

Stanislaus County adopted a Mitigated Negative Declaration (MND) for the Hickman Road Bridge Replacement project in March 2018. Within that

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document, the County chose to utilize criteria air pollutant air emissions as a proxy for determining the significance of greenhouse gas (GHG) emissions. The MND therefore concluded that because the criteria air pollutant emissions levels were below established thresholds, the GHG emissions were also considered less than significant.

The County provided GHG emission calculations for the Hickman Road Bridge Replacement project in December 2018, utilizing emissions data derived from the Caltrans Construction Emissions Tool 2018 (CAL-CET2018) entered into the United States Environmental Protection Agency's Greenhouse Gas Equivalencies Calculator, to quantify carbon dioxide equivalent (CO₂e) emissions from construction activities for each anticipated year:

- 412 metric tons (2019)
- 400 metric tons (2020)

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has not established a California Environmental Quality Act (CEQA) threshold of significance for GHG emissions related to construction activities and provides no guidance referring a CEQA agency to other adopted thresholds. In the absence of a CEQA lead agency or SJVAPCD determination, the Commission must decide whether the GHG emissions from the activities occurring under its jurisdiction will have a potentially significant impact.

The Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted GHG thresholds in October 2014 to evaluate and disclose the significance of GHG emissions from land use and construction projects in compliance with CEQA and the AB 32 Scoping Plan. SMAQMD's GHG thresholds, which have been designated Sacramento Area Regional GHG Thresholds, were established using guidance from the California Air Pollution Control Officers Association (CAPCOA) on how to develop the threshold concepts for evaluating project-level GHG emissions. The thresholds also incorporated input from a committee of regional air districts. Although the Sacramento Area Regional GHG Thresholds were not adopted by the SJVAPCD, other districts in the general region (e.g., Butte County Air Management District, Yolo Solano Air Management District, Placer County Air Pollution Control District, El Dorado County Air Quality Management District) use them for GHG analyses. Commission staff recommends that the Commission apply these thresholds to determine the significance of GHG emissions because these thresholds

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were developed with a regional perspective and are in compliance with expert advice from CAPCOA.

The latest version of SMAQMD's Guide includes an adopted threshold of 1,100 metric tons of carbon dioxide equivalent (CO_{2e}) per year. As noted above, the project's construction and demolition emissions were calculated to be no higher than 412 metric tons during either year, and therefore, the anticipated greenhouse gas emissions from the project's construction activities are less than significant. The Commission does not need to require CEQA mitigation to offset impacts to climate change.

Climate Change:

The project area is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

Due to these potential changes, the proposed Hickman Road Bridge could need reinforcement in the future to withstand higher levels of flood exposure and more frequent storm events. Regular maintenance, as required by the lease, will reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

Conclusion:

For all the reasons above, staff believes the amendment of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

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protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. A Mitigated Negative Declaration, State Clearinghouse No. 2017102063, was prepared by Stanislaus County and adopted on March 20, 2018, for this project. Staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the County.

3. 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 nominating agency's participation in the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

Central Valley Regional Water Quality Control Board
U.S. Army Corps of Engineers
California Department of Fish and Wildlife
Central Valley Flood Protection Board

EXHIBITS:

- A-1. Land Description – Temporary Construction Area
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2017102063, and a Mitigation Monitoring Program were prepared by Stanislaus County and adopted on March 20, 2018, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

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Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

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.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 2961.9, a General Lease – Public Agency Use, effective February 4, 2019, to authorize the construction, use, and maintenance of a new bridge known as the Hickman Road Bridge, use of a temporary construction easement, and the removal of the existing Hickman Road Bridge; include special lease provisions related to the construction; include Exhibit C, Mitigation Monitoring Program; include Exhibit A-1, Land Description – Temporary Construction Area; and replace the existing Exhibit B, Site and Location Map, with the attached Exhibit B, Site and Location Map (for reference purposes only).

EXHIBIT A-1

PRC 2961.9

LAND DESCRIPTION

A strip of land 800 feet wide across the bed of the Tuolumne River in Section 33, T3S, R11E, MDM, Stanislaus County, the centerline being described as follows:

BEGINNING at the southeast corner of said Section 33, thence N 0°55' W along the east line thereof, 1,836.62 feet; thence N 18°27'16" W, 2,608 feet more or less to the low water mark along the left bank of the Tuolumne River, being the TRUE POINT OF BEGINNING of the herein described centerline; thence continuing N 18°27'16" W, 308 feet more or less to the low water mark along the right bank of the Tuolumne River.

Sidelines of said strip shall begin and terminate at low water on the right and left bank of said river.

