Prather Curve Correction

State Route 168 west of Prather, Fresno County

06-FRE-168-PM T29.0-T29.4

Project ID 06-0000-0353
SCH# 2012091039

Initial Study
with Mitigated Negative Declaration

Prepared by the
State of California Department of Transportation

Feburary 2013

General Information About This Document

What's in this document?

This document contains a Mitigated Negative Declaration that examines the environmental effects of a proposed project on State Route 41 in Madera County.

The Initial Study and proposed Mitigated Negative Declaration were circulated to the public from September 17, 2012 to October 17, 2012. Comment letters were received on the draft document. Responses to the circulated document are shown in the Comments and Responses section of this document, added since the draft document. Throughout this document, a vertical line in the margin indicates a change made since the draft document circulation.

What happens next?

The proposed project completed environmental compliance after the circulation of this document. When funding is approved, Caltrans, as assigned by the Federal Highway Administration, would design and construct all or part of the project.

Printing this document: To save paper, this document has been set up for two-sided printing (to print the front and back of a page). Blank pages occur where needed throughout the document to maintain proper layout of the sections.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: G. William "Trais" Norris, III, San Joaquin Valley Management Branch, 855 M Street, Suite 200, Fresno, CA 93721; (559) 445-6447. Voice, or use the California Relay Service TTY number, 1- (800) 735-2929 or 711.

SCH# 2012091039
06-FRE-168 (PM T29.0/T29.4)
EA 06-0M0500

Prather Curve Correction on State Route 168 at PM T29.0 to T29.4

INITIAL STUDY
with Proposed Mitigated Negative Declaration

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

2/20/2013
Date of Approval

G. William "Trais" Norris, III, Senior Environmental Planner
Southern San Joaquin Valley Environmental Management Branch
California Department of Transportation

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to realign the existing curve on State Route 168 from post miles T29.0 to T29.4 in Fresno County. The proposed construction would improve the highway curve radius to meet design speed standards of 45-miles-per-hour and improve safety. The project would move the right-of-way line about 60 feet north and would acquire about 3.91 acres of additional right-of-way allowing a section of the mountain slope to be excavated, increasing sight distance for both east and westbound traffic and would also allow the existing roadway to be widened for the construction of two 12-foot lanes with 8-foot-wide shoulders. In addition, utility poles will be relocated and storm drainage improvements would be made within the project limits.

Determination

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

The proposed project would have no effect on aesthetics; agriculture resources; air quality; cultural resources; geology/soils, hazards and hazardous materials; hydrology/water quality; land use/planning; mineral resources; noise; population/housing; public services; recreation; transportation/traffic; and utilities/service systems.

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

- Off-site replacement plantings
- Enhancement and preservation of off-site riparian habitats

G. William "Trais" Norris, III, Senior Environmental Planner
Southern San Joaquin Valley Environmental Management Branch
California Department of Transportation

2/20/2013
Date

Section 1 Project Information

Project Title

Prather Curve Correction

CEQA Lead Agency Name and Address

The California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Contact Person and Phone Number

G. William "Trais" Norris, III, Senior Environmental Planner
Southern San Joaquin Valley Environmental Management Branch
(559) 445-6447

Project Location

The proposed project is on State Route 168 west of the town of Prather at post mile T29.0 to T29.4 in Fresno County. (See Figure 1 Project Vicinity Map and Figure 2 Project Location Map).

Project Sponsor's Name and Address

G. William "Trais" Norris, III, Senior Environmental Planner
Southern San Joaquin Valley Environmental Management Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

General Plan Description and Zoning

The zoning in project area is designated agriculture and grazing to the north and rural residential to the south.

Description of Project

The proposed safety improvement project would realign the existing curve on State Route 168 to design standards, west of the City of Prather, in Fresno County. The existing curve is a non-standard 35-mile-per-hour turn within a 55-mile-per-hour highway. The proposed project is 0.4 miles in length. Figures 1 and 2 show the project vicinity and location maps.

The proposed project area is about 0.5 miles west of the City of Prather, in Fresno County. Within the project limits, State Route 168 is a two-lane highway with 12-foot-wide travel lanes and 0- to 2-foot-wide shoulders.

The project would move the right-of-way line about 60 feet north and would acquire about 3.91 acres of additional right-of-way, allowing a section of the mountain slope to be excavated and increasing sight distance for both east and westbound drivers to maintain a speed of 45 miles-per-hour. The proposed design includes 12-foot travel lanes with 8-foot-wide shoulders, relocating utility poles, and storm drainage improvements.

Surrounding Land Uses and Setting

This segment of State Route 168 is a narrow, winding, low speed, two-lane conventional highway and is classified by Fresno County as a major route to recreational facilities located in the foothills and upper reaches of the Sierra Nevada Mountain Range. The project area consists of rolling hills of oak woodland and chaparral grassland with exposed granite rock and boulders.

Other Public Agencies Whose Approvals Are Required

Permits and or agreements would be required from the following public agencies:

Agency	Permit/Approval	Status
United States Fish and Wildlife Service	Federal Endangered Species Act, Section 7 Consultation: Biological Opinion for Valley Elderberry Longhorn Beetle	A Biological Assessment was submitted to the United States Fish and Wildlife Service on 08/06/2012. The Biological Opinion was received 1/11/2013.
United States Army Corps of Engineers	Clean Water Act, Section 404, Nationwide Permit for filling or dredging waters of the United States.	The Section 404 Nationwide permit will be acquired during the plans, specifications, and estimates phase of the project.
California Department of Fish and Game	1602 Agreement for Streambed Alteration	The 1602 agreement with the California Department of Fish and Game for work in ephemeral creek will be acquired during the plans, specifications, and estimates phase of the project.
State Regional Water Quality Control Board	Clean Water Act, Section 401, Water Quality Certification	The Section 401 permit will be acquired during the plans, specifications, and estimates phase of the project.

