

Staff Report 25

APPLICANT:

California Department of Transportation

PROPOSED ACTION:

Approval of a Public Agency Permit and Right-of-Way Map, including two temporary construction areas, pursuant to section 101.5 of the Streets and Highways Code and section 6210.3 of the Public Resources Code.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Kings River, adjacent to Assessor's Parcel Numbers 026-230-001, 026-230-004, 026-230-016, 026-230-017, and 026-240-016, near Stratford, Kings County.

AUTHORIZED USE:

Use of a right-of-way for a bridge crossing, bridge improvements, bridge replacement, and two temporary construction areas.

TERM:

Public Agency Permit: Continuous use, plus 1 year, beginning August 23, 2022.

Two Temporary Construction Areas: Expiring December 31, 2025.

CONSIDERATION:

Public Agency Permit: Reasonable value of the right-of-way to be deposited into the State Parks and Recreation Fund.

Two Temporary Construction Areas: The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6210.3, 6216, and 6301; Streets and Highways Code section 101.5.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The existing portion of state route 41 (SR 41) crossing the Kings River has not been previously authorized by the Commission. The California Department of Transportation (Caltrans) is now requesting authorization for the existing bridge crossing and temporary construction areas to facilitate the replacement of the 78-year-old Kings River Bridge (Br # 45-0007) carrying a portion of SR 41 over the Kings River, near Stratford, Kings County, with a new precast prestressed slab bridge. Pursuant to section 101.5 of the Streets and Highway Code and section 6210.3 of the Public Resources Code, Caltrans has submitted an application and proposed Right-of-Way Map for the Commission's consideration and approval.

The existing 260-foot-long and 46-foot-wide bridge structure will be removed/demolished and replaced with a new 44-foot-wide, 330-foot-long, 7-span bridge that will provide standard 12-foot-wide travel lanes and 8-foot-wide shoulders for both directions of travel and will be equipped with a Midwest Guardrail System and Crash Cushions. The new bridge will be built with precast/prestressed voided concrete slab on precast drop-cap piers. Each pier will consist of three 36-inch-diameter cast-in-steel shell (CISS) piles, and the short seat abutments will be supported by 24-inch-diameter CISS piles. The alignment and centerline of the new bridge will match the existing bridge.

To facilitate the piece-by-piece dismantling of the existing bridge and construction of the new bridge, a temporary 254-foot by 50-foot wooden trestle will be built along the north-bound side of the existing bridge, which will be removed once construction activities are completed. Additionally, Caltrans anticipates using the southeast and northeast sides of the Kings River Bridge for the staging and storage of construction equipment and materials. Construction activities are expected to begin sometime in November 2022 and be completed by April 2024.

While demolition and construction activities are occurring, some impacts to traffic are anticipated. Except for local traffic, SR 41 will be temporarily closed to through traffic between the SR 198 intersection, near the city of Lemoore, and Interstate 5 (I-5), near Kettleman City; other traffic will be rerouted to a detour at Avenal Cutoff Road. To help reduce impacts from the increased detour traffic demand,

temporary traffic signals will be installed at the intersection of the I-5 northbound off-ramp and Avenal Cutoff Road.

The public's right to access and use California's navigable waters is a mandate of the California Constitution (Article X, Section 4), a condition of statehood in the Act of Admission of the State of California into the Union (9 Stat. 452, Sept. 9, 1850), and a responsibility of all involved public agencies pursuant to the common law Public Trust Doctrine. Often the most logical location for access to a waterway is where a bridge crosses it. Kayakers, rafters, and others may legally utilize the public access easements around bridges to enter and exit navigable waterways.

Over the years, State of California property along the river at the bridge have been accessed by the public for recreational purposes. The recreational activities consist primarily of fishing, boating, and swimming. The primary access area for recreation is located at the northeast quadrant of the bridge location. There is additional public access along the southeast quadrant, but to a lesser degree due to the limited accessible area along the riverbank. Moreover, the area along the riverbank on the west side of State Route 41 is not used for public access as there is dense vegetation and gated access. All public and vehicular access will be prohibited during construction due to environmental and safety constraints. As a result, State Route 41 will be closed at the bridge to protect the public during construction. Caltrans recognizes that this area is being used for public recreation with access being taken from State Route 41, and as a result, the project has been designed to ensure that public access will remain available upon completion of the bridge replacement.

SR 41 is critical infrastructure that is necessary to facilitate the movement of goods, people, and services throughout the State. The proposed right-of-way does not permanently interfere with navigation, water-dependent recreation, or other Public Trust uses along this section of the Kings River.

