



# County of Fresno

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Fresno, California  
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## Legislation Text

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**File #:** 20-0497, **Version:** 1

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**DATE:** January 26, 2021

**TO:** Board of Supervisors

**SUBMITTED BY:** Steven E. White, Director  
Department of Public Works and Planning

**SUBJECT:** Elkhorn Avenue over Liberty Millrace Canal Bridge Replacement Project, (Initial Study Application No. 7764, SCH No. 2020110100)

### RECOMMENDED ACTION(S):

- 1. Adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Elkhorn Avenue over Liberty Millrace Canal Bridge Replacement Project, (Initial Study Application No. 7764, SCH No. 2020110100); and**
- 2. Amend Mitigation Monitoring and Reporting Program as a condition of Project approval of Initial Study Application No. 7764.**

Pursuant to the California Environmental Quality Act (CEQA), the Department of Public Works and Planning prepared an Initial Study (IS), which determined that mitigation measures are required to reduce project impacts on the environment to a less than significant level, see Exhibit A. A Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the Elkhorn Avenue over Liberty Millrace Canal Bridge Replacement Project (Project), see Exhibit B and C. This item pertains to a location in District 4.

### ALTERNATIVE ACTION(S):

Your Board may choose not to adopt the MND and MMRP if substantial evidence in the record shows that a significant environmental impact may result from the project. In that case, your Board should direct the Department to modify the MMRP or prepare an Environmental Impact Report (EIR) for the project.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the Department's Roads Org 4510 FY 2020-21 Adopted Budget.

### DISCUSSION:

According to CEQA Guidelines Section 15063(c), the purpose of an IS is for the Lead Agency to determine if there is substantial evidence that a project may have a significant effect on the environment, and whether a Negative Declaration, a MND, or an EIR should be prepared. If an IS identifies substantial evidence of any significant impacts, the Lead Agency may modify the project to eliminate or reduce the impacts to a less than significant level. If mitigation measures are required to reduce environmental impacts to a less than significant level, a MND and an accompanying MMRP are prepared. The EIR is required if the IS determines the project may have a significant impact on the environment that cannot be reduced to a less than significant level.

IS No. 7764 indicates there is no evidence that the Project will have a significant impact on the environment

with the implementation of mitigation measures. For this reason, a MND and accompanying MMRP are appropriate for the project. The MMRP includes mitigation measures to address potential impacts to Cultural Resources and Tribal Cultural Resources.

The Project site is located on West Elkhorn Avenue, approximately 1 mile west of South Cornelia Avenue and 6.4 miles west of SR 41 in Fresno County. The Project proposes to replace a damaged double arch concrete culvert with a structure that meets current safety standards. The existing culvert is deficient because of cracking, erosion, and scour. Type selection is still in progress; however, it is anticipated that the replacement structure would be a reinforced concrete double box culvert with two 12-foot lanes. The approach roadway would be improved up to approximately 400 feet on either side of the new structure. Due to low traffic volumes, an on-site detour is proposed. The Project would realign the canal and shift the structure approximately 250 feet to the west of its existing location. The new alignment would reduce water turbulence, scour, and maintenance needs at the new structure. The abandoned canal channel would be backfilled with soil. Right-of-way acquisition and easements are anticipated due to the realignment. Electric, gas, and telecommunications lines are present at the Project site and may need to be relocated.

The County posted and circulated the Notice of Intent to Adopt a Mitigated Negative Declaration, see Exhibit D, on November 6, 2020 in the Fresno Business Journal as required by section 15072 of the CEQA Guidelines. Late correspondence was received from the California Department of Fish and Wildlife (CDFW) on December 8, 2020 recommending additional mitigation measures. While CDFW recommended additional mitigation measures for the Project, they did not identify new significant impacts or challenge the validity of the information presented in the IS. Instead, additional mitigation measures were proposed for impacts already evaluated as less than significant in the IS; therefore, recirculation of the IS was not required. The County did not receive comments that were not fully addressed in the IS from any reviewing agencies or members of the public. Comments received are included as Exhibit E.

Based on the IS, Department staff has concluded that preparation of an EIR is not required for the Project. The Department recommends amending the MMRP to include mitigation measures recommended by CDFW (Exhibit F) as a condition of Project approval and adoption of the MND and MMRP based on the findings of IS No. 7764.

With your Board's approval, the MND and MMRP will be adopted for the Project. It is anticipated that the Department will return to your Board requesting approval to award the construction contract in 2022.

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Location Map  
Exhibit A - Initial Study No. 7764  
Exhibit B - Mitigated Negative Declaration  
Exhibit C - Mitigation Monitoring and Reporting Program  
Exhibit D - Filed Notice of Intent  
Exhibit E - Comments  
Exhibit F - Updated Mitigation Monitoring and Reporting Program

**CAO ANALYST:**

Samantha Buck