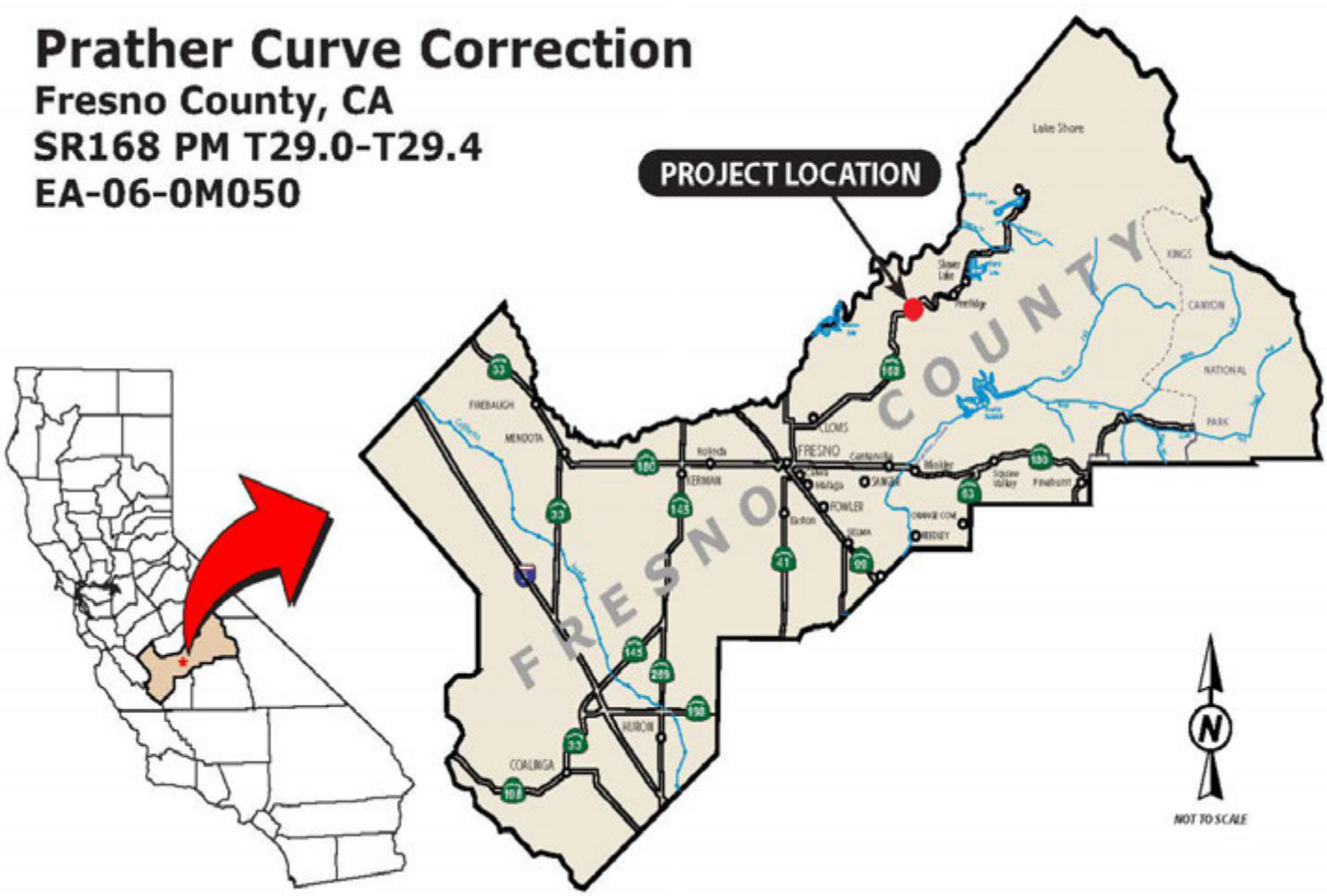

Figure 1 Project Vicinity Map

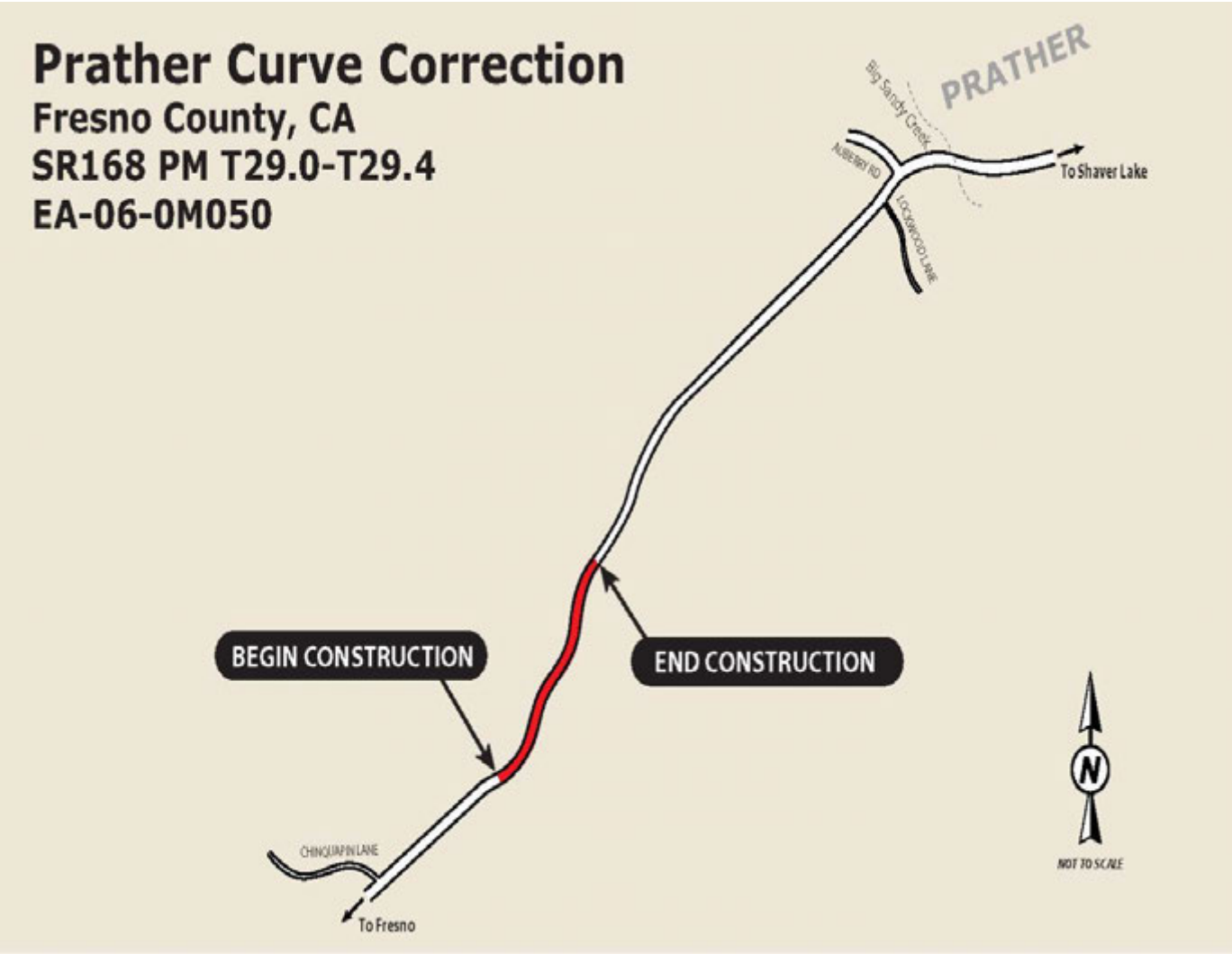

Figure 2 Project Location Map

Section 2 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [ ] Agricultural Resources
- [ ] Air Quality
- [x] Biological Resources
- [ ] Cultural Resources
- [ ] Geology/Soils
- [ ] Greenhouse Gas Emissions
- [ ] Hazards and Hazardous Materials
- [ ] Hydrology/Water Quality
- [ ] Land Use/Planning
- [ ] Mineral Resources
- [ ] Noise
- [ ] Population/Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation/Traffic
- [ ] Utilities/Service Systems
- [ ] Mandatory Findings of Significance

Section 3 Determination

On the basis of this determination:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

G. William "Trais" Norris, III, Senior Environmental Planner
Southern San Joaquin Valley Environmental Management Branch
California Department of Transportation

Date

Section 4 Impacts Checklist

The impacts checklist starting on the next page identifies physical, biological, social, and economic factors that might be affected by the project. Direct and indirect impacts are addressed in checklist items I through XVII. Mandatory Findings of Significance are discussed in item XVIII. The California Environmental Quality Act impact levels include “potentially significant impact,” “less than significant impact with mitigation,” “less than significant impact,” and “no impact.”

A brief explanation of each California Environmental Quality Act checklist determination follows each checklist item. Lengthy explanations, if needed, are provided after the checklist.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
I. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	X
Explanation: The project does not anticipate a substantial adverse effect on the scenic vista. (Scenic Resources Evaluation Memo – August 27th, 2012)				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	X
Explanation: The project does not anticipate damage to scenic resources. (Scenic Resources Evaluation Memo – August 27th, 2012)				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	X
Explanation: The project does not anticipate degrading the existing visual character or quality of the site and its surroundings. (Scenic Resources Evaluation Memo – August 27th, 2012)				
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	X
Explanation: The project does not anticipate creating a new source of substantial light or glare that would adversely affect day or nighttime views in the area. (Scenic Resources Evaluation Memo – August 27th, 2012)				
II. AGRICULTURE AND FOREST 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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
Explanation: The project will not convert Farmland to non-agricultural use.				

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

Explanation: The project would not conflict with existing zoning.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

Explanation: The zoning will not be changed as a result of this project.

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

Explanation: The project will not result in the loss/conversion of forest land to non-forest use.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion if forest land to non-forest use?				X

Explanation: The project may require temporary easements during construction but will not convert any land use as a result.

III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X

Explanation: According to 40 CFR 93.126 (table 2), this project is exempt from all emissions analyses (Air Quality Memo June 29, 2010).

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

Explanation: According to 40 CFR 93.126 (table 2), this project is exempt from all emissions analyses (Air Quality Memo June 29, 2010).

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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: According to 40 CFR 93.126 (table 2), this project is exempt from all emissions analyses (Air Quality Memo June 29, 2010).

d) Expose sensitive receptors to substantial pollutant concentrations?				X

Explanation: According to 40 CFR 93.126 (table 2), this project is exempt from all emissions analyses (Air Quality Memo June 29, 2010).

e) Create objectionable odors affecting a substantial number of people?				X

Explanation: According to 40 CFR 93.126 (table 2), this project is exempt from all emissions analyses (Air Quality Memo June 29, 2010).

IV. BIOLOGICAL RESOURCES — Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		

Explanation: See additional explanation on page 28 of this document (Natural Environment Study - July 31, 2012).

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		

Explanation: See additional explanation on page 28 of this document (Natural Environment Study July - 31, 2012).

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

Explanation: No wetlands would be affected by the proposed project (Natural Environment Study July - 31, 2012).

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife			X	

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
corridors, or impede the use of native wildlife nursery sites?				

Explanation: See additional explanation on page 27 of this document. (Natural Environment Study July - 31, 2012)

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

Explanation: The project would not conflict with any local policies or ordinances. (Discussion with Project Biologist and review of the Fresno County General Plan, July 31. 2012)

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

Explanation: The project would not conflict with any habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (Discussion with Project Biologist and review of the Fresno County General Plan, July 31, 2012)

V. CULTURAL RESOURCES — Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X

Explanation: The project has no potential to affect historic properties (Historical Property Survey Report and Archaeological Survey Report, August 14, 2012).

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	-	-	-	-
	Archaeological resources are considered "historical resources" and are covered under question V(a).			
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X

Explanation: Excavation is considered of low-sensitivity and the project area is unlikely to encounter significant paleontological resources or unique geological features. (Paleontological Identification Report May 17, 2010, Preliminary Geotechnical Recommendations April 15, 2010)

d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The project has no potential to affect historic properties. Should previously unidentified cultural materials be unearthed during construction, work must halt in that area until a qualified archaeologist can assess the significance of the find (Historical Property Survey Report and Archaeological Survey Report, August 14, 2012).

VI. GEOLOGY AND SOILS — Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X

Explanation: Although the project is in a zone prone to moderate seismic activity the project would not rupture a fault. (Alquist-Priolo Earthquake Fault Zone Maps at www.quake.ca.gov/gmaps/ap/ap_maps.htm).

ii) Strong seismic ground shaking?				X

Explanation: Although the project is in a zone prone to moderate seismic activity the project would not cause strong seismic ground shaking. (Alquist-Priolo Earthquake Fault Zone Maps at www.quake.ca.gov/gmaps/ap/ap_maps.htm).

iii) Seismic-related ground failure, including liquefaction?				X

Explanation: Refer to VI (a) (ii)

iv) Landslides?				X

Explanation: The project is not in an area prone to landslides (Preliminary Geotechnical Recommendations April 15, 2010).

b) Result in substantial soil erosion or the loss of topsoil?				X

Explanation: The project would not lead to soil erosion or the loss of topsoil in the area. (Preliminary Geotechnical Recommendations April 15, 2010)

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?				X

Explanation: The project would not cause the soil to become unstable or potentially cause a landslide, lateral spreading, subsidence, liquefaction, or collapse. (Preliminary Geotechnical Recommendations April 15, 2010)

d) Be located on expansive soil, as defined in Table

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.				X

Explanation: The project proposes to realign the existing curve: no buildings are proposed. Therefore, the project is exempt from the Uniform Building Code.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

Explanation: Septic tanks or alternative waste water disposal systems are not within the scope of the proposed project.

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

An assessment of the greenhouse gas emissions and climate change is included in Appendix A of the environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination on the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in Appendix A of the environmental document.

VIII. 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

Explanation: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Hazardous Waste Technical Memorandum April 14, 2010).

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

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment (Hazardous Waste Technical Memorandum April 14, 2010).

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X

Explanation: The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X

Explanation: The project area does not have hazardous material sites pursuant to Government Code Section 65962.5.

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

Explanation: There are no public airports or public use airports within 7 miles of the project area (Fresno County General Plan).

