

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING STEVEN E. WHITE, DIRECTOR

Mitigation Measures

Initial Study No. 7906

The following mitigation measures have been specifically applied to mitigate potential adverse environmental effects identified in the above environmental document. A change in these provisions may affect the validity of the current environmental document, and a new or amended environmental document may be required. All requirements shall be performed at the developer's expense and prior to issuance of development permits.

- 1. In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures shall be followed by photos, reports, video, and etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.
- Best Management Practices (BMPs) in the Water Quality Assessment Report (WQAR), prepared by GPA Consulting, will be implemented to ensure short-term and long-term impacts to water quality will not be substantial. To avoid and/or minimize potential impacts on jurisdictional features, the following measures shall be implemented:
 - a. Work areas would be reduced to the maximum extent feasible.
 - b. Equipment staging and storage areas for vehicles, equipment, material, fuels, lubricants, and solvents would be restricted to designated areas and would be a minimum of 50 feet from the creek.
 - c. Pesticides and/or herbicides would not be used as part of the project.
 - d. Prior to construction in the channel, high visibility Environmentally Sensitive Area (ESA) protective fencing or flagging would be installed at the limits of construction to protect adjacent creek bed and associated vegetation.
 - e. Erosion Control BMPs (e.g., silt fencing and fiber rolls) would be implemented to minimize dust, dirt, and debris resulting from construction activities entering the creek and to protect the water quality of the creek pursuant to the requirements of the regulatory permits (i.e., USACE Section 404 Nationwide Permit, RWQCB Section 401 Water Quality Certification, and California Fish and Game Code Section 1602) issued for this project.

- f. Hazardous material BMPs (e.g., on-site spill prevention kit) would be implemented to minimize the potential for chemical spills, containment releases, and non-storm water discharge into the creek.
- g. All equipment refueling and maintenance would be conducted away from the creek in accordance with Caltrans' standard specifications and requirements of the regulatory permits issued for this project. In addition, vehicles and equipment would be checked daily for fluid and fuel leaks and drip pans would be placed under all equipment that is parked and not in operation. Any leaking vehicle or equipment would not be operated in the project area until repaired. All workers would be informed of the importance of preventing spills and the appropriate measures to take should a spill occur.
- h. Stationary equipment such as motors, pumps, generators, compressors, and welders located within 100 feet of the jurisdictional features would be positioned over drip-pans, including when in operation.
- i. Any temporary erosion control implemented during construction would be completed using non-invasive species. At project completion, all temporarily disturbed areas would be re-contoured to pre-construction conditions.
- 3. The project will comply with the Construction General Permit by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) to address all construction-related activities, equipment, and materials that have the potential to impact water quality. The SWPPP will identify the sources of pollutants that may affect the quality of storm water and determine the site risk level, and will include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-storm water BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the Storm Water Quality Handbooks: Construction Site Best Management Practices Manual. The Manual is used to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed.
- 4. Stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptor.
- 5. Equipment staging areas shall be located the greatest distance feasible to create distance between construction-related noise sources and noise sensitive receptors.
- 6. Construction activities associated with the proposed project shall be limited to the hours of 6:00 AM to 9:00 PM on weekdays and 7:00 AM to 5:00 PM on weekends.
- 7. To avoid and/or minimize potential impacts on special-status plant species, the following measures would be implemented:
 - a. Within a year prior to construction, a qualified biologist would conduct a preconstruction plant survey within the construction area. Surveys would be conducted during the appropriate blooming period (typically March to July) for species with potential to be in the construction area, to the extent feasible.

