



# Agenda Item

44

DATE: February 24, 2015

TO: Board of Supervisors

FROM: Alan Weaver, Director  
Department of Public Works and Planning

SUBJECT: Fresno Canal Bridge Replacement Project (Initial Study Application No. 6830, State Clearing House No. 2014121029)

## RECOMMENDED ACTION:

**Adopt Mitigated Negative Declaration prepared for the Fresno Canal Bridge Replacement project (Initial Study Application No. 6830, State Clearing House No. 2014121029)**

The recommended action would complete the California Environmental Quality Act (CEQA) review for the project.

## ALTERNATIVE ACTION:

If your Board determines that a Mitigated Negative Declaration (MND) is not adequate and that potentially significant environmental impacts may result from the project, your Board should not adopt the MND. Rather, your Board should direct staff to address the identified environmental impacts by adding to or modifying the Mitigation Monitoring and Reporting Program (MMRP) shown in Attachment "A" or direct staff to prepare an Environmental Impact Report (EIR).

## FISCAL IMPACT:

There is no net County cost associated with the recommended action. This project is eligible for funding under the Highway Bridge Program, which is part of the Moving Ahead for Progress in the 21st Century Act, as well as the toll credit program. These programs will provide 100 percent of project costs up to \$1,292,000. Any costs in excess of these allocations will be paid out of the Road Fund.

ADMINISTRATIVE OFFICE REVIEW

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APPROVED AS RECOMMENDED

Official Action of  
Board of Supervisors  
  
Deputy

UNANIMOUS ☒ BORGEAS \_\_\_\_\_ MENDES \_\_\_\_\_ PACHECO \_\_\_\_\_ PEREA \_\_\_\_\_ POOCHIGIAN \_\_\_\_\_

DISCUSSION:

A lead agency prepares an Initial Study to determine whether a project may have a significant effect on the environment. Based on the findings in the Initial Study, an EIR, Negative Declaration (ND) or a MND is prepared. An EIR is required if the Initial Study determines that the project may have a significant effect on the environment. A negative declaration is prepared if the Initial Study determines that the project will not have a significant effect on the environment. If mitigation measures are required, a MND is prepared.

The action before your Board today consists of adopting a MND in conformance with the provisions of CEQA for the Fresno Canal Bridge Replacement project on McKinley Avenue, located 0.8 miles east of Academy Avenue, near the City of Sanger. The proposed project would replace the existing two-lane timber bridge, built in 1939, with a new two-lane concrete bridge that meets current design standards. The existing structure is in poor condition and should be replaced due to its age and hydraulic deficiencies.

Initial Study Application No. 6830 indicates there is no evidence in the record that demonstrates the project will have a significant effect on the environment. Impacts to agricultural resources will be reduced to a less than significant level by reimbursing the land owners per the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and by notifying the California Department of Conservation prior to acquiring the right-of-way. The biological study prepared for the project requires preconstruction surveys and includes other avoidance and minimization measures to reduce potential biological impacts to a less than significant level. Potential impacts to cultural resources will be reduced to a less than significant level by requiring the construction contractor to halt work if archaeological resources or human remains are unearthed during construction until they can be properly evaluated by an archaeologist or the Fresno County Coroner. To reduce potential impacts to water quality, permits will be obtained from the Army Corps of Engineers, Regional Water Quality Control Board and the Department of Fish and Wildlife, as required. In addition, construction site Best Management Practices will be implemented by the construction contractor. Potential hazardous waste, such as lead paint or asbestos containing concrete, will be handled as required by the Initial Site Assessment prepared for the project. The MMRP prepared in conjunction with the Initial Study further details the required mitigation measures.

Based on the Initial Study, staff has concluded that preparation of an EIR is not required. The Department recommends adoption of a MND for this project based on the findings of Initial Study No. 6830. A Notice of Intent to adopt a MND was published in the Fresno Business Journal on January 23, 2015.

The project will require future Board approval to acquire right-of-way, adopt and advertise construction plans and specifications, and award the contract for construction of the bridge.

OTHER REVIEWING AGENCIES:

Caltrans provides oversight on local projects where federal funds are allocated.