The permit does not alienate the State's fee simple interest and does not grant the applicant exclusive rights to the right-of-way. Staff believes that the proposed right-of-way will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the right-of-way. Moreover, staff believes this use of State land, by a public agency, for a public benefit is in the best interests of the State

CLIMATE CHANGE:

The project area is not tidally influenced and therefore would not be subject to sea level rise. However, as stated in the *Safeguarding California Plan: 2018 Update*

(California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates; flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate.

The Mitigated Negative Declaration (MND) for the project analyzed climate change-related impacts, such as flooding and sedimentation, and land uses within and adjacent to Federal Emergency Management Agency-designated flood zones. The Caltrans District 6 Climate Vulnerability Assessment determined that the Project is outside the coastal zone and is not in an area subject to sea level rise. Accordingly, direct impacts on transportation facilities due to projected sea level rise are not expected. However, climate change can affect precipitation events which can result in heavy rain inundating the bridge structures or contributing to structural damage. Climate change is expected to bring fewer but more intense rainfall events in California. For the Project area, Caltrans has projected a less than 5 percent increase in 100-year storm precipitation depth through 2085 (Caltrans 2018). These results were factored into the bridge design, which exceeds the Central Valley Flood Protection Board's minimum requirements.

Regular maintenance may reduce the likelihood of severe structural degradation or dislodgement. Caltrans has acknowledged that the right-of-way and temporary construction areas and adjacent upland (not within the temporary construction areas) are located in an area that may be subject to the effects of climate change.

TRIBAL CULTURAL RESOURCES REVIEW:

The MND determined that there would be no impact to Tribal cultural resources, noting that Caltrans' discussions with tribes (documented in the June 3, 2019, Historic Property Survey Report) determined that the project will not affect any tribal cultural resources within the project area. However, when documenting the lead agency's tribal consultation in Chapter 4, the MND acknowledged that Caltrans received an email from the Santa Rosa Tachi Yokuts (Santa Rosa) Tribe, "...indicating the tribe would like to consult on the project due to a sensitive archeological site being identified in the area on October 9, 2009. Caltrans continues to work with the tribe regarding the archeological site."

Staff obtained additional information from Caltrans between April and June 2022 regarding the areas of potential tribal sensitivity and the continued consultations between the Santa Rosa Tribe and Caltrans. Based upon the provided maps, staff determined that the specific areas of potential tribal sensitivity are not within Commission jurisdiction. In addition, Caltrans provided meeting notes and letters that included the Santa Rosa Tribe's request to conduct archaeological and Native American monitoring during construction as well as Caltrans' commitment and confirmation that monitoring will be performed.

ENVIRONMENTAL JUSTICE:

Staff reviewed environmental justice data that indicated high pollution burdens to the surrounding communities. These burdens may result in health impacts such as asthma, cardiovascular disease, and low birth weight. In addition, the same data showed high burdens related to groundwater threats, drinking water threats, and solid waste. As part of an environmental justice outreach and engagement effort, staff sent letters to environmental justice organizations in Kings County, providing notification of the proposed lease renewal and requesting input. The letters included a brief description of the lease and conveyed a desire to learn from the perspectives of the local community. As of the posting of this staff report, no responses to the outreach letters have been received.

CONCLUSION:

For all the reasons above, staff believes the approval of the Public Agency Permit and Right-of-Way Map for the Kings River Bridge, and related temporary construction areas, will temporarily impair the public rights to navigation during construction. However, staff believes this temporary impairment is important for the long-term benefits. Approval of the permit will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, for the foreseeable term of the permit or long term and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.

2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Caltrans has filed maps showing the proposed right-of-way and temporary construction areas with the Commission.
4. Within 90 days of completion of construction, Caltrans shall provide staff with a copy of the final as-built plans for the reconstructed bridge. Upon receipt of the as-builts, the temporary construction areas shall be terminated.
5. Section 101.5 of the Streets and Highways Code requires Caltrans to determine the reasonable value of the proposed right-of-way and to deposit that amount in the State Parks and Recreation Fund. Caltrans staff has made a deposit into the State Parks and Recreation Fund.
6. An MND, State Clearinghouse No. 2020049051, and an Avoidance, Minimization and/or Mitigation Summary were prepared by Caltrans, District 6, and adopted on August 10, 2020, for this project. Staff reviewed these documents and prepared an independent Mitigation Monitoring Program (attached, Exhibit E) incorporating Caltrans' document and recommends adoption by the Commission.
7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq.; however, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370 et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by California Code of Regulations, title 2, section 2954 is not applicable.