END OF DESCRIPTION

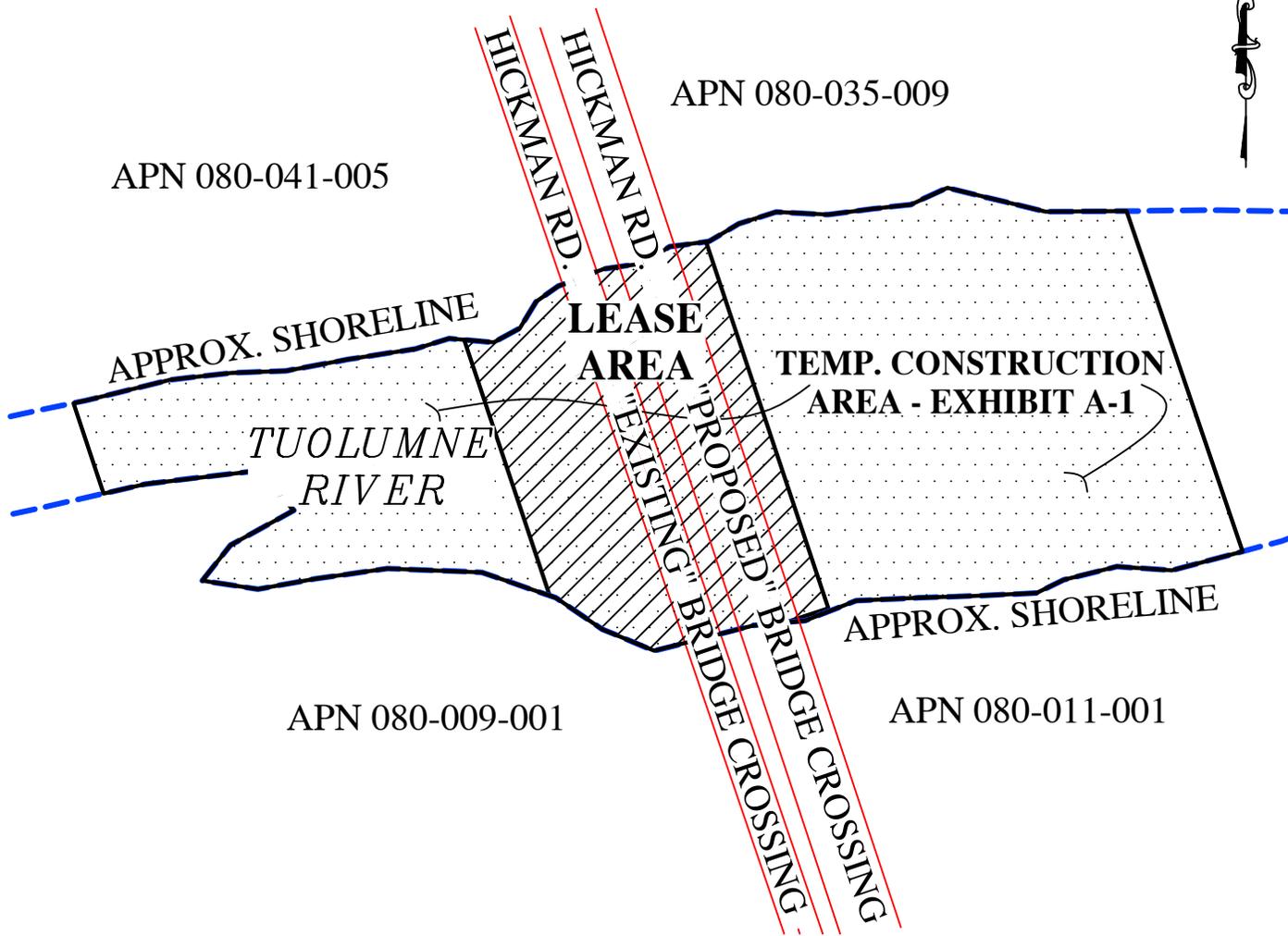
PREPARED 12/17/18 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

REVISED BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT 3/2/2012. ORIGINAL DESCRIPTION AS FOUND IN PRC FILE, MINUTE ITEM 9, DECEMBER 6, 1962.



