State Route 180 Westside Expressway
Route Adoption Study

FRESNO COUNTY, CALIFORNIA
DISTRICT 6 – FRE – PM R3.5/PM R54.2
Project ID 0600000445
SCH #2006011111

Final Environmental Impact Report/Tier I Environmental Impact Statement and Section 4(f) Evaluation

Volume II of II
Comments and Responses

Prepared by the
State of California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by the California Department of Transportation under its assumption of responsibility pursuant to 23 U.S. Code 327.

March 2013

General Information About This Document

What's in this document?

This document is Volume II of the Final Environmental Impact Report/Tier I Environmental Impact Statement and Section 4(f) Evaluation for the State Route 180 Westside Expressway Route Adoption Study. This document contains written comments received during the Environmental Impact Report/ Tier I Environmental Impact Statement public comment period from March 16, 2011, to May 9, 2011. Caltrans responses to those comments are also provided. This document also contains a written record of the oral comments transcribed by a court reporter during the public hearing on March 30, 2011. Caltrans responses to the comments follow the transcribed text.

How was the draft document made available for comments?

Copies of the document were sent to the parties listed on the distribution list and also to individuals and agencies that requested a copy. The document was also made available for public review at local libraries in Fresno, Kerman, and Mendota, the Caltrans District Office in Fresno, and on the route adoption study website at:

http://www.dot.ca.gov/dist6/environmental/projects/sr180westside/

A public notice was published to announce the availability of the draft document, where it could be obtained, and whom to contact with questions. The public notice also announced the public hearing for March 30, 2011. The public notice was published in the *The Kerman News* on March 16, 2011, and March 30, 2011.

This document can also be accessed electronically at the following website:

http://www.dot.ca.gov/dist6/environmental/projects/sr180westside/

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 chapters and appendices.

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: Kelly Hobbs, Sierra Pacific Environmental Analysis Branch; California Department of Transportation, 855 M Street, Suite 200, Fresno, CA 93721 (559) 445-5286 Voice, or use the California Relay Service TTY number, 1-800-735-2929, or dial 711.

Introduction

This document addresses the comments received on the Draft Environmental Impact Report/Tier I Environmental Impact Statement and Section 4(f) Evaluation. The draft document was distributed for public review and comment between March 16, 2011, and May 9, 2011. A public hearing was held on March 30, 2011, to further solicit public comment on the document. Volume II of the Final Environmental Impact Report/Tier I Environmental Impact Statement and Section 4(f) Evaluation presents all of the written comments received on the draft document during the public review period and the Caltrans responses to those comments.

This document is organized according to the parties commenting on the draft document which consisted of federal agencies, state agencies, local and regional agencies, businesses, and individuals. Substantive comments are numbered, and responses to them are provided immediately following the comments from each party. Some comments were statements of information or opinion; these comments are acknowledged in this document for the public record.

The California Department of Fish and Game became the California Department of Fish and Wildlife on January 1, 2013, as a result of Assembly Bill 2402, which was signed into law in September 2012 by Governor Jerry Brown. For consistency with the circulated draft environmental document, the name prior to January 1, 2013 is used throughout this document.

Table of Contents

Introduction 1

Chapter 1 Public Agencies 5

1.1 Comment from the State Clearinghouse 5
1.2 Comment from the Department of Conservation 7
1.3 Comment from the California Department of Fish and Game 15
1.4 Comment from Kevin Faulkenberry, California Department of Water Resources 32
1.5 Comments from the U.S. Department of the Interior, Office of Environmental Policy and Compliance 34
1.6 Comment from the U.S. Environmental Protection Agency 38
1.7 Comment from the U.S. Fish and Wildlife Service 55
1.8 Comment from County of Fresno Department of Public Health 59
1.9 Comment from County of Fresno Department of Public Works and Planning 63
1.10 Comment from Fresno County Board of Supervisors 67
1.11 Comment from City of Mendota 69
1.12 Comment from the City of Kerman 71
1.13 Comment from the City of Firebaugh 74
1.14 Comments from the Fresno Irrigation District 76
1.15 Comment from Westlands Water District 91
1.16 Comment from the San Joaquin Valley Unified Air Pollution Control District 95

Chapter 2 Individuals 99

2.1 Comment from Susan Beevers 99
2.2 Comment from Brian Domingos 104
2.3 Comment from Jerry Doyel 110
2.4 Comment from Joe Gomez 113
2.5 Comment from Richard and Barbara Hansen 116
2.6 Comment from Jeneen Lanfranco 118
2.7 Comment from Paul Lanfranco 121
2.8 Comment from Brian Pacheco 123
2.9 Comment from John Peelman 125
2.10 Comment from Joe Porto 127
2.11 Comment from Ryan Porto 129
2.12 Comment from Ken Samarin 133
2.13 Comment from James Wulf 137
2.14 Comments from Jeff Yribarren 139
2.15 Comment from John Ziegler 153
2.16 Comment from John Shehadey 155
2.17 Comment from Stephen Shehadey, Bar 20 Dairy Farms 157
2.18 Comment from Don Mendrin, Bar 20 Dairy Farms 160
2.19 Comment from Lee Higgins, Chevron Environmental Management Company 163
2.20 Comments from Charles Ettner and Grace Pivovaroff 167
2.21 Comment from Nick Leontieff 172
2.22 Comment from Allan Nazaroff 174

2.23 Comment from David and Helen Nazaroff 176
2.24 Comment from Jim and Sally Nazaroff 178
2.25 Comment from Morris Pivovaroff 180
2.26 Comment from Mike and Vera Romanoff 182
2.27 Comments from Nathanael Shubin 188
2.28 Comments from David Siapin 191
2.29 Comments from Susan Siapin 197
2.30 Comment from Harlow Dawson 209
2.31 Comments from Mary Arrigoni, Donald Reinhardt, Alice Wagenlectner, and Cameron Wulf 213
Chapter 3 Public Hearing Transcript 219

Chapter 1 Public Agencies

1.1 Comment from the State Clearinghouse

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

JERRY BROWN
GOVERNOR

RECEIVED
MAY 11 2011
DEPT. OF TRANSPORTATION DIST. 6
TIME:
ATTENTION:

May 10, 2011

G. William "Trais" Norris, III
Department of Transportation, District 6
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726-5428

Subject: State Route 180 Westside Expressway Route Adoption Study
SCH#: 2006011111

Dear G. William "Trais" Norris, III:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 2, 2011. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

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

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006011111) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Response to Comments from the State Clearinghouse

Thank you for your comments on this route adoption study. The comments Caltrans received via the State Clearinghouse were from the California Department of Conservation and the California Department of Fish and Game. These comment letters are dated May 9, 2011. Although the deadline determined by the State Clearinghouse was May 2, 2011, the deadline indicated in the draft document and the public notice of availability of the draft document was May 9, 2011. The letters were dated within Caltrans' comment period. The comments received from these agencies are addressed in this document.

1.2 Comment from the Department of Conservation

NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 9, 2011

VIA FACSIMILE: (559) 243-8215
G. William Norris III
California Department of Transportation District 6
2015 East Shields Avenue, Suite A-100
Fresno, CA 93726-5428

Dear Mr. Norris:

Subject: Fresno State Route 180 Westside Expressway Adoption Project DEIR-EIS

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

Project Description

The purpose of the State Route 180 Westside Expressway Adoption Project is to identify a corridor that can be used to improve mobility east and west through the center of Fresno County (County) and the San Joaquin Valley. This route adoption study will identify an appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The study area is located west of the city of Fresno, from Whitesbridge Avenue on the south, nearly to the San Joaquin River on the north, and from Interstate 5 on the west to the end of the freeway portion of State Route 180, near Valentine on the east.

The project's impact to agricultural resources would be significant. Depending on which project alternative is ultimately chosen, the estimated farmland to be affected within any corridor alternative would be between approximately 4,128 to 5,268 acres. However, at the project level, only a 250 to 350 foot wide right-of-way would be acquired; thus, the farmland ultimately required for construction would be estimated to be between 1,032 and 1,844 acres. Taking a midpoint between 1,032 and 1,844 acres, it is assumed for this analysis that a total of 1,438 acres of agricultural land would be required for State Route 180 construction over a projected 50-year build-out period. Potentially affected Williamson Act land ranges from approximately 3,500 to 4,600 acres. At the project-

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Mr. G. William Norris III
May 9, 2011
Page Page 2 of 5

level, the roadway would only be 250- to 350-feet wide, and would therefore affect between 875 and 1,610 acres of Williamson Act land. Of the estimated 1,438-acre farmland impact, a substantial majority would be classified as either prime or farmland of statewide importance.
Therefore, the Division recommends that any subsequent CEQA document address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

Agricultural Setting of the Project

- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA). 1

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future. 2

Under California Code of Regulations Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at: 3

http://www.consrv.ca.gov/DLRP/qh_lesa.htm

Williamson Act Lands

Mr. G. William Norris III
May 9, 2011
Page Page 3 of 5

Under California Code of Regulations Section 15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it would result in the cancellation of a Williamson Act contract for any parcel of 100 or more acres. The project described above could result in the cancellation of 100 or more acres of contracted lands depending on which project alternative is chosen. As such, the Department recommends that the following information be provided and/or discussed in any subsequent CEQA document:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The CEQA document should also tabulate the number of acres under Williamson Act contract, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated in order to implement the project. The CEQA document should discuss the probable impacts on nearby properties resulting from the termination of adjacent Williamson Act contracts. For example, a termination of a Williamson Act contract may have a growth-inducing impact. In other words, a termination may not only lift a barrier to development, but also result in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.
- As a general rule, land can only be withdrawn from a Williamson Act contract through the nine-year non-renewal process. Immediate termination via cancellation is reserved for "extraordinary circumstances" (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Under Government Code section 51282, the city or county must approve a request for cancellation and base that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the CEQA document. Finally, a notice of the hearing to approve the tentative cancellation and a copy of the landowner's petition must be mailed to the Director of the Department ten working days prior to the hearing. (The notice should be mailed to Derek Chernow, Acting Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01 Sacramento, CA 95814-3528.)
- If portions of the planning area are under Williamson Act contracts (and will continue to be under contract after project implementation) the CEQA document should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code Sections 51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the new land use.
- An agricultural preserve is a zone authorized by the Williamson Act and established by the local government to designate qualified land to be placed under the Williamson Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Under Government Code Section 51230, "An agricultural preserve may contain land other than agricultural land, but the use of any land

Mr. G. William Norris III
May 9, 2011
Page Page 4 of 5

within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land." Therefore, the CEQA document should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project. 4

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources and the County's economic base. The Department's Farmland Mapping and Monitoring program data on historic land use conversion shows that Fresno County lost a total of 24,260 acres of Important Farmland from 2000 to 2008, with an annual average loss of 3,033 acres per year.[1] In 2008-2009, approximately $5,372,009,000 in farm sales was generated in Fresno County.[2] This cumulative loss in acreage and significant value agriculture has on the County's economy demonstrates why the remaining agricultural resources in the County should be protected whenever feasible.

As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with CEQA Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation. 5

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area. 6

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website:

[1] *See* Historic Land Use Conversion, http://redirect.conservation.ca.gov/dlrp/fmmp/product_page.asp.
[2] *See* California Department of Food and Agriculture – Agricultural Statistical Review, page 27, http://www.cdfa.ca.gov/statistics/PDFs/AgResourceDirectory_2010-2011/2AgOvStat10_WEB.pdf.

Mr. G. William Norris III
May 9, 2011
Page Page 5 of 5

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

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on this DEIR/EIS. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, CA 95814; phone: (916) 324-0869; email: Elliott.Lum@conservation.ca.gov. 7

Sincerely,

John M. Lowrie
Program Manager
Williamson Act Program

cc: State Clearinghouse

Response to Comments from the California Department of Conservation

Thank you for your comments on the route adoption study.

Response to comment #1: Section 3.1.3 Farmlands has been revised to add more information about current and past agricultural use of the study area. For instance, cumulative impacts to farmland are occurring from residential and commercial developments within the study area. However, increasing amounts of otherwise productive land have been rendered useless due to continuing water supply shortages and drainage issues facing farmers west of Mendota. Cotton, which has been one of Fresno County's top ten crops for many years, has fallen from this list due to drought and low market demand. The draft environmental document included data on the types of crops grown and the production value of these crops. In the future, when a project is identified and funded and detailed design plans are available, Caltrans will explore the use of economic multipliers to analyze impacts of the project on the agricultural economy.

Response to comment #2: The environmental document included mapping and data on the amount and type of farmland that could be potentially affected by the future expressway within the 1,000-foot-wide corridor. Section 3.1.3 Farmlands has been revised to add more information about indirect impacts from the future expressway. The preferred alternative was selected because it minimizes farmland conversion and minimizes land-use conflicts. Improvement of the corridor would not be expected to result in a decrease in property values along the corridor since there would be no change in the area setting of the remaining land. The future expressway would enhance the farm-to-market activities within the Westside region of the county by providing a continuous link to Interstate 5. Caltrans cannot speculate how the future expressway would affect the rate of vandalism. The cumulative impacts discussion in this section has also been revised to include more information.

Response to comment #3: At the route adoption stage, it is not possible to prepare more than a general analysis of farmland impacts because detailed design plans are not available. Once a project is identified and funded at the Tier II phase, Caltrans will complete the U.S. Department of Agriculture Form AD-1006 Farmland Conversion Impact Rating. The Farmland Conversion Impact Rating System used by the Natural Resources Conservation Service is the one adopted by the Federal Highway Administration to evaluate farmland impacts, and is the functional equivalent of the Land Evaluation and Site Assessment model. Use of the Land Evaluation and Site Assessment model is recommended, but not required by the California Environmental Quality Act for land use conversion and site assessments.

Response to comment #4: Effects to farmland**,** including Williamson Act-contracted parcels, would be studied more closely during project-level studies. The preferred alternative would be

further refined and additional routes would be proposed during subsequent projects. At that time, in compliance with the Farmland Protection Policy Act, Caltrans will complete the U.S. Department of Agriculture Form AD-1006. It has not been prepared as part of this document because this environmental impact report would not result in a project or acquisition of right-of-way. Instead, the study focused on examining broad-range impacts from the proposed alternatives. Project-level calculations of farmland conversion would be made as subsequent projects are proposed.

Based on the California Environmental Quality Act guidelines, cancellation of a Williamson Act contract for any parcel 100 acres or more is considered an effect of area-wide significance. The discussion in Section 3.1.3 Farmland, estimates that for the entire length of the ultimate expressway 875 to 1,610 acres of Williamson Act land would be required for the expansion. Since the preferred alternative would utilize existing roadway corridors and only acquire land along edges of adjacent parcels, it is unlikely that a future build project will result in the cancellation of Williamson Act parcels of 100 acres or more. In addition, to qualify for enrollment under the Williamson Act contract in Fresno County, the parcel must be 20 acres or larger. If any remainder parcel is less than 20 acres, it is likely the entire parcel would have to be removed from the program. Cancellation of contracts would likely occur to smaller parcels along the preferred alternative.

Pursuant to Government Code Section 51291(b), Caltrans is required to notify Fresno County and the director of the California Department of Conservation of its intention to acquire the land under Williamson Act contracts for a public improvement project. The notification would be done during subsequent projects and would provide the following information:

- The total number of acres of Williamson Act land to be acquired and whether the land is considered prime agricultural land.
- The purpose of the acquisition and why the land was identified for acquisition.
- A description of where the parcel(s) is located.
- Characteristics that apply to adjacent land (e.g., urban development, Williamson Act, noncontract agricultural, etc.).
- Each project would include a vicinity map and a location map.
- A copy of the contract(s) that covers the land.
- Each project would include environmental documents.

- Each project would state that the lower cost of acquiring land in an agricultural preserve is not the primary consideration, and no other land is available within or outside the preserve that is reasonably feasible on which to locate the proposed public improvement.
- Documentation would be included to support acquisition by eminent domain or in lieu of eminent domain to void the contract.

A discussion on current land use and zoning is included in Section 3.1.1 Land Use.

Response to comments #5 and #6: Information on agricultural conservation easements has been acknowledged. Caltrans attempts to negotiate parcel exchanges with neighboring farmers to reconfigure split farmland parcels for resale so that the parcels would continue to be farmed and not contribute further to the segmentation and conversion of farmland. This is part of the right-of-way process for purchasing land. Generally, in an area zoned for agriculture, when Caltrans resells or reconfigures land as buffers or conservation easements, deed restrictions limiting future use to agriculture would be included to keep land in agricultural use in perpetuity.

Response to comment #7: Thank you for your offer of assistance.

1.3 Comment from the California Department of Fish and Game

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
http://www.dfg.ca.gov

EDMUND G. BROWN, Jr., Governor
JOHN McCAMMAN, Director

May 9, 2011

William Trais Norris
Department of Transportation, District 6
2015 East Shields Avenue, Suite100
Fresno, California 93726

Subject: Draft Environmental Impact Report for the
State Route 180 Westside Expressway Route Adoption Study
06-0000-0445 06-FRE-180 PM 9.0-54.2
SCH No. 2006011111

Dear Mr. Norris:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) submitted by the Department of Transportation (Caltrans) for the above referenced State Route (SR) 180 Westside Expressway Route Adoption Study (Study). There are three route alternatives: Alternative 1 (Extend and Improve Existing SR 180) which has multiple variations to address local issues; Alternative 2 (Southern Route); and Alternative 3 (Northern Route). The study area extends from Interstate 5 (I-5), SR 180 Post Mile (PM) 9.0 on the west to PM 54.2 just east of Valentine Avenue on the east. The study area is generally bound by I-5 on the west; Shields Avenue, the San Joaquin River, and Belmont Avenue on the north; Valentine Avenue on the east; and Belmont and Whitesbridge Avenue on the south. Currently, SR 180 is primarily a two-lane highway. The alignment alternatives will be of sufficient width to accommodate a future four-lane expressway. For purposes of the Study, a route alignment width of 1,000 feet is considered, within which the 250 to 350 foot wide future expressway facility would be located.

The existing SR 180 route follows Whitesbridge Avenue and bisects DFG's Kerman Ecological Reserve (ER) and runs adjacent to both DFG's Alkali Sink ER and DFG's Mendota Wildlife Area (WA). The variations of Alternative 1 include: 1A which would follow Shields Avenue instead of Belmont Avenue west of Mendota; and 1B and 1C which both involve a bypass around the City of Kerman and areas farther to the east. Alternative 1 and all its variations would have impacts to DFG's Kerman ER and although staying to the north side of Whitesbridge Avenue would avoid impacts to DFG's Alkali Sink ER, there would still be impacts to the natural lands on the north side of Whitesbridge Avenue, which are currently in the process of being established as a mitigation bank for threatened and endangered species (Alkali Sink Conservation Bank). 1

While the current DEIR is strictly for a Route Adoption Study, our analysis of the Alternatives and comments is based on the potential impacts of the various future build Alternatives. Due to the unavoidable and significant impacts to the Kerman ER, Alkali Sink ER, the Alkali Sink Conservation Bank, and other habitat lands that support a suite of special status wildlife, DFG recommends that Alternative 1 and all its variations be removed from future consideration. 2
Additional comments follow.

Conserving California's Wildlife Since 1870

William Trais Norris
May 9, 2011
Page 2

Department Jurisdiction

Trustee Agency Authority: DFG is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, DFG is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: DFG also has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the future build Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), DFG may need to issue an Incidental Take Permit (ITP) for the Project. While the route adoption Study in and of itself will not result in "take," our evaluation of the various alternatives must consider their potential to reduce the number or restrict the range of endangered, rare, or threatened species (as defined in Section 15380 of CEQA). Based on our review of the Study, DFG has determined the future build Projects have the potential to reduce the number or restrict the range of the following State and Federally endangered and/or threatened species that are known to occur within the vicinity of the Study area.

Species Common Name	*Species Scientific Name*	State Listing	Federal Listing
Succulent owl's clover	(*Castilleja campestris ssp succulenta*)	Endangered	Threatened
San Joaquin wooly-threads	(*Monolopia congdonnii*)		Endangered
San Joaquin Valley orcutt grass	(*Orcuttia* inaequalis)	Endangered	Threatened
Hairy orcutt grass	(*Orcuttia pilosa*)	Endangered	Endangered
California jewel-flower	(*Caulanthus californicus*)	Endangered	Endangered
Palmate-bracted bird's beak	*Cordylanthus palmatus*	Endangered	Endangered
Valley elderberry longhorn beetle	(*Desmocerus californicus dimorphus*)		Threatened
Vernal pool fairy shrimp	*Branchinecta lynchi*		Endangered
Vernal pool tadpole shrimp	(*Lepidurus packardi*)		Endangered

William Trais Norris
May 9, 2011
Page 3

Species Common Name	Species Scientific Name	State Listing	Federal Listing
Swainson's Hawk	*Buteo swansonii*	Threatened	
San Joaquin antelope squirrel	*Ammospermophilus nelsoni*	Threatened	
Bank swallow	(*Riparia riparia*)	Threatened	
California tiger salamander	*Ambystoma californiense*	Threatened	Threatened
Giant garter snake	*Thamnophis gigas*	Threatened	Threatened
San Joaquin kit fox	*Vulpes macrotis mutica*	Threatened	Endangered
Giant kangaroo rat	*Dipodomys ingens*	Endangered	Endangered
Fresno kangaroo rat	*Dipodomys nitratoides exilis*	Endangered	Endangered
Golden eagle	*Aquila chrysaetos*	Fully Protected	
White tailed kite	*Elanus leucurus*	Fully Protected	
Greater sandhill crane	*Grus Canadensis tabida*	Threatened & Fully Protected	
Bald eagle	(*Haliaeetus leucocephalus*)	Endangered & Fully Protected	Delisted
Blunt-nosed leopard lizard	*Gambelia sila*	Endangered & Fully Protected	Endangered

Fully Protected Species: DFG has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish, pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited and DFG cannot authorize their "take" for development. Fully protected species that are known to occur in the Study vicinity include the blunt-nosed leopard lizard (BNLL), golden eagle, bald eagle, and white-tailed kite.

The finalized Environmental Impact Report (EIR) for the both the Route Adoption and the subsequent build Project should evaluate and address all potential Project-related impacts to these species and should include appropriate species-specific avoidance and minimization measures. Additional comments on potential Project-related impacts to these species follow below. 3

Other Sensitive Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15380), it

William Trais Norris
May 9, 2011
Page 4

should be fully considered in the environmental analysis for the Project. The future build Projects also have the potential to reduce the number or restrict the range of the State Species of Special Concern Midvalley fairy shrimp (*Branchinecta mesovallensis*), California linderiella fairy shrimp (*Linderiella occcidentalis*), Western spadefoot (*Spea hammondii*), Western pond turtle (*Actinemys* marmorata), Coast horned lizard (*Phrynosoma coronatum*), Silvery legless lizard (*Anniella pulchra pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), burrowing owl (*Athene cunicularia*), white-faced ibis (*Plegadis chihi*), Northern harrier (*Circus cyaneus*), loggerhead shrike (*Lanius ludovicianus*), grasshopper sparrow (*Ammodramus savannarum*), tricolored blackbird (*agelaius tricolor*), merlin (*Falco columbarius*), mountain plover (*Charadrius montanus*), San Joaquin pocket mouse (*Perognathus inornatus inorntus*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), southern grasshopper mouse (*Onychomys torridus Ramona*), short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*), pallid bat (*Antrozous pallidus*), greater western mastiff bat (*Eumops perotis californicus*), western red bat (*Lasiurus blossevillii*), hoary bat (*Lasiurus cinereus*), Yuma myotis (*Myotis yumanensis*), and the American badger (*Taxidea taxus*). Additional plant species with the potential to occur on the Project site include brittlescale (A*triple depressa*), vernal pool smallscale (*Atriplex persistens*), valley sagittaria (*Sagittaria sanfordii*), showy golden madia (*Madia radiate*), heartscale (*Atriplex cordulata*), lesser saltscale (*Atriplex minuscula*), Lost Hills crownscale (*Atriplex vallicola*), subtle orache (*Atriplex subtilis*), recurved larkspur (*Delphinium recurvatum*), Munz's tidy tips, (*Layia munzii*) and Hoover's woolly-star (*Eriastrum hooveri*). 4

Bird Protection: DFG has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include Sections 3503 (regarding unlawful "take," possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory nongame bird).

Streambed Alteration Notification: DFG has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code Section 1600 et seq. The Fresno Slough crosses all the potential Alternatives, so regardless of which Alternative is selected, impacts to fish and wildlife resources associated with this waterbody should be included in the CEQA document prepared for the future build Project. There may also be smaller waterways that fall under 1600 jurisdiction within the Project footprint. If construction activities will involve work within the bed, bank, or channel of any jurisdictional waterway, a Stream Alteration Agreement (SAA) may be necessary and Caltrans should submit a Stream Alteration Notification to DFG for the Project. 5

Potential Impacts and Recommendations

Of the proposed alternatives, Alternative 1 and all its variations would clearly have the greatest potential impacts to sensitive and listed wildlife and plant species when compared to Alternatives 2 and 3. Table 3.32 "Potential for Occurrence of Special-Status Animals" on pages 242 to 243 shows Alternative 1 and its variations as having a Moderate to High potential

William Trais Norris
May 9, 2011
Page 5

for the occurrence of 20 of the above State Species of Special Concern. Alternatives 2 and 3 are either ranked the same or with a lower potential for Occurrence then Alternative 1. Alternatives 2 and 3 have five and four Species of Special Concern respectively marked as Moderate or High potential. The difference between the two is because Alternative 3 has "Low" indicated for western spadefoot, but otherwise they are the same for western pond turtle, northern harrier, white-tailed kite, and loggerhead shrike. Table 3.33 Potential for Occurrence of Threatened and Endangered Species on pages 258 to 259 shows Alternative 1 and its variations as having a Moderate potential for the occurrence of the following eight species: blunt-nosed leopard lizard, greater sandhill crane, San Joaquin woollythreads, giant garter snake, giant kangaroo rat, Fresno kangaroo rat, San Joaquin kit fox, and Swainson's hawk. Only the last two, San Joaquin kit fox and Swainson's hawk, are indicated to have a Moderate potential for Alternatives 2 and 3, making these two Alternatives preferable in terms of lesser potential impacts to rare biological resources as compared with Alternative 1. There will be further discussion regarding Swainson's hawk below.