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

Explanation: There are no private airstrips in the project vicinity.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X

Explanation: The highway would remain in operation during construction; the work would not interfere with emergency response routes.

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

Explanation: The project would realign an existing curve and would not expose people or structures to significant risk of loss, injury, or death.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

IX. HYDROLOGY AND WATER QUALITY —
Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	X

Explanation: By using proper and accepted engineering practices and best management practices, the proposed improvement project would not produce significant impacts to water quality during construction or the project's operation (Water Quality Memo, April 29, 2010).

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	X

Explanation: The project proposes to realign an existing curve. Activities which would deplete groundwater or interfere with groundwater recharge are not included in the scope of this project. (Water Quality Memo, April 29, 2010)

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or offsite?	☐	☐	☐	X

Explanation: The proposed project would place 500' of culvert to convey an existing ephemeral creek throughout the project limits; however the work would not alter the drainage pattern. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site. (Water Quality Memo, April 29, 2010)

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 that would result in flooding on- or off-site?	☐	☐	☐	X

Explanation: The proposed project would place 500' of culvert to convey an existing ephemeral creek throughout the project limits; however the work would not alter the drainage pattern. Therefore, the proposed project would not substantially alter the existing drainage pattern of the site. (Water Quality Memo, April 29, 2010)

e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X

Explanation: The project would not create or contribute to runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff (Water Quality Memo, April 29, 2010).

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
f) Otherwise substantially degrade water quality?				X

Explanation: By using proper and accepted engineering practices and best management practices, the proposed improvement project would not produce significant impacts to water quality during or after construction. (Water Quality Memo, April 29, 2010).

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

Explanation: Housing is not within the scope of this project.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X

Explanation: The proposed project would not impede or redirect historic water-flow patterns (Water Quality Memo, April 29, 2010)

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

Explanation: The proposed project does not include a levee or a dam.

j) Result in inundation by a seiche, tsunami, or mudflow?				X

Explanation: The project proposes to realign an existing curve and would not result in inundation by a seiche, tsunami, or mudflow (Water Quality Memo, April 29, 2010)

X. LAND USE AND PLANNING — Would the project:

a) Physically divide an established community?				X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. No established communities are located within the project area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

Explanation: Land use would not change as a result of the proposed project. Therefore, the project would not conflict with any land use, policy or regulation.

c) 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

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project would not affect any habitat conservation plan or community conservation plan.

XI. 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

Explanation: The project would not affect any mineral resource.

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

Explanation: The project would not affect any mineral resource.

XII. NOISE — Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not classified as capacity increasing and would not increase noise above current conditions. A temporary and intermittent increase in noise is expected to occur during construction. (Noise Memo, 4/29/2010)

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not classified as capacity increasing and would not increase noise above current conditions. A temporary and intermittent increase in noise is expected to occur during construction. However, excess groundborn vibration and groundborn noise levels are not anticipated. (Noise Memo, 4/29/2010)

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not classified as capacity increasing and would not increase noise above current conditions. A temporary and intermittent increase in noise is expected to occur during construction. However, this increase would not be permanent. (Noise Memo, 4/29/2010)

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not classified as capacity increasing and would not increase noise above current conditions. A temporary and intermittent increase in noise is expected to occur during construction. However, the increase in noise is not expected to be substantial.

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

Explanation: There are no public airports or public use airports within 7 miles of the project area.

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

Explanation: There are no private airstrips in the project vicinity

XIII. 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

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not capacity increasing.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility, no relocations are necessary.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility, no relocations are necessary.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

XIV. PUBLIC SERVICES —

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

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

Explanation: The road would remain open during construction; access would not be blocked.

XV. 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

Explanation: There are no neighborhood parks, regional parks, or other recreational facilities in the project area.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

Explanation: The proposed project does not include any work on recreational facilities.

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
XVI. TRANSPORTATION/TRAFFIC — Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	X
Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not capacity increasing.				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	X
Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. The project is not expected to alter the level of service.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
Explanation: There are no airports within 7 miles of the project area and therefore, the project would not alter air traffic patterns.				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
Explanation: The project would not alter the existing geometry of the highway nor would it alter the existing horizontal alignment.				
e) Result in inadequate emergency access?	☐	☐	☐	X
Explanation: The project would not alter access to the existing highway. The highway would remain open during construction activities and would not inhibit emergency access.				
f) Result in inadequate parking capacity?	☐	☐	☐	X
Explanation: No parking facilities are present within the project area.				

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	X

Explanation: The proposed project is not capacity increasing. Therefore, The project would not conflict with any policies, plans, or programs supporting alternative transportation.

XVII. UTILITY AND SERVICE SYSTEMS — Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	X

Explanation: No water-generating sources are proposed that would require new water- or wastewater treatment facilities.

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

Explanation: No water-generating sources are proposed that would require new water- or wastewater treatment facilities.

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

Explanation: No water-generating sources are proposed that would require new water- or wastewater treatment facilities.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	X

Explanation: No water-generating sources are proposed that would require new water- or wastewater treatment facilities.

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	X

Explanation: No water-generating sources are proposed that would require new water- or wastewater treatment facilities.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste	☐	☐	☐	X

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact

disposal needs?

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. Once the project is completed, the project would not generate any solid waste.

g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. Once the project is completed, the project would not generate any solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	

- *Explanation:* Riparian habitat and 18 blue oaks were identified within the biological study area that would need to be removed. Mitigation for impacts to riparian habitat will be completed by establishing ESA's to minimize project impact and drip-line protection area for each tree. Mitigation for off-site replacement plantings of blue oaks and enhancement/preservation of off-site riparian habitats will also occur (see Table 1 on page 28 for blue oak mitigation ratios). If the ephemeral creek is deemed jurisdictional by Waters of the United States then construction would occur during the dry season when flows are low. Best management practices would protect the water quality during construction and preservation, enhancement, restoration, and /or creation of aquatic resources off-site would occur. Although no animal species were observed in the biological study area, potential impacts to their habits do exist. Preconstruction surveys would be conducted by a qualified biologist and the appropriate specifications will be applied to minimize their impacts. Of the 15 elderberry shrubs that were identified within the biological study area, 5 would be directly affected by the proposed construction activities. Compensatory mitigation would include the transplanting of elderberry shrubs to an approved mitigation bank and the purchase of bank credits. – Biological Opinion from the U.S. Fish and Wildlife Service –see Appendix C

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

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. No cumulative impacts are anticipated.

c) Does the project have environmental effects that

	Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

Explanation: The proposed project would realign an existing curve and preserve the existing roadway facility. No substantial adverse affects on humans either directly or indirectly are anticipated.

Additional Explanations for Questions in the Impacts Checklist

IV. Biological Resources (checklist questions a, b, and d)

Natural Communities

This section discusses natural communities of special concern that include areas with federal designation and rare natural resources. The federal government has designated specific areas called critical habitat that are essential to the conservation of federally listed species and that may require special management consideration or protection. Species specific critical habitat is also discussed under the *Threatened and Endangered Species* section of this document.

Affected Environment

Riparian Habitat

The biological area surveyed by Caltrans biologists in June 2012 consists of riparian habitat and blue oak woodland. (Natural Environment Study July, 2012)

Environmental Consequences

Riparian Habitat

The proposed project would impact riparian habitat by removing 12 blue oaks trees in the project area.

Avoidance, Minimization, and/or Mitigation Measures

Riparian Habitat

The following avoidance and minimization measures should be used prior to and during construction:

- Removal of riparian vegetation would be limited to the minimum amount necessary to allow for efficient project construction.
- Before construction, Caltrans would establish environmentally sensitive areas consisting of orange mesh fencing around the oak trees to be avoided. The environmentally sensitive areas would delineate a drip-line protection area for each tree, which would consist of a radius measurement from the trunk of the tree to the tip of its longest limb, where feasible. In addition, the limits of the construction area would be flagged, and all activity would be limited to the marked area.

- Mitigation for impacts to riparian habitat should be completed through off-site replacement plantings and enhancement/preservation of off-site riparian habitats. Plans for mitigation should be submitted and approved by the California Department of Fish and Game prior to construction of the project. In addition to the avoidance and minimization listed below, a summary of the proposed mitigation is listed in the Table 1 below.

Table 1: Proposed Mitigation for Tree Removal or Trimming

Blue Oak #	**Diameter at Breast Height**	**Mitigation Ratio**	**Number of Replanting***
1	15.5	3:1	3
2	12.5	3:1	3
3	10.5	3:1	3
4	9	3:1	3
5	11.5	3:1	3
6	27.5	10:1	10
13	9	3:1	3
14	4.75	3:1	3
15	3	3:1	3
16	4.25	3:1	3
17	14	3:1	3
18	5	3:1	3
Total number of oaks to be replanted			43

Caltrans is currently planning off-site replanting to meet the required compensatory mitigation.

Wetlands and Other Waters

This section discusses wetlands and waters that are under the jurisdiction of the United States Army Corps of Engineers.

Waters of the United States are defined as those waters that are currently used or were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide and all interstate waters including interstate wetlands. This definition also includes intrastate lakes, rivers, streams (including intermittent and ephemeral streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds where the use, degradation or destruction of which could affect interstate or foreign commerce

The term "jurisdictional wetlands" refers to 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 vegetation typically adapted for life in saturated soil conditions. Jurisdictional wetlands generally include swamps, marshes, bogs, natural drainage channels, and seasonal wetlands.

Affected Environment

Wetlands

A wetland delineation was completed in July 2012. No United States Army Corps of Engineers-jurisdictional wetlands occur within or adjacent to the project area. (Natural Environmental Study July, 2012)

Waters of the United States

A seasonal ephemeral creek which flows southwest through the project site was delineated as potentially being jurisdictional Waters of the United States.

Environmental Consequences

The project proposes to culvert this unnamed ephemeral creek on the east side of the project area and would permanently impact 0.25 acres of the unnamed drainage. The table below summarizes the impacts of the potential project.