EXHIBITS:

- A. Site and Location Map
- B. 101.5 Right-of-Way Map
- C. Land Description – Temporary Construction Area
- D. Site and Location Map for Temporary Construction Area
- E. Mitigation Monitoring Plan

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2020049051, and an Avoidance, Minimization and/or Mitigation Summary were prepared by Caltrans and adopted on August 10, 2020, for this project and that the Commission has reviewed and considered the information contained therein; that the Commission's independent judgement, the scope of activities to be carried out under the permit to be issued by this authorization has been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State California Environmental Quality Act (CEQA) Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit E.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the approval of the proposed permit and Right-of-Way Map and two temporary construction areas will temporarily impair public rights to navigation during construction. However, staff believes this temporary impairment is important for the long-term benefits. Approval of the permit will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, for the foreseeable term of the permit or long term and is in the best interests of the State.

AUTHORIZATION:

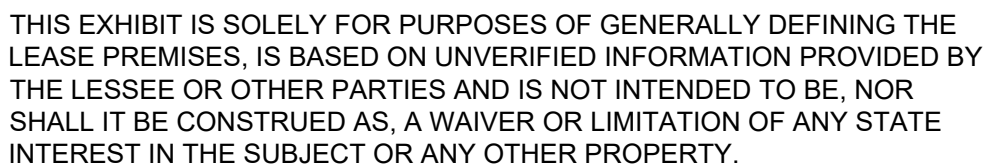
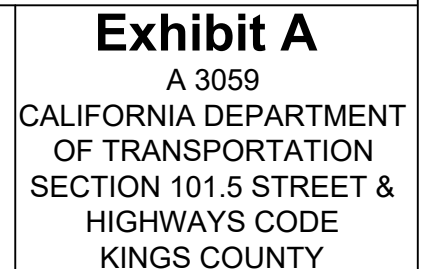
Authorize a Public Agency Permit and approve a Right-of-Way Map, as submitted by Caltrans, pursuant to section 101.5 of the Streets and Highways Code and as authorized by section 6210.3 of the Public Resources Code, effective August 23, 2022, for a right-of-way with a term of continuous use plus one year, as shown in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; and use of two temporary construction areas valid until construction is completed but not later than December 31, 2025, as shown on Exhibit C and Exhibit D (for reference purposes only), attached and by this reference made a part hereof; consideration for the Public Agency Permit being a reasonable value of the right-of-way to be deposited in the State Parks and Recreation Fund; and consideration for the temporary construction area being the public use and benefit, with the State reserving the right at any time to set a

monetary rent if the Commission finds such an action to be in the State's best interests.