NO SCALE

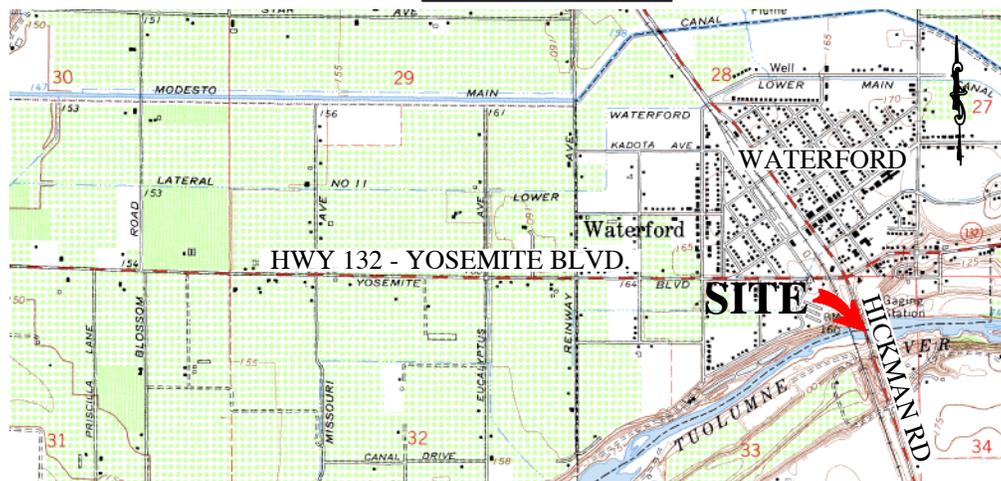
SITE



Hickman Road Bridge, Waterford

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 2961.9
 COUNTY OF STANISLAUS
 APN 080-009-001, 080-011-001,
 080-035-009, 080-041-005
 GENERAL LEASE -
 PUBLIC AGENCY USE
 STANISLAUS COUNTY



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 C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
HICKMAN ROAD BRIDGE (38C-0004) OVER TUOLUMNE RIVER
REPLACEMENT PROJECT
(PRC 2961.9, State Clearinghouse No. 2017102063)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Hickman Road Bridge (38C-0004) Over Tuolumne River Replacement Project (Project). The CEQA lead agency for the Project is the Stanislaus County Department of Public Works.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2017102063, adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. No mitigation measures adopted by the Commission differ from those adopted by the lead agency. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)²
Impact to visual character or quality	MM AES-1
Impact to Central Valley steelhead	MMs BIO-1, BIO-2, BIO-10
Impact to western spadefoot and western pond turtle	MMs BIO-1, BIO-3a, BIO-3b, BIO-5b
Impact to Valley Elderberry Longhorn Beetle	MMs BIO-1, BIO-4
Impact to burrowing owl, Swainson's hawk, and yellow-breasted chat	MMs BIO-1, BIO-5, BIO-6, BIO-7a, BIO-7b
Impact to bats	MMs BIO-1, BIO-8
Impact to Valley oak woodland and red willow thicket habitat	MM BIO-9
Impact to waters of the U.S. and water quality	MM BIO-10
Impact to wildlife movement corridors	MMs BIO-9, BIO-10
Conflict with oak woodland protection policy	MM BIO-9
Impact to undiscovered historic, archaeological, or paleontological resources	MM CUL-1
Impact to undiscovered human remains	MM CUL-2
Impacts from asbestos and lead	MMs HAZ-1, HAZ-2, HAZ-3

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
Stanislaus County Department of Public Works**