Table 2: Permanent impacts to Waters of the United States

Drainage	**Type**	**Activity**	**Type of impact**	**Impact (ft^2/ ac)**
Unnamed drainage	Ephemeral	Culvert Replacement In-kind	Permanent	500 ft^2/0.25 ac

If the ephemeral creek is determined to be jurisdictional Waters of the United States and impacted by the proposed project, a Clean Water Act Section 404 Nationwide Permit #14 would be required for construction activities affecting Prather Curve Correction. There are no jurisdictional wetlands within the project area. A Clean Water Act Section 401 certification from the State Regional Water Quality Control Board is required.

A CDFG 1602 streambed alteration agreement would also be required for construction activities affecting drainages within the project limits.

Avoidance, Minimization, and/or Mitigation Measures

If determined to be jurisdictional the following avoidance and minimization measures would mitigate for the permanent and temporary impacts:

- Construction would occur during the dry season when flows within the ephemeral creek are low.
- Best management practices would protect water quality during construction.
- As stated in the Caltrans Standard Specifications, the contractor would take the following steps to eliminate potential impacts to water quality during construction: Measures to control temporary erosion; measures needed in case of the accidental spill of hazardous materials; and measures to prevent debris from falling into surface waters.
- The contractor would prepare a Storm Water Pollution Prevention Plan to reduce or eliminate impacts to water quality.
- The project would be constructed with strict adherence to the water-pollutant control standards.
- Preservation, enhancement and/or restoration of aquatic resources
- Creation of aquatic resources offsite

Animal Species

This section discusses potential impacts and permit requirements for wildlife not listed or proposed for listing under the state or federal Endangered Species Act. Species listed or proposed for listing as threatened or endangered are discussed in the *Threatened and Endangered Species* section of this document. All other special-status animal species are discussed here, including California Department of Fish and Game fully protected species and species of concern.

Affected Environment

Bald Eagle

No bald eagles were observed within the biological study area during surveys however the closest occurrence is 8.5 miles northeast of the project area at Redinger Lake. (Natural Environmental Study July, 2012)

Golden Eagle

No golden eagles were observed within the biological study area during surveys however the closest occurrence is 3 miles northwest of the project area, east of the San Joaquin River at Squaw Leap. (Natural Environmental Study July, 2012)

Pallid Bat

No pallid bats were observed within the biological study area during surveys and the study area doesn't contain suitable roosting habitat for Pallid Bats that would roost in cliff sides or rocky outcroppings. (Natural Environmental Study July, 2012)

Long-eared Myotis

No long-eared myotis were observed within the biological study area during surveys and the study area doesn't contain suitable roosting habitat for long-eared myotis that would roost in cliff sides or rocky outcroppings. (Natural Environmental Study July, 2012)

Yuma Myotis

No yuma myotis were observed within the biological study area during surveys and the study area doesn't contain suitable roosting habitat for yuma myotis that would roost in cliff sides or rocky outcroppings. (Natural Environmental Study July, 2012)

Environmental Consequences

Bald Eagle

Although no bald eagles were observed during surveys, the removal of oak woodland habitat could affect the bald eagles habitat as riparian and blue oak woodland habitat contains trees that may be suitable for nesting bald eagles. (Natural Environmental Study July, 2012)

Golden Eagle

Although no golden eagles were observed during surveys, the removal of oak woodland habitat could affect the golden eagles habitat as riparian and blue oak woodland habitat contains trees that may be suitable for nesting golden eagles. (Natural Environmental Study July, 2012)

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Pallid Bat

Although no pallid bats were observed during surveys, the removal of oak woodland habitat could potentially affect the pallid bat as the oak woodland habitat does provide suitable habitat for pallid bats that would roost in trees and snags. (Natural Environmental Study July, 2012)

Long-eared Myotis

Although no long-eared myotis were observed during surveys, the removal of oak woodland could potentially affect the long-eared myotis as the oak woodland habitat does provide suitable habitat for long-eared myotis that would roost in trees and snags. (Natural Environmental Study July, 2012)

Yuma Myotis

Although no yuma myotis were observed during surveys, the removal of oak woodland habitat could potentially affect the yuma myotis as the oak woodland habitat does provide suitable habitat for yuma myotis that would roost in trees and snags. (Natural Environmental Study July, 2012)

Avoidance, Minimization, and/or Mitigation Measures

Bald Eagle

- Preconstruction surveys would be conducted to ensure no nesting bald eagles would be affected if construction were to occur during the nesting season.
- If bald eagles are observed onsite, then the nest site will be designated an environmentally sensitive area, with a no-work area around the nest until it has been determined by a qualified biologist that the young have fledged.
- A qualified biologist would monitor the active nest during construction activities.
- A special provision for migratory birds would be included to ensure that no potential nesting migratory birds would be affected during construction.
- Removal of trees within the project impact area would be completed outside of the nesting season.

Golden Eagle

- Preconstruction surveys would be conducted to ensure no nesting golden eagles would be affected if construction were to occur during the nesting season.
- If golden eagles are observed onsite, then the nest site will be designated an environmentally sensitive area, with a no-work area around the nest until it has been determined by a qualified biologist that the young have fledged.
- A qualified biologist would monitor the active nest during construction activities.
- A special provision for migratory birds would be included to ensure that no potential nesting migratory birds are affected during construction.
- Removal of trees within the project impact area would be done outside of the nesting season.

Pallid Bat

Additional surveys would be needed within a year of the start of construction to reassess whether bat species are present.

If it is determined that bat species are using trees within the project impact area, tree removal would need to be completed when bat species are confirmed to have left the area.

Long-eared Myotis

Additional surveys would be needed within a year of the start of construction to reassess whether bat species are present.

If it is determined that bat species are using trees within the project impact area, tree removal would need to be completed when bat species are confirmed to have left the area.

Yuma Myotis

Additional surveys would be needed within a year of the start of construction to reassess whether bat species are present.

If it is determined that bat species are using trees within the project impact area, tree removal would need to be completed when bat species are confirmed to have left the area.

Threatened and Endangered Species

This section discusses plant and animal species that are listed as threatened or endangered. The agencies listed below are responsible for the following tasks.

The United States Fish and Wildlife Service is responsible for all federally listed plant and animal species that may occur in the project area under the Federal Endangered Species Act of 1973 (16 United States Code 1531 - 1543). In addition, the United States Fish and Wildlife Service enforces the Migratory Bird Treaty Act (16 United State Code 703-71l) that is responsible for the protection of migratory birds.

The California Department of Fish and Game is responsible for all state listed plant and animal species that may occur in the project area under the California Endangered Species Act (Fish and Game Code §Sections 2050-2116). The California Department of Fish and Game also acts as a trustee agency under the California Environmental Quality Act. In addition, the California Department of Fish and Game is responsible for determining impacts to lake or streambeds and issuing Streambed Alteration Agreements (Fish and Game Code §Section 1600).

The National Marine Fisheries Service is the federal agency that oversees critical habitat for endangered and threatened fish and anadromous fisheries.

Affected Environment

A Natural Environment Study was prepared in July 2012. The study identified one threatened and endangered species that is present in the project area: The Valley Elderberry Longhorn Beetle.

Valley Elderberry Longhorn Beetle

The length of the biological study area was surveyed, and 15 blue elderberries were identified within 100 feet of the project impact area. (Natural Environmental Study July, 2012)

Environmental Consequences

Valley Elderberry Longhorn Beetle

Of the 15 elderberry shrubs that were identified within the biological study area, 5 would be directly affected by the proposed construction activities. The 5 elderberry shrubs that are within the project impact area would be relocated to a U.S. Fish and

Wildlife Service-approved mitigation bank for valley elderberry longhorn beetle, such as the French Camp Conservation Bank.

Avoidance, Minimization, and/or Mitigation Measures

Valley Elderberry Longhorn Beetle

The following avoidance and minimization measures would be implemented to minimize impacts to the valley elderberry longhorn beetle:

- Elderberry shrubs that can be avoided would be designated as an environmentally sensitive area and identified with high visibility fencing at least 20 feet from the drip line for each elderberry shrub.
- Environmentally sensitive areas would be clearly marked and labeled with appropriate signs to identify the potential for endangered species.
- All construction personnel would need to attend environmental awareness training before construction activities start.
- Compensatory mitigation for this site would include the transplanting of elderberry shrubs to an approved mitigation bank and the purchase of bank credits.

Invasive Species

Affected Environment

The riparian habitat within the project area consists of native as well as non-native vegetation and the ruderal habitat within the project area consists of non-native weedy species. (Natural Environmental Study July, 2012)

In order to comply with the Executive Order on Invasive Species, Executive Order 13112, and subsequent guidance from the Federal Highway Administration, the landscaping and erosion control included in the project will not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions will be taken if invasive species are found in or adjacent to the construction areas.

Environmental Consequences

Construction activities may introduce or spread noxious weeds (non-native, invasive plants) into currently uninfested areas within or adjacent to the project area. Once

established, these weeds may invade wildlands, potentially degrading existing habitat for special-status plants and animals.

None of the species on the California list of noxious weeds are currently used by the Department for erosion control or landscaping, and would not be used in areas that would be temporarily disturbed during construction and require restoration.

Avoidance, Minimization, and/or Mitigation Measures

To minimize the risk of introducing additional non-native species into the area, weed-free erosion control applications shall be used. All off-road equipment would be cleaned of potential noxious weed sources (mud, vegetation) before entry into the project area, to help ensure noxious weeds are not introduced into the project area. The contractor shall employ whatever cleaning methods (typically with the use of a high-pressure water hose) are necessary to ensure that equipment is free of noxious weeds. Equipment shall be considered free of soil, seeds, and other such debris when a visual inspection does not disclose such material. Disassembly of equipment components or specialized inspection tools is not required.

Appendix A Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gases, particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988, has led to increased efforts devoted to greenhouse gas emissions reduction and climate change research and policy. These efforts are mainly concerned with the emissions of greenhouse gas related to human activity that include carbon dioxide (CO_2), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 – tetrafluoroethane), and HFC-152a (difluoroethane).

In the United States (U.S.), the main source of GHG emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light duty trucks, other trucks, buses, and motorcycles make up the largest source (second to electricity generation) of GHG emitting sources. The dominant GHG emitted is CO_2, mostly from fossil fuel combustion.