SITE



LOCATION



TS 03/29/2022

NO SCALE

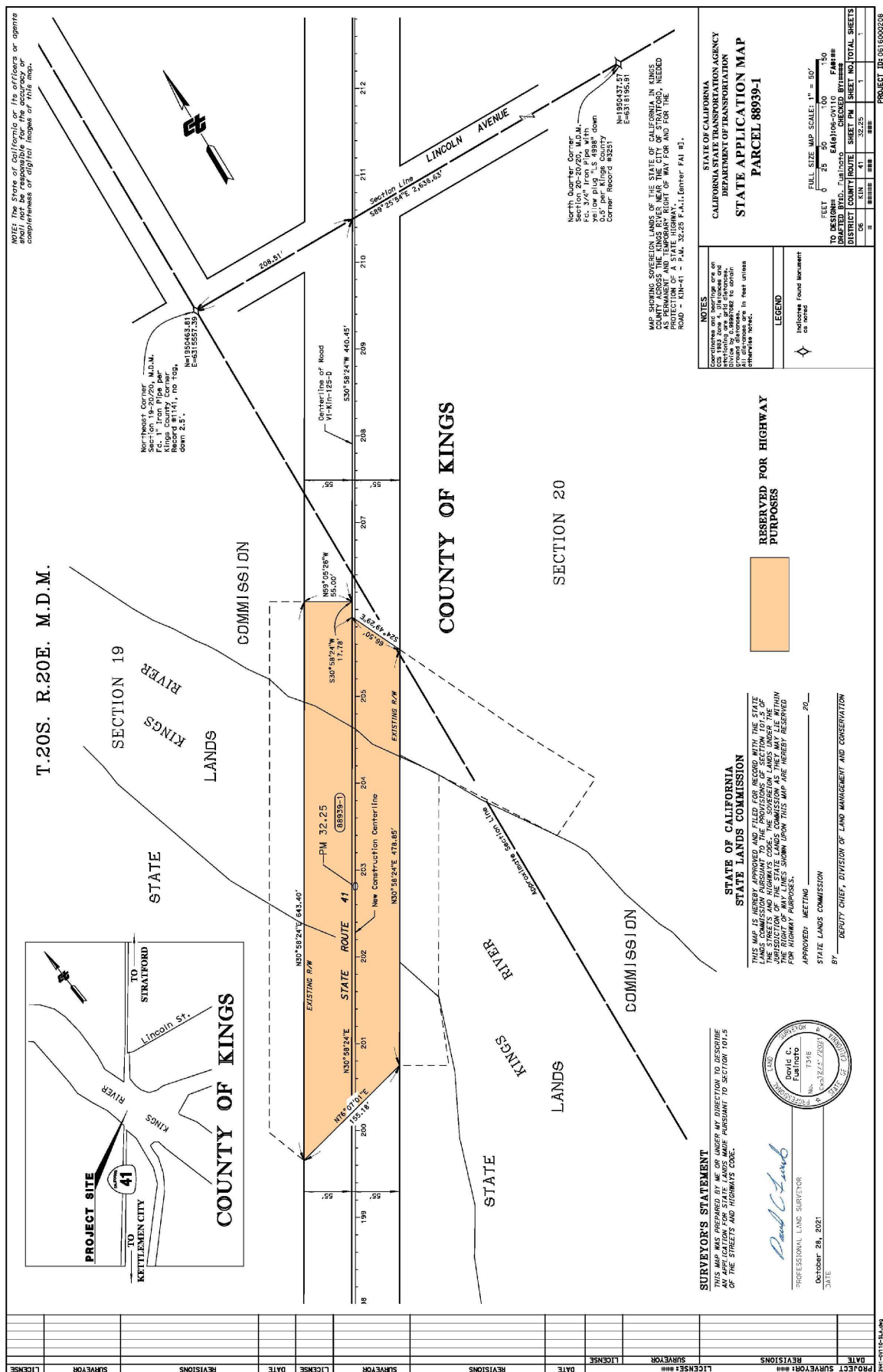


EXHIBIT C

A 3059

LAND DESCRIPTION (Temporary Construction Parcels)

Two parcels of submerged lands situate in the historic channel of the Kings River, whether filled or unfilled, lying adjacent to those portions of Sections 19 and 20, T.20S., R.20E., M. D. M., County of Kings, State of California and more particularly described as follows:

PARCEL 1

BEGINNING at a point on the southeasterly right-of-way line of State Route 41 that bears S 0° 18' 07" W 460.46 feet from a 1-inch iron pipe per Kings County Corner Record # 1141, being a northeast corner of Section 19, T.20S., R.20E., M. D. M., thence along said right-of-way line N 30° 58' 24" E 5.90 feet; thence leaving said line S 24° 49' 29" E 163.76 feet; thence S 27° 11' 34" E 106.04 feet; thence S 64° 45' 57" W 79.57 feet; N 31° 55' 00" W 153.09 feet; thence S 30° 58' 24" W 255.52 feet; thence S 22° 21' 54" W 79.81 feet; thence N 59° 05' 26" W 56.95 feet to a point on said right-of-way line, also being a hereinafter Point "A"; thence along said right-of-way line N 30° 58' 24" E 472.94 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of said river.

PARCEL 2

BEGINNING at a point on the northwesterly right-of-way line of State Route 41 that bears S 76° 06' 56" W 155.18 feet from the above described Point "A"; thence N 20° 11' 17" W 51.35 feet; thence N 30° 58' 24" E 611.15 feet; thence S 59° 05' 26" E 40.00 feet to a point on said northwesterly right-of-way line; thence along said right-of-way line S 30° 58' 24" W 648.40 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of said river.

BASIS OF BEARING for this description is CCS83, Zone 4. All distances are grid distances.

