

# EXHIBIT C

## MITIGATION MEASURES

W 26062

### Initial Study Application No. 5240 (Kings River Bridge on Goodfellow Avenue)

*This project has been modified to incorporate the following provisions 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. The mitigation measures must be included as project conditions and be identified with an asterisk (\*) so they can be readily identified as mandatory mitigation measures for this project.*

- \*1. Potential impacts to biological resources as identified in the May 2007 Natural Environmental Study Report prepared for the project shall be addressed by compliance with the mitigation measures noted in Chapter 4 of the Study and summarized below:
  - A. Prior to the start of construction the County or its contractor shall install orange construction barrier fencing around the sensitive biological resources adjacent to the construction area.
    - (1) Prior to the start of construction, the construction contractor shall work with the project engineer and a qualified wildlife biologist to identify the locations for the barrier fencing and shall place stakes around the sensitive resources. The sensitive resources shall be designated an environmentally sensitive area and shall be identified clearly on the construction plans.
    - (2) The temporary fencing shall be installed as specified in Chapter 4 of the Natural Environmental Study dated May 2007.
    - (3) The following paragraph shall be included in the construction specifications:

"The contractor's attention is directed to the areas designated as "environmentally sensitive areas". These areas are protected, and no entry by the contractor for any purpose shall be allowed unless specifically authorized in writing by Fresno County. The contractor shall take measures to ensure that contractor's forces do not enter or disturb these areas, including giving written notice to employees and subcontractors. Vehicle operation, material and equipment storage, and other surface-disturbing activities are prohibited within the fenced environmentally sensitive areas."
  - B. The County or its contractor shall avoid and minimize potential indirect disturbance of riparian communities by, to the maximum extent feasible, trimming rather than removing vegetation and by retaining a certified arborist to perform any necessary pruning or root cutting of riparian trees. The County or its contractor shall comply with the measures noted on page 4-2 of the May 2007 Natural Environmental Study regarding trimming vegetation and tree removal.
  - C. Prior to the start of construction, including grading, a qualified wildlife biologist shall conduct mandatory contractor/worker awareness training for construction

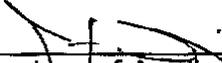
personnel. If new construction personnel are added to the project, the contractor shall ensure that the personnel receive the mandatory training before starting work.

- D. Prior to the start of construction the County shall retain a qualified wildlife biologist to conduct weekly site visits to monitor construction activities in and adjacent to environmentally sensitive habitat areas. The biological monitor shall assist the construction crew as needed to comply with all relevant permits and conditions of approval.
- E. The County or its contractor shall compensate for temporary construction-related disturbance of riparian vegetation at the Kings River Bridge by replanting temporarily impacted areas with native species that were removed. Replanting shall occur after completion of construction activities at the bridge.
  - (1) The County or its contractor shall compensate for permanent loss of 0.473 acres of riparian vegetation within the permanent impacted area of the project site at a minimum ratio of 1:1 (1 acre restored or created for every 1 acre permanently affected.) This ratio shall be confirmed through coordination with State and Federal agencies as part of the permitting process for the project.
  - (2) All replacement riparian planting shall be conducted in accordance with the mitigation measure noted in section 4.1.1.4 of Chapter 4 of the Natural Environmental Study prepared for the project.
- F. To avoid construction-related impacts to Western pond turtles, the County or its contractor shall retain a qualified wildlife biologist to conduct a preconstruction survey for Western pond turtle, no more than 48 hours prior to the start of construction. The survey shall be conducted according to section 4.3.2.2, of Chapter 4 of the Natural Environmental Study prepared for the project.
- G. To avoid and minimize impacts on nesting migratory birds the County or its contractor shall implement either of the following survey and restrictions:
  - (1) Tree and shrub removal shall occur during the non-breeding season for most migratory birds and raptor generally between September 1 and February 28.
  - (2) If construction activities (including tree and shrub removal) are scheduled to occur during the breeding season (generally between March 1 and August 31) the County shall retain a qualified wildlife biologist to conduct nesting migratory bird and raptor surveys before the start of construction. The nesting survey shall be conducted within one week before the start of construction, including tree removal between March 1 and August 31<sup>st</sup>. If surveys indicate the presence of migratory birds or raptor, a no disturbance buffer shall be established around the site as noted in section 4.3.3.2, Chapter 4 of the Natural Environmental Study, prepared for the project.
- H. The County or its contractor shall conduct a preconstruction nesting swallow survey and perform exclusion measures if necessary on the underside of the bridge to prevent swallows from nesting. The survey and the swallow exclusion shall be conducted as noted in section 4.3.6.2, Avoidance and Minimization Measures, of Chapter 4 of the Natural Environmental Study, prepared for the project.

