Kings River Overflow Bridge Replacement Project

On State Route 180 in Fresno County
06-FRE-180-77.1/77.2
06-0H1700

Initial Study with Mitigated Negative Declaration

December 2009

Caltrans

General Information About This Document

What's in this document?

This document contains a Mitigated Negative Declaration, which examines the environmental effects of a proposed project on State Route 180 in Fresno County.

The Initial Study and proposed Negative Declaration were circulated to the public from September 30, 2009 to October 30, 2009. Comment letters were received on the draft document. Responses to the circulated document are shown in the Comments and Responses section of this document (Appendix F), which has been added since the draft. Elsewhere throughout this document, a line in the margin indicates a change made since the draft document circulation.

What happens after this?

The proposed project has completed environmental compliance after the circulation of this document. When funding is approved, the California Department of Transportation, as assigned by the Federal Highway Administration, can design and build all or part of the project.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Sarah Gassner, Southern Sierra Environmental Analysis Branch, 2015 E. Shields Avenue, Suite 100, Fresno, CA 93726; (559) 243-8243 Voice, or use the California Relay Service TTY number, 1-800-735-2929.

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) propose to remove and replace the existing Kings River Overflow Bridge (Bridge #42-0074) on State Route 180. The new bridge would have 8-foot-wide shoulders.

Determination

Caltrans has prepared an Initial Study for this project and, following public review, has determined from this study that the project would not have a significant effect on the environment for the following reasons:

The proposed project would have no effect on: noise, farmland, geology, soils, land use, mineral resources, paleontology, public services, housing, population, or recreation.

In addition, the proposed project would have no significant effect on: aesthetic resources, air quality, cultural resources, water quality, hydrology, or floodplain.

In addition, the proposed project would have no significantly adverse effect on biological resources, visual resources, or hazardous waste because the following mitigation measures would reduce potential effects to insignificance:

- Providing worker education training
- Installing environmentally sensitive area fencing around trees and wetland areas within the project area that are not being removed
- Replanting removed native trees
- Restoring 0.2 acre of Waters of the United States and 0.1 acre of wetlands
- Restoring offsite riparian habitat
- Installing bat exclusionary measures between October 1 and April 15.
- Conducting pre-construction surveys for bats
- Retaining a licensed contractor to remove asbestos sheet packing

Gail Miller
Acting Office Chief, Central Region
Environmental North

12-31-2009
Date

Kings River Overflow Bridge Replacement IS • i

Table of Contents

List of Figures

List of Tables

List of Abbreviated Terms

Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
FHWA	Federal Highway Administration
IS	Initial Study
NEPA	National Environmental Policy Act
PM	post mile

Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation propose to replace the existing Kings River Bridge (Bridge #42-0074) on State Route 180 near the town of Minkler in Fresno County (see Figures 1-1 and 1-2).

The bridge was constructed in 1921. It currently has two 12-foot lanes flanked by 2-foot shoulders. This project would replace the bridge and widen the shoulders from 2 feet to 8 feet.

1.2 Purpose and Need

1.2.1 Purpose

The purpose of this project is to correct structural deficiencies and bring the King River Overflow Bridge up to current Caltrans standards.

1.2.2 Need

The Kings River Overflow Bridge was identified in the Structure Replacement and Improvement Needs Report as structurally deficient; the deck content and the superstructure have deteriorated.

The bridge now has 2-foot shoulders; this does not meet current standards.

1.3 Alternatives

This project contains a build alternative and a no-build alternative.

1.3.1 Build Alternative

This alternative would replace the existing Kings River Overflow Bridge and would include the following:

- 8-foot shoulders on the bridge
- On the west side, 8-foot shoulders until the tie-in to the existing 8-foot shoulders on State Route 180
- On the east side, 8-foot shoulders tapering into the existing 2-foot shoulders just west of the Minkler Store
- New guardrails at the approaches on both sides of the bridge

1.3.2 No-Build Alternative

The no-build alternative would leave the Kings River Overflow Bridge as is.

1.3.3 Identification of a Preferred Alternative

Caltrans has chosen the build alternative as the preferred alternative because it meets the purpose and need.

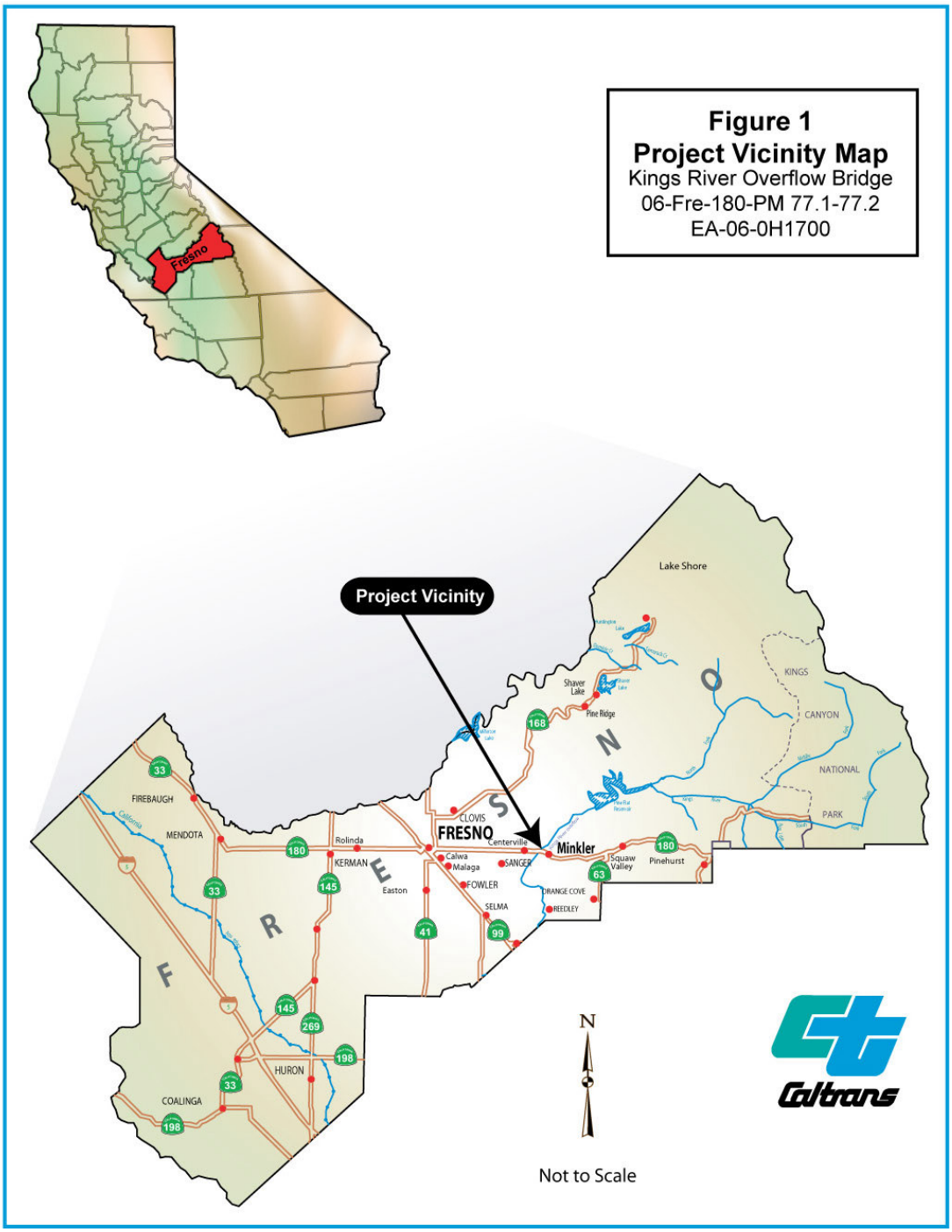

Figure 1-1 Project Vicinity Map

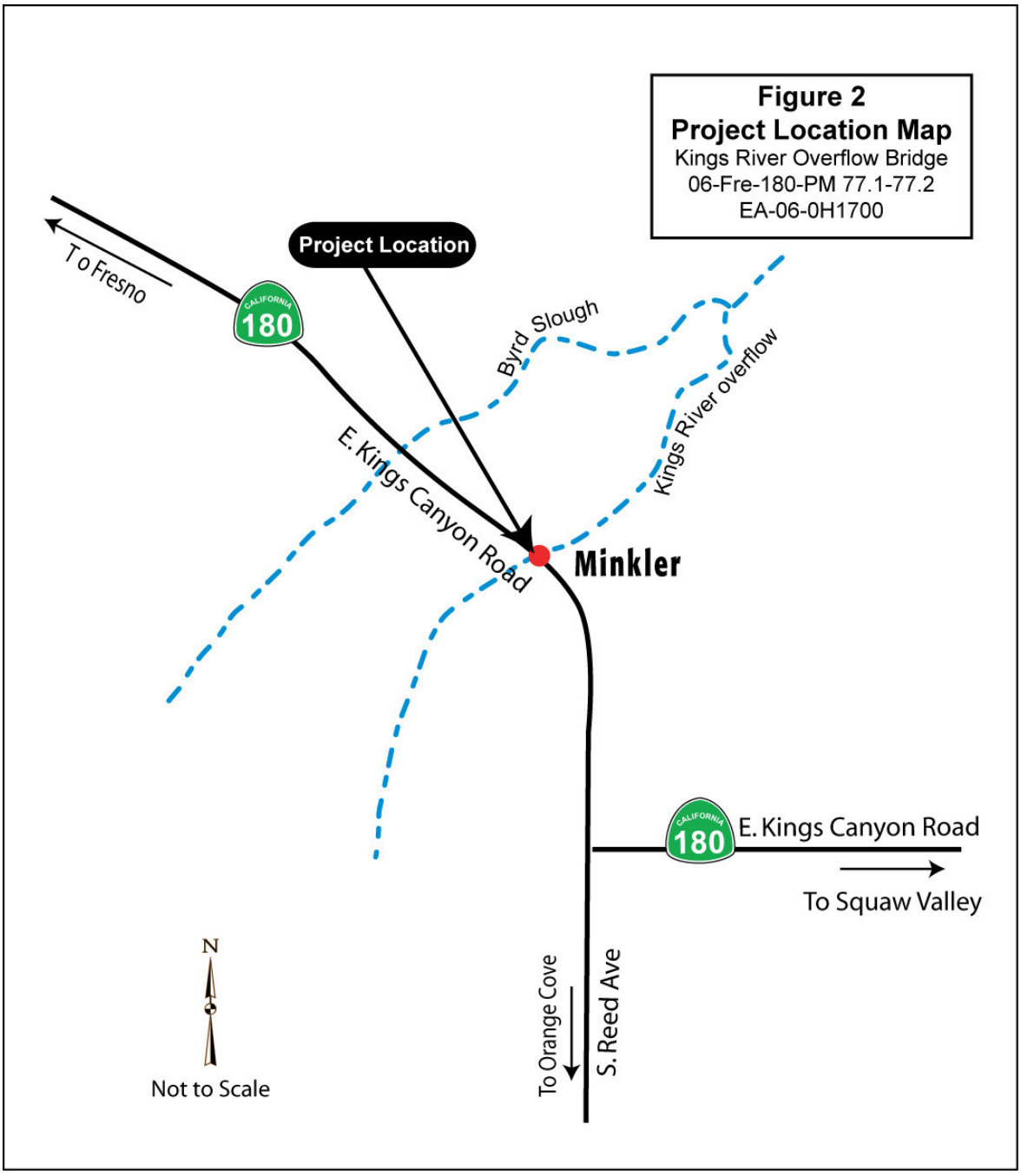

Figure 1-2 Project Location Map

1.4 Permits and Approvals Needed

The following permits, reviews, and approvals would be required for project construction:

Agency	Permit/Approval	Status
California Department of Fish and Game	Section 1600 Permit	March 1, 2012
Army Corps of Engineers	Section 404 Permit	March 1, 2012
Regional Water Quality Control Board	Section 401 Permit	March 1, 2012
San Joaquin Valley Air Pollution Control District	Asbestos and Disposal Permit	10 days prior to construction

Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures

This chapter explains the impacts that the project would have on the human, physical, and biological environments in the project area. It describes the existing environment that could be affected by the project, potential impacts from each of the alternatives, and proposed avoidance, minimization, and/or mitigation measures. Any indirect impacts are included in the general impacts analysis and discussions that follow. Related regulatory information—the laws, regulations, and governmental and regulatory agencies involved for each impact area—is provided in Appendix D.

As part of the scoping and environmental analysis conducted for the project, the following environmental issues were considered, but no adverse impacts were identified. Consequently, there is no further discussion regarding these issues in this document.

- Land Use—The project is consistent with the 2000 Fresno County General Plan and is consistent with existing land use.
- Coastal Zone—This project is not within a coastal zone.
- Wild and Scenic Rivers—There are no wild or scenic rivers within the project area.
- Parks and Recreation—There are no parks or recreation facilities within the project area.
- Growth—The project does not increase capacity or eliminate barriers to growth and thus would have no impact on growth (Project Study Report, June 2007).
- Farmlands/Timberlands—This project would neither acquire new right-of-way nor encourage the development of existing farmland (Project Report, June 2007).
- Community Impacts—This project does not divide an existing community, require relocations or affect a low-income or minority community (Project Report, June 2007).

- Utilities/Emergency Services—The project would not affect utilities (Project Report, June 2007). Caltrans would provide emergency access at all times during construction (Project Study Report, June 2007).
- Hydrology and Floodplain—The project would not affect the floodplain nor drainage (Floodplain Evaluation Report Summary, May 2007).
- Paleontology—The project has limited excavation in low-sensitivity deposits. No impacts to paleontology resources are anticipated (Paleontology Report, May, 2007).
- Geology/Soils/Seismic/Topography—There are no impacts to geology or soils. There are no faults identified near the project area (Project Report, June 2007).
- Air Quality—This project is exempt from conformity analysis. A construction emissions analysis was conducted and determined that the emissions were well below threshold (Air Quality Study, November 2009).
- Noise and Vibration—The project would not result in additional traffic nor bring traffic closer to noise receptors, thus there would no change in noise levels due to the project (Noise Study Report, May 2007).
- Threatened and Endangered Species—The project would not affect Threatened or Endangered species (Natural Environment Study, June 2009).
- Invasive Species—The project would not cause the introduction or spread of invasive species.

