

# EXHIBIT E

**From:** [Jimenez, Roy](#)  
**To:** [Davis, Ethan](#)  
**Cc:** [Allen, Glenn](#)  
**Subject:** RE: Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal  
**Date:** Wednesday, March 18, 2020 4:37:26 PM  
**Attachments:** [Image005.png](#)  
[Image006.png](#)  
[Image010.emz](#)  
[Image012.png](#)  
[Image013.png](#)  
[Image014.png](#)  
[Image015.png](#)

Ethan

The Water/Natural Resources Division has reviewed the attached project and has no comments to offer at this time.

Thank you.



**Roy Jimenez, Jr. | Planner**

**Department of Public Works and Planning | Water and Natural Resources Division**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4292 Direct: (559) 600-4251

[Your input matters! Customer Service Survey](#)

**From:** Davis, Ethan <thdavis@fresnocountyca.gov>

**Sent:** Wednesday, March 18, 2020 4:29 PM

**To:** White, Steven <stwhite@fresnocountyca.gov>; Jimenez, Bernard <Bjimenez@fresnocountyca.gov>; Thompson, John R. <jthompson@fresnocountyca.gov>; Kettler, William <WKettler@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>; Khorsand, Mohammad <mkhorsand@fresnocountyca.gov>; Gutierrez, Daniel <dangutierrez@fresnocountyca.gov>; Anders, James <janders@fresnocountyca.gov>; Luna, Hector <HLuna@fresnocountyca.gov>; Mather, Daniel N. <dmather@fresnocountyca.gov>; Flores Becker, Amina <afloresbecker@fresnocountyca.gov>; Nehring, Kevin <knehring@fresnocountyca.gov>; Kennedy, Laurie <lkennedy@fresnocountyca.gov>; Lopez, Nadia <nlopez@fresnocountyca.gov>; Alimi, Mohammad <malmi@fresnocountyca.gov>; Siemer, Dale <DSiemer@fresnocountyca.gov>; Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>; Allen, Glenn <glallen@fresnocountyca.gov>; Jimenez, Roy <RJJimenez@fresnocountyca.gov>; Sidhu, Sukhdeep <ssidhu@fresnocountyca.gov>; Rhodes, Steven <srhodes@fresnocountyca.gov>; Zanon, John <john.zanon@fresnosheriff.org>; Reynolds, John <john.reynolds@fresnosheriff.org>; Hernandez, Louis <louis.hernandez@fresnosheriff.org>; Curtice, Kathy <kathy.curtice@fresnosheriff.org>; Hushaw, Ryan <ryan.hushaw@fresnosheriff.org>; Coletti, Karen <karen.coletti@fresnolibrary.org>; sarah\_d\_yates@fws.gov; patricia\_cole@fws.gov; Matt.Scroggins@waterboards.ca.gov; Craig.Bailey@wildlife.ca.gov; Dave.Kereazis@dtsc.ca.gov; Kevin.Faulkenberry@water.ca.gov; ceqa@valleyair.org; rschafer@rlsmap.com; Rick Hoelzel <rhoelzel@krcd.org>; Jim.McDougald@fire.ca.gov; Bird, Ken <KBird@fresnocountyca.gov>

**Cc:** Mollring, Marianne <mmollring@fresnocountyca.gov>

**Subject:** Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

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

DATE: March 18, 2020

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning,  
Attn: Marianne Mollring, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC,  
Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review,  
Attn: Daniel Gutierrez/James Anders  
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna  
Development Services and Capital Projects, Building & Safety/Plan Check, CASp,  
Attn: Dan Mather  
Resources Division, Solid Waste, Attn: Amina Flores-Becker  
Development Engineering, Attn: Kevin Nehring, Senior Engineer  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez  
Design Division, Special Projects/Road Projects, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Community Development Division, Attn: Glenn Allen, Division Manager  
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez  
Fresno County Health Officer, Dept. of Public Health, Attn: Ken Bird, M.D.  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/  
Steven Rhodes

Sheriff's Office, Attn: Captain John Zaroni, Lt. John Reynolds, Lt. Louie Hernandez,  
Lt. Kathy Curtice, Lt. Ryan Hushaw  
Fresno County Historical Landmarks Commission, Attn: Karen Coletti  
U.S. Fish and Wildlife Service, San Joaquin Valley Division,  
Attn: Patricia Cole & Sarah Yates  
CA Regional Water Quality Control Board, Attn: Matt Scroggins  
CA Department of Fish and Wildlife, Attn: Craig Bailey,  
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kereazis  
CA Department of Water Resources, Attn: Kevin Faulkenberry  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),  
Attn: PIC Supervisor  
Liberty Water District, Attn: R.L. Schafer, Consultant  
Kings River Conservation District, Attn: Rick Hoelzel  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Ethan Davis, Planner  
Development Services and Capital Projects Division

Subject: Initial Study Application No. 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

Applicant: Fresno County Design Division

Due Date: April 6, 2020

The Department of Public Works and Planning, Development Services Division is reviewing the subject application Elkhorn Avenue Bridge Replacement over Liberty Millrace Canal. The project would replace a badly damaged double concrete arch culvert with a bridge that meets current safety standards. Type selection is still in progress; however, it is anticipated that the replacement bridge would be a reinforced concrete double box culvert with two 12-foot lanes. Road approach improvements would start at approximately 400 feet on either side of the bridge. (SUP. DIST. 4).