DFG expects the future build Project would likely require a permit for "take" of listed species, pursuant to Section 2081 of CESA. According to Section 15381 of the Guidelines of CEQA, DFG is a Responsible Agency if the Project must be issued a subsequent discretionary approval, such as a CESA permit. Pursuant to Fish and Game Code Section 2080.1, DFG may need additional details to determine that full mitigation is possible. Specifically, Fish and Game Code Section 2081(b)(2) states the impacts of any authorized "take" shall be minimized and *fully mitigated* (emphasis added). Pursuant to Title 14, California Code of Regulations, Section 783.4; Projects are required to quantify and include the impacts of the permitted "take" of a State-listed species, together with all other impacts on the species that result from any act that would cause the proposed taking. When all the impacts are taken into consideration and a demonstration that the outcome of the instituted mitigation ensures that the covered species is conserved to the degree it is able to continue to survive and reproduce after completion of the project and through the mitigation, then the fully mitigate standard can be said to be met. The final EIR for the future build Project must commit to this full mitigation standard if it is to support DFG's CESA permit issuance. 6

Further, if either an ITP under CESA and/or a Lake and Streambed Alteration Agreement under Section 1600 of the Fish and Game Code is/are required for any portion of the future build Project, DFG would use the EIR for the future build Project for any subsequent discretionary actions which are subject to CEQA. The CEQA document should correctly analyze and disclose all Project-related impacts to listed species and other biological resources; failure to do so could result in DFG having to act as lead Agency for additional Project-related CEQA analysis which would delay Project implementation. 7

Fresno Kangaroo Rat: The Fresno kangaroo rat (*Dipodomys nitratoides exilis*) has not been observed since 1992, when a single male was captured at Alkali Sink ER (U.S. Fish and Wildlife Service 1998). Habitat for this species is described as sands and saline sandy soils in chenopod scrub and annual grassland communities on the valley floor. There are areas with this type of habitat in all three of the Alternatives. Fresno kangaroo rats are known to have historically occurred in the study area vicinity and many of them may still persist in areas where

there is suitable habitat. This is particularly true for the natural lands located just east of the proposed Alkali Sink Conservation Bank and north of the Alkali Sink ER.
Where there is suitable habitat, DFG recommends multiyear focused surveys for this species. Because this is one of the most likely areas to still support this possibly extinct sub-species, DFG recommends that multiple years of protocol-level surveys with all night trapping (checks every 3 hours) be conducted where the potential future build Project would impact kangaroo rat burrows. If this species is detected during trapping surveys, consultation with DFG is warranted. Any occupied habitat should be completely avoided to preclude the potential for a Jeopardy determination, and the occupied habitat should be permanently protected with conservation easements. This would be consistent with Fresno kangaroo rat Recovery Action 5 of the Recovery Plan for Upland Species of the San Joaquin Valley (Service 1998) to protect natural land between the Alkali Sink Ecological Reserve and the San Joaquin River to the north. 8

One page 208 of the Study, Table 3.28 Habitat Occurrence by Alternative indicates that Alternative 1 and all its Variations would impact chenopod scrub, while Alternatives 2 and 3 would not cross this habitat type. Page 216 states: "Two chenopod scrub communities that occur within the study area, valley saltbush scrub and valley sink scrub, support habitat for several special-status plant and wildlife species. These communities also appear sporadically throughout the study area, especially along Whitesbridge Avenue." 9

Table 3.33 Potential for Occurrence of Threatened and Endangered Species on page 259 shows Moderate potential for Fresno kangaroo rat in all the variations of Alternative 1 and the potential for Alternatives 2 and 3 is indicated to be none. DFG concurs with the evaluation for Alternative 1 however we do not concur that the potential for Alternatives 2 and 3 is "none". The evaluation for Alternatives 2 and 3 was likely based on the fact that these Alternatives lack chenopod habitat, however as noted above, annual grassland communities have also been utilized by this species. Both Alternative 2 and 3 pass through the northern part of the natural lands located just east of the proposed Alkali Sink Conservation Bank. The natural lands at this location are contiguous all the way from Whitesbridge Avenue to the San Joaquin River. There is no way to avoid crossing this property unless an Alternative that goes completely south of the Mendota WA is proposed. The habitat quality for threatened and/or endangered plants and animals is much higher closer to Whitesbridge Avenue, so Alternatives 2 and 3 would still be preferable to Alternative 1, but Table 3.33 should indicate "L" for low potential under Alternatives 2 and 3. 10

Swainson's Hawk: This State threatened species has the potential to nest and forage within or near the Project site, especially along Alternative 3 as it diverges from Alternative 2 and skirts along the edge of the San Joaquin River corridor. To evaluate the potential Project-related impacts for the future build Project, DFG recommends that a qualified biologist conduct surveys for nesting raptors following the survey methodology developed by the Swainson's hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of a potential nest tree (DFG, 1994). Additionally, grazing lands and certain agricultural lands, especially alfalfa, may provide appropriate foraging habitat for Swainson's hawks. To mitigate for the loss of foraging habitat within 5 miles of a known Swainson's hawk nest, Caltrans should protect appropriate Habitat Management lands in perpetuity based on the acreage of

Project-related impacts to foraging habitat (DFG, 1994). This should be included as a mitigation measure in the CEQA document prepared for the future build Project. A minimum no-disturbance buffer of 0.5 miles should be delineated around all active Swainson's hawk nests until the breeding season has ended or a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, unless a State ITP has been acquired; in that circumstance complete avoidance would not be required and buffer distances could be lessened. Table 3.33 Potential for Occurrence of Threatened and Endangered Species on page 259 shows Moderate potential for occurrence for all the Alternatives. There is a very high potential for Swainson's hawk nests to be within half a mile of Alternative 3. DFG recommend the table be changed to "H" for high for Alternative 3. 11

Burrowing Owl: Burrowing owls could occur on or adjacent to the Project site. DFG recommends following the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993) if the site contains burrows that could be used by burrowing owls. If nesting burrowing owls are found on or adjacent to the Project site, DFG's Staff Report on Burrowing Owl Mitigation (DFG, 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum distance of 250 feet, unless a qualified biologist approved by DFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. Impacts of this nature are violations of Fish and Game Code Sections 3503, 3503.5, 3513, and the Federal Migratory Bird Treaty Act.

If the Project proposes to evict burrowing owls that may be present, DFG recommends passive relocation during the nonbreeding season. The EIR should describe methods that would be used to evict owls from burrows, including a monitoring program to ensure that evicted individuals are using a relocation site. DFG's Staff Report on Burrowing Owl Mitigation (DFG, 1995) also recommends that a minimum of 6.5 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrow habitat. 12

Fully Protected Bird Species: Page 256 of the Study states that the following measure would apply to fully protected bird species: "If construction activities are proposed to occur during the typical bird-nesting season (February 15 to September 1), Caltrans would conduct nesting bird surveys and work activities would be avoided within 100 feet of active nests until the young birds have fledged and left the nest or scheduled of non-nesting periods." Scheduling work outside the nesting season would be an acceptable avoidance measure. A 100-foot buffer zone is not adequate to avoid impacts to nesting raptors. As with Swainson's hawks the buffer for fully protected bird species such as golden eagle, bald eagle, and white tailed kites should also be at least 0.5 miles. In addition, if the nest of a fully protected species such as white-tailed kite, bald eagle, or golden eagle, should be discovered, all work should be postponed until after consultation with DFG and development and implementation of complete avoidance measures,

or until a qualified biologist has determined that the young have fledged and are no longer dependent upon parental care. 13

Blunt-nosed Leopard Lizard: The Study states on pages 259-260 that: "The U.S. Fish and Wildlife Service mapped numerous leopard lizard occurrences within the vicinity of the study area, which are concentrated between the northern bank of the San Joaquin River and Firebaugh. California Natural Diversity Database has documented fourteen occurrences of the lizard within the U.S. Geological Survey quadrangle maps within the vicinity of the study area. Details about these occurrences are provided in the Biological Resources Study Report." The Report was not one of the Appendices, however the February 2009 CNDDB map in Figure 3-23 on page 245 shows four records along Alternative 1 and another record just east of where Alternative 1 and 2 converge southeast of Mendota. DFG believes all the proposed Alternatives contain suitable habitat for the species and that there is the potential for blunt-nosed leopard lizard to be impacted in the execution of the Project. Blunt-nosed leopard lizard is a fully protected species and therefore, no "take" incidental or otherwise can occur and the mitigation proposed in the DEIR is not sufficient to ensure that "take" of blunt-nosed leopard lizard will not occur. Complete avoidance is necessary and would include avoidance of all potential burrows and individuals above ground. DFG recommends that full protocol surveys be conducted by qualified biologists in all areas of suitable habitat for this species. In the event that lizards are detected or if protocol-level surveys are not conducted, DFG recommends that all suitable burrows be avoided by a minimum 50 feet and that the appropriate number of qualified biologists be present during all ground-disturbing and construction activities to ensure that blunt-nosed leopard lizards above ground are not impacted, and that any individual that may enter an area of Project activity be allowed to leave unobstructed on its own. These measures should be included in the final EIR for both the Route Adoption and the subsequent build Project. 14

San Joaquin Kit Fox (SJKF): SJKF populations are known to fluctuate over years and absence during any one survey does not necessarily exclude the potential for kit fox to occur on a site at a future time. Page 265 of the Study states, "The areas near the Mendota Wildlife Area, Alkali Sink Ecological Reserve, and Kerman Ecological Reserve are known to support kit fox habitat. Additional sites within the study area that may support habitat for the fox were found in the western portions of all alternatives and in Alternative 3 between State Route 33 and Yuba Avenue, which supports a large expanse of potential San Joaquin kit fox habitat." DFG recommends that the United States Fish and Wildlife Service's (USFWS) "Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance" (1999) survey protocol be repeated a maximum of 30 days prior to ground-disturbing activities. In the event that this species is detected during protocol-level surveys, consultation with DFG is warranted to discuss how to implement the Project and avoid "take." If "take" cannot be avoided, acquisition of a State ITP would be warranted prior to Project implementation. DFG recommends that the EIR for the build Project include the above avoidance, minimization, and mitigation measures for this species. 15

"Take" under the Federal Endangered Species Act (FESA) is more stringently defined than CESA; "take" under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns

such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of Project implementation. 16

Plants: Repeated floristic surveys should be conducted by a qualified botanist multiple times during the appropriate floristic period(s) in order to adequately assess the potential Project related impacts to listed plant species (DFG, 2000; USFWS, 2000). If State-listed plants are detected during surveys, consultation with DFG is warranted to discuss the potential for "take" under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act without incidental "take" authority secured under Sections 2080.1 or 2081 of the Fish and Game Code. 17

Sensitive non-listed Plants: All three Alternatives have the potential to impact brittlescale, vernal pool smallscale, and valley sagittaria. These three species could occur between Yuba Avenue and Valentine Avenue, as the subtle differences between the Alternatives at the eastern end of the Study area are not significantly different. These are the only sensitive plant species that would be potentially impacted by Alternatives 2 and 3. However, the difference between the Alternatives west of Yuba Avenue is quite significant. Page 238 of the study states that "**ALL** 15 plants in Table 3.31 (and also in this letter above) have a moderate potential to occur within this alternative (Alternative 1) approximately between State Route 33 and Yuba Avenue" (emphasis added). The Study goes on to say, "fringes of habitat adjacent to the Mendota Wildlife Area and the Alkali Sink Ecological Reserve within Caltrans right-of-way and the Kerman Ecological Reserve that occur along Whitesbridge Avenue could provide suitable habitat for these species." Clearly, Alternative 1 has the greatest potential for impacts to sensitive plant species. 18

Listed Plant Species: Table 3.33 shows San Joaquin woollythreads is the only listed plant that Caltrans has determined has a Moderate chance to occur, and that is only for Alternative 1. Caltrans did not include palmate-bracted bird's beak in Table 3.33, but rather it was included in Table 3.31 with the non-listed sensitive plants. Palmate-bracted bird's beak is endangered under both the State and Federal Endangered Species Acts and the potential for this species to occur in each of the alternatives should be evaluated and added to Table 3.33. Page 237 of the Study states, "Palmate-bracted bird's beak is an annual herb in the *Scrophulariaceae* family that is endemic to California. This species occurs in chenopod scrub, and valley and foothill grassland, in alkaline soils and is known form one occurrence within the study area." DFG would recommend applying a Moderate ranking for Alternative 1 and a Low for Alternatives 2 and 3 based on a similar rationale to what was described above for Fresno kangaroo rat. The other listed plant species are all marked as Low potential for all the alternatives, but even for these species, it is likely that Alternative 1 has the higher probability of occurrence due to the higher quality of the habitat present within the proposed footprint when compared to Alternatives 2 and 3. 19

San Joaquin River Restoration: The Alternative 3 alignment tracks very closely with the San Joaquin River corridor after it diverges from the Alternative 2 alignment. This may be problematic for the San Joaquin River Restoration Program (SJRRP), a comprehensive long-term effort to restore flows to the San Joaquin River from Friant Dam to the confluence of

Merced River and restore a self-sustaining Chinook salmon fishery in the river. While still in the planning stages, this stretch of the San Joaquin River will potentially have new levees or other structures which might be within the proposed Alternative 3 footprint and may necessitate additional infrastructure planning for crossings, etc. Alternative 2 appears to stay just south of the proposed levee between the San Joaquin River and the Fresno Slough just after it diverges from Alternative 3. We recommend coordination with SJRRP staff to discuss this issue in detail. DFG's representative on the SJRRP Management Team is Gerald Hatler, who can be reached via e-mail at ghatler @dfg.ca.gov or by telephone at 559 243-4014, extension 259. 20

Riparian Habitat: Page 216 of the Study indicates that there is riparian habitat east of the Fresno Slough and north of Alternative 3 and at Mowry Draw (which Alternative 1 crosses). The Study also states on page 217, "These habitats serve as important migration corridors for a variety of wildlife species. Wildlife corridors are important means of allowing linkages between habitats, particularly fragmented habitat in a disturbed setting. These 'safe' corridors increase exchanges among populations, helping to maintain diversity, increase population size, decrease likelihood of extinction, increase foraging areas, and provide more opportunities for escape or refuge from predators, fire, and other disturbances." DFG concurs with the importance of wildlife corridors and that riparian habitat can serve this very purpose. The Alternative with greater riparian impacts would therefore be more detrimental. Table 3.29, on page 218, shows that Alternative 1 and Variations 1B and 1C would have three acres of riparian impact, Variation 1A would have two acres of impact, Alternative 2 would have one acre of impact, and Alternative 3 would have less then one acre of riparian impact. When considering riparian impacts, Alternatives 2 and 3 would be preferable to Alternative 1. 21

Vernal Pools and Other Wetlands: Alternative 1 crosses areas with extensive vernal pools. The Study states the following on Page 227, "Vernal pools are seasonally inundated pools that support habitat for special-status plant species and/or special-status animals such as the western spade foot toad. Notable pools occur within non-native grassland habitat at the Kerman ER, Alkali Sink ER, and the privately owned parcel north of the Alkali Sink ER along Whitesbridge Avenue. Certain ruderal areas could also support fairy shrimp specis, in seasonal ponded or low areas as well as road ruts with standing water."

These uncommon seasonal wetlands are biologically important for the array of highly specialized species that they support. We recommend that a qualified biologist conduct a wetland delineation of all Project sites under consideration and that you consult with the United States Army Corps of Engineers to determine their jurisdiction. Impacts to wetlands resulting from changes in drainage patterns and the effects of toxic runoff from the proposed Project should be carefully examined when evaluating site alternatives. Additionally, surveys should be conducted using established protocols for the listed species associated with wetlands and vernal pools, and the results of those surveys shared with DFG and the USFWS.

According to Table 3.30 Wetlands and Other Waters Habitat Impacts in Acres, on page 228, the combined acreage for vernal pool habitat includes pastures, non-native grasslands and chenopod scrub habitat. The acreage in the table is not based on a wetland delineation, which apparently is yet to be conducted. Once a delineation has been conducted, the number of wetland impacts acres will be modified. At this time, it is unclear whether Alternative 2, which

William Trais Norris
May 9, 2011
Page 11

currently appears to have twice the wetland impacts as compared to Alternative 3, would still have twice the acreage of wetland impacts after a wetland delineation is conducted. It seems certain that Alterative 1, which has an estimated over 700 acres (almost five times as much as Alternative 3) of combined vernal pool habitat will still have substantially greater impacts than the other two alternatives, even post-delineation. This is yet another reason that Alternative 1 and all its variations should not be considered for the build project. 22

California Tiger Salamander (CTS): DFG recommends that protocol-level biological surveys (USFWS & DFG 2003) be conducted in the largest and deepest pools within the Study area and in areas with identified swales/vernal pools and associated uplands at the appropriate time of year. These surveys are necessary to identify, map, and quantify the number of acres of pools/swale complex size where CTS breeding, if any, occurs and to determine if these wetland resources would be impacted. 23

Section 4(f) Consideration: As indicated in Appendix B of the Study, Section 4(f) of the Department of Transportation Act of 1966, codified in Federal law at 49 U.S.C.A. Section 303, declares that "It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

Section 4(f) specifies that "The Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) <u>only</u> if: (clarification added)

(1) There is no prudent and feasible alternative to using that land; and

(2) The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs which use lands protected by section 4(f).

Both Alkali Sink ER and the Mendota WA lie south of the current SR 180 alignment on Whitesbridge Avenue. To avoid impacts to these Section 4 (f) resources, Alternative 1 and its variations propose to stay to the north rather then expanding equally on both side of the road, which would avoid existing Section 4 (f) resources. However, the Alkali Sink Conservation Bank is in the final processes of State and Federal approval and once the bank is in operation, will add another designated "wildlife refuge" just to the north of the Alkali Sink ER; this bank will ultimately be added to the Alkali Sink ER. As a result, staying to the north will result in greater impacts to the future Conservation Bank. Kerman ER bounds the current SR 180 alignment both to the south and to the north and any Alternative that stays on the current alignment going through the Kerman ER would not be able to avoid impacts to this Section 4 (f) resource. There

William Trais Norris
May 9, 2011
Page 12

are prudent and feasible alternatives to going through the Kerman ER so to comply with Section 4(f) of the Department of Transportation Act, Alternative 1 or any other alternative which would impact the Kerman ER may not be practicable to move forward as a potential Route Alignment. 24

Again, DFG recommends that Alternative 1 and all of its variations be removed from future consideration. Both Alternatives 2 and 3 have various potential resource concerns that will need to be weighed to determine which will ultimately have the least impacts. Depending upon which route is adopted and the results of subsequent biological surveys necessary inform the CEQA document prepared for the build Project, we may have additional comments and recommendations regarding avoidance, minimization, and mitigation of Project impacts to special status species and their habitats. If you have any questions regarding these issues, please contact Laura Peterson-Diaz, Environmental Scientist, at the address provided on this letterhead, by e-mail at lpdiaz@dfg.ca.gov, or by telephone at (559) 243-4017, extension 225.

Sincerely,

Jeffrey R. Single, Ph.D.
Regional Manager

cc: See Page Thirteen

Response to Comments from the California Department of Fish and Game

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans has recently been informed of the proposed Alkali Sink conservation bank to the north of the existing Alkali Sink Ecological Reserve and north of State Route 180. Caltrans and the California Department of Fish and Game along with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and U.S. Fish and Wildlife Service have coordinated efforts to minimize adverse impacts to the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve. To resolve issues raised by resource agencies during the public comment period, Caltrans held a multi-agency field review on June 28, 2011, and meeting on June 29, 2011. On November 17, 2011, Caltrans held a teleconference as a follow-up to the field review and meeting in June 2011. The preferred alternative proposes a design that would restrict the future State Route 180 expressway to stay within the existing highway right-of-way to avoid adverse impacts to the reserves and the proposed conservation bank. In any future build project, an engineering design option such as a viaduct would be considered to allow for the safe and free movement of wildlife.

Response to comment #2: See response to comment #1.

Response to comment #3: When future individual projects are funded and/or approved, additional route-specific studies and surveys (such as Natural Environment Studies and wetland delineations) would be done, following established state and federal protocols related to protected habitats and wetlands. The studies would identify and quantify project-specific impacts to habitat and threatened and endangered species, including permanent, temporary, direct, indirect and cumulative impacts; identify regulatory permit requirements; and describe mitigation measures. This document does include some species-specific avoidance and minimization measures that are currently in practice. At this planning stage, only mitigation measures for probable project-level impacts can be recommended. They include proper design, use of construction windows, and selection of an alternative that minimizes impacts.

Response to comment #4: Special-status species, including all of the sensitive species listed in the comment, are considered in the Biological Resources Study Report, Chapter 4: Biological Resources Analysis. Tables 4-2 through 4-7 summarize the potential for occurrence of each species by alternative alignment. These species are fully considered in this document.

Response to comment #5: Sections 1600-1607 of the California Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the California Department of Fish and Game before starting construction. If the California Department of Fish

and Game determines that the project could substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. Future projects will likely affect waterways and wildlife resources. Caltrans will adhere to the regulatory requirements set forth under this code during future build projects.

Response to comment #6: The future build projects are likely to require an incidental take permit for threatened and endangered species pursuant to Section 2081 of the California Endangered Species Act. As listed in Table 2.5 and S.2, a Section 1602 Agreement and Section 2080.1/2081 Incidental Take Permit for Threatened and Endangered Species may be acquired during subsequent projects. At that time, project-level studies would be done to quantify impacts, and mitigation strategies would be determined to fully mitigate impacts to threatened and endangered species.

Response to comment #7: Caltrans intends to coordinate with the California Department of Fish and Game to ensure that the environmental documentation of future build projects correctly assesses impacts to listed species and other biological resources pursuant to the California Environmental Quality Act. The need for an Incidental Take Permit under CESA and Streambed Alteration Agreement under Section 1600 of the Fish and Game Code would be determined during subsequent environmental documentation of future build projects.

Response to comment #8: At the time of a future build project, Caltrans would consult with the California Department of Fish and Game on the extent and frequency of protocol-level surveys for the Fresno kangaroo rat.

Response to comment #9: Table 3.28 indicates valley sink scrub does not occur along Alternatives 2 and 3 because the California Natural Diversity Database terrestrial communities map does not show this habitat to occur along these alternatives. This habitat type was more extensive in the county before extensive grazing and agricultural practices reduced its distribution. For this reason, it can be assumed that the habitat may occur sporadically along road edges, drainages ditches, berms, and abandoned lots throughout the study area. This paragraph in Section 3.3.1 has been revised.

Response to comment #10: Table 3.33 has been changed to indicate a low potential for the occurrence of the Fresno kangaroo rat for Alternatives 2 and 3.

Response to comment #11: Specific mitigation strategies, including delineation of buffer zones and/or acquisition of an incidental take permit would be determined during the future build project. Table 3.33 has been revised to show a rating of “H” for high potential for occurrence of the Swainson’s hawk within Alternative 3.

Response to comment #12: Section 3.3.4 has been revised to add burrowing owl mitigation. Caltrans would coordinate with the Department of Fish and Game regarding protocol surveys, specific avoidance, minimization, and/or mitigation measures during the future build project, including authorization to passively relocate burrowing owls, if necessary.

Response to comment #13: Caltrans would coordinate with the Department of Fish and Game on determining specific avoidance, minimization, and/or mitigation measures for fully protected bird species during the future build project. Additionally, if fully protected birds are found nesting within the project site, all work would be postponed until after consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service for additional guidance.

Response to comment #14: Section 3.3.5 has been revised to add mitigation information for the blunt-nosed leopard lizard.

Response to comment #15: The avoidance, minimization, and/or mitigation measures discussion in Section 3.3.5 has been revised to include recommended measures for the San Joaquin kit fox. These measures include coordination with California Department of Fish and Game to determine the need for a Section 2081 incidental take permit and the implementation of the *U.S. Fish and Wildlife Service Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS, 1999c).

Response to comment #16: Consultation with regulatory agencies such as the U.S. Fish and Wildlife Service and California Department of Fish and Game would occur well in advance of future project implementation to ensure compliance with the Federal Endangered Species Act and California Endangered Species Act as well as other applicable laws.

Response to comment #17: Protocol floristic surveys would be conducted for listed plant species during the appropriate time-periods (blooming season) and results of these surveys would be published in subsequent environmental documents. Prior to ground disturbance, floristic surveys would be done in all previously undisturbed natural habitats (non-native annual grasslands, chenopod scrub, northern claypan vernal pools, coastal and valley freshwater marshes, seasonal wetlands, riparian habitats) and engineered channels such as agricultural drainage ditches to determine presence or absence of special-status plant species. A minimum of three floristic surveys (or as specified by the responsible agency) would be scheduled one year prior to start of construction to accommodate the blooming periods for the special-status plant species with potential to occur in these habitats.

Response to comment #18: Compared to Alternatives 2 or 3, Alternative 1 and the preferred alternative have the greatest potential to affect brittlescale, vernal pool smallscale, and valley sagittaria, especially between State Route 33 and Yuba Avenue. See Section 3.3.3 Plant Species for measures to avoid, lessen, and mitigate potential affects to special-status plant species.

Response to comment #19: Palmate-bracted bird's beak is now discussed in Section 3.3.5 Threatened and Endangered Species. It has been added to Table 3.33 with a moderate ranking for Alternative 1 and low for Alternatives 2 and 3.

Response to comment #20: The preferred alternative generally follows the existing State Route 180 alignment, avoiding effects to the San Joaquin River Restoration Program's infrastructure project(s). However, if changes are made to the preferred alternative that may affect the Program's facilities, additional coordination would be required. Caltrans has coordinated closely with the San Joaquin River Restoration Program staff, including Paul Faulkenberry, program manager for the San Joaquin River Restoration Program at the Department of Water Resources, regarding appropriate placement of Alternative 3 near the San Joaquin River. After meeting with the Department of Water Resources in August 2008, Caltrans realigned Alternative 3 to be contiguous with the Department of Water Resources' southernmost levee alignment. The levee alignment is the Department of Water Resources' best understanding of the widest setback required to capture 4,500 cubic feet per second of water as required by a 2006 lawsuit settlement.

Response to comment #21: The preferred alternative would affect about two acres of riparian habitat at the Fresno Slough, Mowry Draw, and Four Mile Slough. Disturbance of riparian habitat may be minimized to the extent feasible during the project design of subsequent projects. For instance, Caltrans may propose the installation of larger culverts needed for water conveyance that would allow wildlife to cross. The preferred alternative would propose the construction of a viaduct along the existing State Route 180 alignment to avoid adverse effects to the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve as well as minimize effects to the Fresno Slough floodplain. This would allow for improved sheet flow between properties north and south. Land and water wildlife movement would also be improved, and animals would no longer run the risk of being struck by moving vehicles. Also, the viaduct design would include conveyance features to drain water from the bridge to a storage facility and away from the reserve.