2.1 Human Environment

2.1.1 Traffic/Transportation

Affected Environment

According to the Fresno County General Plan, two roadway segments—Kings Canyon Road to Temperance Avenue and State Route 180 from Temperance Avenue to Kings Canyon National Park—are a designated bike facility. Once the Clovis Avenue to Temperance Avenue freeway is built, bicyclists will access State Route 180 at the Temperance interchange. This would constitute a continuous bike path from Fresno to Kings Canyon National Park.

State Route 180 is a two-lane highway within the project area. The closest local roads to the project area are Reed Avenue and Lone Oak Avenue. Both are over a third of a mile away.

Environmental Consequences

This project would replace the 2-foot shoulders on the Kings River Overflow Bridge with 8-foot shoulders. This would improve bike access and cyclist safety across the bridge.

There would be no permanent impact to either highway traffic or local traffic. There would be temporary impacts to State Route 180 traffic as one lane would be shut down during construction.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, mitigation, or minimization is necessary due to the improvement of access.

Temporary impacts would be minimized with a traffic management plan.

2.1.2 Visual/Aesthetics

Affected Environment

The project area is primarily farmland and riparian (streamside) vegetation. The unincorporated community of Minkler is on the eastern edge of the project. There are no qualified scenic resources within the project area. There are several oaks and riparian trees within project area.

Environmental Consequences

The proposed bridge would be in character with the rural surroundings.

Due to construction, the removal of five oak trees, five cottonwoods, two Gooding's black willows and a western sycamore would be required. There would be temporary visual impacts, but permanent visual impacts would be avoided by on-site replacement of vegetation.

Avoidance, Minimization, and/or Mitigation Measures

All areas disturbed during construction would receive erosion control.

To the maximum extent feasible, native riparian trees would be avoided and measures would be implemented to protect riparian trees from project-related activities.

Before construction, Caltrans would establish an environmentally sensitive area marked by orange mesh fencing around each avoided riparian tree. The fencing would mark a drip-line protection area for each tree, determined by taking a radius measurement from the trunk of the tree to the tip of its longest limb and setting that as the line for the fencing, where feasible. In addition, the limits of the construction area would be flagged, and all activity would be confined within the marked area.

Caltrans would conduct on-site mitigation for landscaping and visual impacts to the fullest extent feasible.

2.1.3 Cultural Resources

Affected Environment

The project area is in northern Fresno County, about 13 miles from the city of Fresno. Just east of the project is the community of Minkler. The project crosses the Kings River Overflow Bridge.

Archaeological studies identified no archaeological resources within the project area.

There are three buildings and a bridge within the project area. The bridge was deemed ineligible for listing on the 2006 Caltrans Historic Bridge Inventory. Of the three buildings, the Minkler cash store was deemed to be eligible for the National Register of Historic Places. The Minkler cash store is considered eligible due to its association with rural commerce in eastern Fresno County and the growth of highway commercial trade in the period of 1920-1940. The store is also is a good example of an early twentieth-century rural store designed to accommodate automobile traffic.

Environmental Consequences

Due to the proposed avoidance measures, there would no impact to the Minkler cash store.

Avoidance, Minimization, and/or Mitigation Measures

The project would avoid impacts by using the following avoidance measures:

- To avoid impacts due to vibration, Caltrans will not use pile driving to construct the Kings River Overflow Bridge.
- Orange cones would be used to identify the store as an environmentally sensitive area. The cones would be placed 10 feet from the edge of the historic property, within the Caltrans right-of-way on the south side of State Route 180. Heavy

equipment would not be allowed within 5 feet of the environmentally sensitive area. However, customers would be allowed to frequent the Minkler cash store.

2.2 Physical Environment

2.2.1 Hazardous Waste or Materials

Affected Environment

The Kings River Overflow Bridge (Bridge #42-0074) was constructed in the 1920s. Caltrans conducted studies to determine if the bridge contained lead-based paint or asbestos-containing material. No lead paint was identified during the studies. The studies did identify 450 square feet of nonfriable asbestos-containing sheet packing used on the bridge span joints.

A lead study also identified low levels of lead in the soil.

Environmental Consequences

The removal of the bridge requires the removal of the sheet packing. The levels of lead in the soil are not high enough to require that the soil be treated as hazardous waste, and the soil can be used without restriction.

Avoidance, Minimization, and/or Mitigation Measures

A Nonstandard Special Provision will be included in the contract provisions to require that any asbestos-containing material be removed by a licensed contractor.

A Lead Compliance Plan would be required during construction.

2.2.2 Water Quality and Storm Water Runoff

Affected Environment

The Kings River Overflow is the only body of water within the project area. It is a seasonal stream with riparian woodland and is not listed as impaired. The Kings River Overflow flows from the Kings River. The water quality of the Kings River in the project area is good and is not listed as impaired.

The project is located within the San Joaquin Valley groundwater basin and Kings River sub-basin 5-22.08. Groundwater quality within the project is generally good, however Dibromochloropropane and nitrates can be found in the eastern side of the sub-basin.

Environmental Consequences

The potential impacts to water quality can be attributed to soil erosion and suspended solids. However, commonly used best management practices would be used to minimize any impacts to the maximum extent practicable.

The change in impervious surface would be minimal, so there would be minimal increase in runoff volumes.

Avoidance, Minimization, and/or Mitigation Measures

The following measures would be implemented to minimize impacts to water quality:

- A Stormwater Pollution Prevention Plan
- Design pollution best management practices
- Construction site best management practices
- Maintenance best management practices

2.3 Biological Environment

2.3.1 Natural Communities

Affected Environment

The natural community consists of great valley mixed riparian forest, which includes non-native grassland, adjacent wetlands, and the Kings River Overflow within the understory. The Central Valley used to be home to the most extensive riparian woodlands in California. Today, what is left of great valley riparian woodlands has been seriously degraded by human activities. This forest is composed of tall, dense, broad-leaved, winter deciduous, native California trees and is typically found below approximately 1,000 feet in Northern California to 300 feet in Southern California. The forest was once extensive along the major low-gradient streams throughout the San Joaquin Valley, but is now reduced to scattered, isolated remnants or young stands due to flood control, water diversion, agricultural development, and urban expansion.

In addition to the great valley mixed riparian forest being a natural community of special concern, it is also considered oak woodland, requiring protection under the Senate Concurrent Resolution No. 17 (SCR #17 1989) and the 2004 Senate Bill 1334. “Oak woodland” is defined as tree habitat with five or more oak trees per acre, except for valley oaks (*Quercus lobata*), which include one or more trees per acre. An “oak”

refers to a native tree species in the genus *Quercus* that is 5 inches or greater in diameter at breast height. Oak woodlands containing blue oak (*Q. douglasii*), Engelmann oak (*Q. engelmannii*), coast live oak (*Q. agrifolia*), and valley oak are protected under Senate Concurrent Resolution No. 17 (SCR 17). They are also protected under 2004 Senate Bill 1334, which requests state agencies to provide replacement planting of such oak trees, removed from oak woodlands due to land use planning duties, to the maximum extent feasible and consistent with the performance of those duties and responsibilities.

Environmental Consequences

There are no permanent impacts to great valley riparian mixed forest. The project would not convert habitat. There would be temporary impacts, but habitat would be restored once construction ends.

There would be some tree removal within 25 feet on either side of the existing Kings River Overflow Bridge. Native riparian trees that would be removed include cottonwood, valley oak, Gooding's black willow, California button willow, and western sycamore.

Avoidance, Minimization, and/or Mitigation Measures

Native riparian trees would be avoided as much as possible, and protection measures would be implemented to protect riparian trees from project-related activities. A worker educational training would be conducted and would include a brief presentation on the importance of the great valley mixed riparian forest habitat.

Before construction, Caltrans would establish an environmentally sensitive area marked by orange mesh fencing around each avoided riparian tree. The fencing would mark a drip-line protection area for each tree, determined by taking a radius measurement from the trunk of the tree to the tip of its longest limb and setting that as the line for the fencing, where feasible. In addition, the limits of the construction area would be flagged, and all activity would be confined within the marked area.

The required compensatory mitigation would include replanting native riparian trees in-kind at a 3:1 ratio for trees between 4 and 25 inches in diameter at breast height. Trees more than 25 inches in diameter at breast height are defined as heritage trees and require replanting at the higher ratio of 10:1. See Table 1 for the estimated riparian tree impact. Some of the species found within this zone were not up to a diameter of 4 inches at breast height and therefore are not included in the replanting estimation.

Table 2.1: Estimated Riparian Tree Impact

Common Name	Scientific Name	Species Impacts	Replanting
Cottonwood	*Populus fremontii*	3 Heritage 2 Non-heritage	36
Valley Oak	*Quercus lobata*	5 Non-heritage	15
Gooding's Black Willow	*Salix gooddingii*	2 Non-heritage	6
Western Sycamore	*Platanus racemosa*	1 Non-heritage	3

The trees fewer than 4 inches diameter at breast height could grow to this minimum before construction, so a reevaluation would be conducted before submitting the Streambed Alteration Agreement permit application. Caltrans is currently planning on doing offsite riparian restoration. If offsite restoration is not feasible, then onsite restoration would be considered.

2.3.2 Wetlands and Other Waters

Affected Environment

The Kings River Overflow has been identified as a jurisdictional Water of the U.S. This stream is considered a non-navigable, relatively permanent tributary to the Kings River. This stream provides aquatic habitat for local wildlife species.

A jurisdictional wetland has also been identified to the east of the Kings River Overflow Bridge. This wetland is considered adjacent to Waters of the U.S. since it is separated from the Kings River Overflow by a natural river berm. This adjacent wetland flows directly or indirectly into traditionally navigable water (Kings River).

Environmental Consequences

It is anticipated that the project would result in impacts to Waters of the U.S. and wetlands. Caltrans would prepare a non-reporting Nationwide Permit 14, pursuant to Section 404 of the Clean Water Act, to comply with the U.S. Army Corps of Engineers for the discharge of fill material into a jurisdictional water of the U.S.

Approximately 0.1 acre of Waters of the U.S. and 0.02 acre of wetlands would be temporarily affected. These habitats would be restored once construction is completed.

Permanent impacts to Waters of the U.S. would include the addition of 6 feet of bridge deck and bridge pilings on both sides of existing bridge, which would equal approximately 0.01 acre. No permanent impacts to wetlands are anticipated.

Figure 2-1 Wetlands and Waters of the U.S. Impacts

Avoidance, Minimization, and/or Mitigation Measures

Before construction, Caltrans would establish an environmentally sensitive area, marked by orange mesh fencing, to avoid accidental construction-related impacts to the wetland and Waters of the U.S.

Terms, conditions, and provisions provided within Streambed Alteration Agreements, Clean Water Act Section 404 permits, and Clean Water Act Section 401 permits are designed to minimize and avoid impacts to waterways and wetlands. Caltrans would receive these permits and would include these permits in the solicitation for contractor bid information. In addition, the project would incorporate standard Caltrans best management practices to prevent impacts related to degradation of water quality.

To ensure no net loss of Waters of the U.S., Caltrans proposes to restore riparian habitat offsite of the project area adjacent to the Kings River, a Water of the U.S. This restoration would meet requirements of the U.S. Army Corps of Engineers as well as

the California Department of Fish and Game for impacts to riparian trees within their jurisdiction.

Caltrans is currently planning on accomplishing offsite riparian restoration. If the off-site restoration effort proves unfeasible, then onsite restoration would be implemented.

2.3.3 Plant Species

Affected Environment

The project biological study area provides potential habitat for one special-status plant species—the California satintail. This grass is included in the California Native Plant Society inventory of rare and endangered plants on list 2.1 ("2" means rare, threatened, or endangered in California but common elsewhere and ".1" signifies that it is seriously endangered in California).

The California Natural Diversity Database indicates the closest recorded location for this species is just north of the town of Centerville about 1.5 miles north of the project area. Although suitable habitat is present, the species was not found during biological surveys of the study area.

Environmental Consequences

No impacts are anticipated for the California satintail as a result of the proposed project activities. Implementation of the avoidance and minimization measures listed below would offset unexpected impacts.

Avoidance, Minimization, and/or Mitigation Measures

Preconstruction surveys would be conducted for the species during its blooming period. If the species were discovered within the project impact area, the appropriate regulatory agency would be consulted. If it were discovered that the species had become established relatively close to the project impact area but removal would not result, Caltrans would prevent its potential disturbance with environmentally sensitive area fencing.

2.3.4 Animal Species

Affected Environment

Special-Status Species

The project area has habitat suitable for the Kern brook lamprey (*Lampetra hubbsi*) and the western pond turtle (*Actinemys marmorata*), both of which are Department of Fish and Game Species of Concern. Biological studies showed no presence of either species within the project area.

Bats

California has 24 indigenous bat species throughout the state. At least 17 of these bat species are known to use human-made structures, including buildings and bridges. Fifteen California bat species are ranked as having a rare status with state or federal agencies, ten are California Species of Special Concern by the California Department of Fish and Game, and five are considered sensitive by federal agencies (Bureau of Land Management and U.S. Forest Service).

The following are bat species of concern that may be found within the project area; pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), hoary bat (*Lasiurus cinereus*), Western small-footed myotis (*Myotis ciliolabrum*), fringed myotis (*Myotis thysanodes*), and Yuma myotis (*Myotis yumanensis*).

Caltrans surveys identified several indications that bats are using the Kings River Overflow Bridge for roosting habitat. Although surveys did not identify specific types of bats, evidence obtained most likely belongs to bats of the genus myotis.

Migratory Birds

Foraging and nesting habitat is present within the biological study area for many migratory birds.

Environmental Consequences

Special-Status Species

No impacts are anticipated for the Kern brook lamprey or the western pond turtle as a result of the proposed project activities. Implementation of the avoidance and minimization measures listed below would offset unexpected impacts.

Bats

Complete avoidance of the bat roost is not feasible because the existing bridge would be removed and replaced. Moderate impacts would be seasonally temporary until

bridge work is complete. There are alternative roost sites in the vicinity of the Kings River Overflow Bridge, although it has been established that bats have a high fidelity to their established roosting sites and do not adjust easily to the loss of habitat.