There are typically two terms used when discussing the impacts of climate change. "Greenhouse Gas (GHG) Mitigation" is a term for reducing GHG emissions in order to reduce or "mitigate" the impacts of climate change. "Adaptation" refers to the effort of planning for and adapting to impacts resulting from climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels)[1].

There are four primary strategies for reducing GHG emissions from transportation sources: 1) improving the transportation system and operational efficiencies, 2) reducing the growth of vehicle miles traveled (VMT) 3) transitioning to lower GHG emitting fuels and 4) improving vehicle technologies. To be most effective all four strategies should be pursued cooperatively. The following Regulatory Setting section outlines state and federal efforts to comprehensively reduce GHG emissions from transportation sources.

[1] http://climatechange.transportation.org/ghg_mitigation/

Regulatory Setting

State

With the passage of several pieces of legislation including State Senate and Assembly Bills and Executive Orders, California launched an innovative and pro-active approach to dealing with greenhouse gas emissions and climate change.

Assembly Bill 1493 (AB 1493), Pavley. Vehicular Emissions: Greenhouse Gases (AB 1493), 2002: requires the California Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year. In June 2009, the U.S. Environmental Protection Agency (U.S. EPA) Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own greenhouse gas emission standards for motor vehicles beginning with model year 2009. California agencies will be working with Federal agencies to conduct joint rulemaking to reduce greenhouse gas emissions for passenger cars model years 2017-2025.

Executive Order S-3-05: (signed on June 1, 2005, by Governor Arnold Schwarzenegger) the goal of this Executive Order is to reduce California's greenhouse gas emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

AB32 (AB 32), the Global Warming Solutions Act of 2006: AB 32 sets the same overall greenhouse gas emissions reduction goals as outlined in Executive Order S-3-05, while further mandating that the California Air Resources Board create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the State's Climate Action Team.

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

Senate Bill 97 (Chapter 185, 2007): required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the State CEQA Guidelines for

addressing greenhouse gas emissions. The Amendments became effective on March 18, 2010.

Federal

Although climate change and greenhouse gas reduction is a concern at the federal level; currently there are, no regulations or legislation that have been enacted specifically addressing greenhouse gas emissions reductions and climate change at the project level. Neither the United States Environmental Protection Agency nor Federal Highway Administration (FHWA) has promulgated explicit guidance or methodology to conduct project-level greenhouse gas analysis. As stated on the Federal Highway Administration's climate change website (http://www.fhwa.dot.gov/hep/climate/index.htm), climate change considerations should be integrated throughout the transportation decision-making process– from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will facilitate decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project level decision-making. Climate change considerations can easily be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies set forth by the Federal Highway Administration to lessen climate change impacts do correlate with efforts that the State has undertaken and is undertaking to deal with transportation and climate change; the strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and reduction in the growth of vehicle hours travelled.

Climate change and its associated effects are also being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and Executive Order 13514- Federal Leadership in Environmental, Energy and Economic Performance.

Executive Order 13514 is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the interagency Climate Change Adaptation Task Force, which is engaged in developing a U.S. strategy for adaptation to climate change.

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the U.S. EPA has the authority to regulate greenhouse gas. The Court held that the U.S. EPA

Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

On December 7, 2009, the U.S. EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

Endangerment Finding: The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)--in the atmosphere threaten the public health and welfare of current and future generations.

Cause or Contribute Finding: The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the U.S. EPA's *Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles*, which was published on September 15, 2009[1]. On May 7, 2010 the final *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* was published in the Federal Register.

U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced greenhouse gas emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever greenhouse gas regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle greenhouse gas regulations. These steps were outlined by President Obama in a memorandum on May 21, 2010.[2]

The final combined U.S. EPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide per mile, equivalent to 35.5 miles per gallon (MPG) if the automobile industry were to meet

[1] http://www.epa.gov/climatechange/endangerment.html
[2] http://epa.gov/otaq/climate/regulations.htm

this carbon dioxide level solely through fuel economy improvements. Together, these standards will cut greenhouse gas emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

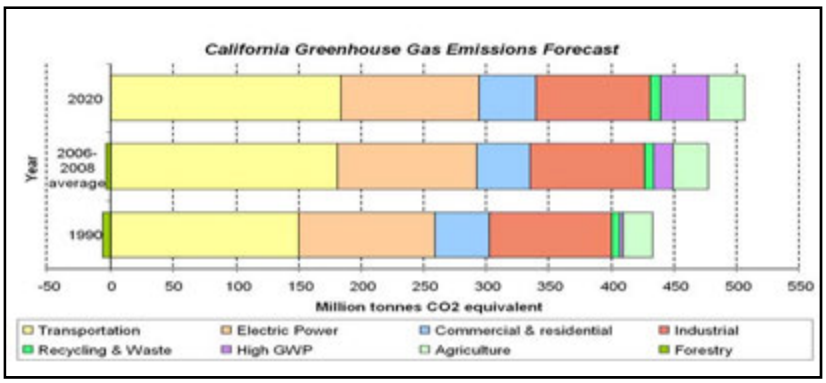
On November 16, 2011, U.S. EPA and NHTSA issued their joint proposal to extend this national program of coordinated greenhouse gas and fuel economy standards to model years 2017 through 2025 passenger vehicles.

Project Analysis

An individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of greenhouse gas.[1] In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See California Environmental Quality Act (CEQA) Guidelines sections 15064(h)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

The AB 32 Scoping Plan contains the main strategies California will use to reduce greenhouse gas. As part of its supporting documentation for the Draft Scoping Plan, the Air Resources Board released the greenhouse gas inventory for California (Forecast last updated: 28 October 2010). The forecast is an estimate of the emissions expected to occur in the year 2020 if none of the foreseeable measures included in the Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the greenhouse gas inventory for 2006, 2007, and 2008.

1 This approach is supported by the AEP: Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents (March 5, 2007), as well as the SCAQMD (Chapter 6: The CEQA Guide, April 2011) and the US Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

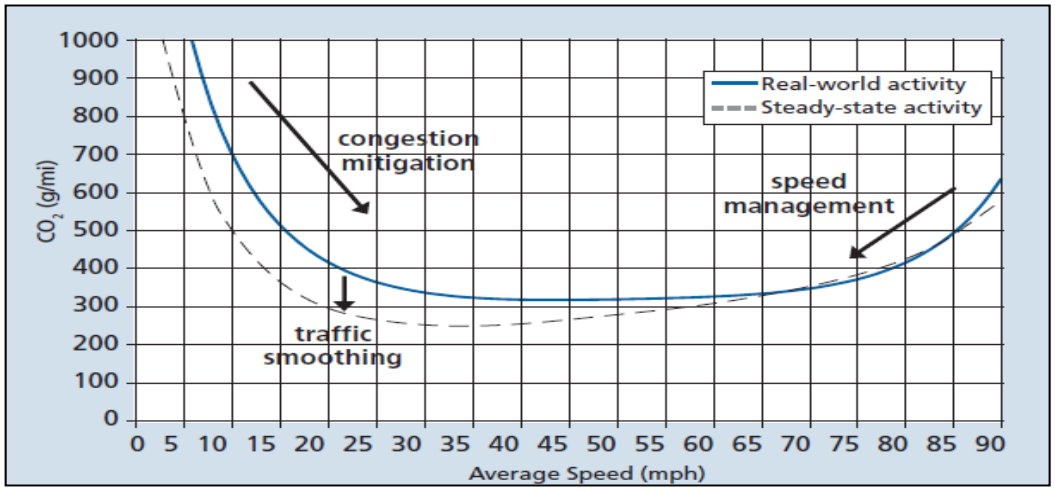


Source: http://www.arb.ca.gov/cc/inventory/data/forecast.htm

Figure 2-4 California Greenhouse Gas Forecast

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California's greenhouse gas emissions are from the burning of fossil fuels and 40 percent of all human made greenhouse gas emissions are from transportation, the Department has created and is implementing the Climate Action Program at Caltrans that was published in December 2006 (see Climate Action Program at Caltrans (December 2006).[1]

Figure 2-5 Possible Effect of traffic operation strategies in reducing on-road CO2 emission[2]



[1] Caltrans Climate Action Program is located at the following web address: http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf

[2] **Traffic Congestion and Greenhouse Gases:** Matthew Barth and Kanok Boriboonsomsin(TR News 268 May-June 2010)<http://onlinepubs.trb.org/onlinepubs/trnews/trnews268.pdf>

The California Department of Transportation (Caltrans) proposes to realign the existing curve on State Route 168 from post miles T29.0 to T29.4 in Fresno County. The proposed construction would improve the highway curve radius to meet design speed standards of 45-miles-per-hour and improve safety. The project would move the right-of-way line about 60 feet north and would acquire about 3.91 acres of additional right-of-way allowing a section of the mountain slope to be excavated, increasing sight distance for both east and westbound traffic and would also allow the existing roadway to be widened for the construction of two 12-foot lanes with 8-foot-wide shoulders. In addition, utility poles will be relocated and storm drainage improvements would be made within the project limits.

Construction and implementation of the proposed project would not increase capacity. The features of this project are designed to improve safety thus making the traffic flow more smoothly in the project area. Greenhouse gas emissions are not expected to increase as a result of this project.

Construction Emissions

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

The project would be subject to a Dust Control Permit from the San Joaquin Unified Air Pollution Control District and Caltrans Standard Specifications pertaining to dust control and dust palliative requirements.

California Environmental Quality Act Conclusion

While there will be unavoidable construction-related greenhouse gas emissions, Caltrans anticipates that the proposed project will not result in any increases in operational greenhouse gas emissions. While it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project’s direct impact and its contribution on the cumulative scale to climate change, Caltrans is firmly committed

to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

AB 32 Compliance

Caltrans continues to be actively involved on the Governor's Climate Action Team as the California Air Resources Board works to implement the Governor's Executive Orders and help achieve the targets set forth in Assembly Bill 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Then-Governor Arnold Schwarzenegger's Strategic Growth Plan calls for a $222 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including $100.7 billion in transportation funding during the next decade.

The Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together are expected to reduce congestion. The Strategic Growth Plan relies on a complete systems approach to attain CO_2 reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements as depicted in Figure 2-6: The Mobility Pyramid.