The Department is also reviewing for environmental effects as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Please return your comments by **April 6, 2020**. If you your agency or department has no comments, please return a "No Comment" response. If you need extra time to review the proposed project, please let me know before the comment deadline.



**Ethan Davis** | Planner

**Department of Public Works and Planning | Development Services and Capital Projects**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4230 Direct: (559) 600-9669

[Your input matters! Customer Service Survey](#)

**From:** [Nehring, Kevin](#)  
**To:** [Davis, Ethan](#)  
**Cc:** [White, Steven](#); [Kettler, William](#); [Motta, Chris](#); [Mollring, Marianne](#); [Meyer, Mark](#); [Alimi, Mohammad](#)  
**Subject:** RE: Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal  
**Date:** Wednesday, March 18, 2020 5:44:30 PM  
**Attachments:** [Image004.png](#)  
[Image005.png](#)  
[Image006.emz](#)  
[Image012.png](#)  
[NGS GT1219.pdf](#)  
[CR00144.pdf](#)  
[Image002.png](#)  
[Image003.png](#)

Ethan –

Prior to site development, all survey monumentation – Property Corners, Centerline Monumentation, Section Corners, County Benchmarks, Federal Benchmarks and Triangulation Stations, etc. - within the subject area shall be preserved in accordance with Section 8771 of the Professional Land Surveyors Act and Section 6730.2 of the Professional Engineers Act.

Two marks of note:

County benchmark NJ13: This benchmark lies on the southwest portion of the bridge deck. It has been Blue-booked and added to the National Geodetic Survey (NGS) Database. Appropriate measures shall be implemented to protect or relocate the location of the monument. The NGS shall be notified in accordance with Federal Instruction with any action taken with this monument.

The Northwest corner of Section 3, T.17 S., R.19 E., M.D.B. & M.: The proposed alignment will impact the location of this monument. This is a closing corner on a Township line, the position of which impacts parcel lines up to a mile east, west, and south. Appropriate measures shall be implemented to protect the location of the monument.

Other monuments may exist within the project site. They shall be protected accordingly as well.

Let me know if you have any questions or need any additional information.



**Kevin W. Nehring, PLS | Deputy County Surveyor**  
**Department of Public Works and Planning | Development Services and Capital Projects Division**  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4022 Direct: (559) 600-4514  
[Your input matters! Customer Service Survey](#)

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**Cc:** Mollring, Marianne <mmollring@fresnocountyca.gov>

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

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Fresno County Health Officer, Dept. of Public Health, Attn: Ken Bird, M.D.  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/  
Steven Rhodes  
Sheriff's Office, Attn: Captain John Zaroni, Lt. John Reynolds, Lt. Louie Hernandez,  
Lt. Kathy Curtice, Lt. Ryan Hushaw  
Fresno County Historical Landmarks Commission, Attn: Karen Coletti  
U.S. Fish and Wildlife Service, San Joaquin Valley Division,  
Attn: Patricia Cole & Sarah Yates  
CA Regional Water Quality Control Board, Attn: Matt Scroggins  
CA Department of Fish and Wildlife, Attn: Craig Bailey,  
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kereazis  
CA Department of Water Resources, Attn: Kevin Faulkenberry  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),  
Attn: PIC Supervisor  
Liberty Water District, Attn: R.L. Schafer, Consultant  
Kings River Conservation District, Attn: Rick Hoelzel  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Ethan Davis, Planner  
Development Services and Capital Projects Division

Subject: Initial Study Application No. 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

Applicant: Fresno County Design Division

Due Date: April 6, 2020

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Please return your comments by **April 6, 2020**. If your agency or department has no comments, please return a "No Comment" response. If you need extra time to review the proposed project, please let me know before the comment deadline.



**Ethan Davis | Planner**

**Department of Public Works and Planning | Development Services and Capital Projects**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4230 Direct: (559) 600-9669

[Your input matters! Customer Service Survey](#)

# CORNER RECORD

COUNTY OF FRESNO T. 17S R. 19E M.D.B. 6 MERIDIAN CALIFORNIA  
 CORNER TYPE: GOV'T. CORNER ☒ MEANDER ☐ RANCHO ☐ CONTROL ☐ OTHER ☐  
 CORNER IDENTIFICATION - DATE OF VISIT JANUARY 6, 1975