Migratory Birds

No impacts to migratory birds, their young, or their active nests are anticipated with implementation of avoidance and minimization measures discussed below.

Avoidance, Minimization, and/or Mitigation Measures

Special-Status Species

Caltrans biologists would conduct preconstruction surveys for the Kern brook lamprey and the western pond turtle within each species' active period before construction.

A worker educational training would be conducted and would include a brief presentation by a biologist knowledgeable about the Kern brook lamprey and the western pond turtle biology.

Bats

Construction activities that would disturb a maternity roost or seasonal roost for bats, whether or not the bats are special-status species, are prohibited by Caltrans. Caltrans' goal is to maintain and operate structures for the purposes of transportation without adversely affecting bat populations, while also balancing the needs of bats with the safety of transportation workers.

Exclusionary measures would be required before construction to prevent bat species from roosting within the hinge spaces of the Kings River Overflow Bridge. Measures may include installation of exclusionary features while the bats are away from the roost prior to April 15 of the construction year. No exclusions would take place during the maternity season, between April 15 and October 30.

Additional surveys would be needed within a year of the start of construction to reassess presence of bat species. Currently, the site is not being used as a maternity roost, but the use of the site would need to be reassessed prior to construction.

Caltrans may need to provide temporary roosts for bats during construction if it is determined that there is no availability of other suitable roosts within 15 miles of the biological study area.

The new bridge design would include design features to accommodate the bat species' same population size or greater.

Migratory Birds

Trees, shrubs and other vegetation within the project impact area shall be removed prior to the nesting season of migratory birds. If removal of nests is deemed necessary, the removal would occur during the time of year when the nests are not used (approximately September 2 to February 14).

Should construction begin within the nesting season, a preconstruction survey for migratory birds would be conducted no less than 14 days and no more than 30 days before the beginning of construction.

If an active nest were detected, the California Department of Fish and Game would be consulted and environmentally sensitive area fencing may be erected around the nest site to prevent nesting disturbance. Work may be temporarily suspended if the nest cannot be avoided.

If a bird were found injured or killed as a result of construction activities, work would immediately stop and the California Department of Fish and Game would be notified.

Contract Special Provisions for protection of migratory birds would be included in the construction bid package.

2.4 Climate Change under the California Environmental Quality Act

Project Analysis

The project is located in the San Joaquin Valley Air Pollution Control District, which is currently classified as "attainment" for carbon monoxide levels in federal air quality standards and state standards. Carbon dioxide is a common indicator of the various greenhouse gases. Carbon dioxide and most of the greenhouse gases are not currently listed in the Clean Air Act as Priority Pollutants; therefore, there is no federal or state ambient air quality limit for these gases.

Caltrans recognizes the concern that carbon dioxide emissions raise for climate change. However, modeling and gauging the impacts associated with an increase in greenhouse gas emission levels, including carbon dioxide, at the project level is currently limited.

Qualitative Analysis

The primary purpose of the Kings River Overflow Bridge project is to improve a structurally deficient bridge on State Route 180 in Fresno County. The construction and implementation of this project would not affect capacity.

The proposed project would replace the existing bridge and widen the shoulders from 2 feet to 8 feet. Because the project would provide new pavement surfaces and ensure the smoothest ride possible for motorists, a reduction in greenhouse gases may occur as a result of the lessening of rolling resistance and the resultant improvement in traveling vehicles' fuel economy.

Construction Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction greenhouse gas emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the greenhouse gas emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events.

CEQA Conclusion

Based on the type of project that is proposed, there would be a low- to no-potential for impacts to climate change. Construction emissions would be unavoidable; however, there would likely be long-term greenhouse gas benefits as a result of the improvements to safety and operation.

Although there may be an overall reduction in greenhouse gas emissions with the proposed project, it is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and California Environmental Quality Act significance, it is too speculative to make a determination regarding significance of the project's direct impact and its contribution on the cumulative scale to climate change. However, Caltrans is firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the following sections.

AB 32 Compliance

Caltrans continues to be actively involved on the Governor's Climate Action Team as California Air Resources Board works to implement Assembly Bill 1493 and help achieve the targets set forth in Assembly Bill 32. Many of the strategies Caltrans is using to help meet the targets in Assembly Bill 32 come from the California Strategic Growth Plan, which is updated each year. Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a $238.6 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including $100.7 billion in transportation funding through 2016.[1] As shown on the figure below, the Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in greenhouse gas emissions.

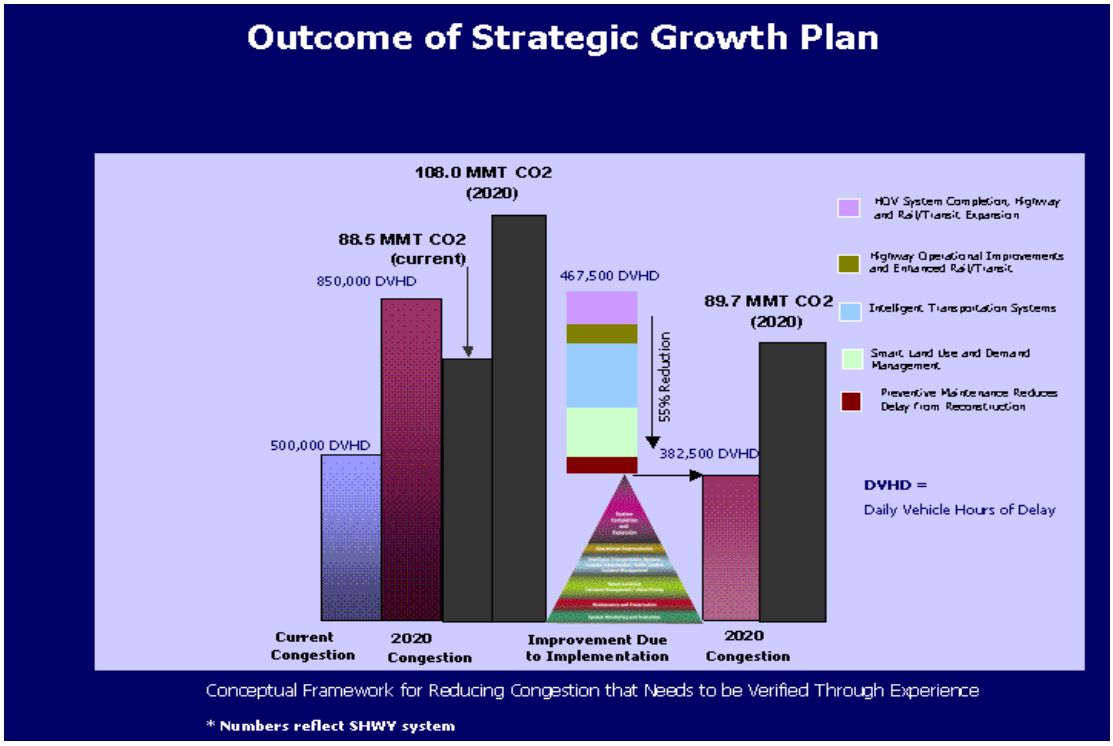

Figure 2-2 Outcome of Strategic Growth Plan

[1] Governor's Strategic Growth Plan, Fig. 1 (http://gov.ca.gov/pdf/gov/CSGP.pdf)

The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach of a variety of strategies: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.

As part of the *Climate Action Program at Caltrans* (December 2006, http://www.dot.ca.gov/docs/ClimateReport.pdf), Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans is working closely with local jurisdictions on planning activities; however, Caltrans does not have local land use planning authority. Caltrans is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; Caltrans is doing this by supporting ongoing research efforts at universities, by supporting legislation efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by the U.S. Environmental Protection Agency and California Air Resources Board. Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the University of California at Davis.

Table 2.1 summarizes the Department and statewide efforts that Caltrans is implementing in order to reduce greenhouse gas emissions. For more detailed information about each strategy, please see *Climate Action Program at Caltrans* (December 2006); it is available at: http://www.dot.ca.gov/docs/ClimateReport.pdf.

Table 2.2 Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO_2 Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Inter-governmental Review (IGR)	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Trans. System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	.007	2.17
Mainstream Energy & Greenhouse Gas into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, CARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.45 .0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5% limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 .36	3.6
Goods Movement	Office of Goods Movement	Cal EPA, CARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					**2.72**	**18.67**

To the extent that it is applicable or feasible for the project, the following measures can also help to reduce the greenhouse gas emissions and potential climate change impacts from projects:

1. Use of reclaimed water—currently 30 percent of the electricity used in California is used for the treatment and delivery of water. Use of reclaimed water helps conserve this energy, which reduces greenhouse gas emissions from electricity production.

2. Landscaping—reduces surface warming and through photosynthesis decreases carbon dioxide.

3. Portland cement—use of lighter color surfaces such as Portland cement helps to reduce the albedo effect (measure of how much light a surface reflects) and cool the surface; in addition, Caltrans has been a leader in the effort to add fly ash to Portland cement mixes. Adding fly ash reduces the greenhouse gas emissions associated with cement production; it also can make the pavement stronger.

4. Lighting—use of energy efficient lighting, such as LED traffic signals.

5. Idling restrictions—for trucks and equipment.

Chapter 3 Comments and Coordination

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including project development team meetings, interagency coordination meetings, and public meetings. This chapter summarizes the results of Caltrans' efforts to identify, address and resolve project-related issues through early and continuing coordination.

Coordination with Public Agencies

Army Corps of Engineers

December 17, 2008. The Caltrans biologist stopped at the project site with a U.S. Army Corps of Engineers representative while conducting a site visit for the Kings Canyon Expressway project.

California Department of Fish and Game

January 13, 2009. Caltrans contacted a California Department of Fish and Game representative by phone to initiate early consultation and to schedule a field visit to the Kings River Overflow Bridge. The field visit was scheduled for January 28, 2009.

January 28, 2009. Caltrans and a California Department of Fish and Game representative conducted a field visit of the site.

January 29, 2009. Caltrans contacted a California Department of Fish and Game representative by email as a follow-up from the field visit to get in writing the issues addressed and to answer remaining questions.

January 30, 2009. The California Department of Fish and Game requested the location for the proposed riparian replanting site at Reedley College.

February 2, 2009. A California Department of Fish and Game representative provided Caltrans with western pond turtle avoidance and minimization measures.

February 3, 2009. A California Department of Fish and Game representative responded to Caltrans' email from January 29, 2009 to answer questions after

the field visit on January 28, 2009.

February 3, 2009. Caltrans provided the California Department of Fish and Game with the location of the proposed riparian replanting site by email.

February 19, 2009. The California Department of Fish and Game contacted Caltrans by email to ask if there would be any pile driving for this project.

February 19, 2009. Caltrans responded by email.

February 19, 2009. A California Department of Fish and Game representative responded by email.

March 4, 2009. Caltrans contacted the California Department of Fish and Game by email to ask if there was a California Fish and Game Code that discussed protection of bat roosts.

March 4, 2009. A California Department of Fish and Game representative responded by email.

April 30, 2009. Caltrans contacted a California Department of Fish and Game representative by phone to discuss avoidance and minimization measures for the red-shouldered hawk nest found adjacent to the bridge.

May 19, 2009. A California Department of Fish and Game representative responded by email.

State Historic Preservation Officer

Caltrans and the Federal Highway Administration consulted with the State Historic Preservation Officer regarding the eligibility of cultural resources. The State Historic Preservation Officer concurred with the findings on June 16, 2009.

Public Participation

Opportunity for a Public Hearing

An Initial Study with a proposed Negative Declaration was prepared and circulated for comment from September 29, 2009 to October 29, 2009. Caltrans received five comments and no request for a public hearing. All comments from the circulation periods have been incorporated into this document (see Appendix F).

Chapter 4 List of Preparers

This document was prepared by the following Caltrans Central Region staff:

David Farris, Associate Environmental Planner. Bachelor of Science, Environmental Biology and Management, University of California at Davis; 9 years of environmental planning experience. Contribution: Document writer.

Reagen O'Leary, Associate Environmental Planner (Biologist). Bachelor of Science, Biology with an emphasis in Ecology. California State University, Fresno; 7 years of biological studies experience. Contribution: Natural Environment Study.

Rajeev L Dwivedi, Associate Engineering Geologist. Ph.D., Environmental Engineering, Oklahoma State, Stilmater; 19 years of environmental technical studies experience. Contribution: Water Quality Study.

Jon Brady, Associate Environmental Planner (Archaeology/Architecture Historian). Master of Arts, History; Bachelor of Arts, Political Science/Anthropology; 28 years of archaeology/architectural history experience. Contribution: Architectural Historian/Archaeology.

Susan Greenwood, Associate Environmental Planner. Bachelor of Science, Environmental Health Science, California State University, Fresno; 20 years of environmental health, hazardous waste, and hazardous material management experience. Contribution: Hazardous Waste.

Richard Stewart, Engineering Geologist. Bachelor of Science, Geology, California State University Fresno; 20 years of environmental studies experience. Contribution: Paleontological Evaluation.

Larry Lowe, Transportation Engineer, Bachelor of Science, Master of Arts, Zoology, University of California at Davis; Bachelor of Science, Civil Engineering California State University, Fresno; Registered Professional Engineer (Civil) in California; 25 years of experience in biological research, engineering consulting, environmental regulation, engineering construction and design. Contribution: Project Engineer.

Juergen Vespermann, Senior Environmental Planner. Engineering Degree, Fachhochschule Muenster, Germany; 20 years of transportation planning/environmental planning experience. Contribution: Document preparation.

Sarah Gassner, Chief, Southern Sierra Environmental Analysis Branch. B.A., Anthropology, California State University, Fresno; M.A., Cultural Resources Management, Sonoma State University; 14 years of archaeological experience; 9 years of cultural resource management and environmental planning experience with Caltrans. Contribution: Environmental Unit Supervisor.

Appendix A California Environmental Quality Act Checklist

The following checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. The California Environmental Quality Act impact levels include “potentially significant impact,” “less than significant impact with mitigation,” “less than significant impact,” and “no impact.”