- b. If a special-status plant species is found during the pre-construction survey, high visibility ESA protective fencing would be installed around the special-status plants to prevent construction staff or equipment from entering this area. ESA protective fencing would be installed by or under the supervision of the Project Biologist. No access or activities, including equipment use or foot traffic, would be permitted within the ESA. The ESA protective fencing buffer would be species specific, with a minimum buffer radius based on the guidance from a qualified biologist. All excluded areas with ESA protective fencing would be monitored to determine whether exclusion measures were successful and to identify any outstanding concerns. Exclusionary measures would be monitored throughout construction to ensure they are functioning correctly and would be removed following construction.
- c. All project-related vehicle traffic would be restricted to established roads and construction areas, which include equipment staging, storage, parking, and stockpile areas.
- 8. To mitigate for impacts on special-status plants, the following measure will be implemented:
 - a. If it is determined that special-status plants will be directly impacted by the project, a species-specific mitigation plan will be prepared by a qualified biologist. The plan may include one or more of the following: plant relocation, seed collection and dispersal, on or off-site restoration, or payment into an agency-approved mitigation bank. The plan will be implemented prior to the completion of the project. Additionally, if absence of plants cannot be confirmed, stockpiling existing topsoil and redistributing on site after construction would be considered.
- 9. To avoid and/or minimize potential impacts on special-status invertebrate species, the following measures would be implemented:
 - a. Within 48 hours prior to construction, a qualified biologist would survey all areas where vegetation removal would be conducted to confirm the presence/absence of the Morrison's blister beetle.
 - b. If a special-status invertebrate is identified within the BSA, all efforts would be taken to avoid the nest and invertebrate, and an appropriate buffer would be installed as determined by a qualified biologist. If avoidance cannot be accomplished, any invertebrates would be safely relocated by a qualified biologist.
 - c. If a special-status invertebrate is identified within the BSA, areas temporarily impacted during construction would be restored using native species using one or more of the food plant genera, including Gilia tricolor and Linanthus liniflorus, for the Morrison's blister beetle if appropriate for the region.
- 10. To avoid potential impacts on special-status bird species, the following measures would be implemented:
 - a. Vegetation removal would be conducted outside the nesting bird breeding season (February 1 September 30), where feasible.

- b. In the event that vegetation removal and tree trimming must be conducted during the nesting season, nesting bird surveys would be completed within 300 feet of the construction area by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys would be repeated if trimming or removal activities are suspended for three days or more.
- c. If nesting birds are found within 300 feet of the construction area, appropriate buffers consisting of orange flagging/fencing or similar (typically 300 feet for birds and 500 feet for raptors) would be installed and maintained until nesting activity has ended. A reduced buffer can be established if determined appropriate by qualified biologist and approved by the wildlife agencies.
- d. If construction activities are conducted during the breeding season for burrowing owls (typically February 1 through September 1), a qualified biologist would perform a focused survey for burrows and burrowing owls within the BSA no more than 30 days and no fewer than 14 days prior to the start of construction activities. Surveys would be conducted in accordance with the California Burrowing Owl Consortium's April 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines.
- e. Prior to breeding season for burrowing owl (typically February 1 through September 1), a qualified biologist may implement a burrow exclusion and/or closure plan to prevent active nests from becoming established prior to construction. If determined necessary, a plan would be implemented before breeding behavior is exhibited and after the burrow is confirmed empty by site surveillance and/or scoping.
- f. If occupied burrows or burrowing habitat (including debris piles) are observed within 500 feet of the construction area, a 165-foot buffer would be installed and maintained during the non-breeding season (typically October 1 through January 31), or a 655-foot buffer during the breeding season (typically February 1 through September 30). The buffer size may be modified, under direction of a qualified biologist, if it's determined that construction activities would not likely have an adverse effect on the owls. Work within the buffer area would only be resumed once a qualified biologist confirms that the burrow is no longer occupied.
- g. If occupied burrows cannot be avoided, passive on-site relocation techniques to encourage owls to move to alternative burrows outside the project area would be implemented during the non-breeding season, as directed by a qualified biologist and under consultation with the CDFW. No occupied burrows would be disturbed during the nesting period, unless a qualified biologist, in coordination with the CDFW, determines that juveniles are capable of foraging and surviving independently.
- h. Focused surveys for Swainson's hawk would be conducted according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley for two survey periods prior to project initiation. Three surveys would be conducted during each survey period to determine if Swainson's hawks are nesting within 600 feet of the BSA.