Figure 2-6 The Mobility Pyramid.

Caltrans is also supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. The Department works closely with local jurisdictions on planning activities but does not have local land use planning authority. The Department also assists efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; the Department is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by U.S. EPA and ARB. Table 2.12 summarizes the Departmental and statewide efforts that the Department is implementing in order to reduce GHG emissions. More detailed information about each strategy is included in the Climate Action Program at Caltrans (December 2006).

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Table 2.12 Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO_2 Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Trans. System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	0.007	2.17
Mainstream Energy & Greenhouse Gas into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, CARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.45 .0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 0.36	3.6
Goods Movement	Office of Goods Movement	Cal EPA, CARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.67

The following measures will also be included in the project to reduce the GHG emissions and potential climate change impacts from the project:

- Because landscaping reduces surface warming, and through photosynthesis, decreases CO_2, Caltrans would replant any trees removed by the project at a minimum ratio of 3 to 1. These trees would help offset any potential increase in CO_2 emissions. Based on a formula from the Canadian Tree Foundation,[7] it is anticipated that the planted trees would offset between 7 and 10 tons of CO_2 per year.
- According to the Caltrans Standard Specifications, the contractor must comply with all local air pollution control district rules, ordinances, and regulations in regard to air quality restrictions.

Adaptation Strategies

"Adaptation strategies" refer to how Caltrans and others can plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the transportation infrastructure in various ways, such as damaging roadbeds by longer periods of intense heat; increasing storm damage from flooding and erosion; and inundation from rising sea levels. These effects would vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. There may also be economic and strategic ramifications as a result of these types of impacts to the transportation infrastructure.

Climate change adaptation must also involve the natural environment as well. Efforts are underway on a statewide level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts would help California agencies plan and implement mitigation strategies for programs and projects.

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[7] Canadian Tree Foundation at http://www.tcf-fca.ca/publications/pdf/english_reduceco2.pdf. For rural areas, the formula is # of trees/360 x survival rate = tons of carbon/year removed for each of 80 years.

On November 14, 2008, then-Governor Schwarzenegger signed Executive Order S-13-08, which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change.

The California Resources Agency (now the Natural Resources Agency), through the interagency Climate Action Team, was directed to coordinate with local, regional, state and federal public and private entities to develop a state Climate Adaptation Strategy. The Climate Adaptation Strategy would summarize the best-known science on climate change impacts to California, assess California's vulnerability to the identified impacts and then outline solutions that can be implemented within and across state agencies to promote resiliency.

The strategy outline is in direct response to Executive Order S-13-08 that specifically asked the Resources Agency to identify how state agencies can respond to rising temperatures, changing precipitation patterns, sea level rise, and extreme natural events. Numerous other state agencies were involved in the creation of the Adaptation Strategy document, including the California Environmental Protection Agency; Business, Transportation and Housing; Health and Human Services; and the Department of Agriculture. The document is broken down into strategies for different sectors that include: Public Health; Biodiversity and Habitat; Ocean and Coastal Resources; Water Management; Agriculture; Forestry; and Transportation and Energy Infrastructure. As data continues to be developed and collected, the state's adaptation strategy will be updated to reflect current findings.

The Resources Agency was also directed to request the National Academy of Science to prepare a Sea Level Rise Assessment Report by December 2010[8] to advise how California should plan for future sea level rise. The report is to include:

- relative sea level rise projections for California, Oregon, and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge, and land subsidence rates;
- the range of uncertainty in selected sea level rise projections;
- a synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities, and beaches), natural areas, and coastal and marine ecosystems;
- a discussion of future research needs regarding sea level rise.

Prior to the release of the final Sea Level Rise Assessment Report, all state agencies that are planning to construct projects in areas vulnerable to future sea level rise were directed to consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks

[8] The Sea Level Rise Assessment report is currently due to be completed in 2012 and will include information for Oregon and Washington states as well as California.

and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information regarding local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge, and storm wave data

Interim guidance has been released by The Coastal Ocean Climate Action Team (CO-CAT) as well as the Department as a method to initiate action and discussion of potential risks to the state's infrastructure due to projected sea level rise.

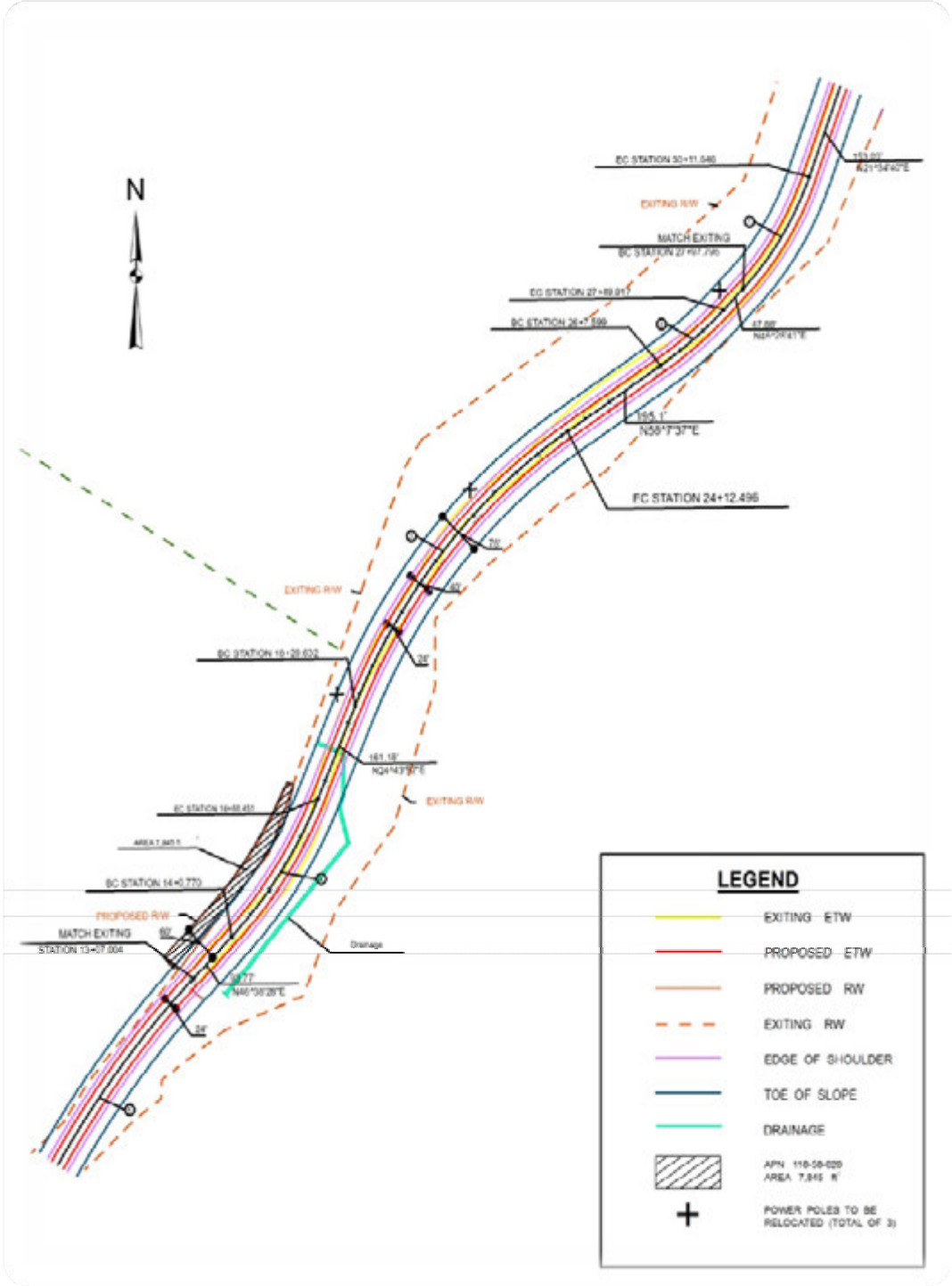
All projects that have filed a Notice of Preparation as of the date of the Executive Order S-13-08, and/or are programmed for construction funding through 2013, or are routine maintenance projects may, but are not required to, consider these planning guidelines. This project was programmed for construction in 2013.

Executive Order S-13-08 also directed the Business, Transportation and Housing Agency to prepare a report to assess vulnerability of transportation systems to sea level rise affecting safety, maintenance and operational improvements of the system, and economy of the state. The Department continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Currently, the Department is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change effects, the Department has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once statewide planning scenarios become available, the Department will be able review its current design standards to determine what changes, if any, may be warranted in order to protect the transportation system from sea level rise.

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. The Department is an active participant in the efforts being conducted in response to Executive Order S-13-08 and is mobilizing to be able to respond to the National Academy of Science Sea Level Rise Assessment Report.

Appendix B Prather Curve Correction



Appendix C Biological Opinion

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
08ESMF00-2012-F-0623-1

January 8, 2013

Mr. Javier Almaguer
Chief, Central Region Biology South Branch
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721

Subject: Formal Consultation for the Prather Curve Correction Project, Fresno County, California (California Department of Transportation EA 06-0M050; 06-FRE-168-PM T29.0 - T29.4)

Dear Mr. Almaguer:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) request for formal consultation on the Prather Curve Correction Project (project) in Fresno County, California. Under the provisions of the July 1, 2007, Pilot Program Memorandum of Understanding between the Federal Highway Administration (FHWA) and Caltrans, FHWA assigned, and Caltrans assumed, FHWA's responsibilities under the National Environmental Policy Act as well as its responsibilities for environmental review, consultation, and coordination under other Federal environmental laws.

Your letter requesting formal consultation, dated August 6, 2012, was received in this office on August 10, 2012. Caltrans determined, and the Service agreed, that the project be considered for inclusion with the Service's March 11, 1997, *Formal Programmatic Consultation Permitting Projects with Relatively Small Effects on the Valley Elderberry Longhorn Beetle within the Jurisdiction of the Sacramento Field Office, California* (Programmatic) (Service file number 1-1-96-F-0156). At issue are the effects of this proposed project on the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). This document has been prepared in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) (Act).