REFERENCE MATERIAL:

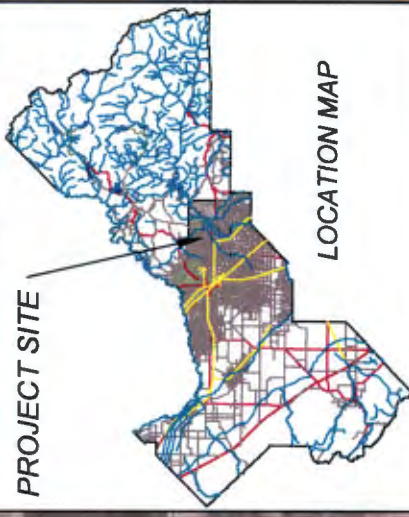
BAI #34, September 17, 2013 – Agt 13-580



SUPERVISOR'S DISTRICT 5

PROJECT LIMITS 400'  
E / W OF BRIDGE SITE

PROJECT SITE



LOCATION MAP



DEPARTMENT OF PUBLIC WORKS AND PLANNING

FRESNO CANAL BRIDGE  
REPLACEMENT ON MCKINLEY AVE  
FEDERAL PROJECT NO. BRLO-5942 (225)

DESIGNED M.Y.S. 08/14  
DRAWN J.M. 08/14

SCALE NONE

DATE 08/14  
BRIDGE NO(S). 42C0343 / 08-070

**Fresno Canal Bridge Replacement Project**  
**Mitigation Monitoring and Reporting Program**  
**(Including Conditions of Approval and Project Notes)**

Mitigation Measures					
Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
Agriculture	M 1:	Prior to construction, the project applicant (Fresno County Design Division) shall reimburse the land owners of parcels Assessor Parcel Number (APN) 309-070-19; APN 309-100-09; and APN 309-100-10 for the loss of active agricultural land that will occur due to project implementation per the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Act). Per the policies of the Act the Project applicant shall retain a real property acquisition firm to evaluate the partial purchase of the above mentioned parcels and to determine a fair-market monetary value for the land being acquired in each parcel.	Applicant	Fresno County Design Division, Department of Public Works and Planning	Prior to Construction
	M 2:	Prior to construction, the project applicant (Fresno County Design Division) shall notify the California Department of Conservation of the intent to acquire partial right-of-way land in APNs 309-070-19 (approximately 1.0 acre); APN 309-10-009 (approximately 0.90 acre); and APN 309-100-10 (approximately 0.30 acre), which are under Williamson Act Contracts. The notification shall follow the procedures set forth by the California Department of Conservation for Public Acquisitions of Williamson Act Contracted Land. The notice shall indicate the amount of land that would need to be acquired from each parcel to implement the proposed Project. The notice shall also indicate that the remaining land on the parcel is not required for Project implementation and that said land would continue to be under Williamson Act Contracts. Implementation of the mitigation measure recommended above would ensure that no	Applicant	Fresno County Design Division, Department of Public Works and Planning	Prior to Construction

## Mitigation Measures

Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
Biological:	M 1:	<p>adverse effects on Williamson Act Contracted land would occur with implementation of the proposed Project.</p> <p>Incorporation of the following avoidance and minimization measures prepared by Live Oak Associates in their Natural Environment Study (September 2014) will ensure that the project has low or negligible effects on sensitive biological resources:</p> <p>a) <b>Avoidance:</b> In order to avoid impacts to nesting raptors, migratory birds, and colonial nesting birds, project activities shall occur, where possible, outside the nesting season, or between September 1<sup>st</sup> and January 31<sup>st</sup>. Cliff swallow exclusion methods may be used to prevent nesting under the bridge if the exclusion device (i.e. netting, etc.) is installed outside of the nesting season or if during the nesting season a biologist has completed pre-construction surveys (see Mitigation Measure 5.2b below) and determined that there are no eggs or young present in nests under the bridge.</p> <p>b) <b>Pre-construction Surveys:</b> If project activities must commence during the nesting season (February 1-August 31), a qualified biologist shall conduct pre-construction surveys for active raptor and migratory bird nests and colonial nesting birds within 30 days of the onset of these activities. The survey area will include the Biological Resource Area (BSA) and a 250-foot buffer area surrounding the BSA, where accessible. If no active nests are found within the survey area, no further mitigation is required.</p> <p>c) <b>Establish Buffers:</b> Should any active nests be discovered during the pre-construction survey, the biologist shall determine appropriate construction setback distances based on site conditions and the biology of the affected species. Construction-free buffers shall be identified on the ground with flagging, fencing, or by other easily visible means.</p>	Applicant	Fresno County Design Division, Department of Public Works and Planning	Prior to Construction

