San Luis Obispo and Kern Counties
State Route 46 4-Lane Widening Project

Environmental Assessment with
Finding of No Significant Impact
Initial Study with Negative Declaration

State Route 46 through

San Luis Obispo and Kern Counties

05-SLO-46 EA 0C6500: From kilometer posts 88.7 to 97.9 (post miles 55.1 to 60.9)

06-KERN-46 EA 353410: From kilometer posts 0.00 to 11.75 (post miles 0.00 to 7.3)

06-KERN-46 EA 442500: From kilometer posts 11.75 to 53.9 (post miles 7.3 to 33.5)

SCH Number: 2003041036

April 2005

DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

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General Information About This Document

This document is an Environmental Assessment with a Finding of No Significant Impact and an Initial Study with Negative Declaration. The Finding of No Significant Impact indicates that the Federal Highway Administration has found that this project would have no significant impacts to the environment. The Negative Declaration indicates that the California Department of Transportation has determined that any impacts could be mitigated to a "less than significant" impact.

This document examines the potential environmental impacts of alternatives for the proposed project located in San Luis Obispo and Kern counties in California. The document describes why the project is being proposed, the existing environment that could be affected by the project, potential impacts from each of the alternatives and the suggested mitigation measures. The Preferred Alternative minimizes impacts to the community and meets the purpose and need of the project.

A previous version of the document – an Environmental Assessment/Initial Study – was circulated to the public and public agencies from April 7, 2003 to June 9, 2003. A Public Hearing was held on May 7, 2003 where the public commented on the recommended alternative. Appendix H was added to provide the comments and responses from the public hearing. Appendix E was expanded to add the Finding of Effect and Memorandum of Agreement between the State Historic Preservation Office and the Federal Highway Administration.

A vertical line in the outside margin of the page indicates changes made to the document since the first environmental document was circulated during April, May and June 2003. The information in this document supercedes and/or clarifies information contained in that original Environmental Assessment/Initial Study.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Mike Donahue, Southern Sierra Environmental Branch, 2015 E. Shields Avenue, Suite 100, Fresno, CA 93726; phone (559) 243-8157; Voice or use the California Relay Service TTY number at 1-800-735-2929.

FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
For
State Route 46 Four-Lane Widening Project
(From Sate Routes 46/41 Junction to
Interstate 5/State Route 46 Interchange)
San Luis Obispo and Kern Counties, California

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

5/12/2005
DATE

For
Gene K. Fong
Division Administrator
Federal Highway Administration

05-SLO-46 EA 0C6500 Kilometer Posts 88.67/97.9 (Post Miles 55.1/60.9)
06-KERN-46 EA 353410 and EA 442500 Kilometer Posts 0.0/11.75 and 11.75/53.9 (Post Miles 0.0/7.3 and 7.3/33.5)

San Luis Obispo/Kern Counties State Route 46 4-Lane Widening

ENVIRONMENTAL ASSESSMENT/INITIAL STUDY

Submitted Pursuant to: (State) Division 13, Public Resources Code
(Federal) 42 USC 4332(2)(C)

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration, and
THE STATE OF CALIFORNIA
Department of Transportation

March 5, 2003
Date of Approval

Mike Donahue
Branch Chief
Southern Sierra Environmental Analysis Branch
California Department of Transportation

3/6/03
Date of Approval

Gary N. Hamby
Division Administrator
Federal Highway Administration

State of California
Department of Transportation

SCH Number: 2003041036
05-SLO-46 KP 88.7/97.9 (PM 55.1/60.9)
06-KERN-46 KP 0.0/11.75 (PM 0.0/7.3)
06-KERN-46 KP 11.75/53.9 (PM 7.3/33.5)

Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to widen a 63.2-kilometer (39.3-mile) portion of State Route 46 located in San Luis Obispo and Kern counties. The project would widen the existing two-lane conventional highway to a four-lane expressway with an 18.6-meter-wide (61-foot-wide) median. A four-lane conventional highway with a 5.4-meter-wide (18-foot-wide median) is proposed through the community of Lost Hills and ending just east of the West Side Canal in Kern County.

Determination

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

- The project would not increase floodplain or seismic hazards. Impacts to cultural resources would be mitigated under the provisions of the Federal Highway Administration, State Historic Preservation Office, and California Department of Transportation Memorandum of Agreement. There would be no significant effects on recreational facilities or to any park.

- There would be no change in the planned land use, or in the character and composition of local traffic.

- Impacts to threatened or endangered animal species, or riparian habitat would be mitigated by implementation of the measures specified in the Biological Opinions rendered by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Impacts to wetlands would be mitigated by measures specified by the U.S. Army Corps of Engineers. Impacts to "other waters of the U.S." would by mitigated under Nationwide Permit #14 issued by the Army Corps of Engineers.

- Air and water quality would not be affected, and noise levels would not increase near sensitive receptors. There would be no effects upon hazardous waste sites. Impacts to farmland would be considered less than significant.

Mike Donahue

Mike Donahue
Branch Chief
Southern Sierra Environmental Analysis Branch
California Department of Transportation

5/12/05

Date

Summary

The California Department of Transportation and the Federal Highway Administration propose to widen State Route 46 to four lanes in a portion of San Luis Obispo and Kern counties.

The project is composed of three separate projects, which cover a 63.2-kilometer (39.3-mile) segment of State Route 46. The first project starts at kilometer post 88.7 (post mile 55.1) just east of the junction of State Routes 41 and 46 (referred to as the "Wye") in San Luis Obispo County and passes through rolling hills and mountainous terrain and ends at the Kern County Line. The second project starts at the Kern County line at kilometer post 0.0 (post mile 0.0) and ends at Kecks Corner at kilometer post 11.75 (post mile 7.3). The third project starts at Kecks Corner, goes through the Lost Hills oil fields and the community of Lost Hills, and ends just east of the West Side Canal at kilometer post 53.9 (post mile 33.5) in Kern County. The environmental analysis combined the three projects into one environmental document.

The purpose of the proposed widening of State Route 46 is to reduce congestion, improve level of service, improve safety, and provide route continuity. Based upon projected traffic volumes, the current roadway within the project limits would be insufficient to manage the increased volume by 2007. Without the project, the projected level of service for the year 2007 will range from level of service D (congestion) to E (congested conditions and delays). For the year 2007, the average daily traffic count will range from 7,900 vehicles to as high as 8,400 vehicles within the Kern County portions of the project, with many weekends experiencing even higher volumes of traffic and lower levels of service. Most of the intersections within the project limits are experiencing accident rates above the state highway average for a two-lane conventional highway.

The proposed project would provide route continuity by improving State Route 46 to the same standards proposed by two other adjoining projects just west of the junction of State Routes 41/46 in San Luis Obispo County: A four-lane expressway is proposed from Airport Road to Lucy Brown Road and from Lucy Brown Road to the east junction of State Route 41/46 in Paso Robles. These two projects, proposed in a separate environmental document, along with this proposed project would provide a continuous four-lane road from U.S. Highway 101 in San Luis Obispo County to Interstate 5 in Kern County and an interchange at the existing State Route 46/41 at-grade intersection. According to the San Luis Obispo and Kern County Planning Departments, there is no new private development proposed within the project limits.

For the proposed four-lane widening project, the San Luis Obispo project is included in the 2001 Regional Transportation Plan; the two Kern County projects are programmed in the 2002 Federal Transportation Improvement Program and the 2000 Regional Transportation Plan.

Preferred Alternative

Based on environmental, design engineering, and cost considerations, the "recommended" build alternative in the original environmental document has been chosen as the Preferred Alternative. The selection of the Preferred Build Alternative was made on November 20, 2003 after the full evaluation of environmental impacts, and consideration of public hearing comments.

The build alternative would widen a 63.2-kilometer (39.3-mile) segment of State Route 46 between the 41/46 intersection in San Luis Obispo County and the Interstate 5/Route 46 interchange in Kern County. A north/south, or symmetrical, alignment was proposed due to environmental and engineering constraints. Design options within three specific areas of environmental concern in Kern County (the Tosco Antelope Pumping Station, Lost Hills Oil Fields, and the community of Lost Hills) were studied and incorporated into the Preferred Alternative to minimize costs and environmental impacts.

The existing intersections within the project limits (including one at State Route 33) would be upgraded to current design standards and, where needed, acceleration and deceleration lanes would be provided to accommodate large trucks moving on and off the highway. The north and south lanes of State Route 33 would be realigned, and right- and left-turn lanes would be constructed.

The Preferred Alternative would construct five new bridges or box culverts. The new bridges include the replacement of the existing Bitterwater Creek Bridge (#50-437), and new structures would be constructed adjacent to and north of the existing two bridges, California Aqueduct Bridge (#50-197) and Route 46/5 Separation Bridge (#50-316). The Main Flood Canal Bridge (#50-30) and the West Side Canal Bridge (#50-29) would be extended.

Traffic signals would be installed at the State Route 46/33 intersection, Bruning Avenue, Warren Drive, and at Interstate 5 southbound and northbound offramps. Traffic signals would be installed at Lost Hills Road prior to this four-lane project as a separate minor project.

Design Options (Kern County)

- *Tosco Antelope Pumping Station*
  This design option proposes a split alignment within the Tosco Antelope Pumping Station site, with the future two-lane (preferred design option) starting at kilometer post 1.93 (post mile 1.2) and merging to the east at kilometer post 4.8 (post mile 3.0). The new lanes would be located approximately 201 meters (600 feet) north of the existing State Route 46. Relocating the future lanes to the north would not only allow the roadway to avoid the natural creek, it would eliminate the need to relocate the California Coastal Aqueduct 58-inch distribution pipeline located along the north side of the highway.

- *Lost Hills Oil Fields*
  This design option proposes a symmetrical alignment through the Lost Hills oil fields from kilometer posts 44.9 to 45.99 (post miles 27.9 to 29.2) with an 18.6-meter-wide (61-foot-wide) median. This option would reduce the number of oil wells to be relocated from 28 to 22. Complete avoidance of the oil wells is not possible because the oil fields are on both sides of the existing highway. Differences arose with landowners on the number and value of oil wells to be affected by the project. An evaluation would be performed prior to the purchase of right-of-way.

- *Lost Hills Community*
  This option proposes a four-lane conventional highway with an alignment to the north and a 5.4-meter-wide (18-foot-wide) median. This option would reduce the number of residences and businesses to be relocated.

No Action Alternative

The No Action (no-build) alternative would keep the existing highway as it is. No improvements would be built to bring the roadway to current design standards, and no measures would be taken to improve the safety concerns or reduce the increasing congestion that State Route 46 motorists now endure. Motorist frustration associated with conflicts from vehicles passing in the opposing travel lanes would continue to exist, along with the potential increase of head-on collisions as a result of an increase in traffic.

Coordination and Consultation

Coordination and consultation was conducted between the following agencies: U.S. Fish and Wildlife Service, the Department of Fish and Game, State Office of Historic Preservation, Salinan Nation, Santa Rosa Rancheria, Native American Heritage Commission, and the U.S. Army Corps of Engineers. Two Biological Assessments were reviewed by the U.S. Fish and Wildlife Service offices in Ventura for the San Luis Obispo County portion and in the Sacramento office for the Kern County portion of the project.

A Public Information Meeting was held on April 19, 2001 at the Lost Hills Elementary/Middle School in the town of Lost Hills. The purpose of the meeting was to allow the public input with regard to the proposed recommended build alternative. Approximately 26 people attended the meeting. All attendees felt the project would improve the safety of motorists in the area, and there was no opposition to the recommended build alternative.

A Public Hearing was held on May 7, 2003 at the Lost Hills Elementary/Middle School in the town of Lost Hills. The purpose of the hearing was to provide the public the opportunity to view the Recommended Build Alternative and design options, ask questions, and comment on the project, either by dropping their written comments into the comment box at the hearing or writing to the appropriate Caltrans office. A court reporter was onsite to take down oral comments for the record. Of the comments received, many residents of Lost Hills were concerned about students crossing State Route 46 at the Lost Hills Elementary/Middle School and requested a pedestrian overpass. Some attendees requested traffic lights and lowering the speed limit through town. Farmers were concerned about access to their properties, farming employees crossing the expressway with large equipment and trucks, and the acquisition of right-of-way. All comments and responses to the draft environmental document are incorporated into this document in Appendix H.

A summary of the potential impacts from the Preferred and No Action alternatives is provided in the following table.

Summary of Potential Impacts from Alternatives

Potential Impact		Preferred (Build) Alternative	No Action Alternative
Land Use	**Consistency with Kern County *General Plan***	This alternative is consistent with the Kern County long-range plans for State Route 46	This alternative is not consistent with Kern County long-range plan for State Route 46
	Consistency with the SLO County *General Plan*	SLO County long-range plan for State Route 46 is a four-lane expressway	This alternative is not consistent with SLO County's General Plan
Farmland converted		Approximately 44 hectares (108.7 acres)	No Impact
Business displacements		Four businesses would be relocated	No impact
Housing displacements		Four residences would be relocated	No impact
Utility service relocation		Oil pipeline, fiber optics, gas lines, water and sewer mains, toll cable, water district crossings	No impact
Air quality		During construction some wind-blown dust and particulates may be generated	Carbon monoxide and particulate matter may exceed state or federal standards due to projected increase in congestion. No construction impacts.
Noise		Soundwalls determined not to be feasible	No impact
Water quality		Section 401 addresses minor impacts	No impact
Wildlife		191.3 hectares (473.9 acres)	No Impact
Threatened or endangered species		California red-legged frog and the San Joaquin kit fox	No Impact
Impact on wetlands		.029 hectare (.071 acre)	No Impact
Impact on Other Waters of the U.S.		.352 hectare (.871 acre)	No impact
Increase in Floodplain		No significant floodplain encroachment	No impact
Cultural resources		Prehistoric site CA-SLO-1355 is within the Area of Potential Effects of the project	No impacts to historic and archaeological resources
Number of potential hazardous waste sites		11 areas of concern	No Impact
Visual quality		With the incorporation of the recommended mitigation, the project would not adversely affect the visual quality of the area	No Impact

Required Permits

- A 1602 Streambed Alteration Agreement from the California Department of Fish and Game
- Clean Water Act Section 404, Nationwide Permit #14 from the U.S. Army Corps of Engineers
- Clean Water Act Section 401 certification from the Regional Water Quality Control Board and a Notice of Intent filed with the State Water Resources Control Board
- Section 2081 Incidental Take Permit from the California Department of Fish and Game
- Two Section 7 Biological Opinions from the U.S. Fish and Wildlife Service offices in Ventura and Sacramento, California

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List of Technical Studies Bound Separately

Draft Relocation Statement
Air Quality Report
Noise Study Report
Water Quality Report
Natural Environment Study/Biological Assessment
Location Hydraulic Study
Initial Paleontology Study
Hazardous Waste Reports
Scenic Resource Evaluation/Visual Assessment
Traffic Management Plan
Updated Safety Analysis

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List of Abbreviated Terms

Caltrans	California Department of Transportation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
dBA	Level of sound pressure measured in decibels on the A-weighted scale
EA	Environmental Assessment
FHWA	Federal Highway Administration
km	kilometer(s)
KP	kilometer post
LOS	Level of Service
NEPA	National Environmental Policy Act
NPDES	National Pollution Discharge Elimination System
PM	post mile
PM_{10}	Particulate matter of 10 microns in diameter or smaller

Chapter 1 Purpose and Need

1.1 Project Description

The proposed project involves three separate widening projects, which cover a 63.2-kilometer (39.3-mile) project of State Route 46 located in both San Luis Obispo and Kern counties (see Figure 1.1). The first project starts just east of the junction of State Routes 41 and 46 (referred to as the "Wye") at kilometer post 88.7 (post mile 55.1) in San Luis Obispo County and passes through rolling hills and mountainous terrain. It continues into Kern County (kilometer post 0.0, post mile 0.0) through Kecks Corner (kilometer post 11.75, post mile 7.3), the Lost Hills oil fields, and the community of Lost Hills, ending just east of the Interstate 5/State Route 46 interchange at kilometer post 53.9 (post mile 33.5) in Kern County (see Figure 1.2).

1.2 Project Background

State Route 46 was adopted into the California Highway System in 1915 and is part of the California Freeway and Expressway System. It is a major interregional route for recreational traffic going back and forth between the Central Coast and the Central Valley. State Route 46 also serves as a major corridor for heavy trucks (40% of the traffic volume), particularly for agricultural products. State Route 46 is designated as a High Emphasis Focus Route from U.S. Highway 101 in San Luis Obispo County to Interstate 5 in Kern County. This route has been designated as a State Highway Terminal Access Route for larger trucks under the Federal Surface Transportation Act of 1982. State Route 46, from its junction with U.S. Highway 101 to its junction with Interstate 5, is a State Highway Extra Legal Load Route and is part of the National Highway System.

In San Luis Obispo County, State Route 46 is designated for expansion to a four-lane road from U.S. Highway 101 to Interstate 5 in Kern County per the Caltrans Interregional Transportation Strategic Plan dated June 1998. According to the San Luis Obispo Council of Governments staff report dated July 1999, "Traffic volumes along the Route 1, 101, 41/46 corridor are expected to continue to grow faster than the rate of local growth as a result of the State's population and economy." On December 8, 1999, the San Luis Obispo Council of Governments board approved the four-lane expressway concept for State Route 46 as part of the board's plan to upgrade the corridor in San Luis Obispo County.

There has been considerable media attention given to what some have called San Luis Obispo County's "blood alley." Several high profile, multi-vehicle, multiple-fatality accidents have occurred within the corridor. In January 1996, concerned citizens established a grassroots committee (called *FIX 46*) to facilitate the construction of safety projects and convert the roadway from the two-lane highway to a four-lane divided expressway. The committee's efforts have included receiving grants for increased law enforcement along the route, increasing fines for motorists caught driving in an unsafe manner, installing concrete median barriers in areas of high accident concentrations, and designating the project area as a daytime headlight zone. In addition, California Senator Dean Florez, a supporter of the construction of the State Route 46 four-lane project and a resident of Shafter, California, ultimately approached the Kern Council of Governments to make this project a priority.

Public support of the project is very strong among residents of not only San Luis Obispo County, but the Central Valley as well. Much of the weekend traffic consists of families who live in the metropolitan areas of Fresno and Bakersfield vacationing along the Central Coast. State Route 46 offers the only feasible route for motorists to take to the coast. On holiday and summertime weekends, travelers coming from these metropolitan areas converge on State Route 46 causing congestion and substantial traffic delays.

Within Kern County, State Route 46 is predominately a two-lane conventional highway. This project is planned as a four-lane expressway with an ultimate right-of-way of 65.53 meters (215 feet). It is designated as a High Emphasis East-West Focus Route in the Caltrans Interregional Transportation Strategic Plan. It is essential for interstate and regional commerce and travel. Currently, heavy trucks and recreational vehicles, which compose much of State Route 46 traffic in both directions, travel about 50 kilometers per hour (31 miles per hour) along this segment. Faster-moving vehicles coming up behind the trucks and recreational vehicles have limited passing opportunities. This contributes to driver frustration. The situation is compounded on busy weekends with additional recreational traffic sharing the road.

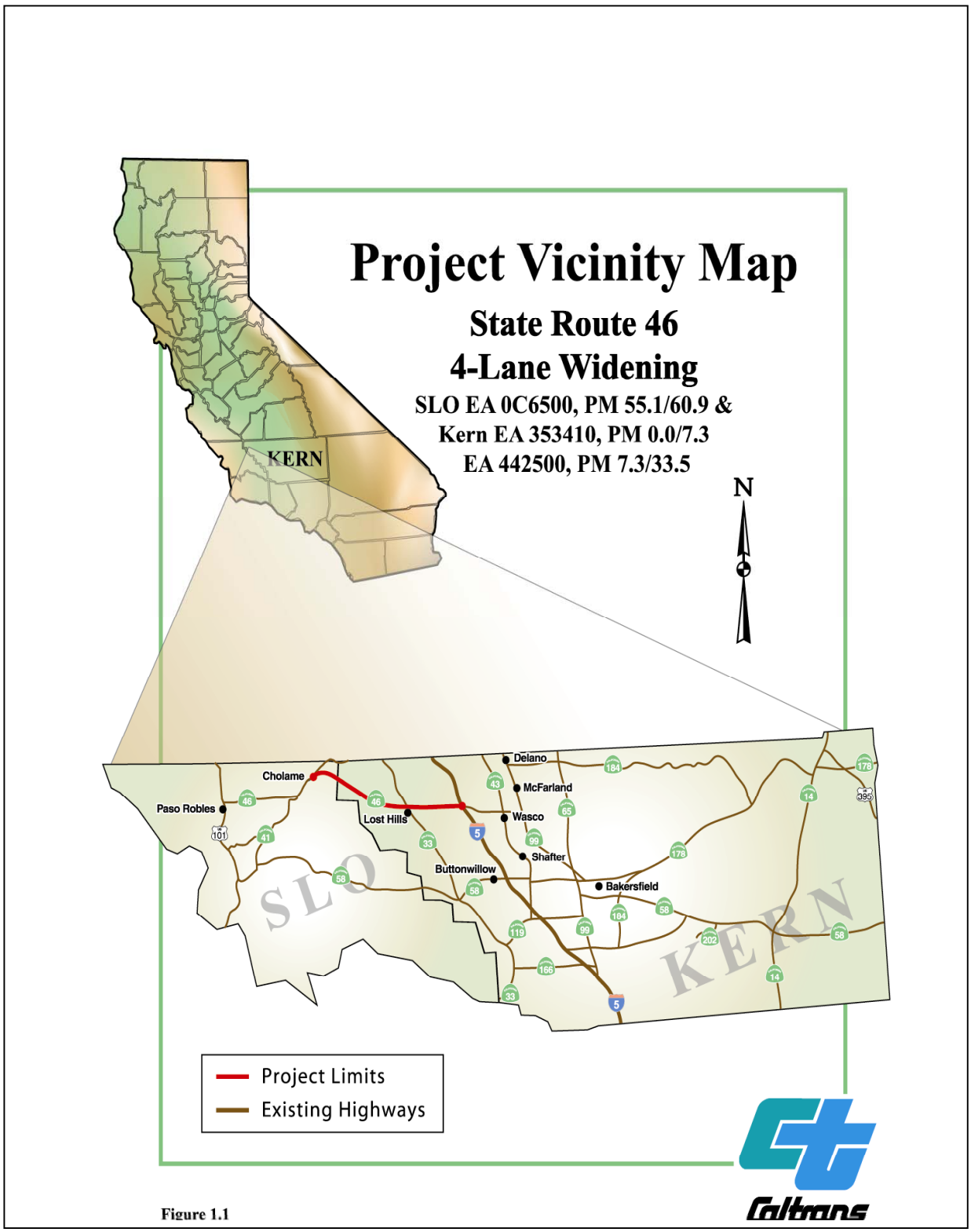


Figure 1.1 Project Vicinity Map

Kern - San Luis Obispo

4 Lane Widening

Project Locations

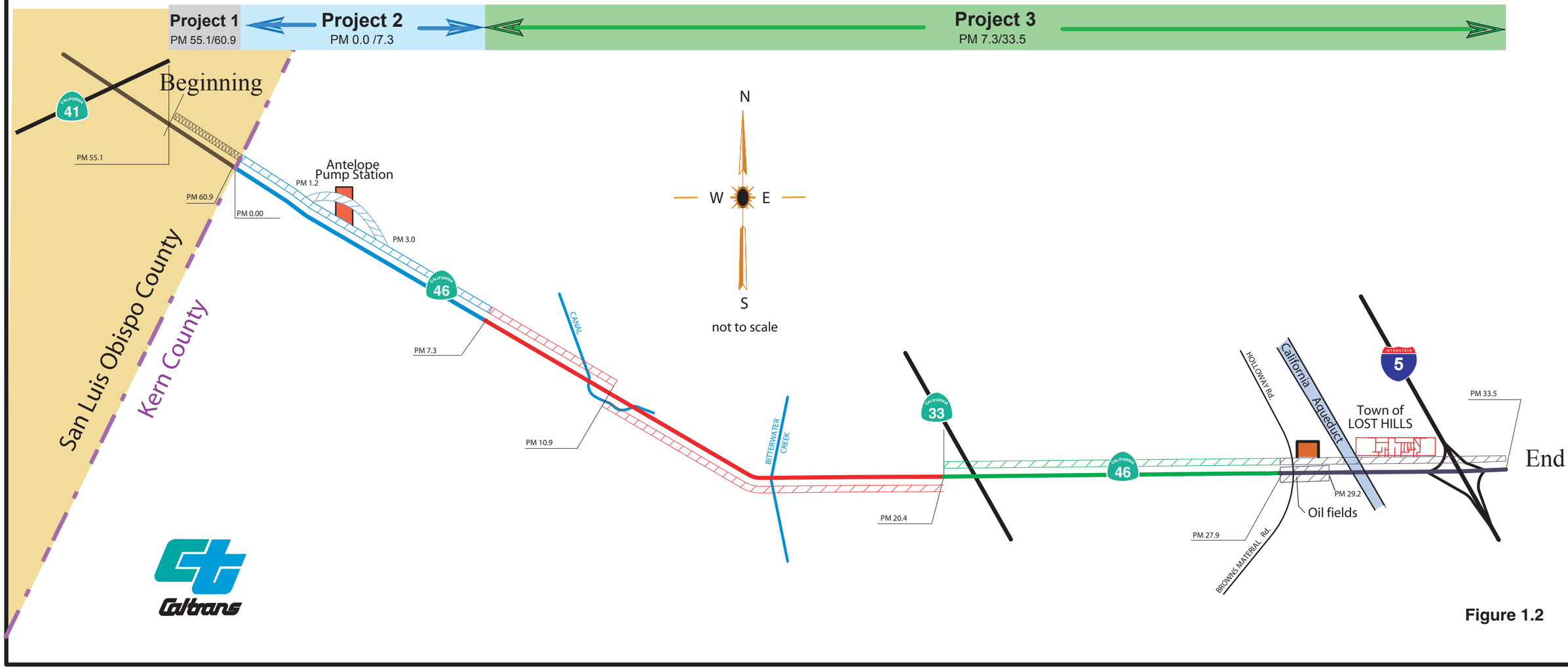


Figure 1.2

1.3 Need for the Project

State Route 46 is a major route for trucks and recreational traffic traveling between the Central Coast and the Central Valley. Currently, with only one lane of travel in either direction, there is little opportunity for drivers to safely pass slower-moving vehicles. More traffic will only compound the problem. Based on projected traffic volumes (see Table 1.1), the current roadway within the project limits will be insufficient for future traffic volumes.

Table 1.1 Level of Service for Existing and 2027 Traffic Volumes

San Luis Obispo kilometer posts 88.7/97.9 (post miles 55.1/60.9)	**Existing 2002**	**Forecast 2014**	**Forecast 2034**
Average Daily Traffic	7,00	9,980	18,026
Level of Service without project	C	D	E
Level of Service with project	---	A	B
Kern kilometer posts 0.0/11.75 (post miles 0.0/7.3)	**Existing 2001**	**Forecast 2017**	**Forecast 2027**
Average Daily Traffic	6,100	11,900	16,800
Level of Service without project	D	E	F
Level of Service with project	---	A	B
Kern kilometer posts 11.75/53.9 (post miles 7.3/33.5)	**Existing 2001**	**Forecast 2017**	**Forecast 2027**
Average Daily Traffic	6,100	11,100	15,550
Level of Service without project	B/C	C/D	D/E
Level of Service with project	B/C	A	A/B

Note: See Figure 1.3 for Level of Service rankings

On State Route 46, the projected daily traffic volumes — most notably the number of trucks and recreational vehicles traveling the route — are twice (20%) the normal (10%) levels recommended for a two-lane conventional highway. In addition, this roadway experiences even greater congestion on weekends when travel demand is the greatest. By providing additional lanes, the proposed project would improve capacity for this heavily traveled east-west corridor and reduce traffic congestion.

Roadway capacity is generally measured by the number of vehicles that can reasonably pass over a specific section of road at a given time. The Highway Capacity Manual, prepared by the Transportation Research Board, identifies travel speed, freedom to maneuver, and proximity to other vehicles as important parameters in determining level

of service on a roadway. Level of service is ranked A through F, with A indicating the free flow of traffic and F indicating the most congested conditions. Beyond level of service E, the theoretical capacity of the roadway has been exceeded. A description of each level of service is provided in Figure 1.3. Caltrans has established level of service C as the acceptable level for State Route 46.

Accident types within the project limits (see section 1.3.2 Accident History) indicate a congested roadway. A lane added in each direction would help eliminate the traffic conflicts on the existing two-lane conventional highway. Four-lane roadways generally have fewer accidents per mile than two-lane conventional highways do. Also, the proposed intersection improvements would help provide greater safety conditions for vehicles crossing traffic or turning left.

The proposed project would join projects located to the west in San Luis Obispo County to provide route continuity. A four-lane expressway from Airport Road to the east junction of State Routes 41/46 would help to provide a continuous four-lane corridor from U.S. Highway 101 to Interstate 5. The Transportation Concept Report for State Route 46 (July 2001), which describes the current and projected operation of a state highway corridor over a 20-year period, has planned a four-lane expressway with a 65.53-meter (215-foot) right-of-way for this route.

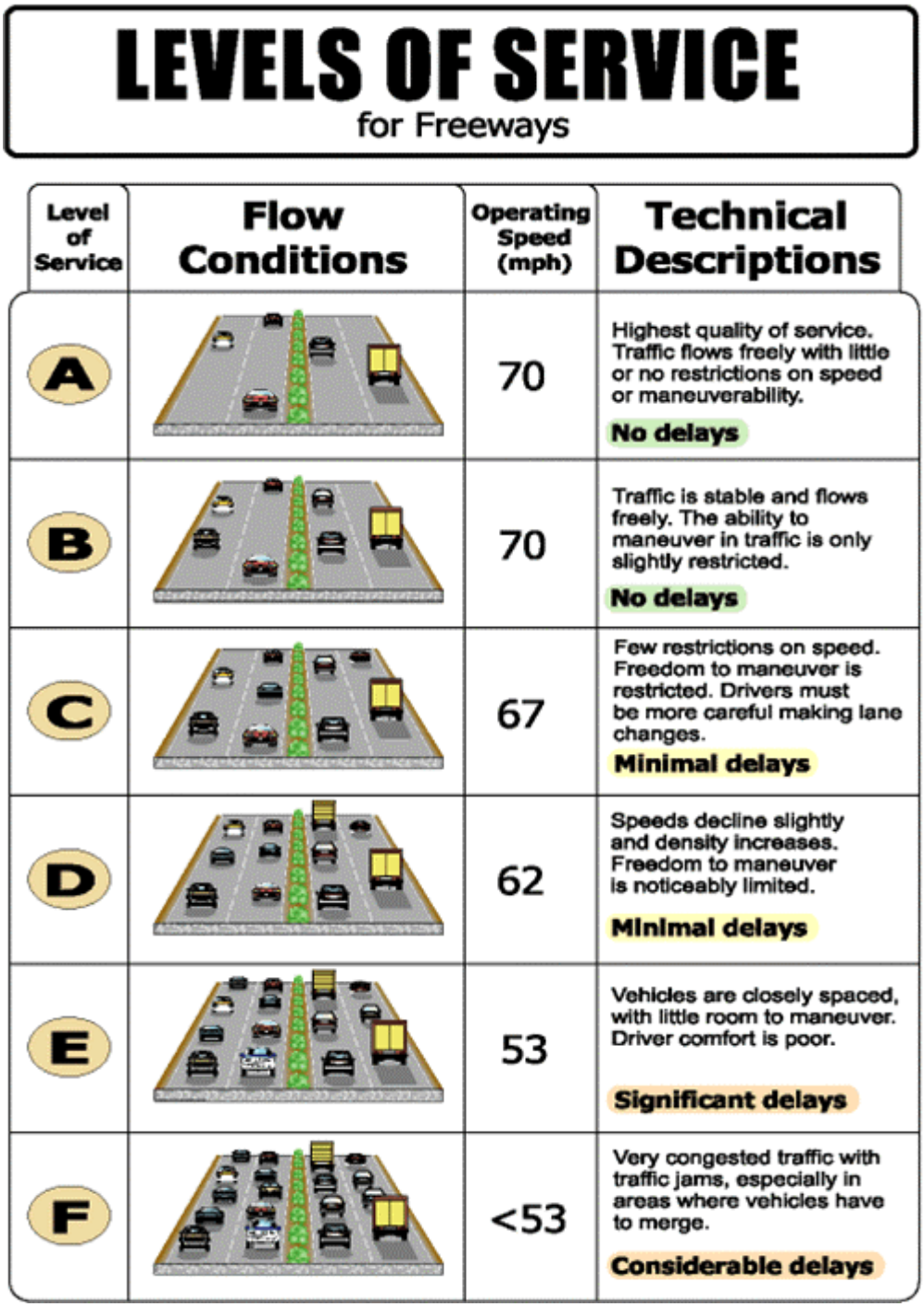


Figure 1.3 Six Levels of Service

1.3.1 Congestion

The current level of service within the project limits ranges from a ranking of C to D. Refer to Table 1.1 for a list of the current and projected level of service rankings for the existing roadway as well as the projected level of service with the proposed improvements. By 2007, the level of service will fall below C due to an increase in average daily traffic. Weekends historically experience higher volumes of traffic to result in even lower levels of service. If the proposed improvements are constructed by 2027, a level of service of A/B would be projected for the route.

Adding a travel lane in each direction would improve level of service, traffic flow, and safety conditions along the route by giving drivers a safe way to pass slower moving traffic (trucks or recreational vehicles). Truck traffic accounts for approximately 40% of the average annual daily traffic.

1.3.2 Accident History

The accident history from January 1, 1999 to December 31, 2002 indicates that the actual accident rate is lower than the statewide average rate (see Table 1.2).

Table 1.2 Actual vs. State Average Accident Rates

Location	**Accident Rate Per Million Vehicles Miles**		
San Luis Obispo kilometer posts 88.7/98.0 (post miles 55.1/60.9)	**Fatal**	**Fatal + Injury**	**Total**
Actual (Project Limits)	.054	.12	.29
Average (State)	.022	.28	.60
Kern kilometer posts 0.0/11.75 (post miles 0.0/7.3)	**Fatal**	**Fatal + Injury**	**Total**
Actual (Project Limits)	.018	.16	.49
Average (State)	.035	.62	1.31
Kern kilometer posts 11.75/53.74 (post miles 7.3/33.5)	**Fatal**	**Fatal + Injury**	**Total**
Actual (Project Limits)	.003	.12	.48
Average (State)	.022	.39	.81

For the highway section only, a total of 123 accidents were reported. They included eight fatalities, 50 injury collisions, and 65 with property damage only. The intersection accidents were analyzed separately (see Table 1.3). Sideswipe, head-on and hit-object collisions accounted for approximately 60% of the accidents. The nature of these

accidents indicates errant drivers and a congested roadway. A lane added in each direction would help to eliminate the traffic conflicts associated these conditions on the existing two-lane conventional highway. Generally, four-lane roadways have fewer accidents per mile than two-lane conventional highways do. The additional lanes also give motorists a safe way to pass slower-moving vehicles.

1.3.3 Intersection Accident History

The accident history for the same three-year study period for the intersections and one interchange is provided below. The following intersections, except two, are above the statewide average total accident rate (see Table 1.3).

Table 1.3 Accident Rates for Selected Intersections

Location	Fatal	Fatal + Injury	Total
Junction of State Route 46 and State Route 33 (Blackwells Corner)			
Actual (Project Limits)	0.000	0.24	0.71
Average (State)	0.009	0.31	0.70
Giddings Street			
Actual (Project Limits)	0.000	0.00	0.14
Average (State)	0.008	0.16	0.33
Ramps On and Off Southbound I-5			
Actual (Project Limits)	0.000	0.08	0.85
Average (State)	0.008	0.16	0.33
Ramps On and Off Northbound I-5			
Actual (Project Limits)	0.000	0.23	1.13
Average (State)	0.008	0.16	0.33
Co. Road P181J, Browns			
Actual (Project Limits)	0.000	0.15	0.15
Average (State)	0.008	0.16	0.33
Lost Hills/Woodward			
Actual (Project Limits)	0.000	0.45	1.25
Average (State)	0.008	0.16	0.33
Warren Drive			
Actual (Project Limits)	0.000	0.00	1.16
Average (State)	0.008	0.16	0.33
Aloma Street			
Actual (Project Limits)	0.000	0.17	1.49
Average (State)	0.008	0.16	0.33
Buford Street			
Actual (Project Limits)	0.000	0.00	0.47
Average (State)	0.004	0.10	0.22

In the proposed project, existing intersections within the project limits would be upgraded to current design standards. Left- and right-turn lanes and acceleration and deceleration lanes would be added where required to accommodate large trucks moving on and off the highway and to provide motorists easier maneuverability.

1.3.4 Route Continuity

Construction of the additional lanes within the project limits in conjunction with adjoining projects to the west located within San Luis Obispo County would complete the State Route 46 corridor as a continuous four-lane from U.S. Highway 101 to Interstate 5. Five projects east and west of this project are currently included in regional transportation plans. All of these projects would provide route continuity from U.S. Highway 101 to Interstate 5.

Chapter 2 Alternatives

2.1 Alternative Development Process

Three design variations were considered during the development of the project: one for a four-lane expressway with an 18.6-meter-wide (61-foot-wide) median with a north/south (symmetrical) alignment; one for a four-lane conventional highway with a 5.4-meter-wide (18-foot-wide) median through the town of Lost Hills; and one for split alignments (two- or four-lane) around the Tosco Antelope Pumping Station.