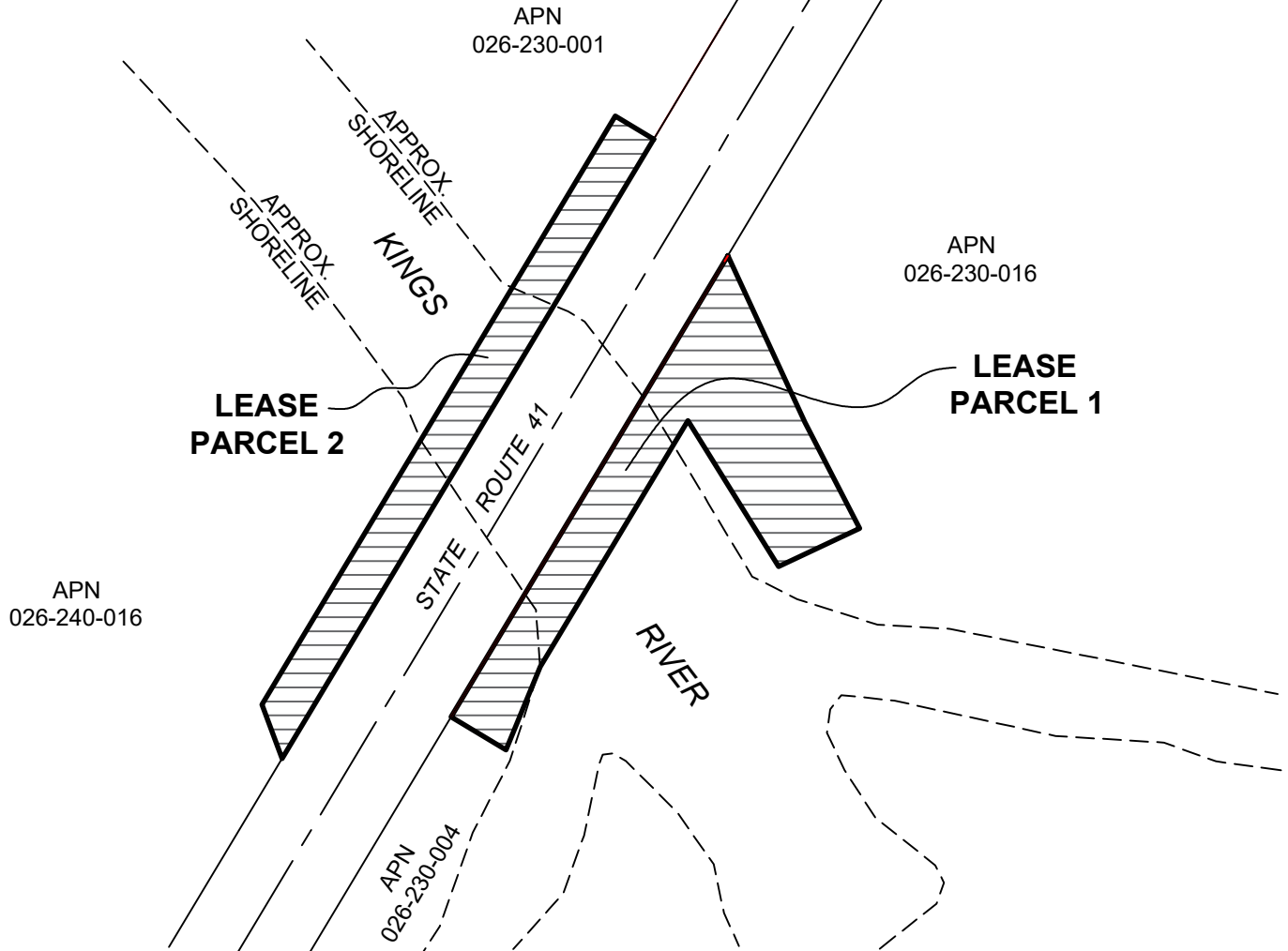
END OF DESCRIPTION

Prepared 03/29/2022 by the California State Lands Commission Boundary Unit



NO SCALE

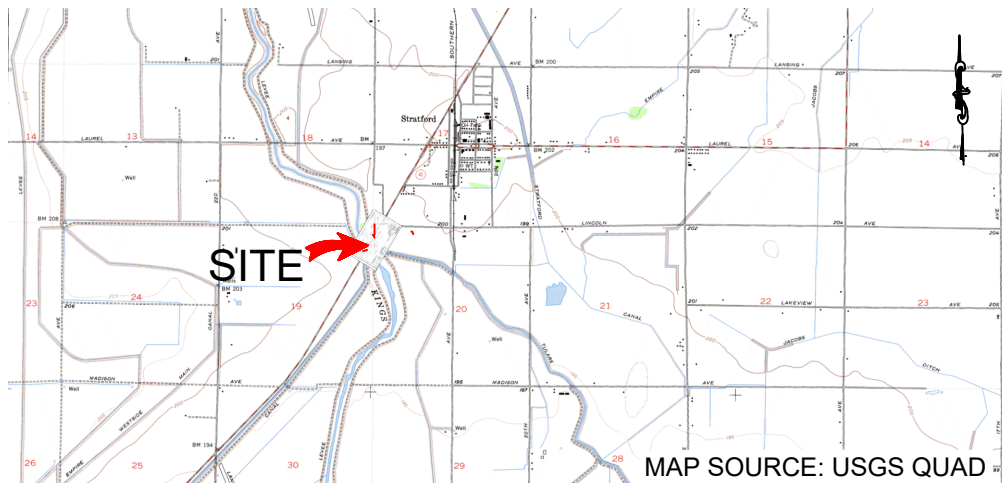
SITE



STATE ROUTE 41 BRIDGE CROSSING KINGS RIVER

NO SCALE

LOCATION



SITE

THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

Exhibit D

A 3059
CALIFORNIA DEPARTMENT
OF TRANSPORTATION
SECTION 101.5 STREET &
HIGHWAYS CODE
KINGS COUNTY



TS 03/29/2022

EXHIBIT E
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
STRATFORD KINGS RIVER BRIDGE REPLACEMENT PROJECT
(A3059, State Clearinghouse No. 2020049051)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Stratford Kings River Bridge Replacement Project (Project). The CEQA lead agency for the Project is the California Department of Transportation, District 6.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2020049051, and adopted an Avoidance, Minimization and/or Mitigation Summary for the whole of the Project (see Exhibit E, Attachment E-1). The Avoidance, Minimization, and/or Mitigation Summary includes mitigation measures, avoidance and minimization measures (AMMs), and Best Management Practices (BMPs). The AMMs and the BMPs also reduced impacts to environmental resources. The lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table E-1 below. The full text of each mitigation measure, as set forth in the Avoidance, Minimization and/or Mitigation Summary prepared by the CEQA lead agency and provided in Attachment E-1, is incorporated by reference in this Exhibit E.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table E-1. Project Impacts and Applicable Measures

Potential Impact	Mitigation Measure (MM), Avoidance and Minimization Measure (AMM), or Best Management Practice (BMP)²
Impact to valley-foothill riparian habitat	MM: tree replacement AMM: surveys, fencing, avoidance
Impacts to wetlands/waters of the U.S.	MM: in-lieu fee credits AMM: surveys, wetland protection mats, fencing, work in low-water conditions
Impacts to tri-colored blackbirds	MM: Incidental Take Permit (ITP) for nesting take AMM: pre-construction surveys, nest buffers, monitoring, fencing
Impacts to Swainson's hawk	MM: ITP for take AMM: pre-construction surveys, nest buffers, monitoring
Impact to water quality	AMM: Stormwater Pollution Prevention Plan BMP: Caltrans Statewide Non-Point Discharge Elimination System
Impact from hazardous materials	AMM: Lead Compliance Plan
Impacts to special-status plant species	AMM: surveys, topsoil preservation or relocation, specimen relocation
Impacts to bats	AMM: pre-construction surveys
Impacts to Loggerhead Shrike, Northern Harrier, Burrowing Owl, Yellow-Headed Blackbird, and Black-Crowned Night Heron	AMM: pre-construction surveys, nest buffers, monitoring