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
Aesthetic						
Substantially degrade the existing visual character or quality of the site and its surroundings.	<p>Mitigation Measure AES-1. The County will implement measures to avoid and minimize potential adverse effects on the visual character of the site and vicinity.</p> <ul style="list-style-type: none"> Incorporate architectural form liners stained to resemble rocks along the trail retaining wall, bridge piers and abutments to maintain the character of the existing bridge and the natural surroundings. Revegetate and restore any disturbed areas with the appropriate native vegetation to minimize erosion and visual contrast with existing vegetation in compliance with Section 20, "Landscape" and Section 21 "Erosion Control" of the Caltrans Standard Specifications 2015. Replace benches located along the trail to the same location without damages. Any newly planted trees within the construction staging area will be hand dug and placed into planters during the winter months preceding construction. The trees will be irrigated and cared for by a qualified professional to ensure survival during construction. If the trees do not survive repotting prior to construction and/or replanting after construction is complete, they will be replaced at a 1:1 ratio. 	Prior to and following construction activities	SCDPW/ Design Engineer/ Construction Contractor	SCDPW/	Design Reviews/ Following construction	Comply with the condition
Biological Resources						
Project implementation has the potential to impact special status aquatic/semi-aquatic and terrestrial species.	<p>Mitigation Measure BIO-1: The County will implement measures to avoid and minimize potential adverse effects on special status species. Prior to conducting work and during work, the following measures will be implemented.</p> <ul style="list-style-type: none"> A qualified biologist will conduct environmental awareness training for all construction workers prior to construction workers beginning their work efforts on the project. The training shall include information on species identification, avoidance measures to be implemented by the project, and the regulatory requirements and penalties for noncompliance. Ground disturbance and construction footprints will be minimized to the greatest degree feasible. During construction, all trash that may attract predators will be properly contained, removed from the work area, and disposed of regularly. The County or its contractor will remove all trash and construction debris from the work area on a daily basis. Vehicles or equipment would not be refueled within 100 feet of a wetland, stream or other waterway unless a bermed and lined refueling area is constructed. Construction equipment would arrive at the project clean and free of soil, seed, and plant parts to reduce the likelihood of introducing new weed species. 	Prior to and during construction activities	SCDPW/ Construction Contractor	SCDPW/ Biological Contractor	Once prior to construction/ To be completed as needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
	<ul style="list-style-type: none"> To avoid entrapment of covered species and thereby preventing injury or mortality of species resulting from falling into trenches, all construction holes or trenches deeper than 6 inches would be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches would be covered with plywood or other hard material. Additionally, any pipes, culverts, or similar materials greater than 4 inches in diameter would be capped or stored at the end of each day, so as to prevent listed species from using these as temporary refuges, and becoming trapped or otherwise negatively affected. Any worker who inadvertently injures or kills a federally-listed species or finds one dead, injured, or entrapped would immediately report the incident to the construction foreman or the biological monitor. The construction foreman or monitor would immediately notify the County, which would provide verbal notification to the USFWS Endangered Species Office in Sacramento, California. The County would follow up with written notification to USFWS within 3 working days of the incident. The biological monitor would also independently notify USFWS of any unanticipated harm to any federal listed endangered species associated with the proposed action. All observations of federal listed species would be recorded on CNDDDB field sheets and sent to CDFW by the County or a representative biological monitor. 					
Project implementation has the potential to impact special status aquatic/semi-aquatic species.	<p>Mitigation Measure BIO-2: The County shall complete and/or ensure that the construction contractor implements the following special status fish avoidance/compensation measures:</p> <ul style="list-style-type: none"> To avoid and minimize water quality impacts associated with a dewatering plan (should it be required), site preparation and dewatering activities will occur from June 15th to September 30th. This is a period of the year when NOAA Fisheries' Endangered Species Act (ESA) listed species are least likely to occur in the project area. Prior to dewatering, a qualified fisheries biologist will design and conduct a fish and wildlife rescue and relocation effort to collect fish and other wildlife species from the area within the dewatering area involving the capture and return of those animals to suitable habitat within the Tuolumne River. To ensure compliance, a fisheries biologist will provide observation during initial dewatering activities. The fish rescue plan will be approved by NOAA Fisheries, and CDFW prior to dewatering activities. An approved biologist will permanently remove, from within the project site, any exotic wildlife species, such as bullfrogs and crayfish, to the extent possible. After construction activities are finalized, the stream channel will be restored 	Prior to and following construction activities	SCDPW/ Construction Contractor	SCDPW/ Biological Contractor	Once prior to construction/ Following construction	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