Response to comment #22: According to the Wetland Evaluation Study (July 2009) and Biological Resources Study Report (May 2009) prepared for this study, it was determined that habitat types such as pastures, non-native annual grassland, and chenopod scrub have the potential for supporting vernal pools. Alternative 1 and the preferred alternative have the highest

non-native annual grassland and pasture habitat acreages compared with Alternative 3. Also, Alternative 1 and the preferred alternative are the only alternatives under consideration that contain chenopod scrub habitat that is associated with the Kerman Ecological Reserve and the Alkali Sink Ecological Reserve. To avoid adverse effects to the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve as well as minimize effects to the Fresno Slough floodplain, the preferred alternative would propose the construction of a viaduct on the existing right-of-way along the State Route 180 alignment.

The wetland analysis prepared for this route adoption study contains a preliminary evaluation of potential jurisdictional waters. Mapped wetlands for this study should be considered as a general indication of potentially jurisdictional wetlands that require additional study to determine jurisdictional status. Future build projects would require wetlands/waters delineations that are appropriate for agency verification, and protocol surveys for listed species associated with wetlands/waters would be done at the time future projects are proposed.

Response to comment #23: The avoidance, minimization, and/or mitigation discussion in Section 3.3.5 has been revised to include information on assessment and mitigation strategies for the California tiger salamander.

Response to comment #24: Caltrans has recently become aware of the proposed Alkali Sink Ecological Reserve bank that the Department of Fish Game is currently reviewing. The land would become part of the Alkali Sink Ecological Reserve once the bank is in operation and therefore would become a Section 4(f) resource. Caltrans met with the California Department of Fish and Game, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service in June 2011 to discuss methods that would minimize impacts to biologically sensitive areas along the proposed alignments. All agencies supported a design modification approach. Consequently, Caltrans is proposing to add a viaduct as part of the preferred alternative to avoid adverse impacts to the Alkali Sink Ecological Reserve, the Kerman Ecological Reserve, and the proposed Alkali Sink conservation bank.

1.4 Comment from Kevin Faulkenberry, California Department of Water Resources

State of California

California Natural Resources Agen

Memorandum

Date: May 18, 2011

To: Trais Norris
Senior Environmental Planner
Caltrans District 6
2015 East Shields Avenue
Fresno, California 93726

From: **Department of Water Resources**

Subject: State Route 180 Route Adoption Study, From Interstate 5 to the End of the Freeway Portion of State Route 180, Near Valentine, in the City of Fresno.

In response to Caltrans' request for resource agency review, the Department of Water Resources (DWR) South Central Region Office offers the following comments on the subject route adoption study.

Based on the alternatives and variations provided, the routes cross various floodplains along their alignments west and east of the City of Mendota. The floodplains shown under the Federal Emergency Management Agency Flood Insurance Rate Map panels are identified as a Zone A, Zone AE, Zone AH and Zone X.

Under the Fresno County's Floodplain Management Ordinance Chapter 15.48, Section15.48.040 XX, Caltrans will be required to determine the Base Flood Elevation (BFE) that the highway will have to be built to, based on one of the four criterion outlined in the section, where the route encroaches or crosses a Zone A floodplain. 1

Where the route encroaches or crosses a Zone AE or Zone AH floodplain, and where BFEs are defined, the highway will have to be built in accordance with Fresno County's Floodplain Management Ordinance Chapter 15.48, Section15.48.060, and 15.48.070. 2

If you have any questions or need additional information, please contact Ed Perez of my staff at (559) 230-3317.

Kevin Faulkenberry, Chief
South Central Region Office

Response to Comments from the California Department of Water Resources

Thank you for your comments on the route adoption study.

Response to comments #1 and #2: Elevation of the expressway roadbed would be determined during project-level studies, including sufficient floodplain studies. The need for culverts and/or viaducts to maintain flow and infiltration would be determined at that time. For further information regarding this topic, see Section 3.2.1 Hydrology and Floodplain.

1.5 Comments from the U.S. Department of the Interior, Office of Environmental Policy and Compliance

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 11/253

Electronically Filed

5 May 2011

G. William Trais Norris III
Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, CA 93726
Email: trais_norris@dot.ca.gov

Subject: Review of Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for the State Route 180 Westside Expressway Route Adoption Study, Fresno County, CA

Dear Mr. Norris:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement and Section 4(f) Evaluation for the State Route 180 Westside Expressway Route Adoption Study, Fresno County, California, and offers the following comments.

SECTION 4(f) EVALUATION COMMENTS

The Department concurs that there is no feasible or prudent alternative to the preferred alternative identified in the document, and that all measures have been taken to minimize harm to Section 4(f) property.

Thank you for the opportunity to review this document. Should you have questions about the Section 4(f) comments, please contact Alan Schmierer (National Park Service) at 510-817-1441.

Sincerely,

Patricia Sanderson Port

Response to Comments from the U.S. Department of the Interior

Thank you for your comments on the Section 4(f) evaluation. The draft environmental document that was circulated during the public comment period did not identify a preferred alternative. The preferred alternative has been determined after consideration of all comments received during the public review period of the draft and is identified in the final environmental document.

United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# 11/275

Electronically Filed

9 May 2011

Trais Norris
Senior Environmental Planner
Caltrans District 6
2015 E. Shields Avenue
Fresno, California 93726

Subject: Review of the Draft Tier I Environmental Impact Statement for a Proposed Route Adoption Study - SR 180, Fresno County, California

Dear Mr. Norris

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

Response to Comments from the U.S. Department of the Interior

Thank you for reviewing the document.

1.6 Comment from the U.S. Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

MAY 31 2011

Trais Norris
Senior Environmental Planner
California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Subject: Draft Tier 1 Environmental Impact Statement for the State Route 180 Westside Expressway Route Adoption Study (CEQ #20110085)

Dear Mr. Norris:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document. Our enclosed detailed comments were prepared pursuant to the NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act. The State of California has assumed responsibilities under NEPA for this project pursuant to the Memorandum of Understanding between the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program.

As described in the Draft Programmatic (Tier 1) Environmental Impact Statement (PEIS), this project aims to identify a corridor for the future expansion and/or relocation of State Route (SR) 180 in order to provide a reliable east-west connection between Fresno and Interstate 5. Currently, SR 180 terminates in the city of Mendota, approximately 18 miles from Interstate 5. Three alternatives are evaluated, including expansion of existing SR 180 (Alternative 1) and relocation of SR 180 to the north (Alternatives 2 and 3). The Draft PEIS does not identify a preferred alternative.

Based on our review of the Draft PEIS, we have rated the document and corridor alternatives as Environmental Objections-Insufficient Information (EO-2; see enclosed Summary of EPA Rating Definitions). The basis for our rating is: (1) extensive impacts to aquatic resources; (2) insufficient analysis of indirect and cumulative impacts of the expressway to resources of concern; and (3) impacts to agriculture as a result of farmland fragmentation. The Draft PEIS appears to exclude from analysis the indirect impacts of building a new expressway through areas that previously had little or no access, nor does it discuss opportunities for discouraging induced development along these new corridors. 1

We appreciate the opportunity to discuss our concerns via teleconference with Caltrans and the U.S. Army Corps of Engineers on May 5, 2011, and we look forward to resolving these issues

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during future coordination on the SR 180 Westside Expressway project, including a site visit and resource agency coordination meeting scheduled for this June. We look forward to jointly visiting potential impact areas along the future corridors and exploring opportunities for avoidance, minimization, and mitigation of impacts. 2

Given the extent of potential impacts to aquatic resources (54 to 84 acres), we strongly recommend Caltrans reconsider the decision not to coordinate on this project pursuant to the NEPA/Clean Water Act Section 404 Integration Process MOU (NEPA/404 MOU, attached). Section VI of the NEPA 404/MOU, signed by Caltrans, specifically outlines the process for NEPA/404 integration on Tier 1 evaluations. We have twice recommended that this project work through the NEPA/404 MOU process (EPA letters of July 11, 2008, and November 18, 2009), and request that Caltrans convene a meeting of the NEPA/404 MOU signatory agencies to initiate this process for the remainder of the project timeline. We recommend that Caltrans initiate the next steps in the NEPA/404 MOU process, as modified for Tier 1 projects: 1) select the corridor(s) most likely to contain the least environmentally damaging practicable alternative (LEDPA), the only alternative that can be permitted under CWA Section 404, and 2) determine the general mitigation framework for the project. We offer our assistance with these NEPA/404 MOU checkpoints both now (during the programmatic Tier 1 EIS process) and during future project level environmental analyses. 3

We appreciate the opportunity to review this Draft PEIS. When the Final PEIS is released for public review, please send one hard copy and one copy on disc to the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3843 or Clifton Meek, the lead reviewer for this project. Clifton can be reached at 415-972-3370 or meek.clifton@epa.gov. 4

Sincerely,

Enrique Manzanilla, Director
Communities and Ecosystems Division

Enclosures: Summary of EPA Rating Definitions
EPA's Detailed Comments
NEPA/Clean Water Act Section 404 Integration Process MOU (2006)

Cc via email: Bob Pavlik, California Department of Transportation
Leah Fisher, U.S. Army Corps of Engineers
Jen Schofield, U.S. Fish and Wildlife Service
Thomas Leeman, U.S. Fish and Wildlife Service
Laura Peterson Diaz, California Department of Fish and Game
Jeffrey R. Single, California Department of Fish and Game

2

EPA'S DETAILED COMMENTS ON THE DRAFT PROGRAMMATIC TIER 1 ENVIRONMENTAL IMPACT STATEMENT FOR THE STATE ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY

Impacts to Aquatic Resources

The goal for this Tier 1 Programmatic Environmental Impact Statement (PEIS) is to identify a corridor for future right-of-way preservation. The Tier 2 Project-level EIS will identify specific alignments for the State Route 180 Westside Expressway (Expressway) within the corridor(s) identified for further analysis in Tier 1. After Tier 2 project approval, but before project construction, the project proponent will need to obtain a Clean Water Act (CWA) Section 404 individual permit from the Corps. 5

The CWA Section 404(b)(1) Guidelines (Guidelines) are binding, substantive regulations that restrict CWA Section 404 permits to the "least environmentally damaging practicable alternative (LEDPA)." The Corps cannot grant a CWA Section 404 permit to a preferred project-level alternative that is not the LEDPA; therefore, it is critical that the LEDPA, and the route most likely to contain the LEDPA, is not prematurely eliminated during the Tier 1 NEPA review. 6

Given the proximity to important aquatic and biological resources, including Fresno Slough, the San Joaquin River, Mendota Pool, the Mendota Wildlife Area, and the Kerman and Alkali Sink Ecological Reserves, future Tier 2 project-level projects are likely to involve the discharge of dredged or fill material into jurisdictional wetlands and waterways. Section 3.3.2 of the Draft PEIS reviews impacts to waters for each Alternative corridor, estimating the acreage of potential impacts to wetlands and waters in the range of 54 to 84 acres. While we understand that actual impacts at the project level will likely be less than these estimates, the Draft EIS does not provide commitments regarding specific potential avoidance and minimization techniques that could be employed to reduce the acreage of impacts within each corridor. Furthermore, the Draft PEIS does not sufficiently describe potential activities proposed relevant to these resources and what functions would potentially be affected with each alternative. As such, the Draft PEIS does not present enough information to ensure that a corridor chosen at the Tier 1 phase would ultimately contain the LEDPA.

Recommendations:

- The Final PEIS should disclose for each Alternative:
  (1) name of each crossing,
  (2) aquatic resource type (concrete channel, open water, riparian habitat),
  (3) type of activity proposed (viaduct, box culvert, arched culvert),
  (4) acreage of waters potentially impacted,
  (5) the effect to aquatic resource function from the proposed activity, and
  (6) potential avoidance/minimization measures that could be employed at project level.

  These should be summarized both in the text and in a table format for reader clarity. 7

1

- Include in the Final PEIS a description of which floodplain areas would likely be spanned and which would be avoided through elevation of roadway structures. Include a map of spanned/elevated areas, an estimate of spanned/elevated road distances, and a quantification of resource impacts that could be avoided by a viaduct or other spanning-type structure. 8

- Include in the Final PEIS a commitment to use, for future project-level analyses, newer technology culverts and less damaging culverts such as large bottomless or arched culverts and a commitment to span vernal pool areas and major waterway crossings. While newer techniques to reduce impacts may be available in the future when the projects are ultimately implemented, it is appropriate to commit to best available technologies at this time (along with an estimate of the resources that can be avoided by integrating these techniques). 9

San Joaquin River Restoration

Given its proximity to the San Joaquin River and Mendota pool, EPA is concerned about the potential direct and indirect impacts Alternative 3 would have on the ongoing restoration efforts along this reach of the San Joaquin River. Restoration efforts include integration and restoration of floodplain habitat that appears to be within the Alternative 3 corridor. Other aspects of the restoration could include modifications of the river channel, setting back of levees, and relocation of existing infrastructure, all of which would potentially be impacted by a future project within the Alternative 3 corridor.

Recommendations:

- The Final PEIS should discuss potential project impacts on restoration efforts along the San Joaquin River and detail any coordination with the Bureau of Reclamation and Department of Water Resources regarding future alignments in proximity to the River. The Final PEIS should include a specific commitment to avoid any actions that would negatively affect long-term restoration of the San Joaquin River. Information on restoration activities can be found at http://www.restoresjr.net. 10

Integration of Clean Water Act and National Environmental Policy Act Requirements

The Draft PEIS estimates that the proposed project will affect 54 to 84 acres of aquatic resources within the project corridor, as assessed at the programmatic scale. It is highly likely that actual impacts to waters of the United States from a project built within any of the corridors assessed will be at least 5 acres. Therefore, this project meets the criteria for coordination under the April 2006 *National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding* (NEPA/404 MOU), as modified for Tier 1 projects. The NEPA/404 MOU includes specific agreement points to assist in developing the EIS and involves active participation in meetings and document reviews and provides modifications to approach a tiered project. The goal of the modified NEPA/404 MOU

2

process is to ensure that Tier 1 decisions reflect careful consideration of the Guidelines. The Guidelines should be addressed as early as possible in the Tier 1 NEPA evaluation to eliminate the need to revisit decisions at the Tier 2 project-level that might otherwise conflict with CWA 404 permit requirements. 11

In our comments on the Notice of Intent (July 11, 2008), and again in our comments on Purpose & Need and Range of Alternatives (November 18, 2009), EPA requested that Caltrans initiate the NEPA/404 MOU integration process so that agreement points could be addressed as early as possible in the EIS process. Despite these requests, Caltrans decided not to initiate this process or review project impacts with the NEPA/404 MOU signatory agencies. EPA requests that Caltrans convene a meeting of the NEPA/404 MOU signatory agencies at this time to initiate the integration process for use through the remainder of the project timeline. The next steps in the process are the following: 1) select the corridor(s) most likely to contain the "least environmentally damaging practicable alternative (LEDPA)" and 2) determine the general mitigation framework for the project.

Recommendations:

- Convene a meeting of the EPA, U.S. Army Corps of Engineers, and other resource agencies at this time to initiate the integration process for use through the remainder of the project timeline.

- Engage all resource agencies in the identification of the route most likely to contain the LEDPA and general mitigation framework prior to publication of the Final PEIS. 12

Corridor(s) Most Likely to Contain the LEDPA

The Guidelines call for an analysis that compares the total impact – direct and secondary (indirect) – for each alternative. However, the Draft PEIS only includes direct impacts in the comparison of alternatives (e.g., Table 3.30). It is important to include indirect impacts in the alternatives analysis, because an alternative with fewer direct impacts may not necessarily be the LEDPA if its indirect impacts (including growth-related impacts) have greater environmental significance.

Recommendations:

- In order to be consistent with the Guidelines, the alternatives analysis should compare the alternatives using both direct and indirect impacts to aquatic resources. Specific recommendations are included below under **Indirect and Induced Growth Impacts**. 13

In addition, when evaluating differences between each corridor, it is important to consider resource avoidance options (e.g., elevated structures, bottomless culverts) that are available *within* each corridor, so as to not prematurely eliminate a potential LEDPA alignment.

3

Recommendations:

- Include planning-level avoidance commitments in the Final PEIS for each alternative that will be considered in the LEDPA assessment, such as arched (bottomless) culverts and elevated roadway structures or spans. 14

Finally, given the magnitude of potential resource impacts, particularly to aquatic resources and special status species, we recommend that Caltrans prepare a robust cumulative impacts analysis, appropriate for this programmatic scale, that will 1) determine the resource study area and baseline condition of each resource of concern, 2) assess reasonably foreseeable changes to environmental resources over time, and 3) identify potential landscape-level mitigation opportunities.

Recommendations:

- Prepare a thorough cumulative impact analysis to sensitive resources affected by the project. Specific recommendations are included below under **Cumulative Impacts Analysis**. 15

Mitigation Framework

In the Final PEIS, Caltrans should present the framework it will use to prepare the Tier 2 project-level detailed mitigation plan. The Tier 1 mitigation framework should describe the processes that Caltrans will use, and commitments it will make, to maximize opportunities for successful mitigation of environmental impacts associated with the construction and operation of the Expressway, including long-term mitigation and management of resources.

Recommendations:
Identify the following in the Final PEIS mitigation framework:

- Mitigation options available for creation, restoration, enhancement and preservation (e.g., land dedication, acquisition of conservation easements, mitigation banks).
- Potential mitigation sites.
- Opportunities to integrate with existing or planned conservation efforts (specifically address mitigation and/or expansion opportunities for the Kerman Ecological Reserve, Alkali Sink Reserve, and Mendota Wildlife Area).
- Potential for improvements to existing infrastructure to enhance aquatic system and wildlife use (e.g. spanning the Kerman Ecological Reserve to enhance wildlife movement/genetic exchange between north and south side of existing SR 180).
- Habitat types and approximate acres of impact. Special status species and critical habitat impacted. Discussion of any buffer areas and habitat linkages that will be adversely affected and replaced.
- Institutions and instruments (e.g., established maintenance endowments) for long-term management of mitigation sites. 16

4

Indirect and Induced Growth Impacts

The proposed State Route 180 Westside Expressway expansion/relocation will create a major new freeway in a rural area with abundant aquatic and biological resources. The Draft PEIS recognizes that the proposed project will have significant direct impacts on these resources, but makes an assumption (based upon current growth projections) that the project will not have significant growth-inducing impacts. However, the Draft PEIS also states that one of the major factors preventing unplanned growth is underdeveloped infrastructure. By providing new infrastructure, better transportation conditions, and easier access to currently undeveloped areas, the proposed project will remove several barriers to growth in the area. Further, the project will likely increase growth pressure on any areas near Expressway intersections that are not currently planned for development. As such, unplanned growth associated with the Expressway will likely have significant adverse impacts to sensitive aquatic and biological resources, as well as farmland. EPA is concerned that the Draft PEIS does not contain an estimate, by alternative, of indirect impacts to these resources, and does not sufficiently describe and commit to measures that avoid and minimize growth-inducing impacts (e.g. limiting the number of intersections, increased distances between intersections, etc).

The Draft PEIS also states that no significant distinction exists among corridor alternatives regarding potential growth impacts (Section 3.1.2) but does not provide data to support this conclusion. The potential growth-inducing impacts to resources from the alternatives could vary significantly, depending on the location of the corridor, the intersections, and their proximity to existing development. The northerly alternatives (Alternatives 2 and 3) provide access to largely undeveloped areas that currently have little or no planned growth. Alternative 1 (expansion of existing SR 180) provides additional access closer to existing and planned development. Corridor alternatives and intersection locations that direct growth along existing SR 180 rather than to the north would likely have fewer growth-related impacts to environmental resources and result in less farmland fragmentation. [1]

Methodology and Scope of Analysis of Indirect Impacts

EPA believes that a more detailed qualitative analysis of indirect impacts to resources of concern should be provided in the Final PEIS. Caltrans has guidance, developed in concert with EPA and FHWA, regarding growth-inducing indirect impacts of projects. We recommend using this guidance to analyze the potential growth-inducing impacts of the project and to compare alternatives in the Final PEIS.

[1] For information on how the location of a transportation facility can influence and direct growth, see Chapter 5, Guidance for Preparers of Growth-related, Indirect Impact Analyses; National Cooperative Highway Research Program (NCHRP) Report 423A, Land Use Impacts of Transportation: A Guidebook; and NCHRP Report 466, Desk Reference for Estimating the Indirect Effect of Proposed Transportation Projects.

Recommendations:

- Prepare a robust qualitative analysis of indirect impacts -- including growth-related impacts to environmental resources and farmland fragmentation – appropriate for assessment at the programmatic scale for each alternative, and provide supporting data, assumptions, and conclusions.

- Use the Caltrans' Growth Related Indirect Impacts Guidance to analyze the potential growth-inducing impacts of the project and to compare alternatives.[2]

- Include more detailed information on intersection locations and analyze both the direct and indirect impacts of proposed intersections.

- Commit to measures in the Final PEIS that avoid and minimize growth-inducing impacts such as limiting the number of intersections and increasing the distances between intersections. 17

Farmland Fragmentation

The Draft PEIS does not adequately address adverse impacts associated with farmland fragmentation from proposed alternatives and/or growth adjacent to the Expressway. All proposed Expressway alternatives move through a large landscape of prime and Williamson Act farmland. While the Draft PEIS states that a new expressway could have substantial indirect effects on access and viability of farmland, it makes no attempt to compare the indirect effects by alternative. Alternative 1, for example, would primarily run along existing roadway alignments, and thus would generally not cause further division of agricultural parcels that are already bisected by a roadway. Alternatives 2 and 3 would create entirely new roadway corridors, resulting in potential segmentation and isolation of agricultural lands, a common cause of indirect conversion of farmland. Growth-inducement could lead to further losses of farmland in the area. This is particularly concerning because the Fresno County General Plan lists long-term conservation of productive agricultural lands among its top priorities. As stated in the Draft PEIS, the county of Fresno has been ranked first among all California counties in farm and ranch production.

Recommendations:

- Include in the Final PEIS an assessment and comparison of impacts to potential farmland, including the number of parcels estimated to be bisected by each alternative corridor and resulting acreage of fragmented segments. 18

[2] Caltrans' Growth Related Indirect Impacts Guidance is available at http://www.dot.ca.gov/ser/Growth-related_IndirectImpactAnalysis/gri_guidance.htm

Cumulative Impacts Analysis

The Draft PEIS includes a brief qualitative discussion of cumulative impacts for each resource area. Given the history of habitat and farmland loss in Fresno County, we strongly recommend a more comprehensive analysis of cumulative impacts to resources of concern. We recommend using the Caltrans guidance on Cumulative Impact Analysis, co-developed by FHWA and U.S. EPA Region 9, as a framework.

The Council on Environmental Quality's regulations implementing NEPA define cumulative impacts as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR 1508.7)

For example, aquatic resources in Fresno County have been cumulatively affected by past actions and are likely to be adversely impacted by future development, including the proposed Expressway. Historical impacts on aquatic ecosystems include California's rapid population growth and agricultural expansion, resulting in losses of approximately 95% of the State's wetlands and up to 85% of the vernal pools. Holland estimated that more than 32,000 acres of vernal pool habitat had been lost in the San Joaquin Valley vernal pool region alone from the late 1980's until 1997. Through section 7 of the Endangered Species Act, the Sacramento Fish and Wildlife Office has reviewed projects converting more than 15,000 acres of vernal pool habitats in this region since 1994. The majority of the remaining vernal pool habitat is located on private lands and vulnerable to permanent removal. As such, the loss of any additional acreage of vernal pools, regardless of size, may be a significant cumulative impact to this resource.

We recommend a robust cumulative analysis at Tier 1 because it allows Caltrans and other stakeholders to identify early opportunities to avoid and minimize cumulative impacts to resources, and to identify landscape-level opportunities able to protect or restore environmental resources that may be cumulatively at risk.

Recommendations:

- Include a more robust cumulative impact analysis in the Final PEIS.[3]
- Identify potential landscape-level opportunities to avoid, minimize, and mitigate cumulative impacts to resources of concern, including those that are outside of Caltrans's authority. Specifically, in the Final PEIS, provide resource avoidance guidance for the preparation of the Tier 2 environmental documentation and identify measures that can be accomplished early, before the Tier 2 environmental review process is required. 19

[3] The Caltrans Cumulative Impact Guidance is a useful reference and is available at http://www.dot.ca.gov/ser/cumulative_guidance/approach.htm

Response to Comments from the U.S. Environmental Protection Agency

Thank you for your comments on the route adoption study.

Response to comment #1: The environmental document discusses growth inducement impacts of the study in Section 3.1.2 Growth. The document has been revised to add more information on indirect and cumulative effects to farmland, natural communities, wetlands and other waters, and threatened and endangered species. Cumulative discussions include past, present, and future proposals that may affect resources of concern. The respective sections also discuss factors that induce growth and development near new corridors.

After review of current general plans for the cities, the unincorporated areas of the study area, and the proposed development projects listed in Table 3.1 in Section 3.1.1.1, it appears that planned development would occur only inside the sphere of influence boundary of each city. With mitigation factored in, future effects from the expressway along with past, present, and future planned projects would not cause significant indirect or cumulative impacts to natural communities or jurisdictional waters. Riparian habitat such as Fresno Slough, Panoche Creek, Four-Mile Slough, and Mowry Draw are far from urban spheres of influence.

In coordination with the U.S. Environmental Protection Agency, California Department of Fish and Game, U.S. Army Corps of Engineer, and U.S. Fish and Wildlife Service, Caltrans has proposed the inclusion of a viaduct along the existing State Route 180 alignment as part of the preferred alternative to avoid adverse effects to the Alkali Sink Ecological Reserve, Kerman Ecological Reserve, and the proposed Alkali Sink Conservation Bank. To allow safe migration and promote genetic exchange of species, the viaduct would improve connectivity between both sides of the reserves. Since the viaduct would be constructed within the existing Caltrans right-of-way, it would avoid direct impacts and minimize indirect impacts to the reserves. For a discussion of this coordination, see Section 5.4, Section 6002 Coordination and the coordination section of the Section 4(f) Evaluation in Appendix B.

The preferred alternative, along with past, current, and future projects in the study area, would indirectly and cumulatively affect farmland but would not be considered significant for the following reasons:

- The preferred alternative would primarily acquire land adjacent to existing State Route 180 and Shields Avenue corridors to the extent feasible to reduce effects to farmland.
- The cities and county have strict policies to preserve quality farmland.

- The cities have adopted goals and/or policies to restrict development within the sphere of influence boundary to prevent urban sprawl.
- There is a lack of infrastructure for development in rural areas.
- There is considerable distance between urban areas along the future expressway.
- Access to the future expressway would be limited to intersections spaced 2 miles apart in rural areas.

Response to comment #2: Caltrans has coordinated with the U.S. Environmental Protection Agency throughout the environmental process and appreciates the recommendations provided during the teleconference on May 5, 2011, and the field visit and meeting in July 2011. Please see Chapter 5 for information on this coordination.