Supporting documentation of all California Environmental Quality Act checklist determinations is provided in Chapter 2 of this Initial Study/Environmental Assessment. Documentation of “No Impact” determinations is provided at the beginning of Chapter 2. Discussion of all impacts, avoidance, minimization, and/or mitigation measures is under the appropriate topic headings in Chapter 2.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	X	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	X
II. AGRICULTURE RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	X
IV. BIOLOGICAL RESOURCES — Would the project:				
a) 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 the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the	☐	X	☐	☐

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X
V. CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☐ Archaeological resources are considered "historical resources" and are covered under question V(a).
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	X
VI. GEOLOGY AND SOILS — Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?	☐	☐	☐	X
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	X
iv) Landslides?	☐	☐	☐	X
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.	☐	☐	☐	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	X
VII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X
VIII. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the				

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite?	☐	☐	☐	X
e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X
f) Otherwise substantially degrade water quality?	☐	☐	☐	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	X
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	X
j) Result in inundation by a seiche, tsunami, or mudflow?	☐	☐	☐	X
IX. LAND USE AND PLANNING — Would the project:				
a) Physically divide an established community?	☐	☐	☐	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X
X. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	X
XI. NOISE — Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X
XII. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

XIII. PUBLIC SERVICES —

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	☐	☐	☐	X
Police protection?	☐	☐	☐	X
Schools?	☐	☐	☐	X
Parks?	☐	☐	☐	X
Other public facilities?	☐	☐	☐	X

XIV. RECREATION —

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	X

XV. TRANSPORTATION/TRAFFIC — Would the project:

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X

Explanation: The project would not change emergency access. Caltrans special provisions would provide for emergency services access during construction (Project Study Report, June 2007).

f) Result in inadequate parking capacity?	☐	☐	☐	X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X

XVI. UTILITY AND SERVICE SYSTEMS — Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
facilities, the construction of which could cause significant environmental effects?				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X
XVII. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	X	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

Appendix B Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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Flex your power!
Be energy efficient!

August 25, 2009

TITLE VI
POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

RANDELL H. IWASAKI
Director

"Caltrans improves mobility across California"

Appendix C Minimization and/or Mitigation Summary

Visual/Aesthetics

All areas disturbed during construction would receive erosion control.

To the maximum extent feasible, native riparian trees would be avoided and measures would be implemented to protect riparian trees from project-related activities.

Before construction, Caltrans would erect orange mesh environmentally sensitive area fencing for each avoided riparian tree. The fencing would mark a drip line protection area for each tree, determined by taking a radius measurement from the trunk of the tree to the tip of its longest limb and setting that as the line for the fencing, where feasible. In addition, the limits of the construction area would be flagged, and all activity would be confined within the marked area.

Due to construction, the removal of five oak trees, five cottonwoods, two Gooding's black willow and a western sycamore would be required. There would be temporary visual impacts, but permanent visual impacts would be avoided by onsite replacement of vegetation.

Hazardous Waste or Materials

A Nonstandard Special Provision will be included in the contract provisions that would require any asbestos-containing materials be removed by a licensed contractor.

Natural Communities

To the maximum extent feasible, native riparian trees would be avoided and protection measures would be implemented to protect riparian trees from project-related activities. A worker educational training would be conducted and would include a brief presentation on the importance of the great valley mixed riparian forest habitat.

Before construction, Caltrans would erect orange mesh environmentally sensitive area fencing for each avoided riparian tree. The fencing would mark a drip line protection area for each tree, determined by taking a radius measurement from the trunk of the tree to the tip of its longest limb and setting that as the line for the fencing, where feasible. In addition, the limits of the construction area would be flagged, and all activity would be confined within the marked area.

The required compensatory mitigation would include replanting native riparian trees in-kind at a 3:1 ratio for trees between 4 and 25 inches diameter at breast height. Trees more than 25 inches diameter at breast height are defined as heritage trees and must be replanted at the higher ratio of 10:1. See Table C.1 for the estimated riparian tree impact within 25 feet of either side of the bridge. Some of the species found within this zone were not up to 4 inches diameter at breast height and therefore are not included in the replanting estimation.

Table C.1: Estimated Riparian Tree Impact

Common Name	Scientific Name	Species Impacts	Replanting
Cottonwood	*Populus fremontii*	3 Heritage 2 Non-Heritage	36
Valley Oak	*Quercus lobata*	5 Non-Heritage	15
Gooding's Black Willow	*Salix gooddingii*	2 Non-Heritage	6
Western Sycamore	*Platanus racemosa*	1 Non-Heritage	3

The trees fewer than 4 inches diameter at breast height could grow to this minimum before construction; therefore a reevaluation would be conducted before submission of the Streambed Alteration Agreement permit application. Because there is no right-of-way to be acquired by this project, Caltrans is currently planning on accomplishing offsite riparian restoration. If offsite restoration is not feasible, then onsite restoration would be considered.

Wetlands and Other Waters of the United States

Before construction, Caltrans would establish an environmentally sensitive area, consisting of orange mesh fencing, to avoid unplanned accidental construction-related impacts to the wetland and Waters of the U.S.

Terms, conditions, and provisions provided within Streambed Alteration Agreements, Clean Water Act Section 404 permits, and Clean Water Act Section 401 permits are designed to minimize and avoid impacts to waterway and wetlands. Caltrans would receive these permits and would include these permits in the solicitation for contractor bid information. In addition, the project would incorporate standard Caltrans Best Management Practices to prevent impacts related to degradation of water quality.

To ensure no net loss of Waters of the U.S., Caltrans proposes to restore riparian habitat offsite of the project area adjacent to the Kings River. This restoration would

meet requirements of the U.S. Army Corps of Engineers as well as the California Department of Fish and Game for impacts to riparian trees within their jurisdiction.

Caltrans is currently planning on doing offsite riparian restoration; if the offsite restoration effort proves unfeasible, then onsite restoration would be substituted.

Plant Species

Preconstruction surveys would be conducted for the species during its blooming period. If the species were discovered within the project impact area, the appropriate regulatory agency would be consulted. If it were discovered that the species had become established relatively close to the project impact area but removal would not result, Caltrans would establish an environmentally sensitive area to prevent potential disturbance.

Animal Species

Special-Status Species

Caltrans biologists would conduct preconstruction surveys for the Kern brook lamprey and the western pond turtle within each species' active period before construction.

A worker educational training would be conducted and would include a brief presentation by a biologist knowledgeable about the Kern brook lamprey and the western pond turtle biology.

Bats

Construction activities that would disturb a maternity roost or seasonal roost for bats, whether or not the bats are special-status species, are prohibited by Caltrans. Caltrans' goal is to maintain and operate structures for the purposes of transportation without adversely affecting bat populations, while also balancing the needs of bats with the safety of transportation workers.

Exclusionary measures would be required before construction to prevent bat species from roosting within the hinge spaces of the bridge. Measures may include installation of exclusionary features while the bats are away from the roost prior to April 15 of the construction year. No exclusions would take place during the maternity season, between April 15 and October 30. Exclusionary devices would be removed once construction is complete, and roosts would be restored to original condition.

Additional surveys would be needed within a year of the start of construction to reassess presence of bat species. Currently, the site is not being used as a maternity roost, but the site would need to be reassessed and a new survey would be conducted prior to construction.

Caltrans may need to provide temporary roosts for bats during construction if it is determined that there are no other suitable roosts available within 15 miles of the biological study area.

The new bridge design would include design features to accommodate the bat species' same population size or greater.

Migratory Birds

Trees, shrubs and other vegetation within the project impact area shall be removed prior to the nesting season of migratory birds. If removal of nests is deemed necessary, the removal would occur during the time of year when the nests are not used (generally September 2 to February 14).

Should construction begin during the nesting season, a preconstruction survey for migratory birds would be conducted no less than 14 days and no more than 30 days before the beginning of construction.

If an active nest were detected, the California Department of Fish and Game would be consulted and an environmentally sensitive area around the nest site may be established to prevent nesting disturbance. Work may be temporarily suspended if the nest cannot be avoided.

If a bird were found injured or killed as a result of construction activities, work would immediately stop and the California Department of Fish and Game would be notified.

Contract Special Provisions for protection of migratory birds would be included in the construction bid package.

Appendix D Regulatory Settings

This appendix contains general information about laws and regulations that apply to transportation projects and the topics covered in Chapter 2 of this document.

Traffic and Transportation/Pedestrian and Bicycle Facilities

The Federal Highway Administration directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of federal-aid highway projects (see 23 Code of Federal Regulations 652). It further directs that the special needs of the elderly and the disabled must be considered in all federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility.

Caltrans and the Federal Highway Administration are committed to carrying out the 1990 Americans with Disabilities Act by building transportation facilities that provide equal access for all persons. The same degree of convenience, accessibility, and safety available to the general public will be provided to persons with disabilities.

Visual/Aesthetics

The National Environmental Policy Act of 1969, as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* and culturally pleasing surroundings [42 United States Code 4331(b)(2)]. To further emphasize this point, the Federal Highway Administration in its implementation of the National Environmental Policy Act [23 United States Code 109(h)] directs that final decisions regarding projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

Likewise, the California Environmental Quality Act establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of *aesthetic*, natural, scenic, and historic environmental qualities." [California Public Resources Code Section 21001(b)]

Cultural Resources

"Cultural resources" as used in this document refers to historic and archaeological resources, regardless of significance. The main federal laws dealing with cultural resources include the following:

The National Historic Preservation Act of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations 800). On January 1, 2004, a Section 106 Programmatic Agreement among the Advisory Council, the Federal Highway Administration, the State Historic Preservation Officer, and Caltrans went into effect for Caltrans projects, both state and local, with Federal Highway Administration involvement. The Programmatic Agreement implements the Advisory Council's regulations, 36 Code of Federal Regulations 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans.

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the "use" of land from historic properties.

Historical resources are considered under the California Environmental Quality Act, as well as California Public Resources Code Section 5024.1, which established the California Register of Historical Resources. Section 5024 of the Public Resources Code requires state agencies to identify and protect state-owned resources that meet National Register of Historic Places listing criteria. It further specifically requires Caltrans to inventory state-owned structures in its rights-of-way.

Hydrology and Floodplain

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. The Federal Highway Administration requirements for compliance are outlined in 23 Code of Federal Regulations 650 Subpart A.

To comply, the following must be analyzed:

- The practicability of alternatives to any longitudinal encroachments

- Risks of the action
- Impacts on natural and beneficial floodplain values
- Support of incompatible floodplain development
- Measures to minimize floodplain impacts and to preserve/restore any beneficial floodplain values affected by the project

The base floodplain is defined as "the area subject to flooding by the flood or tide having a one percent chance of being exceeded in any given year." An encroachment is defined as "an action within the limits of the base floodplain."

Water Quality and Storm Water Runoff

Section 401 of the Clean Water Act requires water quality certification from the State Water Resources Control Board or from a Regional Water Quality Control Board when the project requires a Clean Water Act Section 404 permit. Section 404 of the Clean Water Act requires a permit from the U.S. Army Corps of Engineers to discharge dredged or fill material into waters of the United States.

Along with Section 401 of the Clean Water Act, Section 402 of the Clean Water Act establishes the National Pollutant Discharge Elimination System permit for the discharge of any pollutant into waters of the United States. The federal Environmental Protection Agency has delegated administration of the National Pollutant Discharge Elimination System program to the State Water Resources Control Board and nine Regional Water Quality Control Boards. The State Water Resources Control Board and Regional Water Quality Control Boards also regulate other waste discharges to land within California through the issuance of waste discharge requirements under authority of the Porter-Cologne Water Quality Act.

The State Water Resources Control Board has developed and issued a statewide National Pollutant Discharge Elimination System permit to regulate storm water discharges from all Caltrans activities on its highways and facilities. Caltrans construction projects are regulated under the statewide permit, and projects performed by other entities on Caltrans right-of-way (encroachments) are regulated by the State Water Resources Control Board's Statewide General Construction Permit.

All construction projects over 1 acre require a Storm Water Pollution Prevention Plan to be prepared and implemented during construction. Caltrans activities of less than 1 acre require a Water Pollution Control Program.

Geology/Soils/Seismic/Topography

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects "outstanding examples of major geological features." Topographic and geologic features are also protected under the California Environmental Quality Act.

Earthquakes are prime considerations in the design and retrofit of structures. Caltrans' Office of Earthquake Engineering is responsible for assessing the seismic hazard for Caltrans projects. The current policy is to use the anticipated Maximum Credible Earthquake from young faults in and near California. The Maximum Credible Earthquake is defined as the largest earthquake that can be expected to occur on a fault over a particular period of time.

Hazardous Waste or Materials

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health, and land use.

The main federal laws regulating hazardous wastes/materials are the Resource Conservation and Recovery Act of 1976 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980. The purpose of the Comprehensive Environmental Response, Compensation and Liability Act, often referred to as Superfund, is to clean up contaminated sites so that public health and welfare are not compromised. The Resource Conservation and Recovery Act provides for "cradle to grave" regulation of hazardous wastes. Other federal laws include the following:

- Community Environmental Response Facilitation Act of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety & Health Act
- Atomic Energy Act
- Toxic Substances Control Act
- Federal Insecticide, Fungicide, and Rodenticide Act

In addition to the acts listed above, Executive Order 12088, Federal Compliance with Pollution Control, mandates that necessary actions be taken to prevent and control environmental pollution when federal activities or federal facilities are involved.

Hazardous waste in California is regulated primarily under the authority of the federal Resource Conservation and Recovery Act of 1976 and the California Health and Safety Code. Other California laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Worker health and safety and public safety are key issues when dealing with hazardous materials that may affect human health and the environment. Proper disposal of hazardous material is vital if it is disturbed during project construction.

Wetlands and Other Waters

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Clean Water Act (33 United States Code 1344) is the main law regulating wetlands and waters. The Clean Water Act regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce.

To classify wetlands for the purposes of the Clean Water Act, a three-parameter approach is used that includes the presence of: hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

Section 404 of the Clean Water Act establishes a regulatory program that provides that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is run by the U.S. Army Corps of Engineers with oversight by the Environmental Protection Agency.