	<p>to preconstruction conditions.</p> <ul style="list-style-type: none"> The County will mitigate for the temporary (0.18 acres) and permanent (0.05 acres) loss of riparian habitat through the purchase of mitigation credits from a CDFW-approved mitigation bank at a ratio of 3:1 as determined by NOAA Fisheries and CDFW. To compensate for permanent impacts on jurisdictional waters, the County will purchase credits from a U.S Army Corps of Engineers (Corps) and/or CDFW approved mitigation bank at a minimum 1:1 ratio (one acre of habitat replaced for every one acre filled). If gabion mats or other bank stabilization methods are placed on the stream bank, use a soil-rock mixture to facilitate re-vegetation of the project site. A ratio of rock to soil (70:30) is recommended. NOAA Fisheries suggests a soil-rock mixture on top of the rock revetment to allow native riparian vegetation to be planted to ensure shaded riverine aquatic (SRA) habitat is replaced. 					
Project implementation has the potential to impact special status aquatic/semi-aquatic species.	Mitigation Measure BIO-3a: No more than two weeks prior to the commencement of ground-disturbing activities, the County shall retain a qualified biologist to perform surveys for western spadefoot, and western pond turtle within suitable aquatic and upland habitat within the Project site. Surveys will be conducted to locate the presence of western spadefoot and western pond turtle as well as western pond turtle nests. The biologist (with the appropriate scientific collecting permit issued by CDFW) will temporarily move any identified western spadefoot or western pond turtles upstream of the construction area, and temporary barriers will be placed around the construction area to prevent ingress. Construction will not proceed until the work area is determined to be free of spadefoot and turtles and their nests. The results of these surveys will be documented in a technical memorandum that will be submitted to CDFW (if frogs or turtles are documented). If the pre-construction surveys identify western pond turtle nests within areas that may be affected by site construction, species avoidance measures shall occur through implementation of Mitigation Measure BIO-5b.	No more than two weeks prior to ground-disturbing activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Once prior to construction	Comply with the condition
Project implementation has the potential to impact special status aquatic/semi-aquatic species.	Mitigation Measure BIO-3b: Should a western pond turtle nest be located within a work area, the County shall ensure that a qualified biologist (with the appropriate scientific collecting permit issued by CDFW) relocate the eggs to a suitable facility for incubation and release hatchlings into the creek system in late fall. The biologist will be present on the project area during initial ground clearing, grading, and during all other construction activities.	Prior to and during ground-disturbing activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Once prior to construction/ As needed during grading activities	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
<p>Project implementation has the potential to impact special status terrestrial species.</p>	<p>Mitigation Measure BIO-4: The following avoidance and minimization measures should reduce potential impacts to VELB, in accordance with the USFWS Framework for Assessing Impacts to Valley Elderberry Longhorn Beetle (VELB Framework), dated May 2017:</p> <ul style="list-style-type: none"> • A qualified biologist shall survey for elderberry shrubs within 100 feet of the project footprint. Data to be collected shall include signs of VELB exit holes, type of habitat where the shrub is located, and associated native species. Once the final limits of construction are set, highly visible ESA fencing shall be installed at the 20-foot setback around the perimeter of each elderberry plant or plant group. ESA fencing shall consist of highly visible construction fencing or equivalent, and shall be maintained until construction is complete. A qualified biologist shall be present during the installation of fencing. • Employee awareness training shall be provided for the contractor to emphasize the need to avoid damaging elderberry plants and the possible penalties for not complying with these requirements. • A qualified biologist shall inspect the construction area bi-weekly to assure that the Project is not affecting any elderberry plants. • Herbicides will not be used within the drip-line of the shrub. Insecticides will not be used within 30 meters (98 feet) of an elderberry shrub. All chemicals will be applied using a backpack sprayer or similar direct application method. Any damage occurring within the elderberry buffer areas (within 100 feet of the elderberry plants) shall be restored and revegetated with appropriate native species at the completion of construction. • As much as feasible, all activities that would occur within 50 meters (165 feet) of an elderberry shrub, would be conducted outside of the flight season of the VELB (March - July). • Mechanical weed removal within the drip-line of the shrub will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry. • If a minimum 20-foot setback from the dripline of all elderberry plants in the BSA cannot be maintained for all Project activities, USFWS shall be contacted and additional mitigation measures may be required. • To compensate for impacts to VELB habitat, the County will either plant 7 elderberry seedlings, as well as 5 associated native plant replacements or purchase credits through an approved mitigation bank. Credit purchase will be based on a one credit to 10 plantings ratio, rounded up to the nearest credit (i.e. the purchase of 2 credits would be required). 	<p>Prior to and during construction activities</p>	<p>SCDPW/ Biological Contractor/ Construction Contractor</p>	<p>SCDPW/ Biological Contractor</p>	<p>Once prior to construction/ Bi-weekly/ Following construction</p>	<p>Comply with the condition</p>