The build alternative was chosen as the Preferred Alternative based on environmental, design engineering, and cost considerations. The selection of the Preferred Alternative was made on November 20, 2003 after the full evaluation of environmental impacts and consideration of public hearing comments.

2.2 Preferred Alternative

The Preferred Alternative proposes to widen 63.2 kilometers (39.3 miles) of State Route 46 in San Luis Obispo and Kern counties from a two-lane highway to a four-lane expressway with an 18.6-meter-wide (61-foot-wide) median. The project begins one-quarter mile east of the existing State Routes 46/41 intersection and ends approximately one-quarter mile east of the Interstate 5/State Route 46 interchange.

The San Luis Obispo County project, from kilometer post 88.7 to 97.9 (post miles 55.1 to 60.9), would shift the alignment north from the existing centerline because of the mountainous terrain on the south side of the roadway. The north alignment would continue into Kern County until the Tosco Antelope Pumping Station at kilometer post 1.93 (post mile 1.2). From there, a split alignment is proposed to avoid a natural creek on the south side and utility lines, oil lines, and the California Coastal Aqueduct's 1.4-meter (58-inch) distribution pipeline on the north side of the existing highway. The future two-lane would be constructed approximately 201 meters (660 feet) north of the existing route. The split alignment would start at kilometer post 1.93 (post mile 1.2) and merge to the east at kilometer post 4.8 (post mile 3.0).

To avoid agricultural development and a privately operated airport located to the north, the alignment would shift to the south from the existing centerline from approximately kilometer post 17.54 (post mile 10.9) and continue until just before the intersection of State Routes 46 and 33. The alignment would then shift back to the north until the Lost Hills oil fields. Through the oil fields, from kilometer posts 44.90 to 46.99 (post miles 27.9 to 29.2), a

symmetrical alignment is proposed with an 18.6-meter-wide (61-foot-wide) median. The symmetrical alignment would reduce the number of oil wells that would be affected.

Within the community of Lost Hills, Caltrans proposes a four-lane conventional highway with a 5.4-meter-wide (18-foot-wide) median north of the existing centerline. The median is proposed to minimize the potential displacement of existing residences and businesses located along the north and south side of the community. The north alignment east of town was dictated by the existing agricultural development and utilities on the south side of the highway.

Existing intersections within the project limits would be upgraded to conform to current design standards as well as to provide access for trucks moving on and off State Route 46. The north and south legs of State Route 33 would be realigned to Caltrans design standards. The project would construct exclusive right- and left-turn lanes. Acceleration and deceleration lanes for large trucks moving on and off the highway would also be constructed as needed.

The proposed project requires the construction of five new bridges or box culverts. The new bridges include the replacement of the existing Bitterwater Creek Bridge (#50-437), and new structures would be constructed adjacent to and north of the existing two bridges—the California Aqueduct Bridge (#50-197) and State Route 46/Interstate 5 Separation Bridge (#50-316). The Main Flood Canal Bridge (#50-30) and the West Side Canal Bridge (#50-29) would be extended.

Signals would be installed at the State Routes 46/33 intersection, Bruning Avenue, Warren Drive, and the Interstate 5 southbound and northbound offramps. Signals at Lost Hills Road would be installed as a separate minor project prior to this four-lane project.

2.2.1 Design Options

During development of the project, environmental and engineering studies concluded that the following design options be included in the Preferred Alternative to minimize environmental impacts and costs while best accommodating the project purpose and needs.

Tosco Antelope Pumping Station

This design option proposes a split alignment within the Tosco Antelope Pumping Station site, with future lanes starting at kilometer post 1.93 (post mile 1.2) and merging to the east at kilometer post 4.8 (post mile 3.0). The new two-lane alignment would be located approximately 201 meters (660 feet) north of the existing State Route 46. This alignment would avoid a natural creek and eliminate the need to relocate any utility lines or oil lines. It would also avoid the California Coastal Aqueduct 1.4-meter (58-inch) distribution pipeline

that is located along the north side of the highway. Future fifth and sixth passing lanes have not been considered because a four-lane roadway should be adequate for over 20 years beyond construction.

Lost Hills Oil Fields

This design option proposes a symmetrical alignment through the Lost Hills oil fields from kilometer posts 44.9 to 45.99 (post miles 27.9 to 29.2) with an 18.6-meter-wide (61-foot-wide) median. This option would reduce the number of oil wells to be relocated from 28 to 22. Complete avoidance of the oil wells is not possible because the oil fields are on both sides of the existing highway. Differences arose with landowners on the number and value of oil wells to be affected by the project. An evaluation would be performed prior to the purchase of right-of-way.

Lost Hills Community

This option proposes a four-lane conventional highway with an alignment to the north of the existing roadway. The north alignment could affect four residences and four businesses. A symmetrical alignment would more than double the number of residences and businesses affected.

2.2.2 Preferred Alternative Cost and Scheduling

The estimated total project cost for the San Luis Obispo County portion, Project 1, is $45,076,000 (construction cost $44,113,000 and right-of-way cost $963,000). The Kern County portion, Project 2, total project cost is estimated at $47,730,000 (construction cost $32,880,000 and right-of-way cost $14,850,000). For Project 3 within the Kern County portion, total project cost is $159,600,000 (construction $87,000,000 and right-of-way $72,603,000). The first phase, located east of State Route 33 to west of Browns Material Road (kilometer posts 31.8 to 43.4, post miles 19.8 to 27.0) within Project 3, is scheduled for construction in the 2006/2007 fiscal year, with a total estimated at $35,874,000.

2.3 Alternatives Considered and Eliminated

The following alternatives were considered within the project limits but were eliminated from consideration.

Project 1 - San Luis Obispo: Kilometer Posts 88.7/97.9 (Post Miles 55.1/60.9)

Alternative 1

This alternative proposed the same improvements as the preferred alternative, but with a reduced design speed to 88.51 kilometers per hour (55 miles per hour) between kilometer posts 94.46 and 95.75 (post miles 58.7 and 59.5). This alternative was eliminated from

further study because reducing the design speed could result in increased congestion and weaving movements that are not beneficial for traffic safety.

Alternative 2

This alternative would add an additional eastbound climbing lane. Caltrans project 05-453700 is scheduled to construct the climbing lane proposed by this alternative as an interim project. Although this alternative would improve the conflicts between slow- and fast-moving traffic, it does not address the future interregional travels and does not meet the need of this project. This alternative would also leave this section of State Route 46 as the only two-lane road between U.S. Highway101 and Interstate 5 when all programmed projects on this corridor are constructed.

Project 2 – Kern County: Kilometer Posts 0.0/11.75 (Post Miles 0.0/7.3)

Alternative 1

This alternative proposed widening State Route 46 symmetrically to 12 meters (40 feet) on both the north and south sides of the highway. This alternative was eliminated from further study due to its potential to affect an eligible archaeological and architectural site, a natural creek, and the existing utility lines, oil lines, and the California Coastal Aqueduct 1.4-meter (58-inch) distribution pipeline

4-Lane Around

This alternative proposed to re-route all four lanes through the Tosco Antelope Pumping Station facility similar to the proposed westbound alignment in the Preferred Alternative. For this alternative, however, two oil tanks would be demolished, per conversations with the Tosco Antelope Pumping Station representative. The Project Development Team determined that this alternative was not financially feasible, and the alternative was withdrawn from further consideration.

Project 3 – Kern County: Kilometer Posts 11.75/53.74 (Post Miles 7.3/33.5)

Alternative 1

This alternative is essentially the same as Alternative 2, the Preferred Alternative, except for the widening at the Lost Hills oil fields. Alternative 1 proposes widening to the north into the oil fields. This alternative was rejected because of the cost of relocating several utilities and the impacts to oil wells on the north side of the highway.

Alternative 4

Alternative 4 proposed to construct a new four-lane expressway to the north of the existing conventional highway, but with a narrow median of 6.6 meters (21.6 feet) to reduce impacts to the oil field. This alternative was rejected because it does not meet the current design standards.

2.3.1 Cross-Sections

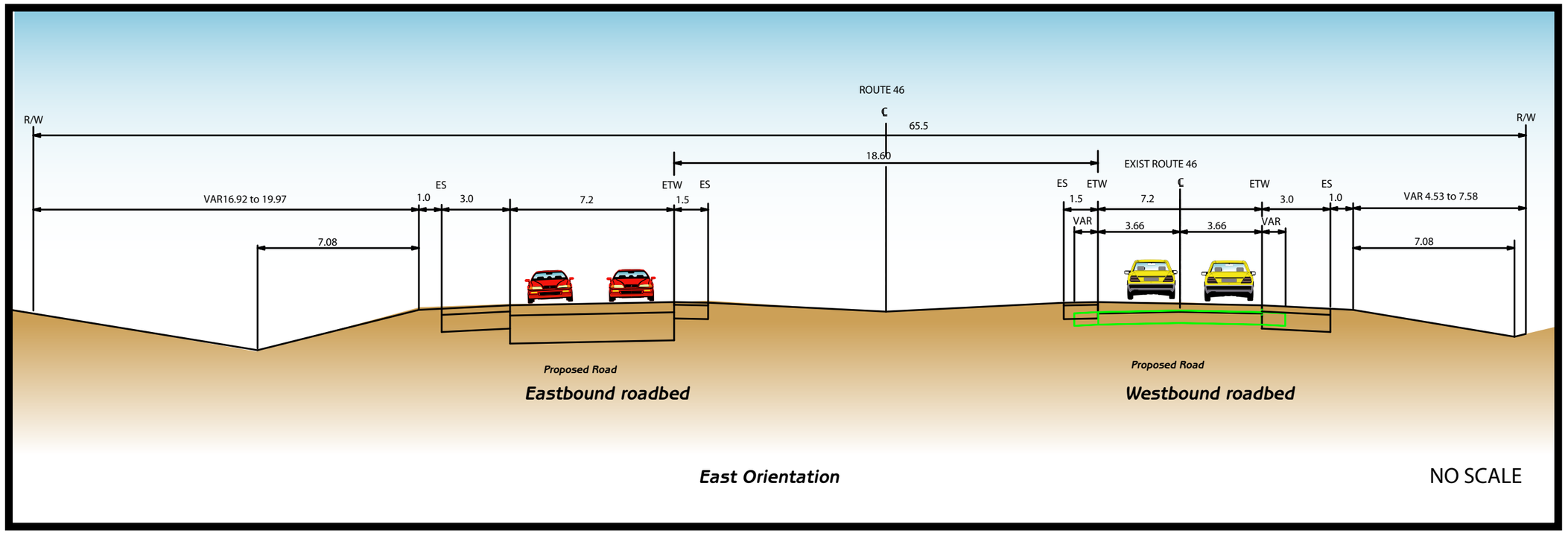
Cross-sections depicting the north, south, split, and symmetrical alignments are provided in Figures 2.1, 2.2, 2.3, 2.4, 2.5, and 2.6.

2.4 Related Projects

The Antelope Grade project, a San Luis Obispo County State Route 46 project that involves extending the eastbound truck-climbing lane, is proposed from kilometer posts 90.8 to 93.3 (post miles 56.5 to 58.0) prior to the construction of the four-lane expressway described in this environmental document. The project would provide greater passing opportunities by extending the existing eastbound truck-climbing lane. The Antelope Grade project is proposed for construction in 2006.

A Kern County State Route 46 signal installation project, a separate minor project, is proposed at the Lost Hills Road/State Route 46 intersection in Lost Hills. This signal installation project would be completed in November 2006.

Kern – San Luis Obispo 4 Lane Widening



WIDENING TO THE NORTH

LEGEND	
R/W	Right of Way
ES	Edge of Shoulder
ETW	Edge of Travel Way

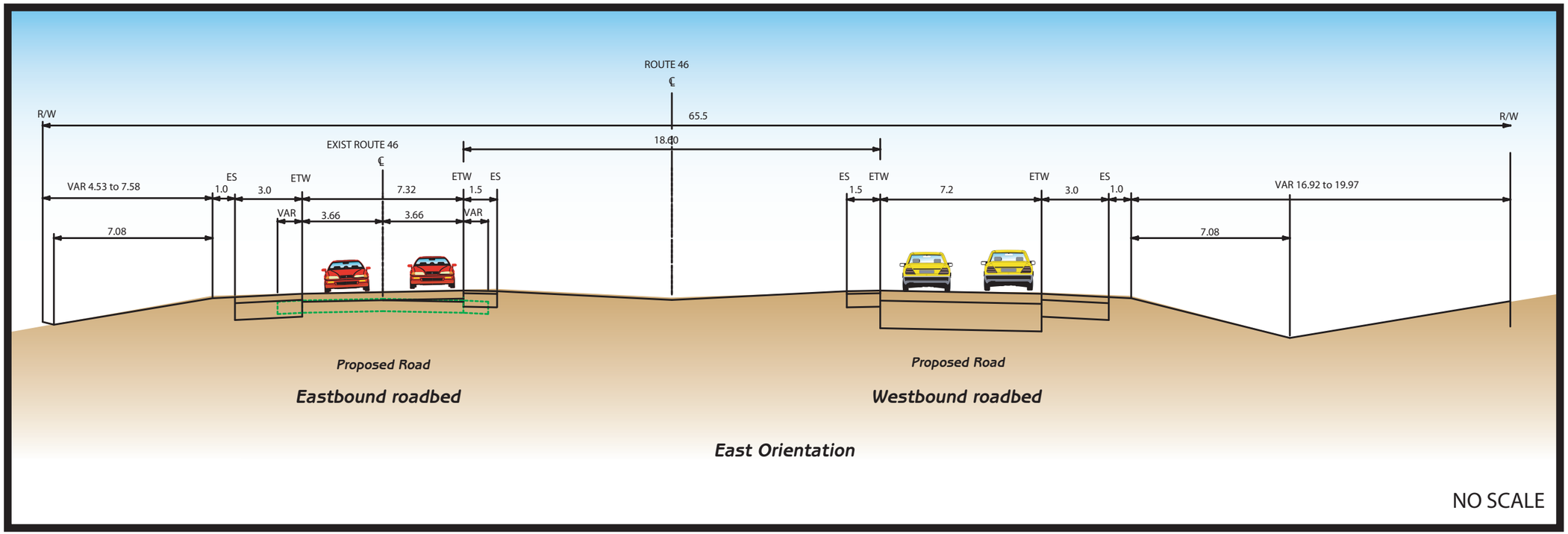
Meters	Feet
65.5	215.0
29.0	95.1
19.9	65.5
18.6	61.0
16.9	55.5
12.0	39.3
7.3	24.0
7.2	23.6
7.0	23.2
5.7	18.9
5.4	17.7
4.5	14.8
3.6	12.0
3.0	9.8
2.4	7.8
1.5	4.9
1.0	3.2
.6	1.9

PRELIMINARY

TYPICAL CROSS SECTION

Figure 2.1

Kern – San Luis Obispo CALIFORNIA 46 4 Lane Widening



LEGEND	
R/W	Right of Way
ES	Edge of Shoulder
ETW	Edge of Travel Way

Meters	Feet
65.5	215.0
29.0	95.1
19.9	65.5
18.6	61.0
16.9	55.5
12.0	39.3
7.3	24.0
7.2	23.6
7.0	23.2
5.7	18.9
5.4	17.7
4.5	14.8
3.6	12.0
3.0	9.8
2.4	7.8
1.5	4.9
1.0	3.2
.6	1.9

WIDENING TO THE SOUTH

Caltrans

United States of America Department of Transportation

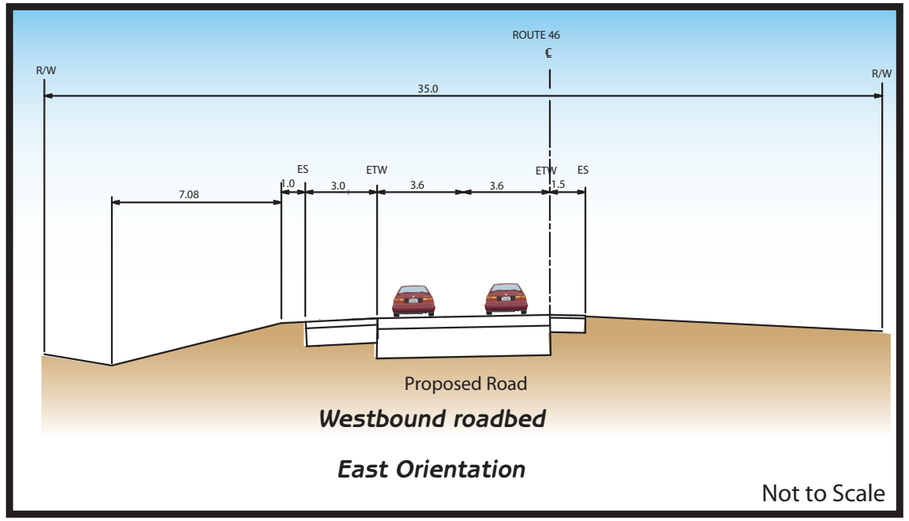
PRELIMINARY

TYPICAL CROSS SECTION

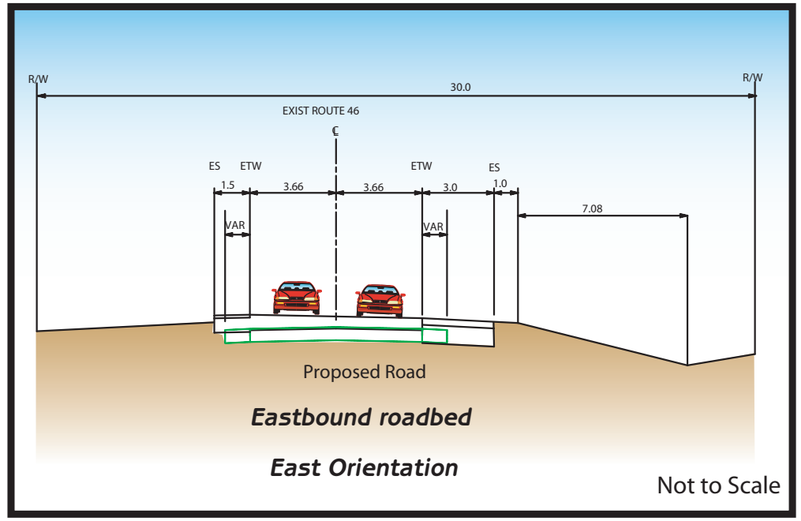
Figure 2.2

4 Lane Widening

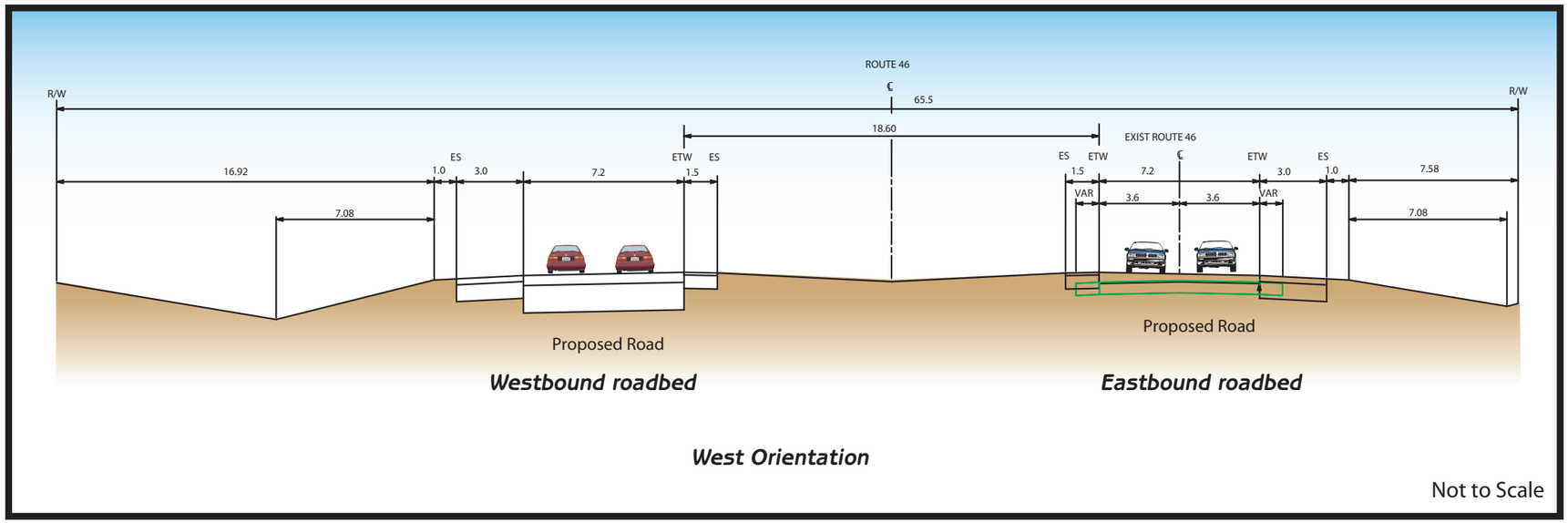
ANTELOPE PUMPING PLANT



SPLIT ALIGNMENT TO THE NORTH



SPLIT ALIGNMENT REHAB SECTION



WIDENING TO THE NORTH WITH 18.6 m MEDIAN (through alignment)

LEGEND	
R/W	Right of Way
ES	Edge of Shoulder
ETW	Edge of Travel Way

Meters	Feet
65.5	215.0
29.0	95.1
19.9	65.5
18.6	61.0
16.9	55.5
12.0	39.3
7.3	24.0
7.2	23.6
7.0	23.2
5.7	18.9
5.4	17.7
4.5	14.8
3.6	12.0
3.0	9.8
2.4	7.8
1.5	4.9
1.0	3.2
.6	1.9

PRELIMINARY

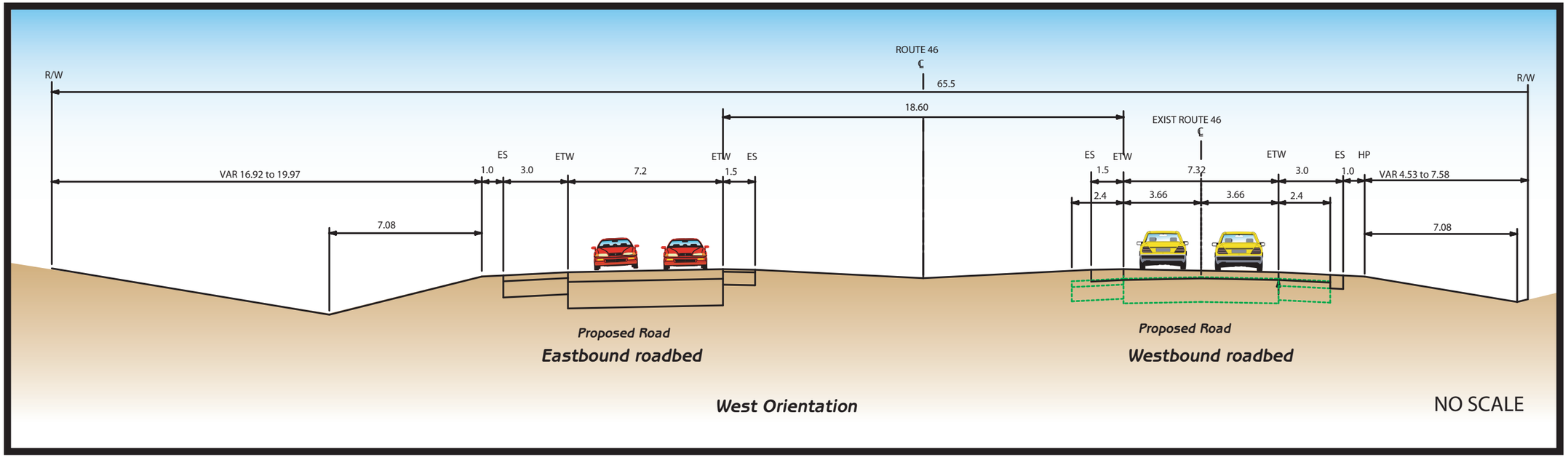
TYPICAL CROSS SECTION

Figure 2.3

CALIFORNIA 46 Kern - San Luis Obispo

4 Lane Widening

LOST HILLS - OIL FIELDS



LEGEND	
R/W	Right of Way
ES	Edge of Shoulder
ETW	Edge of Travel Way

Meters	Feet
65.5	215.0
29.0	95.1
19.9	65.5
18.6	61.0
16.9	55.5
12.0	39.3
7.3	24.0
7.2	23.6
7.0	23.2
5.7	18.9
5.4	17.7
4.5	14.8
3.6	12.0
3.0	9.8
2.4	7.8
1.5	4.9
1.0	3.2
.6	1.9

WIDENING TO THE NORTH WITHIN THE OIL FIELDS

W/61 m median

Caltrans

Department of Transportation, United States of America

PRELIMINARY

TYPICAL CROSS SECTION

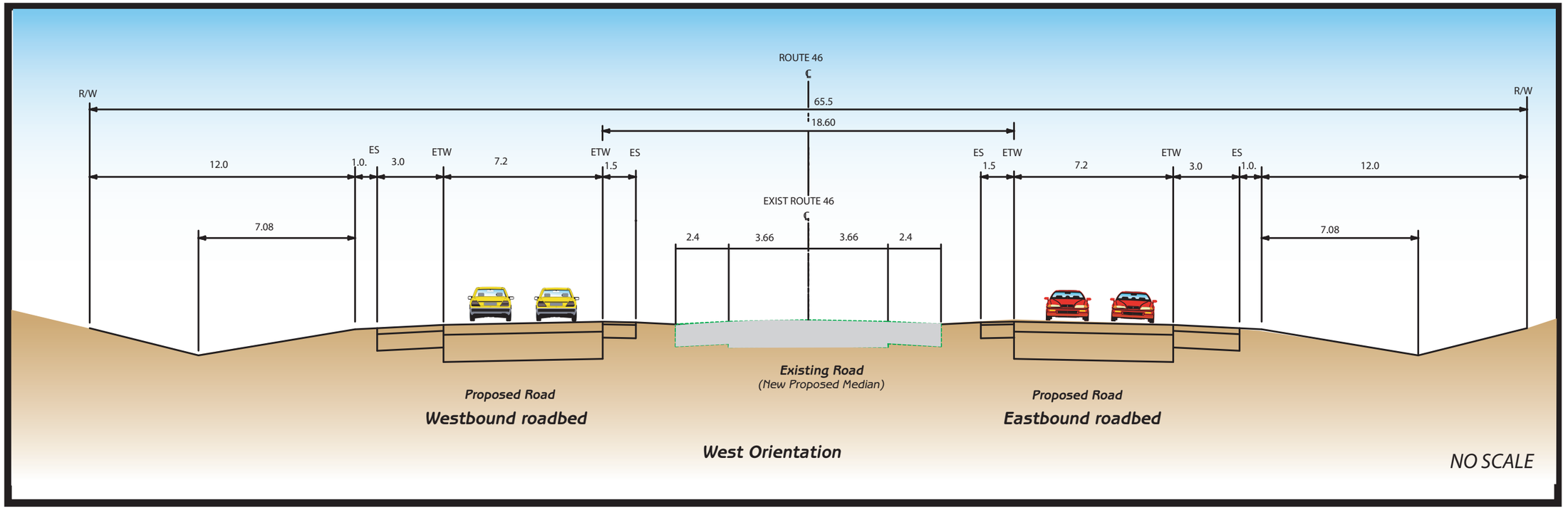
Figure 2.4

Kern - San Luis Obispo

CALIFORNIA 46

4 Lane Widening

LOST HILLS - OIL FIELDS



LEGEND	
R/W	Right of Way
ES	Edge of Shoulder
ETW	Edge of Travel Way

Meters	Feet
65.5	215.0
29.0	95.1
19.9	65.5
18.6	61.0
16.9	55.5
12.0	39.3
7.3	24.0
7.2	23.6
7.0	23.2
5.7	18.9
5.4	17.7
4.5	14.8
3.6	12.0
3.0	9.8
2.4	7.8
1.5	4.9
1.0	3.2
.6	1.9

SYMMETRICAL WIDENING WITHIN THE OIL FIELDS

W/61 m median

Caltrans

Department of Transportation United States of America

PRELIMINARY

TYPICAL CROSS SECTION

Figure 2.5

Chapter 3 Affected Environment, Environmental Consequences, and Mitigation

3.1 Land Use

Current land use in and around the proposed project area is zoned as agricultural, commercial, residential, and light industrial. The proposed project is compatible with the general plans of both San Luis Obispo and Kern counties.

3.1.1 Affected Environment

The project area is located in the northeastern portion of San Luis Obispo County and the northwestern portion of Kern County. Within the project limits, State Route 46 is a two-lane road, with expansive pasture or grasslands, cultivated pistachio orchards, as well as petroleum industry properties alternating south and north of the road. Population in the area is sparse, except for the community of Lost Hills where the population is 1,938 according to the 2000 U.S. Census Bureau. The properties surrounding the highway are used mainly for agriculture.

3.1.2 Impacts

Improvements to State Route 46 were envisioned in the circulation element of the General Plans for San Luis Obispo and Kern counties. The project is included in the current Regional Transportation Plans prepared by the metropolitan planning organizations Kern Council of Governments and the San Luis Obispo Council of Governments.

3.2 Farmland

The predominant land use in the project area is agricultural with some urban land uses. Agriculture is important to the local economies in San Luis Obispo and Kern counties. The San Luis Obispo County portion of the project is composed of primarily grazing land. The Kern County portion is composed of grazing land in the Coast Range and irrigated and non-irrigated farmland in the San Joaquin Valley. Agricultural production in Kern County includes almond and pistachio orchards along with cotton and other row crops.

Urban uses are in the unincorporated community of Lost Hills and at the Interstate 5/State Route 46 interchange.

3.2.1 Affected Environment

Approximately 196.5 hectares (485.6 acres) of additional right-of-way would be acquired for the project. Agricultural lands make up 95% of the needed right-of-way for the project. Approximately 44 hectares (108.7 acres) that are required for the project right-of-way are classified as prime or unique farmland, statewide and local importance farmland or other lands according to the U.S. Department of Agriculture Farmland Conversion Impact Rating Forms. See Appendix C and Table 3.1 for a breakdown of farmland categories in each segment of the overal project.

Table 3.1 Farmland

Farmland	Project 1 San Luis Obispo	Project 2 Kern County	Project 3 Kern County	Totals
Prime or Unique	3.1 hectares (7.7 acres)	3.4 hectares (8.5 acres)	36.2 hectares (89.6 acres)	42.8 hectares (105.8 acres)
Statewide and Local Importance	1.2 hectares (2.9 acres)	0	0	1.2 hectares (2.9 acres)
Totals	4.3 hectares (10.6 acres)	3.4 hectares (8.5 acres)	36.2 hectares (89.6 acres)	43.9 hectares (108.7 acres)

Source: Farmland Conversion Impact Ratings

The State Department of Conservation identifies “Important Farmland” as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. Important Farmland acreages are reduced from the Farmland Conversion Impact Rating definitions of the same farmland categories because of the lack of irrigation for many properties in the project area.

In most of the project area, large agricultural preserves have been established by San Luis Obispo and Kern counties. In these preserves, Williamson Act contracts can be entered into between the property owner and the county. The purpose of the Williamson Act contracts is to preserve “open space” uses, such as agriculture, for their scenic, social, aesthetic, and wildlife values. The Williamson Act contracts provide tax relief for the farmers, while the public benefits from the preservation of the open space values. The Williamson Act contracts in San Luis Obispo and Kern counties run for 10 years, and there have been few cancellations in the project area.

3.2.2 Impacts

Farmland impacts for highway projects have been determined through the use of the U.S. Department of Agriculture’s Farmland Conversion Impact Rating Forms from the Natural Resources Conservation Service. The form assigns the affected farmland a total score of up

to 260 points (up to 160 points for the site assessment and up to 100 points for relative value of the site). Sites receiving a total score of less than 160 points need not be given further protection, and no additional sites need to be evaluated.

The Relative Value Rating on the Farmland Conversion Impact Rating Form uses land evaluation criteria based on information from several sources, including national cooperative soil surveys, Natural Resource Conservation Service field office technical guides, soil penetration guides, soil potential ratings, land capability classifications, and important farmland determinations. Based on this information, groups of soils are assigned a score between 0 to 100, representing the relative value for agricultural production of farmland converted by the project as compared to other farmland in the surrounding area.

The Site Assessment Criteria evaluated by Caltrans consisted of several factors:

- Land use within a mile radius of the sites
- Recent history of the use of land
- Whether or not the farmland is protected by the state
- Comparison of the average size to similar farmland in the region
- The evaluation of whether the land is still farmable if the project is constructed
- Availability of support services and markets
- The presence of substantial and well-maintained on-farm investments
- Compatibility of the project with farming activities

As shown in Table 3.2, the overall value of the farmland affected by this project is below the 160 points required for protection and mitigation. The design options of the project are in urban areas, oilfields, and grazing lands; they therefore would not affect the overall Farmland Conversion Impact Rating Form results.

Table 3.2 Farmland Conversion Impact Rating

Project	Miles	Rating	Combined Score
Project 1 San Luis Obispo	5.8	144.6	150.6
Project 2 Kern	7.3	165	
Project 3 Kern	26.2	148	

Approximately 84.5 hectares (211 acres) from 52 large (averaging over 120 acres) Williamson Act contracts would be needed for the project right-of-way. Converting small portions of the 52 Williamson Act contracts would not cause cancellation of the contracts. The project impacts for Williamson Act and other non-Williamson Act farmland would be

minimal because the acreage from any one-farmland property would be small. Therefore, the viability of any one agricultural operation would not be adversely affected.

Several improvements would be made to access farmland in the project area. Intersections would have left-turn lanes and access points in the median to accommodate turns made by large farm equipment. Greater shoulder widths would be constructed. This would allow farm equipment to move out of the travel lane in an emergency. Some agricultural operations may need to consolidate highway access from private access roads; these highway intersections from farmland properties would have left-turn lanes and acceleration and decceleration lanes for large farm equipment. Two new lanes in both directions allow other vehicles to easily pass slow-moving farming equipment.

The farmland impacts from this project would be minimal. The access to project area farms would be improved. The economic viability of the farms in the area would be enhanced through better transportation access for agriculture products and workers. Caltrans found no significant impacts to Williamson Act contracts as related to the California Environmental Quality Act. The acreage needed from 52 large Williamson Act contracts for the project right-of-way is small (less than five acres per property).

3.2.3 Mitigation

No mitigation is required. Purchased right-of-way may continue to be used for agriculture until the property is needed for construction of the project.

3.3 Relocation

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 mandates relocation benefits be made available under certain circumstances when land is acquired for highway projects. Caltrans complies with all Title VI regulations as directed by the Policy Statement in Appendix D.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994, directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law. No minority or low-income populations have been identified that would be adversely affected by the proposed project as specifically required by Executive Order 12898 regarding environmental justice.

3.3.1 Affected Environment

Population in the project area is sparse, except for the community of Lost Hills where the population is 1,938 according to the 2000 U.S. Census Bureau. A Relocation Impact Memorandum, which is prepared when there are fewer than 10 displacements and there is ample replacement property, was prepared for the community of Lost Hills.

3.3.2 Impacts

The Relocation Impact Memorandum determined there are four single-family homes and four businesses that would be affected by this project. Based on a 6% vacancy rate for this community, sufficient single-family residential property that is equal to or better than the displacement properties would be available for rent or purchase. Caltrans would consider the effects on businesses to determine an amount of just compensation.

3.3.3 Mitigation

All activities would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. Relocation resources would be available to anyone who is displaced.

3.4 Air Quality

Current legislation requires all transportation plans, programs and projects to demonstrate air quality conformity. Transportation conformity is a way to ensure that federal funding and approval are given to those transportation activities that are consistent with air quality goals. The primary legislation that governs air quality regulations is the federal Clean Air Act Amendments of 1990. The Clean Air Act delegated responsibility for air quality to the U.S. Environmental Protection Agency. Transportation projects must meet conformity requirements in areas that are or have been in non-attainment for federal air quality standards. A non-attainment area is a geographic region that the Environmental Protection Agency has designated as not meeting the National Ambient Air Quality Standards.

The Environmental Protection Agency has established the National Ambient Air Quality Standards for six pollutants: ozone, carbon monoxide, suspended particulate matter, sulfur dioxide, lead and nitrogen dioxide. (For the lead discussion, see Hazardous Waste in section 3.13 of this chapter.) Each pollutant is evaluated differently depending upon whether it is a regional or project-level pollutant.

Guidelines require that, in determining regional air quality conformance, a project must come from a Regional Transportation Plan and Transportation Improvement Program that have

been found to conform under the Clean Air Act Amendments of 1990. Project-level air quality analysis is required only for the federal pollutants particulate matter and carbon monoxide. Where large volumes of traffic operate under heavily congested conditions or where unusually large numbers of diesel-powered vehicles can be expected to occur, there is the potential for roadways to generate localized high concentrations of air pollutants.

The Environmental Protection Agency requires hot spot analysis to determine project-level conformity in particulate matter and carbon monoxide in non-attainment or maintenance areas (per federal standards). Both quantitative and qualitative analyses are required for all federal projects. Specific guidance from the Environmental Protection Agency published in the Federal Register is required before the conformity rules for quantitative analysis requirements apply. As of February 2004, the Environmental Protection Agency has not issued quantitative particulate matter hot spot analysis guidance. Therefore, quantitative particulate matter hot spot analysis is not required under conformity at this time. Hot spot analysis for carbon monoxide is only recommended for intersections with traffic signals where the level of service is D or F (refer to Figure 1.3 for level of service rankings).