NORTHWEST CORNER SECTION 3

CORNER - LEFT AS FOUND ☐ FOUND AND TAGGED ☒ REESTABLISHED OBLITERATED CORNER ☐ REBUILT ☐

PHYSICAL DESCRIPTION OF CORNER FOUND; EVIDENCE AND METHOD USED TO IDENTIFY OR REESTABLISH

FOUND 2 3/4" CAPPED PIPE 1.2' DEEP, NO I.D. TAG

RECORD OF SURVEY BK. 27, PG. 20, F.C.R. APRIL 11, 1975

PHYSICAL DESCRIPTION OF MONUMENTS REBUILT OR PERPETUATED

RAISED FOUND PIPE WITH 1 X 2 TAGGED R.C.E. 21489

CALIFORNIA COORDINATE SYSTEM ORDER: FIRST ☐ SECOND ☐ THIRD ☐  
 STATIONS USED: NGS (USC & GS) ☐ STATE ☐ COUNTY ☐ OTHER ☐ STATION \_\_\_\_\_ STATION \_\_\_\_\_  
 ZONE \_\_\_\_\_ ELEVATION \_\_\_\_\_ NORTHINGS (Y) \_\_\_\_\_ EASTINGS (X) \_\_\_\_\_

SKETCH: (Include reference tie or witness points, remarks and topo of area)

119.44' SW TO SHINER IN P.R.  
 121.46' SE TO SHINER IN P.R.  
 256.87' E TO X IN WEST END OF NORTH CONC. BRIDGE WALL  
 30.6' S TO P.L. E. & W.  
 ON BOTTOM WESTERLY TOE OF CANAL BANK SOUTH  
 MZA JOB NO. 74457 & T3366



## SURVEYOR'S CERTIFICATE

THIS CORNER RECORD WAS PREPARED BY ME OR UNDER MY  
 DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS ACT  
 ON JANUARY 27, 1975.

SIGNED: John A. Zumwalt

REG. OF R.C.E. No. R.C.E. 21489

SEAL

## COUNTY SURVEYOR'S CERTIFICATE

THE CORNER RECORD WAS RECEIVED MAR. 13, 1975  
 AND EXAMINED AND FILED APR. 18, 1975.

BY: [Signature]  
 TITLE: RCE

DOCUMENT No. 00144

STATEMENT ON BACK OF SHEET

YES ☐ NO ☒

# The NGS Data Sheet

See file [dsdata.pdf](#) for more information about the datasheet.

PROGRAM = datasheet95, VERSION = 8.12.5.6

Starting Datasheet Retrieval...

```

1      National Geodetic Survey,      Retrieval Date = MARCH 18, 2020
GT1219 *****
GT1219 DESIGNATION - NJ 13
GT1219 PID - GT1219
GT1219 STATE/COUNTY- CA/FRESNO
GT1219 COUNTRY - US
GT1219 USGS QUAD - BURREL (2018)
GT1219
GT1219 *CURRENT SURVEY CONTROL
GT1219
GT1219* NAD 83(1986) POSITION- 36 29 19.7 (N) 119 54 16.0 (W) HD_HELD2
GT1219* NAVD 88 ORTHO HEIGHT - 67.34 (+/-2cm) 220.9 (feet) VERTCON
GT1219
GT1219 GEOID HEIGHT - -33.085 (meters) GEOID18
GT1219 VERT ORDER - SECOND CLASS 0 (See Below)
GT1219
GT1219.The horizontal coordinates were established by autonomous hand held GPS
GT1219.observations and have an estimated accuracy of +/- 10 meters.
GT1219.
GT1219.The NAVD 88 height was computed by applying the VERTCON shift value to
GT1219.the NGVD 29 height (displayed under SUPERSEDED SURVEY CONTROL.)
GT1219
GT1219.Significant digits in the geoid height do not necessarily reflect accuracy.
GT1219.GEOID18 height accuracy estimate available here.
GT1219
GT1219.The vertical order pertains to the NGVD 29 superseded value.
GT1219
GT1219.Click photographs - Photos may exist for this station.
GT1219
GT1219; North East Units Estimated Accuracy
GT1219;SPC CA 4 - 628,594. 1,918,964. MT (+/- 10 meters HH2 GPS)
GT1219
GT1219_U.S. NATIONAL GRID SPATIAL ADDRESS: 11SKA3982142089(NAD 83)
GT1219
GT1219 SUPERSEDED SURVEY CONTROL
GT1219
GT1219 NGVD 29 (??/??/92) 66.510 (m) 218.21 (f) ADJ UNCH 2 0
GT1219
GT1219.Superseded values are not recommended for survey control.
GT1219
GT1219.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.
GT1219.See file dsdata.pdf to determine how the superseded data were derived.
GT1219
GT1219_MARKER: DD = SURVEY DISK
GT1219_SETTING: 36 = SET IN A MASSIVE STRUCTURE
GT1219_SP_SET: BRIDGE
GT1219_STAMPING: N J 13
GT1219_STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL
GT1219_SATELLITE: THE SITE LOCATION WAS REPORTED AS SUITABLE FOR

```

GT1219+SATELLITE: SATELLITE OBSERVATIONS - May 20, 2010

GT1219

GT1219	HISTORY	- Date	Condition	Report By
GT1219	HISTORY	- UNK	MONUMENTED	CA-019
GT1219	HISTORY	- 1972	GOOD	NGS
GT1219	HISTORY	- 20100520	GOOD	GEOCAC

GT1219

GT1219 STATION DESCRIPTION

GT1219

GT1219'DESCRIBED BY NATIONAL GEODETIC SURVEY 1972

GT1219'4.6 MI E FROM BURREL.