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
Project implementation has the potential to impact special status terrestrial species	<p>Mitigation Measure BIO-5: Prior to construction, surveys shall be conducted by a qualified biologist to determine presence/absence of burrowing owls and/ or occupied burrows in and within 500 feet of the PIA according to the 2012 CDFW Staff Report on Burrowing Owls. If presence is confirmed, during that same year a winter survey will be conducted between December 1 and January 31 and a nesting survey will be conducted between April 15 and July 15. Preconstruction surveys will also be conducted within 30 days prior to construction to ensure that no additional burrowing owls have established territories since the initial surveys. If no burrowing owls are found during any of the surveys, no further mitigation will be necessary. If burrowing owls are found, then the following measures shall be implemented prior to the commencement of construction:</p> <ul style="list-style-type: none"> • During the non-breeding season (September 1 through January 31) burrowing owls occupying the PIA should be evicted from the PIA by passive relocation as described in the Staff Report on Burrowing Owls (CDFW 2012). • During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 250 feet protective buffer unless a qualified biologist approved by CDFW verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. 	Prior to construction activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Prior to construction	Comply with the condition
Project implementation has the potential to impact special status terrestrial species	<p>Mitigation Measure BIO-6: Prior to construction, surveys will be conducted by a qualified biologist to determine presence/absence of nesting Swainson's hawk in and within 0.50 miles of the BSA according to the <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (Swainson's Hawk Technical Advisory Committee 2000). If no Swainson's hawks are found during any of the surveys, no further mitigation will be necessary. If Swainson's hawk nests are found, CDFW will be consulted regarding measures to reduce the likelihood of forced fledging of young or nest abandonment by adult birds. These measures will likely include, but are not limited to, the establishment of a no-work zone around the nest until the young have fledged as determined by a qualified biologist.</p>	Prior to construction activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Once prior to construction	Comply with the condition
Project implementation has the potential to impact special status terrestrial species	<p>Mitigation Measure BIO-7a: The following avoidance and minimization measures shall be used when work occurs on or in the vicinity of structures that may be subject to nesting by yellow-breasted chat and other migratory birds.</p> <ul style="list-style-type: none"> • Avoid Active Nesting Season. To avoid and minimize impacts to tree and shrub nesting species, the following measures would be implemented; <ul style="list-style-type: none"> ○ If feasible, conduct all tree and shrub removal and grading activities during the non-breeding season (generally September 1 through January 31). 	Prior to and during construction activities	SCDPW/ Biological Contractor/ Construction Contractor	SCDPW/ Biological Contractor	Once prior to construction/ As needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
	<ul style="list-style-type: none"> ○ If grading and tree removal activities are scheduled to occur during the breeding and nesting season (February 1 through August 31), pre-construction surveys would be performed prior to the start of Project activities. • Conduct Pre-construction Nesting Bird Surveys. If construction, grading or other Project-related activities are schedule during the nesting season (February 1 to August 31), preconstruction surveys for other migratory bird species would take place no less than 14 days and no more than 30 days prior to the beginning of construction within 250 feet of suitable nesting habitat. <ul style="list-style-type: none"> ○ If the pre-construction surveys do not identify any nesting migratory bird species within areas potentially affected by construction activities, no further mitigation would be required. If the pre-construction surveys do identify nesting bird species within areas that may be affected by site construction, the following measures would be implemented. • Avoid Active Bird Nest Sites. Should active nest sites be discovered within areas that may be affected by construction activities, additional measures would be implemented as described below: <ul style="list-style-type: none"> ○ If active nests are found, Project-related construction impacts would be avoided by establishment of appropriate no-work buffers to limit Project-related construction activities near the nest site. The size of the no-work buffer zone would be determined in consultation with the DFW although a 500-foot would be used when possible. The no-work buffer zone would be delineated by highly visible temporary construction fencing. In consultation with DFW, monitoring of nest activity by a qualified biologist may be required if the Project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. No Project-related construction activity would commence within the no-work buffer area until a qualified biologist and DFW confirms that the nest is no longer active. 					
Project implementation demolition of the existing bridge has the potential to impact special status terrestrial	Mitigation Measure BIO 7b: The following avoidance and minimization measures shall be incorporated for bridge-nesting birds if bridge demolition or construction of the new bridge occurs during the nesting season (February 1 to August 31). Exclusionary netting shall be installed around the undersides of the existing bridge before February 1 of the construction year to prevent new nests from being formed, and/or prevent the reoccupation of existing nests. Exclusionary netting may also be required during construction of the new bridge if it is completed during	Prior to and during construction and demolition activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Once prior to construction/ Three days a week with no two days being consecutive	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