The Executive Order for the Protection of Wetlands (Executive Order 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this executive order states that a federal agency, such as the Federal Highway Administration, cannot undertake or provide assistance for new construction located

in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

At the state level, wetlands and waters are regulated primarily by the California Department of Fish and Game and the Regional Water Quality Control Boards. In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission) may also be involved. Sections 1600-1607 of the Fish and Game Code require any agency that proposes a project that would substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the California Department of Fish and Game before beginning construction. If the California Department of Fish and Game determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement would be required.

The California Department of Fish and Game's jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the Army Corps of Engineers may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the Department of Fish and Game.

The Regional Water Quality Control Boards were established under the Porter-Cologne Water Quality Control Act to oversee water quality. The Regional Water Quality Control Boards also issue water quality certifications in compliance with Section 401 of the Clean Water Act. Please see the Water Quality section earlier in this appendix for additional details.

Plant Species

The U.S. Fish and Wildlife Service and California Department of Fish and Game share regulatory responsibility for the protection of special-status plant species. Special-status species are selected for protection because they are rare and/or subject to population and habitat declines. "Special-status" is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act and/or the California Endangered Species Act. Please see the Threatened and Endangered Species section later in this appendix for regulatory information regarding these species.

The Plant Species section of Chapter 2 of this document discusses all the other special-status plant species, including California Department of Fish and Game fully-protected species and species of special concern, U.S. Fish and Wildlife Service candidate species, and non-listed California Native Plant Society rare and endangered plants.

The regulatory requirements for the Federal Endangered Species Act can be found at United States Code 16, Section 1531, et. seq. See also 50 Code of Federal Regulations Part 402. The regulatory requirements for the California Endangered Species Act can be found at California Fish and Game Code, Section 2050, et. seq. Caltrans projects are also subject to the Native Plant Protection Act, found at Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act, Public Resources Code, Sections 2100-21177.

Animal Species

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration Fisheries Service, and the California Department of Fish and Game are responsible for implementing these laws.

The section on Animal Species in Chapter 2 discusses potential impacts and permit requirements associated with wildlife not listed or proposed for listing under the state or federal Endangered Species Act. Species listed or proposed for listing as threatened or endangered are discussed in a separate section. All other special-status animal species are discussed under Animal Species (in Chapter 2), including California Department of Fish and Game fully protected species and species of special concern, and the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration Fisheries Service candidate species.

Federal laws and regulations pertaining to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act
- Marine Mammal Protection Act

State laws and regulations pertaining to wildlife include the following:

- California Environmental Quality Act
- Sections 1601–1603 of the Fish and Game Code
- Sections 4150 and 4152 of the Fish and Game Code

Threatened and Endangered Species

The main federal law protecting threatened and endangered species is the Federal Endangered Species Act: 16 United States Code, Section 1531, et seq. See also 50 Code of Federal Regulations Part 402. This act and subsequent amendments provide for the conservation of endangered and threatened species and the ecosystems on which they depend.

Under Section 7 of this act, federal agencies, such as the Federal Highway Administration, are required to consult with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Fisheries Service to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species.

The outcome of consultation under Section 7 is a Biological Opinion or an incidental take statement. Section 3 of the Federal Endangered Species Act defines take as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or any attempt at such conduct."

California has enacted a similar law at the state level, the California Endangered Species Act, California Fish and Game Code, Section 2050, et seq. The California Endangered Species Act emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate planning to offset project-caused losses of listed species populations and their essential habitats.

The California Department of Fish and Game is the agency responsible for implementing the California Endangered Species Act. Section 2081 of the Fish and Game Code prohibits "take" of any species determined to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The California Endangered Species Act allows for take incidental to otherwise

lawful development projects; for these actions, an incidental take permit is issued by the California Department of Fish and Game.

For projects requiring a Biological Opinion under Section 7 of the Federal Endangered Species Act, the California Department of Fish and Game may also authorize impacts to the California Endangered Species Act species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

Invasive Species

On February 3, 1999, President Bill Clinton signed Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem, whose introduction does or is likely to cause economic or environmental harm or harm to human health."

Federal Highway Administration guidance issued August 10, 1999 directs the use of the state's noxious weed list to define the invasive plants that must be considered as part of the National Environmental Policy Act analysis for a proposed project.

Cumulative Impacts

Cumulative impacts are those that result from past, present, and reasonably foreseeable future actions, combined with the potential impacts of this project. A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects. Cumulative impacts can result from individually minor, but collectively substantial impacts taking place over a period of time.

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive types of agricultural cultivation. These land use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. They can also contribute to potential community impacts identified for the project, such as changes in community character, traffic patterns, housing availability, and employment.

Section 15130 of the California Environmental Quality Act Guidelines describes when a cumulative impact analysis is warranted and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts, under the California Environmental Quality Act, can be found in Section 15355 of the California Environmental Quality Act Guidelines. A definition of cumulative impacts, under the National Environmental Policy Act, can be found in 40 Code of Federal Regulations, Section 1508.7 of the Council on Environmental Quality regulations.

Climate Change under the California Environmental Quality Act

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of greenhouse gases related to human activity that include carbon dioxide (CO_2), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and proactive approach to dealing with greenhouse gas emissions and climate change at the state level. Assembly Bill 1493 requires the California Air Resources Board to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year; however, to enact the standards, California needed a waiver from the U.S. Environmental Protection Agency. The waiver was denied by the U.S. Environmental Protection Agency in December 2007. See California v. Environmental Protection Agency, 9th Cir. Jul. 25, 2008, No. 08-70011. However, on January 26, 2009, it was announced that the U.S. Environmental Protection Agency would reconsider their decision regarding the denial of California's waiver. On May 18, 2009, President Obama announced the enactment of a 35.5-mile per gallon fuel economy standard for automobiles and light duty trucks, which will take effect in 2012. On June 30, 2009, EPA granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to

implement even stronger standards in the future. The state is expected to start developing new standards for the post-2016 model years later this year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this order is to reduce California's greenhouse gas emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall greenhouse gas emissions reduction goals while further mandating that the California Air Resources Board create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's Climate Action Team.

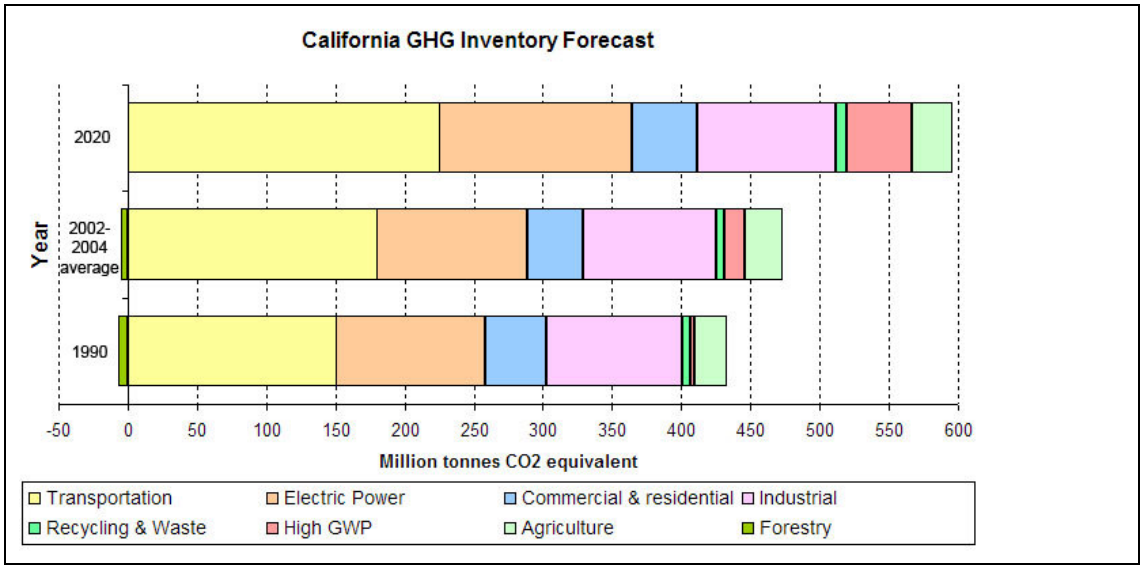
With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020.

Climate change and greenhouse gas reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing greenhouse gas emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S. Environmental Protection Agency to regulate greenhouse gas as a pollutant under the Clean Air Act (Massachusetts vs. Environmental Protection Agency et al., 549 U.S. 497 (2007). The court ruled that greenhouse gas does fit within the Clean Air Act's definition of a pollutant, and that the U.S. Environmental Protection Agency does have the authority to regulate greenhouse gas. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting greenhouse gas emissions.

According to *Recommendations by the Association of Environmental Professionals on How to Analyze Greenhouse Gas Emissions and Global Climate change in CEQA Documents* (March 5, 2007), an individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of greenhouse gases. In assessing cumulative

impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(i)(1) and 15130. To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects to make this determination is a difficult if not impossible task.

As part of its supporting documentation for the Draft Scoping Plan, the California Air Resources Board recently released an updated version of the greenhouse gas inventory for California (June 26, 2008). Shown below is a graph from that update that shows the total greenhouse gas emissions for California for 1990, 2002-2004 average, and 2020 projected if no action is taken.

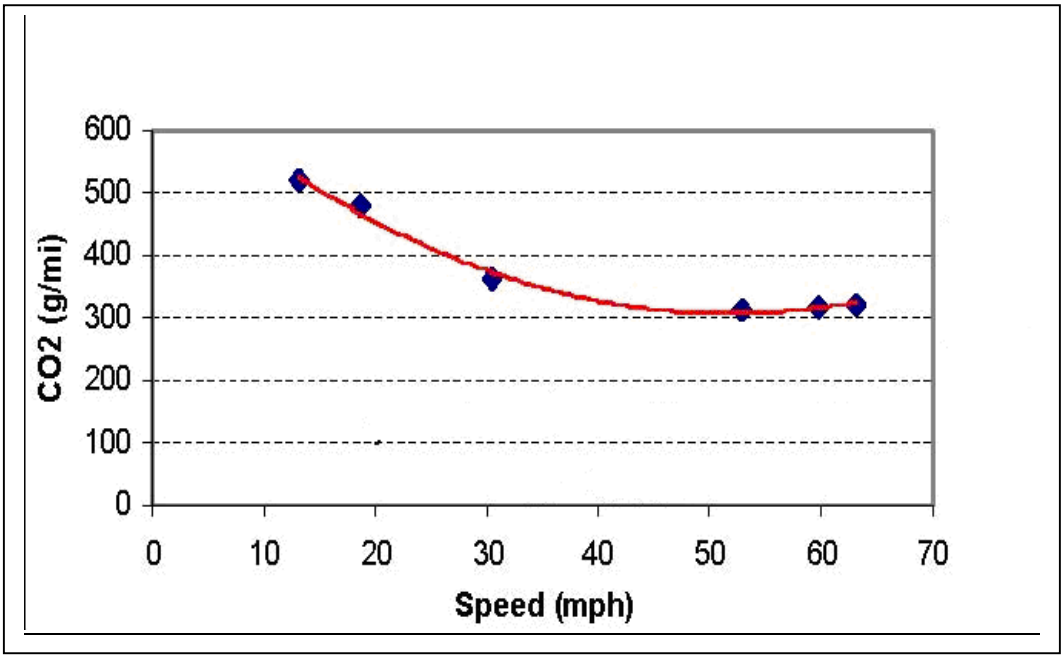


Source: http://www.arb.ca.gov/cc/inventory/data/forecast.htm

Figure D-1 California Greenhouse Gas Inventory

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California's greenhouse gas emissions are from the burning of fossil fuels and 40 percent of all human-made greenhouse gas emissions are from transportation (see Climate Action Program at Caltrans, December 2006), Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006. This document can be found at: http://www.dot.ca.gov/docs/ClimateReport.pdf.

One of the main strategies in Caltrans' Climate Action Program to reduce greenhouse gas emissions is to make California's transportation system more efficient. The highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour) and speeds over 55 miles per hour; the most severe emissions occur from 0-25 miles per hour (see the figure below).



Source: Center for Clean Air Policy - http://www.ccap.org/Presentations/Winkelman%20TRB%202004%20(1-13-04).pdf

Figure D-2 Fleet Carbon Dioxide (CO_2) Emissions vs. Speed (Highway)

Relieving congestion by enhancing operations and improving travel times in high congestion travel corridors will lead to an overall reduction in greenhouse gas emissions.

Appendix E State Historic Preservation Officer Concurrence Letter

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

June 16, 2009

Reply In Reference To: FHWA090605B

Gregory P. King, Chief
Department of Transportation
Division of Environmental Analysis, MS 27
1120 N Street
P.O. Box 942874
Sacramento, CA 94274-0001

RE: Finding of No Adverse Effect for the Kings River Overflow Bridge Replacement Project, City of Minkler, Fresno County, CA

Dear Mr. King:

Thank you for consulting with me about the subject undertaking in accordance with the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA).*

The California Department of Transportation (Department) proposes to replace the existing Kings River Overflow Bridge (No. 42-0074) on State Route 180 with a new structure. The Area of Potential Effect for the project contains one previously evaluated property: The Minkler Cash Store at 18243 East Canyon Road. Constructed circa 1921, the property was determined eligible for listing on the National Register of Historic Places (NRHP) by consensus between the FHWA and the SHPO on June 18, 1993. The Department is requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, that the subject undertaking will not adversely affect the following NRHP listed resource:

- Minkler Cash Store, 18243 East Canyon Road, Sanger, CA

Based on my review of the submitted documentation, I concur with the Department's Finding of Effect. The Department has drafted an Environmentally Sensitive Area (ESA) Action Plan for the project in which steps to assure the protection of the Minkler Cash Store and its related features are outlined. The Plan includes the establishment of ESA buffer zones around the store and its related features, monitoring, and the prohibition of work related activities within the boundaries of the ESA.

 FHWA090605B

Thank you for considering historic properties during project planning. If you have any questions, please contact Natalie Lindquist or Tristan Tozer of my staff at (916) 654-0631 (Natalie) or (916) 653-8920 (Tristan) or e-mail at n-lindquist@parks.ca.gov or ttozer@parks.ca.gov.

Sincerely,

Susan K Stratton for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Appendix F Comments and Responses

During the document's circulation from September 29, 2009 to October 29, 2009, copies of the document were sent to the State Clearinghouse for distribution to various agencies. In addition, a public notice was published in *The Fresno Bee* to inform the public that the document was available and to offer the opportunity for a public hearing, if desired.