GT1219'4.55 MILES EAST ALONG ELKHORN AVENUE FROM THE POST OFFICE AT

GT1219'BURREL, AT THE CROSSING OF A POWER LINE, IN THE TOP AND 0.9

GT1219'FOOT EAST OF THE WEST END OF THE SOUTH CONCRETE GUARDRAIL OF

GT1219'A CONCRETE BRIDGE OVER LIBERTY MILLRACE CANAL, 13 FEET SOUTH

GT1219'OF THE CENTER LINE OF THE AVENUE, AND ABOUT 2 FEET HIGHER THAN THE

GT1219'AVENUE. SECTION 33, T17S, R19E

GT1219

GT1219 STATION RECOVERY (2010)

GT1219

GT1219'RECOVERY NOTE BY GEOCACHING 2010 (TG)

GT1219'RECOVERED IN GOOD CONDITION AT N 36 29.328 W 119 54.266 AT AN

GT1219'ELEVATION OF 199'. BENCHMARK HAS BEEN PAINTED NUMEROUS TIMES MAKING

GT1219'IT DIFFICULT TO READ.

\*\*\* retrieval complete.

Elapsed Time = 00:00:02



# FRESNO COUNTY FIRE

PROTECTION DISTRICT  
Avenue

210 South Academy

Sanger, California 93657  
Telephone: (559) 493-4300  
Fax: (559) 875-7451

March 19, 2020

Ethan Davis, Planner – Development Services Division  
County of Fresno  
Fresno County Public Works & Development Services  
2220 Tulare Street, Suite A  
Fresno, CA 93721

Transmitted by Email to: [thdavis@fresnocountyca.gov](mailto:thdavis@fresnocountyca.gov)

RE: **Reference # IS#7764**  
**Name FRESNO COUNTY DESIGN DIVISION**  
**Address W. ELKHORN AVE**  
**City, State, Zip**

Dear Mr. Davis:

Fresno County Fire Protection District (FCFPD) has received notice of this project, and has not identified any significant concerns. FCFPD has no comment for this project at this time. If future development is sought your project/development shall annex to Community Facilities District No. 2010-01 of the Fresno County Fire Protection District. The project/development also will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

Please feel free to contact me at (559) 493-4359 with any questions, comments and/or concerns.

Sincerely,

MARK A. JOHNSON  
Fire Chief

By

JIM McDOUGALD, DIVISION CHIEF  
Fire Prevention

**From:** [Hensley, Gloria](#)  
**To:** [Davis, Ethan](#)  
**Subject:** RE: Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal  
**Date:** Monday, March 23, 2020 1:25:09 PM  
**Attachments:** [image004.png](#)  
[image006.png](#)  
[image009.emz](#)  
[image012.png](#)  
[image007.png](#)  
[image008.png](#)

Ethan –

County Transportation has completed our review of Initial Study 7764 and provides the following comment:

- Per the application details, this project is not anticipated to require a Traffic Impact Study. However at such time that development occurs a Traffic Management Plan will likely be required.

Thank you,



**Gloria Hensley | Planner**  
Department of Public Works and Planning | Design Division  
2220 Tulare St. 7th Floor Fresno, CA 93721  
Main Office: (559) 600-4109 Direct: (559) 600-0523  
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**From:** Davis, Ethan <[thdavis@fresnocountyca.gov](mailto:thdavis@fresnocountyca.gov)>