species	<p>the breeding season. The construction contractor would do the following:</p> <ul style="list-style-type: none"> Adhere to all state and federal laws and regulations pertaining to the protection of migratory birds, their nests, and young birds. Remove all existing unoccupied nests on the bridge during the non-nesting season (September 1-January 31). Keep the bridge free of nests, using exclusionary netting or other approved methods, until completion of construction activities. Inspect all listed structures for nesting activity a minimum of three days per week; no two days of inspection would be consecutive. A weekly log would be submitted to the Project biologist. The contractor would continue inspections until bridge removal and completion of construction on new bridge. If an exclusion device were found to be ineffective or defective, the contractor would complete repairs to the device within 24 hours. If birds were found trapped in an exclusion device, the contractor would immediately remove the birds in accordance with USFWS guidelines. Submit for approval working drawings or written proposals of any exclusion devices, procedures, or methods to the Project biologist before installing them. The method of installing exclusion devices would not damage permanent features of the new bridge structure. Approval by the Project biologist of the working drawings or inspection performed by the authorized Project biologist would in no way relieve the contractor of full responsibility for deterring nesting. 					
Project implementation and demolition of the existing bridge has the potential to impact special status terrestrial species	<p>Mitigation Measure BIO-8: A bat survey shall be conducted by a qualified biologist to inspect the underside of the existing bridge for roosting bats prior to demolition. If no roosting bats are found, no further mitigation would be necessary. If pallid bats or other bat species are detected within the roost at the time of the survey, excluding any bats from roosts will be accomplished by a qualified biologist prior to demolition of the bridge. The timing and other methods of exclusionary activities will be developed by the qualified biologist in order to reduce the stress on the bats to the amount feasible while taking into account project schedule. Exclusionary devices, such as plastic sheeting, plastic or wire mesh, can be used to allow for bats to exit but not re-enter any occupied roosts. Expanding foam and plywood sheets can be used to prevent bats from entering unoccupied roosts.</p>	Prior to and during construction and demolition activities	SCDPW/ Biological Contractor	SCDPW/ Biological Contractor	Once prior to construction/ As needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
<p>Project implementation has the potential to impact riparian habitat, the Tuolumne River, and tree preservation policies.</p>	<p>Mitigation Measure BIO-9: The County shall implement the following riparian habitat avoidance and compensation measures:</p> <ul style="list-style-type: none"> • Prior to removal of any trees, an ISA Certified Arborist will conduct a tree survey in areas that may be impacted by construction activities. This survey will document tree resources that may be adversely impacted by implementation of the proposed project. The survey will follow standard professional practices. • Current riparian vegetation and oaks will be retained to extent feasible. A Tree Protection Zone (TPZ) will be established around any tree or group of trees to be retained. The TPZ will be delineated by an ISA Certified Arborist. The TPZ will be defined by the radius of the dripline of the tree(s) plus one foot. The TPZ of any protected trees will be demarcated using fencing that will remain in place for the duration of construction activities. • Construction-related activities will be limited within the TPZ to those activities that can be done by hand. No heavy equipment or machinery will be operated within the TPZ. Grading will be prohibited within the TPZ. No construction materials, equipment, or heavy machinery will be stored within the TPZ. • To ensure that there is no net loss of riparian habitat, the County will create or restore riparian habitat that is of a like function and value to the habitats lost. The permanent degradation of riparian habitat will be compensated for at a 3:1 ratio through the purchase of similar habitat value from a CDFW-approved conservation bank. Compensation will take the form of riparian preservation or creation in accordance with CDFW mitigation requirements, as required under project permits. Preservation and creation may occur onsite through a conservation agreement or offsite through purchasing credits at a Corps approved mitigation bank. • This mitigation will include compensation for the loss of riparian habitat and will include the planting of valley foothill/floodplain/ mixed riparian as appropriate. The planting plan will be implemented as detailed in a Restoration Plan approved by CDFW. The plan will include performance standards for revegetation that will ensure successful restoration of the riparian areas. • The County will replace any trees removed to ensure no net loss of habitat functions or values. All trees planted will be purchased from a locally adapted genetic stock obtained within 50 miles of the project site, where feasible. All species will be replaced at a 1:1 ratio. 	<p>Prior to, during, and following construction activities</p>	<p>SCDPW/ Biological Contractor/ Construction Contractor</p>	<p>SCDPW/ Biological Contractor</p>	<p>Once prior to construction/ As needed/ Following construction</p>	<p>Comply with the condition</p>