The findings and recommendations of this biological opinion are based on: (1) the consultation history; and (2) other information available to the Service.

Consultation History

April 30 - May 2, 2012. Caltrans requested early guidance from the Service regarding the federally-listed as threatened Mariposa pussypaws (*Calyptridium pulchellum*) and its likelihood to occur at the proposed project site.

July 31, 2012. Caltrans telephoned the Service to provide a brief description of the project and to inquire about four elderberry shrubs (*Sambucus* sp.) that were located approximately 10 feet (ft.) from the cut/fill line on the edge of a slope. The Service recommended that Caltrans leave the shrubs intact if construction will not directly eliminate them, but there could still be adverse effects to those shrubs because of the proximity of construction activities to the shrubs' driplines.

August 10, 2012. The Service received Caltrans' letter requesting to append the project to the Programmatic. Included in the initiation package with the letter were the Natural Environment Study (NES), two figures of the project location, and design layouts.

September 10 & 12, 2012. The Service e-mailed Caltrans with questions regarding the NES and request letter. Caltrans responded to the Service on September 12.

September 21, 2012. Caltrans e-mailed the Service to ask whether the Service had all the information it needed to proceed with consultation. The Service responded to say that the initiation package was complete as of September 12.

October 23 & 26, 2012. The Service e-mailed Caltrans with additional questions regarding the project. Caltrans responded on October 26.

BIOLOGICAL OPINION

Project Description

Caltrans proposes to realign the existing curve on State Route (SR) 168 from post miles (PM) T29.0 to T29.4 located south of the town of Prather in Fresno County. Construction will improve traffic safety by increasing the curve radius to meet the design speed standard of 45 miles per hour. The project also will move the right-of-way (ROW) line about 60 ft. north and will acquire approximately 3.91 acres (ac) of additional ROW to allow for the excavation of a section of the mountain slope. The roadway will be widened to accommodate two 12 ft. lanes, each with an 8 ft. shoulder, which will serve to increase sight distance for both eastbound and westbound traffic. Utility poles also will be relocated, while storm drainages will be improved within the project limits.

A seasonal creek is located within the project area, of which an approximately 0.25 ac section (approximately 700 ft. of waterway) will be impacted by the project. A culvert will be installed there to facilitate construction of the roadway. Work in the creek-bed will be restricted either to when there are low flows in the waterway, or to when it is dry. In the spring and summer of 2012, there was little water present in the creek in April; by June, the creek was completely dry.

Since the seasonal creek receives water from rain events, it would be unlikely to hold water again until later in the year when winter rains begin. If water is present when construction commences, it will be diverted or pumped out; no work will be conducted in the creek during the rainy season.

The contractor will follow best management practices during construction. Equipment parking, project access, supplies logistics, equipment maintenance, and other related activities will occur within temporary construction easements. Designated staging areas for equipment storage and vehicle parking will be pre-approved by a Caltrans biologist. Currently, project staging is proposed to occur at an existing pull-out area at the northeastern end of the roadway segment.

Caltrans has not yet determined the total amount of cut and fill required for the project, but those areas that will be cut will then be used as fill where needed. Construction is anticipated to begin in February or March of 2015 and take approximately six months to complete.

Conservation Measures

Caltrans proposes to implement the following specific measures, drawn from the Service's 1999 *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Guidelines), to minimize and avoid effects to sensitive natural communities and the valley elderberry longhorn beetle.

1. a. Prior to the commencement of groundbreaking, construction and staging areas will be surveyed by a Service-approved biologist(s) and the limits of these areas staked and marked as Environmentally Sensitive Areas (ESAs) in order to prevent encroachment by construction vehicles, equipment, and personnel. Elderberry shrubs that will not be transplanted will be designated as ESAs and identified with high visibility fencing and appropriate signs.

   b. Fencing will be checked and maintained weekly until all construction is completed.

2. A qualified Service-approved biologist(s) will conduct an environmental education program for construction employees and contractors, covering the status of the valley elderberry longhorn beetle, how to avoid damaging the elderberry shrubs, the importance of avoiding impacts to the valley elderberry longhorn beetle, and the penalties for not complying with minimization requirements. New construction personnel who are added to the project after the training is first conducted will also be required to take the training. An environmental awareness handout will be provided to each worker.

3. Caltrans will ensure that the project employs dust control measures such as the spraying of water on un-vegetated graded and disturbed areas. This way, dirt will be prevented from becoming airborne and accumulating on elderberry shrubs. To avoid attracting Argentine ants (*Linepithema humile*), water will not be sprayed within the dripline boundaries of the elderberries.

4. a. Prior to groundbreaking, Caltrans proposes to compensate for disturbance to 10 elderberry shrubs during the course of construction and to minimize the resulting

effects to the valley elderberry longhorn beetle by transplanting five of the 10 affected shrubs, which are located within construction cut and fill boundaries. Caltrans also proposes to plant a total of 84 elderberry seedlings and 84 associated native plants (Table 1) within a minimum area of 0.70 ac at the French Camp Conservation Bank (FCCB), or at another Service-approved conservation bank; this equates to the purchase of 17 credits at an appropriate conservation bank.

b. The survey results used to determine appropriate compensation will not be more than two years old. Prior to the start of construction, additional surveys will be conducted to update elderberry findings and conservation measure 4a will be modified, if necessary.

Table 1. The number of elderberry stems affected by the project and the proposed compensation, as based on the ratios in the Service's Guidelines.

# Shrubs	Stem Size	# of Stems	Exit Holes	Riparian Habitat	Elderberry Seedling Ratio	# Elderberry Seedlings	Associated Native Ratio	# Associated Natives
10	≥1"- ≤3"	33	No	No	1:1	33	1:1	33
	>3" & <5"	12	No	No	2:1	24	1:1	24
	≥5"	9	No	No	3:1	27	1:1	27
	Total	**54**				**84**		**84**

Action Area

The action area is defined in 50 CFR § 402.02, as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." The action area includes a segment of an unnamed creek and portions of interior live oak woodland located within both the existing and newly proposed Caltrans right-of-way (ROW) that will be affected by construction activities and used for staging, access, and as temporary easements. This land within the ROW also incorporates the 0.4 mi segment of SR 168 hardscape that will be widened and realigned.

Appending to the Programmatic Biological Opinion

Caltrans has requested and the Service has agreed that it is appropriate to append the Prather Curve Correction Project to the Programmatic. This letter is an agreement by the Service to append the proposed project to the Programmatic and represents the Service's biological opinion on the effects of the proposed action. Compensation for projects appended to the Programmatic involves adhering to the Service's Guidelines, except as approved by the Service. A copy of these Guidelines is found as an appendix to the Programmatic.

The compensation identified in the Programmatic involves transplanting affected elderberry shrubs (those which cannot be avoided by construction activities) to a compensation area(s).

Those shrubs that do not necessitate removal will instead have ESA fencing installed around them at the project site. Numbers of elderberry seedlings/cuttings and associated native species, as proposed by Caltrans (Table 1), also will be planted at the compensation area(s).

The proposed project will adversely affect 10 elderberry shrubs that are suitable habitat for the valley elderberry longhorn beetle; five of these, which are located within the construction limits, will be transplanted to a conservation area(s). As of May 2012, surveys identified 54 stems one inch in diameter or greater at ground level. Caltrans proposes to provide compensatory measures for the anticipated adverse effects, which will minimize the effect of the take on the species (see Table 1). Plantings will occur on a Service-approved site that meets the requirements documented in the Service's most recently available (revised July 28, 2011), *Selected Review Criteria for Conservation Banks and Section 7 Off-Site Compensation* (Review Criteria). Caltrans has proposed to use the FCCB or another available Service-approved conservation bank as the compensation area. If a site other than those identified is proposed, the Service will require additional information on the site, the protections afforded the site (see Review Criteria), and who will be responsible for the monitoring and maintenance under the Review Criteria.

Analytical Framework for the Jeopardy/No Jeopardy Determination

In accordance with policy and regulation, the following analysis relies on four components to support the jeopardy/no jeopardy determination for the valley elderberry longhorn beetle: (1) the *Status of the Species*, which evaluates the range-wide condition of the valley elderberry longhorn beetle, the factors responsible for that condition, and its survival and recovery needs; (2) the *Environmental Baseline*, which evaluates the condition of the valley elderberry longhorn beetle in the action area, the factors responsible for that condition, and the role of the action area in the species' survival and recovery; (3) the *Effects of the Action*, which determines the direct and indirect impacts of the proposed project and the effects of any interrelated or interdependent activities on the valley elderberry longhorn beetle; and (4) *Cumulative Effects*, which evaluates the effects of future, non-Federal activities in the action area on the valley elderberry longhorn beetle.

In accordance with policy and regulation, the jeopardy/no jeopardy determination is made by evaluating the effects of the proposed Federal action in the context of the current status of the valley elderberry longhorn beetle, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the species in the wild.

The following analysis places an emphasis on consideration of the range-wide survival and recovery needs of the valley elderberry longhorn beetle, and the role of the action area in meeting those needs as the context for evaluating the significance of the effects of the proposed project, combined with cumulative effects, for purposes of making the jeopardy/no jeopardy determination. In short, a non-jeopardy determination is warranted if the proposed action is consistent with maintaining the role of habitat for the valley elderberry longhorn beetle populations in the action area for the survival and recovery of the species.

Effects of the Proposed Action

According to the CNDDB (2012)[1], there are two records of the valley elderberry longhorn beetle within the Millerton Lake East United States Geological Survey (USGS) 7.5-minute quadrangle, in which the project area is located. The records date from 1995 and 2003 and note that those elderberry shrubs observed contained valley elderberry longhorn beetle exit holes. The record from 1995 also noted the discovery of an adult valley elderberry longhorn beetle foraging on the shrub. Focused surveys of the present project site were conducted for suitable habitat for the species on May 3-4, 2012. Suitable habitat for the valley elderberry longhorn beetle was identified in the action area in the form of a total of 15 elderberry shrubs, which have multiple stems measuring at least one inch in diameter at ground level. No shrubs with exit holes were observed. Survey information will require updating prior to the start of construction. Because the action area is within the range of the species, there are known occurrences from the vicinity of the action area, and suitable habitat is present, the Service concludes that it is reasonably likely for the valley elderberry longhorn beetle to occupy the action area.