## Mitigation Measures

Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		and shall be maintained until the biologist has determined that the young have fledged.			
	M 2:	<p>The following measures have been adapted from recommendations in the California Bat Mitigation Techniques, Solutions, and Effectiveness (Johnston et al. 2004) and Bat and Bridges Technical Bulletin – Hitch Hikers Guide to Bat Roosts (Erickson, G.A. 2002):</p> <p>a) <u>Pre-construction Surveys</u>: A pre-construction survey for roosting bats will be conducted by a qualified biologist within 15 days of the onset of construction during dusk. The survey area will include the East McKinley Avenue bridge over the Fresno Canal.</p> <p>b) <u>Avoidance of Active Maternity Roosts</u>: If pre-construction surveys and subsequent project activities are undertaken during the breeding (maternity roosting) season (April 1-August 31) and active roosting bats are located under the East McKinley Avenue and Fresno Canal bridge, a 100-foot construction setback shall be established around the bridge, or alternate avoidance measures shall be implemented in consultation with CDFW. The buffer areas shall be identified on the ground with flagging, fencing, or by other easily visible means, to prevent construction equipment and workers from entering the setback area. Buffers shall remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season, passive relocation of any remaining bats may take place as described below.</p> <p>c) <u>Passive Relocation of Resident Bats</u>: During the non-breeding season (September 1-March 31), resident bats occupying the East McKinley Avenue and Fresno Canal bridge may be passively relocated by a qualified biologist or professional pest control specialist. Passive relocation shall entail installing one-way doors on the bridge or utilizing other humane exclusion</p>	Applicant	Fresno County Design Division, Department of Public Works and Planning	Prior to Construction

## Mitigation Measures

Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>methods where the bats are located and leaving these devices in place for at least 48 hours to ensure bats have vacated the bridge. The areas where the bats were roosting can then be sealed to prevent reentry.</p> <p>Implementation of the above measures will reduce potential project impacts to roosting bats to a low to negligible level and ensure that the project is in compliance with state laws protecting these species.</p>			
Cultural Resources	M 1:	<p>Although the subject parcel is located in an area of low archeological sensitivity and has been extensively disturbed, if previously unidentified cultural materials are unearthed during construction, all work shall be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological surveys shall be needed if project limits are extended beyond the present survey limits.</p>	Applicant	Fresno County Design Division, Department of Public Works and Planning	During Construction
Water Quality	M 1:	<p>Preparation and implementation of construction site temporary Best Management Practices (BMPs) will comply with the provisions of the California Department of Transportation (Caltrans) Statewide National Pollutant Discharge Elimination System (NPDES) Permit and any subsequent permit as they relate to construction activities for the proposed Project. These BMPs would include submission of a Notice of Intent (NOI) to the Central Valley Regional Water Quality Control Board (RWQCB) at least 30 days before the start of construction and submission of a Notice of Termination (NOT) to the RWQCB upon completion of construction and stabilization of the Project site.</p> <p>Prior to any construction operations, temporary BMPs shall be installed and in place for the duration of the contract. The removal of these BMPs would be the final operation, along with the Project site cleanup.</p>	Applicant	Central Valley Regional Water Quality Control Board (RWQCB)	Prior to Construction

## Mitigation Measures

Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
	M 2:	As part of ongoing construction activities associated with the project, the County shall follow Design Pollution Prevention (DPP) and Treatment Control BMPs in accordance with the procedures outlined in the Stormwater Quality Handbooks, Project Planning and Design Guide. Compliance with DPP and Treatment Control BMPs would include coordination with the RWQCB with respect to feasibility, maintenance, and monitoring of Treatment Control BMPs as set forth in Caltrans' Statewide Stormwater Management Plan (SWMP). Since the project will disturb less than one acre, a Water Pollution Control Program (WPCP) will need to be prepared by a Qualified SWPPP Practitioner (QSP).	Applicant	Central Valley Regional Water Quality Control Board (RWQCB)	During Construction
	M 3:	To reduce temporary impacts to the existing canal, all refueling, maintenance, and staging of equipment and vehicles shall occur at least 18.3 meters (60 feet) from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. Regular monitoring would ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall provide Caltrans (on behalf of the FHWA) with a plan for prompt and effective response to any accidental spills. All workers would be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.	Applicant	Central Valley Regional Water Quality Control Board (RWQCB)	During Construction
	M 4:	To control sedimentation during and after Project implementation, Caltrans and the County shall implement best management practices outlined in any authorizations or permits, issued under the authorities of the CWA that it receives for the Project. If best management practices are ineffective, the County will attempt to remedy the situation immediately, in consultation with the regulatory and resource agencies.	Applicant	Central Valley Regional Water Quality Control Board (RWQCB)	During Construction

Mitigation Measures					
Impact	No.	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
Conditions of Approval					
Hazardous Materials	C 1	All construction materials deemed hazardous as identified in the demolition process must be characterized and disposed of in accordance with current federal, state and local requirements. These substances must also be disposed of at an approved disposal facility as determined by the characteristics.	Applicant	Fresno County Design Division, Department of Public Works and Planning	During Construction
Notes					
		In compliance with Standard Specifications, the Contractor must notify agencies as required by National Emissions Standards for Hazardous Air Pollutants (NESHAP). A copy of the notification forms and attachments shall be provided to the Engineer prior to submittal. Notification shall take place a minimum of 10 working days prior to starting demolition or renovation activities as defined in the NESHAP regulations.			