**Sent:** Wednesday, March 18, 2020 4:29 PM

**To:** White, Steven <[stwhite@fresnocountyca.gov](mailto:stwhite@fresnocountyca.gov)>; Jimenez, Bernard <[BJimenez@fresnocountyca.gov](mailto:BJimenez@fresnocountyca.gov)>; Thompson, John R. <[jothompson@fresnocountyca.gov](mailto:jothompson@fresnocountyca.gov)>; Kettler, William <[WKettler@fresnocountyca.gov](mailto:WKettler@fresnocountyca.gov)>; Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>; Khorsand, Mohammad <[mkhorsand@fresnocountyca.gov](mailto:mkhorsand@fresnocountyca.gov)>; Gutierrez, Daniel <[dangutierrez@fresnocountyca.gov](mailto:dangutierrez@fresnocountyca.gov)>; Anders, James <[janders@fresnocountyca.gov](mailto:janders@fresnocountyca.gov)>; Luna, Hector <[HLuna@fresnocountyca.gov](mailto:HLuna@fresnocountyca.gov)>; Mather, Daniel N. <[dmather@fresnocountyca.gov](mailto:dmather@fresnocountyca.gov)>; Flores Becker, Amina <[afloresbecker@fresnocountyca.gov](mailto:afloresbecker@fresnocountyca.gov)>; Nehring, Kevin <[knehring@fresnocountyca.gov](mailto:knehring@fresnocountyca.gov)>; Kennedy, Laurie <[lkennedy@fresnocountyca.gov](mailto:lkennedy@fresnocountyca.gov)>; Lopez, Nadia <[nllopez@fresnocountyca.gov](mailto:nllopez@fresnocountyca.gov)>; Alimi, Mohammad <[malimi@fresnocountyca.gov](mailto:malimi@fresnocountyca.gov)>; Siemer, Dale <[DSiemer@fresnocountyca.gov](mailto:DSiemer@fresnocountyca.gov)>; Spaunhurst, Brian <[bspaunhurst@fresnocountyca.gov](mailto:bspaunhurst@fresnocountyca.gov)>; Allen, Glenn <[glallen@fresnocountyca.gov](mailto:glallen@fresnocountyca.gov)>; Jimenez, Roy <[RJJimenez@fresnocountyca.gov](mailto:RJJimenez@fresnocountyca.gov)>; Sidhu, Sukhdeep <[ssidhu@fresnocountyca.gov](mailto:ssidhu@fresnocountyca.gov)>; Rhodes, Steven <[srhodes@fresnocountyca.gov](mailto:srhodes@fresnocountyca.gov)>; Zaroni, John <[john.zaroni@fresnosheriff.org](mailto:john.zaroni@fresnosheriff.org)>; Reynolds, John <[john.reynolds@fresnosheriff.org](mailto:john.reynolds@fresnosheriff.org)>; Hernandez, Louis <[louis.hernandez@fresnosheriff.org](mailto:louis.hernandez@fresnosheriff.org)>; Curtice, Kathy <[kathy.curtice@fresnosheriff.org](mailto:kathy.curtice@fresnosheriff.org)>; Hushaw, Ryan <[ryan.hushaw@fresnosheriff.org](mailto:ryan.hushaw@fresnosheriff.org)>; Coletti, Karen <[karen.coletti@fresnolibrary.org](mailto:karen.coletti@fresnolibrary.org)>; [sarah\\_d\\_yates@fws.gov](mailto:sarah_d_yates@fws.gov); [patricia\\_cole@fws.gov](mailto:patricia_cole@fws.gov); [Matt.Scroggins@waterboards.ca.gov](mailto:Matt.Scroggins@waterboards.ca.gov); [Craig.Bailey@wildlife.ca.gov](mailto:Craig.Bailey@wildlife.ca.gov); [Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov); [Kevin.Faulkenberry@water.ca.gov](mailto:Kevin.Faulkenberry@water.ca.gov); [ceqa@valleyair.org](mailto:ceqa@valleyair.org); [rschafer@rlsmap.com](mailto:rschafer@rlsmap.com); Rick Hoelzel <[rhoelzel@krcc.org](mailto:rhoelzel@krcc.org)>; [Jim.McDougald@fire.ca.gov](mailto:Jim.McDougald@fire.ca.gov); Bird, Ken <[KBird@fresnocountyca.gov](mailto:KBird@fresnocountyca.gov)>

**Cc:** Mollring, Marianne <[mmollring@fresnocountyca.gov](mailto:mmollring@fresnocountyca.gov)>

**Subject:** Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

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

DATE: March 18, 2020

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez, Assistant Director  
Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
Development Services and Capital Projects, Attn: William M. Kettler, Division Manager  
Development Services and Capital Projects, Attn: Chris Motta, Principal Planner  
Development Services and Capital Projects, Current Planning,  
Attn: Marianne Mollring, Senior Planner  
Development Services and Capital Projects, Policy Planning, ALCC,  
Attn: Mohammad Khorsand, Senior Planner  
Development Services and Capital Projects, Zoning & Permit Review,  
Attn: Daniel Gutierrez/James Anders  
Development Services and Capital Projects, Site Plan Review, Attn: Hector Luna  
Development Services and Capital Projects, Building & Safety/Plan Check, CASp,  
Attn: Dan Mather  
Resources Division, Solid Waste, Attn: Amina Flores-Becker  
Development Engineering, Attn: Kevin Nehring, Senior Engineer  
Development Engineering, Attn: Laurie Kennedy, Grading/Mapping  
Road Maintenance and Operations, Attn: John Thompson/Nadia Lopez  
Design Division, Special Projects/Road Projects, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Design Division, Transportation Planning, Attn: Mohammad Alimi/Dale Siemer/Brian Spaunhurst  
Community Development Division, Attn: Glenn Allen, Division Manager  
Water and Natural Resources Division, Attn: Glenn Allen, Division Manager; Roy Jimenez  
Fresno County Health Officer, Dept. of Public Health, Attn: Ken Bird, M.D.  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/