Response to comment #3: Caltrans appreciates the offer of assistance on selecting the preferred alternative. We believe that Section 6002 of the Safe, Accountable, Flexible, Efficient, Transportation Equality Act: A Legacy for Users mirrors the same Memorandum of Understanding checkpoints as the National Environmental Policy Act/404 as modified for a Tier I project. As lead agency, Caltrans has invited your agency, and your agency has accepted the role of participating and cooperating agency. Caltrans has also solicited comments on the study's purpose and need, the range of alternatives to be considered, methodologies, and level of detail required for the analysis of alternatives in the draft Tier I Environmental Impact Statement. It is possible for all agencies involved to determine a preferred alternative that is likely to be the least environmentally damaging practicable alternative (LEDPA) as well as determine the general mitigation framework for the subsequent Tier II project(s) without initiating a formal National Environmental Policy Act/404 Memorandum of Understanding process at this time. The formal National Environmental Policy Act/Clean Water Act Section 404 Integration process would be initiated at the time subsequent Tier II project(s) are proposed.

Caltrans believes that after coordination with resource and regulatory agencies, Fresno County, affected cities, and organizations during the environmental review process, the preferred alternative is the corridor likely to contain the potential "least environmentally damaging practicable alternative." The preferred alternative was recommended because it would primarily use the existing State Route 180 and Shields Avenue corridor to minimize affects to farmland, residences and businesses, wetlands and other waters, and natural communities. Avoidance measures such as the construction of viaducts and a mandatory design exception have been proposed to avoid adverse effects to Section 4(f) protected resources.

Response to comment #4: A hardcopy and CD of the final environmental document will be submitted to the appropriate staff as requested.

Response to comment #5: Tier II projects would likely require a Clean Water Act Section 404 individual permit from the Army Corps of Engineers depending on which segment is proposed for funding.

Response to comment #6: Caltrans, in coordination with cooperating and participating agencies and stakeholders, considered all environmental resources in choosing alignments that make up the preferred alternative. The preferred alternative appears to be the "least environmentally damaging practicable alternative" in the context of Clean Water Act Section 404 because it generally uses existing highway/roadway corridors to minimize impacts to aquatic resources, natural lands, and valuable agricultural land. It also includes design options that would build the future expressway within existing highway right-of-way to avoid adverse impacts to wildlife refuges.

Response to comment #7: The crossings of water bodies that occur along each corridor alternative are identified in a map in Section 3.3.2 Wetlands and Other Waters. Aquatic resource types or wetland habitat types are discussed under Affected Environment in the same section. It is unknown at this time exactly the details of the activities that would be involved during Tier II project(s). For purposes of identifying the potential environmental impacts of subsequent projects, the locations of future interchanges, intersections, cul-de-sacs, and bridges are conceptualized in the document. Acreage of waters potentially affected is summarized in a table in Section 3.3.2. A discussion on wildlife functions and values has been added under Affected Environment in Section 3.3.2. The Avoidance, Minimization, and/or Mitigation Measures discussion in Section 3.3.2 of the environmental document does include potential avoidance/minimization measures that could be used at the project phase.

Response to comment #8: Section 3.2.1 Hydrology and Floodplain discusses the floodplain areas that would be affected by the proposed alignments. The section describes the floodplain category and type of encroachment on each floodplain. Section 2.1.1 Alignment Alternatives also lists potential facility improvements, including bridges that would span the affected floodplains. See response to comment #3 regarding the least environmentally damaging practicable alternative.

Response to comment #9: During future project-level analyses, any available newer technology that would reduce impacts to aquatic resources would be considered. Caltrans has been open to available technologies now that could be implemented during future projects. Consequently, the preferred alternative would propose the construction of a viaduct along the existing State Route

180 alignment that would cross over the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve to avoid adverse impacts to these reserves as well as minimize impacts to the Fresno Slough floodplain.

Response to comment #10: Caltrans has coordinated closely with San Joaquin River Restoration Program staff, including Paul Faulkenberry, Program Manager for the San Joaquin River Restoration Program at the Department of Water Resources regarding appropriate placement of Alternative 3 near the San Joaquin River. After meeting with the Department of Water Resources in August 2008, Caltrans realigned Alternative 3 to be contiguous with the Department of Water Resources' southernmost levee alignment. The levee alignment is the Department of Water Resources' best understanding of the widest setback required to capture 4,500 cubic feet per second of water as required by a 2006 lawsuit settlement.

The Bureau of Reclamation is a cooperating and participating agency on the route adoption study and has been involved in the environmental review process as required by Section 6002 of SAFETEA-LU. They have expressed concerns regarding potential impacts that Alternative 3 may have on the proposed *Mendota Pool Bypass and Reach 2B Improvements*. The preferred alternative would not affect any planned facilities or habitat enhancements as part of the San Joaquin River Restoration Project because it avoids this area.

Response to comment #11: Caltrans has reviewed the April 2006 National Environmental Policy Act/404 Memorandum of Understanding, as modified for Tier I projects. The process mirrors the coordination process as set forth in Section 6002 of SAFETEA-LU of 2005. The Section 6002 coordination plan guides participating and cooperating agencies using the same specific agreement points in the modified National Environmental Policy Act/404 MOU process during the development of the Environmental Impact Statement. Caltrans believes that the coordination effort so far is commensurate with the modified National Environmental Policy Act/404 Memorandum of Understanding process.

Response to comment #12: After receiving the Environmental Protection Agency's comment letter dated May 31, 2011, Caltrans held meetings in June 2011 with your agency and the National Environmental Policy Act/404 Memorandum of Understanding signatory agencies to discuss the corridors most likely to contain the "least environmentally damaging practicable alternative" (LEDPA) and general mitigation framework for a future build project. This was followed by a teleconference on November 17, 2011, with the same agencies to resolve other outstanding issues. All agencies were agreeable to an alignment that followed the existing State Route 180 in Segment B (approximately between State Route 33 and Yuba Avenue) as preferable because it would cause the least indirect effects on natural resources. Caltrans

proposed the construction of a viaduct along the existing State Route 180 alignment to avoid adverse effects to the Alkali Sink Ecological Reserve, Kerman Ecological Reserve, and the proposed Alkali Sink conservation bank. The U.S. Environmental Protection Agency acknowledged that the viaduct would have beneficial effects like improved connectivity between both sides of the reserves and promote genetic exchange of species and that the benefits outweigh the indirect effects. Details of this coordination can be found in Chapter 5 and the coordination section of Appendix B, Section 4(f) Evaluation.

Response to comment #13: Information regarding indirect and cumulative effects has been added to Section 3.3.2 Wetlands. The Fresno Slough area has the greatest potential for impacts to aquatic resources, which include both wetlands and waters; substantial impacts would accrue with all alternatives. With the introduction of new infrastructure and access, growth-related impacts must be considered. The conceptual design for Alternative 3 proposes two new intersections just north of the Mendota Pool Park and at San Mateo Avenue, while Alternatives 1 and 2 would each have a new intersection at San Mateo Avenue. It is unlikely that indirect impacts such as growth-related impacts would occur here because the area is rural and outside of a city's sphere of influence. Fresno County's land use policies would prevent incompatible development within floodplain areas and land uses for the preservation of wildlife.

Although Alternative 1 and the preferred alternative would affect the most aquatic resources such as vernal pool habitat due to their close proximity to the wildlife reserves, their alignments follow an existing corridor. Alternatives 2 and 3 would construct a new corridor that would affect aquatic resources as well as create another barrier to the movement of wildlife between the reserves and the San Joaquin River riparian corridor. Alternative 2 would bisect the California Department of Fish and Game's proposed Alkali Sink conservation bank.

Alternatives 2 and 3 may impede conservation recovery strategies identified in the U.S. Fish and Wildlife Service's Recovery Plan for Upland Species of the San Joaquin Valley, California (1998). One of the strategies for recovery of the Fresno kangaroo rat includes the protection of the large block of natural land north of and between the Alkali Sink Ecological Reserve and the San Joaquin River. For this reason, using the existing alignment through this area of the Fresno Slough would have the least indirect impacts to natural habitat, including aquatic resources.

Response to comment #14: Project-level avoidance commitments would not be appropriate for a program environmental impact statement until more information is available during project-level studies. The environmental document does propose general mitigation measures such as bridge and roadway design features that would be implemented to avoid or minimize impacts to wetlands and waters. Floodplain equalization culverts would be used where appropriate to

minimize impacts as they allow floodwaters to flow freely from one side of the future highway to the other. The preferred alternative would propose the construction of a viaduct along the existing State Route 180 alignment to improve habitat connectivity between both sides of the highway. Caltrans would consider arched (bottomless) culverts where appropriate.

Response to comment #15: The cumulative impacts to farmland, natural communities, wetlands and other waters, and threatened and endangered species have been added or revised in their respective sections in the environmental document to include discussions of past, present, and reasonably foreseeable actions. See response to comment #1.

Response to comment #16: The general mitigation framework is addressed in the mitigation, minimization and avoidance section for each resource.

During the project-level phase of future projects, Caltrans would implement a mitigation plan that may include the following:

- Project-specific approaches during project development such as project design that will allow for safe wildlife crossings from one side of the proposed highway to the other.
- Use a revegetation and restoration plan that meets the requirements of the jurisdictional agencies to mitigate adverse effects to natural communities/habitats.
- Exploration of off-site mitigation opportunities if on-site mitigation to permanent and temporary losses of habitat is not feasible.
- Enhancement or restoration of existing habitats; creation of new habitats; contribution of in-lieu fees for restoration/preservation of existing habitats; and purchase of existing habitats through a mitigation bank.
- Compliance with compensation ratios as specified by jurisdictional agencies for adverse effects to listed species appropriate at the time of project approval.

Caltrans has coordinated with the Department of Fish Game to integrate this study with existing and planned conservation efforts of that agency. As a result, Caltrans has included in the preferred alternative a design option such as a viaduct structure that would allow State Route 180 to be built within existing state-owned right-of-way. This would avoid the Alkali Sink Ecological Reserve and its proposed expansion as well as the Kerman Ecological Reserve.

Response to comment #17: The cumulative and indirect impacts discussions for farmland, natural communities, wetlands and other waters, and threatened and endangered species have been added or revised in their respective sections in the Environmental Impact Statement.

The guidelines established by Caltrans in its Standard Environmental Reference, Volume 4, Community Impact Assessment (Caltrans, 1997) was used to prepare the 2006 Community Impact Assessment for this route adoption study.

After review of current general plans for the cities and the unincorporated areas of the study area, it appears that planned development would occur only inside the sphere of influence boundary of each city. Resources such as prime farmland, wetlands, and natural communities occur outside of the sphere of influence boundary. With mitigation factored in, future effects from the expressway along with other past, present, and planned projects would not cause significant cumulative impacts to natural communities, wetlands and other waters, threatened and endangered species, and farmland.

Response to comment #18: An accurate assessment of remainder parcels would not be appropriate at this planning-level stage of the project because the 1,000-foot-wide footprint for each alternative does not represent the actual right-of-way needed for the future expressway. This was why effects inside each alternative corridor were assessed in acreage. This is a planning-level study with no design plans or funds for right-of-way acquisition or construction. Total acreage to be permanently converted to transportation uses cannot be accurately quantified at this stage of study but would be provided in the environmental assessments of subsequent projects. It is clear that alternatives that deviate from a straight path such as “S” curve transitions would cause more farmland fragmentation. The preferred alternative would minimize the number of bisected farmland parcels by using the existing State Route 180 and Shields Avenue roadway right-of-way. The alternative would primarily acquire additional right-of-way along parcels adjacent to these existing roadways.

Response to comment #19: The cumulative impacts to farmland, natural communities, wetlands and other waters, and threatened and endangered species have been added or revised in their respective sections in the environmental document to include discussions of past, present, and reasonably foreseeable actions.. In the selection of the preferred alternative, Caltrans has coordinated with resource agencies, Fresno County, affected cities, organizations, and the public during the environmental review process to find solutions that would avoid, minimize, and mitigate for cumulative impacts to resources of concern. See response to comment #1.

The preferred alternative would primarily follow an existing roadway, to the extent feasible, to reduce effects to farmland and sensitive areas. A majority of the acquisitions would occur along

the edges of parcels rather than bisecting them. The number of potentially bisected parcels would be considerably smaller with the preferred alternative than with the other alternatives under consideration. Caltrans would include in the preferred alternative a design such as a viaduct structure that would allow State Route 180 to be built within existing state-owned right-of-way. This would avoid the Alkali Sink Ecological Reserve and its proposed expansion as well as the Kerman Ecological Reserve (see Chapter 5).

The future expressway, along with past, current, and future projects in the study area, would cumulatively affect farmland but would not be considered significant for the following reasons:

- Strict policies of cities and county to preserve quality farmland.
- Adopted goals and/or policies of each city to restrict development within the sphere of influence boundary to prevent urban sprawl.
- Lack of infrastructure for development in rural areas.
- The considerable distance between urban areas along the future expressway.
- Limited access to the future expressway in rural areas (intersections spaced 2 miles apart).

With incorporation of mitigation measures, it is unlikely that this future expressway along with the other proposed projects in the study area would have significant cumulative effects on sensitive resources.

The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 in western Fresno County using evaluation criteria developed for a Tier I planning-level environmental document to adopt a route and not a project-level environmental document to build a project. A Tier I planning-level environmental impact report/environmental impact statement is conceptual and abstract in nature and contains a broad discussion of impacts, alternatives and mitigation. Once the route is adopted by the California Transportation Commission, the cities affected on the Westside can incorporate it into the transportation elements of their general plans to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does not imply near-term development of the corridor. Subsequent projects would occur over time in response to expected future demand and availability of funding and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more.

1.7 Comment from the U.S. Fish and Wildlife Service

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:
81420-2009-TA-0239-3

MAY 12 2011

Mr. G. William "Trais" Norris III
Senior Environmental Planner
California Department of Transportation, District 6
2015 East Shields Avenue, Suite A-100
Fresno, California 93726

Subject: Response to the Request for Comments for the State Route 180 Westside Expressway Route Adoption Study, Fresno County, California (06-FRE-PM R9.0/R54.2, EFIS 06-0000-0445)

Dear Mr. Norris:

On December 22, 2008, the U.S. Fish and Wildlife Service (Service) provided a letter to the California Department of Transportation (Caltrans) accepting its request to participate as a cooperating agency in the National Environmental Policy Act (NEPA) process for the State Route (SR) 180 Westside Expressway Route Adoption Study (Adoption Study) as staff time and funding permitted. On March 18, 2011, the Service received a Notice of Availability from Caltrans regarding the public circulation of the Draft Environmental Impact Report (EIR)/Tier I Environmental Impact Statement (EIS) and Section 4(f) Evaluation document (Draft EIR/EIS) for the Adoption Study. Caltrans also enclosed a hard copy of the Draft EIR/EIS, dated March 2011, for the Service's review. This letter provides our comments on the proposed Draft EIR/EIS.

Caltrans intends to identify and adopt a route extending from the City of Fresno and SR 99 to Interstate-5 (I-5) in order to provide a corridor for future projects that will improve mobility east and west through the center of Fresno County by connecting the Cities of Fresno, Kerman, Mendota, and Firebaugh, and the unincorporated community of Rolinda. Currently, no reliable and continuous regional east-west highway exists between the City of Fresno and I-5. According to Caltrans, the Adoption Study aims to identify the most appropriate location for an ultimate four-lane expressway for SR 180 within the study area between I-5 and the City of Fresno.

The Service appreciates the opportunity to comment at this stage of the Adoption Study. We realize that approval of a planning level alternative does not signify any near-term actual development of a proposed corridor, and that project specific implementation is unknown at this point in time and may not even occur for another several decades. However, because the Draft

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EIR/EIS in its current state does not contain explicit analysis of individual project-scale effects to federally-listed threatened and endangered species, alternative preferences are difficult to gauge.

The uncertainties associated with where specific alignment locations are to be established within the proposed 1,000 feet (ft) wide corridor for each alternative also make it problematical for us to adequately assess impacts to species and habitat as there likely would be significant variations in habitat types, habitat features, and species presence. For example, based on the mapping provided in the Draft EIR/EIS, an alignment constructed within the southernmost portion of Alternative One's proposed 1,000 ft corridor would likely lead to further encroachment into the Kerman Ecological Reserve, which would be of serious concern to the Service. 1

Ideally, the Service would first prefer to better identify how specific alignments and individual projects are integrated within the proposed corridors before recommendation of a particular alternative. While none of the three proposed alternatives and variations is preferable and all pose obstacles to addressing threatened and endangered species conservation, based on the information provided in the Draft EIR/EIS we find that overall, Alternative Two may be the route that least adversely affects federally-listed species and their natural habitats. This alternative avoids the Mendota Wildlife Area, Kerman Ecological Reserve, and Alkali Sink Reserve to the south which Alternative One both abuts and crosses; it spans the Fresno Slough at one of the narrowest points possible compared with Alternatives One and Three, thereby minimizing waterway effects as well as potential impacts to the giant garter snake (*Thamnophis gigas*); it sits further away from the San Joaquin River, Mendota Pool Park, and the First-, Second-, Third-, and Main-Lift Canals, which Alternative Three and Variation 1A border and cross; it traverses fewer potential pasture, grassland, riparian, and chenopod scrub natural habitat communities than Alternative One and its three variations; and it affects fewer acres of potential vernal pool habitat than Alternative One and its variations, thereby minimizing potential impacts to species such as the vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), the central population of the California tiger salamander (*Ambystoma californiense*), and the fleshy owl's clover (*Castilleja campestris* ssp. *succulenta)*. While Alternative One may be able to minimize any future project's footprint by incorporating the existing infrastructure as part of the new SR 180/Whitesbridge Avenue expressway extension, we are concerned by the alternative's proximity to the Wildlife Area and two reserves. 2

The Service recommends that both program- and project-scale avoidance, minimization and compensation opportunities should be discussed early in the planning process, particularly for addressing species such as the San Joaquin kit fox (*Vulpes macrotis mutica*), Fresno kangaroo rat (*Dipodomys nitratoides exilis*), giant kangaroo rat (*Dipodomys ingens*), blunt-nosed leopard lizard (*Gambelia sila*), and giant garter snake. Because of the wide extent of the corridor's reach across the San Joaquin Valley, barrier effects to these species and interruption of migratory corridors, especially to the San Joaquin kit fox, will be key issues. It is important that project design features, wildlife passageway structures, and conservation measures seek to not only maintain, but improve habitat connectivity and species movement corridors. We suggest that the EIR/EIS document be modified to include discussions on the effects of habitat fragmentation, species' barriers, and wildlife vehicular mortality resulting from the proposed route alternatives and variations. 3

Mr. G. William "Trais" Norris III 3

If you have any questions regarding this letter, please contact Jen Schofield or Thomas Leeman, San Joaquin Valley Branch Chief at (916) 414-6600.

Sincerely,

Daniel Russell

Daniel Russell
Deputy Assistant Field Supervisor

cc:
Ms. Laura Peterson-Diaz, California Department of Fish and Game, Fresno, California
Mr. Clifton Meek, U.S. Environmental Protection Agency, Region 9, San Francisco, California

Response to Comments from the U.S. Fish and Wildlife Service

Thank you for your comments on the route adoption study.

Response to comment #1: For the purposes of a route adoption, each alternative is 1,000-foot wide; therefore, all impacts were comparatively assessed within this footprint. The route adoption study Environmental Impact Report/ Environmental Impact Statement is intended to be a general assessment of foreseeable impacts for the purpose of adopting a route for State Route 180 in western Fresno County.

Once the route is adopted for State Route 180, the preferred alternative would be further refined inside of the 1,000-foot-wide corridor to appropriately place the 250-foot-wide to 350-foot-wide future expressway. This flexibility would allow minimization and avoidance of species and their habitats to the extent feasible.

Response to comment #2: Caltrans met with the California Department of Fish and Game, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service in June 2011 to discuss methods to avoid impacts to this new expansion of the Alkali Sink Ecological Reserve. Caltrans continued discussions with the agencies by teleconference on November 17, 2011. Caltrans would include in the preferred alternative a design, such as a viaduct structure, that would allow State Route 180 to be built within existing state-owned right-of-way. This would avoid the Alkali Sink Ecological Reserve and its proposed expansion as well as the Kerman Ecological Reserve. All agencies were agreeable to this design approach because it would cause the least indirect effects on natural resources.

The value of the Mendota Wildlife Area and the two reserves would be improved by elevating the roadway. The improved connectivity between both sides of the reserves would allow safe migration of species and promote genetic exchange of species. Elevating the highway would remove the existing roadway that acts as a water flow impediment between lands on the south and north. This would improve sheet flow between the north and south properties and enhance movement of many aquatic species. Wildlife could move unrestricted and would no longer be struck by passing vehicles.

Response to comment #3: Section 3.3.5 Threatened and Endangered Species has been revised to include general project-level avoidance, minimization, and avoidance measures for the San Joaquin kit fox, Fresno kangaroo rat, giant kangaroo rat, blunt-nosed leopard lizard, and giant garter snake. See response to comment #2 for a discussion about the proposed viaduct that would improve habitat connectivity and species movement.

1.8 Comment from County of Fresno Department of Public Health

County of Fresno
Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

April 4, 2011

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Department of Transportation
District 6
Attn: G. William "Trais" Norris, III
2015 E. Shields Avenue, Suite A-100
Fresno, CA 93726-5428

Dear Mr. Norris:

PROJECT: Draft Environmental Impact Report for the State Route 180 Westside Expressway Route

The Fresno County Department of Public Health, Environmental Health Division has reviewed the Draft EIR and offers the following comments:

- The County of Fresno has adopted both a Noise Element as part of the Fresno County General Plan and a Noise Ordinance which will require consideration when making determinations relevant to potential noise impacts in the unincorporated areas of the County. The City of Kerman and Mendota, likewise, have Noise Elements and noise standards identified in their Municipal Codes. The noise ordinance standards and noise element planning policies may not be consistent with one another.

  Therefore, it is recommended the lead agency contact all potentially affected incorporated cities to identify and incorporate the planning policies into the environmental document. Actual noise ordinance standards may be evaluated during the project development stage. 1

- For all underground storage tanks encountered during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information.

- All septic systems encountered during the project shall be properly destroyed by an appropriately licensed contractor, under permit and inspection from the Department of Public Works, Development Services Division. 2

- All existing water wells encountered during the project shall be properly destroyed by an appropriately licensed contractor, under permit and inspection from the Department of Public Health, Environmental Health Division. Contact the Water Surveillance Program at (559) 445-3350 for more information.

  Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well,

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G. William "Trais" Noris III
DEIR SR 180 Westside Expressway
April 4, 2011
Page 2 of 2

the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well shall be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure. 3

The following comments apply to the demolition/removal of structures necessary as part of the project:

- Should the structures have an active rodent or insect infestation, the infestation should be abated prior to demolition/removal of the structures in order to prevent the spread of vectors to adjacent properties. 4
- In the process of demolishing/removing existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Unified Air Pollution Control District at (559) 230-6000 for more information.
- If any structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in the structures, then prior to demolition and/or removal work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
  - United States Environmental Protection Agency, Region 9, at (415) 947-8000.
  - State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

  5
- All materials deemed hazardous as identified in the demolition/removal process must be characterized and disposed of in accordance with current federal, state, and local requirements. 6

If I can be of further assistance, feel free to contact me at (559) 445-3271.

Sincerely,

Janet Gardner

Digitally signed by Janet Gardner
DN: cn=Janet Gardner, o=Environmental Health Division, ou=Fresno County Public Health Department, email=jgardner@co.fresno.ca.us, c=US
Date: 2011.04.04 16:07:49 -07'00'

Janet Gardner, R.E.H.S., M.P.H.
Environmental Health Specialist III
Department of Public Health,
Environmental Health Division

jg

cc. Briza Sholars, Department of Public Works and Planning (via e-mail)

Caltrans 180 Westside Expressway

Response to Comments from the County of Fresno Department of Public Health

Thank you for your comments on the route adoption study.

Response to comment #1: A noise analysis would be conducted for the future build project during preparation of subsequent project-level (Tier II) environmental documents pursuant to National Environmental Policy Act and California Environmental Quality Act requirements. The analysis would determine any noise impacts from the project and recommend the type of abatement measures needed to mitigate those impacts. During subsequent projects, Caltrans will review planning policies to ensure noise levels associated with construction activities are in compliance with applicable allowable limits set forth in noise ordinances and municipal codes of affected local cities such as Fresno, Kerman, Mendota, and Firebaugh, as well as the County of Fresno.

Response to comments #2: Caltrans would adhere to all local, state, and federal rules and regulations for underground storage tanks, water well and septic tank abandonment/destruction, once it is confirmed that these items exist on affected parcels.

Response to comment #3: Caltrans follows department policies and guidelines for dealing with these issues. The Project Management Procedures Manual, Standard Environmental Reference, and Hazardous Waste Guidelines ensure that our department adheres to the appropriate handling of hazardous wastes and substances before, during and after construction. This includes areas of stained soil. Caltrans investigates all potential sources of contamination to soil and groundwater.

Response to comment #4: At the project level, Caltrans would adhere to all local, state, and federal rules regarding abatement of rodent or insect infestation before demolition.

Response to comments #5: During preparation of project-level (Tier II) environmental documents, Caltrans would assess asbestos-containing materials and/or lead-based paint and appropriately deal with those materials during the demolition process. Required permits and notifications would be made with the appropriate agencies.

Response to comment #6: See response to comment #4. During the preparation of project-level (Tier II) environmental documents, a more focused study would occur; each parcel affected by the proposed project would be inspected, and recommendations and risks assessed for hazardous waste issues.

It is Caltrans policy to perform site investigations such as soil sampling and bridge surveys for projects to properly characterize hazardous wastes. Caltrans would adhere to all local, state, and

federal rules and regulations pertaining to the appropriate handling and disposal of hazardous wastes and substances before, during, and after construction.

1.9 Comment from County of Fresno Department of Public Works and Planning

County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
Alan Weaver, DIRECTOR

May 13, 2011

Mr. G. William Norris, III
Senior Environmental Planner
Department of Transportation, District 6
2015 East Shields Avenue, Suite A-100
Fresno, CA 93726-5428

RE: Draft Environmental Document for the State Route 180 Westside Expressway Route Adoption Study

Dear Mr. Norris:

Fresno County appreciates Caltrans' presentation to the Fresno County Board of Supervisors on May 3, 2011, and the opportunity to comment on the environmental document mentioned above. The Board's comments focused on the need to use existing transportation corridors to the extent possible, to minimize disruption to agricultural lands and operations. The following are Fresno County's comments concerning the route adoption:

1. Fresno County supports development of Highway 180 along the existing Highway 180 corridor west to Mendota, depicted as Alternative 1 on page 53 of the document, to the extent possible to minimize the disruption of agricultural lands, while acknowledging a bypass on the north of Kerman may be advisable. 1
2. The alignment west of Mendota should closely follow Belmont Avenue, but with consideration of the feasibility of using a Belmont-to-Shields connection, to take advantage of existing transportation corridors, avoid the need for creation of a new transportation corridor on the Belmont alignment east of Fairfax Avenue, and minimize disruption of agricultural lands. This option would also allow use of the existing interchange at Shields rather than require construction of a new interchange on the Belmont alignment at I-5. 2
3. Attached you will also find oral and written comments from the public from the May 3, 2011 Board of Supervisors hearing.