3.4.1 Affected Environment

The San Luis Obispo County portion of the project is located in an area classified under the federal regulations as an attainment area for carbon monoxide, particulate matter, and ozone. The project is not subject to regional conformity determination. It is also not subject to project-level particulate matter hot spot analysis for the same reason. Because there are no intersections with traffic signals within this portion of the project, hot spot analysis for carbon monoxide is not required.

The project is included in the San Luis Obispo County Regional Transportation Plan. That plan indicates that the San Luis Obispo County portion of this project is Phase IV of the State Route 46 highway improvements between U.S. Highway 101 and the San Luis Obispo County boundary with Kern County.

The Kern County projects are subject to regional analysis because they are located in a non-attainment area for ozone and particulate matter. Both Kern County projects are listed in a conforming 2000 Regional Transportation Plan and the 2002 Federal Transportation Improvement Program adopted on October 4, 2002.

This portion of the project is also subject, under federal regulations, to project-level air quality analysis for suspended particulate matter; therefore, hot spot analysis is required. The monitored particulate matter for the federal standard concentration at the China Lake-Powerline Road station showed no violations in the last three years (2000 to 2002). The proposed project would ease mobility, increase capacity, reduce congestion, enhance traffic

safety, and improve the level of service to A/B for year 2027. Based on those improvements, this project should not contribute to a suspended particulate matter hot spot that would cause or contribute to violations of the suspended particulate matter. Quantitative suspended particulate matter hot spot analysis is not required because the Environmental Protection Agency has not issued a suspended particulate matter hot spot analysis guidance as of February 2004.

This portion of the project is in an area that is in attainment for carbon monoxide that is subject to a maintenance plan, according to federal standards. The ambient carbon monoxide levels monitored at the Bakersfield-Golden State Highway and at Bakersfield – 5558 California Avenue stations, the closest stations with monitored carbon monoxide data, showed no violations in the last three years (2000 to 2002). No significant local carbon monoxide impacts occur as a result of the proposed project. There are no signalized intersections with a Level of Service C or worse, and there are no sensitive receptors in the vicinity of any intersection.

3.4.2 Impacts

Short-term impacts are limited to the construction period. During construction, the proposed project would generate air pollutants. The exhaust from construction equipment contains hydrocarbons, oxides of nitrogen, carbon monoxide, suspended particulate matter, and odors. Most pollutants would be windblown dusts generated during excavation, grading, hauling, and various other construction activities.

3.4.3 Mitigation

During construction, the proposed project would generate air pollutants. Caltrans Standard Specifications pertaining to dust control and dust palliative requirement are part of all construction contracts and should effectively reduce and control emission impacts during construction. The provisions of Caltrans Standard Specifications, Section 7-1.OF, “Air Pollution Control,” and Section 10, “Dust Control,” require the contractor to comply with rules, ordinances, and regulations of the San Luis Obispo Air Pollution Control District and the San Joaquin Valley Unified Air Pollution Control District.

An inspection by a certified asbestos inspector is required before demolition or renovation work. Most air districts will ask for the results of the inspection when a notification is filed. For renovations, the results must be on file to show air district or Environmental Protection Agency personnel on request. Most air districts require testing by a registered geologist to determine whether naturally occurring asbestos is present in sufficient quantity to trigger application of the rules or the Air Resources Board requirements.

3.5 Noise

A noise investigation has been completed for this project, which is considered a Type 1 project under the National Environmental Policy Act. A Type 1 project is defined by Title 23, Part 772 of the Code of Federal Regulations as follows: a proposed federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment, or increases the number of through-traffic lanes. Completion of a traffic noise analysis complies with Title 23, Part 772, of the Code of Federal Regulations, "Procedures for Abatement of Highway Traffic Noise," and Caltrans Noise Analysis Protocol.

3.5.1 Affected Environment

Under Title 23, Part 772, of the Code of Federal Regulations, noise abatement must be considered for Type I projects when the project results in a substantial noise increase (at least 12 dBA) or when the predicted noise levels approach or exceed the Noise Abatement Criteria. A traffic noise analysis was completed for this project. Noise abatement measures that are reasonable and feasible and that are likely to be incorporated in the project, as well as noise impacts for which no apparent solution is available, must be identified and incorporated into the project plans and specifications (per 23 CFR 772.11 (e)(1) and (2)).

3.5.2 Impact

The traffic analysis for the proposed project was prepared according to Caltrans Traffic Noise Analysis Protocol. Caltrans identified noise receptors (residential houses, churches, and schools) within the community of Lost Hills, but concluded that soundwalls would not be feasible because their construction would block access to driveways and local cross-streets. Creating breaks or gaps within a continuous soundwall would make the wall ineffective.

3.5.3 Mitigation

No mitigation measures are required.

3.6 Water Quality

A water quality assessment evaluates potential impacts of the proposed project on water quality. The assessment identifies the effect on surface water and groundwater resources and describes mitigation measures, if necessary, to reduce any substantial impacts.

3.6.1 Affected Environment

Regional

The project limits (within San Luis Obispo and Kern counties) are located in the western foothill belt of the Sierra Nevada in the San Joaquin Valley. The valley is a topographic and structural trough, which has received a thick accumulation of sediments from the Sierra Nevada on the east and the Coast Range on the west. The east side of the valley, bounded by the Sierra Nevada fault block, dips gently to become flat and lies over the granite rocks of the Sierra Nevada. The west side of the valley dips steeply at its extreme western boundary along the base of the Coast Range, where it lies over the Franciscan Formation.

Surface Water

The San Luis Obispo portion of the project area lies in the Estrella River watershed. Major water bodies there are the Estrella River and San Juan Creek, approximately 15 miles east and southeast of the project limits. Other surface water resources within the San Luis Obispo area include roadside ditches, agricultural and wastewater ponds, seasonal wet meadows, and temporary drainages. The proposed project runs through mostly rural and rolling terrain that descends from the coastal ranges. Most of the streams and drainages are perennial and are dry most of the year.

The Kern project area is located in the San Joaquin basin. Major water bodies there are the Kern River and the California Aqueduct. The Kern River is not in the immediate vicinity of the project, and any water discharge from the project in the form of runoff or spills would not discharge into the Kern River. Other surface water resources within the project area include roadside ditches, agricultural and oil field-generated wastewater ponds, seasonal wet meadows, and temporary drainage. Except for seasonal wet meadows and the temporary drainage, these surface water resources are man-made, not natural water bodies.

Groundwater

The San Luis Obispo project area is located at the boundary of the San Joaquin Valley and the Central Coast groundwater basins. Most of the study area lies within the Cholame Valley, which is part of the Salinas groundwater basin. Groundwater quality conditions in the Salinas basin are generally good.

The Kern project area is located within the San Joaquin River groundwater basin, which drains to Buena Vista Lake via Kern River and to Tulare Lake via the Tule, Kaweah, and Kings rivers. Most of the project area lies within the Tulare Lake basin, a sub-basin of the San Joaquin River groundwater basin. The Tulare Lake basin is bounded on the south by the Kings-Kern county line, on the north by the southern boundary of the Kings basin, on the west by the California Aqueduct and the eastern boundary of the Westlands Water District,

and on the east by the westerly boundaries of the Kaweah and Tule basins. Groundwater in this area is deep and generally of poor quality.

3.6.2 Impacts

The project could result in both short-term and long-term impacts to surface water and groundwater. Short-term impacts to surface water quality could occur during construction, primarily from exposure of loose soil during excavation, grading, and filling activities. The suspended solids, dissolved solids, and organic pollutants in surface water bodies could increase when nearby soils are disturbed and dust is generated. These conditions would likely persist until the project construction was completed and long-term erosion control measures have been implemented.

These short-term water quality impacts are minor and would not cause or contribute greatly to the impairment of a designated beneficial use. Implementing appropriate best management practices during construction can mitigate these short-term impacts. With implementation of a Storm Water Pollution Prevention Plan and a Storm Water Management Plan, no long-term impacts to surface water quality would be expected as a result of the proposed project.

3.6.3 Mitigation

No groundwater impacts would be expected from the project. Short-term surface water quality impacts would be expected from the implementation of the project. The major potential surface water quality impacts are as follows:

- Increases in sediments, turbidity (murkiness or clarity of the water) and total dissolved solids
- Toxicity due to chemical substances originating from construction activities
- Inadequate storm water drainage

With use of proper and accepted engineering practices and best management practices, the proposed project would not produce major impacts to water quality during construction or operation of this project.

During construction, a Storm Water Pollution Prevention Plan would be implemented to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges. The plan would also describe and ensure the implementation of best management practices to reduce or eliminate sediment and other pollutants in storm water as well as non-storm water discharges.

Long-term water quality impacts would be expected due to changes in storm water drainage. The main pollutants would be petroleum distillates and metals. With implementation of a Storm Water Pollution Prevention Plan during construction and a Storm Water Management Plan after construction, the proposed project would result in no long-term impacts to surface water quality.

Below are specific best management practices that must be addressed at various phases of the project, from the planning phase to the construction and operational phases. Key management measures for roads, highways, and bridges include the following:

- Protect areas that provide important water quality benefits or are particularly susceptible to erosion or sediment loss.
- Limit land disturbance such as clearing and grading and cut/fill to reduce erosion and sediment loss.
- Limit disturbance of natural drainage features and vegetation.
- Place bridge structures so that sensitive and valuable aquatic ecosystems are protected.
- Prepare and implement an approved erosion control plan.
- Ensure proper storage and disposal of toxic material.
- Incorporate pollution prevention into operation and maintenance procedures to reduce pollutants getting into surface runoff.
- Develop and implement runoff pollution controls for existing road systems to reduce pollutant concentrations and volumes.

Mitigation measures to avoid or minimize negative impacts of the project on water quality are based on the following:

- Caltrans project development process,
- Caltrans environmental planning process,
- Best management practices in the Caltrans Construction Site Best Management Practices Manual,
- Caltrans Standard Specifications,
- Caltrans Standard Special Provisions, and
- Caltrans construction inspection and contract enforcement procedures.

Best management practices are selected for each project when the Water Pollution Control Plan or the Storm Water Pollution Prevention Plan is created. Their selection depends on the specific circumstances and conditions in the project area. The best management practices are described in detail in the Construction Site Best Management Practices Manual (November 2000).

Caltrans Standard Specifications, Section 7-1.01G, require the construction contractor to implement pollution control practices related to construction projects via a Water Pollution Control Plan or a Storm Water Pollution Prevention Plan. Storm Water Pollution Prevention Plans are produced for projects disturbing 1.6 hectares (1 acre) of total land area, as otherwise specified in the appropriate National Pollution Discharge Elimination System permit, or as determined during the environmental planning and project development process. All other projects use a Water Pollution Control Plan. The contract's Special Provisions specify which type of plan to be used.

3.7 Wetlands and Waters of the U.S.

Wetlands, as defined by the U.S. Army Corps of Engineers, are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The boundaries of potential wetlands were identified using a routine onsite method described in the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual.

The term "waters of the United States" includes interstate lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds.

3.7.1 Affected Environment

An analysis of wetlands and "Other Waters of the U.S." was made within the project limits. Potential jurisdictional wetlands and "Other Waters of the U.S." were identified. Three potential jurisdictional wetlands and one potential jurisdictional waters of the U.S. were identified within the San Luis Obispo County portion of the project, as follows:

San Luis Obispo County Location 1

This site is located 0.4 hectare (1 mile) east of the intersection of State Routes 46 and 41 at approximately kilometer post 89.46 (post mile 55.6). There, a small drainage flows from the south side under State Route 46 via box culverts to the north side. This drainage appears to originate on the south side of State Route 46 in the surrounding hills and empties into a

natural flood basin in and around the State Routes 41/46 intersection. The drainage contains pockets of wetland areas meeting the U.S. Army Corps of Engineers' three-parameter test of soils, hydrology, and vegetation. The entire drainage in and around the project area was delineated as a potential jurisdictional "Other Waters of the U.S." Pockets of wetland areas were delineated separately as potential jurisdictional wetlands.

San Luis Obispo County Location 2

This site is located at approximately kilometer post 95.41 (post mile 59.3) and is a small drainage that begins about 0.80 kilometer (0.5 mile) south of State Route 46. This drainage flows south under State Route 46 via a corrugated culvert. The drainage continues in a south-to-southwestern direction along State Route 46. This drainage contains pockets of wetland areas meeting the three-parameter test. The entire drainage in and around the project area was delineated as a potential jurisdictional "Other Waters of the U.S." The wetland areas were identified separately as jurisdictional wetlands.

San Luis Obispo County Location 3

This site is within the same drainage evaluated at location 2, but situated approximately 0.40 kilometer (0.25 mile) southeast of location 2. This drainage contains pockets of wetland areas meeting the three-parameter test. The entire drainage in and around the project areas was delineated as a potential jurisdictional "Other Waters of the U.S." The wetland areas were identified separately as jurisdictional wetlands.

Kern County Segment

The Kern County segment has four potential jurisdictional "Other Waters of the U.S.":

- A small creek/drainage exists at approximately kilometer post 11.26 (post mile 7.0). This drainage is channeled and runs parallel to the south side of State Route 46, crossing at kilometer post 11.26 (post mile 7.0).
- Franciscan Creek crosses State Route 46 at approximately kilometer post 12.06 (post mile 7.5). This creek is channeled on the north side of State Route 46.
- Bitterwater Creek crosses State Route 46 at approximately kilometer post 25.58 (post mile 15.9).
- The West Side Kern River Channel crosses State Route 46 immediately east of the Interstate 5 and State Route 46 interchange. This river is channeled south of State Route 46.

3.7.2 Impacts

The following impacts would be expected to occur:

Within the San Luis Obispo Segment

Impacts to potential jurisdictional wetlands

- Location 1 — 0.005 hectare (0.013 acre)
- Location 2 — 0.022 hectare (0.055 acre)
- Location 3 — 0.0012 hectare (0.003 acre)

Potential jurisdictional "Other Waters of the U.S."

- 0.064 hectare (0.16 acre) in and around location 2

Within Kern County Segment

Potential jurisdictional "Other Waters of the U.S."

- 0.068 hectare (0.170 acre) to an unnamed creek
- 0.076 hectare (0.190 acre) at Franciscan Creek
- 0.070 hectare (0.175 acre) at Bitterwater Creek
- 0.071 hectare (0.176 acre) at the West Side Kern River Canal

3.7.3 Mitigation

Minor project wetland impacts (0.029 hectare/0.071 acre) would be mitigated via wetland creation or purchases of wetland credits. The project minor wetland and other waters impacts would be subject to an U.S. Army Corp of Engineers Nationwide #14 permit under the Clean Water Act. A California Department of Fish and Game 1601 Streambed Alteration Agreement would be required for the small streambeds located in the project area.

3.8 Vegetation and Wildlife

A Natural Environment Study was prepared to evaluate the existing biological environment and how the project would affect that environment. The Natural Environment Study is a technical report that contains information that supports the statements made in this environmental document concerning plants, animals, and natural communities that exist in the project study area.

3.8.1 Affected Environment

For vegetation, the following habitats have been identified within the project limits: ruderal, non-native grasslands, valley saltbush scrub, riparian scrub (Tamarisk), and agricultural.

Ruderal habitat is considered bare ground or nearly bare ground with little or no vegetation. This habitat type is found abundantly along the shoulders of the existing highway and within

portions of the Caltrans right-of-way. Ruderal habitat is also found in and around the community of Lost Hills.

Non-native grasslands are a dense to sparse cover of annual flowering grasses. This habitat type is found in the valleys and foothills of California except for the north coastal and desert regions. Non-native grasslands comprise approximately 99 hectares (244.9 acres) of the project area.

Valley saltbush scrub is open, gray- or blue- shrubs belonging to the Goosefoot Family (10-40% cover) usually over a low vegetative layer consisting of annual non-woody plants.

Tamarisk riparian scrub is a weedy complex of any of several *Tamarix* species, usually replacing native vegetation following major disturbance. This habitat is in sandy or gravelly braided washes or intermittent streams, often in areas where high evaporation increases the stream's saltiness. This habitat is found around only the main flood canal immediately east of Interstate 5 in Kern County.

Agricultural lands make up 95% of the needed right-of-way for the project, approximately 44 hectares (108.7 acres). The San Luis Obispo County portion of the project is composed of primarily grazing land. The Kern County portion is composed of grazing land in the Coast Range and irrigated and non-irrigated farmland in the San Joaquin Valley. Agricultural production in Kern County includes almond and pistachio orchards along with cotton and other row crops.

The following threatened and endangered species have the potential to occur within the project limits: California red-legged frog, California tiger salamander, San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, blunt-nosed leopard lizard, San Joaquin antelope squirrel, California jewelflower, and the San Joaquin woolly-threads. These species are discussed in section 3.9 Threatened and Endangered Species.

3.8.2 Impacts

In the proposed project, State Route 46 would be widened in a linear path, adjacent to the existing roadway. Additional right-of-way would be required. Permanent and temporary impacts to habitat are approximately 191.3 hectares (473.9 acres). Permanent impacts would affect 10.5 hectares (26 acres) of the San Luis Obispo portion and 157.3 hectares (388.9 acres) of the Kern portion. Temporary impacts would affect 22.3 hectares (55 acres) of the San Luis Obispo portion and 1.6 hectares (4 acres) of the Kern portion.

3.8.3 Mitigation

Land acquisition, which would be required as compensation for the loss of habitat, would apply only to newly disturbed habitat and not to previously paved or disturbed areas within the roadway, shoulder areas, or right-of-way. Priorities in considering site selection for land acquisition and other recommended actions are as follows:

1. The proposed mitigation site would be of equal or superior habitat to that of the disturbed habitat.

2. The proposed mitigation site would contain the aspects vital to the continued existence of San Joaquin kit foxes, giant kangaroo rats, Tipton kangaroo rats, blunt-nosed leopard lizards, and San Joaquin antelope squirrels.

3. The proposed mitigation site would be of similar habitat type and would attempt to include saltbush scrub, valley and foothill grasslands, and non-native grasslands.

4. The proposed mitigation site would maintain close geographical connection to disturbed areas. The proposed mitigation site would be natural land in the vicinity of western Kern County or eastern San Luis Obispo County.

5. The proposed mitigation site would attempt to enhance movement corridors, link natural lands, and protect existing listed species habitat.

Table 3.2 shows the proposed mitigation ratios for the habitat types found within the project area.

Table 3.2 Mitigation Ratios

San Luis Obispo Project 1	**Area Affected in Hectares (Acres)**	**Ratio**	**Mitigation in Hectares (Acres)**
Permanent Impacts			
Non-Native Grassland	10.5 (26)	3:1	31.5 (78)
Temporary Impacts	22.3 (55)	1.1:1	24.5 (60.5)
Kern Projects 2 and 3	**Area Affected in Hectares (Acres)**	**Ratio**	**Mitigation in Hectares (Acres)**
Permanent Impacts			
Non-Native Grassland	98.7 (244.9)	3:1	296.1 (734.7)
Valley Saltbush Scrub	7.3 (18)	3:1	21.9 (54)
Agricultural	50.9 (126)	1.1:1	55.9 (138.6)
Temporary Impacts	1.6 (4)	1.1:1	1.76 (4.4)
Project Totals			
Permanent	167.4 (414.9)		405.9 (1005.3)
Temporary	23.9 (59)		26.9 (64.9)
Total Project Mitigation**	191.3 (473.9)		431.8 (1070.2)

**The Sacramento Fish and Wildlife Service Kern County Biological Opinion included additional mitigation for Kern State Route 46 rehabilitation project from PM 0.0/20.5 within the limits of the Kern projects 2 and 3. Those mitigation acreages are not reflected in this table, but are included in the Biological Opinion Terms and Conditions (page 63) acreage totals.

3.9 Threatened and Endangered Species

The Federal Endangered Species Act and the California Endangered Species Act are the laws that enforce the protection of threatened and endangered species. If species listed under one or both of these acts could potentially be affected by a proposed highway project, a Biological Assessment must be prepared. Two Biological Assessments were prepared for this project due to U.S. Fish and Wildlife Service jurisdictional boundaries. The San Luis Obispo County portion of the project lies within the jurisdiction of U.S.Fish and Wildlife Service Ventura office, and the Kern County portion lies within the jurisdiction of the U.S. Fish and Wildlife Service Sacramento office.

3.9.1 Affected Environment

Table 3.3 reflects the results of both Biological Opinions. Within the San Luis Obispo portion, the California red-legged frog, California tiger salamander, and the San Joaquin kit fox were found to be potentially affected. Within the Kern County portion, species

potentially found to be affected included the San Joaquin kit fox, the giant kangaroo rat, Tipton kangaroo rat, blunt-nosed leopard lizard, San Joaquin Antelope squirrel, California jewelflower, San Joaquin woolly-threads, and the Buena Vista Lake shrew. See Appendix G for U.S Fish and Wildlife Service species lists.

The California red-legged frog is chiefly a pond frog found in marshes, streams, lakes, reservoirs, and other permanent sources of water. Three water sources, in the form of spring-fed drainage and annual runoff streams, were found within this portion of the project. These water sources could potentially serve as dispersal corridors for the frog.

In the San Luis Obispo portion, one stream crosses State Route 46 at approximately kilometer post 94.9 (post mile 59.3). One adult red-legged frog and one juvenile red-legged frog were identified by Caltrans biologists at this location. The two other annual streams are located at approximately kilometer post 90.6 (post mile 56.3) and kilometer post 92.3 (post mile 57.4). These streams appear to hold water only part of the year. They originate on the south side of State Route 46 and flow north under the existing route via a box culvert. No red-legged frogs were identified in this watershed during the surveys.

Two isolated permanent ponds are located several hundred feet south of the project limits on the Central Coast Water Authority property. These ponds contain several hundred adult and juvenile frogs and appear to serve as breeding ponds. Because the project limits are far enough away, the proposed project would not affect these ponds.

The portion of the project area located within Kern County contains known populations of San Joaquin kit fox and is presumed to be occupied by giant kangaroo rat, Tipton kangaroo rat, and San Joaquin antelope squirrel according to the Recovery Plan for Upland Species for the San Joaquin Valley by the U.S. Fish and Wildlife Service (1998). The recovery plan states the current known occupied range for blunt-nosed leopard lizards is in scattered parcels of undeveloped land on the valley floor and in the foothills of the Coast Range from western Merced County south to southwestern Kern County. Also known to exist in Kern County are populations of the plant species California jewelflower, and San Joaquin woolly-threads, and the Hoover’s woolly-star. The recovery plan notes that Hoover’s woolly-star exists within the project area and that the San Joaquin woolly-threads population exists near the vicinity of the Interstate 5 and State Route 46 interchange. California jewelflower, Hoover’s woolly-star, or San Joaquin woolly-threads were not observed during surveys.

Table 3.3 Sensitive Species

Common Name	Species	Status Federal/State	Effect Determinations by county San Luis Obispo/Kern
Mammals			
Buena Vista Lake shrew	*Sorex ornatus relictus*	FE/CSC	No Effect/May Affect, Likely to Adversely Affect
Giant kangaroo rat	*Dipodomys ingens*	FE/SE	No Effect/May Affect, Likely to Adversely Affect
Tipton kangaroo rat	*Dipodomys nitratoides nitratoides*	FE/SE	No Effect/ May Affect, Likely to Adversely Affect
San Joaquin kit fox	*Vulpes macrotis mutica*	FE/ST	May Affect, Likely to Adversely Affect/ May Affect, Likely to Adversely Affect
San Joaquin antelope squirrel	*Ammospermophilus nelsoni*	FSC/ST	No Effect/May Affect, Not Likely to Adversely Affect
Pacific western big-eared bat	*Corynorhinus townsendii townsendii*	FSC/CSC	No Effect/ No Effect
Short-nosed kangaroo rat	*Dipodomys nitratoides brevinasus*	FSC/CSC	No Effect/ No Effect
Greater western mastiff-bat	*Eumops perotis californicus*	FSC	No Effect/ No Effect
Small-footed myotis bat	*Myotis ciliolabrum*	FSC/NL	No Effect/ No Effect
Long-eared myotis bat	*Myotis evotis*	FSC/NL	No Effect/ No Effect
Fringed myotis bat	*Myotis thysanodes*	FSC/NL	No Effect/ No Effect
Long-legged myotis bat	*Myotis volans*	FSC/NL	No Effect/ No Effect
Yuma myotis bat	*Myotis yumanensis*	FSC/NL	No Effect/ No Effect
Southern grasshopper mouse	*Onychomys torridus ramona*	SC/CSC	No Effect/ No Effect
Tulare grasshopper mouse	*Onychomys torridus tularensis*	SC/CSC	No Effect/ No Effect
San Joaquin pocket mouse	*Perognathus inoratus*	SC/NL	No Effect/ No Effect
Birds			
Tricolored blackbird	*Agelaius tricolor*	FSC/CSC	No Effect/ No Effect
Western burrowing owl	*Athene cunicularia hypugea*	FSC/CSC	No Effect/ No Effect
Ferruginous hawk	*Buteo regalis*	FSC/CSC	No Effect/ No Effect
Little willow flycatcher	*Empidonax traillii brewsteri*	FSC/NL	No Effect/ No Effect
White-faced ibis	*Plegadis chihi*	FSC/CSC	No Effect/ No Effect
San Joaquin LeContes thrasher	*Toxostoma leconti macmillanorum*	FSC/CSC	No Effect/ No Effect
American Peregrine falcon	*Falco peregrinus anatum*	D/SE	No Effect/ No Effect
San Joaquin LeContes thrasher	*Toxostoma lecontei macmillanorum*	FSC/CSC	No Effect/ No Effect
Bald eagle	*Haliaeetus leucocephalus*	D/SE	No Effect/ No Effect
California condor	*Gymnogyps californianus*	FE/SE	No Effect/ No Effect
Least bell's vireo	*Vireo bellii pusillus*	FE/NL	No Effect/ No Effect
Mountain plover	*Charadius montanus*	PT/NL	No Effect/ No Effect

Status Definitions: FE-Federal Endangered, FT-Federal Threatened, FSC-Federal Species of Concern, SE-State Endangered, ST-State Threatened, CSE-California Species of Concern, NL-Not listed, P-Proposed, D-Delisted

Common Name	Species	Status Federal/State	Effect Determinations by county San Luis Obispo/Kern
Reptiles			
Northwestern pond turtle	*Clemmy marmorata marmorata*	FSC/CSC	No Effect/May Affect, Not Likely to Adversely Affect
Southwestern pond turtle	*Clemmys marmorata pallida*	FSC/CSC	No Effect/May Affect, Not Likely to Adversely Affect
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	FSC/CSC	No Effect/ No Effect
California horned lizard	*Phrynosoma coronatum frontale*	FSC/CSC	No Effect/ No Effect
Silvery legless lizard	*Anniella pulchra pulchra*	FSC/CSC	No Effect/ No Effect
Blunt-nosed leopard lizard	*Gambelia sila*	FE/SE	No Effect/May Affect, Likely to Adversely Affect
Giant garter snake	*Thamnophis gigsas*	FT/ST	No Effect/ No Effect
Amphibians			
Western spadefoot toad	*Scaphiopus hammondii*	FSC/CSC	No Effect/ No Effect
Arroyo toad	*Bufo microscaphus californicus*	FE/CSC	No Effect/ No Effect
California red-legged frog	*Rana aurora draytonii*	FT/CSC	May Affect, Likely to Adversely Affect/No Effect
California tiger salamander**	*Ambystoma californiense*	FT/CSC	May Affect, Not Likely to Adversely Affect/No Effect
Fish			
Longfin smelt	*Spirinchus thaleichthys*	FSC/CSC	No Effect/ No Effect
Delta smelt	*Hypomesus transpacificus*	FT/ST	No Effect/ No Effect
Sacramento splittail	*Pogonichthys macrolepidotus*	FT/CSC	No Effect/ No Effect
Invertebrates			
California linderiella	*Linderiella occidentalis*	FSC/NL	No Effect/ No Effect
Molestan blister beetle	*Lyyys molrdys*	FSC	No Effect/ No Effect
Longhorn fairy shrimp	*Branchinecta longientenna*	FE/NL	No Effect/ No Effect
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT/NL	No Effect/ No Effect
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	FT/NL	No Effect/ No Effect
Plants			
California jewelflower	*Caulanthus californicus*	FE/SE	No Effect/May Affect, Likely to Adversely Affect
Camatta canyon amole	*Chlorogalum purpureum* var. *reductum*	FT/NL	No Effect/ No Effect
Hoover's woolly star	*Eriastrum hooveri*	FD/NL	No Effect/ No Effect
Purple amole	*Chlorogalum purpurem* var. *purpureum*	FT/NL	No Effect/ No Effect
Kern mallow	*Eremalche kernensis*	FE	No Effect/ No Effect
San Joaquin woolly-threads	*Lembertia congdonii*	FE/NL	No Effect/May Affect, Likely to Adversely Affect

Status Definitions: FE-Federal Endangered, FT-Federal Threatened, FSC-Federal Species of Concern, SE-State Endangered, ST-State Threatened, CSE-California Species of Concern, NL-Not listed, P-Proposed, D-Delisted
**The proposed project is outside the boundary of proposed critical habitat for California tiger salamander.

3.9.2 Impacts

Surveys found the following impacts within the project limits:

California Red-Legged Frog

Protocol surveys were conducted for California red-legged frogs. Potential water sources within a one-mile buffer area were also surveyed. Based on literature searches, personal communications and surveys identifying red-legged frogs, Caltrans found that this project may affect, likely to adversely affect the California red-legged frog for the San Luis Obispo project. Critical habitat has been proposed in San Luis Obispo County project area, however, the final revised critical habitat designation is scheduled for publication in November 2005. No breeding habitat would be directly affected as a result of this project, but non-breeding habitat, dispersal habitat, and associated upland habitat may be affected. No habitat exists for this species within the Kern County project limits.

California tiger salamander

The California tiger salamander was listed as threatened on August 4, 2004. The proposed project is outside the boundary of proposed critical habitat for California tiger salamander. The proposed project may affect, not likely to adversely affect for the San Luis Obispo County portion of the project. The proposed project would have a no effect on California tiger salamander for the Kern County portion of the project.

San Joaquin Kit Fox

Protocol kit fox surveys were performed. Kit foxes were observed within the project limits during the surveys. Twenty-one kit foxes were seen along State Route 46 between the Kern/San Luis Obispo county line and the State Routes 33/46 intersection. However, these sightings occurred in the same locations each night and may have been repeat sightings of the same kit foxes each night. California Natural Diversity Database sheets were completed, along with a map of sightings, and filed with the California Department of Fish and Game and U.S. Fish and Wildlife Service. No kit fox dens were observed during surveys. Based on the surveys, personal communications, and literature searches, the project may affect, likely to adversely affect the San Joaquin kit fox. Direct impacts as a result of construction of the project may occur in the forms of mortality, morbidity, and displacement. Indirect impacts as a result of construction of the project may occur in the form of disrupted social ecology, reduced productivity, displacement, altered space use, blocked corridors, reduced genetic exchange, genetic damage, and decreased carrying capacity (Cypher 2000).

Giant Kangaroo Rat

Giant kangaroo rats were not observed during any biological surveys, nor were any signs (precincts, surface pits for seed stacks) of giant kangaroo rats detected. The U.S. Fish and Wildlife Service assumed presence of the endangered giant kangaroo rat because of the

biology and ecology of the species, the presence of suitable habitat in and adjacent to the project, and the observations of the species to the vicinity of the project area. Based on the distribution outlined in the Kern County Biological Opinion, the project may affect, likely to adversely affect the giant kangaroo rat. The proposed project would have no effect on the giant kangaroo rat for the San Luis Obispo County portion of the project. Direct impacts may occur in the form of habitat loss. Indirect impacts may occur in the form of displacement from home range activities and increased fragmentation.

Tipton Kangaroo Rat

Although no Tipton kangaroo rats were observed during the surveys, the Recovery Plan for Upland Species of the San Joaquin Valley indicates the species exists within the project limits near the town of Lost Hills. The project may affect, likely to adversely affect the endangered Tipton kangaroo rat for the Kern County portion of the project. The proposed project would have no effect on the Tipton kangaroo rat for the San Luis Obispo County portion of the project. Direct impacts may occur in the form of habitat loss. Indirect impacts may occur in the form of displacement from home range activities and increased fragmentation.

San Joaquin Antelope Squirrel

The Recovery Plan for Upland Species indicates scattered populations of the San Joaquin antelope squirrel within the vicinity of the Kern County portion of the proposed project. The project may affect, not likely to adversely affect the San Joaquin antelope squirrel for the Kern County portion of the project. The proposed project would have no effect on the San Joaquin Antelope squirrel for San Luis Obispo County portion of the project. Direct impacts may occur in the form of habitat loss. Indirect impacts may occur in the form of displacement from home range activities and increased fragmentation.

Buena Vista Shrew

The endangered Buena Vista Lake shrew has recently been documented to occur at the Kern National Wildlife Refuge, located approximately 11.7 kilometers (7.3 miles) north of the project area. Based on the distribution outlined in the Kern County Biological Opinion, and project disturbance to habitat adjacent to the West Side Kern River Canal, the project may affect, likely to adversely affect the Buena Vista shrew for the Kern County portion of the project. The proposed project would have no effect on the Buena Vista shrew for the San Luis Obispo County portion of the project.

Blunt-Nosed Leopard Lizard

No blunt-nosed leopard lizards were observed during the surveys. The Recovery Plan for Upland Species in the San Joaquin Valley identifies blunt-nosed leopard lizards within the vicinity of the proposed projects. Potential habitat (valley saltbush scrub) exists next to the

town of Lost Hills. The proposed project would disturb approximately 7.2 hectares (18 acres) of this habitat in the Kern County portion of the project. Based upon proposed habitat replacement, the project may affect, likely to adversely affect the endangered blunt-nosed leopard lizard for the Kern County portion of the project. The proposed project would have no effect on the blunt-nosed leopard lizard for the San Luis Obispo County portion of the project. Indirect impacts may occur in the form of displacement from home range activities and increased fragmentation.

California Jewelflower

This annual plant is historically known from various community types in the San Joaquin Valley, from Fresno to Kern counties. No California jewelflower was observed during the surveys. The U.S. Fish and Wildlife Service assumed presence of the California jewelflower because of the biology and ecology, the presence of suitable habitat in and adjacent to the project, and the observations of the species to the vicinity of the project area. The project may affect, likely to adversely affect the endangered California jewelflower for the Kern County portion of the project. The proposed project would have no effect on the California jewelflower for the San Luis Obispo County portion of the project. Direct impacts may occur in the form of habitat loss.

San Joaquin Woolly-Threads

This species occurs in non-native grassland, valley saltbush scrub, interior coast range saltbush scrub, and upper Sonoran subshrub scrub in the Kern County portion of the project. Many new occurrences of the endangered San Joaquin woolly-threads have been discovered primarily in the hills and plateaus west of the San Joaquin Valley. No species were observed during surveys. The U.S. Fish and Wildlife Service assumed presence of the San Joaquin woolly-threads because of the biology and ecology, the presence of suitable habitat in and adjacent to the project, and the observations of the species to the vicinity of the project area. The project may affect, likely to adversely affect San Joaquin woolly-threads for the Kern County portion of the project. The proposed project would have no effect on the San Joaquin woolly-threads for the San Luis Obispo County portion of the project. Direct impacts may occur in the form of habitat loss.

3.9.3 Mitigation

Habitat mitigation for threatened and endangered species (San Joaquin kit fox) in San Luis Obispo and Kern counties would be proposed offsite to reduce project effects on these sensitive resources. Wildlife pre-construction surveys in appropriate habitats would also be conducted to identify the presence of any listed species or important habitat for listed species.

Impacts to the California red-legged frog would be mitigated onsite or close to the project via habitat preservation or habitat creation.

If populations of California jewelflower and San Joaquin woolly-threads are identified within the project area, their locations would be noted and avoided with temporary fencing or prominently flagged to prevent inadvertent encroachment by vehicles and equipment during construction. If populations cannot be avoided, surface disturbance should be scheduled after seed set and before germination. Collection of seed may also be required, with reseeding done at the site following construction during seasonal time frames and weather conditions favorable for germination and growth. Topsoil may be stockpiled for replacement after project completion. Mitigation in the form of a conservation easement or land acquisition for permanent protection may further reduce impacts to these species.

Final mitigation measures on endangered or threatened species (San Joaquin kit fox and California red-legged frog) would be mitigated by implementation of the measures specified in each of the Biological Opinions rendered by the U.S. Fish and Wildlife Service, the Federal Highway Administration and Caltrans. The Biological Opinion for the Kern County portion was received on September 22, 2003, and the Biological Opinion for the San Luis Obispo portion was received on April 25, 2005.

Kern County Project Biological Opinion

After reviewing the current status of the San Joaquin kit fox, Tipton kangaroo rat, giant kangaroo rat, blunt-nosed leopard lizard, Buena Vista shrew, California jewelflower, San Joaquin woolly-threads, and the Hoover's woolly-star, the U.S. Fish and Wildlife Service determined in the Kern County Biological Opinion, dated September 22, 2003, that the project is not likely to jeopardize the continued existence of these 8 listed species. Critical habitat for these listed species has not been designated or proposed; therefore none would be adversely modified or destroyed.