Impacts to Western pond turtle	AMM: pre-construction surveys, monitoring, fencing

² See Attachment E-1 for the full text of each MM, AMM, and BMP taken from the Avoidance, Minimization, and/or Mitigation Summary prepared by the CEQA lead agency.

ATTACHMENT E-1

**AVOIDANCE, MINIMIZATION, AND/OR MITIGATION SUMMARY ADOPTED BY
CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 6**

Appendix C Avoidance, Minimization and/or Mitigation Summary

To ensure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record that follows) would be implemented. During project design, avoidance, minimization, and/or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in the Environmental Commitments Record are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. Because the following Environmental Commitments Record is a draft, some fields have not been completed; they will be filled out as each of the measures is implemented.

Note: Some measures may apply to more than one resource area. Duplicated or redundant measures have not been included in this Environmental Commitments Record.

Utilities and Emergency Services

A traffic management plan will be developed to minimize delays and maximize safety for motorists. The traffic management plan will include, but will not be limited to, the following:

- The Caltrans Public Information Office will communicate information to the public.
- The Construction Zone Enhanced Enforcement Program will be used, and the California Highway Patrol will assist and manage traffic onto the detour.
- Local and emergency services will be able to drive around the Stratford Kings River Bridge using local county roads.

Traffic and Transportation/Pedestrian and Bicycle Facilities

A traffic management plan will be developed to minimize delays and maximize safety for motorists. The traffic management plan will include, but will not be limited to the following:

- Information will be provided through brochures, mailers, and a website by the Caltrans Public Information Office.

- The Construction Zone Enhanced Enforcement Program will be used, and the California Highway Patrol will assist and manage traffic onto the detour.
- To manage traffic flows, temporary traffic signals will be required at the intersections of State Route 269, Avenal Cutoff Road, and the intersection at the northbound off-ramp of Interstate 5.

Water Quality and Stormwater Runoff

In addition to the measures listed in Section 2.3.2, Wetlands and Other Waters, the following measures will be required to minimize potential water quality impacts associated with construction and operation.