Steven Rhodes  
Sheriff's Office, Attn: Captain John Zanoni, Lt. John Reynolds, Lt. Louie Hernandez,  
Lt. Kathy Curtice, Lt. Ryan Hushaw  
Fresno County Historical Landmarks Commission, Attn: Karen Coletti  
U.S. Fish and Wildlife Service, San Joaquin Valley Division,  
Attn: Patricia Cole & Sarah Yates  
CA Regional Water Quality Control Board, Attn: Matt Scroggins  
CA Department of Fish and Wildlife, Attn: Craig Bailey,  
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kereazis  
CA Department of Water Resources, Attn: Kevin Faulkenberry  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),  
Attn: PIC Supervisor  
Liberty Water District, Attn: R.L. Schafer, Consultant  
Kings River Conservation District, Attn: Rick Hoelzel  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Ethan Davis, Planner  
Development Services and Capital Projects Division

Subject: Initial Study Application No. 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

Applicant: Fresno County Design Division

Due Date: April 6, 2020

The Department of Public Works and Planning, Development Services Division is reviewing the subject application Elkhorn Avenue Bridge Replacement over Liberty Millrace Canal. The project would replace a badly damaged double concrete arch culvert with a bridge that meets current safety standards. Type selection is still in progress; however, it is anticipated that the replacement bridge would be a reinforced concrete double box culvert with two 12-foot lanes. Road approach improvements would start at approximately 400 feet on either side of the bridge. (SUP. DIST. 4).

The Department is also reviewing for environmental effects as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Please return your comments by **April 6, 2020**. If you your agency or department has no comments, please return a "No Comment" response. If you need extra time to review the proposed project, please let me know before the comment deadline.



**Ethan Davis** | Planner

**Department of Public Works and Planning | Development Services and Capital Projects**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4230 Direct: (559) 600-9669

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**From:** [Sidhu, Sukhdeep](#)  
**To:** [Davis, Ethan](#)  
**Cc:** [Rhodes, Steven](#); [Tsuda, Kevin](#)  
**Subject:** IS 7764 Elkhorn Avenue Bridge Replacement  
**Date:** Wednesday, April 1, 2020 3:17:48 PM  
**Attachments:** [image001.wmz](#)  
[image002.png](#)  
[oledata.mso](#)

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Hi Ethan,

The Environmental Health Division has completed the review of IS 7764 for the Elkhorn Avenue Bridge replacement and concur with the probable environmental effects outlined in the study and has no comments to offer at this time.

Sincerely,

Sukhdeep(Deep) Sidhu, R.E.H.S  
Environmental Health Specialist  
Phone(559)600-3271  
Fax (559)455-4646  
E-mail [ssidhu@fresnocountyca.gov](mailto:ssidhu@fresnocountyca.gov)  
<http://www.fresnocountycupa.com/>  
<http://www.co.fresno.ca.us/divisionpage.aspx?id=908>

**From:** [Nakagawa, Wendy](#)  
**To:** [Davis, Ethan](#)  
**Cc:** [Lopez, Nadia](#)  
**Subject:** FW: Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal  
**Date:** Monday, April 6, 2020 11:32:51 AM  
**Attachments:** [Image001.png](#)  
[Image004.png](#)  
[IS 7764 Routing Package.pdf](#)  
[Image008.png](#)  
[Image003.emz](#)  
[Image005.png](#)  
[Image006.png](#)  
**Importance:** High

No comment.



**Wendy Nakagawa, P.E. | Senior Engineer**

**Department of Public Works and Planning | Road Maintenance and Operations Division**

2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4240 Direct: (559) 600-4265

[Your input matters! Customer Service Survey](#)