Property owners, residents, public agencies, and other interested parties were each sent a letter announcing the availability of the document.

This appendix provides all of the written comments received about the document during the public review period. A Caltrans response to each comment is also provided.

State Clearinghouse and Planning Unit

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

October 29, 2009

David Farris
California Department of Transportation, District 6
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726-5428

Subject: 06-FRE 180 PM 77.1
SCH#: 2009091121

Dear David Farris:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on October 28, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

fm: Scott Morgan
Acting Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2009091121**
Project Title	06-FRE 180 PM 77.1
Lead Agency	Caltrans #6
Type	**Neg** Negative Declaration
Description	Upgrade the King River Overflow Bridge to current Caltrans standards and widen shoulders from 2 ft to 8 ft.

Lead Agency Contact

Name	David Farris		
Agency	California Department of Transportation, District 6		
Phone	559-243-8305	***Fax***	
email			
Address	2015 E Shields Avenue, Suite 100		
City	Fresno	***State*** CA	***Zip*** 93726-5428

Project Location

County	Fresno			
City				
Region				
Lat / Long				
Cross Streets	between SR 180/E Lone Oak Rd and SR 180/Reed Ave			
Parcel No.				
Township	***Range***	***Section***	***Base***	

Proximity to:

Highways	
Airports	
Railways	
Waterways	
Schools	
Land Use	State Highway

Project Issues	Aesthetic/Visual; Toxic/Hazardous; Wildlife
Reviewing Agencies	Resources Agency; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/29/2009 ***Start of Review*** 09/29/2009 ***End of Review*** 10/28/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment from the State Clearinghouse and Planning Unit

This letter from the State Clearinghouse acknowledges that Caltrans has complied with the California Environmental Quality Act environmental review process.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

October 29, 2009

Sarah Gassner, Senior Environmental Planner
Southern Sierra Environmental Analysis Brach
California Department of Transportation
2015 E. Shields Ave., Suite A-100
Fresno, CA 93726-5428

Project: State Route 180 Kings River Overflow Bridge Replacement

District Reference No: 20090599

Dear Ms. Gassner:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study for the replacement of the existing Kings River Overflow Bridge (# 42-0074) on State Route 180 at post mile 77.1. The District offers the following comments:

1. The District does not agree with the statement on page 8 that the "*project is exempt from all emissions analysis.*" The environmental review document being circulated is a Mitigated Negative Declaration, not a Notice of Exemption. As stated on page 20, emissions would be generated by the use of construction equipment and the queuing of vehicles due to traffic delays resulting from construction. Furthermore, construction operations would generate particulate matter (PM) emissions. Thus, the project would have an impact on air quality. The District recommends that the Mitigated Negative Declaration be amended to include an assessment of project related impacts on air quality, concluding with a determination of significance. 1

2. The District recommends the air quality assessment include an analysis of emissions generated by all construction activities, including those from demolition of the existing bridge, construction of the new bridge, and equipment exhaust emissions. The project would be considered to have a significant impact on air quality if emissions would exceed the District's thresholds of significance of 10 tons per year for ROG and NOx and applied threshold of 15 tons per year for PM10. 2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

3

3. The Initial Study incorrectly states that the San Joaquin Valley is in nonattainment for carbon monoxide (page 19). The San Joaquin Valley is in attainment for carbon monoxide for both the federal and state standards. The District recommends the Initial Study be amended to reflect the Valley's current attainment status.

4

4. The Initial Study identifies measures that "*to the extent that it is applicable or feasible*" could reduce greenhouse gas emissions (page 24). To be considered a mitigation measure, the restriction on truck and equipment idling must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd.(a)(2)). The District recommends that the measure be revised to provide guidance regarding specific idling limitations.

5

5. The Initial Study does not include mitigation measures to reduce diesel exhaust emissions from engines while in operation. Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends the inclusion of a mitigation measure requiring off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 g/hp-hr NOx. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

6

6. The proposed project will be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4002 (National Emission Standards for Hazardous Air Pollutants) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). For your convenience, a copy of the District's asbestos and fugitive dust bulletins have been enclosed for your review.

   The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Jessica Willis at (559) 230-5818.

Sincerely,

David Warner
Director of Permit Services

Jessica R. Willis

for Arnaud Marjollet
Permit Services Manager

DW:jw

Enclosures

San Joaquin Valley
Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN
August 2006

Regulation VIII – Fugitive PM10 Prohibitions
Requirements on Paved and Unpaved Public Roads

District Rule 8061(*Paved and Unpaved Roads*) of Regulation VIII (*Fugitive PM10 Prohibitions*) specifies the design criteria for constructing new or modifying existing paved roads and the types of control measures required for limiting fugitive dust emissions from unpaved roads and shoulders. Several compliance dates and deadlines described in the rule apply specifically to city, county, and state agencies. The purpose of this bulletin is to summarize the new requirements for public agencies that own or maintain paved and unpaved roads. The entire rule may be found at www.valleyair.org/rules/1ruleslist.htm - reg8.

- **Constructing New Unpaved Roads:** Effective October 1, 2004, constructing a new unpaved road is prohibited in all urban areas unless the unpaved road is used for a temporary activity that does not exceed six months of use over a consecutive three-year period. Temporary activities may include construction access roads, special events, or traffic detours. The unpaved surface must be maintained in a stabilized condition at all times in order to control fugitive emissions.

- **PM10-Efficient Street Sweepers**: These requirements apply to the routine cleaning of existing paved public roads within urban areas. Effective July 1, 2005, an agency or its contractor may only purchase PM10-efficient street sweepers for their fleets and at least one sweeper must be placed into service by July 1, 2008. PM10-efficient street sweepers are to be used along routine street sweeper routes, which have been predetermined and prioritized by the agency as having paved curbs with the greatest actual or potential for dirt and silt loading. If an agency cannot meet these provisions due to budgetary constraints, a statement of financial hardship must be submitted to the District and the USEPA for review and approval.

- **Cleaning Paved Roads after a Storm Event:** Within 24 hours of discovery, the agency or contractor responsible for maintaining the roadway must remove the accumulated mud and dirt from the paved road or restrict vehicles from traveling over the mud and dirt until the materials can be removed. This requirement applies if the accumulated mud and dirt is a result of wind or water erosion and runoff, is at least one inch thick, and covers an area of at least 50 square feet. Cleanup may be performed manually with a shovel and broom, or with a conventional or PM10-efficient street sweeper, but must be performed in a manner that minimizes fugitive dust. Using a blowing device or a dry rotary brush or broom is prohibited. Redirecting traffic is one way to restrict vehicles from traveling over the mud and dirt. Upon agency notification, the District may approve an extension of the 24-hour cleanup requirement if restricting vehicles is deemed unsafe and removing the mud and dirt is not possible within 72 hours because crews are not available over a weekend or holiday.

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 ♦ FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 ♦ FAX (559) 230-6062

Southern Region Office
2700 "M" Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 ♦ FAX (661) 326-6985

- **Posting Speed Limit Signs on Unpaved Roads:** Effective October 1, 2005, public agencies must establish a maximum speed limit of 25 miles per hour for the unpaved roads under their jurisdictions. This requirement applies to the unpaved road segments where vehicle traffic reaches or exceeds 26 annual average daily trips (AADT). At a minimum, agencies are to post at least one speed limit sign in each direction for every mile of unpaved road located within an urban area, and one sign in each direction for every two miles of unpaved road within a rural area. For example, an unpaved road located within an urban area that is ½ mile long and exceeds 26 AADT requires at least one sign posted in each direction. The unpaved surface must be maintained in a stabilized condition at all times in order to control fugitive emissions.

- **Paving Existing Unpaved Roads and Paving or Stabilizing Unpaved Shoulders:** On January 1, 2005, agencies provided the District with a report listing each unpaved road located within an urban area and each paved road with unpaved shoulders within urban and rural areas. On July 1, 2005, agencies provided a report listing each unpaved road located within a rural area. These reports include the length in miles and the AADT for each subject road and unpaved shoulder within the agency's jurisdiction.

  As of January 1, 2005, agencies are to pave an annual average of 20 percent of the unpaved roads listed in their urban area unpaved road report, thereby paving 100 percent of these unpaved roads by January 1, 2010. This requirement does not apply to rural unpaved roads.

  In urban areas, agencies are to pave or stabilize at least four-feet of unpaved shoulders on at least 50 percent of the existing paved roadways having the highest AADT. In rural areas, this is required on at least 25 percent of the existing paved roadways with the highest AADT. Compliance with these provisions must be complete by January 1, 2010.

  If an agency cannot meet these provisions due to budgetary constraints, a statement of financial hardship must be submitted to the District and the USEPA for review and approval.

- **Incremental Progress Reports:** Due on April 1 of each year, from 2006 through 2010, agencies must report their incremental progress to the District by reporting the total miles of urban unpaved roads that were paved over the previous calendar year, the total miles of unpaved shoulders that were paved or stabilized over the previous calendar year, and the percentage of cumulative miles treated relative to the original reports.

For more information please contact the Compliance Department of the District office nearest to you. Information on Regulation VIII is available on the District's website at:

www.valleyair.org

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

COMPLIANCE ASSISTANCE BULLETIN
April 2007

Fugitive Dust Control at Construction Sites: New Requirements

Regulation VIII, Fugitive PM10 Prohibitions, of the District's Rules and Regulations apply to many activities that generate fugitive dust, and particularly to construction sites.

Fugitive dust is emitted into the air by activities that disturb the soil, such as earthmoving and vehicular/equipment traffic on unpaved surfaces. Windblown dust is also of concern where soil has been disturbed at construction sites.

The District adopted Regulation VIII in 1993 and its most recent amendments became effective on October 1, 2004. This is a basic summary of the regulation's requirements as they apply to construction sites.

These regulations affect all workers at a regulated construction site, including everyone from the landowner to the subcontractors. Violations of Regulation VIII are subject to enforcement action including fines.

Visible Dust Emissions (VDE) may not exceed 20% opacity during periods when soil is being disturbed by equipment or by wind at any time. Visible Dust Emissions opacity of 20% means dust that would obstruct an observer's view of an object by 20%. District inspectors are state certified to evaluate visible emissions. Dust control may be achieved by applying water before/during earthwork and onto unpaved traffic areas, phasing work to limit dust, and setting up wind fences to limit wind blown dust.

Soil Stabilization is required at regulated construction sites after normal working hours and on weekends and holidays. This requirement also applies to inactive construction areas such as phased projects where disturbed land is left unattended. Applying water to form a visible crust on the soil and restricting vehicle access are often effective for short-term stabilization of disturbed surface areas. Long-term methods including applying dust suppressants and establishing vegetative cover.

Carryout and Trackout occur when materials from emptied or loaded vehicles falls onto a paved surface or shoulder of a public road or when materials adhere to vehicle tires and are deposited onto a paved surface or shoulder of a public road. Should either occur, the material must be cleaned up at least daily, and immediately if it extends more than 50 feet from the exit point onto a paved road. The appropriate clean-up methods require the complete removal and cleanup of mud and dirt from the paved surface and shoulder. Using a blower device or dry sweeping with any mechanical device other than a PM10-efficient street sweeper is a violation. Larger construction sites, or sites with a high amount of traffic on one or more days, must prevent carryout and trackout from occurring by installing gravel pads, grizzlies, wheel washers, paved interior roads, or a combination thereof at each exit point from the site. In many cases, cleaning up trackout with water is also prohibited as it may lead to plugged storm drains. Prevention is the best method.

Unpaved Access and Haul Roads, as well as unpaved vehicle and equipment traffic areas at construction sites must have dust control. Speed limit signs limiting vehicle speed to 15 mph or less at construction sites must be posted every 500 feet on uncontrolled and unpaved roads.

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 ♦ FAX (209) 557-6475

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1990 East Gettysburg Avenue
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(559) 230-6000 ♦ FAX (559) 230-6062

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2700 "M" Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 ♦ FAX (661) 326-6985

Storage Piles and Bulk Materials have handling, storage, and transportation requirements that include applying water when handling materials, wetting or covering stored materials, and installing wind barriers to limit VDE. Also, limiting vehicle speeds, loading haul trucks with a freeboard of six inches or greater along with applying water to the top of the load, and covering the cargo compartments are effective measures for reducing VDE and carryout from vehicles transporting bulk materials.

Demolition activities require the application of water to the exterior of the buildings and to unpaved surfaces where materials may fall. A Dust Control Plan will be required for large demolition projects. Consider all structures slated for demolition as possibly being regulated due to potential asbestos, per District Rule 4002 - *National Emission Standards for Hazardous Air Pollutants*. Contact the District well before starting because a 10 working-day notice will likely be required before a demolition can begin.

Dust Control Plans identify the dust sources and describe the dust control measures that will be implemented before, during, and after any dust generating activity for the duration of the project. Owners or operators are required to submit plans to the District at least 30 days prior to commencing the work for the following:

- Residential developments of ten or more acres of disturbed surface area.
- Non-residential developments of five or more acres of disturbed surface area.
- The relocation of more than 2,500 cubic yards per day of materials on at least three days.

Operations may not commence until the District has approved the Dust Control Plan. A copy of the plan must be on site and available to workers and District employees. **All work on the site is subject to the requirements of the approved dust control plan. A failure to abide by the plan by anyone on site may be subject to enforcement action.**

Owners or operators of construction projects that are at least one acre in size and where a Dust Control Plan is not required, must provide written notification to the District at least 48 hours in advance of any earthmoving activity.

Record Keeping is required to document compliance with the rules and must be kept for each day any dust control measure is used. The District has developed record forms for water application, street sweeping, and "permanent" controls such as applying long term dust palliatives, vegetation, ground cover materials, paving, or other durable materials. Records must be kept for one year after the end of dust generating activities (Title V sources must keep records for five years).