- i. If construction is scheduled to begin during Swainson's hawk nesting season (typically February 1 to September 30), pre-construction surveys would be completed by a qualified biologist no more than 48 hours prior to construction to determine if Swainson's hawks are nesting within 600 feet of the BSA. Surveys would be repeated if construction activities are suspended for five days or more.
- j. If any nesting Swainson's hawks are found in the BSA, appropriate buffers (typically 600 feet) would be installed and maintained, under direction of a qualified biologist, until the nest(s) are no longer active.
- 11. To avoid and/or minimize impacts on special-status bat species, the following measures would be implemented:
 - a. Tree removal and trimming, if any, would be conducted outside of the recognized bat maternity season (approximately April 1–September 15), and non-active season (November 1 February 28) season for bats where feasible.
 - b. Prior to construction, a qualified bat biologist would conduct a habitat assessment within the project area. Any trees that are determined to provide potentially suitable habitat would be marked "habitat trees" by the qualified biologist. The contractor must contact the County prior to any planned removal of trees marked "habitat trees."
 - c. During the summer months (June 1 to August 31) prior to construction, visual and acoustic surveys would be conducted for at least two nights at all identified roosting habitat to assess the presence of roosting bats. If presence of a roost is detected, a count and species analysis would be completed to help assess the type of colony and usage.
 - d. If the presence or absence of bats cannot be confirmed in potential roosting habitat, a qualified biologist would be onsite during tree removal/trimming or disturbance of this area. If the biologist determines that bats are being disturbed during this work, work would be suspended until bats have left the vicinity on their own or can be safely excluded under direction of the biologist. Work would resume only once all bats have left the site and/or approval to resume work is given by a qualified biologist.
 - e. No less than a month prior to construction, and outside of the recognized bat maternity season (April 1–September 15), bats would be safely evicted from roosts impacted by the project under the direction of a qualified biologist. Exclusionary devices would be installed where feasible on the bridge and in trees to prevent bats from returning and roosting in these areas. Roosts that would not be impacted by the project would be left undisturbed.
 - f. All removal of trees with potential bat habitat would be conducted using a 2-step process over two consecutive days under the supervision of a qualified biologist. On the first day, any trees that do not contain crevice or cavity roosting habitat, as determined by a qualified biologist, would be trimmed or removed (only if necessary for project construction). In addition, limited trimming of trees (branches and small limbs with no potential roosting features) would be completed. Construction crews would only use hand tools (i.e. chainsaws or similar). On the calendar day immediately following the trimming, all of trees that

- were or similar). On the calendar day immediately following the trimming, all of trees that were previously trimmed would be removed (only if necessary for project construction).
- g. In the event that a maternal colony of bats is found, no work would be conducted within 100 feet of the maternal roosting site until the maternal season is finished or the bats have left the site, or as otherwise directed by a qualified biologist. The site would be designated as a sensitive area and protected as such until the bats have left the site. No activities would be authorized adjacent to the roosting site. Combustion equipment, such as generators, pumps, and vehicles, would not to be parked nor operated under or adjacent to the roosting site. Construction personnel would not be authorized to enter areas beneath the colony, especially during the evening exodus (typically between 15 minutes prior to sunset and one hour following sunset).
- 12. To avoid potential impacts on the blunt-nosed leopard lizard (BNLL) and San Joaquin Kit Fox (SJFK), the following measures would be implemented per the CDFW survey and monitoring guidelines:
 - a. Worker Environmental Awareness Training for the leopard lizard and kit fox would be given to all personnel working on site and would include the ecology of the species, the sensitivity of the species to anthropogenic activities, legal protection afforded to the species, penalties for violations of federal and state laws, reporting requirements, and project features designed to reduce impacts on the species. This training would be conducted by a qualified biologist who is knowledgeable in the biology of the leopard lizard and kit fox.
 - b. Pre-construction surveys for the kit fox would be conducted by a qualified biologist no fewer than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Surveys would identify kit fox habitat features in the project area and evaluated use by kit fox. Surveys would be repeated if construction activities are suspended for 5 days or more. The status of all dens would be determined and mapped. If any dens are discovered, avoidance of the dens would follow the Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If a natal/pupping den is discovered in the project area or within 200 feet of the project area, the Service would be notified by Caltrans and, under no circumstances, would the den be disturbed or destroyed without an Incidental Take Statement for endangered species.
 - c. To prevent inadvertent entrapment of leopard lizard and kit fox or other animals during construction activities, all excavated, steep-walled holes or trenches more than six inches deep would be covered at the end of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks would be installed. Before such holes or trenches are filled, they would be thoroughly inspected for trapped animals. If a leopard lizard or kit fox are discovered, project activities in the immediate vicinity will stop, and the animals would be allowed to move on their own. If they are unable to leave or escape voluntarily, the qualified biologist would notify the Service for further guidance.