**From:** Davis, Ethan <[thdavis@fresnocountyca.gov](mailto:thdavis@fresnocountyca.gov)>

**Sent:** Wednesday, March 18, 2020 4:29 PM

**To:** White, Steven <[stwhite@fresnocountyca.gov](mailto:stwhite@fresnocountyca.gov)>; Jimenez, Bernard <[BJimenez@fresnocountyca.gov](mailto:BJimenez@fresnocountyca.gov)>; Thompson, John R. <[jthompson@fresnocountyca.gov](mailto:jthompson@fresnocountyca.gov)>; Kettler, William <[WKettler@fresnocountyca.gov](mailto:WKettler@fresnocountyca.gov)>; Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>; Khorsand, Mohammad <[mkhorsand@fresnocountyca.gov](mailto:mkhorsand@fresnocountyca.gov)>; Gutierrez, Daniel <[dangutierrez@fresnocountyca.gov](mailto:dangutierrez@fresnocountyca.gov)>; Anders, James <[janders@fresnocountyca.gov](mailto:janders@fresnocountyca.gov)>; Luna, Hector <[HLuna@fresnocountyca.gov](mailto:HLuna@fresnocountyca.gov)>; Mather, Daniel N. <[dmather@fresnocountyca.gov](mailto:dmather@fresnocountyca.gov)>; Flores Becker, Amina <[afloresbecker@fresnocountyca.gov](mailto:afloresbecker@fresnocountyca.gov)>; Nehring, Kevin <[knehring@fresnocountyca.gov](mailto:knehring@fresnocountyca.gov)>; Kennedy, Laurie <[lkennedy@fresnocountyca.gov](mailto:lkennedy@fresnocountyca.gov)>; Lopez, Nadia <[nlopez@fresnocountyca.gov](mailto:nlopez@fresnocountyca.gov)>; Alimi, Mohammad <[malimi@fresnocountyca.gov](mailto:malimi@fresnocountyca.gov)>; Siemer, Dale <[DSiemer@fresnocountyca.gov](mailto:DSiemer@fresnocountyca.gov)>; Spaunhurst, Brian <[bspaunhurst@fresnocountyca.gov](mailto:bspaunhurst@fresnocountyca.gov)>; Allen, Glenn <[glallen@fresnocountyca.gov](mailto:glallen@fresnocountyca.gov)>; Jimenez, Roy <[RJJimenez@fresnocountyca.gov](mailto:RJJimenez@fresnocountyca.gov)>; Sidhu, Sukhdeep <[ssidhu@fresnocountyca.gov](mailto:ssidhu@fresnocountyca.gov)>; Rhodes, Steven <[srhodes@fresnocountyca.gov](mailto:srhodes@fresnocountyca.gov)>; Zanoni, John <[john.zanoni@fresnosheriff.org](mailto:john.zanoni@fresnosheriff.org)>; Reynolds, John <[john.reynolds@fresnosheriff.org](mailto:john.reynolds@fresnosheriff.org)>; Hernandez, Louis <[louis.hernandez@fresnosheriff.org](mailto:louis.hernandez@fresnosheriff.org)>; Curtice, Kathy <[kathy.curtice@fresnosheriff.org](mailto:kathy.curtice@fresnosheriff.org)>; Hushaw, Ryan <[ryan.hushaw@fresnosheriff.org](mailto:ryan.hushaw@fresnosheriff.org)>; Coletti, Karen <[karen.coletti@fresnolibrary.org](mailto:karen.coletti@fresnolibrary.org)>; [sarah\\_d\\_yates@fws.gov](mailto:sarah_d_yates@fws.gov); [patricia\\_cole@fws.gov](mailto:patricia_cole@fws.gov); [Matt.Scroggins@waterboards.ca.gov](mailto:Matt.Scroggins@waterboards.ca.gov); [Craig.Bailey@wildlife.ca.gov](mailto:Craig.Bailey@wildlife.ca.gov); [Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov); [Kevin.Faulkenberry@water.ca.gov](mailto:Kevin.Faulkenberry@water.ca.gov); [ceqa@valleyair.org](mailto:ceqa@valleyair.org); [rschafer@rlsmap.com](mailto:rschafer@rlsmap.com); Rick Hoelzel <[rhoelzel@krcd.org](mailto:rhoelzel@krcd.org)>; [Jim.McDougald@fire.ca.gov](mailto:Jim.McDougald@fire.ca.gov); Bird, Ken <[KBird@fresnocountyca.gov](mailto:KBird@fresnocountyca.gov)>

**Cc:** Mollring, Marianne <[mmollring@fresnocountyca.gov](mailto:mmollring@fresnocountyca.gov)>

**Subject:** Request For Comments: IS 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

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

**DATE:** March 18, 2020

**TO:** Department of Public Works and Planning, Attn: Steven E. White, Director  
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Department of Public Works and Planning, Attn: John R. Thompson, Assistant Director  
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Fresno County Health Officer, Dept. of Public Health, Attn: Ken Bird, M.D.  
Department of Public Health, Environmental Health Division, Attn: Deep Sidhu/  
Steven Rhodes  
Sheriff's Office, Attn: Captain John Zanoni, Lt. John Reynolds, Lt. Louie Hernandez,

Lt. Kathy Curtice, Lt. Ryan Hushaw  
Fresno County Historical Landmarks Commission, Attn: Karen Coletti  
U.S. Fish and Wildlife Service, San Joaquin Valley Division,  
Attn: Patricia Cole & Sarah Yates  
CA Regional Water Quality Control Board, Attn: Matt Scroggins  
CA Department of Fish and Wildlife, Attn: Craig Bailey,  
CA Department of Toxic Substance Control (CEQA unit), Attn: Dave Kereazis  
CA Department of Water Resources, Attn: Kevin Faulkenberry  
San Joaquin Valley Unified Air Pollution Control District (PIC-CEQA Division),  
Attn: PIC Supervisor  
Liberty Water District, Attn: R.L. Schafer, Consultant  
Kings River Conservation District, Attn: Rick Hoelzel  
Fresno County Fire Protection District, Attn: Jim McDougald, Division Chief

FROM: Ethan Davis, Planner  
Development Services and Capital Projects Division

Subject: Initial Study Application No. 7764 - Elkhorn Ave Bridge over Liberty Millrace Canal

Applicant: Fresno County Design Division

Due Date: April 6, 2020

The Department of Public Works and Planning, Development Services Division is reviewing the subject application Elkhorn Avenue Bridge Replacement over Liberty Millrace Canal. The project would replace a badly damaged double concrete arch culvert with a bridge that meets current safety standards. Type selection is still in progress; however, it is anticipated that the replacement bridge would be a reinforced concrete double box culvert with two 12-foot lanes. Road approach improvements would start at approximately 400 feet on either side of the bridge. (SUP. DIST. 4).