Exemptions exist for several activities. Those occurring above 3,000 feet in elevation are exempt from all Regulation VIII requirements. Further, Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities* exempts the following construction and earthmoving activities:

- Blasting activities permitted by California Division of Industrial Safety.
- Maintenance or remodeling of existing buildings provided the addition is less than 50% of the size of the existing building or less than 10,000 square feet (due to asbestos concerns, contact the District at least two weeks ahead of time).
- Additions to single family dwellings.
- The disking of weeds and vegetation for fire prevention on sites smaller than ½ acre.
- Spreading of daily landfill cover to preserve public health and safety and to comply with California Integrated Waste Management Board requirements.

Nuisances are prohibited at all times because District Rule 4102 – *Nuisance* applies to all construction sources of fugitive dust, whether or not they are exempt from Regulation VIII. It is important to monitor dust-generating activities and implement appropriate dust control measures to limit the public's exposure to fugitive dust.

For more information please contact the Compliance Division of the District office nearest to you. Information on Regulation VIII, where you may obtain copies of record keeping forms, the Dust Control Plan template, and the Construction Notification form, is available on the District's website at:

www.valleyair.org, under Compliance Assistance/Dust Control.

San Joaquin Valley
Unified Air Pollution Control District

COMPLIANCE ASSISTANCE BULLETIN
July 2006

ASBESTOS REQUIREMENTS for DEMOLITION and RENOVATIONS

The San Joaquin Valley Air Pollution Control District (District) Rule 4002 requires compliance with the *National Emission Standards for Hazardous Air Pollutants* (NESHAP) regulation, 40 CFR, Part 61, Subpart M developed by the Unified States Environmental Protection Agency (EPA). The purpose of this bulletin is to provide an overview of the NESHAP notification, inspection and emission control requirements as they relate to asbestos.

SUMMARY

For any renovation or demolition of a regulated facility, you must do the following:

- **INSPECT:** Conduct a thorough asbestos inspection of the facility before:

  Any renovation in which more than 160 square feet or more of building materials, or 260 linear feet or more of pipe insulation, will be disturbed at a regulated facility, or

  Any demolition at a regulated facility. (See page 2 for the definition of demolition)

  Regulated facilities (Facilities subject to the NESHAP) include all commercial building, residential buildings with more than four dwelling units, other structures and non-portable equipment. A single family dwelling or residential buildings with four or fewer units may be exempt, depending on its past use and future use of the property. The EPA has extensive policy on the NESHAP applicability to these structures. Contact the District to determine if your project is regulated.

- **ASBESTOS ABATEMENT:** If asbestos-containing material (ACM) is discovered, which will be disturbed during a renovation or demolition, they must be removed prior to those projects under most circumstances. Also, Cal-OSHA and Cal-EPA hazardous waste regulations apply in most cases.

- **NOTIFY:** Submit a complete asbestos notification form to the District for any regulated asbestos abatement project or demolition, 10 working days before the activity begins.

  A ***regulated asbestos abatement project*** is one in which at least 160 Square feet of regulated asbestos-containing building materials (RACM) or 260 linear feet of asbestos-containing pipe insulation is disturbed.

  Regulated demolitions are demolitions of "facilities" described above. Notification is required for any regulated demolition, whether or not asbestos is present.

- **FEES:** Pursuant to District Rule 3050, fees must be submitted to the District with all regulated renovations and demolitions notifications. Notifications received without the appropriate fee will be considered incomplete.

DEMOLITION PERMIT RELEASE FORM: Any demolition (regulated or not), for which a building department demolition permit is applicable, requires a completed Demolition Permit Release form. Building officials will require an approved copy of this form, signed by the District, prior to the issuance of a building department demolition permit.

SOME DEFINITIONS: 61.141

1. **FACILITIES -** Facilities subject to the rule include "all structures, installations, buildings and equipment, except for a single family dwelling (SFD) or a residential building with more than four dwelling units. However SFD or building with four or fewer units is also subject to the regulation if:

   a. It has been used for, or is being removed to be replaced by a non-residential use, or

   b. It is to be used as a training burn exercise.

   c. Sites with more than one such building remodeled or demolished are always regulated.

2. **DEMOLITION -** In addition to the total destruction of a structure, demolitions include "the removal of any structural load-bearing member from a facility together with any related handling operations or the intentional burning of a building" (training burns conducted by a fire fighting agency only). Also, the separation of a structure from its foundation prior to relocation is a demolition.

3. **RENOVATION -** means "altering a facility or one or more facility components in any way, including the stripping or removal RACM from a facility component." Renovations include all activities in which asbestos could be disturbed at a regulated facility, including the clean up and removal of debris from buildings which have burned.

4. **NON-FRIABLE ACM**

   a. **Category I non-friable** is "asbestos-containing packing, gaskets, resilient floor covering and asphalt roofing products containing more then 1 percent asbestos as determined by PLM testing that, when dry, *cannot* be crumbled, pulverized, or reduced to powder by hand pressure."

   b. **Category II non-friable ACM** is "any ACM, excluding Category 1 ACM, containing more then 1 percent asbestos as determined by PLM testing, that when dry, *cannot* be crumbled, pulverized, or reduced to powder by hand pressure."

5. **RACM - include:**

   a. **Friable ACM**, which is any material containing more than 1 percent asbestos, as determined by Polarized Light Microscopy (PLM) testing, which, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

   b. **Category I nonfriable ACM** that is in poor condition and "has become friable" or "that has or will be subjected to sanding, grinding, cutting, or abrading."

   c. **Category II nonfriable ACM** that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation.

INSPECTION: 61.145 (a)

An asbestos inspection must be performed by the owner or operator prior to:

a. Any regulated demolition.

b. Any renovation activity in which more than 160 square feet of building material or 260 linear feet of pipe insulation will be disturbed. An inspection is not necessary, however, if the material to be disturbed is stipulated to be asbestos containing and will be removed in accordance with the NESHAP.

Cal-OSHA regulations in the California Labor Code, 9021.5 through 9021.8, require that asbestos-consulting services (inspections) shall be performed by a person who is certified by Cal-OSHA, and who has taken and passed an EPA-approved Building Inspector course and performs the inspection according to the procedures outlined in the course.

The District requires that inspection reports (surveys) must include:

a. A schematic showing the location of all tested materials.

b. The following data for all asbestos-containing materials:

1. The amount and description of each material.

2. Percent asbestos content (10% and below must be point counted).

3. Whether or not the material is friable.

A report of the asbestos inspection (survey) must be received with each demolition notification.

NOTIFICATION 61.145 (b)

A hard copy of the asbestos notification must be submitted to the District, at least 10 working days prior to:

a. Any regulated demolition (see definitions of *demolition* and *facility* above).

b. Any renovation in which more than 160 Square feet or 260 Linear feet of RACM will be disturbed.

The District notification form and instructions for filling it out are with the bulletin.

Notifications will not be complete, nor will the 10 working day notice period begin, until all of the required information and fees have been submitted to the District.

Notifications may be submitted by hand delivery, U.S mail or commercial courier. Facsimile ~~is~~ and e-mails are not acceptable methods of delivery.

ASBESTOS ABATEMENT: 61.145 (c)

Asbestos-containing materials discovered during the inspection process, which will be disturbed during renovation or demolition, must be removed properly prior to the demolition or renovation. Employees engaged in asbestos abatement work must be properly trained and equipped for the work in accordance with Cal-OSHA regulations. The Cal-OSHA and NESHAP regulations have specific work practice requirements to be followed during the removal of these materials. Also, the NESHAP regulation and Cal-EPA have waste handling, transportation and disposal requirements applicable that must be adhered to.

SJVUAPCD Rule 3050 (Fees)

A nonrefundable fee must be paid with each demolition and renovation notification, in accordance with SJVUAPCD Rule 3050, Asbestos Removal Fees, which is attached. Fees for asbestos abatement projects are based on the amount of RACM removed. If a project involves at least 160 square feet, 260 linear feet and/or 35 cubic feet or more of RACM, fees for each quantity of material are determined and added together to arrive at the total fee for the project.

The fee for a demolition notification is $124.

DEMOLITION PERMIT RELEASE FORM

CH &S Section 19827.5 requires city or county building officials to have proof of compliance with, or exemption from, the asbestos NESHAP notification requirements before they issues demolition permits. In order to facilitate this, the District has developed a Demolition Permit Release form (attached). For facilities subject to the NESHAP, the District will issue a Demolition Permit Release form once it has been properly noticed of the work that is to occur. *The Signed release form does not guarantee that asbestos abatement or demolition work is being done properly.* For all demolitions, including facilities exempt from the NESHAP, the applicant must fill out the Demolition Permit Release form and have it signed by the District before obtaining a building department demolition permit. The District allows facsimile transmittal of release forms.

RECYCLING/WASTE DISPOSAL

In addition to waste disposal information about RACM, the asbestos notification must identify any building materials, which will be recycled after removal from a project. The name of the recycling contractor and location of such activity must be identified.

No asbestos containing or asbestos contaminated material may be recycled.

If you have any questions, we encourage you to contact one of our three regional offices.

Northern region	**Central Region**	**Southern Region**
Merced, San Joaquin and Stanislaus Counties	Fresno, Kings and Madera Counties	Kern and Tulare Counties
4800 Enterprise Way, Modesto, CA 95356	1990 Gettysburg Avenue, Fresno, CA 93726	34946 Flyover Court Bakersfield, CA 93308
(209) 557-6400 Fax (209) 557-6475	(559) 230-6000 Fax (559) 230-6062	(661) 392-5500 Fax (661) 392-5586

San Joaquin Valley Unified Air Pollution Control District

ASBESTOS DEMOLITION/RENOVATION NOTIFICATION FORM
GENERAL INFORMATION

The Asbestos NESHAP, 40 CFR Part 61, Subpart M, requires written notification of demolition or renovation operations under Section 61.145. The form below form may be used to fulfill this requirement. Only complete notification forms are acceptable. Incomplete notification may result in enforcement action.

The notification must be postmarked or delivered no later than ten working days prior to the beginning of the asbestos removal activity (dates specified in section 7) or demolition (dates specified in Section 8). Please submit this form and corresponding fees to the appropriate office:

For Fresno, Madera and Kings Counties:
SJVUAPCD
Attention: Asbestos Program
1990 E. Gettysburg Avenue
Fresno, California 93726

For San Joaquin, Stanislaus and Merced Counties:
SJVUAPCD
Attention: Asbestos Program
4800 Enterprise Way
Modesto, CA 95356

For Tulare and Kern Counties:
SJVUAPCD
Attention: Asbestos Program
34946 Flyover Court
Bakersfield, CA 93308

INSTRUCTIONS

1. Type of Notification: Check Original if the notification is a first time or original notification; Revised (Dates) if the notification is a revision dates only; Revised (Others) if the notification is a revision of other data (highlight changes); Canceled if the project has been canceled; or "Courtesy" if the activity is not regulated. When submitting a revised notification add a number (starting with the number 1) after "revised" to differentiated between revisions.

2. Type of Operation: Check for facility demolition, ordered demolition, facility renovation, or Emergency renovations.

3. Facility Description: Provide detailed information on the areas being renovated or demolished. If applicable, provide the floor numbers and room numbers where renovations are to be conducted.

   Site Location: Provide information needed to locate the site in the event that the address alone is inadequate.

   Present Use/Prior Use/Future Use: Describe the primary use of the facility or enter the following: Hospital; School; Public Building; Office; Industrial; University or College; Ship; Commercial; Residence; or Subdivision.

4. Is Asbestos Present? Answer "Yes" or "No" regardless of the amount or type of asbestos.

5. Include a complete asbestos report (survey) that accurately depicts amounts, percent, analytical method used

6. Approximate Amount of Asbestos including: (1) Regulated ACM to be removed (including non-friable ACM to be sanded, ground or abraded); (2) Category I\II ACM not removed; and for "courtesy notices" (3) Non-friable ACM to be removed. Enter amounts in square feet or linear feet. Describe volume in cubic feet only if the amount cannot be approximated in square feet or linear feet.

7. Removal Dates (MM/DD/YY): Enter scheduled dates for asbestos removal work. Asbestos removal work includes any activity, including site preparation, which will break up, dislodge or disturb asbestos material.

8. Demo/Renovation Dates (MM/DD/YY): Enter scheduled dates for beginning and ending the planned demolition or renovation.

9. FACILITY OWNER INFORMATION: Enter the name of the site supervisor and contact person for the notification. If additional parties share responsibility for the site, demolition activity, renovations or ACM removal, include complete information (including name, address. contact person and telephone number) below.

10. Removal Contractor: Contractor hired to remove asbestos.

11. Other Contractor: Demolition contractor, general contractor, or any other person, who leases, operates, controls or supervises the site.

12. Description of Planned Demolition or Renovation Work and Method(s) to be Used: Include in this area a description of the demolition and renovation techniques to be used and the types of facility components and materials which will be affected by this work.

13. Description of Engineering Controls and Work Practices to be Used to Prevent Emissions at the Site: Describe the work practices and engineering controls selected to ensure compliance with the requirements of the regulations, including both asbestos removal and waste-handling emission control procedures.

14. ACWM Transporter(s): Enter the names, addresses, contact persons and telephone numbers of the persons or companies responsible for transporting ACM from the removal site to the waste disposal site. If the removal contractor or owner is the waste transporter, state "same as owner" or "same as removal contractor." If additional parties are responsible include complete information on an additional sheet submitted with the form.

15. ACWM Disposal Site: Identify the waste disposal site, including the complete name, location and telephone number of the facility. If ACM is to be disposed of at more than one site, provide complete information on an additional sheet submitted with the form.

16. Recycling of Waste Material (No ACM may be recycled): Identify the site, including the complete name, location and telephone number of the facility, where any material is to be taken for recycling.

17. If Demolition Ordered by a Government Agency, Please Identity the Agency: Provide the name of the responsible official, title and agency, authority under which the order was issued, the dates of the order and the dates of the ordered demolition. A copy of the order shall be attached to the notification.

18. For Emergency Renovation: Provide the date and time of the emergency, a description of the event and a description of unsafe conditions, equipment damage or financial burden resulting from the event. The information should be detailed enough to evaluate whether a renovation falls within the emergency exception.

19. Description of Procedures to be Followed in the Event that Unexpected Asbestos is Found or Previously Nonfriable Asbestos Material Becomes Crumbled, Pulverized, or Reduced to Powder: provide adequate information to demonstrate that appropriate actions have been considered and can be implemented to control asbestos emissions adequately, including at a minimum, conformance with applicable work practice standards.