- d. A qualified biologist would complete pre-construction surveys no more than 48 hours prior to construction to determine the presence or absence of special-status reptile species in the project area. Surveys would be repeated if construction activities are suspended for five days or more. If these species are identified onsite, appropriate measures would be developed and implemented to avoid impacts on these wildlife species, in consultation with appropriate resource agencies as applicable. Measures may include relocation, limiting construction to avoid these species, or creating a species-specific mitigation plan.
- e. Adult leopard lizard surveys would be conducted 12 days over the course of the 90-day adult optimal survey period (April 15-July 15), with a maximum of four survey days per week and eight survey days within any 30-day period. At least one survey session should be conducted every four consecutive days.
- f. In addition to the 12 days of adult blunt-nosed leopard lizard surveys required for activities in this category, five additional survey days are required during the hatchling optimal survey period (August 15 to September 30), with at least two survey days conducted between August 15 and 30 and at least two survey days between September 15 and 30, for a total of 17 survey days overall within the same survey season/calendar year.
- g. In addition to the 12 days of adult blunt-nosed leopard lizard surveys required for activities in this category, five additional survey days are required during the hatchling optimal survey period (August 15 to September 30), with at least two survey days conducted between August 15 and 30 and at least two survey days between September 15 and 30, for a total of 17 survey days overall within the same survey season/calendar year.
- h. All burrows not directly impacted by the project would be avoided by a minimum 10-foot buffer. A 10-foot buffer would be maintained around burrows throughout project construction.
- i. A survey for leopard lizard that covers and follows the methods in CDFW's guidelines would be conducted each month during project implementation.
- j. A litter control program would be instituted in the project area. All workers would make sure their food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers would be removed from the project area at the end of each working day.
- k. No pets or firearms (except for federal, state, or local law enforcement office and security personnel) would be permitted on construction sites to avoid harassment, killing, or injuring of listed species.
- I. Use of rodenticides and herbicides in the project area would be prohibited.
- m. A representative appointed by the County would be the contact source for any employee or contractor who might inadvertently injure or kill a leopard lizard or kit fox or finds a dead, injured, or trapped individual. The representative would be identified during the employee education program. The representative's name and phone number would be provided to the Service. Any contractor, employee, or agency personnel who inadvertently kills, injures, or notices an entrapped

leopard lizard or kit fox would immediately report the incident to the representative. The representative would immediately contact CDFW and all project work would stop until the County, Caltrans, CDFW, and the Service identify the appropriate measures needed to continue work and avoid take, or the County obtains an Incidental Take Permit. A representative appointed by the County would be the contact source for any employee or contractor who might inadvertently injure or kill a San Joaquin kit fox or finds a dead, injured, or trapped individual. The representative would be identified during the employee education program. The representative's name and phone number would be provided to the USFWS. Any contractor, employee, or agency personnel who inadvertently kills, injures, or notices an entrapped San Joaquin kit fox would immediately report the incident to the representative. The representative would immediately contact CDFW and all project work would stop until the County, Caltrans, CDFW, and USFWS identify the appropriate measures needed to continue work and avoid take, or the County obtains an Incidental Take Permit.

Mohammad Alimi, Design Division Manager	Date	

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