- Implement the Caltrans Statewide National Pollutant Discharge Elimination System Stormwater permit and stormwater Best Management Practices to prevent and reduce impacts during construction.
- Prepare and use a Stormwater Pollution Prevention Plan before construction. The contractor will prepare the plan before Caltrans approves it.

Hazardous Waste and Materials

The following Standard Special Provisions will be required due to aerially deposited lead in the project area:

- Standard Special Provision 7-1.02K(6)(j)(ii)-Lead Compliance Plan
- Standard Special Provision 14-11.08-Regulated Material Containing Aerially Deposited Lead
- Standard Special Provision 14-11.14-Treated Wood Waste

Biological Resources

The following are Caltrans' Standard Special Provisions that will be required for biological resources:

- Standard Special Provision 14-1.01-Environmental Stewardship, including Environmentally Sensitive Areas
- Standard Special Provision 14-6.02-Species Protection (buffers, work stoppage areas)
- Standard Special Provision 14-6.03-Bird Protection (nest protection buffers)

Natural Communities

The following avoidance, minimization, and/or mitigation measures will be used for valley-foothill riparian habitat to minimize potential impacts associated with construction and operation:

- Pre-construction botanical surveys will be conducted no more than 30 days before construction starts.
- Temporary high visibility fencing will be installed to form an environmentally sensitive area to protect natural community habitats that occur outside of the project area.
- Where possible, work within the riverbed will be conducted during low-flow conditions or in dry conditions.
- Any foot traffic or equipment that cannot avoid passing over wetlands will do so only on wetland protection mats.
- Staging and storage areas must be outside of the habitat of all-natural communities.
- Vegetation removal will be reduced to the minimal amount necessary to complete work.

The following compensatory mitigation measure will be used for valley-foothill riparian habitat.

- Any trees removed within valley-foothill riparian habitat will be replaced based on their diameter at breast height. Heritage trees, which are 24 inches in diameter, will be replaced at a 10 to 1 ratio, and trees between 4 and 24 inches in diameter will be replaced at a 3 to 1 ratio. Any trees removed will be replaced based on permit requirements.

Wetlands and Other Waters

The following avoidance, minimization, and/or mitigation measures will be used for both fresh emergent wetlands and riverine habitat to minimize potential impacts associated with construction and operation:

- Any foot traffic or equipment that cannot avoid passing over wetlands will do so only on wetland protection mats.
- Pre-construction botanical surveys will be conducted no more than 30 days before construction starts.
- Temporary high visibility fencing will be installed to form an environmentally sensitive area to protect wetland and riverine habitats that occur outside of the project area.
- Where possible, work within the riverbed will be conducted during low-flow conditions or in dry conditions.
- Staging and storage areas must be outside of the habitat of wetland and riverine communities.
- Vegetation removal will be reduced to the minimal amount necessary to complete work.

The following avoidance, minimization, and/or mitigation measures will also be used for riverine habitat:

- All dewatering will be conducted with a qualified biologist present to provide biological monitoring.
- All tree removal will be done in such a manner that the root ball is left in place, and the soil is not removed, except where it is required by excavation.
- Project work will avoid the immediate shore of the South Fork Kings River wherever possible. If project work must take place on the shore, murky curtains will be used where appropriate to prevent the cloudiness or haziness of the river.

The following compensatory mitigation measures will be used for both fresh emergent wetlands and riverine habitat:

- Permanent impacts to wetlands will be mitigated for in acreage equal to that of the permanent impacts through the purchase of conservation credits from the National Fish and Wildlife Foundation, or other in-lieu fee programs. Otherwise, the habitat will be established as part of a permittee-responsible project.
- Permanent impacts of up to 0.003 acre of riverine habitat will be mitigated in the form of conservation credits from the National Fish and Wildlife Foundation, or other in-lieu fee programs. Otherwise, the habitat will be established as part of a permittee-responsible mitigation project.

Plant Species

The following avoidance, minimization, and/or mitigation measures will be used for vernal barley, mud nama, and crownscale to minimize potential impacts associated with construction and operation. No compensatory mitigation is proposed.

- A qualified biologist will provide worker environmental awareness training for all workers, to educate them on special-status species that have the potential to occur within the work area. The training will also cover Best Management Practices, permit conditions, environmental laws, and the consequences of violating them.
- Focused botanical surveys will be conducted during the blooming season before construction starts.
- Populations that cannot be avoided by work will have their locations recorded, and topsoil removed and stored safely. The topsoil will be replaced after construction to maintain the original seed bank.
- Populations where seeds cannot be collected or be avoided by work will be excavated and transplanted to a suitable location similar to the original location.