20. Certification of Presence of Trained Supervisor: The notifier must certify that a person trained in asbestos-removal procedures will supervise the demolition or renovation. The supervisor is responsible for the activity on-site. Evidence that the supervisor has completed the training must be available for inspection during normal business hours.

21. Verification: Please certify the accuracy and completeness of the information provided by signing and dating the notification form.

San Joaquin Valley Unified Air Pollution Control District

Asbestos Notification

Operator Project #	Postmark Date	Received Date	Fee Received $	District Notification #

Completed by: Company: Phone:

1. TYPE OF NOTIFICATION: Original ☐ Revised (Dates) ☐ Revised (Others) ☐ (Highlight Changes) Canceled ☐ Courtesy ☐

2. TYPE OF OPERATION: Demo ☐ Ordered Demo ☐ Renovation ☐ Emergency Renovation ☐

3. FACILITY DESCRIPTION: (Include building name, number, and floor or room number)

Building Name: Lease Name:

Address: City: County:

Site Location on property:

Is demolition in preparation for construction? ☐ Yes ☐ No Building Size: Sq Ft Number of Floors: Age:

Present Use: Prior Use: Future Use:

4. IS ASBESTOS PRESENT: ☐ Yes ☐ No **SURVEY COMPLETED:** ☐ Yes ☐ No ☐ TO BE CONDUCTED

5. A COPY OF THE INSPECTION REPORT WITH PROCEDURE, INCLUDING ANALYTICAL METHOD USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL MUST BE INCLUDED WITH THIS NOTIFICATION.

6. Approximate amount of asbestos, including: 1. Regulated ACM to be removed. 2. Category I/II ACM not removed. 3. Non-friable ACM to be removed.	(1) RACM to be removed	Friable ACM (<1%)	(2) Non-friable ACM not to be removed		(3) Non-friable ACM to be removed (Courtesy)	
			Category I	Category II	Category I	Category II
Pipes (Linear Feet)						
Surface Area (Square Feet)						
Volume (Cubic Feet-If Lnft Or Sqft Could Not Be Measured)						

ASBESTOS REMOVED FROM Surfaces: ☐ Yes ☐ No Pipes: ☐ Yes ☐ No Components: ☐ Yes ☐ No

AMOUNT OF EACH TYPE OF ASBESTOS (in square feet)	Acoustic ceiling	Sheet Vinyl	Insulation	Fire Proofing	Ducting	Stucco	Mastic
Floor Tile (VAT) / Dry Wall	Plaster	Transite	Roofing	Others (Describe)			

7. REMOVAL DATES: (MM/DD/YY) Start: Complete:

8. DEMO/RENOVATION DATES (MM/DD/YY) Start: Complete:

9. FACILITY OWNER INFORMATION:

Address: City: State: Zip:

Contact: Telephone: Site Supervisor:

10. REMOVAL CONTRACTOR: **CAL-OSHA REGISTRATION #:**

Address: City: State: Zip:

Contact: Telephone: Site Supervisor:

11. OTHER CONTRACTOR: **CSLB LICENSE #:**

Address: City: State: Zip:

Contact: Telephone: Site Supervisor:

12. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:			
13. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT ASBESTOS EMISSIONS AT THE SITE:			
14. ACWM WASTE TRANSPORTER:			
Address:	City:	State:	Zip:
Contact:	Telephone:		
15. ACWM WASTE DISPOSAL SITE:			
Address:	City:	State:	Zip:
Contact:	Telephone:		
16. RECYCLING OF WASTE MATERIAL (*NO ACM MAY BE RECYCLED*):			
Name:			
Location:	City:	State:	Zip:
Contact:	Telephone:		
17. DEMOLITION ORDERED BY A GOVERNMENT AGENCY; identify the agency, attach copy of the order)			
Name:	Title:		
			Authority:
Date of order (MM/DD/YY):	Date order to begin: (MM/DD/YY):		
18. FOR EMERGENCY RENOVATIONS:			
GIVE THE NAME AND PHONE NUMBER OF THE PERSON DECLARING/AUTHORIZING THE EMERGENCY, DATE AND HOUR OF EMERGENCY AND DESCRIPTION OF THE SUDDEN, UNEXPECTED EVENT:			
EXPLANATION OF HOW THE EVENT CAUSED UNSAFE CONDITIONS OR WOULD CAUSE EQUIPMENT DAMAGE OR AN UNREASONABLE FINANCIAL BURDEN:			
19. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY ON-FRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER:			
20. IF RACM IS PRESENT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR., PART 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION.			
21. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.			
PRINT NAME OF OWNER/OPERATOR	SIGNATURE OF OWNER/OPERATOR		DATE

Category I non-friable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos.

Category II non-friable ACM means any material, excluding Category I non-friable ACM, containing more than 1 percent asbestos.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Response to Comments from the San Joaquin Valley Air Pollution Control District

Response to Comment 1: This project did not require conformity analysis. Caltrans has conducted an emissions analysis.

Response to Comment 2: A Road Construction Emission Model, version 6.3.1, developed by the Sacramento Metropolitan District was used to calculate construction emissions. The analysis indicated that the emissions for NOX, ROG, and PM10 were well below threshold.

Response to Comment 3: This has been corrected in the document.

Response to Comment 4: Caltrans will require the contractor to abide by all applicable San Joaquin Valley Air Pollution Control District Regulations, including idling restrictions that are in effect at the time of construction.

Response to Comment 5: Emission analysis has indicated the emissions are well below the threshold limit, and thus mitigation is not required.

Response to Comment 6: Caltrans will require the contractor to abide by all applicable San Joaquin Valley Air Pollution Control District Regulations, including emissions standards for off-road fleets that are in effect at the time of construction.

Fresno County Department of Forestry and Fire Protection

STATE OF CALIFORNIA—THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
210 South Academy Avenue
Sanger, California 93657
(559) 493-4300
Website: www.fire.ca.gov

October 20, 2009

Sarah Gassner
State of California Department of Transportation (CALTRANS)
2015 E Shields Avenue
Fresno, California 93726

RE: Environmental document review
Initial Study with proposed mitigated Negative Declaration.
Kings River Overflow Bridge replacement
06-FRE-180-77.1/77.2

Dear Ms. Gassner.:

The CALFIRE--Fresno Kings Unit has reviewed the Initial Study with Proposed Mitigated Negative Declaration submitted to us for comment and appreciate having the opportunity to do so. As written, we find no existing issues with the plan requiring permitting, approval, or involvement from this department. Please note that this department has regulatory responsibility governing commercial timber operations on private lands under title 14 of the California Code of Regulations. Commercialization of forest products or conversion of land zoned for timber production into alternative uses does require a significant permitting process. If the potential for either of these activities arises please contact the Fresno Kings Unit for assistance. We have no additional comments or recommendations at this time.

If you have any questions or concerns regarding these comments, please contact Unit Forester Edwin Simpson at (559) 281-4337.

Sincerely,

KEITH A. LARKIN, CHIEF
Fresno-Kings Unit
Fresno County Fire Protection District

gw

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN
PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

Response to Comments from the Fresno County Department of Forestry and Fire Protection

Caltrans thanks the Department of Forestry and Fire Protection for its interest in this project.

Response to Comments (Phone Conversation) from Bill Lawrence, Sierra Nevada Native American Coalition

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
2015 EAST SHIELDS AVENUE, SUITE A-100
FRESNO, CA 93726-5428
PHONE (559) 243-8305
FAX (559) 243-8220
TTY (559) 488-4066

Flex your power!
Be energy efficient!

October 26, 2009

Sierra Nevada Native American Coalition
Bill Lawrence
P.O. Box 125
Dunlap, CA 93621

Response to Comments on the Kings River Overflow Bridge Project

Thank you for your comments during our phone conservation on October 5, 2009. Some of the concerns you had were: how Caltrans determined there were no archeological resources within the project area and what kind of excavation was proposed for the project. You also indicated that you would like an archaeological monitor for the project.

The following was included in the archaeology study: a records search, a surface survey, inspection of the channel banks, inspection of rodent burrows, and scraping of the soil with a hand trowel. In addition to the field inspections and records search for the immediate area of potential effects, it was noted by the owners of the Minkler Store that no material of Native American origin was encountered during the installation of the gas pumps. Property adjacent to the project area was surveyed in separate studies and no archaeological material was reported.

The Archaeological Survey Report resulted in a negative finding. There is no archaeological or Native American monitoring proposed for the project during construction. Caltrans has determined that the undertaking has potential to affect the Minkler Cash Store and ancillary building and proposes the establishment of an environmentally sensitive area near the store during construction activities. If buried cultural materials are encountered during construction, it is Caltrans' policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find.

Caltrans is still in the preliminary stage of bridge design. Excavation would occur for the construction of the construction of the pilings and for structure removal. The excavation for the piling would be 10 to 12 feet deep around the six proposed piling locations. The excavation for the structure removal would be three feet around adjacent to the current pier walls and abutments.

You comments will be placed in our environmental document and enclosed is a copy of the Historic Property Survey Report. If you have any questions or would like to request that a public hearing be held please contact me at (559) 243-8297, or Sarah Gassner, Senior Environmental Planner at (559) 243-8243.

Name
Date
Page 2

Sincerely,

David Farris
Associate Environmental Planner

Enclosure: Historic Property Survey Report

Response to Comments (Meeting) from Mary Novak, Owner of Minkler Store

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 6
2015 EAST SHIELDS AVENUE, SUITE A-100
FRESNO, CA 93726-5428
PHONE (559) 243-8297
FAX (559) 243-8215
TTY (559) 488-4066

Flex your power!
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November 25, 2009

Mary Novak
18243 East Kings Canyon Road
Sanger, CA 93657

This letter is in response to the comments you gave on the Kings River Overflow Bridge Project, during our meeting on October 12, 2009. The following are a summary of the comments you had:

- That the vehicles using the highway are already speeding, and those vehicles cut across onto the shoulder. You expressed concern that a wider shoulder on the bridge would encourage more speeding and asked that we lower the speed limit. Caltrans said they would consider alternatives to changing the speed limit.

Caltrans is required to set speed limits at what 85 percent of motorist in free flowing traffic are driving. There are certain warrants that allow us to make exceptions, such as accident data, schools, and population density. This location does not meet those warrants.

Caltrans considered design features that could encourage motorists to stay out of the shoulder. Rumble strips were determined to not be feasible due to noise and maintenance issues. Other features such as flexible delineators or special striping may be considered during final design.

One thing you can do now, is to report unsafe drivers to the California Highway Patrol. Caltrans will include your comments in the Environmental Document.

- How would Caltrans compensate for lost business during construction?

Caltrans would only compensate if access from your business to the highway if cut off. The access to you business would be open through out construction.

- How long is construction?

Construction duration is estimated at 145 working days (29 Weeks).

You comments will be placed in our environmental document. If you have any questions please contact me at (559) 243-8297, or Sarah Gassner, Senior Environmental Planner at (559) 243-8243.

Sincerely,

David Farris
Associate Environmental Planner

U.S. Army Corps of Engineers

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

November 19, 2009

Regulatory Division SPK-2009-01567

Sarah Gassner
Department of Transportation, District 6
2015 East Shields Avenue
Fresno, California 93726-5428

Dear Ms. Gassner:

We are responding to your September 28, 2009 *Initial Study with Proposed Mitigated Negative Declaration* for the Kings River Overflow Bridge Replacement Project. The project is located in Section 10, Township 14 South, Range 23 East, MDB&M, Latitude 36.72546°, Longitude -119.46009°, MDB&M, Fresno County, California. Your identification number is SPK-2009-01567.

1

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Page 14 of the Initial Study indicates that the Kings River and an unnamed, adjacent wetland have been identified as jurisdictional waters of the U.S. There is no record in our files of a jurisdictional determination having been verified for this site. To ascertain the extent of waters on the project site, a wetland delineation should be prepared, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

-2-

Please refer to identification number SPK-2009-01567 in any correspondence concerning this project. If you have any questions, please contact me at U.S. Army Corps of Engineers, Regulatory Division, 1325 J Street, Rm 1480, Sacramento, CA 95814, email *Erin.M.Hanlon@usace.army.mil*, or telephone 916-557-5250.

For more information regarding our program, please visit our website at *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

Erin M. Hanlon

Erin M. Hanlon
Regulatory Project Manager,
California South Branch

Response to Comment from the U.S. Army Corps of Engineers

Response to Comment 1: Caltrans will be requesting a preliminary jurisdictional determination prior to submission of an application for a 404 permit.

List of Technical Studies that are Bound Separately

Draft Relocation Statement
Air Quality Report
Noise Study Report
Noise Abatement Decision Report
Water Quality Report
Natural Environment Study
Location Hydraulic Study
Historical Property Survey Report

- Historic Study Report
- Historic Resource Evaluation Report
- Historic Architectural Survey Report
- Archaeological Survey Report

Hazardous Waste Reports:

- Initial Site Assessment
- Preliminary Site Investigation (Geophysical Survey)

Scenic Resource Evaluation/Visual Assessment
Initial Paleontology Study

NOD
KR

Notice of Determination

Appendix D

To:
☒ Office of Planning and Research
For U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Sacramento, CA 95814

☐ County Clerk
County of: _____
Address: _____

From:
Public Agency: Caltrans
Address: 2015 East Shields Avenue, Suite 100
Fresno, CA 93726
Contact: Sarah Gassner
Phone: 559-243-8243

Lead Agency (if different from above):
_____
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2009091121

Project Title: Kings River Overflow Bridge

Project Location (include county): Fresno County on State Route 180, west of the Community of Minkler

Project Description:

Replace teh kings River Overflow Bridge

This is to advise that the Caltrans ☒ Lead Agency or ☐ Responsible Agency has approved the above described project on 12/31/09 (Date) and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 2015 East Shields Avenue Suite 100, Fresno CA 93726

Signature (Public Agency) Sheryl Tan for Sarah Gassner Title Senior Environmental Planner

Date 12/31/09 Date Received for filing at OPR _____

RECEIVED
JAN 13 2010
STATE CLEARING HOUSE

RECEIVED
01042010
Posted 1/13/10
STATE CLEARING HOUSE

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2005