The major mitigation measures outlined in the Kern County Biological Opinion would be implemented to avoid, minimize and compensate for effects to listed species. These mitigation measures include:

- A Caltrans biologist or other qualified biologist would conduct an employee education program regarding listed species in the pre-construction meeting and monitor periodically or on occasion the construction of the project.

- Pre-construction surveys would occur within 30 days prior to construction. If it is during the flowering period of the San Joaquin woolly-threads, surveys would be surveyed on foot 60 days prior to construction.

- Restoration and re-vegetation work would be completed for all areas of temporary disturbance.

- All pipe culverts to be extended or replaced would be done so with 60.9 to 91.4-centimeter (24 to 36-inch) pipe culverts. All construction pipe, culverts or similar structures stored at the construction site would be inspected for kit foxes, blunt-nosed leopard lizards, and kangaroo rats before is moved, buried or capped.

- In considering site selection for land acquisition for the 448.6 hectares (1108.59 acres) of compensation lands, (see Chapter 3, Table 3.2 Mitigation Ratios), the mitigation site(s) would be of equal or superior habitat to the disturbed habitat. The mitigation site(s) would also contain the aspects vital to the continued existence of San Joaquin kit foxes, giant kangaroo rats, Tipton kangaroo rats, blunt-nosed leopard lizards, and San Joaquin antelope squirrels. The mitigation site(s) would be 7.2 kilometers (4.5 miles) from the centerline of State Route 46 between Interstate 5 and the Kern and San Luis Obispo County Line. The mitigation site(s) would maintain a north-south corridor for listed species, especially the San Joaquin kit fox, delineated as Figure 1 of the Kern County Biological Opinion. Caltrans would provide the U.S. Fish and Wildlife Service a true copy of the recorded conservation easements within 30 calendar days of its recordation.

- The U.S. Fish and Wildlife Service and the California Department of Fish and Game would be notified within one working day of the death or injury to listed species occurring due to project related activities or is observed at the project site.

- Formal consultation would be reinitiated with the U.S. Fish and Wildlife Service for listed species if the initial ground breaking for the project is greater than two calendar years from the issuance of the Kern county projects Biological Opinion. Caltrans would provide the U.S. Fish and Wildlife Service annual written reports of the implementation of terms of conditions. The first report would be prepared by December 31 following the ground breaking of the project and annually thereafter on December 31 until the terms and conditions are completed. In addition, a post-construction compliance report would be prepared by the on-site biologist to the U.S. Fish and Wildlife Service within 60 calendar days of the completion of construction.

Reinitiating formal consultation is required where discretional Federal agency involvement or control over the action has been maintained and if: 1) the actual date of initial ground breaking is two calendar years or more from the date of the biological opinion; 2) the amount or extent of incidental take is exceeded; 3) new information reveals effects of the agency action that may affected listed species or critical habitat in a manner or to an extent not considered in this opinion; (4) the agency action is subsequently modified in a manner that

causes an effect to the listed species or critical habitat that was not considered in this opinion; or 5) a new species is listed or critical habitat designated that may be affected by the action.

San Luis Obispo County Project Biological Opinion

The Biological Opinion for the San Luis Obispo County portion of the project was received on April 25, 2005. Three reasonable and prudent measures were documented within the Biological Opinion by the U.S. Fish and Wildlife Service: 1) Caltrans must reduce the potential for injury or mortality of San Joaquin kit foxes and California red-legged frogs during construction. 2) Only personnel authorized under the Biological Opinion may conduct the activities described in the proposed avoidance and minimization measures given in the Description of the Proposed Action portion of the Biological Opinion and in the terms and conditions. 3) Biologists who handle California red-legged frogs must ensure that their activities do not transmit diseases.

Caltrans, under the direction of the Federal Highway Administration, must comply with Section 9 of the Endangered Species Act. The non-discretionary terms and conditions below are contained in the Biological Opinion to support the reasonable and prudent measures described above:

- At least 30 days prior to construction, Caltrans must submit the names and credentials of the biologist(s) who would perform biological duties to minimize the take of the San Joaquin kit fox and the California red-legged frog. Construction would not begin until Caltrans has received the U.S. Fish and Wildlife Service approval of the biologist(s) they intend to use. Before construction, the biologist(s) must identify appropriate areas to relocate California red-legged frogs in the construction area. Appropriate areas include near the capture site, or another site approved by the U.S. Fish and Wildlife Service. The relocation area must support suitable vegetation and be free of exotic predatory species (e.g., bullfrogs). The approved biologist(s) must be on-site: 1) when construction occurs on rainy nights; 2) when project activities would occur within 30 meters (100 feet) of aquatic California red-legged frog habitat; and 3) for 72 hours following the sighting of a San Joaquin kit fox in the area. The biologist(s) must be given the authority to stop any work that may result in the take of these species. If the biologist uses this authority, the U.S. Fish and Wildlife Service must be notified by telephone and electronic mail within one working day.

- If one or more San Joaquin kit foxes are found injured or dead during proposed action in any calendar year, Caltrans must contact the U.S. Fish and Wildlife Service office immediately to review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by Caltrans the terms and conditions of the Biological Opinion have been and continue to be implemented.

- If more than 15 adult California red-legged frogs or 100 metamorphs are found injured or dead during the proposed action in any calendar year, Caltrans must contact the U.S. Fish and Wildlife Service office immediately to determine if more protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by Caltrans the terms and conditions of the Biological Opinion have been and continue to be implemented.

- Caltrans must: enforce a maximum speed of 32 kilometers per hour (20 miles per hour) on unpaved roads within the project area; and ensure that project-related vehicles do not leak anti-freeze/hazardous materials. No fences would be placed that would act as barriers to the movements of California red-legged frogs within or along the boundary of the project site.

- If California red-legged frogs are captured, they would be placed in a plastic bucket, kept shaded and moist until released at the new site. If they would be relocated immediately after capture, they would be held in moist cloth bags or plastic bucket until released. The relocation process shall be implemented as quickly as possible. To avoid tranferring disease or pathogens between aquatic habitats during the course of surveys and handling of California red-legged frogs, the approved biologist shall follow the Declining Amphibian Population Task Force's Code of Practice. A copy of this Code is in the care of the Caltrans offices.

The San Luis Obispo County Biological Opinion indicates that Caltrans would mitigate for 10.5 hectares (26 acres) of non-native grassland permanently lost and 22.3 (55 acres) temporarily affected. See Chapter 3 for Table 3.2 Mitigation Ratios.

3.10 Floodplain

In accordance with Title 23, Part 650, of the Code of Federal Regulations, a Location Hydraulic Study using National Flood Insurance Program maps was performed in the proposed project area to analyze potential impacts to the floodplain.

3.10.1 Affected Environment

According to the Federal Emergency Management Agency Flood Insurance Rate Map, the San Luis Obispo segment of the proposed project encroaches into the floodplain for Cholame Creek and is designated Zone A, meaning it is within the area of the 100-year floodplain.

The portion of the project between the San Luis Obispo County line to Kecks Road in Kern County lies in the Temblor Range, which is part of the Coast Range that borders the western

edge of Kern County. This area has many small streams that cause flooding problems in this region. These streams are confined and distinct in upland areas, but tend to spread out into a number of poorly defined drainages on the valley floor. Poorly defined channels, inadequate culverts and drains or even low-intensity rainfall, can lead to shallow flooding. The Federal Emergency Management Agency Flood Insurance Rate Maps indicate that this portion of the proposed project passes through and by areas designated as Zone A.

Review of Federal Emergency Management Agency Flood Insurance Rate Maps indicates the portion of the project located from the intersection of Kecks Road to the Interstate 5 interchange lies in the Antelope Plain and the Lost Hills area. The Antelope Plain lies just north of the Coast Range in an area known as the Temblor Range. In the Lost Hills area, the topography is hillier than the western sections, although it still generally slopes down to the northeast. Small streams in this area have caused flooding problems in the vicinity of the project when they discharge runoff from steep canyons in the Temblor Range. These streams are confined and distinct in upland areas, but tend to spread out into a number of poorly defined drainage areas on the valley floor. Flow patterns have also been disrupted by cultivation in areas such as near Blackwells Corner.

The major waterway in this area is the Kern River, which flows into the West Side Canal after passing under the bridge on State Route 46. Levees along Kern River provide flood protection for the surrounding areas. The Flood Insurance Rate Map for this area indicates that sections of the proposed project would cross through the areas identified as Zone A.

3.10.2 Impacts

Because of the rural nature of the San Luis Obispo portion of the project, there are no risks associated with this encroachment. The impacts on natural and beneficial floodplain values are minor because of the small size of the encroachment within this portion of the project.

Based on field investigation and engineering judgment, the portion of the project located within Kern County was determined not to constitute a significant floodplain encroachment. There would be no longitudinal encroachment on the floodplain, and the project would not support probable incompatible floodplain development. The proposed four-lane roadway would encroach on the 100-year floodplain via a number of streams that cross the proposed alignment. These stream crossings of the floodplain would be similar to the existing encroachment now made by the two-lane highway. The effects of the proposed widening would be a minor volume displacement as long as the existing flow patterns are maintained.

3.10.3 Mitigation

Encroachment into the floodplain in the proposed project area would not be significant enough to alter the existing drainage patterns present in the area. No mitigation would be required.

3.11 Historic and Archaeological Preservation

Historic and archaeological studies have identified three historic properties—the Lost Hills School, the Tosco Antelope Pumping Station, and prehistoric site CA-SLO-1355—that are eligible for listing on the National Register of Historic Places. These were identified through the evaluation of 47 resources (one prehistoric archaeological site and 46 architectural resources) that are located within or immediately adjacent to the Area of Potential Effects of the three segments of the project. Federal agencies are required to take into account the effects of their undertakings on such historic properties by Section 106 of the National Historic Preservation Act of 1966 as implemented through its regulations at 36 CFR 800.

Consultation for the study of Native American resources has been maintained with the Salinan Nation Cultural Preservation Association and the Santa Rosa Rancheria through letters, phone conversations, and monitoring of field investigations. Representatives of these groups have been provided with copies of all cultural resources reports. Personal contact has been maintained with members of the Salinan community for concerns about CA-SLO-1355, while contact with the Santa Rosa Rancheria has been limited due to the absence of resources within project corridor through their traditional territory

3.11.1 Affected Environment

Information about resources within the affected environment was gathered from a variety of archival and field sources. The record search conducted at the Southern San Joaquin Valley Information Center in Bakersfield examined the National Register of Historic Places, California Register of Historic Resources, Determinations of Eligibility, Historic Property Data File, and other site records, maps, and manuscripts to identify previous archaeological investigations and previously recorded sites within and adjacent to the project area. The Caltrans project files in the District 5 San Luis Obispo office were also examined. The architectural historian conducted general and property-specific historical and archival research at the Beale Memorial Kern County Library in Bakersfield, the Kern County Museum in Bakersfield, the West Kern Oil Museum in Taft, the Walter W. Stiern Memorial Library at California State University, Bakersfield, and the Kern County Assessor’s Office in Bakersfield.

Archival and documentary sources as well as inquiries to modern Native American groups show that the project corridor lies within the territories of two Native American groups. The project's western end is within the territory of the Salinan Nation and the eastern portion is used by several groups of the Southern Yokuts. The corridor passes through areas of relatively low population density for both groups; they preferred to locate their villages within the larger intermountain valleys or along the larger streams. Despite the more than 10,000 years of human occupation documented for the coast, few archaeological investigations have been conducted to detail the prehistoric uses of the interior South Coast Ranges. Those surveys have identified very few archaeological sites in the region. Field investigations conducted for the current project found only one archaeological site—CA-SLO-1355—within the project area, and it is eligible for listing on the National Register.

The historical development along the project corridor traces its origins to early 20th century ranching and transportation land uses and to commercial oil development. The main commercial and residential center within the project area is the small community of Lost Hills. Its settlement was precipitated by the discovery of the Lost Hills oil field in 1910. But much of the land along this corridor is composed of expanses of undeveloped open land, cultivated agricultural parcels, public utility substations and public utility easements for power and water lines that serve the region's rural enterprises. Identification and evaluation efforts found 40 residential and commercial structures, four bridges, and two culverts. Only two of these—the Lost Hills School and Tosco Antelope Pumping Station—are eligible for listing on the National Register of Historic Places.

CA-SLO-1355

Prehistoric site CA-SLO-1355 is a sparse surface scatter of flaked stone tool manufacturing debris and a single bedrock mortar. Test excavations revealed a roughly 30-meter (98.4-foot) diameter and 80-centimeter (31.4-inch) deep deposit in the central portion of the creek terrace that contains a high proportion of formed artifacts as well as fire-altered stone and locally darkened soil with burned dietary refuse. The site retains integrity and contains materials that have the potential to yield information important in prehistory concerning cultural chronology, lithic technology, subsistence and settlement systems, and external and internal social relations, particularly as an example of early-specialized use of inland/upland environments. CA-SLO-1355 was therefore determined to be eligible for listing in the National Register under criterion D since it bears or maybe likely to bear important information in prehistory or history.

Lost Hills School

The Lost Hills School's classrooms and auditorium are laid out in an "L" shape. The structure has strong architectural values, representing an interpretation of the Spanish Revival style in rural Kern County. It is distinguised as well in a broader context of comparable

westside school facilities. The property represents a type (rural school), period (pre-World War II/Depression Era) and method of construction (board-framed reinforced concrete).

The facility has been maintained for nearly six decades. Its combined structural, material, and design integrity is substantially intact. It is architecturally exceptional within the community of Lost Hills and the westside of Kern County. The structure is the work of regionally prominent building contractor Harris Construction, influential civil engineer and seismic expert John Paxton Perrine, and architect of the academic tradition Herbert E. Mackie. Setting is not a consideration in defining significance because it has changed a great deal since the time of construction. Substantially unaltered since 1938, except for a classroom addition designed in 1951, this property has been determined individually eligible for inclusion in the National Register under criterion C. Criterion C represents "distictive characteristics of a type period, method, or method of construction, work of a master, high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction."

Tosco Antelope Pumping Station (CA-KER-3814H)

The Tosco Antelope crude oil pumping station was originally constructed in 1910 and continues to operate today. Its period of significance, however, is tied to the modernization of the pumping station in 1951. The modernized station represents the application of an important new technology to increase the self-sufficiency of crude oil pipeline operations. It introduced two entirely new types of diesel engines and pumps, and by making possible the burning of heavy crude oil in the modern, diesel engines needed for the efficient pumping of crude oil, it represents a significant engineering innovation. Only the operating pump-house (containing three diesel engines, three pumps, and control room) and three adjacent tanks (diesel fuel tank, crude fuel tank, and surge tank) relate to the 1951 modernization. The station has been found eligible for listing on the National Register under criterion A for its association with the modernization and expansion of the petroleum industry in the post-World War II economy and under criterion C for an important engineering innovation reflected in the facility.

3.11.2 Impacts

The project would result in impacts to CA-SLO-1355. The project has the potential to affect the Tosco Antelope Pumping Station, but would not affect the Lost Hills School.

Impacts to CA-SLO-1355

The project would have an adverse effect on CA-SLO-1355 through the destruction of the deposit and its artifact content. To achieve a consistent and safe vehicle speed along this highway segment, the proposed highway design requires a lessening in the severity of the

highway curve at the location of the historic property. The design requires the centerline of the highway to be shifted about 60 meters (197 feet) south of the present highway centerline. This new four-lane alignment would require placing earth fill approximately 8 meters (26 feet) in height above the original ground surface with a basal width of approximately 120 meters (394 feet). The earth fill would cover virtually all of CA-SLO-1355. Preparation for this construction would require the removal of all vegetation from the original ground surface and excavation of a trench through the central portion of the historic property to extend the existing culvert through the area of new construction. Due to the confining topography of the narrow valley and the need to keep the highway open during construction, large earth-moving machinery and other equipment would travel across the terrace and historic property. All of these activities would severely alter the structure of the archaeological deposit and damage its contents.

Impacts to the Tosco Antelope Pumping Station

The project would have no direct effect on this historic property, but has the potential for indirect effects during implementation of the project. The pump house and three adjacent tanks that are associated with the property's period of significance are contained within a relatively small area positioned between the areas of direct impact for these two alternative highway corridors. The split alignment would not directly effect the property's integrity of location, design, materials, or workmanship. The operating processes and functions of the station would still be evident to an informed observer, so the property would retain its integrity of feeling and association. Construction of the split alignment would alter the property's setting that has changed little in the past 50 years. However, since the property has always been situated adjacent to a major transportation route, the additional lanes would not be an intrusion on the qualities of the engineering innovation or associated events that distinguish this historic property. The split alignment would not directly affect the characteristics that contribute to the property's National Register eligibility.

While the split alignment is designed to avoid direct effects to the historic property and such effects to an active pumping facility are remote, the project still has the potential to adversely affect the historic property through inadvertent damage to the pump-house or tanks. Such inadvertent effects might result from use of this portion of the Area of Potential Effects for such activities as equipment staging and maintenance. Conditions would be imposed to exclude such activities from taking place at or near the historic property, therefore avoiding any adverse effects.

Impacts to the Lost Hills School

The project would have no effect upon the Lost Hills School. The historic property has been determined eligible for the National Register under criterion C based on its architectural values. After this historic property was identified within the Area of Potential Effects, the

project was re-designed in this locale to widen the highway to the north, so no additional right-of-way would have to be acquired from the parcel containing the historic property. All construction activities in the vicinity of the school would be contained within the existing right-of-way. The view to the north is not a contributing portion of the property's setting. Because the structure is largely screened from view of State Route 46 by existing landscaped vegetation, there would be no effect to the setting from new highway construction. Therefore, the project would not alter the characteristics that contribute to the property's National Register eligibility.

3.11.3 Mitigation

Mitigation of the effects to CA-SLO-1355 and avoidance procedures for the Tosco Antelope Pumping Station would be conducted under the terms set out in the Memorandum of Agreement provided in Appendix E.

Mitigation of Impacts to CA-SLO-1355

Mitigation of the adverse effects to CA-SLO-1355 would be conducted through the recovery of the property's important information and the dissemination of that information to scientific and public audiences. Manual archaeological excavations would be done in accordance with provisions stipulated in an approved Data Recovery Plan that defines important research issues, their data requirements, and the investigation techniques necessary to recover that data. All archaeological materials would be collected and analyzed according to current scientific standards. Reports of the data recovery operations would be prepared and submitted to the State Historic Preservation Officer, the Advisory Council on Historic Preservation, which promotes preservation at a national level, Native American groups, and interested members of the public. In cooperation with the local Native American community, a display exhibit of this information would be prepared for the Native American community and for the general public.

Mitigation of Impacts to the Tosco Antelope Pumping Station

During project construction, an Environmental Sensitive Area would be established to protect the portions of the Tosco Antelope Pumping Station that contribute to the site's eligibility for the National Register. This active facility is currently surrounded by an approximately 7-foot-high (2.1-meter-high) cyclone fence that encloses an area roughly 50 x 50 meters (164 x 164 feet) in size. This fence would be established as the Environmental Sensitive Area boundary and would be included in the project's Plans, Specifications, and Estimates. Caltrans Environmental Planning staff would periodically monitor the Environmental Sensitive Area during construction to ensure the integrity of the fenced boundary and the absence of any construction activities.

Mitigation of Impacts to the Lost Hills School

Redesign of the project in the vicinity of the Lost Hills School has resulted in the avoidance of all effects to qualifying characteristics of this historic property. No mitigation measures are required.

Concurrence

The State Historic Preservation Officer reviewed and concurred on June 28, 2002 with the findings reported in the Historic Property Survey Report (see Appendix E for the concurrence letter). The State Historic Preservation Officer reviewed and concurred on December 1, 2003 on the Finding of Adverse Effect and the Memorandum of Agreement (Appendix E) for CA-SLO-1355 on February 10, 2004.

3.12 Paleontology

A paleontology study was conducted for the proposed project. The objectives of the study were to identify specific fossil sites and sensitive geologic formations within a 1.6-kilometer (1-mile) corridor along the proposed route.

3.12.1 Affected Environment

A record search for fossil sites within the project area was conducted at the Los Angeles County Museum of Natural History and the University of California Museum of Paleontology at Berkeley. No vertebrate fossil sites have been previously recorded within the project area. However, both the Los Angeles County Museum of Natural History and the University of California museum house vertebrate material from the same geologic formations that crop out along State Route 46. Sedimentary rock exposed along the roadway has produced vertebrate fossils elsewhere in the region.

The paleontology study concluded that the project lies within a paleontologically sensitive area. The west end of the project—the Antelope Grade and Polonio Pass areas—was the greatest concern because of the potential for uncovering scientifically important vertebrate remains during excavation in that area. State Route 46 cuts through exposures of the highly sensitive Plio-Pleistocene Paso Robles Formation (non-marine), Miocene Monterey Formation and Temblor Formation (marine). These units often yield valuable vertebrate remains.

3.12.2 Impacts

Scientifically important and unique fossils could be encountered during the excavation and road-widening phases of construction. Any substantial subsurface excavation in the proposed

project area as well as roadbed widening in the Cholame Valley, Antelope Grade, and Lost Hills areas could uncover valuable fossil vertebrate remains. Shallow excavations in the current roadbed of State Route 46 in the Cholame Valley as well as in the Antelope Valley and eastward to the intersection with Interstate 5 are not likely to produce important vertebrate fossil remains.

3.12.3 Mitigation

Because of the potential for uncovering scientifically important vertebrate remains during excavation in the project area, paleontological monitoring is warranted. Before construction, a qualified professional paleontologist would be retained to provide monitoring and salvage services. The paleontologist would develop a mitigation plan that addresses in detail the procedures for collecting vertebrate and other scientifically unique fossils. The plan would include the recording of pertinent geographic and stratigraphic information and stabilization (preservation) methods for the specimens. The paleontologist would also make provisions for the remains to be turned over to the collections of an appropriate repository and catalogued for future scientific study.

Monitoring with California funding only for sensitive fossils would be conducted where excavation or road cuts would disturb *in situ* (in place) sedimentary rock of the Temblor, Monterey, or Paso Robles formations. Monitoring would also be conducted where excavation deeper than 2 meters (6 feet) would disturb Quaternary sediments. Scientifically important fossils would be recovered and preserved, and vertebrate microfossils would be recovered by bulk sediment sampling. To avoid delays, bulk sampling could be completed before construction excavation. When the monitoring, collection and specimen processing are done, the paleontologist would produce a final report detailing the findings of the mitigation program. Paleontological monitoring is not eligible for federal funding.

3.13 Hazardous Waste Sites

An Initial Site Assessment was conducted of the properties within kilometer posts 45.0 to 52.3 (post miles 28.0 to 32.5) in Kern County. Also investigated were properties between kilometer posts 0.0/45.0 in Kern County and 34.7/37.8 in San Luis Obispo County (post miles KER 0.0/28.0 and SLO 55.9/60.9) that are located within the 60-meter boundary (196 feet).

3.13.1 Affected Environment

Below is a list of properties within the kilometer posts and post miles noted above that pose significant potential for hazardous waste/hazardous material:

- Tosco Antelope Pumping Station
- Arco Service Station/Burns Brothers Truck Stop
- Chevron Service Station/Market
- Fast 5 Service Station/Market
- 76 Service Station
- Beacon Service Station
- Taylor Automated Fuel Station
- Sonny's Deli Market/Service Station
- Palomino Pass Pumping Plant
- Oilfield and Petroleum Product Pipelines
- Kecks Corner
- Labor Camp, telephone substation, aboveground fuel tanks and airstrip
- Pacific Gas & Electric substation
- Northeast corner of Holloway Road

3.13.1.1 Aerially Deposited Lead

An aerially deposited lead investigation of State Route 46 was conducted from kilometer posts 45.0 to 52.3 (post miles of 28.0 to 32.5) in Kern County and from kilometer posts 34.7 to 37.8 (post miles of 55.9 to 60.9) in San Luis Obispo County. The results of investigation indicated that:

- Overall lead concentration in soil within the project limits does not exceed the regulatory threshold for lead outlined in the Title 22, California Code of Regulations.
- The soils excavated within the kilometer posts (post miles) of the project could be used and managed onsite and/or offsite without restrictions.

3.13.1.2 Asbestos and Lead Paint

The proposed project requires constructing two new bridges and widening three existing bridges—the State Route 46/5 Separation Bridge, Main Flood Canal Bridge, and West Side Canal Bridge. The new bridges include a new structure to the north of the California Aqueduct Bridge and a new structure next to the existing Bitterwater Creek Bridge. Bridges must be inspected to ensure that soil excavations or structural changes do not result in an unnecessary release of hazardous concentrations of lead or asbestos.

3.13.2 Impacts

Results of the Initial Site Assessment indicated that the following environmental conditions exist within the project area:

Tosco Antelope Pumping Station

Soils may be affected by petroleum hydrocarbons from historical use at the site.

Arco Service Station/Burns Brothers Truck Stop

Total petroleum hydrocarbons, reported as diesel (TPH-d) have been detected in shallow groundwater. If the property is affected by the project, the current status of this site must be re-evaluated.

Chevron Service Station/Market

Petroleum hydrocarbons have been detected in shallow groundwater. If the property is affected by the project, the current status of this site must be re-evaluated.

Fast 5 Service Station/Market

Petroleum hydrocarbons have been detected in shallow groundwater. If the property is affected by the project, the current status of this site must be re-evaluated.

76 Service Station/Market

Petroleum hydrocarbons have been detected in shallow groundwater. If the property is affected by the project, the current status of this site must be re-evaluated.

Beacon Service Station

A single soil sample from one boring detected gasoline additive methyl tert-butyl ether (MTBE) at a low concentration. In another boring, petroleum hydrocarbons were detected in soil. If the property is affected by the project, the current status of this site must be re-evaluated.

Taylor Automated Fuel Station

Subsurface investigations at the site have detected the presence of petroleum hydrocarbons in the soil and groundwater.

Sonny's Deli Market/Service Station

Five underground fuel storage tanks exist here. Minor hydrocarbon contamination was reported at the site, but Kern County requested no corrective action. If the property is affected by the project, the current status of this site must be re-evaluated.

Palomino Pass Pumping Plant

Soils may be affected by petroleum hydrocarbons from historical use at the site.

Oilfield and Petroleum Product Pipelines

Petroleum products may be affecting part of the study area along the pipeline.

Kecks Corner

Site soils may be affected by petroleum hydrocarbons from historical use at the site.

Labor Camp, Telephone Substation, Aboveground Fuel Tanks, and Airstrip

Petroleum hydrocarbons, fertilizers, pesticides, and herbicides from historical use at the site may affect soils.

Pacific Gas & Electric Substation

Polychlorinated biphenyls (commonly known as PCBs) may affect site soils from historical use.

Northeast Corner of Holloway Road

Former use of this property is unknown; soils may be affected by historical use.

Bridges

Caltrans as-built plans and bridge reports refer to the use of lead-based paint and asbestos for those bridges proposed for widening within the project limits. These structures would require an inspection to determine if any hazardous concentration of lead-based paint is present in soil under the bridges due to painting maintenance from sandblasting practices. Evaluation for the presence of any asbestos-containing material in the bridge structures is also required.

3.13.3 Mitigation

It was recommended that, before purchasing or developing any of the properties identified, additional hazardous waste studies be conducted. In addition, inspection for presence of lead-based paint and asbestos for affected bridges would be completed during a Preliminary Site Investigation. The inspection report would document the proper health and safety procedures and regulatory standards that must be followed to reduce hazardous exposure during demolition of such structures.

3.14 Visual

A Scenic Resource Evaluation and a Visual Impact Assessment were prepared for the project limits. These studies define the visual environment of State Route 46, quantify the visual resources of the project area, and identify viewer response to those resources. The studies assess the change that would be introduced by the project and the corresponding viewer response to that change. The perceived change is analyzed and used to determine the degree of potential impacts.

3.14.1 Affected Environment

State Route 46 in Kern County is the east/west connector to Interstate 5 and State Routes 33, 41, 43, and 99. Currently, this portion of the project is a two-lane highway in rural agricultural land. Population in this area is sparse. From the Kern county line, expansive pastures and grasslands and cultivated pistachio orchards alternate on the south and north sides of the road to Kecks Corner. Other development includes a general store at Kecks Corner (south/west quadrant) and numerous water wells along the north side of the road on to the west. Except in the community of Lost Hills, extensive views exist from almost every location in almost any direction.

The existing visual quality of State Route 46 throughout the length of the project area is high. The visual quality is due primarily to the overall rural character, the scenery along the western end of the project, agricultural vegetative patterns and the minimal visibility of built elements. Views along State Route 46 through the project area range from the immediate roadside environment to long-distance horizons.

3.14.2 Impacts

Because the existing setting is primarily a sparsely developed landscape, the widened scale of the roadway, associated cut slopes and possible vegetation loss would result in a minor reduction of the visual intactness and unity. The project generally does not propose elements that appreciably add or subtract from the memorability of the viewing experience. The changes proposed by this project would add more concrete to the existing highway corridor, but the appearance of the new highway lanes would still be within the viewer's expectations for the route. Only highway users familiar with the route would perceive that the scale of the highway has been changed. Highway lanes and moderate cut slopes are expected visual features within this highway environment and would likely be accepted as a necessary visual component of the route. Most of the proposed changes would be visually absorbed into the "viewshed" and would remain subordinated to the overall rural character of the landscape.

Two existing trees appear to be on the new right-of-way line. If they are outside the new right-of-way, they would be unaffected by the project; if they lie within the new right-of-way, they would be evaluated under current design standards. West of Kecks Corner, two rows of pistachio trees would be acquired with the new right-of-way north of the existing route. The proposed widening would expose soil for great lengths, but would not disturb the visual quality. Minor relief from the existing grade would not adversely affect the sight distance for motorists.

Post-construction short-term adverse visual impacts would occur as part of the project. These impacts are expected to diminish as the project site weathers and mitigation components become established.

Cumulatively, this project would not substantially detract from the total visual experience for motorists along this route. The regional landscape can accommodate the proposed additional lanes, pavement width, and earthwork associated with this project without losing any substantial degree of visual quality.

3.14.3 Mitigation

With the proposed mitigation, the landscape and the factors that contribute to the area's existing view quality would "absorb" much of the visual changes brought on by this project.

For mitigation, the cut and fill slopes along State Route 46 within the project limits would be rounded. Rounding edges at the top of cuts would naturalize the look of the cut. To reduce the amount of erosion, slopes would be permanently stabilized after grading work. Slopes would be cut or filled at a 2-to-1 ratio or flatter to help stabilize slopes and create visual cohesion with the existing landscape. Slopes flatter than 4-to-1 would allow maintenance personnel to access the right-of-way with heavy equipment to mow weeds, remove trash and keep the right-of-way clean. It is recommended that topsoil be saved and applied to cut slopes and other disturbed areas to enhance re-vegetation. The areas within the right-of-way would have the top six inches of soil and existing organic material bladed off and stockpiled to be reapplied over all disturbed areas at the conclusion of construction.

Native trees would be replaced at a 3-to-1 ratio. State Senate Concurrent Resolution No.17 - Oak Woodlands, passed in September 1989, requires that Caltrans preserve and protect native oak woodlands to the maximum extent feasible or provide replacement plantings where oak species are removed. Affected property owners would be compensated for the loss of landscaping and encouraged to replant and establish landscaping. Colorful vegetative growth would soften the visual impacts to the newly constructed highway. Seed mixes would as closely as possible resemble and blend in with existing vegetation. All disturbed areas of the new alignments of State Route 46 would receive erosion control and storm water runoff control measures.

The project is subject to Executive Order 13112 because of the mitigation proposed on the project. The order directs federal agencies to promote public education and awareness on invasive species as well as actions to minimize their impacts. Caltrans requires material sites to be inspected and certified free of noxious weeds before materials can be moved onto a project. Earthmoving equipment would be cleaned before being moved onto the project site. Only native seed certified free of weeds would be used for erosion control, and Caltrans has

in place procedures for certifying and identifying weed-free straw for temporary erosion control. These measures, along with the planting of native vegetation species, would ensure that the provisions of Executive Order 13112 are maintained on this project.

3.15 Construction

Deputy Directive No. 60 requires that a Transportation Management Plan be prepared for all projects on the state highway system. The purpose of the plan is to create a set of strategies to reduce traffic delay and congestion associated with construction activities for a proposed project. The goal of the plan is to manage traffic flow through the construction area.

Implementation of the Transportation Management Plan would require coordination with the Caltrans Public Information Office, the Transportation Management Center, the Caltrans resident engineer, Caltrans Maintenance, district traffic manager, and the contractor.

3.15.1 Affected Environment

Construction activities would occur on State Route 46 in San Luis Obispo and Kern counties. The alignment would shift from the north to the south, with a split alignment proposed within the Tosco Antelope Pumping Station area.

3.15.2 Impacts

During construction of the project, various short-term traffic circulation, noise, air quality and water quality impacts would occur. The public would be informed of the construction project and its effects on the community. Notice would be given of various alternate routes commuters could take to avoid the expected congestion. When a portion of the two-lane conventional highway is occupied for construction, a lane would be assigned a reversible role to accommodate the flow of traffic in both directions. A flagging operation (flagging traffic to stop or go in either direction) would not stop traffic longer than 20 minutes (10 minutes in each direction).

3.15.3 Mitigation

Impacts that occur as a result of construction of the project would be mitigated through the Transportation Management Plan and lane closure recommendations, along with standard Caltrans construction practices.

Chapter 4 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 collectively at the impacts posed by individual land-use plans and projects. Cumulative impacts can result from individually minor, but collectively substantial, actions taking place over a period of time.

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development. These land-use activities can degrade habitat and species diversity through consequences such as displacement and fragmentation of habitats and population, alteration of hydrology, contamination (pesticides), erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators.

Besides the proposed highway project, no new development is proposed within the project area. The highway project itself conforms to the circulation elements of the counties of San Luis Obispo and Kern General Plans, which envision State Route 46 as being a four-lane highway through both counties.

Construction of this project is not expected to shift growth from one area to another. The proposed improvements would accommodate planned and existing growth in the study area. No growth-inducing impacts are expected from the project. Due to existing constraints created by endangered species, San Luis Obispo and Kern County General Plan land use policies and underlying zoning and the lack of adequate existing infrastructure (such as water and sewer lines to undeveloped properties), the project is not expected to measurably accelerate growth in the study area.

Chapter 5 List of Preparers

The Central Region of the California Department of Transportation prepared this Environmental Assessment with Finding of No Significant Impact and Initial Study with Negative Declaration. The following individuals were involved in its preparation:

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Appendix A Environmental Checklist

Determining Significance Under CEQA

The words "significant" and "significance" used throughout the checklist are related to the California Environmental Quality Act (CEQA), not the National Environmental Policy Act (NEPA), impacts. CEQA requires that environmental documents determine significant or potentially significant impacts, NEPA does not. Addressing significant or potentially significant impacts in joint CEQA and NEPA environmental documents can be confusing, especially in those instances where the two laws and implementing regulations have different thresholds of significance. Under NEPA, the degree to which a resource is impacted is only used to determine which NEPA document is necessary. Once the federal agency has determined the magnitude of a project's impacts and the level of documentation required, it is the magnitude of the impact that is evaluated in the environmental document, not the degree of significance. For the purpose of the impact discussion in this document, determination of significant or potentially significant impacts is made only in the context of CEQA.

CEQA Environmental Checklist

The following checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. The CEQA impact levels include "potentially significant impact," "less than significant impact with mitigation," "less than significant impact," and "no impact." Please refer to the following for detailed discussions regarding impacts:

CEQA:

- Guidance: Title 14, Chapter 3, California Code of Regulations, Sections 15000 et seq. (http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/)
- Statutes: Division 13, California Public Resource Code, Sections 21000-21178.1 (http://www.ceres.ca.gov/topic/env_law/ceqa/stat/)

CEQA requires that environmental documents determine significant or potentially significant impacts. In many cases, background studies performed in connection with the project indicate no impacts. An "X" in the "No impact" column of the checklist reflects this determination.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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 building 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 which would adversely affect day or nighttime views in the area?				X
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
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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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 concentration?				X
e) Create objectionable odors affecting a substantial number of people?				X
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, 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 Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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
COMMUNITY RESOURCES - Would the project:				
a) Cause disruption of orderly planned development?				X
b) Be inconsistent with a Coastal Zone Management Plan?				X
c) Affect life-styles, or neighborhood character or stability?				X
d) Physically divide an established community?				X
e) Affect minority, low-income, elderly, disabled, transit-dependent, or other specific interest group?				X
f) Affect employment, industry, or commerce, or require the displacement of businesses or farms?				X
g) Affect property values or the local tax base?				X
h) Affect any community facilities (including medical, educational, scientific, or religious institutions, ceremonial sites or sacred shrines?				X
i) Result in alterations to waterborne, rail, or air traffic?				X
j) Support large commercial or residential development?				X
k) Affect wild or scenic rivers or natural landmarks?				X
l) Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours, and temporary access, etc.)?			X	
CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?			X	

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
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
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:				X
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 on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
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 on- or off-site 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 waste water disposal systems where sewers are not available for the disposal of waste water?				X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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 material, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X
d) Be located on a site which 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
HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	X	☐

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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 which 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 which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the 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 which would result in flooding on- or off-site?	☐	☐	☐	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater 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 which 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) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	X
LAND USE AND PLANNING - Would the project:				
a) 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
b) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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
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
NOISE - Would the project:				
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
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
PUBLIC SERVICES -				
a) 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
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 which might have an adverse physical effect on the environment?	☐	☐	☐	X
TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic which his 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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
c) Result in a change in air traffic patters, 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 incomplete uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X
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
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 facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
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 determination by the wastewater treatment provider which 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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X

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, or 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 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)?	☐	☐	☐	X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

Appendix B Coordination and Consultation

For this project, Caltrans consulted with the following:

U.S. Fish and Wildlife Service and Department of Fish and Game

- From July 1999 through May 2000, Caltrans requested species lists from the U.S. Fish and Wildlife Service offices in Ventura and Sacramento for the following locales: Cholame, Orchard Peak, Sawtooth Ridge, Kern County, San Luis Obispo County, Lost Hills, Emigrant Hill, Shale Point, and Blackwells Corner.
- On June 7, 2000, Caltrans met at the project site with Mr. White from the U.S. Fish and Wildlife Service Sacramento office to discuss the project and potential mitigation. Mr. White suggested initial mitigation ratios of 3 to 1 for natural habitat and 1.1 to 1 for agricultural habitat and temporary disturbances.
- In May 2000, Caltrans had an informal consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game.
- In December 2001, Caltrans requested informal consultation with the U.S. Fish and Wildlife Service Ventura office regarding California red-legged frog critical habitat.
- In January 2001, Caltrans contacted Curt McCasland with the Ventura office to discuss the proposed red-legged frog critical habitat.
- In March 2001, Caltrans met with Department of Fish and Game representative Mr. Mulligan and was instructed to seek, under Title 14, a Section 2081.1 state take permit for potential take of state listed species.
- On September 7, 2001, the Federal Highway Administration sent the Biological Assessment for the Kern portions of the project to the U.S. Fish and Wildlife.
- On March 3, 2003, the Federal Highway Administration initiated formal consultation with the U.S. Fish and Wildlife Service by submitting the Biological Assessment for the San Luis Obispo portion of the project.
- On September 22, 2003, the Biological Opinion for the Kern County portion of the project was received.
- On April 25, 2005, the Biological Opinion for the San Luis Obispo portion of the project was received.