- I. The County's contractor shall be responsible for avoiding the introduction of new invasive plants and the spread of invasive plants previously documented in the study area. The measures noted in section 4.5.1.2 of Chapter 4 of the Natural Environmental Study shall be provided in the request for construction bids for the proposed project and the selected contractor shall be financially responsible for complying with and implementing the invasive plant control measures. The measure noted in section 4.5.1.2 of the Natural Environmental Study shall be implemented during construction.
- \*2. In order to minimize impacts to Federal listed species as well as compliance with State and Federal law, the following is required:
  - A. The County shall comply with the provisions of the Biological Opinion rendered by the U.S. Fish and Wildlife Service (Service) on 10/26/06, and the Service approved Valley Elderberry Longhorn Beetle Habitat and Monitoring Plan prepared by H.T. Harvey and Associates, dated 03/23/07.
    - (1.) Within three months prior to construction, an elderberry shrub survey shall be performed on the shrub that will be transplanted to verify the number of stems that will be affected by this project. If the stem count is different from the amount specified in the 10/26/06 Biological Opinion rendered by the Service, the Service shall be contacted to adjust the number of plantings required for compensation.
    - (2.) Prior to the start of any construction, the Shrub that will not be removed shall be encircled by a minimum 20-foot buffer area. The buffer area and the shrub itself shall be depicted on the construction plans, designated as an environmentally sensitive area on the construction plans and fenced with orange mesh fencing prior to construction.
    - (3.) Impacts to the Valley Elderberry Longhorn Beetle (VELB) shall be compensated by transplanting the permanently impacted Elderberry shrub identified in the Biological Opinion, and planting an additional four Elderberry seedlings and four associated native plants. The Elderberry shrub to be removed shall be transported and transplanted at the Jensen River Ranch Habitat Restoration and Public Access or other Service approved site. The transplant and new plantings shall be conducted in accordance with the Service's Conservation Guidelines for the Valley Elderberry Longhorn Beetle.
    - (4.) The County shall obtain a Memorandum of Understanding (MOU) with the San Joaquin River Conservancy, documenting that the VELB habitat mitigation site shall be preserved in perpetuity and protected from physical alterations.
    - (5.) Dust control measures, including application of water to graded and disturbed areas that are un-vegetated, shall be implemented during *transplanting* activities at the Jensen River Ranch Habitat Restoration and Public Access or other Service approved site.
- \*3. To protect water quality in the study area, the County's contractor shall implement the following water quality BMP's before and during construction:

- (1) Equipment used in and around waters of the United States shall be in good working order and free of dripping or leaking equipment fluids. All vehicle maintenance, staging, and materials storage shall occur at least 300 ft. from all waters of the United States. Any necessary equipment washing shall occur where the water cannot flow into the stream channel.
  - (2) Any surplus concrete rubble, asphalt or other rubble from construction shall be taken to a local landfill.
  - (3) An erosion control plan shall be prepared and implemented for the project and shall include the provisions and protocols listed on pages 4 and 5 of the May 2007, Natural Environmental Study, prepared for the project,
- \*4. In the event cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an archaeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.
- \*5. Noise sources associated with construction are exempt from the Fresno County Noise Ordinance between the hours of 6:00am and 9:00pm, Monday through Friday and between 7:00a.m. and 5:00p.m. on Saturday and Sunday. The proposed project shall comply with the Fresno County Noise Ordinance. Construction specifications for the project shall require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment is equipped with mufflers.
- \*6. In order to comply with State and Federal law, prior to the start of construction, the County shall obtain and implement the conditions of the following permits:
- Clean Water Act (CWA) Section 404 nationwide permit from the U.S. Army Corps of Engineers – NWP#3 (maintenance of existing transportation structure) or NWP#14 (linear transportation projects) and NWP #33 (temporary access and dewatering).
  - CWA Section 401 Water Quality Certification from the Regional Water Quality Control Board.
  - California Fish and Game Code Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game.
  - CWA Section 402/National Pollutant Discharge Elimination System permit from the State Water Resources Board.
- \*7. The Design Division shall survey the bridge for lead paint and asbestos prior to the start of construction and if found, special provisions will be included in the project specifications addressing worker safety during construction and proper disposal of lead paint and asbestos. In addition, mandatory contractor/worker awareness training shall be held prior to construction for construction personnel to address safety and hazardous materials.

The mitigation measures listed above shall be included in all design plans and specifications and are offered as conditions of project approval.

  
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Signature of Applicant or  
Authorized Representative

10-23-07  
\_\_\_\_\_  
Date

The following are regulatory requirements and shall be incorporated into the project as are project notes:

1. An application, filing fee, and processing fee is required by the California State Land Commission for a lease for bridge encroachment. Please contact Jane Smith from the State Land Commission Office at (916) 574-1892 for more information.
2. The project may be subject to permitting requirements of the San Joaquin Valley Air Pollution Control District and require a Permit to Operate and/or an Authority to Construct. The project is subject to compliance with the Air District's Regulation VIII (Fugitive PM 10 Prohibitions) and Rule 4641 (Cutbacks, Slow Cures and Emulsified Asphalt, Paving and Maintenance Operations.). For more information please contact Renee Devere, Air Quality Specialist 230-5800.