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
	<ul style="list-style-type: none"> The County will protect other wetlands, riverine and associated riparian habitats located in the vicinity of the project site by installing protective fencing. Protective fencing will be installed along the edge of construction areas including temporary and permanent access roads where construction will occur within 200 feet of the edge of wetland and riverine habitat (as determined by a qualified biologist). The location of fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, trenching, grading, or other surface-disturbing activities outside of the designated construction area. Signs will be erected along the protective fencing at a maximum spacing of one sign per 50 feet of fencing. The signs will state: "This area is environmentally sensitive; no construction or other operations may occur beyond this fencing. Violators may be subject to prosecution, fines, and imprisonment." The signs will be clearly readable at a distance of 20 feet, and will be maintained for the duration of construction activities in the area. Where riparian vegetation occurs along the edge of the construction area, the County will minimize the potential for long-term loss of riparian vegetation by trimming vegetation rather than removing the entire plant. Trimming will be conducted per the direction of a biologist and/or Certified Arborist. 					
Project implementation has the potential to impact special status aquatic/semi-aquatic species, waters of the US, water quality, riparian habitat, and the Tuolumne River.	<p>Mitigation Measure BIO-10: The County will ensure that the project contractor complies with the requirements of a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board (RWQCB), Central Valley Region. As part of the permit, the contractor would be required to prepare and implement a SWPPP into their construction plans, prior to initiating construction activities, identifying BMPs to be used to avoid or minimize any adverse effects before, during, and after construction to surface waters. The following BMPs will be incorporated into the project as part of the construction specifications:</p> <ul style="list-style-type: none"> Implement appropriate measures to prevent debris, soil, rock, or other material from entering the water. Use a water truck or other appropriate measures to control dust on applicable access roads, construction areas, and stockpiles. Properly dispose of oil or other liquids. Fuel and maintain vehicles in a specified area that is designed to capture spills. All fueling and maintenance of vehicles and other equipment 	Prior to and during construction activities	SCDPW/ Construction Contractor	SCDPW/ Biological Contractor	As needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
	<p>(including staging areas), will be located at least 20 meters from Indian Creek and any other drainages on site.</p> <ul style="list-style-type: none"> Fuels and hazardous materials would not be stored on site. Inspect and maintain vehicles and equipment to prevent the dripping of oil or other fluids. Schedule construction to avoid the rainy season as much as possible. Ground disturbance activities are expected to begin in the spring/summer of 2016. If rains are forecasted during construction, additional erosion and sedimentation control measures would be implemented. Maintain sediment and erosion control measures during construction. Inspect the control measures before, during, and after a rain event. Train construction workers in storm water pollution prevention practices. Revegetate disturbed areas in a timely manner to control erosion. 					
Cultural Resources						
Construction and ground-disturbing activities may encounter historical, archeological, and/or paleontological resources.	<p>Mitigation Measure CUL-1: If buried cultural materials are encountered during construction, it is Caltrans' policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find. Additional survey will be required if the proposed project changes to include areas not previously surveyed.</p> <p>The need for archaeological and Native American monitoring during the remainder of the project will be re-evaluated by the archaeologist as part of the treatment determination. The archaeologist shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.</p> <p>Should cultural resources on state lands be discovered during construction, the County shall consult with the California State Lands Commission. The final disposition of archaeological, historical, and paleontological resources recovered on state land under jurisdiction of the California State Lands Commission must be approved by the Commission.</p> <p>In considering any suggested mitigation proposed by the archaeologist in order to mitigate impacts to cultural resources, the project proponent will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted.</p>	During ground-disturbing activities upon the discovery of buried cultural materials	SCDPW	SCDPW	As needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
Construction and ground-disturbing activities may encounter human remains.	Mitigation Measure CUL-2: If buried cultural materials are encountered during construction, it is Caltrans' policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find. In the event that human remains are encountered during construction, all work will cease within the vicinity of the discovery. In accordance with the California Environmental Quality Act (CEQA) (Section 1064.5) and the California Health and Safety Code (Section 7050.5), the county coroner will be contacted immediately. If the human remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, who will notify and appoint a Most Likely Descendent (MLD). The MLD will work with a qualified archaeologist to decide the proper treatment of the human remains and any associated funerary objects.	During ground-disturbing activities upon the discovery of human remains	SCDPW	SCDPW, Stanislaus County Coroner	As needed	Comply with the condition
Hazards and Hazardous Materials						
Construction activities involve reasonably foreseeable upset and accident conditions that may subject the public and environment to the release of hazardous materials	Mitigation Measure HAZ-1: For asbestos containing materials (ACMs), the contractor will conduct National Emission Standards for Hazardous Air Pollutants (NESHAP) compliance testing as part of the project startup.	Prior to demolition activities	SCDPW/ Construction Contractor	SCDPW	Prior to construction	Comply with the condition
Construction activities involve reasonably foreseeable upset and accident conditions that may subject the public and environment to the release of	Mitigation Measure HAZ-2: During construction, building materials associated with the pavement striping yellow paint and painted areas on the existing bridge structure will be abated by a California Licensed abatement contractor and disposed of as a hazardous waste.	During demolition activities	SCDPW/ Construction Contractor	SCDPW	As needed	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
hazardous materials						
Construction activities involve reasonably foreseeable upset and accident conditions that may subject the public and environment to the release of hazardous materials	Mitigation Measure HAZ-3: A Health and Safety Plan (HASP) shall be developed for the proposed project. The HASP shall describe appropriate procedures to follow in the event that any contaminated soil or groundwater is encountered during construction activities. Any unknown substances shall be tested, handled and disposed of in accordance with appropriate federal, state and local regulations.	Prior to and during construction and demolition activities.	SCDPW/ Construction Contractor	SCDPW	Prior to construction	Comply with the condition
Noise						
Construction and demolition activities would generate temporary ambient and ground borne noise in excess of applicable standards and in excess of existing levels.	Mitigation Measure NO-1: During construction, the noise level may be temporarily elevated. To minimize the impact, all construction in or adjacent to residential areas shall follow the following procedures for noise control: Construction operations shall be limited to Monday through Friday, 7:00 AM to 8:00 PM. The following control measures shall be implemented in order to minimize noise and vibration disturbances at sensitive receptors during periods of construction <ul style="list-style-type: none"> Use newer equipment with improved muffling and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. Newer equipment will generally be quieter in operation than older equipment. All construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding, etc.). Utilize construction methods or equipment that will provide the lowest level of noise and ground vibration impact such as alternative low noise pile installation methods. Turn off idling equipment. 	During construction and demolition activities.	SCDPW/ Construction Contractor	SCDPW, Construction Contractor	Throughout Construction	Comply with the condition

**Table 1
Mitigation Program**

Potential Impact	Mitigation Measures	Timing	Implementing Party	Monitoring Party	Frequency and Duration of Monitoring	Performance Criteria
Public Services						
Project implementation has the potential to impact the Tuolumne River Parkway.	<p>Mitigation Measure PUB-1: The County will implement measures to avoid and minimize potential impacts on the Tuolumne River Parkway. Prior to conducting work and during work, the following measures will be implemented:</p> <ul style="list-style-type: none"> • Determine an area of restoration mitigation • Remove non-native species from the determined area and replace them with native species at a determined ratio • The Contractor shall install signage along the temporary occupancy area notifying that the area will be temporarily closed during construction activities. • Any newly planted trees within the construction staging area will be hand dug and placed into planters during the winter months preceding construction. The trees will be irrigated and cared for by a qualified professional to ensure survival during construction. If the trees do not survive repotting prior to construction and/or replanting after construction is complete, they will be replaced at a 1:1 ratio. 	Prior to and during construction activities.	SCDPW	SCDPW	Once prior to construction/ As needed	Comply with the condition