The Service considers there to be adverse effects to elderberry shrubs, and consequently to any valley elderberry longhorn beetles inhabiting these shrubs, from work activities occurring within 20 ft. of a shrub's dripline. Adverse effects would result in take through directly killing the valley elderberry longhorn beetle in the shrubs, and through harm resulting from loss of or disturbance to habitat that affects the species' essential life functions. Five of the total 15 shrubs identified during surveys are located within the construction cut and fill line and will be affected directly by realignment work conducted at this segment of SR 168; the shrubs cannot be avoided and therefore will be destroyed if left in place. Consequently, these shrubs will be removed and transplanted off-site to an appropriate conservation bank. However, mortality of the valley elderberry longhorn beetle could still occur as a result of removal methods used to displace and transplant these shrubs. Another five shrubs, while not located in the direct path of the construction limits, also will be affected due to their proximity to construction activities involving the excavation of the mountain slope in order to realign and widen the highway; potential effects to the shrubs could result from soil compaction and possible alterations in the hydrology of the section of seasonal creek that will be impacted on-site. The remaining five shrubs are located further away from construction work and are unlikely to be adversely affected; potential effects from soil compaction and changes to local hydrology are unlikely to be significant to a degree that will adversely affect these elderberry shrubs and any valley elderberry longhorn beetles inhabiting them. These five shrubs will be identified as ESAs with fencing installed at a minimum of 20 ft. from the dripline of each shrub, with the exception of one shrub situated up a steep slope; this shrub is unlikely to be adversely affected by construction due to its location.

When surveyed in 2012, the shrubs contained a total of 54 stems; 33 with a diameter of greater than or equal to one, and less than or equal to three inches at ground level; 12 stems with a diameter of greater than three inches and less than five inches at ground level; and nine stems with a diameter of greater than or equal to five inches. Caltrans will minimize the potential for losing all valley elderberry longhorn beetles within 10 adversely affected elderberry shrubs by

[1] California Natural Diversity Database. 2012. Natural Heritage Division, California Department of Fish and Game. RareFind 4. Accessed October 23, 2012. Sacramento, California.

transplanting five shrubs (those that would otherwise be eliminated on-site), and compensating for the loss of and disturbance to habitat provided by all 10 shrubs. Caltrans proposes to plant 84 elderberry seedlings and 84 associated native plants at the FCCB or at another appropriate and available Service-approved conservation bank, in accordance with the Guidelines (see Table 1). The proposed preservation of suitable elderberry habitat, along with the plantings of new elderberry seedlings and associated natives will minimize the effects of the permanent loss of and disturbance to the shrubs considered in this biological opinion. The compensation measures will help protect and manage the habitat for the conservation of the species in perpetuity. The protected land and plantings purchased through credits will provide habitat commensurate with or better than habitat lost as a result of the project, ensuring that the valley elderberry longhorn beetle can continue to breed, feed, and develop in conjunction with its host plant.

Conclusion

Based on the current status of the valley elderberry longhorn beetle, the environmental baseline, and cumulative effects as analyzed in the Programmatic, in addition to the project-specific effects of the proposed Prather Curve Correction Project, it is the Service's biological opinion that the project, as proposed, is not likely to jeopardize the continued existence of the valley elderberry longhorn beetle.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are nondiscretionary, and must be undertaken by Caltrans so that they become binding conditions of any grant or permit issued to Caltrans, as appropriate, for the exemption in section 7(o)(2) to apply. Caltrans has a continuing duty to regulate the activity covered by this Incidental Take Statement. If Caltrans (1) fails to assume and implement the terms and conditions, or (2) fails to require any of its contractors to adhere to the terms and conditions of the Incidental Take Statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, Caltrans must report the progress of the action and its impact on the species to the Service as specified in the Incidental Take Statement. [50 CFR §402.14(i)(3)].

Amount or Extent of Take

The Service anticipates that implementation of the proposed project will result in the incidental take of all valley elderberry longhorn beetles inhabiting 10 elderberry shrubs containing 54 stems measuring one inch or greater in diameter at ground level. Upon implementation of the Programmatic's *Reasonable and Prudent Measures*, *Terms and Conditions*, and the *Conservation Measures* considered herein, incidental take in the form of mortality as a result of removal methods used to displace and transplant those shrubs within the construction cut and fill limits to facilitate the construction of the roadway widening and realignment; and in the form of harm as a result of construction activities occurring proximate to shrubs remaining on-site, leading to loss of and disturbance to habitat that affects the species' essential life functions, will become exempt from the prohibitions described under section 9 of the Act.

Effect of the Take

The effects of this project fall within the parameters established within the Programmatic; the Service has determined that this level of anticipated take is not likely to jeopardize the continued existence of the valley elderberry longhorn beetle.

REINITIATION—CLOSING STATEMENT

This concludes the Service's review of the Prather Curve Correction Project. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) 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 (4) a new species is listed or critical habitat designated that may be affected by the action.

If you have any questions regarding this biological opinion, please contact Jen Schofield, Fish and Wildlife Biologist, or Thomas Leeman, Chief, San Joaquin Valley Division, at the letterhead address or at (916) 414-6600.

Sincerely,

Kenneth Sanchez
Assistant Field Supervisor

cc:
Ms. Annee Ferranti, California Department of Fish and Wildlife, Fresno, California

Appendix D Public Comments and Responses

Letter from the State Clearinghouse, Governor's Office of Planning and Research

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

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

October 17, 2012

G William "Trais" Norris III
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, CA 93721

Subject: Prather Curve Correction
SCH#: 2012091039

Dear G William "Trais" Norris III:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 16, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

Response to the State Clearinghouse, Governor's Office of Planning and Research

The Clearinghouse letter acknowledges that Caltrans has complied with its review requirements.

Letter from the Native American Heritage Commission, page 1

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

October 5, 2012

Mr. G. William "Trais" Norris III, Environmental Planner
California Department of Transportation – District 6
855 "M" Street, Suite 200
Fresno, CA 93721

Re: SCH#2012091039; CEQA Notice of Completion; proposed Mitigated Negative Declaration; for the **"Prather Curve Correction Project;"** located in the Community of Prather; Fresno County, California

Dear Mr. Norris:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65352.3.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Letter from the Native American Heritage Commission, page 2

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

2

Letter from the Native American Heritage Commission, page 3

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

3

Letter from the Native American Heritage Commission, page 4

Native American Contacts
Fresno County
October 5, 2012

Big Sandy Rancheria of Mono Indians
Elizabeth Hutchins Kipp, Chairperson
P.O. Box 337 / 37302 — Western Mono
Auberry , CA 93602
ck@bigsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 — Mono
Dunlap , CA 93621 — Foothill Yokuts
(559) 338-2354 — Choinumni

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 — Mono
Tollhouse , CA 93667
(559) 855-5043
559-855-4445 - FAX

Choinumni Tribe; Choinumni/Mono
Lorrie Planas
2736 Palo Alto — Choinumni
Clovis , CA 93611 — Mono

North Fork Mono Tribe
Ron Goode, Chairperson
13396 Tollhouse Road — Mono
Clovis , CA 93619
rwgoode911@hotmail.com
(559) 299-3729 Home
(559) 355-1774 - cell

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director
P.O. Box 410 — Yokuts
Friant , CA 93626-0177
(559) 325-0351
(559) 217-9718 - cell
(559) 325-0394 FAX

Dumna Wo-Wah Tribal Goverment
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street — Dumna/Foothill
Fresno , CA 93602 — Mono
ledgerrobert@ymail.com
559-519-1742 - office

Kings River Choinumni Farm Tribe
John Davis, Chairman
1064 Oxford Avenue — Foothill Yokuts
Clovis , CA 93612-2211 — Choinumni
(559) 307-6430

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012091039; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Prather Curve Correction Project; located in the Community of Prather, near the Community of Auberry; Fresno County, California.

Letter from the Native American Heritage Commission, page 5

Native American Contacts
Fresno County
October 5, 2012

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson
P.O Box 18
Dunlap , CA 93621
mandy_marine@hotmail.com
559-274-1705
Mono

Dumna Wo-Wah Tribal Goverment
Eric Smith, Cultural Resource Manager
2216 East Hammond Street
Fresno , CA 93602
nuem2007@yahoo.com
559-519-1742 - office
Dumna/Foothill
Mono

Chowchilla Tribe of Yokuts
Jerry Brown
10553 N. Rice Road
Fresno , CA 93720
559-434-3160
North Valley Yokuts

Dumna Wo-Wah Tribal Goverment
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street
Fresno , CA 93602
ledger17bonnie@yahoo.com
559-519-1742 - office
Dumna/Foothill
Mono

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1505 Barstow
Clovis , CA 96311
monoclovis@yahoo.com
Choinumni
Foothill YoKut

Frank Marquez
P.O. Box 565
Friant , CA 93626
francomarquez@pmr.org
559-213-6543 - cell
559-822-3785
Mono
Foothill Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012091039; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Prather Curve Correction Project; located in the Community of Prather, near the Community of Auberry; Fresno County, California.

Response to the Native American Heritage Commission

Native American consultation was conducted in coordination with the Native American Heritage Commission for this project. This coordination was documented in the Historical Resources Compliance Report dated August 14, 2012.

This environmental document and supporting technical reports, including the Historical Resources Compliance Report, were prepared to meet the requirements of the California Environmental Quality Act and other applicable state laws. This project does have federal funding or other federal involvement.

No historical resources (including archaeological resources) were identified within the project area limits; therefore Caltrans determined that there would be no impact to historical resources. However, due to the cultural sensitivity of the area as established in consultation with local Native American Tribes, Caltrans is requiring Native American monitoring during construction.

It is Caltrans policy that in the event that human remains are discovered, Public Resources Code Section 5097.98, California Government Code Section 27491 and Health & Safety Code Section 7050.5 will be complied with. Caltrans and its contractors for this project will be required to comply with this policy as described in Section 2.1.6 Cultural Resources.