Animal Species

The following avoidance, minimization, and/or mitigation measure will be used for the following species to minimize potential impacts associated with construction and operation. No compensatory mitigation is proposed.

- A qualified biologist will provide a worker environmental awareness training for all workers, to educate them on special-status species that have the potential to occur within the work area. The training will also cover Best Management Practices, permit conditions, environmental laws, and the consequences of violating them.

Hoary Bat and Western Red Bat

- Clearing and grubbing will be minimized wherever possible and will occur between September 1 and February 1, when bats will have moved from the area.
- Pre-construction surveys will be conducted for bats in the surrounding trees no more than two weeks before work starts and would be repeated five days before the bridge is demolished.
- If bats are found within jurisdictional areas of the project site, the California Department of Fish and Wildlife will be asked to determine the appropriate actions.

Loggerhead Shrike, Northern Harrier, Burrowing Owl, Yellow-Headed Blackbird, and Black-Crowned Night Heron

- Pre-construction surveys will be conducted no more than 30 days before construction activities start unless these activities start outside of the nesting season (February 1 to September 30).
- If construction activities extend into more than one nesting season, additional nesting surveys will be required at the start of a nesting season before work can continue.
- A qualified biologist will be present during all clearing and grubbing activities that are conducted between February 1 and September 30 to provide biological monitoring.
- If any bird species are found nesting in or near the project footprint, a 500-foot no-work buffer will be used for raptors, and a 100-foot no-work buffer will be used for other birds until a qualified biologist confirms that the young birds can fly. A qualified biological monitor will be required for all work within the buffers to ensure that work does not disturb nests.
- If clearing and grubbing activities must be completed during the avian nesting season (February 1 through September 30), a qualified biologist will perform a site inspection before any trees are trimmed or removed to confirm that work will not negatively affect any active nests.

Western Pond Turtle

- Pre-construction surveys for western pond turtles will be conducted no more than 30 days before work starts.
- Whenever possible, work in the riverbed will be done in low-flow and dry periods.
- When restricting work to low-flow and dry periods is not possible, a qualified biologist will be present to watch all in-water work and to ensure that any western pond turtles found in the project footprint can leave undisturbed and on their own.
- Temporary high visibility fencing will be installed in upland habitat on the boundaries of the project footprint to prevent western pond turtles from entering the work area.

Threatened and Endangered Species

The following avoidance, minimization, and/or mitigation measures will be used to minimize potential impacts to tricolored blackbirds:

- Pre-construction surveys will be conducted no more than 30 days before construction activities start unless these activities start outside of the nesting season (February 1 to September 30).
- If construction activities extend into more than one nesting season, additional nesting surveys will be required at the start of a nesting season before work can continue.
- A qualified biologist will be present during all clearing and grubbing activities that are conducted between February 1 and September 30 to provide biological monitoring.
- If tricolored blackbirds are found nesting in or near the project footprint, a 100-foot no-work buffer will be used until a qualified biologist confirms that the young birds can fly. A qualified biological monitor will be required for all work within that buffer to ensure work does not disturb the nest.
- Environmentally sensitive area fencing will separate and protect as much suitable tricolored blackbird habitat as possible—emergent wetland vegetation and shoreline thickets—near the project footprint.

The following compensatory mitigation measure will be used for tricolored blackbirds.

- A Section 2081 Incidental Take Permit will be sought from the California Department of Fish and Wildlife if nesting habitat is impacted during the breeding season. Caltrans will adhere to the measures and compensatory requirements in the Incidental Take Permit. This was added to the final environmental document.

The following avoidance, minimization, and/or mitigation measures will be used to minimize potential impacts to Swainson's hawks:

- Protocol surveys for Swainson's hawks will be conducted the year before work starts. If work starts outside of the nesting season for Swainson's hawks, work may not continue into the nesting season until a pre-construction survey or a protocol survey for Swainson's hawks has been conducted.
- If a Swainson's hawk is found nesting in or near the project footprint, a 500-foot no-work buffer will be established, and no work will be allowed within the buffer unless a qualified biological monitor determines that work will not disturb the nests.
- If clearing and grubbing activities must be completed during the avian nesting season (February 1 to September 30), a qualified biologist will perform a site inspection before any tree trimming or removal to confirm that work will not negatively impact any active nests.

The following compensatory mitigation measure will be used for Swainson's hawks:

- A Section 2081 Incidental Take Permit will be sought from the California Department of Fish and Wildlife for the potential take of Swainson's hawks. Caltrans will adhere to the measures and compensatory requirements in the Incidental Take Permit. This was added to the final environmental document.