The Department is also reviewing for environmental effects as mandated by the California Environmental Quality Act (CEQA) and for conformity with plans and policies of the County.

Please return your comments by **April 6, 2020**. If you your agency or department has no comments, please return a "No Comment" response. If you need extra time to review the proposed project, please let me know before the comment deadline.



**Ethan Davis** | Planner

**Department of Public Works and Planning | Development Services and Capital Projects**

2220 Tulare St. 6th Floor Fresno, CA 93721

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 8, 2020

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, California 93721

**Subject: Elkhorn Liberty Millrace Canal Bridge Replacement Project (Project)**  
**Notice of Preparation (NOP)**  
**State Clearinghouse No: 2020110100**

Dear Mr. Davis:

The California Department of Fish and Wildlife (CDFW) received a NOP for a draft Environmental Impact Report from the County of Fresno for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

While the comment period may have ended, CDFW would appreciate if you will still consider our comments and recommendations.

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
December 8, 2020  
Page 2

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on Project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Christian Montoya

**Objective:** The project would replace a badly damaged double concrete arch culvert with a bridge that meets current safety standards. Type selection is still in progress; however, it is anticipated that the replacement bridge would be a reinforced concrete double box culvert with two 12-foot lanes. Road approach improvements would start at approximately 400 feet on either side of the bridge.

**Location:** The Liberty Millrace Canal bridge is located on West Elkhorn Avenue, approximately 1-mile west of Cornelia Avenue and 6.4-miles west of State Route (SR) 41 in Fresno County.

**Timeframe:** N/A

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
December 8, 2020  
Page 3

## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County of Fresno in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

There are several special-status resources that may utilize the Project site, and these resources may need to be evaluated and addressed prior to any approvals that would allow ground-disturbing activities. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*).

### I. Environmental Setting and Related Impact

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS).**

#### COMMENT 1: Swainson's Hawk (SWHA)

**Issue:** SWHA have the potential to nest near the Project site. The California Natural Diversity Database (CNDDB) shows SWHA occurrences in numerous locations in the vicinity of the Project site (CDFW 2020). The proposed Project will involve activities near orchard trees that could serve as potential nest sites.

**Specific impacts:** Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

**Evidence impact is potentially significant:** SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). The Project as proposed will involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA.

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
December 8, 2020  
Page 4

### **Recommended Potentially Feasible Mitigation Measure(s)**

Because suitable nesting and foraging habitat for SWHA is present directly adjacent to the Project site, CDFW recommends conducting the following evaluation of the Project site, including the following measures specific to SWHA in the CEQA document prepared for the Project, and that these measures be made conditions of approval for the Project.

### **Recommended Mitigation Measure 1: SWHA Surveys**

CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to project implementation. The SWHA TAC recommends a 0.5-mile survey distance from the limits of disturbance. The survey protocol includes early season surveys to assist the project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities.

### **Recommended Mitigation Measure 2: No-disturbance Buffer**

If ground-disturbing activities are to take place during the normal bird breeding season (March 1 through September 15), CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation to ensure that no SWHA have begun nesting activities near the Project site. CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

### **Recommended Mitigation Measure 3: SWHA Take Authorization**

CDFW recommends that in the event an active SWHA nest is detected during surveys and the ½-mile no-disturbance buffer around the nest cannot feasibly be implemented, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the issuance of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

### **Recommended Mitigation Measure 4: SWHA Nest Trees**

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
December 8, 2020  
Page 5

## **II. Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project sites to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
December 8, 2020  
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form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

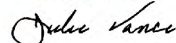
## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the City of Merced in identifying and mitigating the Project's impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at [Kelley.Nelson@wildlife.ca.gov](mailto:Kelley.Nelson@wildlife.ca.gov)

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

Attachment

ec: Office of Planning and Research, State Clearinghouse, Sacramento

Ethan Davis, Planner  
Fresno County Department of Public Works and Planning  
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## **Literature Cited**

CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.

CDFW. 2020. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed December 1, 2020.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

**Attachment 1****CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: Elkhorn Liberty Millrace Canal Bridge IS Application No.  
7764 – NOP  
State Clearinghouse No: 2020110008**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: Focused SWHA Surveys	
<i>During Construction</i>	
Mitigation Measure 2: SWHA Avoidance	
Mitigation Measure 3: SWHA Take Authorization	
Mitigation Measure 4: SWHA Nest Trees	