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The Board requests that reducing disruption to Ag Lands and the displacement of residences should be considered as equally significant as other environmental impacts. 3

The Department and the Board of Supervisors would appreciate a written response from Caltrans in regards to our comments. 4

Thank you for the opportunity to review the document and if you have any questions please contact Stan Nakagawa of our Design Division at 600-4532.

Sincerely,

Alan Weaver, Director
Public Works and Planning

AW:SN:nll

cc: Bob Hull, Caltrans
Board of Supervisors
John Navarrette, CAO
Lynn Gorman, Deputy Director
Jorge Granados, Deputy Director

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2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4109 / FAX (559) 600-4548
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Response to Comments from the County of Fresno Department of Public Works and Planning

Thank you for your comments on the route adoption study.

Response to comment #1: We acknowledge the County's support of the development of State Route 180 and its concern about minimizing disruption of agricultural lands. Caltrans has considered all comments from the public, resource agencies, Fresno County, affected cities, and organizations during the environmental review process and has recommended a preferred alternative that combines the alignments of a modified Alternative 1, Variation 1A and Variation 1B. One of the reasons the preferred alternative was selected was to minimize impacts to farms and farming operations. The preferred alternative generally follows the existing State Route 180 alignment east of the city of Mendota and bypasses the city of Kerman to the north.

Response to comment #2: Alternative 1 Variation A was developed to provide additional opportunities for access for the city of Firebaugh by aligning State Route 180 close to State Route 33, which serves Firebaugh. Moving the "S" curve to Fairfax Avenue would limit those opportunities. However, due to the existing roadway right-of-way on Belmont Avenue to Fairfax Avenue to Shields Avenue, moving the "S" curve to Fairfax Avenue would probably reduce the effects to farmland for the portion of Variation A between Interstate 5 and Mendota. Although the proposed location of the "S" curve along Variation A would require more total farmland take since there is no roadway right-of-way along this portion of Variation A, more Prime farmland would be acquired with the "S" curve at Fairfax (see Figure 3-3).

Response to comment #3: The Department of Transportation Act of 1966 was enacted in an effort to preserve the beauty and integrity of publicly owned public parks and recreation areas, waterfowl and wildlife refuges, and historic sites considered to have national, state or local significance, from conversion to transportation uses. It included a special provision to carry out this effort—Section 4(f). Section 4(f) stipulated that Department of Transportation agencies cannot approve the use of land from a significant publicly owned public park, recreation area, wildlife or waterfowl refuge, or any significant historic site unless both of the following conditions apply:

- There is no feasible and prudent alternative to the use of land.
- The action includes all possible planning to minimize harm to the property resulting from use.

Not all resources can be treated significantly equal in the context of Section 4(f) regulations. Section 4(f) requires more weight be put on protecting Section 4(f) resources than on other non-Section 4(f) properties protected by other federal laws. Caltrans understands the County's

concern for minimizing impacts to farmland and residences. Therefore, minimizing impacts to agricultural land and residences was one of the criteria used to determine the corridor alternatives. The study area is surrounded by farmland, so avoidance of impacts to farmland would be impossible. The preferred alternative was selected because it would avoid adverse impacts to Section 4(f) resources and has an overall balance between environmental impacts. It minimizes disruption to farmland, businesses and residences by generally staying along existing roadway corridors and bypassing Kerman's urban center.

Response to comment #4: A copy of the final environmental document, which contains responses to comments, will be provided to your department and the Fresno County Board of Supervisors.

1.10 Comment from Fresno County Board of Supervisors

County of Fresno

BOARD OF SUPERVISORS
SUPERVISOR PHIL LARSON – DISTRICT ONE
CHAIRMAN

April 21, 2011

Trais Norris
Senior Environmental Planner
Caltrans District 6
2015 East Shields Avenue, Suite 100
Fresno CA 93726

Re: Route 180 Westside Expressway Route Adoption – Comment

Dear Mr. Norris:

For purpose of clarification, as the Fresno County Supervisor for District One my position continues to support the current alignment of State Route 180. The Route 180 Westside Expressway proposed Alternative 1 with Variation 1B (Kerman Bypass) is the only route that limits the disruption to existing agricultural operations including but not limited to water wells and irrigation systems. This position has been express verbally throughout the scoping process and has been shared with representative from Caltrans on many occasions. 1

It is critical that consideration of economic factors be included in adoption of the new expressway route. Any options being considered should ensure that environmental issues be addressed with minimal impact to existing agricultural operations. Mitigation of environmental impacts is less complicated than to mitigate the disruption of fields and irrigation systems. 2

Please include my comments for public record.

Sincerely,

Phil Larson

Response to Comments from the Fresno County Board of Supervisors

Thank you for your comments on the route adoption study.

Response to comment #1: We acknowledge the County's support of the development of State Route 180 and its concern about minimizing disruption to agricultural lands. One of the reasons the preferred alternative was selected was to minimize impacts to farms and farming operations. The preferred alternative combines alignments of Alternative 1, Variation 1A, and Variation 1B. It generally follows the existing State Route 180 alignment east of the city of Mendota and bypasses the city of Kerman to the north.

Response to comment #2: The study area is surrounded by farmland, so complete avoidance of impacts to farmland would be impossible. Compared with the other viable alternatives under consideration, the preferred alternative was selected because it achieves an overall balance between environmental impacts. It minimizes disruption to farmland, businesses and residences by generally staying along existing roadway corridors and bypassing Kerman's urban center. An overwhelming need in western Fresno County is for a continuous and reliable transportation corridor. The new expressway would enhance the farm-to-market activities within the Westside region of the county by providing a link to Interstate 5.

1.11 Comment from City of Mendota

CITY OF MENDOTA

"Cantaloupe Center Of The World"

March 24, 2011

Bob Hull, PE
Project Manager
California Department of Transportation, District 6
1352 West Olive Avenue
Fresno, CA 93778

Subject: City of Mendota's position regarding the State Route 180 Westside Expressway Route Adoption Study

Dear Mr. Hull:

At its March 22, 2011 meeting, the Mendota City Council received an informational presentation from City staff regarding the Environmental Impact Report/Tier I Environmental Impact Statement (EIR/EIS), which Caltrans prepared to examine potential environmental impacts associated with construction of the State Route 180 extension to Interstate 5.

Following the presentation and ensuing discussion, the City Council voted to take the following positions regarding the preferred alignment of the State Route:

1. In order to both maintain the viability of State Route 180 as a direct access to Mendota and to alleviate flooding conditions along Belmont Avenue within the city limits, the City of Mendota recommends adoption of Alternative 1, Variation 1A. 1
2. In order to provide the most expeditious enhancement of east-west travel, priority should be placed on construction of the segment(s) between Mendota and Interstate 5. 2

The City Council has been aware of and monitoring the development of the proposed corridors for some time, and maintains the position that the State Route 180 alignment needs to remain in Mendota. Any alternative route that bypasses the City would have a negative economic impact, as traffic normally passing through Mendota would instead be routed away from it. 3

On behalf of the City of Mendota and the Mendota City Council, thank you for the opportunity to comment on this matter.

Sincerely,

Robert Silva
Mayor

643 Quince Street Mendota, California 93640
Telephone: (559) 655-3291 Fresno Line: (559) 266-6456 Fax: (559) 655-4064
TDD/TTY 866-735-2929 (English) TDD/TTY 866-833-4703 (Spanish)
www.ci.mendota.ca.us

Response to Comments from the City of Mendota

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative combines the alignments of Alternative 1 and Variations 1A and 1B. It would provide the city of Mendota direct access to the future expressway. It would not alleviate flooding conditions along Belmont Avenue as no improvements to Belmont Avenue would occur. However, the preferred alternative would improve flooding conditions along Shields Avenue because the future expressway would be built on fill above the floodplain elevation. In areas where floodplain encroachment cannot be avoided, floodplain equalization culverts may be considered during the design phase and incorporated into any future build project where appropriate to minimize impacts as they allow floodwaters to flow freely from one side of the highway to the other. The future expressway would be designed to include additional storm water conveyance facilities to control increased surface runoff.

Response to comment #2: The phasing of expressway segments would occur after a route is adopted by the California Transportation Commission. However, the adoption does not imply near-term development of the corridor. The prioritization of subsequent projects along the corridor would occur in response to expected future demand and within the context of local and regional land use planning and is outside the scope of this study.

Response to comment #3: Except for Alternative 3, all alternatives are within the city's sphere of influence boundary.

1.12 Comment from the City of Kerman

City of Kerman

"Community Comes First"

RON MANFREDI, CITY MANAGER
850 S. Madera Ave.
Kerman, CA 93630-1741
rmanfredi@cityofkerman.org
Telephone: 559-846-9387
FAX: 559-846-6199

March 21, 2011

Bob Hull, Project Manager
180 Route Adoption Study
Department of Transportation
1352 W. Olive Ave
P.O. Box 12610
Fresno, CA 93778-2616

RE: CITY OF KERMAN POSITION RE: STATE ROUTE 180 – ROUTE ADOPTION STUDY

Dear Mr. Hull:

At the March 2, 2011 Kerman City Council meeting, as Caltrans Project Manager for the State Route 180 Route Adoption Study you gave a presentation to the City Council regarding the options that the Study had developed for the draft Environmental Impact Report (EIR)/Tier I Impact Statement (EIR/Tier I EIS) to examine the effects of future projects associated with the proposed corridor alternative.

At the following City Council meeting of March 16, 2011 the Kerman City Council meeting took the following position regarding the study and authorized the City Manger to memorialize the Council position in this communication.

Rather than support or reject the Alternatives presented by Caltrans it is more prudent to address the areas of the route that are most significant to the future of the City of Kerman and the stress and prioritize funding priorities for each section

Therefore, the City of Kerman recommends to Caltrans to prioritize the following section and route alternatives.

1. **Number One Priority is the Extension of 180 beyond Mendota to connect to Interstate 5**. This project is approved in Measure "C" for Rural Regional projects. However, because of revenue projection shortfalls and higher than anticipated expenses it most likely will not be funded in this Measure "C" cycle (2006 to 2026). It therefore would be necessary to extend Measure C sometime in the future. The Belmont/Shields route should be decided regarding the most economical and environmentally sound route. 1

Visit us at www.cityofkerman.net

March 21, 2011
Page Two

2. **Number Two Priority is the Kerman By-Pass** with the understanding that funding, if ever achieved, would most likely be sometime after 2035. It is also understood that Whitesbridge (180) by this time would be a four-lane Inter-City Business District street stretching from approximately Modoc to somewhere near Howard (Generally matching Kerman's proposed 2027 Sphere of Influence (SOI) boundaries). 2

3. **Number Three Priority - the rural areas outside of the Kerman proposed SOI (east of Kerman and east of Mendota)** The City of Kerman does not have a position on these sections of State Route 180.

On behalf of the City of Kerman, thank you for this opportunity to comment on this important matter

Sincerely,

Ron Manfredi
City Manager

cc: City Council

Visit us at www.cityofkerman.net

Response to Comments from the City of Kerman

Thank you for your comments on the route adoption study.

Response to comment #1: The phasing of expressway segments would occur after a route is adopted by the California Transportation Commission. However, the adoption does not imply near-term development of the corridor. The prioritization of subsequent projects along the corridor would occur in response to expected future demand and within the context of local and regional land use planning and is outside the scope of this study.

Response to comment #2: Caltrans has coordinated with the City of Kerman to determine an appropriate location for a bypass around the city. The preferred alternative combines the alignments of Alternative 1 and Variations 1A and 1B; it includes a northern bypass of the city of Kerman to avoid the city's urban core.

1.13 Comment from the City of Firebaugh

Jose Antonio Ramirez <citymanager@ci.firebaugh.ca.us>
03/28/2011 02:35 PM

To Bob Hull <bob_hull@dot.ca.gov>
cc
Subject RE: Request for City Council Meeting Minutes

We had a conference call with Cruz, Ron, Krystal and Myself.....we conveyed that we support the Shields route.....after going through Mendota.....Ron explained that they wanted the by-pass through Kerman and supports Mendota on whatever alignment is chosen so did San Joaquin.

José Antonio Ramírez
City Manager/Airport Manager
CITY OF FIREBAUGH
1133 P Street
Firebaugh, CA 93622

voice 559.659.2043 fax 559.659.2043 cell 559.694-1419
citymanager@ci.firebaugh.ca.us ·· www.ci.firebaugh.ca.us

Response to Comments from the City of Firebaugh

The preferred alternative combines the alignments of Alternative 1 and Variations 1A and 1B. It uses the Shields Avenue alignment west of Mendota and includes a bypass outside Kerman's northern sphere of influence boundary. Caltrans has coordinated with the City of Kerman, City of Firebaugh, and City of Mendota regarding selection of the preferred alternative.

1.14 Comments from the Fresno Irrigation District

YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

May 6, 2011

Mr. G. William "Trais" Norris, III
Senior Environmental Planner
Department of Transportation District 6
2015 E. Shields Avenue, Suite A-100
Fresno, CA 93726-5428

RE: Caltrans Route 180 Westside Expressway – Valentine Ave. to I-5
Draft EIR/EIS
FID Facilities: Houghton, Thompson Extension and Various other canals

Dear Mr. Norris:

The Fresno Irrigation District (FID) appreciates the opportunity to review and comment on the Caltrans Draft Environmental Impact Report (EIR)/Tier 1 Environmental Impact Statement (EIS) and Section 4(f) Evaluation document (Report) for the Route 180 Westside Expressway Route Adoption Study in Fresno County (Project) and wishes to continue being a participating agency and included in the decision making process for this project. It is FID's understanding that the three corridor alternatives are still being considered and a preferred alternative will by selected on June 15, 2011, and the final environmental document will be circulated on February 15, 2012.

FID previously submitted extensive comments on November 23, 2009 (attached) that outlined our concerns with the Project. After reviewing the Report, FID has the following comments for the State to consider during the Route selection project.

1. The State should recognize that many FID facilities will be directly impacted by the project and will most likely increase FID's Operation and Maintenance costs. To help offset or avoid these additional costs, the State will need to make the necessary improvements to FID's infrastructure and FID encourages the State to consider this while choosing the final alignment. According to the maps, automobiles will no longer be able to access north-south roads off of the existing Route 180 every half mile, instead intersections will be every 2 miles. These impacts may include but are not limited to: accessibility to system and facilities,

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JEFF BOSWELL, STEVE BALLS, GEORGE PORTER, General Manager GARY R. SERRATO

increased travel times, increased vehicle mileage, increased operating costs for FID employees to complete necessary tasks due to inability to travel directly and efficiently, between work sites, increased number of employees being required to complete necessary tasks. 1

2. FID Improvements - Although FID is not recommending one route alternative over another, there are certain alternatives that will most likely increase FID's operational and maintenance costs. As stated in the November 23 letter, Caltrans will need to adhere to FID's requirements for the project related to upgrading existing pipelines, placing open canals in pipelines, and possibly concrete lining open channels, etc. to minimize impacts. Your maps do reflect FID's canals fairly accurately and should give you a sense on potential impact based on flow rates provided in the November 23 letter.

3. In reference to comments 3, 4, and 5 in the November 23, 2009 letter FID will need to be assured that the Project Engineers are fully aware that whichever alignment is finally chosen, FID will need to be in constant contact during the design stages. 2

4. Just to reiterate, FID has very specific requirements for the type of pipeline required (ASTM C-361) as well as easement (exclusive) widths as mentioned in comments 3, 4, and 5 of the November 23, 2009 letter. If any part of FID's existing easement (open channel or pipeline) will be overlapped with the State ROW, FID will require that a new pipeline be installed and new exclusive easement be granted to FID.

5. FID's Houghton Canal – The Report indicates that as part of Alternative 1, "*the actual expressway facility would be located either to the north or south of the canal*". If this alternative is chosen, the State needs to adhere to the requirements laid out in the November 23 letter.
   a. Although FID maintenance/access roads are a minimum of 20 feet on either side of the canal, the State should consider a larger buffer area between the canal and expressway. FID envisions a drainage swale on the side of the expressway as shown as Figure 2-4 (Chapter 2, page 21) which may be near FID's canal. Most of the canal is earthen (unlined) and there are sections that have raised banks with the hydraulic grade line above the surrounding grade. There are also many rodents in the area and the canal will breach occasionally when the rodent activity creates holes in the canals. The State should consider this when determining the buffer area between the canal and the State right-of-way.
   b. There are several canals which either spill into the Houghton Canal (on the north side) or which come off of it (south side). FID typically requires a trash rack on the upstream side of a road before it enters the road culvert. If a large buffer is created between the canal and highway, FID will most

3

likely require the entire reach within the buffer and highway right-of-way to be placed in a pipeline for safety and maintenance purposes.

6. Bridges over Houghton Canal and Thompson Extension – The report recommends constructing bridges over the two largest FID canals impacted by the project and are listed below.
   a. Chapter 2, page 14, Table 2.1 – as part of Alternative 1, the Report indicates new bridges to be constructed over the Houghton Canal near Howard Avenue and also the Thompson Extension Canal. Please review Alternative 1 as it does not appear to intersect the Houghton Canal at Howard Avenue. It may be helpful to state that the project will intersect the Thompson Extension Canal near Jameson Avenue. 4
   b. Chapter 2, page 18, Table 2.2 – as part of Alternatives 2 and 3, the Report indicates new bridges to be constructed over the Houghton Canal near Howard Avenue and also the Thompson Extension Canal which is correct although it may be helpful to mention that the Project will intersect the Thompson Extension Canal near Jameson Avenue. In addition, if the Project is constructed north of the Houghton Canal between Polk and Jameson avenues, it appears another bridge would be needed near Dower Avenue. 5

Thank you for making available to us the Draft Environmental Impact Report for our review and allowing us the opportunity to provide comment. FID appreciates the Caltrans consideration and incorporation of our requirements and concerns. As previously noted, the proposed project is very complex, and will have the potential to significantly impact numerous FID facilities unless adequate conditions and measures are required. If you have any related questions or concerns, please feel free to contact me at 233-7161, extension 318.

Sincerely,

William R. Stretch

William R. Stretch, P.E.
Chief Engineer

Attachments: FID letter date February 23, 2009
Route Alternatives map
Figure 2-4 Typical Cross Section
Conceptual Alignment Drawings L-6, L-7, L-8

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YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218

November 23, 2009

Ms. Jennifer H. Taylor
Caltrans-District 6 Project Development
2015 E. Shields Avenue, Suite 100
Fresno, CA 93726

RE: Caltrans Route 180 Westside Expressway Route Adoption – Valentine Ave. to I-5
Notice of Preparation of an EIS/EIR
FID Facilities: Various Canals

Dear Ms. Taylor:

The Fresno Irrigation District (FID) appreciates the opportunity to review and comment on Caltrans Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Route 180 Westside Expressway Route Adoption Study in Fresno County and wishes to continue being a participating agency and included in the decision making process for this project.

At this time it is FID's understanding that this study is being performed for the purpose of evaluating three corridor alternatives for the State Route 180 Westside Expressway Route Adoption Study through the center of Fresno County and the San Joaquin Valley to connect the cities of Fresno, Kerman, Mendota, and Firebaugh. FID does not typically submit such detailed comments at this stage, but we believe that this project is very complex and will require a great deal of planning and coordination. FID's comments are as follows:

1. Waldron Banking Facility – FID acknowledges that the revised corridor alternatives bypass FID's regulation and recharge basin known as the Waldron Banking Facility located southeast of Belmont and Bishop Avenues. It appears the Northern Alternative route will be aligned along Nielsen Avenue, but will shift south around the Waldron site. FID appreciates Caltrans consideration and willingness to realign the Expressway around the basin. FID has had several meetings with Caltrans since 2006 and has sent three letters identifying the potential impacts to the basin. The letters have been attached for your reference. 6

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Ms. Jennifer H. Taylor
Re: Route 180 Westside Expressway EIS/EIR
November 23, 2009
Page 2 of 4

2. FID Canals and Basins (Facilities) – Attached are FID facility maps which illustrate Caltrans study areas for the three corridor alternatives. To help summarize the impacted FID facilities within each of the three corridor alternatives, FID has also attached a list which includes facility name, closet major cross-street, ownership (FID vs. private), and approximate flow rate. It appears that any one of the three corridor alternatives may impact approximately 30 FID facilities. 7

3. Additional Facility Information – Once Caltrans has selected a final corridor, FID will provide more detailed information of what exists and what will be required as part of the project. FID will be able to provide information for the facility ownership rights (easement vs. fee title), type of facility (open channel, pipeline or basin), size of facility (existing pipeline diameter), canal lining, weirs, gate valves (landowner turnouts), basin acreage, basin recharge capabilities, etc. 8

4. FID Facilities within Caltrans Rights-of-Way – FID will require all open channels and existing pipelines within the Caltrans Rights-of-Way to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). Although many of FID's facilities that lie within the proposed study areas are pipelines, the majority of these pipelines do not meet FID's urban specifications which would include road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as part of Caltrans proposed project. 9

5. FID Facilities and Easements Outside Caltrans Rights-of-Way – Similar to other Expressway projects, several of FID's facilities may need to be realigned outside of the Caltrans Rights-of-Way. FID will require the facility to be replaced with ASTM C-361 Rubber Gasket Reinforced Concrete Pipe (RGRCP). FID will also require the State replace FID's existing easement with an <u>exclusive</u> pipeline easement varying in width between 15 and 40 feet. The easement width will be determined by a variety of factors including pipe size. 10

6. Private Canals – There are several privately owned facilities that may be impacted by the project. FID does not own, operate, or maintain these facilities. The attached maps illustrate only a few of the private facilities. FID will provide a list of water users upon request. 11

7. Masterplanning – Many of FID's facilities are not masterplanned and it will take a considerable amount of time to determine pipe sizes for the many canal crossings. FID will expect Caltrans to reimburse FID for the expense of the

necessary surveying, planning, and engineering required to masterplan these facilities.

8. Engineering and Inspection – As with other Caltrans projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer and inspect the project. FID will expect Caltrans to reimburse FID for all associated costs. FID and Caltrans may consider hiring a local Consultant, who is familiar with FID's specifications, which will hopefully reduce costs and save staff time for both agencies. 12

9. Construction Window – All improvements to FID facilities shall be completed during the non-irrigation season. FID's typical irrigation season begins on March 1, with FID opening the headgates to fill the canals/pipelines approximately 7 days prior (approximately February 22). An average irrigation season lasts 6 months, therefore the season will typically end on August 31. The canals typically take approximately 1-2 weeks to drain. Please note that many of FID's canals also route storm water throughout the year which may impact the construction window. A bypass may be needed for some of the facilities. 13

10. Houghton Canal – This facility consists of a large open channel (270 cfs) which FID will most likely require it to stay as an open channel versus placing underground in a pipeline. FID may be agreeable to placing the canal in a large culvert where the Expressway will intersect the canals, but FID would be opposed to undergrounding long reaches if the Expressway would be placed adjacent to the canal. If the Expressway is adjacent to the Houghton Canal, FID may require the following:
    a. Maintenance/Access Roads - FID will require maintenance/access roads on either side of the canal which are a minimum of 20 feet wide.
    b. Slope Protection – Depending on several factors, FID may require the canal to be concrete lined (both side slopes and bottom). If any part of the canal is realigned, FID will require the canal to be concrete lined.
    c. Expressway Crossings – FID may require the Expressway to span over the canal as opposed to undergrounding the canal in a culvert. If FID does require the Expressway to span the canal, FID will require enough clearance over both canal maintenance/access roads for FID's largest equipment being hauled on a large tractor truck and trailer. FID assumes this height would be the same as most other freeway/road crossings.
    d. Additional Maintenance – This particular canal has large amounts of trash and debris which is typically collected and removed at most road culvert crossings. FID is concerned about adding new culvert crossings where the trash/debris will collect. These new collection points will cause additional maintenance to FID. FID may require a special trash removal device such as an automated trash rake. Another option may include reimbursing FID's Maintenance Crews to remove the trash. 14

Ms. Jennifer H. Taylor
Re: Route 180 Westside Expressway EIS/EIR
November 23, 2009
Page 4 of 4

e. Construction Window and Bypass – This canal typically routes irrigation water several months longer than the normal irrigation season. The canal also routes stormwaters which typically occur outside FID's normal irrigation season. Caltrans will most likely be required to install a bypass around the project site. FID will determine the required bypass flow rate at a later date. 15

Thank you for making available to us the Notice of Preparation of an EIS/EIR for our review and allowing us the opportunity to provide comment. FID appreciates the Caltrans consideration and incorporation of our requirements and concerns. As previously noted, the proposed project is very complex, and will have the potential to significantly impact numerous FID facilities unless adequate conditions and measures are required. If you have any related questions or concerns, please feel free to contact me at 233-7161, extension 318.