State Historic Preservation Office

Cultural studies were performed for each project and were documented into one Historic Property Survey Report. A letter, dated June 28, 2002, was received from the State Historic Preservation Officer concurring on the Area of Potential Effects boundaries and the methodologies used for the inventory of properties (see Appendix E). The eligibility of resources within the Area of Potential Effects was also sought for two properties for inclusion

on the National Register of Historic Places. In the same letter, the State Historic Preservation Officer concurred that the Antelope Pumping Station in Kern County and prehistoric archaeological site CA-SLO-1355 in San Luis Obispo County be included in the National Register of Historic Places.

Caltrans modified the proposed design at the intersection of State Routes 46 and 33 in August 2003. A Supplemental Historic Property Survey Report was prepared citing that there were no cultural resources within the new Area of Potential Effects. On August 28, 2003, the Federal Highway Administration forwarded the Supplemental Historic Property Survey Report to the State Historic Preservation Officer. A letter dated December 1, 2003 was received from the State Historic Preservation Officer approving the new Area of Potential Effects, concurrence of no cultural resources within the new Area of Potential Effects, and also the Finding of Effect/Memorandum of Agreement on the previous two eligible sites (see Appendix E).

Native American Consultation

Native American involvement has been active in the San Luis Obispo segment due to the presence of a prehistoric archaeological site. Native American consultation for this segment was initiated by former Caltrans District 5 Native American Coordinator Dr. Valerie Levulett, who contacted members of the Salinan Nation by letter in August 2000.

Involvement in the Kern County segments has been limited due to the apparent absence of Native American cultural resources in these portions of the project area. Caltrans Central Region Archaeologist John Sharp sent letters to the Native American Heritage Commission and Santa Rosa Rancheria Chairman Michael Sisco in January 2001.

More involvement was initiated for the modifications to the proposed design at the intersection of State Routes 46 and 33 in August 2003. The Supplemental Historic Property Survey Report was forwarded to the Salinan National Cultural Preservation Association, the Salinan Tribe, and the Santa Rosa Rancheria upon approval from the Federal Highway Administration. Tribes have expressed no concerns regarding the proposed modifications to this intersection.

U.S. Army Corps of Engineers

In August 2002, Caltrans initiated informal consultation with the U.S. Army Corps of Engineers regarding the potential jurisdictional wetlands and waters of the U.S. that are located within the project limits. The potential jurisdictional wetlands are very small - .082 hectares (0.71 acres) and project “Other Waters of the U.S.” total .285 hectares (.701 acres).

Kern Council of Governments and the Kern County Planning Department

Both the Council of Governments and the Kern County Planning Department have attended Project Team Development meetings as local contacts to discuss project scope, project alternatives and project cost.

Public Participation

A Public Information Meeting was held on April 19, 2001 from 4:00 p.m. to 7:00 p.m. in the cafeteria at the Lost Hills Elementary/Middle School at 21109 Paso Robles Highway in Lost Hills, California. The information meeting conformed to the procedural requirements of the Federal Highway Administration 23 U.S.C. 771 and the Department of Transportation Project Development Procedure Manual, Chapter 11, Article 1. A Public Notice was published in the following publications: *Bakersfield Californian* on April 6 and 11; the *Wasco* and *Shafter* papers on April 4 and 11; and the *El Popular* on March 30 to April 5 and again on April 13 to April 19. In addition, property owners along the proposed alignments were sent invitations directly.

The meeting followed an open house format. The program schedule was unstructured; members of the public were free to come and go as they wished. At the entrance to the cafeteria, staff at a registration table greeted the public, distributed handouts and encouraged attendees to sign in. Displays depicting the project and the environmental process were placed around the room. Displays also showed cross-sections, the project schedule and the input opportunity of the public. The proposed alignments were presented in aerial photos. Caltrans staff were stationed at various displays to answer questions. A representative from Caltrans Right-of-Way was also available to address questions from the public.

A total of 26 visitors signed the attendance sheet of the public information meeting. Some residents of Lost Hills expressed concerns regarding the installation of a traffic signal or pedestrian crossing for the children who have to cross State Route 46 from the south side. All comments are recorded in the Executive Summary Record of Public Information Meeting, which is available for review at the Caltrans District 6 Environmental Offices at 2015 E. Shields, Suite 100, Fresno, California 93726. To date, no additional comment cards, emails, or telephone calls have been received regarding the open house.

A Public Hearing/Information Meeting was held on May 7, 2003 at the Lost Hills Middle/Elementary School at 21109 Paso Robles Highway in Lost Hills, California. The hearing began at 4:00 p.m. and ended at 7:00 p.m. This Public Hearing/Information Meeting conformed to the procedural requirements of the Federal Highway Administration 23 U.S.C. 771 and the Department of Transportation Project Development Procedure Manual, Chapter 11, Article 1. A Public Notice was published in *The Bakersfield Californian* on April 7 and 30, 2003. The *San Luis Obispo Tribune* published the Public Notice on April 10 and April

30, 2003. Invitations were mailed to affected politicians and property owners adjacent to the proposed project. Caltrans staff greeted 36 visitors, who were directed to sign-in and take a handout and comment card. Caltrans staff were stationed around the room to answer any questions about the project maps and display boards. Two Caltrans Right-of-Way Agents distributed pamphlets and answered questions. Caltrans staff encouraged visitors to complete a comment card or voice their comments to the onsite court reporter for the record.

Some residents of Lost Hills were concerned about pedestrians crossing State Route 46 at the Lost Hills Elementary/Middle School and requested a pedestrian overpass. Attendees requested traffic lights and lowering the speed limit through town. Farmers were concerned about access to their properties, farming employees crossing the expressway with equipment and large trucks, and the acquisition of right-of-way. All comments and responses to the Public Hearing are incorporated into this document in Appendix H. In addition, all comments are recorded in the Executive Summary/Record of Public Hearing available for review at the Caltrans District 6 Environmental Offices at 2015 E. Shields, Suite 100, in Fresno, California.

Appendix C Farmland Conversion Impact Rating

Farmland Conversion Impact Rating for Project 1 – San Luis Obispo County

Aug 13 20 04:56p California (0005773337) (805) 434-0284 p.2

U.S. DEPARTMENT OF AGRICULTURE — Form AD-1006

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	1. Date of Land Evaluation Request: July 24, 2002	2. Sheet 1 of 1
3. Name of Project: EA 0C6500 SR 46 Corridor Improvements (Antelope) PM 55.1/60.9	4. Federal Agency Involved: Federal Highway Administration	
5. Proposed Land Use: Highway Improvements 2 to 4 lane widening	6. County and State: San Luis Obispo, Ca	7. Type of Project: Corridor ✓ Other ☐
PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS: 8/2/2002	2. Person Completing the NRCS parts of this form: TINA VANDER HOEK
3. Does the site or corridor contain prime, unique, statewide or local important farmland? Yes ☒ No ☐ (If no, the FPPA does not apply - Do not complete additional parts of this form)		4. Acres Irrigated: NONE / 5. Average Farm Size: 704
6. Major Crop(s): WINE GRAPES, HAY, SMALL GRAIN	7. Farmable Land in Government Jurisdiction: Acres: 304,740 % 13.2	8. Amount of Farmland As Defined in FPPA: Acres: 358,025 % 15.5
9. Name of Land Evaluation System Used: CALIFORNIA STORIE INDEX	10. Name of Local Site Assessment System: NONE	11. Date Land Evaluation Returned by NRCS: 8/13/2002

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	75			
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres in Site	75			
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime and Unique Farmland	7.7Ac			
B. Total Acres Statewide and Local Important Farmland	2.9 Ac			
C. Percentage of Farmland in County or Local Govt. Unit to be Converted	.0000348			
D. Percentage of Farmland in Govt. Jurisdiction with Same or Higher Relative Value	NOT AVAILABLE			
PART V *(To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland to be Serviced or Converted (Scale of 0 - 100 Points)*	72.6			
PART VI *(To be completed by Federal Agency) Corridor or Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b & c))*	Max. Points Corridor / Other			
1. Area in Nonurban Use	15 / 15	15		
2. Perimeter in Nonurban Use	10 / 10	10		
3. Percent of Site Being Farmed	20 / 20	0		
4. Protection Provided by State and Local Government	20 / 20	20		
5. Distance from Urban Built-up area	0 / 15	—		
6. Distance to Urban Support Services	0 / 15	—		
7. Size of Present Farm Unit Compared to Average	10 / 10	5		
8. Creation of Non-Farmable Farmland	25 / 10	3		
9. Availability of Farm Support Services	5 / 5	3		
10. On-Farm Investments	20 / 20	10		
11. Effects of Conversion on Farm Support Services	25 / 10	0		
12. Compatibility with Existing Agricultural Use	10 / 10	0		
TOTAL CORRIDOR OR SITE ASSESSMENT POINTS	160	72		
PART VII *(To be completed by Federal Agency)*				
Relative Value of Farmland (from Part V above)	100	72.6		
Total Corridor or Site Assessment (From Part VI above or a local site assessment)	160	72		
TOTAL POINTS *(Total of above 2 lines)*	260	144.6		

PART VIII *(To be completed by Federal Agency after final alternative is chosen)*

1. Corridor or Site Selected:	2. Date of Selection:	3. Was A Local Site Assessment Used? Yes ☐ No ☐

4. Reason For Selection:

Signature of person completing the Federal Agency parts of this form: DATE

Wisconsin substitute form AD-1006 6-9-97 *Completion instructions: http://www.wi.nrcs.usda.gov/soil/prime/prinotes.html*

Farmland Conversion Impact Rating for Project 2 - Kern County

U.S. DEPARTMENT OF AGRICULTURE — Form AD-1006

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	1. Date of Land Evaluation Request: July 24, 2002	2. Sheet 1 of 1
3. Name of Project: EA 353410 RTE 46 Expressway Conversion PM 0.0/7.3	4. Federal Agency Involved: Federal Highway Administration	
5. Proposed Land Use: Highway Improvements 2 to 4 lane widening	6. County and State: Kern Cty , CA	7. Type of Project: Corridor ✓ Other ☐
PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS: 7-25-02	2. Person Completing the NRCS parts of this form: MARK DAVIS
3. Does the site or corridor contain prime, unique ,statewide or local important farmland? Yes ☒ No ☐ (If no, the FPPA does not apply - Do not complete additional parts of this form)		4. Acres Irrigated: 972400 — 5. Average Farm Size: 1,473
6. Major Crop(s): cotton, grapes, almonds alfalfa, carrots	7. Farmable Land in Government Jurisdiction: Acres: 1,044,200 %	8. Amount of Farmland As Defined in FPPA: Acres: Not Available %
9. Name of Land Evaluation System Used: CA Storie Index System	10. Name of Local Site Assessment System: None	11. Date Land Evaluation Returned by NRCS: 7-29-02

PART III *(To be completed by Federal Agency)*	Site A	Site B	Site C	Site D
	Alternative Site Rating			
A. Total Acres To Be Converted Directly	100.24			
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres in Site	100.24			
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime and Unique Farmland	8.53			
B. Total Acres Statewide and Local Important Farmland	0			
C. Percentage of Farmland in County or Local Govt. Unit to be Converted	Data Not Available			
D. Percentage of Farmland in Govt. Jurisdiction with Same or Higher Relative Value	Data Not Available			
PART V *(To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland to be Serviced or Converted (Scale of 0 - 100 Points)*	90			

PART VI *(To be completed by Federal Agency) Corridor or Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b & c))*	Max. Points Corridor	Max. Points Other	Site A	Site B	Site C	Site D
1. Area in Nonurban Use	15	15	15			
2. Perimeter in Nonurban Use	10	10	10			
3. Percent of Site Being Farmed	20	20	8			
4. Protection Provided by State and Local Government	20	20	20			
5. Distance from Urban Built-up area	0	15	-			
6. Distance to Urban Support Services	0	15	-			
7. Size of Present Farm Unit Compared to Average	10	10	5			
8. Creation of Non-Farmable Farmland	25	10	10			
9. Availability of Farm Support Services	5	5	2			
10. On-Farm Investments	20	20	5			
11. Effects of Conversion on Farm Support Services	25	10	0			
12. Compatibility with Existing Agricultural Use	10	10	0			
TOTAL CORRIDOR OR SITE ASSESSMENT POINTS	160		75			
PART VII *(To be completed by Federal Agency)*						
Relative Value of Farmland (from Part V above)	100		90			
Total Corridor or Site Assessment (From Part VI above or a local site assessment)	160		75			
TOTAL POINTS *(Total of above 2 lines)*	260		165			

PART VIII *(To be completed by Federal Agency after final alternative is chosen)*

1. Corridor or Site Selected:	2. Date of Selection:	3. Was A Local Site Assessment Used? Yes ☐ No ☐

4. Reason For Selection:

Signature of person completing the Federal Agency parts of this form: — DATE

Wisconsin substitute form AD-1006 6-9-97 Completion instructions: http://www.wi.nrcs.usda.gov/soil/prime/prinotes.html

Farmland Conversion Impact Rating for Project 3 – Kern County

U.S. DEPARTMENT OF AGRICULTURE — Form AD-1006

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	1. Date of Land Evaluation Request: July 24, 2002	2. Sheet __1__ of __1__
3. Name of Project: EA 442500 Keck's Road 4-Lane PM 7.3/33.5	4. Federal Agency Involved: Federal Highway Administration	
5. Proposed Land Use: Highway Improvements 2 to 4 lane widening	6. County and State: Kern Cty , CA	7. Type of Project: Corridor ✓ Other ☐
PART II *(To be completed by NRCS)*	1. Date Request Received by NRCS: 7-25-02	2. Person Completing the NRCS parts of this form: MARK DAVIS
3. Does the site or corridor contain prime, unique ,statewide or local important farmland? Yes ☒ No ☐ (If no, the FPPA does not apply - Do not complete additional parts of this form)		4. Acres Irrigated: 972,400 / 5. Average Farm Size: 1,473
6. Major Crop(s): cotton, grapes, almonds, alfalfa, carrots	7. Farmable Land in Government Jurisdiction Acres: 1,044,300 %	8. Amount of Farmland As Defined in FPPA Acres: Not Available %
9. Name of Land Evaluation System Used: CA. Storie Index System	10. Name of Local Site Assessment System: None	11. Date Land Evaluation Returned by NRCS: 7-29-02

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	127.9			
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres in Site	127.9			
PART IV *(To be completed by NRCS) Land Evaluation Information*				
A. Total Acres Prime and Unique Farmland	89.6			
B. Total Acres Statewide and Local Important Farmland	0			
C. Percentage of Farmland in County or Local Govt. Unit to be Converted	DATA NOT AVAILABLE			
D. Percentage of Farmland in Govt. Jurisdiction with Same or Higher Relative Value	DATA NOT AVAILABLE			
PART V *(To be completed by NRCS) Land Evaluation Criterion* *Relative Value of Farmland to be Serviced or Converted (Scale of 0 - 100 Points)*	77			
PART VI *(To be completed by Federal Agency) Corridor or Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b & c))*	Max. Points Corridor / Other			
1. Area in Nonurban Use	15 / 15	14		
2. Perimeter in Nonurban Use	10 / 10	9		
3. Percent of Site Being Farmed	20 / 20	4		
4. Protection Provided by State and Local Government	20 / 20	20		
5. Distance from Urban Built-up area	0 / 15	-		
6. Distance to Urban Support Services	0 / 15	-		
7. Size of Present Farm Unit Compared to Average	10 / 10	5		
8. Creation of Non-Farmable Farmland	25 / 10	5		
9. Availability of Farm Support Services	5 / 5	4		
10. On-Farm Investments	20 / 20	10		
11. Effects of Conversion on Farm Support Services	25 / 10	0		
12. Compatibility with Existing Agricultural Use	10 / 10	0		
TOTAL CORRIDOR OR SITE ASSESSMENT POINTS	160	71		
PART VII *(To be completed by Federal Agency)*				
Relative Value of Farmland (from Part V above)	100	77		
Total Corridor or Site Assessment (From Part VI above or a local site assessment)	160	71		
TOTAL POINTS *(Total of above 2 lines)*	260	148		

PART VIII *(To be completed by Federal Agency after final alternative is chosen)*

1. Corridor or Site Selected:	2. Date of Selection:	3. Was A Local Site Assessment Used? Yes ☐ No ☐

4. Reason For Selection:

Signature of person completing the Federal Agency parts of this form: | DATE

Wisconsin substitute form AD-1006 6-9-97 Completion instructions: http://www.wi.nrcs.usda.gov/soil/prime/prinotes.html

Appendix D Title VI Policy Statement

California Department of Transportation highway projects comply with all Title VI regulations.

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

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY (916) 653-4086

Flex your power!
Be energy efficient!

January 14, 2005

TITLE VI
POLICY STATEMENT

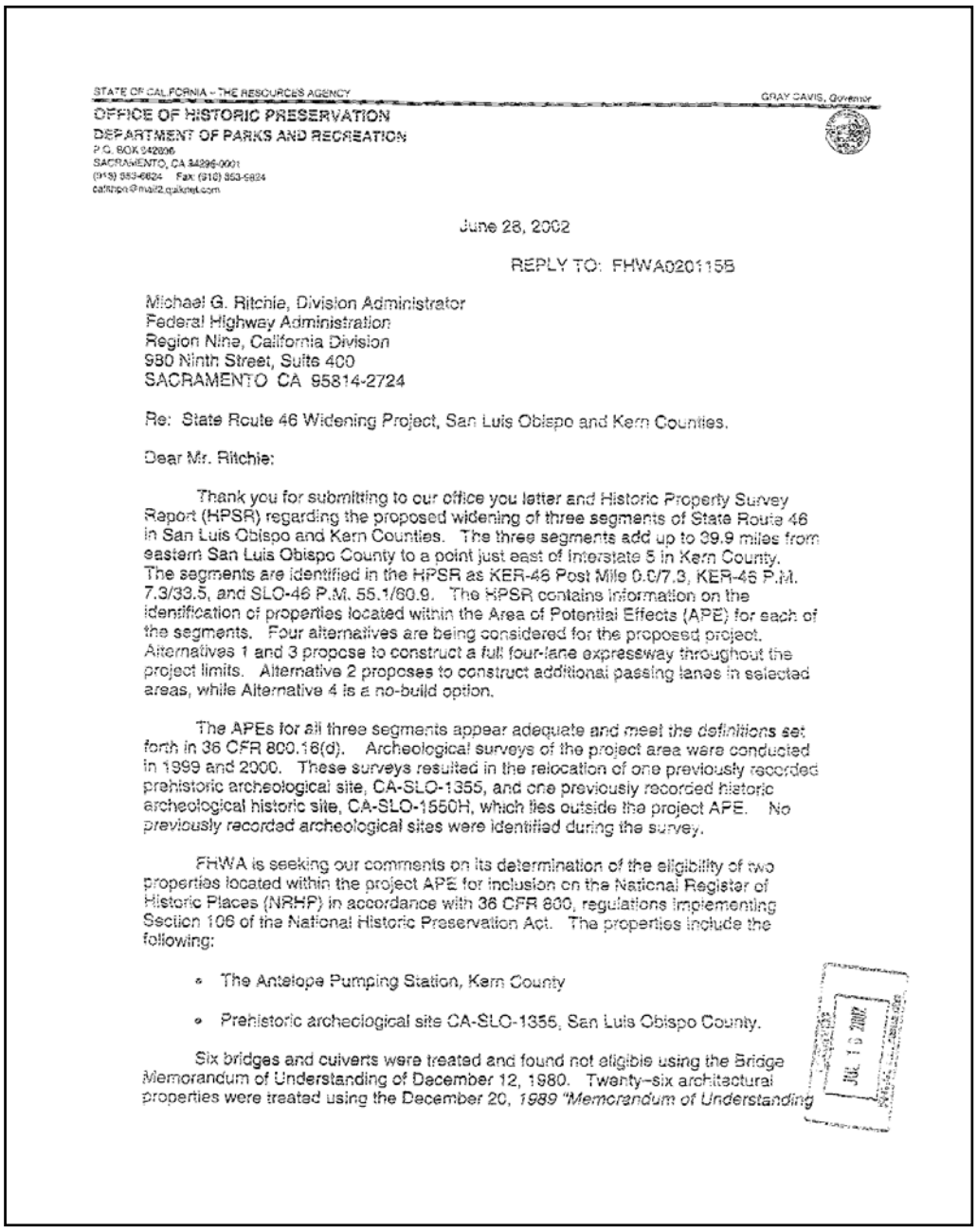
The California Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, and age, be excluded from participation in, be denied the benefits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

WILL KEMPTON
Director

"Caltrans improves mobility across California"

Appendix E State Historic Preservation Officer Concurrence Letters

A confirmation letter sent by the State Historic Preservation Officer was received by the Federal Highway Administration on July 10, 2002.



STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, 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@mail2.quikmet.com

June 28, 2002

REPLY TO: FHWA020115B

Michael G. Ritchie, Division Administrator
Federal Highway Administration
Region Nine, California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

Re: State Route 46 Widening Project, San Luis Obispo and Kern Counties.

Dear Mr. Ritchie:

Thank you for submitting to our office you letter and Historic Property Survey Report (HPSR) regarding the proposed widening of three segments of State Route 46 in San Luis Obispo and Kern Counties. The three segments add up to 39.9 miles from eastern San Luis Obispo County to a point just east of Interstate 5 in Kern County. The segments are identified in the HPSR as KER-46 Post Mile 0.0/7.3, KER-46 P.M. 7.3/33.5, and SLO-46 P.M. 55.1/60.9. The HPSR contains information on the identification of properties located within the Area of Potential Effects (APE) for each of the segments. Four alternatives are being considered for the proposed project. Alternatives 1 and 3 propose to construct a full four-lane expressway throughout the project limits. Alternative 2 proposes to construct additional passing lanes in selected areas, while Alternative 4 is a no-build option.

The APEs for all three segments appear adequate and meet the definitions set forth in 36 CFR 800.16(d). Archeological surveys of the project area were conducted in 1999 and 2000. These surveys resulted in the relocation of one previously recorded prehistoric archeological site, CA-SLO-1355, and one previously recorded historic archeological historic site, CA-SLO-1550H, which lies outside the project APE. No previously recorded archeological sites were identified during the survey.

FHWA is seeking our comments on its determination of the eligibility of two properties located within the project APE for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. The properties include the following:

- The Antelope Pumping Station, Kern County
- Prehistoric archeological site CA-SLO-1355, San Luis Obispo County.

Six bridges and culverts were treated and found not eligible using the Bridge Memorandum of Understanding of December 12, 1980. Twenty-six architectural properties were treated using the December 20, *1989 "Memorandum of Understanding*

JUL 10 2002

Regarding Evaluation of Post-1945 Buildings, Moved Pre-1945 Buildings, and Altered Pre-1945 Buildings" and the *"Interim Guidelines – Post-1945 MOU"* (July 1997).

Our review of the submitted HPSR leads us to concur with FHWA's determination that the Antelope Pumping Station is eligible for inclusion on the NRHP under Criteria A and C as defined in 36 CFR 60.4. The property has strong associations with the introduction of new technologies associated with increasing the self-sufficiency of crude oil pipeline operations on the Pacific Coast after World War II. The Antelope Station was the first facility to incorporate this technology and was the prototype for other facilities that were modernized during the 1950s. The property appears to retain sufficient integrity of engineering design, materials, and setting to qualify it for inclusion on the NRHP. We also concur with FHWA's determination that archeological site CA-SLO-1355 is eligible for inclusion on the NRHP under Criterion D as defined in 36 CFR 60.4. The property's features have yielded or are likely to yield information important to history or prehistory.

FHWA is also seeking our comments on its determination of the effects the proposed project will have on historic properties in accordance with 36 CFR 800. FHWA has indicated in its letter that a Finding of Effects document for this project will be forwarded to our office at a later date. We look forward to reviewing this document and providing comments on its finding of the effect the proposed project will have on historic properties within the project APE.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
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calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov

1 December 2003

In Reply Refer To
FHWA020115B

Gary N. Hamby
Division Administrator
California Division
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

RE: HDA-CA, FILE NO. 05-SLO-46, PM 55.1/60.9, 06-KER-46, PM 0.0/7.3, 06-KER-46, PM 7.3/33.5, DOCUMENT NOS. P45084 AND P46342 [Further Section 106 Consultation on the Widening and Rehabilitation of Portions of State Route 46, Kern and San Luis Obispo Counties, California]

Dear Mr. Hamby,

This letter is a response to your submissions of the February 2003 *Finding of Effect, Highway 46 Four-Lane Projects, San Luis Obispo and Kern Counties, California* (Finding of Effect), an undated draft *Memorandum of Agreement between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Highway 46 Four-Lane Project, San Luis Obispo and Kern Counties, California* (draft MOA), the February 2003 draft *Data Recovery Plan for CA-SLO-1355, a Prehistoric Archaeological Site on the SLO/KER Four-Lane Project, San Luis Obispo County, California* (draft Data Recovery Plan), and an undated Supplemental Historic Property Survey Report (Supplemental HPSR).

You request in your letters of 12 June and 18 August 2003 that I concur that

(1) the Federal Highway Administration's (FHWA) revision to the undertaking's area of potential effects (APE) is appropriate to the recent redesign of the intersection of State Routes 46 and 33,
(2) the FHWA's efforts to "involve the public, including Native Americans, are sufficient,"
(3) the FHWA's efforts to "identify historic properties in the enlarged portion of the APE are adequate,"
(4) the undertaking will adversely affect historic properties,
(5) the undertaking will not adversely affect the Lost Hills School and the Antelope Pumping Station, and
(6) the implementation of the draft Data Recovery Plan under the terms of the draft MOA will mitigate the undertaking's "adverse impacts" on archaeological site CA-SLO-1355.

I concur, on the basis of my review of the Supplemental HPSR, that the FHWA's revision to the undertaking's original APE to accommodate the recent redesign of the intersection of State Routes 46 and 33 is adequate pursuant to 36 CFR § 800.4(a)(1). I understand the APE to be the area that the FHWA delimits with a bold dashed line, but does not label, in Figures 3a and 3b (*Revision to Area of Potential Effects Route, 33/46 Intersection Realignment, Kern 46 Four-Lane Project*) of the Supplemental HPSR.

I concur that the FHWA's efforts to involve the public and to identify other consulting parties, pursuant to 36 CFR § 800.3(e) and (f), with regard to the redesign of the subject intersection is appropriate to the scale of the modification to the undertaking.

I concur that the FHWA's effort to identify historic properties in the new addition to the undertaking's APE that accommodates the redesign of the subject intersection is adequate pursuant to 36 CFR § 800.4(b).

I concur with the FHWA's finding that the undertaking, as presently proposed, will adversely affect historic properties pursuant to 36 CFR § 800.5(d)(2).

I concur that the implementation and completion of the draft Data Recovery Plan with the FHWA's 9 September 2003 revisions to that document (email transmittal from Brian Wickstrom, California Department of Transportation Central Region Associate Environmental Planner, Archaeology, to Mike McGuirt of my staff) will in part resolve the undertaking's adverse effect on archaeological site CA-SLO-1355.

The draft MOA is presently in review. I anticipate that the executed document will include a stipulation to implement measures for the protection of the Antelope Pumping Station.

Please direct any questions or concerns that you may have to Project Review Unit archaeologist Mike McGuirt at 916.653.8920 or at mmcguirt@ohp.parks.ca.gov, or historian Clarence Caesar at 916.653.8902 or at ccaes@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

WKM:mdm

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE HIGHWAY 46 FOUR-LANE PROJECT,
SAN LUIS OBISPO AND KERN COUNTIES, CALIFORNIA

WHEREAS, the Federal Highway Administration (FHWA) has determined that the Highway 46 Four-Lane Project (Undertaking), on State Route 46 (05-SLO-46, PM 55.1/60.9; 06-KER-46, 0.0/33.5) through San Luis Obispo and Kern Counties, California, will have an adverse effect on archaeological site CA-SLO-1355 and may have an adverse effect on the Antelope Pumping Station, properties determined eligible for inclusion in the National Register of Historic Places (National Register) (historic properties); and

WHEREAS, the FHWA has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (Act), and notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding in accordance with 36 CFR § 800.6(a)(1); and

WHEREAS, the FHWA in consultation with the SHPO, has determined that the potentially adverse effect of the Undertaking on the Antelope Pumping Station will be avoided by implementing the measures set forth in Stipulation I. A., below, of this Memorandum of Agreement (MOA); and

WHEREAS, the FHWA, in consultation with the SHPO, has thoroughly considered alternatives, has determined that the adverse effect of the Undertaking on archaeological site CA-SLO-1355 cannot be avoided, and has further determined that it will resolve the adverse effect of the Undertaking on this historic property by executing and implementing this MOA; and

WHEREAS, the FHWA has consulted with the Salinan Nation Cultural Preservation Association (SNCPA) regarding the proposed Undertaking and its effects on the historic property, and has invited the SNCPA to concur in this MOA; and

WHEREAS, the California Department of Transportation (Caltrans) has participated in the consultation and has been invited to concur in this MOA;

NOW, THEREFORE, the FHWA and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties, and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

The FHWA shall ensure that the following stipulations are implemented:

I. TREATMENT OF CA-SLO-1355 AND THE ANTELOPE PUMPING STATION

A. Antelope Pumping Station

The FHWA will ensure that the prospectively adverse effects of the Undertaking on the Antelope Pumping Station will be avoided by requiring Caltrans to place this historic property within a temporary Environmentally Sensitive Area (ESA) for the duration of construction. The ESA boundary shall be established as the existing 7-ft high cyclone fence around the 50 x 50 m area of the pump house and storage tanks. Caltrans shall ensure the integrity of the ESA and protection of the Antelope Pumping Station by clearly describing and illustrating this ESA on plans specifications, and estimates prepared to guide construction of the Undertaking; by notifying the contractor that no Undertaking- related work shall be conducted within the ESA; and by including in appropriate construction contracts a clause that imposes both a suitable penalty for any intrusion into the ESA by the contractor, and that requires the contractor to pay for repair of any damage to the Antelope Pumping Station caused by such intrusion or for its reconstruction, whichever condition may apply. Caltrans shall ensure that a member of its Environmental Planning staff (monitor) periodically inspects the construction area for the duration of construction to ensure that the ESA has not been breached. The monitor shall immediately report any breach of the ESA by the contractor to the designated Resident Engineer, and within 48 hours following any breach, to the FHWA and the SHPO. The parties to this MOA acknowledge that any breach of the ESA herein prescribed may result in termination of the MOA.

B. Treatment of CA-SLO-1355

1. The FHWA shall ensure that the adverse effect of the Undertaking on CA-SLO-1355 is resolved in part by implementing and completing the "Data Recovery Plan for CA-SLO-1355, a Prehistoric Archaeological Site on the SLO/KER Four-Lane Project, San Luis Obispo County, California" (Tiley and Basgall 2003), as revised and supplemented by documentation submitted to the SHPO by Caltrans on 9 September, 2003 (DRP). This DRP appears as Attachment 1 to this MOA.

2. The FHWA will not authorize any Undertaking-related activity that it determines could result in an adverse effect to the historic property to proceed until all fieldwork specified in the DRP has been completed.

3. If at any time following execution of this MOA by the FHWA and the SHPO, the FHWA, or Caltrans through the FHWA, proposes to modify the DRP, the FHWA will promptly notify the SHPO and SNCPA concurrently in writing about the proposed modifications and request each party to comment on the proposal. The SHPO and the SNCPA will have 15 days from receipt of the FHWA notification to comment in writing to the FHWA. Failure of these parties to respond

within this time frame shall not preclude the FHWA from modifying the DRP as proposed. The FHWA will provide SHPO and the SNCPA with written documentation indicating whether and how the DRP will be modified in accordance with any SHPO and SNCPA comments. Unless SHPO or the SNCPA object to this documentation in writing to the FHWA within 10 days following receipt, the FHWA may modify the DRP as the FHWA deems appropriate, and proceed to implement the modified DRP.

II. REPORTING REQUIREMENTS

A. Within 12 months after the FHWA has determined that all fieldwork conducted pursuant to stipulation I. has been satisfactorily completed, the FHWA will ensure preparation, and concurrent distribution to the SHPO and to the SNCPA, should the SNCPA so request, of a written draft technical report that documents the results of implementing the DRP. The reviewing parties will be afforded 30 days following receipt of the draft technical report to submit any written comments to the FHWA. Failure of these parties to respond within this time frame shall not preclude the FHWA from authorizing revisions to the draft technical report as the FHWA may deem appropriate. The FHWA will provide the reviewing parties with written documentation indicating whether and how the draft technical report will be modified in accordance with any reviewing party comments. Unless the reviewing parties object to this documentation in writing to the FHWA within 30 days following receipt, the FHWA may modify the draft technical report as the FHWA may deem appropriate. Thereafter, the FHWA may issue the technical report in final form and distribute this document in accordance with paragraph B. of this stipulation.

B. Copies of the final technical report documenting the results of DRP implementation will be distributed by the FHWA to the SHPO, to the SNCPA, should the SCNPA so request, and to the appropriate California Historic Resources Information Survey (CHRIS) Regional Information Center, subject to the terms of stipulation VI.B.

C. The FHWA will ensure that, subject to the terms of stipulation VI.B., an exhibit and non-technical pamphlet are prepared in order to provide the Native American community and the general public with the findings presented in the technical report. The pamphlet will be written for the general public and Grades 4 to 6 and will accompany the exhibit. FHWA will invite the SCNPA to participate in the development and presentation of the exhibit and pamphlet.

III. DISCOVERIES AND UNANTICIPATED EFFECTS

The FHWA shall notify the SHPO and the SNCPA as soon as practicable if it appears that either implementation of the DRP or the Undertaking will affect a previously unidentified property that may be eligible for the National Register, or affect a known historic property in an unanticipated manner. The FHWA will suspend DRP implementation or construction of the Undertaking, as applicable, in the vicinity of the discovery, and will take all reasonable measures to avoid or minimize harm to the property until the FHWA concludes its compliance with either 36 CFR § 800.13(b)(1) or 36 CFR § 800.13(b)(3), as applicable. The FHWA may assume that the affected property is eligible for the National Register, for purposes of this MOA.

IV. NATIVE AMERICAN CONSULTATION

The FHWA has consulted with the SNCPA regarding the proposed Undertaking and its effect on the historic property, will continue to consult with the SNCPA, and will afford the SNCPA, should the SNCPA so desire, the opportunity to participate in the implementation of this MOA and of the Undertaking. The FHWA will proceed in this manner even if the SNCPA declines to concur in this MOA. Such participation by the SNCPA may include, but is not necessarily limited to, monitoring during the archaeological data recovery field work prescribed in stipulation I., and during implementation of the Undertaking. Should the SNCPA agree to participate as herein set forth, the FHWA, in cooperation with Caltrans, will make an effort to reach a mutually acceptable agreement with the SNCPA regarding the manner in which the SNCPA will participate in the implementation of this MOA and the Undertaking, and regarding any time frames or other matters that may govern the nature, scope and frequency of such participation.

V. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

The parties to this MOA agree that Native American burials and related items discovered during implementation of the terms of this MOA and of the Undertaking will be treated in accordance with the requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to § 7050.5(c) of the California Health and Safety Code, the county coroner/medical examiner determines that the human remains are or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of §§ 5097.98 (a) - (d) of the California Public Resources Code. FHWA will ensure that to the extent permitted by applicable law and regulation, the views of the SNCPA and the Most Likely Descendant(s) are taken into consideration when decisions are made about the disposition of other Native American archaeological materials and records.

VI. ADMINISTRATIVE PROVISIONS

A. Standards

1. Professional Qualifications Standards. All activities prescribed by stipulations I.B., III, IV, and V of this MOA shall be carried out under the authority of FHWA by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) (PQS) in the appropriate disciplines. However, nothing in this stipulation may be interpreted to preclude FHWA or any agent or contractor thereof from using the properly supervised services of persons who do not meet the PQS.

2. Documentation Standards. All activities prescribed by stipulations I.B., III., IV. and V. of this MOA shall reasonably conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) and to applicable standards and guidelines established by SHPO.

3. Curation and Curation Standards. The FHWA shall ensure that, to the extent permitted under §§ 5097.98. and 5097.991. of the California Public Resources Code, the materials and records resulting from the activities prescribed by stipulations I.B., III., IV., and V. of this MOA are curated in accordance with 36 CFR Part 79.

B. Confidentiality

The parties to this MOA acknowledge that the historic property covered by this MOA is subject to the provisions of § 304 of the National Historic Preservation Act of 1966 and § 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with § 304 of the National Historic Preservation Act of 1966 and § 6254.10 of the California Government Code.

C. Resolving Objections

1. Should any party to this MOA, or the SNCPA if the SNCPA is not a concurring party, object to the manner in which the terms of this MOA are implemented, or to any documentation prepared in accordance with and subject to the terms of this MOA, the FHWA shall immediately notify the other parties to this MOA of the objection, and consult with the objecting party and with the other parties to this MOA for no more than 30 days to resolve the objection. The FHWA shall reasonably determine when this consultation will commence.

2. If the objection is resolved during the 30 day consultation period, the FHWA may proceed with the disputed action in accordance with the terms of such resolution.

3. If, after initiating such consultation, the FHWA determines that the objection cannot be resolved through consultation, the FHWA shall forward all documentation relevant to the objection to the ACHP, including the FHWA's proposed response to the objection, with the expectation that the ACHP will within thirty (30) days after receipt of such documentation:

a. advise the FHWA that the ACHP concurs in the FHWA's proposed response to the objection, whereupon the FHWA will respond to the objection accordingly; or

b. provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding its response to the objection; or

c. notify the FHWA that the objection will be referred for comment pursuant to 36 CFR § 800.7(c), and proceed to refer the objection and comment. The FHWA shall take the resulting comment into account in accordance with 36 CFR 800.7(c)(4) and Section 110(l) of the NHPA.

4. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, the FHWA may assume the ACHP's concurrence in its proposed response to the objection.

5. The FHWA shall take into account hereunder any ACHP recommendation or comment, any comments or recommendations from the parties to the MOA, and any comments or recommendations from the SNCPA if the SNCPA is not a concurring party to this MOA, in reaching a final decision regarding the objection. The FHWA's responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.

6. The FHWA shall provide all parties to this MOA, to the ACHP when ACHP comments have been issued hereunder, and to the SNCPA if the SNCPA is not a concurring party to this MOA, with a copy of its final written decision regarding any objection addressed pursuant to this section of stipulation VI.

7. The FHWA may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this section of stipulation VI.

D. Public Objection

At any time during implementation of the terms of this MOA, should a member of the public raise an objection pertaining to the manner of such implementation, the FHWA shall immediately notify the other MOA parties, and the SNCPA if the SNCPA is not a concurring party to the MOA, in writing of the objection and take the objection into consideration. The FHWA shall consult with the objecting party and, if the objecting party so requests, with the other parties to this MOA, for no more than 15 days. Within 15 days following closure of this consultation period, the FHWA will render a decision regarding the objection, and notify the other parties of its decision in writing. In reaching its decision, the FHWA will take all comments from the other parties into consideration. The FHWA's decision regarding resolution of the objection will be final.

E. Amendments

1. Any party to this MOA, or the SNCPA if the SNCPA is not a concurring party, may propose that this MOA be amended, whereupon the parties to this MOA and the SNCPA if it is not a concurring party, will consult for no more than 30 days to consider such amendment. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This MOA may be amended only upon the written agreement of the signatory parties. If it is not amended, this MOA may be terminated by either signatory party in accordance with section F, below, of this stipulation.

2. The DRP may be amended through consultation of the parties to this MOA and the SNCPA, if the SNCPA is not a concurring party to this MOA, without amending the MOA proper.

F. Termination

1. If this MOA is not amended as provided for in Section E., above, of this stipulation, or if either signatory party proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other parties to this MOA and the SNCPA, if the SNCPA is not a concurring party to this MOA, explain the reasons for proposing termination, and consult with the other parties for at least 30 days to seek alternatives to termination.

2. Should such consultation result in an agreement on an alternative to termination, then the parties shall proceed in accordance with the terms of that agreement.

3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other parties to this MOA, and the SNCPA, if the SNCPA is not a concurring party, in writing. Termination hereunder shall render this MOA without further force or effect.

4. If this MOA is terminated hereunder, and if the FHWA determines that the Undertaking will nonetheless proceed, then the FHWA shall either consult in accordance with 36 CFR § 800.6 to develop a new MOA or request the comments of the ACHP pursuant to 36 CFR Part 800.

G. Duration of the MOA

1. Unless terminated pursuant to paragraph F., above, of this stipulation, or unless it is superseded by an amended MOA, this MOA will be in effect following execution by the signatory parties until the FHWA, in consultation with the other parties to this MOA and the SNCPA if the SNCPA is not a concurring party, determines that all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that the FHWA notifies the other parties to this MOA and the SNCPA if the SNCAP is not a concurring party, in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.

2. The terms of this MOA shall be satisfactorily fulfilled within 10 years following the date of execution by the signatory partiers. If the FHWA determines that this requirement cannot be met, the parties to this MOA and the SNCPA if the SNCPA is not a concurring party, will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment, or termination. In the event of termination, the FHWA will comply with Stipulation VI.F.4. if it determines that the Undertaking will proceed notwithstanding termination of this MOA.

3. If this Undertaking has not been implemented within 4 years following execution of this MOA by the signatory parties, this MOA shall automatically terminate and have no further force or effect. In such event, the FHWA shall notify the other parties to this MOA and the SNCPA, if the SNCPA is not a concurring party, in writing, and if the FHWA chooses to continue with the Undertaking, it shall reinitiate review of the Undertaking in accordance with 36 CFR Part 800.

H. Effective Date of this MOA. This MOA will take effect immediately upon execution by both signatory parties.

EXECUTION of this MOA by the FHWA and the SHPO, its transmittal by the FHWA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR § 800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(l) of the NHPA, and shall further evidence that the FHWA has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that the FHWA has taken into account the effects of the Undertaking on historic properties.

SIGNATORY PARTIES:

For David A. Nicol, Acting Division Administrator — Date 2/05/04
FHWA California Division

Dr. Knox Mellon — Date 2/18/04
California State Historic Preservation Officer

CONCURRING PARTY:

Mike Leonardo — Date 12/31/03
Caltrans District 6 Director, Fresno

CONSULTING PARTY:

Jose Freeman, President — Date
Salinan Nation Cultural Preservation Association

Memorandum of Agreement Between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Highway 46 Four-Lane Projects, San Luis Obispo and Kern Counties, California. December 2003

8

TOTAL P.10

Wetlands

Minor impacts to wetlands and "Other Waters of the U.S." would be mitigated via wetland creation and/or purchase of wetland acres approved by the U.S. Army Corps of Engineers. Minor impacts to wetland and "Other Waters of the U.S." crossings are expected to be within the thresholds covered under Nationwide Permit #14. A California Department of Fish and Game Streambed Alteration Agreement would be obtained for small streams.

Vegetation and Wildlife

Land acquisition, which would be required as compensation for the loss of habitat, would apply only to newly disturbed habitat and not to previously paved or disturbed areas within the roadway, shoulder areas, or right-of-way.

Priorities in considering site selection for land acquisition and other recommended actions are as follows:

1. The proposed mitigation site would be of equal or superior habitat to that of the disturbed habitat.

2. The proposed mitigation site would contain the aspects vital to the continued existence of the San Joaquin kit fox, giant kangaroo rat, Tipton kangaroo rat, blunt-nosed leopard lizard, and San Joaquin antelope squirrel.

3. The proposed mitigation site would be of similar habitat type and would attempt to include saltbush scrub, valley and foothill grasslands, and non-native grasslands.

4. The proposed mitigation site would maintain close geographical connection to disturbed areas. The proposed mitigation site would be natural land in the vicinity of western Kern County or eastern San Luis Obispo County.

5. The proposed mitigation site would attempt to enhance movement corridors, link natural lands, and protect existing listed species habitat.

Threatened and Endangered Species

Habitat mitigation for threatened and endangered species in San Luis Obispo and Kern counties is proposed to reduce project effects on the California red-legged frog and the San Joaquin kit fox. Wildlife pre-construction surveys in appropriate habitats would also be conducted to identify listed species presence or important habitat features for listed species.

Impacts to the California red-legged frog would be mitigated onsite or close to the project via habitat preservation or habitat creation.

If populations of San Joaquin woolly-threads are identified within the project area, their locations would be avoided with temporary fencing or prominently flagged to prevent inadvertent encroachment by vehicles and equipment during construction. If the populations cannot be avoided, surface disturbance should be scheduled after seed set and before germination. Collection of seeds may also be required, with reseeding at the site after construction activity during seasonal time frames and weather conditions favorable for germination and growth. Topsoil may be stockpiled and replaced after project completion. Mitigation in the form of a conservation easement or land acquisition for permanent protection may further reduce impacts to these species.

Final mitigation measures on endangered or threatened species would be mitigated by implementation of the measures specified in the Biological Opinions rendered by the U.S. Fish and Wildlife Service and the California Department of Fish and Game and agreed upon by both the Federal Highway Administration and Caltrans.

Historic and Archaeological Preservation

During project construction, an Environmental Sensitive Area would be established to protect the portions of the Tosco Antelope Pumping Station that contributes to the eligibility of the site for the National Register of Historic Places. The Environmental Sensitive Area would encompass the eligibility elements of the site (the pump station and adjacent tanks) as well as a buffer area extending about 7.62 meters (25 feet) to the southeast and southwest and 15 meters (50 feet) to the northwest and northeast. Establishment of an Environmental Sensitive Area would be incorporated into project planning and would be included in the project's Plans, Specifications, and Estimates. The Environmental Sensitive Area would be sectioned off with orange fencing to exclude all construction activities from that area. The area would also be monitored by Caltrans cultural resources staff during construction to ensure the integrity of the fenced boundary and the absence of any construction activities.

Paleontology

Because of the potential for uncovering scientifically important vertebrate remains during excavation in the project area, paleontological monitoring is warranted using California funds only. Before construction, a qualified professional paleontologist would be retained to provide monitoring and salvage services. The paleontologist would develop a mitigation plan that addresses in detail the procedures for collecting vertebrate and other scientifically unique fossils, including recording pertinent geographic and stratigraphic information, and stabilization (preservation) methods for the specimens. The

paleontologist would also make provisions for the remains to be turned over to the collections of an appropriate repository and catalogued for future scientific study.

Monitoring for sensitive fossils would be conducted where excavation or road cuts would disturb *in situ* (in place) sedimentary rock of the Temblor, Monterey, or Paso Robles formations. Monitoring would also be conducted where excavation deeper than 2 meters (6 feet) would disturb Quaternary sediments. Scientifically important fossils would be recovered and preserved, and vertebrate microfossils would be recovered by bulk sediment sampling. To avoid delays, bulk sampling could be completed before construction excavation. When the monitoring, collection and specimen processing are done, the paleontologist would produce a final report detailing the findings of the mitigation program.

Hazardous Waste Sites

It was recommended that, before purchasing of right-of-way for sites identified as having recognized environmental concerns, Caltrans conduct a phase II assessment of the subsurface soil and groundwater if appropriate. Inspection for presence of lead-based paint and asbestos would be completed during a Preliminary Site Investigation. The inspection report would document the proper health and safety procedures and regulatory standards that must be followed to reduce hazardous exposure during demolition of such structures.

Visual

With the proposed mitigation, the landscape and the factors that contribute to the area's existing view quality would "absorb" much of the visual changes brought on by this project. For mitigation, cut and fill slopes along State Route 46 within the project limits would receive slope rounding. Rounding edges at the top of cuts would naturalize the look of the cut. Caltrans recommends that slopes be permanently stabilized after grading work to reduce the amount of erosion. Slopes would be cut or filled at a 2-to-1 ratio or flatter to help stabilize slopes and create visual cohesion with the existing landscape. Slopes flatter than 4-to-1 would allow maintenance personnel to access the right-of-way with heavy equipment to mow weeds, remove trash and keep the right-of-way clean. Caltrans also recommends saving topsoil and applying it to cut slopes and other disturbed areas to enhance re-vegetation. The areas within the right-of-way would have the top 15.2 centimeters (6 inches) of soil and existing organic material bladed off and stockpiled to be reapplied over all disturbed areas at the conclusion of construction.

Native trees would be replaced at a 3-to-1 ratio. Affected property owners would be compensated for the loss of landscaping and encouraged to replant and establish landscaping. Colorful vegetative growth would soften the visual impacts to the newly

constructed highway. Seed mixes would, as closely as possible, resemble and blend in with existing vegetation. All disturbed areas of the new alignments of State Route 46 would receive erosion control and storm water runoff control measures.

The project is subject to Executive Order 13112, which prevents the introduction and spread of plants and animals not native to the United States. FHWA implements Executive Order 13112 on highway rights of way. Caltrans require material sites to be inspected and certified free of noxious weeds before materials can be moved onto a project. Earthmoving equipment would be cleaned before being moved onto the project site. Only native seed certified free of weeds would be used for erosion control, and Caltrans has in place procedures for certifying and identifying weed-free straw for temporary erosion control. These measures along with the planting of native vegetation species would ensure that the provisions of Executive Order 13112 are maintained on this project.

Appendix G U.S. Fish and Wildlife Service Species Lists

Federal Endangered and Threatened Species that may be Affected by Projects in the LOST HILLS 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)
Plants
Caulanthus californicus - California jewelflower (E)
Monolopia congdonii (=Lembertia congdonii) - San Joaquin woolly-threads (E)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)

Branta canadensis leucopareia - Aleutian Canada goose (D)
Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Eriastrum hooveri - Hoover's eriastrum (= woolly-star) (D)
Layia munzii - Munz's tidy-tips (SC)

Species with Critical Habitat Proposed or Designated in this Quad

None

Federal Endangered and Threatened Species that may be Affected by Projects in the SHALE POINT 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Buteo regalis - ferruginous hawk (SC)

Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Eriogonum temblorense - Temblor buckwheat (SC)

Federal Endangered and Threatened Species that may be Affected by Projects in the EMIGRANT HILL 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)
Plants
Caulanthus californicus - California jewelflower (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Branta canadensis leucopareia - Aleutian Canada goose (D)

Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Eriogonum temblorense - Temblor buckwheat (SC)

Species with Critical Habitat Proposed or Designated in this Quad

None

Federal Endangered and Threatened Species that may be Affected by Projects in the SHALE POINT 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)

Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)
Mammals
Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)
Plants
Eriogonum temblorense - Temblor buckwheat (SC)

Species with Critical Habitat Proposed or Designated in this Quad

None

Federal Endangered and Threatened Species that may be Affected by Projects in the SAWTOOTH RIDGE 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)
Plants
Caulanthus californicus - California jewelflower (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)

Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Plegadis chihi - white-faced ibis (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Caulanthus coulteri var lemmonii - Lemmon's jewelflower (SLC)
Delphinium recurvatum - recurved larkspur (SC)
Eriogonum temblorense - Temblor buckwheat (SC)
Lepidium jaredii var. jaredii - Carrizo (=Jared's) peppergrass (SC)

Species with Critical Habitat Proposed or Designated in this Quad

None

Federal Endangered and Threatened Species that may be Affected by Projects in the ORCHARD PEAK 7 1/2 Minute Quad

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Fish
Hypomesus transpacificus - delta smelt (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Fish
Pogonichthys macrolepidotus - Sacramento splittail (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)

Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Selasphorus rufus - rufous hummingbird (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)

Mammals

Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)

Plants

Caulanthus coulteri var lemmonii - Lemmon's jewelflower (SLC)
Eriogonum temblorense - Temblor buckwheat (SC)
Layia heterotricha - pale-yellow layia (SC)
Lepidium jaredii var. album - Panoche peppergrass (SC)
Madia radiata - showy (=golden) madia (SC)

Species with Critical Habitat Proposed or Designated in this Quad

None

Federal Endangered and Threatened Species that may be affected by projects in San Luis Obispo County (Carrizo Plain only)

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta longiantenna - longhorn fairy shrimp (E)
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Sorex ornatus relictus - Buena Vista Lake shrew (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)
Plants
Caulanthus californicus - California jewelflower (E)
Eremalche kernensis - Kern mallow (E)
Monolopia congdonii (=Lembertia congdonii) - San Joaquin woolly-threads (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Candidate Species

Plants
Sidalcea hickmanii ssp. parishii - Parish's sidalcea (C)

Species of Concern

Invertebrates
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta hoppingi - Hopping's blister beetle (SC)
Lytta molesta - molestan blister beetle (SC)
Fish
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Rana boylii - foothill yellow-legged frog (SC)
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Charina bottae umbratica - southern rubber boa (CA)
Clemmys marmorata marmorata - northwestern pond turtle (SC)

Clemmys marmorata pallida - southwestern pond turtle (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Birds
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Branta canadensis leucopareia - Aleutian Canada goose (D)
Buteo regalis - ferruginous hawk (SC)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Selasphorus rufus - rufous hummingbird (SC)
Strix occidentalis occidentalis - California spotted owl (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)
Mammals
Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)
Plants
Amsinckia vernicosa var. furcata - forked fiddleneck (SLC)
Atriplex cordulata - heartscale (SC)
Atriplex vallicola - Lost Hills saltbush (=crownscale) (SC)
Calycadenia villosa - dwarf calycadenia (SLC)
Caulanthus coulteri var lemmonii - Lemmon's jewelflower (SLC)
Deinandra halliana - Hall's tarplant (SC)
Delphinium californicum ssp. interius - interior California (Hospital Canyon) larkspur (SC)
Delphinium recurvatum - recurved larkspur (SC)
Eriastrum hooveri - Hoover's eriastrum (= woolly-star) (D)
Eriogonum temblorense - Temblor buckwheat (SC)
Eschscholzia lemmonii spp. kernensis - Tejon Poppy (SC)
Eschscholzia rhombipetala - diamond-petaled California poppy (SC)
Layia heterotricha - pale-yellow layia (SC)

Layia munzii - Munz's tidy-tips (SC)
Lepidium jaredii var. album - Panoche peppergrass (SC)
Lepidium jaredii var. jaredii - Carrizo (=Jared's) peppergrass (SC)
Madia radiata - showy (=golden) madia (SC)
Stylocline citroleum - oil neststraw (SC)
Stylocline masonii - Mason's nestraw (SC)

Species with Critical Habitat Proposed or Designated in this County

vernal pool invertebrates (X) vernal pool plants (X)

Federal Endangered and Threatened Species that may be affected by projects in Kern County (Central Valley only)

Database Last Updated: March 1, 2004
Today's Date is: March 9, 2004

Listed Species

Invertebrates
Branchinecta longiantenna - longhorn fairy shrimp (E)
Branchinecta lynchi - vernal pool fairy shrimp (T)
Desmocerus californicus dimorphus - valley elderberry longhorn beetle (T)
Euproserpinus euterpe - Kern primrose sphinx moth (T)
Amphibians
Rana aurora draytonii - California red-legged frog (T)
Reptiles
Gambelia (=Crotaphytus) sila - blunt-nosed leopard lizard (E)
Thamnophis gigas - giant garter snake (T)
Birds
Empidonax traillii extimus - southwestern willow flycatcher (E)
Gymnogyps californianus - California condor (E)
Haliaeetus leucocephalus - bald eagle (T)
Vireo bellii pusillus - Least Bell's vireo (E)
Mammals
Dipodomys ingens - giant kangaroo rat (E)
Dipodomys nitratoides nitratoides - Tipton kangaroo rat (E)
Ovis canadensis californiana - Sierra Nevada (=California) bighorn sheep (E)
Sorex ornatus relictus - Buena Vista Lake shrew (E)
Vulpes macrotis mutica - San Joaquin kit fox (E)
Plants
Caulanthus californicus - California jewelflower (E)
Eremalche kernensis - Kern mallow (E)
Monolopia congdonii (=Lembertia congdonii) - San Joaquin woolly-threads (E)
Opuntia treleasei - Bakersfield cactus (E)
Pseudobahia peirsonii - San Joaquin adobe sunburst (T)
Sidalcea keckii - Keck's checker-mallow (=checkerbloom) (E)

Proposed Species

Amphibians
Ambystoma californiense - California tiger salamander (PT)

Candidate Species

Amphibians
Rana muscosa - mountain yellow-legged frog (C)
Birds
Coccyzus americanus occidentalis - Western yellow-billed cuckoo (C)

Species of Concern

Invertebrates
Helminthoglypta callistoderma - Kern shoulderband snail (SC)
Linderiella occidentalis - California linderiella fairy shrimp (SC)
Lytta hoppingi - Hopping's blister beetle (SC)

Lytta moesta - moestan blister beetle (SC)
Lytta molesta - molestan blister beetle (SC)
Lytta morrisoni - Morrison's blister beetle (SC)
Plebulina emigdionis - San Emigdio blue butterfly (SC)
Speyeria egleis tehachapina - Tehachapi mountain silverspot butterfly (SC)
Fish
Lampetra hubbsi - Kern brook lamprey (SC)
Oncorhynchus (=Salmo) mykiss gilberti - Kern River rainbow trout (SC)
Spirinchus thaleichthys - longfin smelt (SC)
Amphibians
Batrachoseps relictus (=pacificus) - relictual slender salamander (SC)
Batrachoseps simatus - Kern Canyon slender salamander (CA)
Batrachoseps sp - Breckenridge Mt. slender salamander (SC)
Batrachoseps stebbinsi - Tehachapi slender salamander (CA)
Ensatina eschscholtzii croceator - yellow-blotched ensatina (SC)
Rana boylii - foothill yellow-legged frog (SC)
Spea hammondii - western spadefoot toad (SC)
Reptiles
Anniella pulchra pulchra - silvery legless lizard (SC)
Charina bottae umbratica - southern rubber boa (CA)
Clemmys marmorata marmorata - northwestern pond turtle (SC)
Clemmys marmorata pallida - southwestern pond turtle (SC)
Lichanura trivirgata - rosy boa (SC)
Masticophis flagellum ruddocki - San Joaquin coachwhip (=whipsnake) (SC)
Phrynosoma coronatum frontale - California horned lizard (SC)
Xantusia vigilis sierrae - Sierra night lizard (SC)
Birds
Accipiter gentilis - northern goshawk (SC)
Agelaius tricolor - tricolored blackbird (SC)
Athene cunicularia hypugaea - western burrowing owl (SC)
Baeolophus inornatus - oak titmouse (SLC)
Branta canadensis leucopareia - Aleutian Canada goose (D)
Buteo regalis - ferruginous hawk (SC)
Buteo Swainsoni - Swainson's hawk (CA)
Calypte costae - Costa's hummingbird (SC)
Carduelis lawrencei - Lawrence's goldfinch (SC)
Chaetura vauxi - Vaux's swift (SC)
Charadrius montanus - mountain plover (SC)
Cinclus mexicanus - American dipper (SLC)
Cypseloides niger - black swift (SC)
Elanus leucurus - white-tailed (=black shouldered) kite (SC)
Empidonax traillii brewsteri - little willow flycatcher (CA)
Falco peregrinus anatum - American peregrine falcon (D)
Grus canadensis tabida - greater sandhill crane (CA)
Lanius ludovicianus - loggerhead shrike (SC)
Melanerpes lewis - Lewis' woodpecker (SC)
Numenius americanus - long-billed curlew (SC)
Otus flammeolus - flammulated owl (SC)
Picoides albolarvatus - white-headed woodpecker (SC)
Picoides nuttallii - Nuttall's woodpecker (SLC)
Plegadis chihi - white-faced ibis (SC)

Selasphorus rufus - rufous hummingbird (SC)
Strix occidentalis occidentalis - California spotted owl (SC)
Toxostoma lecontei macmillanorum - San Joaquin LeConte's thrasher (SC)
Toxostoma redivivum - California thrasher (SC)
Mammals
Ammospermophilus nelsoni - San Joaquin (=Nelson's) antelope squirrel (CA)
Corynorhinus (=Plecotus) townsendii townsendii - Pacific western big-eared bat (SC)
Dipodomys nitratoides brevinasus - short-nosed kangaroo rat (SC)
Euderma maculatum - spotted bat (SC)
Eumops perotis californicus - greater western mastiff-bat (SC)
Martes pennanti - fisher (SC)
Myotis ciliolabrum - small-footed myotis bat (SC)
Myotis evotis - long-eared myotis bat (SC)
Myotis thysanodes - fringed myotis bat (SC)
Myotis volans - long-legged myotis bat (SC)
Myotis yumanensis - Yuma myotis bat (SC)
Onychomys torridus ramona - Southern grasshopper mouse (SC)
Onychomys torridus tularensis - Tulare grasshopper mouse (SC)
Perognathus alticola inexpectatus - Tehachapi white-eared pocket mouse (SC)
Perognathus inornatus - San Joaquin pocket mouse (SC)
Spermophilus mohavensis - Mohave ground squirrel (CA)
Vulpes vulpes necator - Sierra Nevada red fox (CA)
Plants
Amsinckia vernicosa var. furcata - forked fiddleneck (SLC)
Astragalus ertterae - Walker Pass (=Ertter's) milk-vetch (SC)
Atriplex cordulata - heartscale (SC)
Atriplex depressa - brittlescale (SC)
Atriplex erecticaulis - Earlimart orache (=erectstem saltbush) (SLC)
Atriplex minuscula - lesser saltscale (SC)
Atriplex subtilis - subtle orache (SLC)
Atriplex tularensis - Bakersfield saltbush (=smallscale) (CA)
Atriplex vallicola - Lost Hills saltbush (=crownscale) (SC)
Calochortus palmeri var. palmeri - Palmer's mariposa lily (SC)
Calochortus striatus - alkali mariposa lily (SC)
Calochortus westonii - Shirley Meadows mariposa lily (=star-tulip) (SC)
Calycadenia villosa - dwarf calycadenia (SLC)
Caulanthus coulteri var lemmonii - Lemmon's jewelflower (SLC)
Cirsium crassicaule - slough thistle (SC)
Clarkia tembloriensis ssp. calientensis - Caliente (=Vasek's) clarkia (SC)
Clarkia xantiana (=parviflora) - Kern Canyon clarkia (SLC)
Cordylanthus mollis ssp. hispidus - hispid bird's-beak (SC)
Cupressus nevadensis - Piute cypress (SC)
Deinandra halliana - Hall's tarplant (SC)
Delphinium californicum ssp. interius - interior California (Hospital Canyon) larkspur (SC)
Delphinium recurvatum - recurved larkspur (SC)
Eriastrum hooveri - Hoover's eriastrum (= woolly-star) (D)
Eriogonum breedlovei var. breedlovei - Piute (=Breedlove's) buckwheat (SC)
Eriogonum kennedyi var. pinicola - Cache Peak buckwheat (SC)
Eriogonum temblorense - Temblor buckwheat (SC)
Eriophyllum lanatum var. hallii - Ft. Tejon woolly-sunflower (SC)

Eschscholzia lemmonii spp. kernensis - Tejon Poppy (SC)
Eschscholzia minutiflora ssp. twisselmannii - red rock (=Twisselmann's dwarf) poppy (SC)
Eschscholzia procera - Kernville poppy (SC)
Eschscholzia rhombipetala - diamond-petaled California poppy (SC)
Fritillaria striata - Greenhorn adobe-lily (CA)
Layia heterotricha - pale-yellow layia (SC)
Layia leucopappa - Comanche layia (SC)
Layia munzii - Munz's tidy-tips (SC)
Lepidium jaredii var. album - Panoche peppergrass (SC)
Lepidium jaredii var. jaredii - Carrizo (=Jared's) peppergrass (SC)
Lewisia disepala - Yosemite lewisia (SC)
Linanthus serrulatus - Madera linanthus (SLC)
Lomatium shevockii - Owens Peak lomatium (SC)
Madia radiata - showy (=golden) madia (SC)
Mimulus pictus - calico monkeyflower (SC)
Mimulus shevockii - Kelso Creek monkeyflower (SC)
Monardella linoides ssp. oblonga - flax-like monardella (SC)
Navarretia setiloba - Piute Mountains navarretia (SC)
Nemacladus twisselmannii - Twisselmann's nemacladus (SC)
Perideridia gairdneri ssp. gairdneri - Gairdner's yampah (SC)
Phacelia nashiana - Charlotte's phacelia (SC)
Phacelia novenmillensis - Nine Mile Canyon phacelia (SC)
Pterygoneurum californicum - California pterygoneurum moss (SC)
Ribes menziesii var ixoderme - aromatic canyon gooseberry (SLC)
Streptanthus cordatus var. piutensis - Piute Mountains jewelflower (SC)
Stylocline citroleum - oil neststraw (SC)
Stylocline masonii - Mason's nestraw (SC)
Tortula californica - California tortula moss (SLC)
Twisselmannia californica - King's gold (SC)

Species with Critical Habitat Proposed or Designated in this County

California condor (E)
Keck's checker-mallow (PX)
southwestern willow flycatcher (E)
vernal pool invertebrates (X)
vernal pool plants (X)

Appendix H Comments and Responses

This appendix addresses the comments received on the Environmental Assessment/Initial Study. The Environmental Assessment/Initial Study was distributed for public review and comment from April 7, 2003 to June 9, 2003. A public hearing was held on May 7, 2003 to further solicit public comment on the document. This appendix of the presents all of the written comments received on the Environmental Assessment/Initial Study during the public review period and responses to those comments.

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

June 17, 2003

Judith Lopez
Department of Transportation, District 6
2015 E. Shields, Suite 100
Fresno, CA 93726

Subject: State Route 46 4-Lane Widening Project
SCH#: 2003041036

Dear Judith Lopez:

The enclosed comment (s) on your Joint Document was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 5, 2003. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2003041036) when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

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San Luis Obispo - Kern 46 4-Lane Widening

Public Hearing/Informational Meeting
May 7, 2003

NAME: DOYLE GREEN

ADDRESS: 29449 STOCKDALE HIGHWAY **CITY:** BAKERSFIELD **ZIP:** 93312

REPRESENTING: CALIF HWY PATROL - 661-764-5580

Do you wish to be added to the project mailing list? ☒ **YES** ☐ **NO**

Please drop comments in the Comment Box or

Mail to: **CALTRANS CENTRAL REGION**
ATTN: Judith Lopez
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
E-mail: judith_lopez@dot.ca.gov

I would like the following comments filed in the record (please print):

I TALKED TO SHAHIN MANSOUR, REGARDING THE BUSINESS ON 46 JUST W. OF I-5. (DENNY'S, BEACON, PILOT TRUCK STOP, ETC) NEW BUSINESSES SUCH AS LOVE'S TRUCK STOP HAVE OPENED. WHAT WILL BE PUT IN PLACE TO ASSIST TRAFFIC TO GET BACK TO I-5 SAFELY AFTER VISITING THE BUSINESSES ON THE NORTH SIDE OF 46? TRAFFIC LIGHT? A COLLECTOR ROAD? LIMITING ACCESS/RETURN FROM EACH BUSINESS? OR WILL ALL BE REQUIRED TO MAKE A RIGHT TURN AND THEN MAKE U-TURN TO HEAD BACK EAST TO I-5? THANKS D. Green, BAKERSFIELD CHP

Closing response date is June 9, 2003

Caltrans

US Department of Transportation
Federal Highway Administration

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Response to Doyle Green, California Highway Patrol

Improvements to State Route 46 just west of Interstate 5 would be made as warranted; however, no decisions have been made at this time. Since the project is scheduled to be built approximately 10 years in the future, the project would be re-examined to find out if additional work would be needed.

Winston H. Hickox
Secretary for Environmental Protection

California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair

Fresno Branch Office
Internet Address: http://www.swrcb.ca.gov/~rwqcb5
1685 E Street, Fresno, California 93706-2020
Phone (559) 445-5116 • FAX (559) 445-5910

Gray Davis
Governor

7 May 2003

Judith Lopez
Department of Transportation
District 6 Office
2015 East Shields, Suite 100
Fresno, CA 93726

COMMENTS ON ENVIRONMENTAL ASSESSMENT/INITIAL STUDY, STATE ROUTE 46 LANE WIDENING PROJECT, DEPARTMENT OF TRANSPORTATION, KERN AND SAN LUIS OBISPO COUNTIES, SCH NO. 2003041036

The subject Environmental Assessment/Initial Study for the subject project proposed by the Department of Transportation (Caltrans) was received on 7 April 2003. The project includes widening a 39.3-mile segment of State Route 46 from its junction with State Route 41 in San Luis Obispo County to just east of the West Side Canal in Kern County.

Construction associated with the project requires compliance with the National Pollutant Discharge Elimination System (NPDES) Permit For Storm Water Discharges From The State Of California, Department Of Transportation (Caltrans) Properties, Facilities, and Activities (Order No. 99-06-DWQ). Before construction begins, Caltrans must submit a Notification of Construction to this office, and a storm water pollution prevention plan must be prepared.

As the project will involve the discharge of dredged or fill material into navigable waters or wetlands (jurisdictional waters), Caltrans must obtain a permit pursuant to Section 404 of the Clean Water Act from the US Army Corps of Engineers and 401 Water Quality Certification (Certification) from this office. The Regional Board will review the Water Quality Certification application to ensure the discharge will not violate water quality standards. If aspects of the project will result in a discharge of dredged or fill material into waters, including wetlands, that are determined by the Corps to be non-jurisdictional, Caltrans will not be required to obtain a 401 Water Quality Certification, but may be required to submit a report of waste discharge (ROWD) pursuant to California Water Code, Section 13260. The Regional Board will then either prescribe waste discharge requirements (WDRs) or issue a waiver of waste discharge requirements. If WDRs are adopted, they will incorporate measures to mitigate potentially significant impacts to water quality and potential public nuisances.

Judith Lopez - 2 - 7 May 2003

Thank you for the opportunity to comment on this Environmental Assessment/Initial Study. If you have any questions regarding our comments, please call me at (559) 445-6071.

BRIAN ERLANDSEN
Environmental Scientist

cc: State Clearinghouse

Response to Brian Erlandsen, California Regional Water Quality Control Board - Central Valley Region

Comment noted.

Your letter, dated May 7, 2003, was forwarded to the transportation engineer as well as to the Caltrans District 6 National Pollutant Discharge Elimination System Coordinator. The District National Pollutant Discharge Elimination System Coordinator is responsible for the day-to-day implementation of the permit and Storm Water Management Plan following the Caltrans *Storm Water Quality Handbooks - Construction Site Best Management Practices Manual*.

Caltrans would obtain a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and the permit Section 401 Water Quality Certification from your office. A Report of Waste Discharge would not be required because the project involves jurisdictional waters subject to Section 404 permit.

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

June 11, 2003

Mr. Michael Donahue
California Department of Transportation
Southern Sierra Environmental Analysis Branch
2015 E. Shields, Suite 100
Fresno, CA 93726

State Route 46 4-Lane Widening Project, San Luis Obispo and Kern Counties,
SCH 2003041036

Dear Mr. Donahue:

Thank you for the opportunity to review and comment on the Environmental Assessment/Initial Study for the Route 46 4-Lane Widening Project in San Luis Obispo and Kern counties. After reviewing the study, there are two portions of the State Water Project that will be affected. The first is the Coastal Aqueduct along the first Kern Segment near the Antelope Pumping Plant and the second is the California Aqueduct crossing on the second Kern Segment at Lost Hills.

The Department of Water Resources has reviewed preliminary plans for the widening of Highway 46 at the Antelope Pumping Plant. All three alternatives will affect the Coastal Aqueduct, with one alternative requiring the relocation of the pipeline. Cost estimates for the retrofit/relocation of the Coastal Aqueduct have been sent to Caltrans for review.

The second affected area will be the new bridge across the California Aqueduct at Lost Hills. Caltrans designers should consult with DWR engineers during the design phase so the required DWR criteria are met with respect to bridges crossing the aqueduct. The bridge should be a single span structure since new pier construction inside the canal prism is not allowed. Water deliveries during the summer require the aqueduct to remain fully operational, so any construction that would reduce flows is not permitted. Any construction within DWR's right of way will require an Encroachment Permit. For questions regarding a permit, please contact Cliff Winston, DWR Division of Land and Right of Way, at (916) 653-5361.

Mr. Mike Donahue
June 11, 2003
Page 2

If you have any questions, please call Elena Behnam, Chief of Maintenance Engineering Section, at (916) 653-0344 or Mark Herold at (916) 736-3557.

Sincerely,

Gary Gravier, Chief
Water and Plant Engineering Office
Division of Operations and Maintenance

cc: Elena Behnam/649-2
Jeff Said/San Joaquin Field Division
Cliff Winston/425

State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, California 95814

Response to Gary Gravier, State of California Department of Water Resources

Comment noted. Department of Water Resources would be consulted during bridge design and acqueduct crossing in the final design stages of the project.

DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

DIVISION OF
LAND RESOURCE
PROTECTION

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430

TDD
916/324-2555

INTERNET
consrv.ca.gov

GRAY DAVIS
GOVERNOR

May 9, 2003

VIA FACSIMILE (559) 445-6259
Mr. Mike Donahue, Branch Chief
Attention: Judith Lopez
Caltrans Southern Sierra Environmental Analysis Branch
2015 E. Shields, Suite 100
Fresno, CA 93726

Subject: State Route 46 4-Lane Widening Project Environmental Assessment/Initial Study Negative Declaration (ND) - SCH# 2003041036, San Luis Obispo and Kern Counties

Dear Mr. Donahue:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the ND for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments with respect to the project's impacts on agricultural land and resources.

Project Description

The proposed project is the improvement by the California Department of Transportation (Caltrans) and the Federal Highway Administration of State Route 46 (SR 46) from a two-lane roadway to a four-lane expressway. It covers the route from just east of the junction of State Routes 41 and 46 (the "Wye") in San Luis Obispo County to just east of the West Side Canal near Interstate 5 in Kern County, a distance of 39.3 miles. The purpose is to improve safety and service, reduce congestion and provide route continuity. This project and others will provide a continuous four-lane expressway from Highway 101 in San Luis Obispo County to Interstate 5 in Kern County. The project has been designed in three segments. Land use in and around the project area is agricultural, commercial, residential and light industrial. The properties surrounding the highway are used primarily for agriculture.

According to the ND, the project area consists of Prime Farmland and Farmland of Local Importance as designated by the Division's Farmland Mapping and Monitoring Program. The project would require 494 acres of

right-of-way, of which 125.5 acres are agricultural lands, including 101.03 acres of Prime Farmland. The ND uses the federal Farmland Conversion Impact Rating (FCIR) to determine the significance of farmland loss. Ratings for the three segments are 125, 128 and 145, below the threshold of 160 that requires mitigation. The ND does not state whether Williamson Act contract land is affected by the project. However, the Environmental Checklist denotes "No Impact" regarding conflict with a Williamson Act contract. 1

The ND states that cumulative impacts were evaluated in the Counties General Plans' environmental documents, but does not state the results of the evaluations. Because of existing constraints involving endangered species, land use policies and underlying zoning and the lack of adequate existing infrastructure, the project is not expected to accelerate growth in the area. 2

Summary of Department Concerns and Recommendations

The Department is concerned about the accuracy and validity of the Farmland Conversion Impact Ratings for this project as well as the evaluation and significance determination of cumulative impacts. We recommend that Caltrans reevaluate farmland impacts and provide appropriate mitigation as part of a Mitigated Negative Declaration (MND) or circulate an Environmental Impact Report (EIR) for this project as has been done for that portion of SR 46 improvement from Paso Robles to Cholame (SCH# 2000011033). We also recommend that the appropriate agency provide the Department with required notification regarding any cancellation or public agency acquisition of land under Williamson Act contract required for this project. In this regard, we offer the following comments. 3

Project Impacts on Agricultural Land

As discussed below, the project appears to involve Williamson Act land, in which case the FCIR should be revised to account for protected land impacted. Under such revision, at lease one route segment would exceed the threshold rating of 160 and require mitigation. 4

In general, the FCIR does not appear to account for the amount of farmland loss. For example, if all other factors were equal, it appears that the rating would be the same for a conversion of five acres as for 500 acres. If, however, the size of farmland loss is accounted for in the FCIR, segmenting the project into three ratings would mathematically reduce its effect in comparison to one rating for the entire project. This project converts a total of 101 acres of Prime Farmland. The Department considers this a significant adverse impact requiring mitigation through a MND or evaluation in an EIR. We recommend that Caltrans explain how the FCIR adequately evaluates the project's 5

total amount of farmland loss or provide an evaluation that accounts for total loss rather than segmenting that loss.

Caltrans may want to utilize the California Land Evaluation and Site Assessment (LESA) Model as a measure of impact significance rather than the FCIR. The LESA appears to be a more comprehensive model, including the amount of acreage converted, Williamson Act land and surrounding agricultural land. It was developed for projects in California and is recommended by CEQA. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available from the Division at the contact listed below. 6

As noted above, the ND states that cumulative impacts were evaluated in the Counties General Plans' (GP) environmental documents, but does not provide the results of the evaluations. The San Luis Obispo General Plan Transportation Element available on the County's website states that SR 46 from Cholame to Kern County is not recommended for widening to four lanes. This would appear to contradict the ND statement, but the Department has not been able to access the environmental documents in preparing these comments. The ND does not indicate that it is "tiered" from the GP environmental documents. Even if "tiering" is appropriate in this case, it is not clear that the ND's limited reference is sufficient to justify a ND for this project. Furthermore, the ND states that there are other SR 46 improvement projects in process, which indicates the potential for significant cumulative impacts. As noted above, Caltrans has circulated an EIR for the four-lane widening of SR 46 from Paso Robles to Cholame. These two projects convert as many as 134 acres of prime and important farmland. The Department considers this a significant cumulative impact requiring mitigation through a MND or evaluation in an EIR. The ND states that there are five projects affecting SR 46 route continuity. At some point, the cumulative loss of agricultural land must be considered significant. 7 8 9

In addition, a recent appeals court ruling in Communities for Better Environment, et al. v. California Resources Agency, et al. (2002) has invalidated CEQA Guideline §15152(f)(3)(c) regarding "tiered" environmental analyses and reliance upon a prior Statement of Overriding Consideration. 10

Finally, the use of an EIR for one portion of SR 46 improvement and a ND for another portion, in addition to segmenting the route within each project for the purpose of agricultural impact analysis, has the appearance of "piecemealing" to not only avoid circulating an EIR but to avoid a determination of significant agricultural impact and required mitigation. To eliminate this appearance and to adequately evaluate agricultural impacts as discussed above, the Department recommends mitigation through a MND or circulation of an EIR for this project. 11

Williamson Act Lands

As noted above, the ND text does not indicate whether the project involves Williamson Act land. The Environmental Checklist, however, denotes "No Impact" regarding conflict with a Williamson Act contract. In contradiction to this, the Williamson Act maps for San Luis Obispo and Kern Counties show SR 46 from the "Wye" to Interstate 5 traversing land that is predominantly under Williamson Act contract(s). Most of the contracted land is prime agricultural land according to Government Code Section 51201(c). Based on this map information and the presumed termination of contract(s) to accommodate the project, the Department considers the project to have potentially significant agricultural impacts requiring mitigation through a MND or analysis in an EIR. 12

Please note that some project analyses may refer to CEQA Guideline §15206(b)(3) in stating that a project's impacts are significant if they would "result in the cancellation of a Williamson Act contract for a parcel of 100 acres or more." However, this CEQA section actually provides one in a list of criteria for determining when a project is of greater than local significance such that it must be reviewed by state agencies. It is not a threshold criterion under which impacts are determined to be less than significant.

The MND or EIR should identify the Williamson Act parcels, contracts and preserves impacted by the project, as well as whether the land is prime or nonprime agricultural land according to §51201(c). In addition, it should provide a map showing the location of the Williamson Act land within the project study area. 13

The MND or EIR should also discuss the method planned for termination of the involved Williamson Act contracts. As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for "extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Furthermore, it has been held that "cancellation is inconsistent with the purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

Only the landowner may submit a petition for cancellation. If cancellation is proposed, the local entity must notify the Department prior to a board or council's consideration of the proposal for tentative cancellation (Government Code §51284.1). The board or council must consider the Department's comments prior to making a decision on the proposal. Required findings must be made by the board or council in order to approve tentative cancellation. We recommend that the MND or EIR include discussion of how cancellations involved in this project would meet required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation (the notice should be mailed to Darryl Young, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 13-71, Sacramento, CA 95814-3528).

Acquisition of Williamson Act land by a public agency for a public improvement, regardless of whether it involves an interest in fee or easement, requires the agency to notify the Department upon consideration of the acquisition (Government Code sections 51290 - 51292) and to make specific findings. The property must be acquired by eminent domain or in lieu of eminent domain in order to void the contract. The public agency must consider the Department's comments prior to taking action on the proposed acquisition. We recommend discussion in the MND or EIR of whether such action is envisioned by this project and how the acquisition will meet the required findings. However, notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above. 14

Mitigation Measures

The Department encourages the purchase of agricultural conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. We also recommend this ratio if a Williamson Act contract is terminated or if growth inducing or cumulative agricultural impacts are involved and an increased ratio for projects involving a combination of these impacts. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. **Caltrans District 11, for example, has utilized agricultural conservation easement mitigation.** It follows a rationale similar to that of wildlife habitat mitigation. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. Agricultural conservation easements will protect a portion of those remaining resources and lessen project impacts in accordance with CEQA Guideline §15370. 15

Mitigation using agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements or the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance, and the search for mitigation lands conducted regionally or statewide and not limited strictly to lands within the project's surrounding area.

Information about agricultural conservation easements and the Williamson Act is available on the Department's website or by contacting the Division at the address and phone number listed below. The Department's website address is:

http://www.conservation.ca.gov/dlrp/index.htm

Thank you for the opportunity to comment on this ND. The Department looks forward to receiving your response. If you have questions on our comments or require technical

assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 13-71, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,

Erik Vink
Assistant Director

cc: State Clearinghouse

Upper Salinas-Las Tablas Resource Conservation District
65 Main Street, Suite 108
Templeton, CA 93465

Western Kern Resource Conservation District
c/o Antelope Ranch-General Delivery
Cholame, CA 93431

Response to Erik Vink, Assistant Director, State of California, Department of Conservation

Comment #1:

The Negative Declaration does not state whether Williamson Act contract land is affected by the project. However, the Environmental Checklist denotes "No Impact regarding conflict with a Williamson Act contract."

Response: Approximately 84.5 hectares (211 acres) from 52 Williamson Act contracts would be needed for the project right-of-way. The remaining portions (average less than 5 acres) from the 52 large (contracts average over 120 acres) Williamson Act contracts would not result in the cancellation of the remaining lands under contract. The project would provide transportation improvements for the agricultural community. Therefore, there is no project conflict with Williamson Act contracts in the project area.

Comment #2:

The ND states that cumulative impacts were evaluated in the Counties General Plans' environmental documents, but does not state the results of the evaluations.

Response: The General Plans of Kern County and San Luis Obispo County designate 90% of the project area for agricultural use. The Kern County and San Luis Obispo County General Plans list existing constraints involving land use policies, topography, and infrastructure within the project area that limit the project's cumulative and growth-inducing impacts. The reference to the General Plan environmental documents was incorrect and was deleted from the text.

Comment #3:

We also recommend that the appropriate agency provide the Department with required notification regarding any cancellation or public agency acquisition of land under Williamson Act contract required for this project.

Response: The recommendations under "Summary of Department Concerns and Recommendations" are noted. The Farmland Conversion Impact Rating forms for the project have been re-evaluated and are discussed under Comment #4. Farmland impacts for California Environmental Quality Act purposes are not significant as discussed in Comment #4 also. A separate State Department of Conservation notification letter pursuant to Government Code Section 51291(b) would be sent.

Comment #4:

As discussed below, the project appears to involve Williamson Act land, in which case the FCIR should be revised to account for protected land impacted. Under such revision, at lease one route segment would exceed the threshold rating of 160 and require mitigation.

Response: The federal Farmland Conversion Impact Rating forms for each of the project segments has been modified. A 20-point score for Farmland Conversion Impact Rating Criteria 4 (Protection Provided by State and Local Government) has increased each project Farmland Conversion Impact Rating score in Appendix C. Overall, the three projects' overall Farmland Conversion Impact Rating score (150.6 score) remains below the threshold rating of 160. Ratings over 160 points would require mitigation consideration.

Farmland Conversion Impact Ratings

Project	Kilometers (Miles)	Project Score	Overall Score
Project 1 - San Luis Obispo	9.2 (5.8)	144.6	
Project 2 - Kern County (0.0/7.3)	11.7 (7.3)	165	150.6
Project 3 - Kern County (7.3/33.5)	42.1 (26.2)	148	

Comment #5:

If, however, the size of farmland loss is accounted for in the FCIR, segmenting the project into three ratings would mathematically reduce its effect in comparison to one rating for the entire project. This project converts a total of 101 acres of Prime Farmland. The Department considers this a significant adverse impact requiring mitigation through a MND or evaluation in an EIR. We recommend that Caltrans explain how the FCIR adequately evaluates the project's total amount of farmland loss or provide an evaluation that accounts for total loss rather than segmenting that loss.

Response: The Federal Farmland Conversion Impact Rating form information and analysis are the nationally accepted methodology to address project farmland impacts. The Farmland Conversion Impact Rating places emphasis on the quality of the farmland, farming infrastructure, urban pressures, and other factors. Parcel size is just one criterion in the Farmland Conversion Impact Rating score. As indicated in Comment #4, combining the three projects' Farmland Conversion Impact Rating scores results in an

overall project score of 150.6. A Farmland Conversion Impact Rating score of 150.6 is still below the threshold ratio of 160 where consideration of mitigation is required.

Comment #6:

Caltrans may want to utilize the California Land Evaluation and Site Assessment (LESA) Model as a measure of impact significance rather than the FCIR. The LESA appears to be a more comprehensive model, including the amount of acreage converted, Williamson Act land and surrounding agricultural land. It was developed for projects in California and is recommended by CEQA. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available from the Division at the contact listed below.

Response: Appendix G of *Guidelines for Implementation of the California Environmental Quality Act* notes that the "California Land Evaluation and Site Assessment Model is optional." This environmental analysis is a blended National Environmental Protection Act and California Environmental Quality Act document. Caltrans and the Federal Highway Administration have used the Farmland Conversion Impact Rating to determine impacts on farmland.

Comment #7:

The San Luis Obispo General Plan Transportation Element available on the County's website states that SR 46 from Cholame to Kern County is not recommended for widening to four lanes.

Response: The reference to General Plan environmental documents discussing the State Route 46 project cumulative impacts was incorrect and has been deleted from the text. The November 1996 San Luis Obispo General Plan Land Use and Circulation Framework for Planning recommends State Route 46 between Cholame (west of the State Routes 41/46 "Wye") and the San Luis Obispo/Kern county line be improved. The 1998 San Luis Obispo County Regional Transportation Plan lists four-lane improvements between the San Luis Obispo/Kern county line and Cholame.

Comment #8:

The ND does not indicate that it is "tiered" from the GP environmental documents.

Response: This environmental document is not a "tiered" environmental document for National Environmental Protection Act or California Environmental Quality Act purposes.

Comment #9:

These two projects convert as many as 134 acres of prime and important farmland. The Department considers this a significant cumulative impact requiring mitigation through a MND or evaluation in an EIR.

Response: The Kern County and San Luis Obispo County General Plans list existing constraints involving land use policies, zoning, topography, and infrastructure within the project areas that limit each of the project's cumulative and growth-inducing impacts.

Comment #10:

In addition, a recent appeals court ruling in Communities for Better Environment, et al. V. California Resources Agency, et al. (2002) has invalidated CEQA Guideline §15152 (f)(3) regarding "tiered" environmental analyses and reliance upon a prior Statement of Overriding Consideration.

Response: The legal case cited is not relevant because the project environmental document is not a "tiered" document.

Comment #11:

Finally, the use of an EIR for one portion of SR 46 improvement and a ND for another portion, in addition to segmenting the route within each project for the purpose of agricultural impact analysis, has the appearance of piecemealing" to not only avoid circulating an EIR but to avoid a determination of significant agricultural impact and required mitigation. To eliminate this appearance and to adequately evaluate agricultural impacts as discussed above, the Department recommends mitigation through a MND or circulation of an EIR for this project.

Response: The type of environmental document selected for each of the State Route 46 projects listed was not based on impacts to farmland or Williamson Act contracts. The State Route 46 project from U.S. Highway 101 to the State Routes 46/41 "Wye" had more potential for California Environmental Quality Act significant impacts than this State Route 46 project to the east; therefore, a draft environmental impact report for that adjacent project was prepared.

This project's Farmland Impact Conversion Rating score of 150.6 was below the 160 score threshold where consideration of mitigation would be required. The acquisition of small strips of Williamson Act farmland would not require the cancellation of the contracts. Likewise, the acquisition of small strips from large farmland properties would not compromise the economic viability of individual agricultural operations. The proposed transportation improvements would be beneficial to the farming community. Therefore, the project has no significant farmland impacts for California Environmental Quality Act purposes.

Comment #12:

Most of the contracted land is prime agricultural land according to Government Code Section 51201 (c). Based on this map information and the presumed termination of contract(s) to accommodate the project, the Department considers the project to have potentially significant agricultural impacts requiring mitigation through a MND or analysis in an EIR.

Response: The project does not have significant impacts on California Williamson Act properties. See response to Comment #11.

Comment #13:

The MND or EIR should identify the Williamson Act parcels, contracts and preserves impacted by the project, as well as whether the land is prime or nonprime agricultural land according to §51201 (c).

The MND or EIR should also discuss the method planned for termination of the involved Williamson Act contracts. As a general rule, land can be withdrawn from Williamson Act contract only through the nine-year nonrenewal process. Immediate termination via cancellation is reserved for extraordinary", unforeseen situations (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Furthermore, it has been held that "cancellation is inconsistent with the purposes of the (Williamson) act if the objectives to be served by cancellation should have been predicted and served by nonrenewal at an earlier time, or if such objectives can be served by nonrenewal now" (Sierra Club v. City of Hayward).

Only the landlowner may submit a petition for cancellation. If cancellation is proposed, the local entity must notify the Department prior to a board of council's consideration of the proposal for tentative cancellation (Government Code §51284.1). The board or council must consider the Department's comments prior to making a decision on the proposal. Required findings must be made by the board or council in order to approve tentative cancellation. We recommend that the MND or EIR include discussion of how cancellations involved in this project would meet required findings.

Response: The Williamson Act Contracts/parcels have been identified in Figures H.1 and H.2. The Government Code Section 51284.1 procedure for cancellation laid out in your comment applies to individual property owners petitioning local governments to cancel their contracts and does not apply to state agencies. State agencies acquire Williamson Act contracts pursuant to Government Sections 51290-51295. State purchase of a property subject to Williamson Act contract property cancels the contract.

Comment #14:

The public agency must consider the Department's comments prior to taking action on the proposed acquisition. We recommend discussion in the MND or EIR of whether such action is envisioned by this project and how the acquisition will meet the required findings.

However, notification must be submitted separately from the CEQA process and CEQA documentation to the address noted above.

Response: A separate State Department of Conservation notification letter pursuant to Government Code Section 51291(b) will be sent. State Route 46 highway improvements are exempt [see Government Code Section 51293(e)] from the conditions under which public improvement may not be located within a preserve pursuant to Section 51292 of the Government Code. Government Code Section 51292 does, however, prohibit public agencies from acquiring contract lands based on the lower cost and requires that non-Williamson Act contract lands be acquired instead of contract land if feasible. There are no feasible non-contracted lands available within the project area. The Williamson Act contracted land covers most of the project area (see H.1 and H.2.)

Comment #15:

The Department encourages the purchase of agricultural conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. We also recommend this ratio if a Williamson Act contract is terminated or if growth inducing or cumulative agricultural impacts are involved and an increased ratio for projects involving a combination of these impacts. We highlight this measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. Caltrans District 11, for example, has utilized agricultural conservation easement mitigation. It follows a rationale similar to that of wildlife habitat mitigation.

Response: This project has no significant impact for California Environmental Quality Act purposes, as noted in the response to Comment #11; therefore, no mitigation is required. Additionally, the agricultural community receives transportation benefits from the project; therefore, no mitigation is required for project farmland impacts. Small portions of large Williamson Act contracts would be terminated, and no growth-inducing impacts are expected from the project.

Figure H.1 Project 1 - Williamson Act Contract Properties in San Luis Obispo

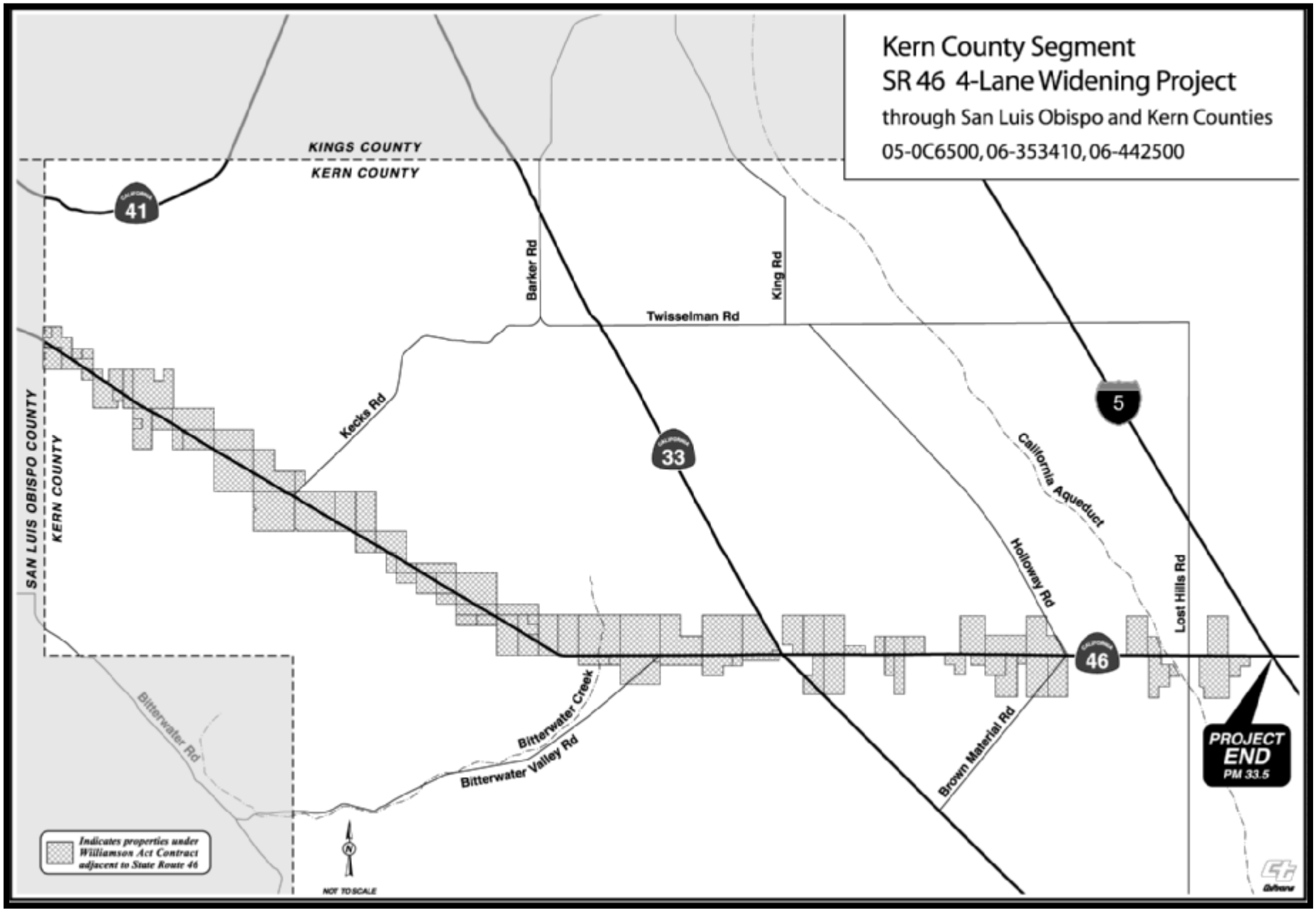

Figure H.2 Projects 2 and 3 – Williamson Act Properties in Kern County

Kern Council
of Governments

May 16, 2003

Ms. Judith Lopez,
Associate Environmental Planner
Caltrans District 6
2015 East Shields Avenue
Fresno, CA 93726

Reference: San Luis Obispo and Kern Counties State Route 46 Four-Lane Widening Project Environmental Assessment/Initial Study

Dear Ms. Lopez:

Thank you for the opportunity to comment on the above-referenced State Highway 46 widening project.

Kern Council of Governments is very much in support of this project and in adopting a mitigated negative declaration, which will allow the much-needed project to move forward in the most timely fashion.

Staff has reviewed the Environmental Assessment/Initial Study prepared by Caltrans and believes the document appropriately assesses the impacts of the proposed project. Staff offers the following comments for consideration and incorporation into the Final Environmental Assessment/Initial Study.

Page vi, paragraph 1, references the 2001 Federal Transportation Improvement Program. This should be the 2002 FTIP, which was adopted October 4, 2002. In addition, the FTIP and the RTP referenced on this page and subsequently should be included in Chapter 6: References.

Page 33, Section 3.1.1, refers to property adjacent to the highway as used mainly for agriculture. It could be pointed out that the petroleum industry has significant properties adjacent to the highway, as well.

Page 33, Section 3.1.2, references the "Regional Transportation Plan and Program" prepared by the metropolitan planning organization for Kern and San Luis Obispo Counties." Each county has its own MPO; Kern County's is the Kern Council of Governments while San Luis Obispo's is the San Luis Obispo Council of Governments. In Kern County, we prepare and publish a "Regional Transportation Plan" and no "program" *per se* is appended. The Congestion

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Management Program is incorporated into the RTP; nevertheless, Kern COG refers to it simply as the "Regional Transportation Plan."

Also on page 33, last paragraph: reference is made to the Farmland Protection Policy Act; it might help to clarify that this is a federal act, under direction of the U.S. Dept. of Agriculture.

Page 34, Section 3.2.1, provides acreage figures that are a bit confusing. No combination of the figures provided seems to add up to the total 125.5 acres. Clarification would be helpful.

Page 35, first paragraph, fourth line, seems to be missing some words, i.e., "on the health or environmental (sic) of minority..."

Page 36, fourth paragraph, states, "As of April 2001, the Environmental Protection Agency has not issued quantitative particulate matter hot spot analysis guidance." Is this the most current information? Could it be safely said that "As of May 2003..."?

Page 37, third paragraph, references a 2001 FTIP adopted on July 25, 2001. The correct reference would be to the 2002 FTIP adopted October 4, 2002.

Page 37, fourth paragraph, states "This portion...is **not** (emphasis added by writer) subject to a maintenance plan," while in fact it **is** subject to a maintenance plan for 10 years.

Page 37, Section 3.4.2, third line: should be corrected to read "suspended particulate matter"

Page 65, third paragraph, discusses soil borings performed and samples taken. However, it does not indicate the findings from these tests and only states that "the investigation would indicate..." if lead is detected in the soil. More detailed findings should be included.

Page 71, third paragraph, refers to "the environmental document for the General Plans." This implies that only one environmental document (Environment Impact Report?) was prepared for both San Luis Obispo's and Kern's General Plans.

Referencing Chapter 6, References, additional information should be provided so that the reader will know with which agency or firm the authors are connected.

Kern COG staff notes that, within Appendix B, Kern Council of Governments and Kern County Planning department should be included as contacts.

Kern COG staff's primary concern with this EA/IS is focused on the proposed mitigation measures. Per CEQA, mitigation measures must be specific, must

state which agency will have responsibility for implementation, and must indicate the timeframe under which the mitigations will be carried out. Case law also holds that "future studies" are not valid mitigation measures, nor is it sufficient to state that a mitigation measure "should" be adopted. It would be safest to indicate that a mitigation measure "shall" be adopted.

Quoting pp. 8-9 of *Citizen's Guide to the California Environmental Quality Act* (J. William Yeates, Esq., Planning and Conservation League Foundation, March 1997): Mitigated negative declarations cannot be used when they rely upon the presumed success of future mitigation measures that have not been formulated at time of project approval [*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-314]. Any proposed mitigation measure to reduce or avoid a significant adverse impact that a project may have on the environment must be made available for public review at the time the negative declaration is circulated for public review and comment prior to project approval. A mitigation measure cannot be left to be formulated in the future [*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th at 1397].

However, *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-1029, upheld a mitigation plan where "the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval".

Before publication of the final EA/IS, Kern COG respectfully requests that Caltrans review the proposed mitigation measures with the above information in mind.

Thank you again for the opportunity to comment on this document. With consideration of the above comments, Kern Council of Governments wholeheartedly supports adoption of the proposed mitigated negative declaration.

If you have any questions regarding the above, please do not hesitate to contact the undersigned at (661) 861-2191 or mbeardslee@kerncog.org.

Very truly yours,

Marilyn J. Beardslee

Marilyn J. Beardslee
Senior Planner
Transportation and Modal Planning

cc: Joe Stramaglia, Kern COG
Raquel Carabajal, Kern COG

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Response to Marilyn Beardslee, Kern Council of Governments

Below are responses to the sections and paragraphs referenced in Marilyn Beardslee's letter dated May 16, 2003 (Note: These referenced pages could have shifted a page or two in this revised document as text has been added or changed from the earlier version. In the event that referenced pages have shifted, the new pages are found at the end of each response):

Page vi, paragraph 1 - Noted.

Page 33, Section 3.1.1 – Edited to include petroleum industry properties.

Page 33, Section 3.1.2 - Noted. Edits are reflected in the final Finding of No Significant Impact/Negative Declaration with Environmental Assessment/Initial Study environmental document.

Page 33, last paragraph – Noted and added to the Affected Environment paragraph 3.2.1.

Page 34, Section 3.2.1 - Edited for clarification. Writer has emphasized that only 44 hectares (108.7 acres) out of the total 196.5 hectares (485 acres) of right-of-way needed for the project are either Prime or Farmland of Local Importance land.

Page 35, first paragraph, fourth line - Paragraph has been corrected on page 36.

Page 36, fourth paragraph – The current information is that the Environmental Protection Agency has not issued quantitative particulate matter hot spot analysis guidance. Edited to the present date on page 38.

Page 37, third paragraph - Edited to October 4, 2002 on page 38.

Page 37, fourth paragraph – Edited to state that it *is* subject to a maintenance plan on page 39.

Page 37, Section 3.4.2 – Corrected on page 39.

Page 65, third paragraph - The results of the investigation have been added in paragraph 3.13.1.1.

Page 71, third paragraph - Edited for clarification.

Chapter 6, References - Noted.

Appendix B – Kern Council of Governments and the Kern County Planning Department were added to the Coordination and Consultation section on page 95.

Appendix F, Mitigation Monitoring Program - Ultimately, Caltrans, the California Department of Fish and Game, the Federal Highway Administration, and the U.S. Fish

and Wildlife Service must approve the Mitigation Monitoring Program proposed before project approval is in Appendix F of this environmental document.

PACIFIC ALMOND COMPANY
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Telephone: (661) 465-5661 ~ Fax: (661) 465-5663

Mehran Akhavan
Project Manager
State of California
Department of Transportation
2015 E Sheilds, Suite 100
Fresno, CA 93726

Monday, July 21, 2003

RE: STATE ROUTE 46 KERN COUNTY

Mr. Akhavan:

My name is Jeff Ferguson, manager for Pacific Almond Co., an almond hulling/shelling and processing company. We are located on HWY 46 approx. 8 miles west of HWY 33 outside Lost Hills, CA.

It has been brought to my attention that there are tentative plans to reconstruct HWY 46 into an expressway past our facility to the south of the BMWD canal. So far, no planning official has contacted our company for our input and concerns regarding the plans.

You will understand that we are first of all concerned about safety. Secondly, we worry about access to the expressway and where that access will be provided. During harvest season, August to November, we have many of trucks rolling on and off the premises via HWY 46. During the remainder of the year we have a steady traffic of trucks delivering product for further processing/packing and picking up finished product.

During the fog season that can start as early as late October, and last until early March, we are already seeing safety problems when trucks and employee vehicles have to turn off/on the HWY 46 to reach our facility.

We further understand that the plans call for building two new bridges over the BMWD canal. Moving the expressway to the south of the BMWD canal would seem the logical choice to avoid further cost to the taxpayer for expensive bridge building.

In our opinion turn pockets and third acceleration lanes should be considered in the planning stages as well.

California Almonds of the World
e-mail: pacalmnd@gte.net • URL: www.PACIFICALMOND.COM

1

All of the above is not only a concern to Pacific Almond Co. but is also shared by our neighbors such as Paramount Farming Co., Royal Farming Co., Roden Farms, and Blackwell Land Co. Throughout the year they have e.g. slow moving farm equipment that needs to cross HWY 46.

I will be available for appointment if you would like to discuss this matter any further. Thank you.

Sincerely,

Jeff Ferguson
Manager
Pacific Almond Company
A Tejon Ranch Company

CC: Dean Florez, State Senator 16th District
Nicole Parra, State Assembly 30th District
Ray Watson, Supervisor Kern County 4th District
Mike Donahue, Southern Sierra Environmental Analysis Branch
Harry O. Starkey, BMWD, Manger
Leon E. Elwell, Blackwell Land Company, Inc., Executive VP
Joe McIlvaine, Paramount Farming Company, President
Paul Sihota, Royal Farming Company, President
Sharon Roden, Roden Farms, Owner

California Almonds of the World
e-mail: pacalmnd@gte.net • URL: www.PACIFICALMOND.COM

Response to Jeff Ferguson, Pacific Almond Company

Caltrans met with Mr. Ferguson and other landowners and addressed their concerns. Please see response to Blackwells Land Company (later in this appendix).

BLACKWELLS CORNER
17191 HW. 46
LOST HILLS, VS 93249
MAY 14, 2003

Mike Donahue
Department of Transportation
2015. E. Sheilds Suite 100
Fresno, CA 93726-5428

Dear Sir:

As per our conversation on 5/13/03, I am voicing my concerns of the changes in route 33 & 46. If the intersection is moved to the east, as I was told, Blackwells would cease to exist. All trade from the east, north and south would no longer be available.

Blackwells Corner was established in 1904 and is a part of the history of Kern County.

At this time I have plans to build more housing and to enlarge the Blackwells store to accommodate our mail order business and demand for fuel. I would also like to include a motel and R.V. park to the west in the future.

Mike could we schedule a meeting with you and your engineers to address my concerns.

Sincerely Yours

Kossie L. Dethloff

Kossie Dethloff

Copy to Senator Dean Florez

Response to Kossie Dethloff, Blackwells Corner

Currently, Mr. Dethloff is provided access to his property through driveways on State Routes 46 and 33. The conversion of State Route 46 to a four-lane expressway requires eliminating access from State Route 46 but Mr. Dethloff would maintain access from Route 33. The realignment of State Route 33 was required because the existing intersection was skewed at an angle less than the minimum standard of 75 degrees. The new intersection was redesigned as a right angle intersection at its present location.

BLACKWELL LAND COMPANY, INC.

May 29, 2003

Mr. Mike Donahue
State of California
Department of Transportation
Southern Sierra Environmental Analysis Branch
2015 E. Shields, Suite 100
Fresno, CA 93726-5428

Re: Environmental Assessment/Initial Study – State Route 46 through Kern County

Dear Mr. Donahue:

We spoke about most of these matters at the May 7, 2003 hearing and again via phone yesterday. We have grave concerns about the design of this project from Bitterwater Creek west to the end of the Berrenda Mesa Water District (BMWD) which is somewhere near PM7.3 on Figure 1.2 of your Assessment. We cannot be more precise as the pictures we requested at the hearing have not arrived yet. We thank you in advance for reiterating again yesterday that you will get those out to us immediately.

Let me start by saying we were surprised to find that the entire project was designed without anyone from the project contacting our operation, which borders the project on both sides for many miles. Most importantly we were not consulted regarding the decision of where to put the additional lanes in relationship to the existing highway that has resulted in requiring two new bridges that could be avoided. We are however grateful that the project was not designed to go through our airstrip, office and housing complex, or citrus orchard.

The project should consider taking the opportunity to move the 4-lane expressway completely south of the BMWD canal. This alternative alignment will avoid two bridge crossings and some safety concerns related to the active farming that creates daily crossings of the highway, as well as, ingress and egress of semi-trucks laden with almonds, grapes and produce. 1

For example the existing highway could be used as a feeder road to both the Pacific Almond Company, Almond plant and the Blackwell Land Company office and scales used for produce and grape weighing. This would certainly help address the issue of Semi-Trucks slowing traffic and creating an unsafe environment for all. Alternatively a formal exit from the roadway or at least two turn pockets will be necessary to mitigate the situation.

4900 California Avenue, Suite 201-A, Bakersfield, CA 93309
(661) 397-2622 Fax (661) 397-2627

We further believe that the EIR is deficient in its lack of addressing the issue of the active farming businesses necessity to cross the highway numerous times daily with pick-up trucks, water trucks, tractors, 3 and 4-wheel ATC's and other farm implements. This is especially critical to the welfare of the employees of the farms, as well as, the citizens who use the expressway. Once the express way is complete and speeds of 70 mph or greater are seen this will not be safely compatible with farm-worker crossings. We are not sure a revised alignment will alleviate all of the issues, but there is strong evidence that this has not been considered or addressed in this EIR.

Lastly, the EIR is rather vague about how you intend to mitigate the noise created by the expressway as it impacts the residents living on Blackwell Property just North of the current highway. Again a movement of the alignment south of the current alignment will help minimize noise impacts to the residents living there and create a safer environment for ingress and egress to the highway. 2

Please review these matters and contact us for further consultation at (661) 397-2622 x223.

Very truly yours,

BLACKWELL LAND COMPANY INC.

Leon E. Elwell, CPA
Executive Vice President
Chief Financial Officer

C: Dean Florez, State Senator 16th District
Nicole Parra, State Assembly 30th District
Ray Watson, Supervisor Kern County
Harry A. Starkey, BMWD, Manager
Joe McIlvaine, Paramount Farming Company, President
Dennis Atkinson, Pacific Almond Company, Vice President
Paul Sihota, Royal Farming Company, President
Sharon Roden, Roden Farms, Owner

Response to Leon E. Elwell, Blackwell Land Company, Inc.