Sincerely,

William R. Stretch

William R. Stretch, P.E.
Chief Engineer

cc: Felix Vaquilar, FID

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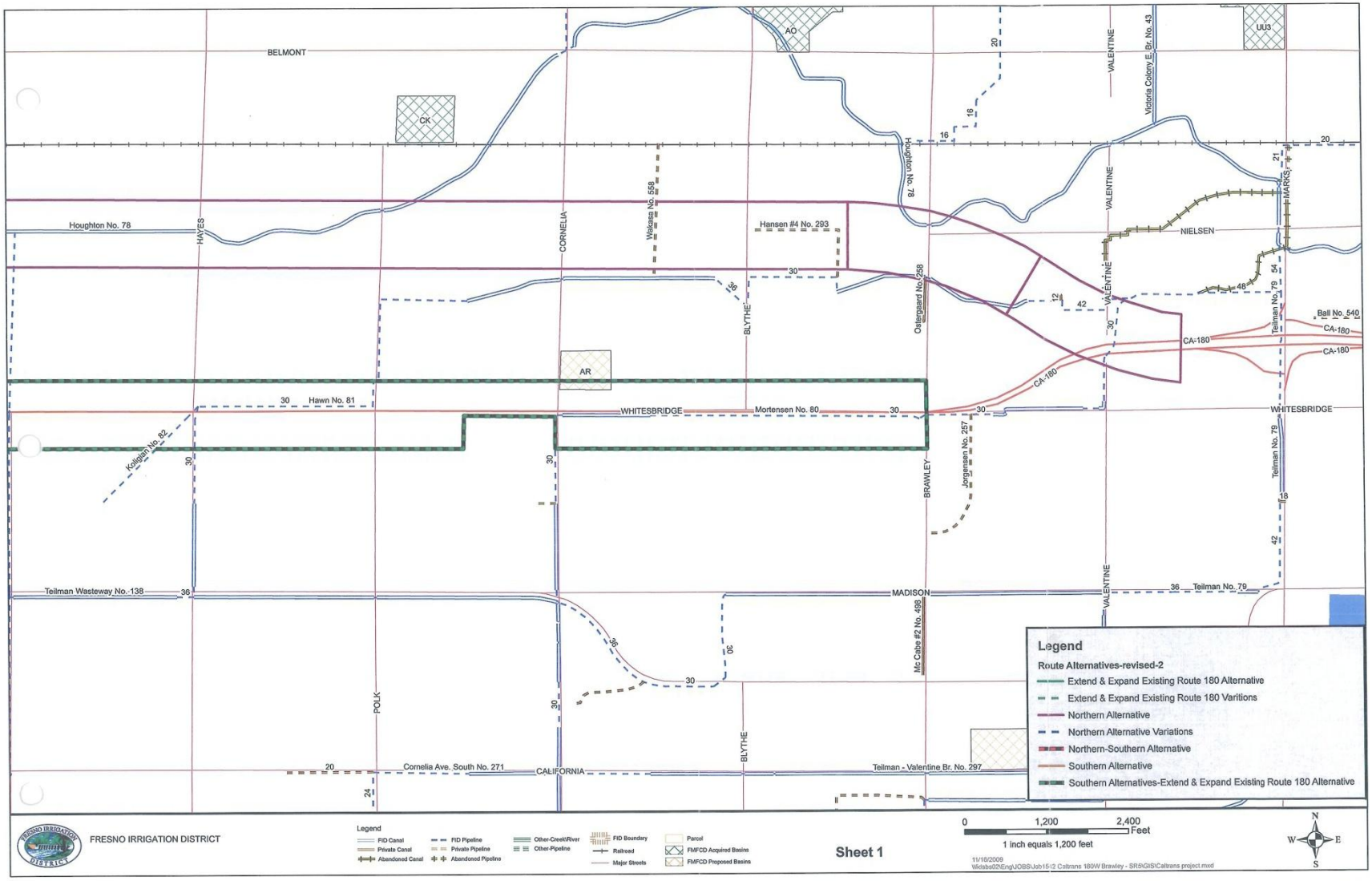
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Houghton No. 78
Hansen #4 No. 293
Hawn No. 81
Mortensen No. 80
Teilman Wasteway No. 138
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Teilman - Valentine Br. No. 297
Cornelia Ave. South No. 271
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Northern-Southern Alternative
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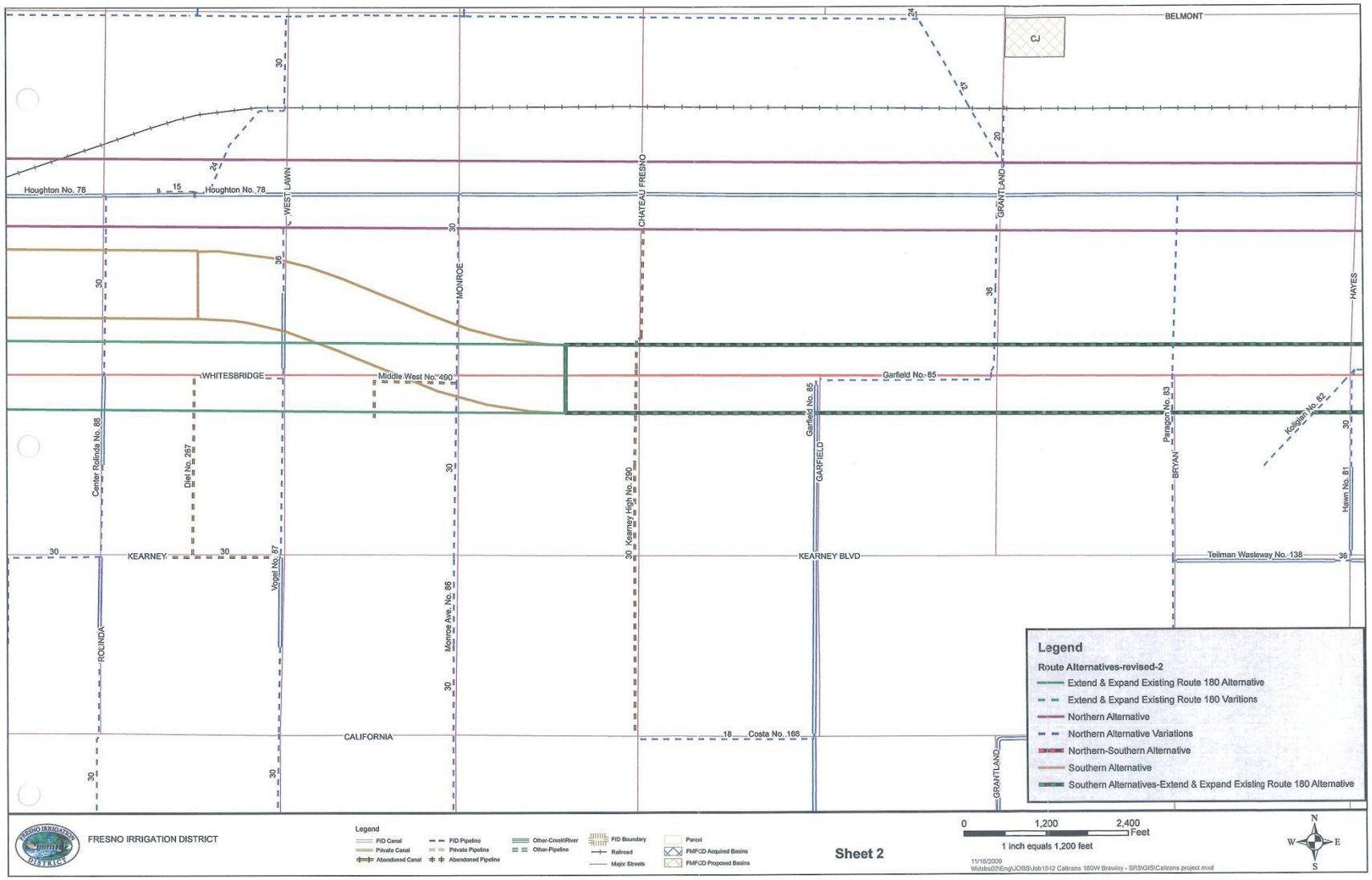
FRESNO IRRIGATION DISTRICT
Sheet 1
1 inch equals 1,200 feet


BELMONT
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CHATEAU FRESNO
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MONROE
WHITESBRIDGE
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Garfield No. 85
Garfield No. 85
GARFIELD
Paragon No. 83
BRYAN
Kolligan No. 82
Hawn No. 81
Center Rolinda No. 88
Diel No. 287
Kearney High No. 290
KEARNEY
Vogel No. 87
KEARNEY BLVD
Teilman Wasteway No. 138
ROLINDA
Monroe Ave. No. 66
CALIFORNIA
Costa No. 166
GRANTLAND
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Route Alternatives-revised-2
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Southern Alternative
Southern Alternatives-Extend & Expand Existing Route 180 Alternative
FRESNO IRRIGATION DISTRICT
Legend
FID Canal
Private Canal
Abandoned Canal
FID Pipeline
Private Pipeline
Abandoned Pipeline
Other-Creek/River
Other-Pipeline
FID Boundary
Railroad
Major Streets
Parcel
FMFCD Acquired Basins
FMFCD Proposed Basins
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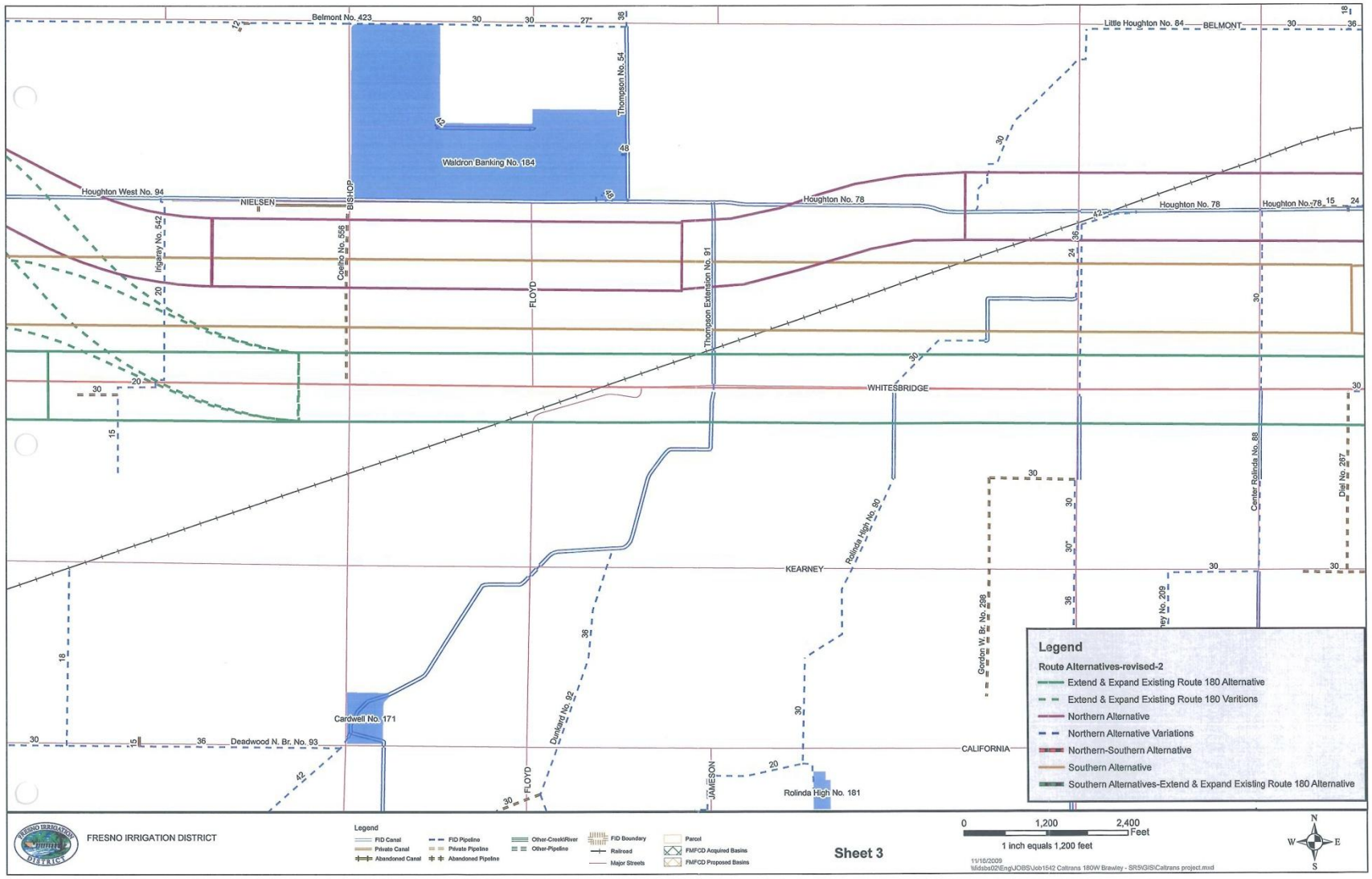
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Little Houghton No. 84
BELMONT
Thompson No. 54
Waldron Banking No. 184
Houghton West No. 94
NIELSEN
BISHOP
Houghton No. 78
Houghton No. 78
Houghton No. 78
Irrigaray No. 542
Coelho No. 556
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Dunlaw No. 92
Deadwood N. Br. No. 93
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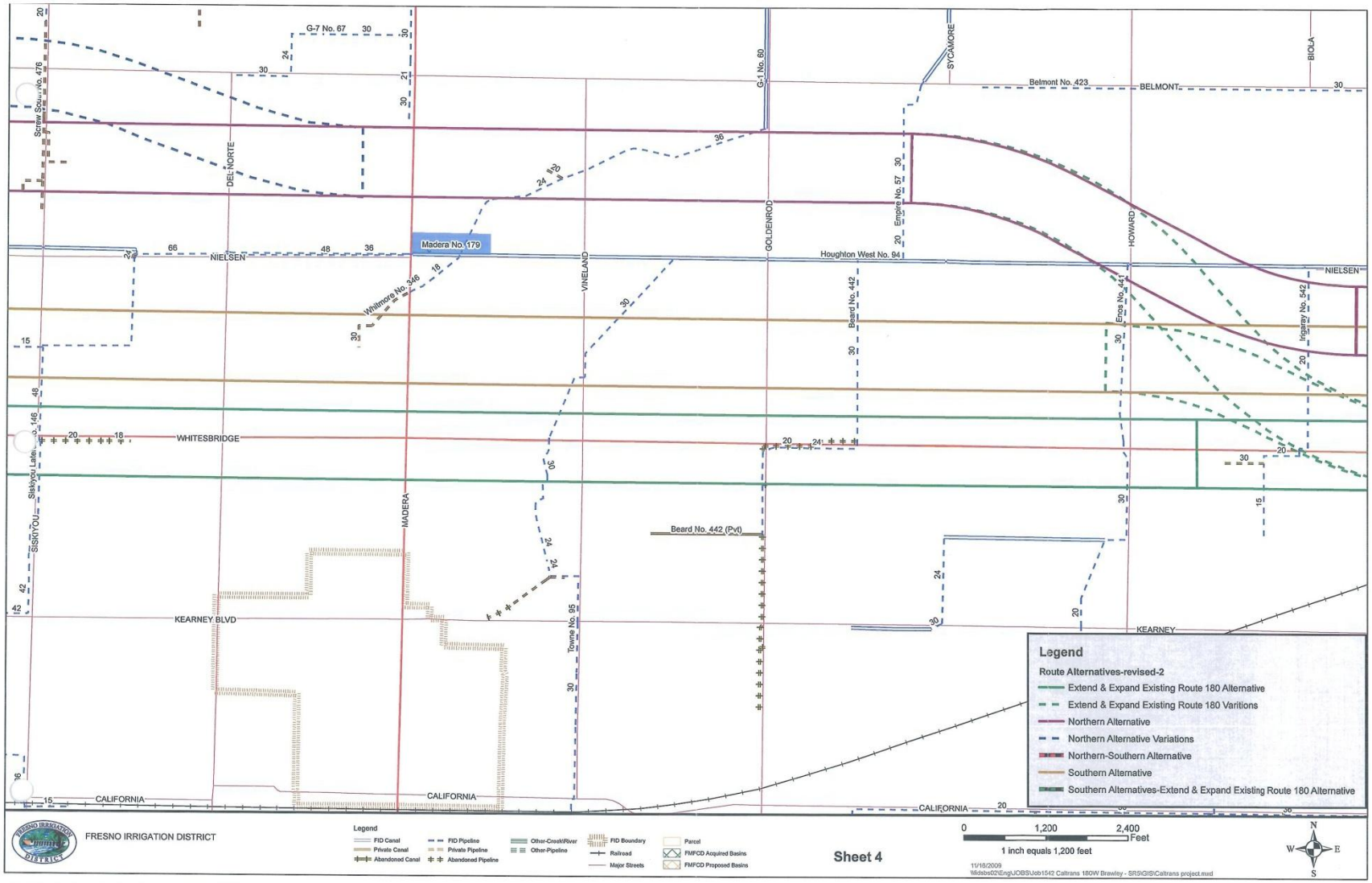
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Houghton West No. 94
Whitmore No. 346
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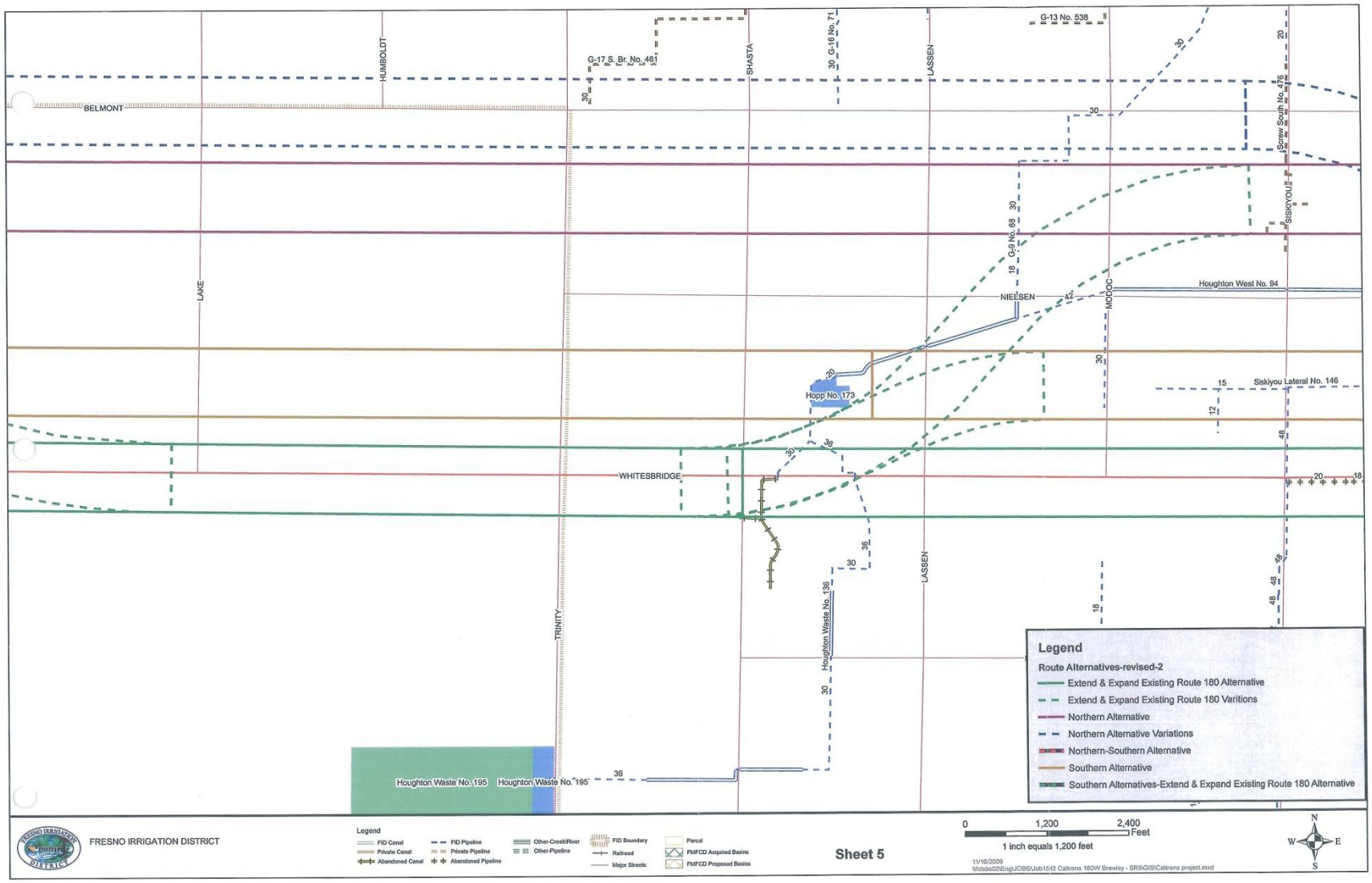
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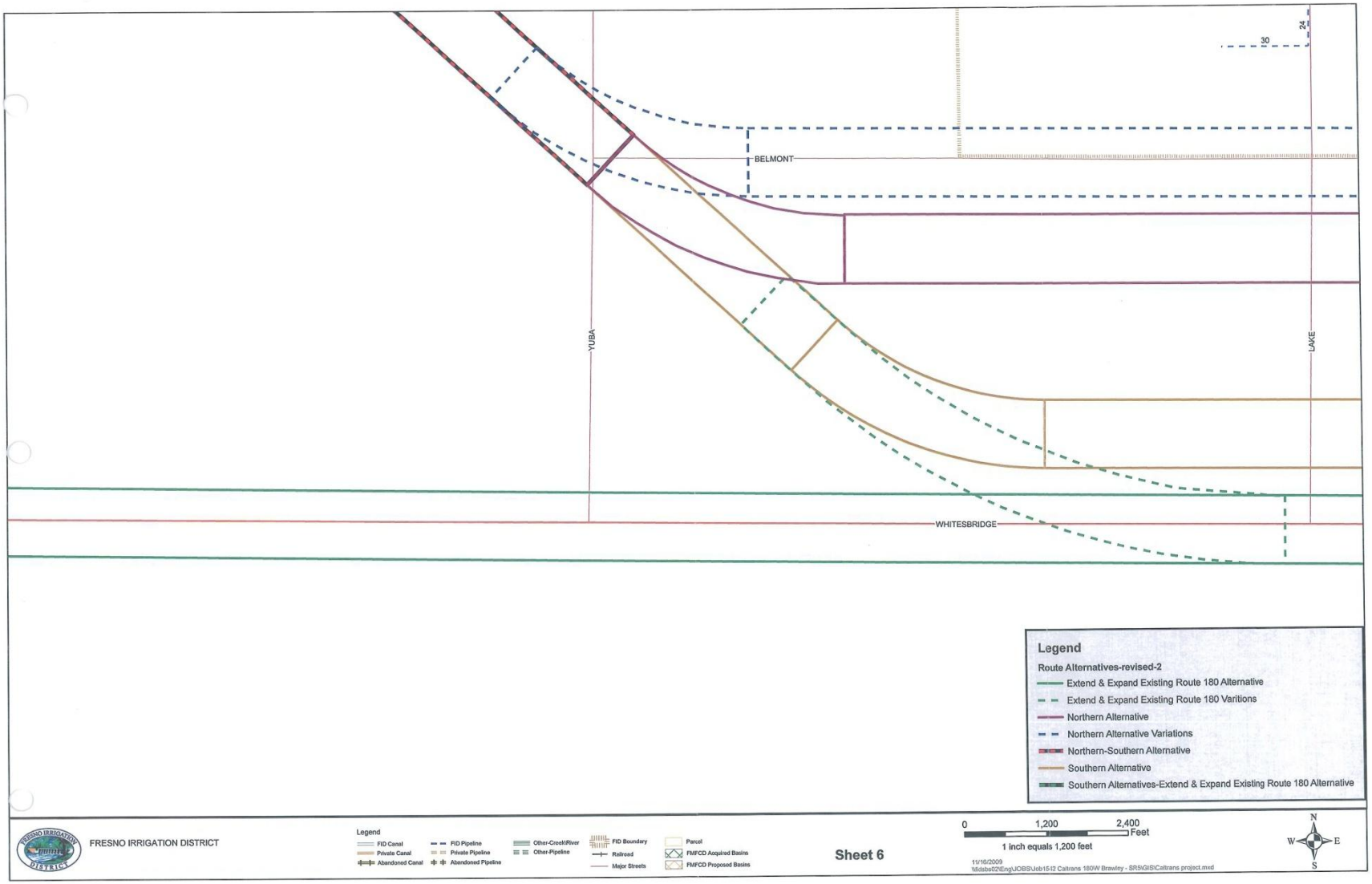
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Response to Comments from the Fresno Irrigation District

Thank you for your comments on the route adoption study.

Response to comment #1: North-south streets that become cul-de-sacs would experience decreased local traffic. It may take longer for Fresno Irrigation District staff to reach facilities because the cul-de-sacs would block direct access. If there is existing access to the highway, Caltrans would re-establish access to a public road by providing access to an existing public road or construct a new frontage. Project-specific impacts would need to be analyzed during subsequent implementation of future projects before determining appropriate mitigation and/or compensation measures. Caltrans would coordinate with the Fresno Irrigation District at that time to resolve issues related to appropriate access.

Response to comment #2: Coordination between Caltrans and the Fresno Irrigation District would occur during most phases of future project delivery because of the impacts the future expressway project may have to Fresno Irrigation District facilities.

Response to comment #3: The actual location of the roadbed, which would determine the right-of-way requirements and easements, and culvert requirements, would be determined during project-level studies.

Response to comment #4: The bulleted statement indicating that a new bridge would be constructed across Houghton Canal near Howard Avenue has been deleted. The statement regarding a new bridge over Thompson Extension Canal has been revised to state that a new bridge would be constructed at the Jameson Avenue alignment.

Response to comment #5: The actual location of the roadbed, which would also determine the actual bridge and culvert requirements, would be determined during project-level studies.

Response to comment #6: The preferred alternative avoids effects to this area; therefore, a future build project would not affect the Waldron banking facility.

Caltrans has been coordinating with the Fresno Irrigation District since 2006 regarding the potential effects that a future build project would have on the District's 270-acre Waldron banking facility. The district requested that the route alignment for Alternatives 2 and 3 be realigned to avoid extensive effects to the facility.

Without realigning Alternatives 2 and 3 south of the facility, the potential effects to the Waldron banking facility are substantial because of constraints involved with relocating the banking facility and potential financial effects. The costs associated with the banking facility relocation include $3 million (2006 dollars) plus $250,000 to $300,000 per affected well and the additional

cost for feasibility investigations. There would also be difficulty in finding land with as much recharge/percolation potential as the current site. The acquisition of additional right-of-way to replace the ponds affected by the route alignment would be twice as much as it would to avoid the ponds.

Response to comment #7: According to the map provided, if each numbered pipeline represents a facility, about 22 Fresno Irrigation District facilities are within the 1,000-foot-wide alignment of the preferred alternative, meaning all 22 may be affected by future build projects. Placement of the 350-foot-wide future expressway next to the existing State Route 180 to avoid or minimize effects to these facilities would be explored during project-level analysis. Caltrans would coordinate with Fresno Irrigation District when the Tier II phase (project-level studies) begins.

Response to comment #8: Caltrans appreciates the information Fresno Irrigation District intends to provide regarding facilities and looks forward to coordinating with the district when the Tier II phase (project-level studies) begins.

Response to comment #9: Utility replacement requirements of open channels and pipelines would be determined during project-level studies in coordination with Fresno Irrigation District.

Response to comment #10: See responses to comments #3 and #9.

Response to comment #11: Caltrans would coordinate with owners of these private canals during the Tier II phase (project-level studies) of the project.

Response to comment #12: Caltrans would coordinate with Fresno Irrigation District when the Tier II phase (project-level studies) of the project begins.

Response to comment #13: Construction windows and the need for an irrigation bypass would be determined during project-level design, based on requirements of local governments, agencies, utilities, and environmental mitigation.

Response to comment #14: The preferred alternative will cross the Houghton Canal at a single location west of Lassen Avenue. During project-level studies, facility type, access, and maintenance accommodations will be determined and coordinated with Fresno Irrigation District.

Response to comment #15: See response to comment #13.

1.15 Comment from Westlands Water District

Westlands Water District
3130 N. Fresno Street, P.O. Box 6056, Fresno, California 93703-6056, (559) 224-1523, FAX (559) 241-6277

April 25, 2011

G. William "Trais" Norris, III
California Department of Transportation- District 6
2015 East Shields Avenue, Suite A-100
Fresno, CA 93726-5428

Subject: ***RE: Draft Environmental Impact Report/ Tier I Environmental Impact Statement and Section 4 (f) Evaluation for the Proposed State Route 180 Expressway Extension***

Dear Mr. Norris:

Westlands Water District (District) has reviewed the Draft Environmental Impact Report/ Tier I Environmental Impact Statement and Section 4(f) Evaluation for the proposed State Route 180 Expressway Extension. After reviewing California Department of Transportation environmental impact studies, the District has the following comments about the project site.

1. Of the studied alternatives, alternative 1, 1A, 2 and 3 have impacts on the District's operations. Alternatives 1 and 2 pass through the District on Belmont between Derrick and Buick Aves. The Belmont Alignment will cross 14 miles of the District. There are 19 delivery points on the Belmont Alignment that would need to be relocated or remain accessible during and after the construction of the 180.

   Alternatives 1A and 3 cross through the District on Shields between San Diego and Brannon Aves. The Shields Alignment impacts 9 miles of the District. Since the alternatives 1A and 3 have different paths of entry into the District, alternative 1A and 3 will require the relocation of 15 and 12 delivery points (map attached) respectively. 1

2. The both alignments will have potential issues with proposed solar development projects within the District. The District has solar development potential on sections 19, 20, 21 and 29 T13S, R14E along Shields and 34, 35, and 36 T13S, R14E along Belmont. 2

3. The Belmont Alignment has flood hazard potential. The Panoche Creek terminates at Belmont and Newcomb Aves, 7 miles east of Mendota. Historically, flood flows along Belmont avenue east towards the city of Mendota. Once flows reach the city, drains divert flows into

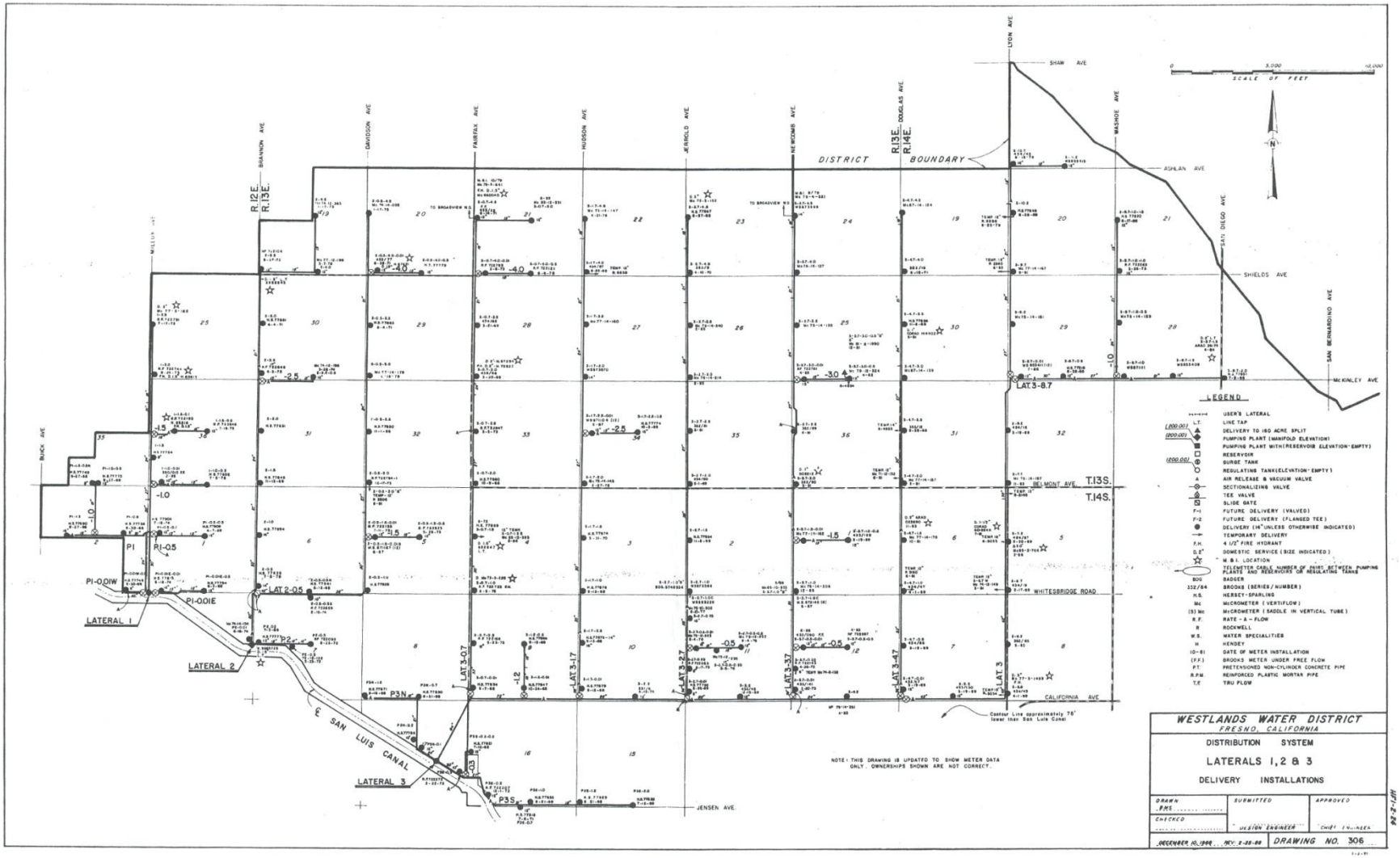
the Mendota Pool. When flows exceed drainage capacity the city floods. If the Belmont Alignment is the preferred alternative, this issue will need to be addressed. 3

Thank you for the opportunity to assist the California Department of Transportation in this matter, if you have any additional questions please feel free to contact Katarina Buelna at 559-241-6226.

Sincerely,

Tom Glover

Tom Glover
Deputy General Manager of Resources


WESTLANDS WATER DISTRICT
FRESNO, CALIFORNIA
DISTRIBUTION SYSTEM
LATERALS 1, 2 & 3
DELIVERY INSTALLATIONS
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APPROVED
DESIGN ENGINEER
CHIEF ENGINEER
DRAWING NO. 306
LEGEND
SCALE OF FEET
DISTRICT BOUNDARY
SHAW AVE
ASHLAN AVE
SHIELDS AVE
McKINLEY AVE
BEL-MONT AVE
WHITESBRIDGE ROAD
CALIFORNIA AVE
JENSEN AVE
BUICK AVE
BRANNON AVE
DAVIDSON AVE
FAIRFAX AVE
HUDSON AVE
JERROLD AVE
McMOMBS AVE
DOUGLAS AVE
WASHOE AVE
SAN DIEGO AVE
SAN BERNARDINO AVE
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R.13E.
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LATERAL 2
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LAT 3-3.7
LAT 3-4.7
LAT 3
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P3S
Contour Line approximately 75' lower than San Luis Canal
NOTE: THIS DRAWING IS UPDATED TO SHOW METER DATA ONLY. OWNERSHIPS SHOWN ARE NOT CORRECT.

Response to Comments from the Westlands Water District

Thank you for your comments on the route adoption study.

Response to comment #1:.Caltrans acknowledges Westlands Water District's concern about the potential effects of the future expressway on the water district's operations. The preferred alternative follows the same alignment as Variation 1A, where the 15 delivery points are located. The 1,000-foot-wide footprint of the preferred alternative does allow Caltrans flexibility to locate the future expressway south of the existing State Route 180 centerline to avoid impacts to these delivery points.

Response to comment #2: There is a potential for the future expressway to affect the water district's proposed solar projects along Shields Avenue. If the future expressway does affect the water district's solar facilities, Caltrans will consider avoidance, minimization, and/or mitigation measures at that time. The water district could also consider locating the solar projects outside the 1,000-foot-wide footprint of the preferred alternative.

Response to comment #3: The preferred alternative combines the alignments of Alternative 1 and Variations 1A and 1B. It would not alleviate flooding conditions along Belmont Avenue as no improvements to Belmont Avenue would occur. However, the preferred alternative would improve flooding conditions along Shields Avenue because the future expressway would be built on fill above the floodplain elevation. In areas where floodplain encroachment cannot be avoided, floodplain equalization culverts may be considered during the design phase and incorporated into the future build project where appropriate to minimize effects as they allow floodwaters to flow freely from one side of the highway to the other. The future expressway would be designed to include additional storm-water conveyance facilities to control increased surface runoff.

1.16 Comment from the San Joaquin Valley Unified Air Pollution Control District

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

May 26, 2011

Trais Norris, Senior Environmental Planner
Department of Transportation, District 6
2015 E. Shields Ave., Ste A-100
Fresno, CA 93726-5428

Project: Route 180 Westside Expressway Route Adoption Study – Draft Environmental Impact Report / Tier 1 Environmental Impact Statement and Section 4(f) Evaluation

District Reference No: 20060783

Dear Mr. Norris:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (EIR) for the project identified above. The proposed project would include the development of a four-lane expressway between Interstate 5 (I-5) and State Route 99 (SR 99). The District offers the following comments:

1) The EIR, as a Tier 1 program level document, provides a broad, generalized approach to characterizing the environmental impacts resulting from the development of the Project. As discussed in the document, further environmental review will be required as individual projects are developed. Project related impacts can be further reduced through incorporation of design elements that reduce construction related vehicle miles traveled (VMT) and exhaust emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. The District recommends the EIR be amended to reflect that, even with the incorporation of mitigation measures presented in the EIR, emissions resulting from construction activities would be considered to have a cumulatively significant impact. 1

   1a) Table S.1 (page xiii) – The table states that construction impacts to air quality are short-term in duration and, therefore, would not result in adverse or long-term conditions. While it is true that construction related emissions are not considered to have long-term impacts, these emissions, although temporary, may exceed the District's thresholds of significance of 10 tons per year ROG,

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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

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

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

www.valleyair.org www.healthyairliving.com

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10 tons per year NOx, and 15 tons per year PM10. The District recommends that the table be amended to indicate that implementation of avoidance, minimization, and mitigation measures would reduce air quality impacts to the amount feasible. The District further recommends that the table be amended such that it is apparent to the reader that subsequent air quality analyses to assess project-specific impacts will be required as future developments within the scope of the program are identified. 2

1b) The discussion on avoidance, minimization, and/or mitigation measures to reduce construction impacts (page 191-192) identifies measures to reduce both fugitive dust and equipment exhaust emissions. Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating the following measures to reduce construction related exhaust emissions:

i) A requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 g/hp-hr NOx. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

ii) Contracting with construction firms that can demonstrate that construction fleets can meet the emissions reduction requirements set by District Rule 9510 (Indirect Source Review). The required reductions are 20% NOx emissions and 45% PM10 emissions as compared to the state average. 3

1c) Air Quality Impact Technical Report Section 1.0 – The discussion concludes that implementation of control measures identified in the District's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) would reduce construction related impacts to less than significance. As stated above construction related emissions are not considered to have long-term impacts; however, project specific emissions may exceed the District's thresholds of significance. Without project specific analyses, and a lack of mitigation measures requiring impacts to be fully mitigated (through on-site measures, payment of mitigation fees, or a combination thereof), the District cannot validate the conclusion that the Project would not have a short-term significant impacts on air quality. As such, the District recommends that the Summary of Findings (first bullet point) be amended to indicate that implementation of Regulation VIII requirements and the identified mitigation measures may not be sufficient to reduce impacts to a less than significant level, but would reduce air quality impacts to the amount feasible. 4

2) Table S.2 identifies potential permits and approvals that will be required for future projects within the scope of this program EIR. The District has not been identified as permitting or authorizing agency in this table. While the District has no permitting authority over the construction of the road itself, the District does have statutory authority over air quality in the San Joaquin Valley and stationary sources, such as concrete and asphalt plants associated with the project, through District Rule 2201 (New and Modified Stationary Source Review). Furthermore, future projects within the scope of this program will be subject to District Rule 9510 (Indirect Source Review) and will be required to submit an Air Impact Assessment (AIA) Application no later than final approval by Caltrans and prior to the start of construction related activities. Therefore, to help ensure that District rules and regulations are included in future project specific environmental reviews, the District requests that the District be included as a Regional and Local Agency in Table S.2. 5

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permit Services

Jessica R. Willis

for Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

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

Thank you for your comments on the route adoption study.

Response to comment #1: Construction activities of future projects would be required to comply with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII, as well as Tables 6-2 through 6-4 in the District's Guide for Assessing and Mitigation Air Quality Impacts. Compliance with Regulation VIII and implementation of the control measures listed in Tables 6-2 through 6-4 would result in less-than-significant impacts during construction. Therefore, there would not be any cumulatively significant impacts to air quality during project construction.

Response to comment #2: Table S.1 has been revised to read, "Implementation of avoidance, minimization, and mitigation measures would reduce any air quality impacts that result from construction activities to the amount feasible. Project-specific impacts would be assessed during subsequent projects."

Response to comment #3: Caltrans would comply with all required air rules and regulations at the time of future project construction. Caltrans would include provisions in the contract(s) that would require contractors to comply with all indirect source review requirements.

Response to comment #4: Assumptions have been made in the Air Quality Impact Technical Report based on conceptual design for the purpose of a route adoption. Caltrans cannot assume without detailed project design and project-specific analyses, even with implementation of air regulation requirements and the identified mitigation measures, that construction-related emissions cannot be reduced to less than significant. At the time of future projects, project-level air quality studies would be done to determine project-specific emissions and recommended mitigation measures.

Response to comment #5: Table S.2 and Table 2.5 have been changed to include the San Joaquin Valley Unified Air Pollution Control District as a regional/local agency with statutory authority over air quality in the San Joaquin Valley.

Chapter 2 Individuals

2.1 Comment from Susan Beevers

Susan Beevers
4887 N. Jackson Avenue
Fresno, CA 93727
May 9, 2011

Dear Mr. Trais Norris:

Regarding the proposed freeway route, I would urge Cal Trans to take the "no project" option. If traffic begins to get congested between Fresno and Kerman, Whitesbridge could be widened to being 4 lanes everywhere.

First of all, we own property at 4600 W. Whitesbridge, near Cornelia and 180. I have feelings with regard to the fate of that property, but also feelings as a citizen of Fresno County.

As for our property, it cannot help but be affected by any decision, but how the value in dollars and usefulness for farming would be impacted cannot be predicted. From current data, I actually think the option I suggest—widening Whitesbridge would probably be least favorable .

Before the meeting in Kerman re 180 I reviewed the environment impact report and I commend your department on its clarity for myself, unused to such documents, and its completeness. I spoke at length to one of the engineers, who patiently answered my questions. He made a comment that the proposed route was suggested after much imput and represents the best possible solution for the most citizenry, but added being open to alternate ideas. 1

With that in mind, I drove the length of Whitesbridge from Kerman to Fresno and found the route to be very direct and quick, with no obstructions or traffic congestion. Looking closely at the countryside I was struck by how rural it still is, and what beautiful farm land it is. I think it would be tragic to destroy this farmland for a freeway.

I do not think a freeway is needed: There is not enough population, nor is there likely to be as the West Side is less popular for homesites than East Fresno or the foothills.

The only inconvenient aspects of the current 180 are occasional narrowness in the highway between Kerman and Fresno, congestion in Kerman, and a jogging road west of Mendota.

180 from Brawley to Kerman could be widened at any point where there are only three lanes.

The road West of Mendota could be straightened. Purchasing rights of way for a highway is much less expensive than the massive amounts needed for a freeway. 2

Highways 145 and 180 intersect in Kerman. Bypassing Kerman would make it increasingly difficult for struggling businesses there. However, the advent of Walmart will impact the local business in an unpredictable way; so it is difficult to access what is best for the Kerman economy. As for the needs of the Valley generally, it is likely that Kerman will produce a bottleneck in the area, especially for the fruit travelling between the Valley and the coastal agricultural areas. A freeway isn't necessarily the best solution however. Hollister, for example, was such a bottleneck for Valley-Coastal travel, but an alternate Highway was found; a new freeway was not necessary. 3

A freeway in the area would have the following adverse effects.

Cost to taxpayer
Destruction of farmland that is the most productive perhaps in the World.
Farmland in the Kearney mansion area, in which Whitesbridge is located, was discovered by Theodore Kearney to be uniquely fertile and of unmatched agricultural potential. It is among the only acreage in Fresno county suitable for citrus; it is a milder zone that the rest of the county. Most citrus is further South, in Porterville area.
Destruction of lucrative almond acreage
Destruction of natural beauty
Destruction of animal and plant habitat
Destruction of historic buildings
Destruction of the current impetus by Fresno City and County government to encourage eco-agro-tourism to attract business and investment by interfering with the best ag land in the area. 4

The freeway exit at Brawley already has had a detrimental effect on the West Side—the already disastrous Running Horse Development is now isolated and even less appealing to investors. Businesses in West Fresno have been further marginalized. This is counter to long standing plans to develop the industrial capabilities of the West Side. I-5 corridor monies already bypassed the area. Industrial incentives were supposed to have been given the West Side years ago! A freeway further encourages the NE expansion in population and a disproportionate share of government funding and support. 5

Anything encouraging population growth in the Valley should be avoided until water shortage and air quality problems have been resolved.
The general plan for 50 years has directed the freeway route, if needed, to be at Nielsen. Why the change? This is unfair to citizens who made long range business plans with that in mind. The diversion to Brawley from 99 (to 180) has already been done. That makes the long-planned route from Nielsen less practical. Why was this done? 6

I have voiced a lot of negative points, but after reading the environmental report, I feel the negative impacts of a freeway far, far outweigh the positive.

Moving into the 21st century, petroleum shortages loom as a worsening problem. It would seem that all large new projects, especially in California with its pollution problems, should move towards mass transit. Unfortunately the abandoned tracks in the Fresno-Kerman area are sparse; a railroad line over the mountains is not likely to happen, nor is a drain for the peripheral canal, yet that is where our imaginations should go.

Thank you for listening to my concerns,

Sue Beevers

Sue Beevers

Response to Comments from Susan Beevers

Thank you for your comments on the route adoption study.

Response to comment #1: The No-Action/No-Project Alternative was under consideration; however, it was not selected because it did not meet the purpose and need of the study. The study does propose the adoption of a route for an ultimate 4-lane expressway for State Route 180, from Interstate 5 to the western terminus of State Route 180, near Valentine Avenue. The preferred alternative would use the existing corridors of State Route 180 (Whitesbridge Avenue) and Shields Avenue to the extent feasible. State planning documents show that State Route 180 would need to be ultimately developed as only an expressway, rather than a full freeway. The California Transportation Commission adoption of a route does not imply near-term development of the corridor. Subsequent projects would occur over time, in response to expected future demand and within the context of local and regional land use planning. This is a planning-level study. No construction is planned at this time. See Chapter 1 for more discussion.

Response to comment #2: The road west of Mendota that you are referring to is likely Belmont Avenue. Under consideration were Alternatives 1 and 2 that proposed a corridor route that would follow the Belmont alignment all the way to Interstate 5. The Shields Avenue alignment west of Mendota was chosen instead for the preferred alternative because it would utilize an existing interchange. The proposed road alignment would be an expressway rather than a conventional highway as discussed in Sections 1.1 and 2.1. The preferred alternative would use the existing corridors of State Route 180 and Shields Avenue to the extent feasible.

Response to comment #3: A study done in 2006 on the economic effects of bypasses in California communities concluded that, in general, bypasses impact the local economy as a function of the type of traffic addressed. Businesses in communities with heavy local traffic or with through traffic that does not stop will not be impacted. Communities that provide services to pass-through traffic are more likely to be impacted. For instance, the Hollister Bypass that was constructed in 1997 did not negatively impact the local agricultural and bedroom community economy. According to the study, towns that serve as residential communities such as Kerman, in which government, agriculture, or manufacturing is the economic mainstay, are not likely to be economically impacted by bypasses. Caltrans has provided some “visibility” for businesses through signage to mitigate negative economic impacts arising from bypasses.

The preferred alternative would have the least impact on businesses in the city of Kerman. Traffic congestion would improve as trucks that transport agricultural goods would be able to bypass the city of Kerman.

Response to comment #4: Chapter 3 of this document discusses potential impacts of the alternatives on the human, physical, and biological environments pursuant to the California Environmental Quality Act and the National Environmental Policy Act. No significant impacts are anticipated to occur from the alternatives under consideration, except for the following: farmland, community impacts (relocations), visual resources, cultural resources, noise impacts, and biological resources. However, it is possible during subsequent projects to reduce those impacts with mitigation measures. Caltrans would provide relocation assistance, including financial assistance to offset relocation costs, for residents and businesses. Projects would be designed to reduce contrasts in scale and massing (relationship of a structure's various parts to each other) between the expressway and surrounding natural forms and developments to minimize impacts to visual resources. Bridge design features would be incorporated into future projects to maintain the historic integrity of National Register-eligible bridges. Soundwalls would be installed where feasible to reduce noise levels to affected receptors. Enhancement or restoration of existing habitats, creation of new habitats, in-lieu fees for restoration/preservation of existing habitats, and purchase of existing habitats through a mitigation bank are measures that would mitigate effects to biological resources. These and other measures can be found in Chapter 3 for each resource discussed and in Appendix E.

Response to comment #5: Extending State Route 180 all the way to Interstate 5 is a highly desirable goal of regional agencies and local municipalities in the San Joaquin Valley. The purpose of the study is to identify a corridor for future transportation development that will improve continuity for east-west regional movement of goods and people. Regional mobility and transportation continuity are key components of economic development that the Westside currently lacks.

The 180 West Freeway Project that you are referencing was built to provide continuity and relieve congestion on local streets. The decision by the Council of Fresno County Governments to fund this project was based on traffic volumes that were projected from the expected growth and development in the area.

Response to comment #6: See Section 1.2 Purpose and Need.

A route adoption for a freeway/expressway currently exists only to Brawley Avenue. This study proposes to extend the route adoption to Interstate 5. State Route 180 lacks continuity as it stops short of Interstate 5 by about 20 miles. Extending State Route 180 all the way to Interstate 5 is highly desirable in the view of Fresno County and the cities in western Fresno County. Part of this extension requires the California Transportation Commission to adopt a route since no

highway route exists between the 20 miles. The purpose of the route adoption is to select a corridor that will provide continuity and accommodate future travel demand.

The 2000 Fresno County General Plan and the 2025 City of Fresno General Plan do not designate Nielsen Avenue as a planned freeway route.

2.2 Comment from Brian Domingos

Brian Domingos
<brian@fcfb.org>
06/01/2011 03:53 PM

To <trais_norris@dot.ca.gov>
cc
Subject HWY 180 Expansion Comments

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

RE: Route 180 Westside Expressway Route Adoption Study Comments

Mr. Norris,

Please allow this letter to serve as a response to the request for comments pertaining to the Route 180 Westside Expressway Route Adoption Study. On behalf of Allied Grape Growers, California Cotton Ginners and Growers Associations, California Grape and Tree Fruit League, Fresno County Farm Bureau, Nisei Farmers League, Raisin Bargaining Association, Western Agricultural Processors Association, and the growers that these organizations represent, we strongly urge Caltrans to improve the existing highway using Alternative 1 as identified in the 1

Adoption Study.

Specifically, we would like to submit the following points:

- Alternative 1 would have the least impact on farmland while simultaneously achieving the project alternatives and should be chosen as the primary alternative for the expansion of Highway 180. 2

- Upon project completion, the extended Highway 180 would reach Interstate 5 on the Valley's west side. As Highway 180 turns west in Mendota, a route that has the least impact to farmland must be selected. A Belmont Ave alignment, that would go on the south side of Mendota High School and then follow Belmont Ave., followed by an 'S' curve at Fairfax Ave and Shields Ave would result in less land taking than other alternatives. 3

- The "4(f) properties" identified within Alternative 1 require Caltrans to avoid 4(f) properties if feasible and prudent alternatives exist. The routes provided as substitutes to Alternative 1 should be rejected as not meeting "prudent and feasible" standards because the irreplaceable loss of prime farmland qualifies as "an accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes." 4

- The agricultural land impacted by this project will have a severe impact to farm financing and farm values. Farming operations that are financed by the bank often use land as collateral. Property that now has freeway bisecting the farm is devalued, forcing farmers to have their loans reevaluated. Large, continuous parcels of land are also worth more than land that is broken into smaller pieces, further devaluing the property. 5

- Land use is also affected by alternatives that deviate from existing corridors because it creates remnant parcels. This creates huge problems in regards to irrigation, land leveling, and farmland that is now landlocked or has severely limited access. 6

- Lastly, it should be noted that farmland is not replaceable, there is no true mitigation for farmland, as it is not a renewable resource. California loses 100,000 acres of farmland per year to transportation and development projects. There are 82,000 farms in California, and 64,000 of them are family farms. We implore you to recognize that farmland is not simply flat land for the taking. It is a home to real people, and real families. There is an emotional tie to the land and a historical value that may not be replaced by "preserving" farmland in another area with mechanisms such as farmland easements. 7

Thank you for the opportunity to submit these comments. Please do no hesitate to contact us with any questions or for additional information.

Respectfully Submitted,

Allied Grape Growers
California Cotton Ginners Association
California Cotton Growers Association
California Grape and Tree Fruit League
Fresno County Farm Bureau
Nisei Farmers League
Raisin Bargaining Association
Western Agricultural Processors Association

cc: Fresno County Board of Supervisors
California Senate Transportation and Housing Committee
California Assembly Transportation Committee
Senator Michael Rubio
Assemblyman Henry T. Perea
Assembly Minority Leader Connie Conway
George Soares

HWY 180 Final.pdf

Response to Comments from Brian Domingos

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans acknowledges your preference for Alternative 1. The preferred alternative generally uses existing corridors (e.g., Whitesbridge Avenue and Shields Avenue) thus would minimize farmland impacts by limiting acquisitions along parcel lines where feasible. The recommended preferred alternative combines alignments of Alternative 1, Variation 1A, and Variation 1B to be adopted by the California Transportation Commission as the ultimate alignment for State Route 180 in western Fresno County. The decision was based on engineering factors, environmental analysis, and community and agency input received during the public circulation period between March 16, 2011, and May 9, 2011, including the public hearing held on March 30, 2011.