1. Moving the alignment south to avoid crossing the Berrenda Mesa Water District canal and constructing a four-lane expressway through an airstrip, an office and housing complex and a citrus orchard would not be appropriate or financially feasible. Caltrans chose the best alignment possible to mitigate as many impacts as possible.

   The Preferred Alternative proposes the Caltrans standard acceleration and deceleration lanes for large trucks moving on and off the highway. Also, intersections would be provided with appropriate median crossovers for semi-trucks entering and exiting farming operations.

2. No noise mitigation is required. A noise investigation was performed for this project, and only one area was sensitive to the four-lane expressway – the city of Lost Hills. According to the Noise Abatement Criteria set by the Federal Highway Administration, the noise level at homes in the area should not exceed 65 A-weighted decibels (dBA). Noise abatement is considered when the predicted traffic noise levels substantially exceed the existing noise levels. The existing noise level at this location is 60 dBA. The noise level does not exceed the Noise Abatement Criteria threshold where consideration is made for soundwalls.

San Luis Obispo - Kern 46 4-Lane Widening

Public Hearing/Informational Meeting
May 7, 2003

NAME: Tom Tully

ADDRESS: 15255 Lost Hills Rd. **CITY:** Lost Hills **ZIP:** 93249

REPRESENTING: ChevronTexaco

Do you wish to be added to the project mailing list? ☑ **YES** ☐ **NO**

Please drop comments in the Comment Box or

Mail to: **CALTRANS CENTRAL REGION**
ATTN: Judith Lopez
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
E-mail: judith_lopez@dot.ca.gov

I would like the following comments filed in the record (please print): We are currently working with CALTRANS Representatives on this Project in an Effort to minimize the Impact on the state as well as ChevronTexaco. We feel this Effort is Going very well. Listed Below are a Few Considerations:

- Would it Be Possible to Have a narrow median in the Road From Post 27.9 to 29.2? this would minimize the Impact on our Operations and Hopefully Be a Cost Savings For the Project.
- Would it Be Possible to not widen the Highway in the oilfield section and start the widening @ Brown material Road, going west. same Benefit as ABOVE.

Closing response date is June 9, 2003

Caltrans

US Department of Transportation
Federal Highway Administration

Very Concerned with the Travel of ALL of the Oilfield Heavy Equipment Crossing Hwy. 46. This Equipment is very Large & slow. We would Be very Interested in an Overpass or Underpass Crossing Hwy. 46. We Feel this would Improve safety for the Public as well as our Employees.

Response to Tom Tully, Chevron Texaco

Caltrans expressway design standards prevent narrowing the median throughout the Lost Hills Oil Fields.

Underpasses and overcrosses were considered because of requests from property owners. The construction of these structures would not be financially feasible given the limited traffic in the area. Any overcrosses may be constructed at the property owner's expense.

The Preferred Alternative proposes Caltrans standard acceleration and deceleration lanes for large trucks moving on and off the expressway. Also, intersections would be provided with the appropriate median crossovers for semi-trucks entering and exiting farming operations.

ROGER LYON*
TIMOTHY J. CARMEL
*A LAW CORPORATION

LAW OFFICES
LYON & CARMEL
1104 PALM STREET
POST OFFICE BOX 922
SAN LUIS OBISPO, CALIFORNIA 93406

TELEPHONE
(805) 541-2560
TELECOPIER
(805) 543-3857

June 9, 2003

VIA EMAIL, ORIGINAL BY MAIL

Caltrans
Attn: Mike Donahue, Southern Sierra Environmental Analysis Branch
2015 E. Shields, Suite 100
Fresno, CA 93726
E-mail: Mike_Donahue@dot.ca.gov

RE: **San Luis Obispo/Kern Counties State Route 46 4-Lane Widening Environmental Assessment/Initial Study**

Dear Mr. Donahue:

This office represents the Hearst Corporation ("Hearst") which owns the Jack Ranch, upon which a substantial portion of the above referenced project will be constructed. Hearst's primary areas of concern in the above referenced matter are as follows:

1. Hazardous Waste Sites – issues: additional assessment, mitigation and cleanup. The document identifies several potentially hazardous waste sites on the Jack Ranch property including the Antelope Pumping Plant, Tosco Crude Oil Pipeline and Chevron Crude Oil Pipeline;

2. Wetlands – issues: identification and mitigation. Most of the wetlands affected by the project are located on Jack Ranch property;

3. Farmland Conversion – issues: identification and mitigation. Based on the general description contained in the document, it would appear that a substantial amount of proposed farmland of local importance and prime farmland proposed for conversion are located on the Jack Ranch.

On behalf of Hearst Director of Real Estate, Martin Cepkauskas, this is to request a meeting between Cal Trans and Hearst representatives to obtain additional information with regard to the above issues as well as to discuss operational issues related to the project, including minimizing the project's impact on Hearst's ongoing cattle ranching and other commercial operations at the Jack Ranch.

Thank you and please call if you have any questions.

Sincerely,

LYON & CARMEL

Timothy J. Carmel

TJC:rjl
cc: Martin Cepkauskas

Response to Timothy J. Carmel, the Law Offices of Lyon & Carmel representing the Hearst Corporation

1. The Tosco Antelope Pumping Station, the Tosco crude oil pipeline, and the Chevron crude oil pipeline were identified only as areas of environmental concern. However, the properties that pose some potential for hazardous waste/hazardous material—the Lost Hills Oil Fields and petroleum product pipelines—lie between kilometers posts 44.9 to 45.9 (post miles 27.9 to 29.2), and a Preliminary Site Investigation was required. Soil found to exceed the regulatory threshold would be classified as hazardous waste and would be required to be disposed of at a permitted hazardous waste landfill. Other soil would be managed at the project location according to the conditions of a variance issued by the California Department of Toxic Substance Control. If the aerial-deposited lead in soil is below the regulatory standard threshold, it may be managed with no restrictions.

   The Preliminary Site Investigation results reflect the soils excavated within kilometer posts 44.9 to 45.9 (post miles 27.9 to 29.2), noting they could be used and managed onsite and/or offsite without restrictions. Statistical analysis of the data developed from the aerial-deposited lead investigation indicates that the overall lead concentration in soil within these project limits does not exceed the regulatory threshold for lead outlined in Title 22, California Code of Regulations.

2. Three potential jurisdictional wetlands and one jurisdictional waters of the U.S. were identified within the San Luis Obispo County portion of the project:

   Location 1 lies one mile east of the intersection of State Routes 46/41 at approximately kilometer post 89.46 (post mile 55.6). The site is a small drainage and was delineated as potential jurisdictional “Other Waters of the U.S.” Pockets of wetland areas were delineated separately as potential jurisdictional wetlands. The jurisdictional wetland impacts for Location 1 are 0.005 hectare (0.013 acre).

   Location 2 lies at approximately kilometer post 95.4 (post mile 59.3). This drainage was delineated as a potential jurisdictional “Other Waters of the U.S.” Wetland areas were delineated separately as jurisdictional wetlands. Impacts to potential jurisdictional wetlands are 0.022 hectare (0.055 acre).

   Location 3 is within the same drainage evaluated at Location 2, approximately 0.40 kilometers (0.25 mile) southeast of Location 2. The entire drainage in and around the project area was delineated as a potential jurisdictional “Other Waters of the U.S.” The wetland areas were delineated separately as jurisdictional wetlands. Impacts to potential jurisdictional

"Other Waters of the U.S." are 0.064 hectare (0.16 acre). Impacts for potential jurisdictional wetlands are 0.0012 hectare (0.003 acre).

Minor project wetland impacts (0.029 hectare [0.071 acre]) would be mitigated via wetland creation or purchases of wetland areas. The project minor wetland and other waters impacts would be subject to a U.S. Army Corps of Engineers Nationwide #14 permit. A California Department of Fish and Game 1601 Streambed Alteration Agreement would be required for the small streambeds located in the project area.

3. For this project, approximately 12 hectares (30 acres) of farmland would be needed from the Hearst Corporation. The Department of Transportation Right-of-Way Division would consider the effects on the Jack Ranch existing property to determine an amount of just compensation. A staff appraiser from the Right-of-Way Division would meet with a representative of the Hearst Corporation to inspect the property. At that time, current maps would be available to indicate specifically what portion of the property is required for this project, as well as to know what points of access would be available. The appraiser would analyze the property and examine all of the features that contribute to its value. Information about the property, including present or planned farming operations or changes in use should be given to the appraiser by you to ensure a fair value is assigned to the property. Our goal is that you not suffer a financial loss as a result of a purchase of a portion of your property. Every effort would be made to measure any damage to the remainder of the property and compensate you for damages that cannot be reasonably mitigated.

San Luis Obispo - Kern 46 4-Lane Widening

Public Hearing/Informational Meeting
May 7, 2003

NAME: Rosaelena Alegre

ADDRESS: PO Box 765 **CITY:** Lost Hills **ZIP:** 93249

REPRESENTING: _____

Do you wish to be added to the project mailing list? ☒ **YES** ☐ **NO**

Please drop comments in the Comment Box or

Mail to: **CALTRANS CENTRAL REGION**
ATTN: Judith Lopez
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
E-mail: judith_lopez@dot.ca.gov

I would like the following comments filed in the record (please print): _____

I would like a signal light and a cross-over bridge. There are many children crossing the road without parent supervision, without a cross-over bridge there may be an accident. I would like traffic to come into town with a lower speed limite. (45 speed limite is allright)

Caltrans

Closing response date is June 9, 2003

US Department of Transportation Federal Highway Administration

Response to Rosaelena Alegre

Traffic studies reflect that a pedestrian overcrossing is not recommended. Presently, there are 560 students at Lost Hills School. There are 100 students that walk to school in the morning and approximately 30-40 students walk in the afternoon. Most students are bused to and from the school therefore, a pedestrian overcrossing is not recommended because of low projected use of such a structure.

According to the Lost Hills Union School District Transportation Director, the bussing operation may be halted due to funding. This may increase foot traffic in the future. A nearby post office also contributes to the foot traffic in the area. A marked crosswalk with a pedestrian-activated signal would be placed at Bruning Avenue and at Lost Hills/Woodward Street to allow pedestrians to cross safely. Raised medians would be built to provide a pedestrian refuge area.

<cloyd@pocketmail.com>

05/05/2003 10:50 AM

To: <judith_lopez@dot.ca.gov>
cc:
Subject: Hwy 46

Forget about the frogs etc.and dont waste the money like was done on the bridge in Morro Bay.An added cost of 380,000 dollars and when the rains came the frogs went out to the slue like they always did.Just think if hwy 46 from 101 to Shandon were built completely {4 lanes}for 5 miles each year it would have been done in 5-6 years.Instead it was peice mealed over 25 years and unnecessary deaths.Now between Shandon and 5 ,is that going to take another 25 years by widening it here then 5 miles farther then 2-3 miles and thin come back and widen it to 4 lanes.I worked the street dept.so I know where waste is,lets get more bang for the buck and do it right this time. 46 is still not done to Cal trans safety specs. sincerely cloyd myers

Response to Cloyd Myers

Comment noted.

San Luis Obispo - Kern 46

4-Lane Widening

Public Hearing/Informational Meeting
May 7, 2003

NAME: JAnice Deatherage

ADDRESS: P.O. Box 1 ~~21116 Universal St~~ **CITY:** LH **ZIP:** 93249

REPRESENTING: Community

Do you wish to be added to the project mailing list? ☑ **YES** ☐ **NO**

Please drop comments in the Comment Box or

Mail to: **CALTRANS CENTRAL REGION**
ATTN: Judith Lopez
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
E-mail: judith_lopez@dot.ca.gov

(1)

I would like the following comments filed in the record (please print): Hwy. 46 & Lost Hills Rd
At this intersection could there be a stoplight installed
High traffic accident area. As well as pedestrian
Crossing hwy from Park to store & vs. Versa.

(2) Pedestrian overpass at Hwy 46 & Bruning Ave.
Crossing for students as well as families
safety issue.

Caltrans

Closing response date is June 9, 2003

US Department of Transportation
Federal Highway Administration

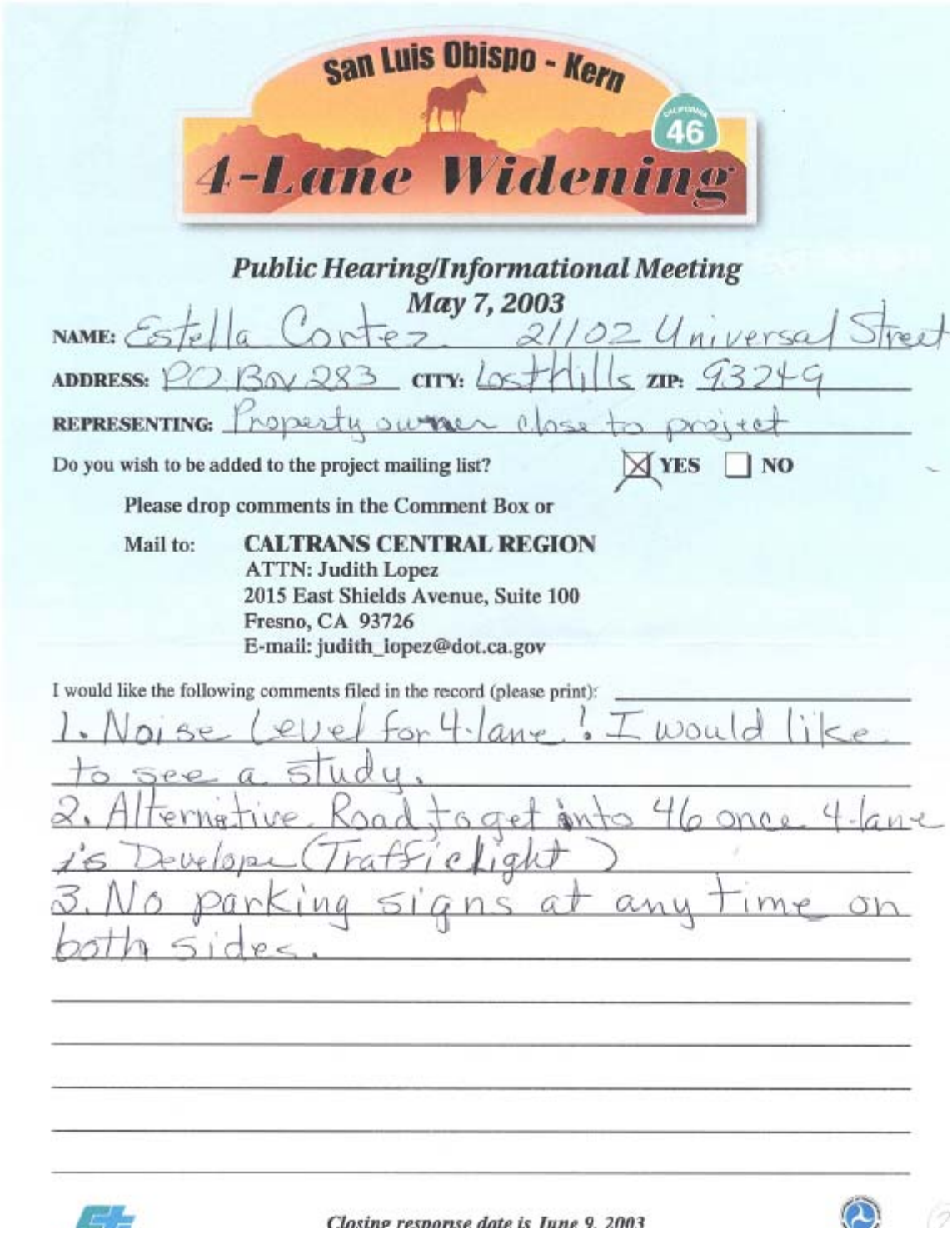
(7)

Response to Janice Deatherage

1. Traffic signals would be installed at Bruning Avenue and at Lost Hills Road before the four-lane project would be constructed.

2. Traffic studies reflect that a pedestrian overcrossing is not recommended. Presently, there are 560 students at Lost Hills School. There are 100 students that walk to school in the morning and approximately 30-40 students walk in the afternoon. Most students are bused to and from the school therefore, a pedestrian overcrossing is not recommended because of low projected use of such a structure.

   According to the Lost Hills Union School District Transportation Director, the bussing operation may be halted due to funding. This may increase foot traffic in the future. A nearby post office also contributes to the foot traffic in the area. A marked crosswalk with a pedestrian-activated signal would be placed at Bruning Avenue and at Lost Hills/Woodward Street to allow pedestrians to cross safely. Raised medians would be built to provide a pedestrian refuge area.



San Luis Obispo - Kern 46 4-Lane Widening

Public Hearing/Informational Meeting
May 7, 2003

NAME: Estella Cortez 21102 Universal Street
ADDRESS: PO Box 283 CITY: Lost Hills ZIP: 93249
REPRESENTING: Property owner close to project
Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or

Mail to: **CALTRANS CENTRAL REGION**
ATTN: Judith Lopez
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
E-mail: judith_lopez@dot.ca.gov

I would like the following comments filed in the record (please print):
1. Noise Level for 4-lane ? I would like to see a study.
2. Alternative Road to get into 46 once 4-lane is Develope (Traffic light)
3. No parking signs at any time on both sides.

Closing response date is June 9, 2003

Response to Estella Cortez

1. A copy of the noise study was sent to Ms. Cortez. No soundwalls would be constructed within the limits of Lost Hills. The centerline of the proposed highway is 91.4 meters (300

feet) south of Wallace Avenue and Universal Street. According to the Noise Abatement Criteria set by the Federal Highway Administration, the noise level at homes in the area should not exceed 65 A-weighted decibels (dBA). Noise abatement is considered when the predicted traffic noise levels substantially exceed the existing noise levels. The existing noise level at this location is 60 dBA. The noise level does not exceed the Noise Abatement Criteria threshold where consideration is made for soundwalls.

2. A traffic signal would be installed at Bruning Avenue and a traffic signal at Lost Hills Road would be installed before the four-lane project would be constructed.

3. An ordinance must be enforced that prohibits semi-trucks parking in unsafe locations. Any resident could contact the appropriate governing bodies of Lost Hills.

4232 Shadow Canyon Road
Templeton, CA 93465
May 14, 2003
Ph: 805-238-5246

John Luchetta
Environmental Planning Branch
Caltrans District 5
50 Higuera St.
San Luis Obispo, CA 93401

Judith Lopez
Caltrans District 6
2015 East Shields Ave.
Suite 100
Fresno, CA 93726

Dear Ms. Lopez and Mr. Luchetta:

We are delighted to know that major improvements in Highway 46 are now well in the works. We have not been able to attend the recent SLO and Kern County environmental impact public hearings. In any case, the impacts in SLO County described in The Tribune seem quite acceptable, and we cannot imagine any major problems in the more open Kern County. Our only comment is that it would be nice to design the new highway to retain whenever possible any major oak trees or groves, e.g., in a widened median strip. This would enhance the beauty of the highway and could improve safety, e.g., by reducing driving monotony. However, our primary purpose in writing now is to emphasize the importance of improving State Highways 46, 41, and 58 to connect US 101 with Interstates 5 and 40. Please refer this letter appropriately within Caltrans. 1

I-40 should have been terminated at US 101 in Paso Robles, connecting the eastern USA with US 99, I-5, and US 101, rather than in the middle of the Mojave Desert. Note that the transcontinental rail system does continue into the Central Valley. The Mojave freeway gap is now nearly filled by conversion to superhighway of Route 58. But the Central Coast in the 130-odd miles from Monterey and Salinas to Santa Maria has only four second-rate highways connecting with the Central Valley and points East, and no decent connections on from I-5 east to US 99. Coastal folks have a problem getting East, Valley residents in getting to the beaches. Both populations are growing rapidly. We on the coast are tired of being highway-deprived second class citizens, whose freeway travels are expected to be limited by a system designed to force through traffic into the congested LA and Bay areas. We use the present inadequate highways 46/41 to I-5 to escape some of this congestion when traveling to LA and points east or to Oregon. The route 58 superhighway needs to be extended to I-5, route 46 converted into superhighway from US 101 to I-5, and route 41 from route 46 to US 99. The need for superhighway connections from Bakersfield to the Central Coast is made more urgent by the current rapid adoption of containerized intermodal freight transport in the USA. The lack of any direct rail connections west from Bakersfield will lead to growing container transshipment there to trucks heading west, especially as route 46 is improved. It and a new route 58 west from Bakersfield must be designed to handle a massively growing heavy-truck traffic. 2

We also want to draw attention to the present extremely hazardous passing-lane design at the crest of Highway 46 near the County line. These very short lanes tempt drivers to pass when they cannot get back in the through lane soon enough. Several years ago Kathie was nearly killed one night on a trip from Arizona when she came over the crest and faced an eighteen-wheeler bearing down on her in **her** lane. Only her rapid response of braking and driving off onto the shoulder on her side saved her life. This hazard needs fixing **NOW**, e.g., by no-passing zones on both sides of the crest. 3

Sincerely yours,

Raymond C. Sangster Kathie B. Sangster

Dr. Raymond C. Sangster Mrs. Kathie B. Sangster

Response to Dr. Raymond C. Sangster and Mrs. Kathie B. Sangster

1. Native trees would be replaced at a 3-to-1 ratio. State Senate Concurrent Resolution No.17 - Oak Woodlands, passed in September 1989, requires that Caltrans preserve and protect native oak woodlands to the maximum extent feasible or provide replacement plantings where oak species are removed.

2. Interstate 40 is a major east-west freeway spanning eight states, from Barstow, California, to Wilmington, North Carolina. Built in the 1960s, the road generally follows the old U.S. Route 66 alignment. The interstate extension to U.S. Highway 101 potentially could ease traffic on Route 58, a heavy goods movement highway, and it would make access to the California coast much easier. There are no official plans or funding to extend Interstate 40 at this time.

   Caltrans is planning on phased improvements (two-lane conventional highway to four-lane expressway) for the section of State Route 46 from the San Luis Obispo/Kern county line to Interstate 5. The projects would be jointly funded by Caltrans and the Kern Council of Governments. The Caltrans ongoing maintenance activities for the corridor from 2001 to 2010 are estimated at $45 million. This cost includes asphalt cement overlay, shoulder widening, and signal installation at the Interstate 5 ramps.

   For State Route 41, Caltrans is planning to add two sets of passing lanes: the first at the Kern/Kings county line to State Route 33 (estimated construction by 2010) and the second from Utica Avenue to Interstate 5 by 2014.

   In addition, Caltrans is working with Kern and Kings counties to improve the State Routes 46 and 41 corridors. These corridors must compete for funds with State Route 99, which carries much more traffic. Likewise, the San Joaquin Valley must compete for funds with the heavily congested areas of the Bay Area and Southern California.

3. In addition to the project that is being planned and described in this environmental document, the Antelope Grade Project, a separate San Luis Obispo project, proposes lengthening the eastbound lane from the crest of the curve to near the San Luis Obispo and Kern county line. These improvements would give motorists ample sight distance when merging to the through-lane. This project is scheduled for construction in 2006, prior to the four-lane expressway project.

To: **Judith Lopez, Environmental Planner, CalTrans District 6**

From: **Lynn S. Stafford, Resident of Pine Mountain Club, Kern County**

Re: **Highway 46 widening project – Hwy 41 to I5 section**

Date: **June 6, 2003**

I acknowledge the need for the widening of Highway 46. There are some environmental features that will be affected by the project. The acreage mitigation for habitat as described in the assessment will help to overcome some of the negative environmental affects.

However, there is one major environmental affect that is not addressed by the assessment. Within Appendix A Environmental Check List (CEQA), Biological Resources b) asks if the project interferes substantially with the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The assessment's response to that question was to check the 'no impact' box. I believe that evaluation is incorrect. There is significantly more blockage of wildlife by a high-speed four-lane highway than by a 55 mph two-lane highway.

At present time, the southernmost 180+ mile section of the inner Coast Range has no cross sectional blockage to wildlife movement greater than a two-lane road (such as Highways 166, 33, 46, and 41 between I5 in the Grapevine/Gorman area and Highway 152 between Gilroy and Los Banos. Even the Coastal Branch of the California Aqueduct is underground as it parallels Highway 46 through the inner Coast Range. Wildlife corridors are being recognized increasingly by scientists as being crucial for migration, gene flow, etc. The southernmost section of the Coast Range has tremendous value for a wide variety of native animal life.

I request that a complete EIS be done for this project. Included in this study should be a thorough examination of the future, permanent affects of the project on wildlife movement. Also, alternatives for mitigation of these affects should be analyzed. The technology now exists and has been incorporated into projects similar to the current one in many locations throughout the world.

Thank you for your consideration of my comments,

Lynn S. Stafford
P.O. Box 6160,
Pine Mountain Club, CA 93222

Response to Lynn S. Stafford

1. Caltrans checked the "no impact" box of the Biological Resources section (d) of the CEQA Environmental Checklist because the project does not substantially interfere 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.

   Final mitigation measures for endangered or threatened species throughout eastern San Luis Obispo and western Kern counties would be mitigated by measures specified in the Biological Opinions prepared by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Both the Federal Highway Administration and Caltrans would agree upon these measures.

2. An Environmental Impact Statement will not be prepared for this project. Caltrans considered the proposed Negative Declaration together with any comments during the public review process. Studies were performed with the direction of the U.S. Fish and Wildlife guidelines with qualified staff onsite. A decision to adopt the proposed Negative Declaration was made because there is no substantial evidence that this project would have a significant effect on the environment.

KERN 46)
)
EA# 06-442500)
_____)

REPORTER'S TRANSCRIPT OF

CALTRANS PUBLIC HEARING/OPEN HOUSE

Wednesday, May 7, 2003

Lost Hills, California

Reported by: R. Pauline Angress, CSR No. 11450

Lost Hills, California

Wednesday, May 7, 2003; 4:00 p.m.

Lost Hills School

MR. DONAHUE: My name is Mike Donahue, and I'm a senior environmental planner with Caltrans. Tonight this public hearing/open house meeting is for the Route 46 Project from the 46/41 Y in San Luis Obispo County to I-5 in Kern County. This hearing is for the circulation and comment of the environmental assessment, slash, environmental study for this project. We are soliciting comments from the public for this project about any of the issues that pertain to this project.

MR. DURAN: My name is Sam Duran, D-u-r-a-n, and I work for Chevron/Texaco here in Lost Hills. I appreciate the opportunity to come out to the public hearing, and I have looked at many of the posters that you have along with the environmental assessment of the initial study, and upon reviewing this, I have, I guess, two major concerns:

One concern is the hazards that would be imposed on the Chevron/Texaco operations just to the west of Lost Hills. We have operations that boarder Highway 46, both on the north and the south sides.

This particular widening of 46 would have a

1

considerable impact to the oil production operations that are adjacent to the highway.

The alignment that would appear to work best for us would be the so-called symmetrical alignment, since it appears that it would have less impact on our operations on the north side.

However, the concerns I have are primarily safety of our vehicles that cross the road. We have many large trucks, and these are semis -- of semi size, 40-footers, in size that cross the road. And I would be especially concerned for their safety, you know, especially over the wintertime when it's foggy or when there is limited visibility.

Accordingly, I would highly recommend that we look at the option of installing an overpass from the -- over the north -- from the north to the south -- either overpass or underpass from the north to the south side. This I think would mitigate some of the hazards that would be -- that would be, I guess, imposed by the widening of the project of the highway.

The other concern I have, of course, is in the City of Lost Hills. What safety precautions are being taken, you know, to protect children going from the residential areas on the north of the school, which is on the south side of the highway.

In addition, there is a park on the north side of Highway 46, and many of the residentials are on the south side and, of course, children travel between the park and their residences; so there would be hazards there that need to be considered.

I think those are my primary concerns with the project. I wholeheartedly support the overall project from the safety standpoint of travelers on 46 traveling from San Luis Obispo or Paso Robles to I-5. But we don't want to solve one problem and create others that may be just as significant from the safety standpoint as the other.

Okay. Thank you.

MS. CORTEZ: My name is Estella Cortez, C-o-r-t-e-z. I live at 21102 Universal Street. I'm concerned about the noise level. This is going to put the freeway approximately 150 feet away from my property. As it is right now, Saturday and Sunday I have really congested traffic, and the noise level is really high. So I really would like to see, you know, either barriers put up or some kind of study being done that they are going to put up a barrier. 150 feet is too close to the freeway, not only noise level, but speedwise.

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My number two concern would be an alternative

road for us to get onto Highway 46. You know, we have to either travel east or west, and that means that we are going to have to try to get into 46, and it's hard enough to get into it right now just with the two lanes, with the four lanes --

If there is anyway they are going to put any kind of traffic light, that would help us at least to try and get in there. And if they are going to just put one traffic light, then we need to have access to that, you know, light. Because like I said, we are on the north side in the Universal tract, which would kind of separate us from the rest of the town.

Number three concern, I would like no parking signs put along both sides of the road, not only here in Lost Hills, but also at I-5. I had my son-in-law that just wrecked with all my grandchildren because we had semis parking along both sides of the road, and the visibility just to get on 46 was, you know, unbelievable, and he wrecked.

So if they can look into these concerns, I would appreciate it. Thank you.

MR. ORMONDE: My name is Steve Ormonde, O-r-m-o-n-d-e. I'm here representing California Trucking Association. And our concern in the Highway 46 corridor from Paso Robles to Interstate 5 is overpasses

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over 46 for restricting oversized loads.

Today we can transport oversized loads across 46 to Interstate 5 in an east/west corridor from the coast to the valley and then go north and south without any height or width restrictions.

Overpass standards will be 16.4 inches, I understand, and that will restrict our over height loads if we have any overpasses over 46.

So that is our biggest concern on the design at this point.

Thank you.

MS. CHAMBERS: My name is Mary E. Chambers, Fix 46 Chairperson, Paso Robles, 1744 Ponderosa Lane. 4

I'm happy to see the process of Caltrans on Highway 46 to improve the safety and to widen the highway to increase the safety. I have been working with them since 1996 when we borrowed their call box program, and we have since incorporated that into San Luis Obispo County.

We are very happy to work with Kern COG -- Counsel of Governments is what it stands for -- and Caltrans to bring this project together from San Luis Obispo County and our supervisors and legislators.

And we have five people here from my Fix 46 committee one being California Truck Association, Steve

Ormonde.

Okay. Thank you.

MR. DONIAS: My name is Pedro Donias, D-o-n-i-a-s. P.O. Box 691, Lost Hills, 797-2285. What signal lights are going to be put for the safety of the children? 5

MR. DONAHUE: You are going to have to ask the engineers. She is a court reporter, and you have to have issues to make a statement about.

MR. DONIAS: The issue is the signal light and the crosswalk for the children at 46 and -- what's that first street crossing there at the post office?

MR. DONAHUE: Cross street near the post office? He is concerned about the child safety and the coming to school.

MR. DONIAS: Coming and going to school.

MR. DONAHUE: Coming and going to school.

MS. GARZA: My name is Oralia Garza. My address is 1725 Bay Meadow Drive in Wasco. And my concern is the Becon lights that they have off right here as you come in the town, I feel they should be on it all the time. And you probably didn't see them because they weren't on when you came in. I believe that's like a warning light for people that are coming from out of town to slow down. I'm aware of them 6

because I'm a bus driver, but lights catch your eyes and signs are distracting and you don't see them. That is my concern. Thank you.

MR. RIVERA: Sergio Rivera, 21171 Badger Street, P.O. Box 673; phone number, (661) 797-2850. This is very important. On Lost Hills Road, when the people are close, waiting maybe 15 or 20 minutes, but when the holidays, it's a lot of traffic. They need a light at Lost Hills Road and 46. 7

MS. ALEGRA: Rosa Alegra, A-l-e-g-r-a. I wrote mine, but I would like to say it out loud.

P.O. Box 765, 797-2059. My concern is a bridge for where children could cross over the street and a signal light for traffic, both. Because like he was saying, traffic -- there is cars wanting to come into 46, and if there is no signal lights during fog days, it's going to be hard to see traffic. 8

And then also I'm concerned about traffic coming fast into town, driving into -- I would like them to come in at a slower speed. I think that's all.

And lighting, I would like lighting to be put on Lost Hills inside of town.

MR. DONAHUE: In the town itself?

MS. ALGERA: Down both sides of the road.

MR. DONAHUE: Are you talking about the

intersection of the roads or the whole town?

MS. ALEGRA: If there could be lighting in the whole town, that would be fine.

MR. DONAHUE: Lighting around the intersections?

MS. ALEGRA: Yes. Because that way during the night, if people are crossing over, they could see them.

MR. DONAHUE: My name is Mike Donahue with Caltrans. It's a couple minutes before seven o'clock. The public hearing is now closed.

(6:58 p.m.)

--ooOoo-

STATE OF CALIFORNIA)
) ss.
COUNTY OF KERN)

I, R. Pauline Angress, a Certified Shorthand Reporter for the State of California, hereby certify that I was present and reported in stenotypy all the proceedings in the foregoing-entitled matter; and I further certify that the foregoing is a full, true, and correct statement of such proceedings and a full, true, and correct transcript of my stenotype notes thereof.

Dated at Bakersfield, California, on May 7, 2003.

R. Pauline Angress

R. Pauline Angress, CSR No. 11450

Response to Comments in Reporter's Transcript of Caltrans Public Hearing/Open House (May 7, 2003)

1. Response to Sam Duran, employee of Chevron/Texaco:

   The symmetrical alignment is the preferred alternative.

   Requests from property owners regarding underpasses and overcrosses were considered. The construction of these structures is not financially feasible given the limited traffic in the area. Any overcrosses or underpasses may be constructed at the property owner's expense. Caltrans has proposed wider intersections for large trucks and farming equipment. Acceleration and deceleration lanes would be in place for large vehicles to merge on and off the expressway.

   Traffic signals would be installed at Bruning Avenue and at Lost Hills Road/Woodward Street. The signal at Lost Hills Road/Woodward Street would be installed before this four-lane project would be constructed.

2. Response to Estella Cortez:

   Ms. Cortez commented on noise and signs and those responses are early in this appendix.

   Traffic signals would be installed at Bruning Avenue and at Lost Hills Road/Woodward Street. Raised medians would be placed to provide a pedestrian refuge area. The signal at Lost Hills Road/Woodward Street would be installed before this four-lane project would be constructed.

3. Response to Steve Ormonde, California Trucking Association:

   No overpasses would be constructed on this project. See comment 1 above.

4. Response to Mary E. Chambers, Fix 46 Chairperson:

   Comment noted.

5. Response to Pedro Donias:

   Traffic signals would be installed at Bruning Avenue and at Lost Hills Road/Woodward Street. Raised medians would be placed to provide a pedestrian refuge area. The signal at Lost Hills Road/Woodward Street would be installed before this four-lane project would be constructed.

6. Response to Oralia Garza:

   There is an existing overhead flashing beacon for the school crossing. Consistent with Caltrans policy, the flashing beacon is controlled by the school and is operational right before and after school hours when school-age pedestrians are expected. Leaving the beacon on all the time would cause it to lose effectiveness and therefore would be inappropriate.

7. Response to Sergio Rivera:

   See response 5 above.

8. Response to Rosa Alegre:

   The Project Development Team recommended that a marked crosswalk with a pedestrian-activated signal be placed at Bruning Avenue and a signal at Lost Hills Road/Woodward Street to allow pedestrians to cross safely. Raised medians would be placed to provide a pedestrian refuge area. The signal at Lost Hills Road/Woodward Street would be installed before this four-lane project would be constructed.

   Speed enforcement is a problem statewide and not unique to State Route 46. The State of California does not assign speed enforcement responsibilities to Caltrans. Caltrans performs the appropriate traffic measurements and analyzes accident records and, in turn, state and local authorities use that information to select the speed limit. The required speed limit and appropriate signs would be installed at the completion of the project. The California Highway Patrol would receive this environmental document for consideration.

   Lighting would be provided at intersections with traffic signals. Kern County, not Caltrans, has the authority over any additional lighting for the unincorporated commmunity of Lost Hills.

California Home Tuesday, January 5, 2016

State Route 46 4-Lane Widening Project

SCH Number: 2003041036

Document Type: NOD - Notice of Determination

Alternate Title: SLO/KER State Route 46 Four-Lane Widening Project

Project Lead Agency: Caltrans #6

Project Description

The project proposes to convert a 63.2-km (39.3-mile) segment of State Route 46 from a two-lane highway to a four-lane expressway between the State Route 41/46 intersection in San Luis Obispo County Interstate 5/State Route 46 interchange in Kern County.

Contact Information

Primary Contact:
Mike Donahue
California Department of Transportation
(559) 243-8157
1120 N Street
Sacramento, CA 95814

Project Location

County: San Luis Obispo, Kern
City:
Region:
Cross Streets:
Latitude/Longitude:
Parcel No:
Township:
Range:
Section:
Base:
Other Location Info: City: Lost Hills

Determinations

This is to advise that the ☐ Lead Agency ☒ Responsible Agency CA Dept. of Transportation / CA Transportation Commission has approved the project described above on 5/12/2005 and has made the following determinations regarding the project described above.

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 Statement of Overriding Considerations ☐ was ☒ was not adopted for this project.

5. Findings ☒ were ☐ were not made pursuant to the provisions of CEQA.

Final EIR Available at: 2015 E. Shields Avenue, Suite 100 Fresno, CA 93726

Date Received: 5/18/2005

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