Response to comment #2: Alternative 1 with Variation 1A has the least amount of impact to farmland, with an approximate total of 4,128 acres occurring within the alignment. Alternative 1 alone has approximately 4,311 acres of farmland occurring within its alignment. These numbers are based on the 1,000-foot-wide footprint for each route alternative and do not represent the actual right-of-way needed for the future expressway. The future expressway would only be 250 to 350 feet wide. It is estimated that between 1,032 and 1,844 acres would be required for construction of the future expressway.

Response to comment #3: By aligning State Route 180 close to State Route 33, which serves the city of Firebaugh, Alternative 1 Variation A was developed to provide additional opportunities for Firebaugh to access the expressway. Additionally, this variation is supported by the cities of Mendota and Firebaugh.

Moving the “S” curve to Fairfax Avenue would limit those opportunities. However, due to the existing roadway right-of-way on Belmont Avenue, Fairfax Avenue, and Shields Avenue, moving the “S” curve to Fairfax Avenue would probably reduce the effects to farmland for the portion of Variation A between Interstate 5 and Mendota. Although, since there is no roadway right-of-way along this portion of Variation A, the proposed “S” curve location along Variation A would require more total farmland take, and more Prime farmland would be acquired with the “S” curve at Fairfax Avenue (see Figure 3-3). The “S” curve at Fairfax Avenue would require an upgrade of the roadway to expressway standards, which would require additional right-of-way from adjoining properties.

Response to comment #4: The Section 4(f) balancing test to determine whether there is a feasible and prudent avoidance alternative to the use of the 4(f) property, balances the 4(f)

property (including consideration of its relative value) against six factors. One of the six factors includes in its definition, "multiple factors, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude." Even when the six factors are considered along with the relative value of the resource for 4(f) purposes, the balancing test puts a "thumb on the scale" in favor of protecting the Section 4(f) property.

There are at least four known 4(f) properties that are along existing State Route 180. Two are wildlife reserves, and the others are an historic district and a wildlife area. The Alkali Sink Ecological Reserve, in particular, is considered critical habitat for the state and federally endangered Fresno kangaroo rat. The only known surviving population of this species occurs at this reserve. There is an ongoing effort by the California Department of Fish and Game to reintroduce this species at the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve. Habitat also exists at the Alkali Sink Ecological Reserve for the state and federally endangered palmate-bracted bird's beak. According to the U.S. Fish and Wildlife Service's Recovery Plan for Upland Species of the San Joaquin Valley, the California Department of Fish and Game has also targeted this plant species for habitat protection at the two reserves and the wildlife area.

Although the amount of farmland affected would be significant, it would not be considered an impact of an extraordinary magnitude when mitigation is factored in. It would not jeopardize the local farming economy. Farmland is abundant throughout the region, and opportunities exist that would allow purchase of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of farmland.

The preferred alternative minimizes effects to farmland by using the existing State Route 180 and Shields Avenue roadway right-of-way. At least three Section 4(f) properties would be avoided with the preferred alternative because it includes a proposed viaduct that would span and avoid effects to the Alkali Sink Ecological Reserve and Kerman Ecological Reserve. The Sheldon residence, an historic resource, would be avoided with a mandatory design exception near Cornelia on the existing State Route 180 alignment.

Response to comment #5: The future expressway may significantly affect farming operations and values. Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans would provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. The

Nonresidential Relocation Assistance Program provides assistance to businesses, farms, and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. For more information about the farm relocation assistance program, please read the Relocation Assistance for Businesses, Farms, and Nonprofit Organizations brochure at the following website: http://www.dot.ca.gov/hq/row/pubs/business-farm/pdf.

It is recognized that deviation from any transportation corridor creates these types of impacts. During the course of studies, many diagonal variations were eliminated for this reason—to reduce the number of landlocked or remnant parcels. The diagonals that remain serve the purpose of avoiding or minimizing impacts to certain resources like the Fresno Slough or the Fresno Irrigation District's Waldron Pond. It is likely that remnant parcels would be offered for sale to the adjacent property owner. The preferred alternative generally uses existing corridors, thus would minimize these effects by limiting acquisitions along parcel lines where feasible. Most acquisitions would be on parcel edges to roadways in order to maintain the valuable large continuous parcels. The relocation of irrigation lines would be part of the moving expenses incurred for nonresidential relocations.

Response to comment #6: See response to comment #5.

Response to comment #7: Caltrans understands that the loss of farmland is considered irreplaceable by many families. One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby, minimizing impacts to farmland. Caltrans's policy is to avoid or minimize farmland impacts to the maximum extent possible. However, State Route 180 is surrounded by farmland, which makes avoidance of farmland impacts impossible. Only the No-Action/No-Project Alternative would completely avoid converting farmland, but it would not meet the purpose and need of the study.

The loss of farmland resulting from the future expressway represents an unavoidable permanent reduction in California's agricultural land resources. However, use of conservation easements, along with minimization measures that could be incorporated into subsequent project design, would partially compensate the direct loss of agricultural land and would protect a portion of California's remaining land resources in accordance with California Environmental Quality Act Guideline 15370.

The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in the Westside to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does

not imply near-term development of the corridor. Subsequent projects would occur over time in response to expected future demand and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more.

2.3 Comment from Jerry Doyel

Jerry
<jdoyel@sebastiancorp .net>
05/28/2011 08:59 PM

To <trais_norris@dot.ca.gov>
cc <info@fcfb.org>
Subject State Route 180

Trais Norris, Senior Environmental Planner
Dear Mr. Norris,

I would like to address the proposed extension of State Route 180 to Interstate 5. In reading the various Alternatives and Variations as stated in the Farm Bureau Agriculture Today newspaper, I would like to express my deep concern that you and Caltrans take the route that would {1] Destroy the least amount of farm land and {2} Would not disrupt the commerce in the towns that depend on the traffic that passes through them. A prime example of the type of callous and total disregard of agriculture lands and the disruption of a community is the relatively new Hwy 41. I could not believe how Caltrans plowed though and disrupted hundreds of acres of prime farm land and decimated Easton's commerce. This is not to say that Hwy 41 didn't need to be redeveloped, but where was the common sense? 1

It was stated that Caltrans wanted to build a four lane highway from Fresno to Interstate 5. Kerman already has four lanes through it and could easily continue with those four lanes to I-5 without skirting around this town and disrupting the farms, farmers and businesses in Kerman. 2

I keep hearing how California is in such financial crisis and is having to make severe cuts to education, prisons, fire, police, etc., but yet we have money to reroute and build new highways and the best of all boondoggles, "High Speed Rail". We must stop destroying the farms that feeds us and generate the taxes that pay for such projects. 3

Sincerely,
Jerry Doyel

Response to Comments from Jerry Doyel

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative would minimize impacts to both farmland and the city of Kerman. Consideration was given to all environmental resources, including impacts to farmland and businesses, when the preferred alternative was selected. The preferred alternative was selected because it had the least overall environmental impacts. Please see Section 2.1.3 Comparison of Alternatives for further details on reasons for choosing the preferred alternative.

Response to comment #2: See the discussion of an expressway facility in Section 2.1 Alternatives.

The City of Kerman and Kerman Unified School District have expressed their preference for a bypass outside of Kerman's sphere of influence and around proposed school sites as outlined in Kerman's 2027 General Plan. The City of Kerman supports the Kerman Bypass (Variation 1B) because it minimizes effects to the many businesses and residences that occur along existing State Route 180. Without the bypass, Alternative 1 would affect 107 businesses and 475 homes along existing State Route 180. State Route 180 through the city of Kerman is considered a four-lane conventional highway because private road or driveway access is allowed. An expressway is a limited-access highway, meaning that access to State Route 180 would be allowed only at selected public road intersections. No direct private road or driveway access would be allowed. Therefore, an expressway would require additional right-of-way for parallel frontage roads on one or both sides of the expressway to provide access to adjacent properties.

Response to comment #3: Current law (Government Code Section 14550) recognizes that "revenues available for investment in California's transportation system have not kept pace with the increasing state population, or with the increased demand on the state's transportation infrastructure." Between 2010 and 2012 less than 1% of the State's General Fund disbursements went to transportation. This is because transportation is funded differently from education, fire and forest protection, health and human services, corrections and rehabilitation services, etc. Sources of state transportation funding generally come from dedicated transportation revenues including: (1) excise taxes on gasoline and diesel fuel, (2) vehicle weight fees, (3) a one-quarter cent statewide sales tax, and (4) a portion of the sales tax on diesel fuel. In recent years the Legislature has diverted gas tax revenues from Transportation to the General Fund to help balance the budget.

In 2001, Governor Gray Davis' Transportation Congestion Relief Program provided funding to prepare environmental studies for this route adoption study. At this time, no funding source has

been identified for any construction project. In 2008, California voters approved into law, Proposition 1A (Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century). It was a ballot proposition and bond measure, that has allocated funding for the California High-Speed Rail Authority to construct the high-speed rail system.

The purpose of this study is to locate an ultimate alignment for an expressway for State Route 180 that would be adopted by the California Transportation Commission. Adoption of the route does not imply near-term development of the corridor. Subsequent projects would occur over time in response to expected future demand and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more. This study will identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno.

The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in western Fresno County as a way to preserve the transportation corridor from incompatible land uses. However, the ultimate decision on land use is determined by the planning authority of that jurisdiction.

2.4 Comment from Joe Gomez

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Joe Gil Gomez

ADDRESS: 2033-7th st. CITY: Mendota ZIP: 93640

Organization/Affiliation: Mendota Motel, Westside Auto Phone: 559-655-4819
cell 301-8996

Would you like to be added to the State Route 180 project mailing list? [X] YES [ ] NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

I AM A Resident of Mendota CA. Since 1931. I HAVE Seen Mendota grow from outdoor privis to getting our water from tank cars at the RAIL ROAD YARD to what it is now, A progressive City that is expanding South-West & will need that Direction to continue growing. the planned 180 expansion would cut through this Area & therefore

THANK YOU!

cont. on Reverse side

Caltrans

page one of two

fold along line

i wish to express that the Route North of Mendota would Be the Better choice. the area just south of Mendota along Derrick 33 Hiway is Ready for a chain Motel, chain Restaurant & a truck stop. All would Bring much Need Revenue to Mendota. 3-30-2011 Joe Gilgomez

cont. from page one

I would like the following comments to be considered (please print):

Further a Hiway cutting so close to the city & with trucks Hauling volitile materials would Be one more point to consider

Thank you

Joe Gilgomez

THANK YOU!

Caltrans

3-30-2011

Response to Comments from Joe Gomez

Thank you for your comments on the route adoption study. Caltrans has selected the preferred alternative that combines alignments of Alternative 1, Variation 1A, and Variation 1B to be adopted by the California Transportation Commission as the ultimate alignment for State Route 180 in western Fresno County. Trucks that transport hazardous materials would be diverted away

from the city of Mendota because the preferred alternative would bypass west and south of the city of Mendota.

2.5 Comment from Richard and Barbara Hansen

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Richard D. Hansen & Barbara A. Hansen

ADDRESS: 627 N. Monroe Ave CITY: Fresno, CA ZIP: 93723

Organization/ Affiliation: Family Farm Phone: 266-4621

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

This 30 acre farm has been in my husbands family for near a Century and is prime Ag land. His Grand-Father purchased it after coming from Denmark. We have two sons and two grandsons and very much want to keep the farm viable as well as the great sentimental value it holds. This is our home as well as farm and to take land out for a hiway would simply destroy its usefulness. (28 acres of vineyard)

Richard D. Hansen
Barbara A. Hansen

THANK YOU!

This land has been continually farmed to four generations of Hansens.

Caltrans

Response to Comments from Richard and Barbara Hansen

Caltrans understands your concerns. Thank you for your comments on the route adoption study.

The parcel is on Monroe Avenue between Houghton Canal and the Southern Pacific Railroad and inside the 1,000-foot-wide alignment of Alternatives 2 and 3. However, the preferred alternative follows the existing State Route 180 corridor and would not affect this parcel.

2.6 Comment from Jeneen Lanfranco

Trais Norris

Caltrans District 6

2015 E. Shields, Ste. 100

Fresno, CA 93726

RE: 180 Corridor Expansion

The current 180 is the best route, it has the least amount of impact on people and prime agricultural farm land. You are taking good farm land and making it unusable. The Variation 1B, 1C, Alternative 2 and 3 will cut peoples land in pieces, so they have part of their land on each side of the highway. Which in turn will make it difficult to get needed equipment back and forth across the highway especially because of the lack of crossings. It will also take land in a diagonal which will make some pieces not farmable and become barren, therefore taking out more prime agricultural farm land than was originally anticipated. 1

Due to the lack of crossings on the 180 expansion there will be an increase in road traffic on the north/south and east/west roads to get to a road that does cross the highway. Many will have to backtrack and go out of their way by miles just to cross the highway. People that want to go to west Shaw Ave. will not be taking Highway 180 to get there. They will need to cross using one of the few north/south roads left to get over to Shaw Avenue. This extra traffic will include commuters and farm equipment. 2

Moving the highway North of Kerman will just cause more vacancies in Kerman because the places will move North to the highway for visibility. The places you are all concerned about hurting and having to move will move anyways. Kerman will end up with a deserted downtown and everything moved North.

The best route is Alternative 1 it has the least impact on prime agricultural land, which is the mainstay in the San Joaquin Valley. If there is a need the bypass the City of Kerman then an alternative that stays closer to the sphere of influence needs to be looked at. Currently, the alternatives that are east of the City of Kerman go outside the sphere of influence. And a route that goes along an already existing dividing line (i.e. Nielsen Ave. or south of Kerman by the railroad tracks) which will not separate land in the middle of a parcel should also be chosen. 3

Sincerely,

Jeneen Lanfranco

14844 W. McKinley Ave.

Kerman, CA 93630

(559)846-7976

Response to Comments from Jeneen Lanfranco

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans acknowledges your preference for Alternative 1 or the current State Route 180 alignment and understands your concern about the effects of the future expressway on farmland. One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland caused by the creation of unfarmable remnant parcels.

Remnant parcels of farmland would be avoided as much as possible by acquiring right-of-way in "slivers" or linear strips of property adjacent to the existing parcels. It is likely that remnant parcels would be offered for sale to the adjacent property owner so that the land would continue to be used for agricultural purposes. Caltrans would also negotiate parcel exchanges with neighboring farmers to reconfigure split farmland parcels for resale so that the parcels could continue to be farmed and not contribute further to the fragmentation and conversion of farmland. When possible, Caltrans will allow farmland to be kept in production (after purchase) until it is needed for construction.

Response to comment #2: With the adoption of a route and ultimate completion of an expressway, there would be considerably less traffic congestion on existing State Route 180. There would also be a reduction of traffic on some local roadways within the study area, such as Shields Avenue and Belmont Avenue. However, other local roadways and State Route 145 would experience localized increases in traffic volumes. North-south streets that become cul-de-sacs would experience decreased local traffic. It may take longer for some motorists to access the new expressway because the cul-de-sacs would block direct access.

Response to comment #3: The City of Kerman and Kerman Unified School District have expressed their preference for a bypass outside of Kerman's sphere of influence and around proposed school sites as outlined in Kerman's 2027 General Plan.

The Kerman Bypass (Variation 1B) currently runs along the northern edge of Kerman's sphere of influence, which is between Nielsen Avenue and Belmont Avenue. The 1000-foot route adoption corridor is centered along parcel lines where possible. This variation moves the route 0.75 mile north of the existing route, affecting 6 linear miles of farmland.

The railroad runs along the southern end of completed housing developments in the City of Kerman. However, this is through the middle of Kerman's sphere of influence. A Kerman bypass following just north of the railroad would move the route 1 mile south of the existing route, affecting close to 100 homes and several businesses.

Routing a bypass just south of the railroad, following the railroad south as it crosses the existing State Route 180, also moves the route 1 mile south of the existing highway. This would affect 8 linear miles of farmland. A railroad loading yard exists at the southeast corner of State Route 145 and the railroad; the yard would have to be closed or relocated. If it is not possible for Caltrans to acquire the current location of the railroad loading yard, then the route would have to pass south of it, possibly along Church Avenue. A Church Avenue bypass would move the route 1.5 miles south of the existing route, affecting 8.5 linear miles of farmland.

The southern edge of Kerman's sphere of influence is between Annadale Avenue and Jensen Avenue. Bypassing Kerman along this southern edge would require routing the expressway 2.25 miles south of the existing route, affecting 10 linear miles of farmland.

Early scoping activities for a State Route 180 extension west to Interstate 5 found that a southern bypass of Kerman would add 1 to 2.25 miles to State Route 180, have a higher cost, and affect an additional eight to ten linear miles of farmland. Therefore, a southern bypass of Kerman was not carried forward for additional studies due to the higher impacts.

2.7 Comment from Paul Lanfranco

Trais Norris

Cal Trans/District 6

2015 E. Shields, Ste 100

Fresno CA, 93726

RE: 180 Corridor Expansion

The only route that should be considered is one that follows an existing transportation corridor, not a route that blazes a new trail through land with no existing transportation corridor. This would lessen the detrimental effects on prime agricultural farm land. 1

The best route is the current state route 180. It limits the detrimental effect on prime agricultural farm land. Everything along the current 180 can be moved, rebuilt and its disruption can be mitigated. The same cannot be said about **prime agricultural farm land, it is irreplaceable.** Widening the current 180 will cleanup much of the blight along the highway including many of the vacant and collapsing buildings in Rolinda. One very important detail has not been addressed by Cal Trans or the City of Kerman, by making a northern bypass around the city of Kerman this will create much more traffic congestion through the city of Kerman and all the north/south roads from Kerman to Fresno because 2/3 to 3/4 of the north/south roads will dead end into the expressway and will not have an on or off ramp to the expressway. All the north/south roads will triple the amount of traffic on them. 2

The Kerman bypass was based off Kerman's 2017 growth boundary. The bypass stays within 1/4 mile or less of Kerman's 2017 growth boundary to the west and to the north of Kerman. To the east of Kerman, Cal Trans placed the bypass 3/4 of a mile from Kerman' s 2017 boundary because inaccurate information was given to Cal Trans from the City of Kerman. The bypass east of Kerman was based off a proposed sphere of influence that was denied by the County Board of Supervisors and LAFCO. There are many vacant buildings , homes and abandoned housing developments in Kerman due to the recession. The east boundary must be corrected to reflect the changes in Kerman and the bypass moved closer to Kerman's 2017 growth boundary to limit the loss to prime agricultural farmland. 3

The 2nd best route is to follow the railroad tracks south of Kerman, the land is already divided because of the railroads existence. Following the railroad tracks would lead to less traffic congestion because the north/south arteries leading to Fresno from Kerman would stay open; the trucks and traffic from the Kerman Industrial Park would be kept from going through the center of the City of Kerman. 4

Sincerely,

Paul Lanfranco

14844 W. McKinley Ave.

Kerman, CA 93630

(559)213-8330

Response to Comments from Paul Lanfranco

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans acknowledges your preference for Alternative 1 or the current State Route 180 alignment and understands your concern about the effects of the future expressway on farmland. One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland and farming operations. The preferred alternative would affect the least amount of prime farmland when compared with the other alternatives under consideration.

Response to comment #2: With the adoption of a route and ultimate completion of an expressway, there would be considerably less traffic congestion on existing State Route 180. There would also be a reduction of traffic on some local roadways within the study area, such as Shields Avenue and Belmont Avenue. However, other local roadways and State Route 145 would experience localized increases in traffic volumes. North-south streets that become cul-de-sacs would experience decreased local traffic. It may take longer for some motorists to access the new expressway because the cul-de-sacs would block direct access. All north/south traffic in Kerman would have to use either the major arterial interchange/intersection (probably Route 145) or other local roads to cross the expressway. This is true regardless of the alternative or variation that is chosen.

Response to comment #3: The Kerman Bypass alignment that is based on the 2027 General Plan (adopted in 2007) was provided to Caltrans by the City of Kerman. The alignment is based on the sphere of influence, not the 2017 growth boundary. To date, the sphere of influence has not been denied, but it has not been approved by the Fresno County Board of Supervisors.

Response to comment #4: The railroad runs along the southern end of completed housing developments in the city of Kerman. However, this is through the middle of Kerman's sphere of influence. A Kerman bypass following just north of the railroad would move the route 1 mile south of the existing route, affecting close to 100 homes and several businesses.

Routing the expressway just south of the railroad, following the railroad south as it crosses the existing State Route 180, also moves the route 1 mile south of the existing highway. This would affect 8 linear miles of farmland. A railroad loading yard exists at southeast corner of State Route 145 and the railroad; the yard would have to be closed or relocated. If it is not possible for Caltrans to acquire the current location of the railroad loading yard, then the route would have to pass south of it, possibly along Church Avenue. A Church Avenue bypass would move the route 1.5 miles south of the existing route, affecting 8.5 linear miles of farmland.

2.8 Comment from Brian Pacheco

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave., Suite 100
Fresno, CA 93726

May 3, 2010

RE: Route 180 Westside Expressway Route Adoption Study Comments

Mr. Norris,

Please allow this letter to serve as a response to the request for comments pertaining to the Route 180 Westside Expressway Route Adoption Study.

I believe the existing corridor should be utilized to the fullest extent possible in the state Route 180 Westside expansion. Utilizing the route already in place would have the least impact on irreplaceable prime farmland. Alternative 2 and 3, which call for the use of Belmont Avenue, should not be selected due to considerable impacts that would affect thousands of acres of prime agricultural land. 1

My dairy operation, which has significant capital improvements, is located within the Belmont Avenue alternative. If Alternative 2 or 3 is selected, the impacts to my dairy and home would be devastating. It would force us to relocate in a state where obtaining permits to construct a new dairy could take three to five years and several thousand dollars to reestablish what is already in place. 2

Thank you for the opportunity to submit these comments. Please do no hesitate to contact me with any questions or for additional information.

Respectfully submitted,

Brian Pacheco
Dairy Farmer
20019 W. Belmont Ave.
Kerman, CA 93630
(559) 846-9686

Response to Comments from Brian Pacheco

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative would minimize impacts to farmland. Except for the portion that bypasses the city of Kerman, the preferred alternative does use the existing State Route 180 corridor to minimize impacts to prime agricultural land.

Response to comment #2: The preferred alternative would not affect your dairy operations because it does not follow the Belmont Avenue alignment.

2.9 Comment from John Peelman

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: JOHN PEELMAN

ADDRESS: 7300 W. WHITESBR. CITY: FRESNO ZIP: 93706

Organization/ Affiliation: JPF, INC Phone: 289-1599

Would you like to be added to the State Route 180 project mailing list? ☑ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

I PREFER ROUTE 2

THANK YOU!

Caltrans

Response to Comment from John Peelman

Thank you for your comment on the route adoption study. Your preference for Alternative 2 has been noted.

2.10 Comment from Joe Porto

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: JOE PORTO

ADDRESS: 1985 N Yuba CITY: Kerman ZIP: 93630

Organization/ Affiliation: PORTO BROS Farming Phone: 908-6699

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

PROJECT 180 will severly impact our Farm which is on the westside of Yuba. It will be severly divided in half diagonally. A beautiful farm that will terribly hampered As we hear of good farm Land keeps getting consumed by urban sprawl - Using the current 180 or continuing Belmont "straight west ~~of~~ on Belmont"

Keep Alternate II along Belmont alignment between Yuba & ~~Madera~~ San Mateo

THANK YOU!

Caltrans

Response to Comments from Joe Porto

Thank you for your comments on the route adoption study. Your preference for Alternative 2 has been noted.

2.11 Comment from Ryan Porto

Ryan Porto
<ryan.porto@gmail.com>
04/23/2011 12:06 PM

To <trais_norris@dot.ca.gov>
cc
Subject Route 180 Westside Expressway Comment

Dear Trais Norris;

While attending a meeting regarding the future project "Route 180 Westside Expressway" I was appalled to see the plan of action deemed "the rural route," in which the projected expressway would travel north of Kerman along Nielsen Ave and eventually Belmont Ave. While I do understand the purpose of the expressway I would like to propose to you a few alternatives that may be worth looking into:

First, the current 180 gives a straight shot from Fresno to Mendota, where it already takes an angle to Belmont Ave and can be continued on a straight shot from there to Interstate 5. By going this route the expressway would be able to continue without cutting any property at an angle and leaving land useless and unable to be farmed. The information presented to us at the meeting regarding this route showed the cost to businesses and homes being high, however, that information was skewed and offensive to the intelligence to everyone at the meeting. Of course it is not feasible to take 1000 feet wide of land from the existing 180 in respect to the center of the highway. A much more likely scenario would be using the existing 180 as a frontage road and building to the side of it, but this was not presented, why? I believe that the research regarding realistic plans for turning the existing 180 highway into a freeway needs to be done before any decision could be made. And, the argument regarding section 4(f) properties could be rendered useless because instead of avoiding the properties like a plague, you would be able to improve the Mendota and Kerman reserves properties by bridging over them and connecting the two sides currently divided by the highway. I am sure the Department of Fish and Game would be ecstatic about the concept. Finally, as a farmer I do not appreciate your research counting mine, and operations like mine, as a business, we pay business taxes just like McDonalds does. It is highly offensive for you not to consider agriculture as business. 1 2 3

Secondly, the idea about using Avenue 7 1/2 in Madera would be a better idea than the proposed plan because then there would be no need to jig jag around section 4(f) properties and this too would be a straight shot from Fresno to Interstate 5 while taking the path of least resistance. While being well aware that this expressway is being pushed by Fresno COG and they would like to see a plan that would best benefit them and not Madera County, the expressway would still benefit Firebaugh and Fresno itself which is the ultimate goal. This route also benefits most the traffic moving from Fresno to the north, or travelers from the north into Fresno by reducing their need to backtrack, and it is safe to assume this expressway will be used mostly by this type of travel. 4

Lastly, if you do decide to take the rural route that is currently planned, will you consider staying on Belmont Ave even past Yuba Ave. Our farm is will be cut in half on a diagonal with the current plans and while we do understand that you will need land for this project we are willing to sacrifice that land along the side of the ranch, it is just far too detrimental to us if you cut us on a diagonal. If you were to stray along Belmont you will not go through the Kerman reserves, but instead go along side of it and not take and waste anymore farmland than what is needed. Much of the opposition that you are facing is coming from other farmers like me whose land is being destroyed by you taking it at an angle, we understand the need for land, just not why you would want to destroy our business. 5

Sincerely,

Ryan Porto
Porto Brothers Farm

Response to Comments from Ryan Porto

Thank you for your comments on the route adoption study.

Response to comments #1: The decision to use a 1,000-foot width for each alignment was made to establish a location for a future State Route 180 for planning purposes, not to narrowly define a specific project before there are funds or traffic numbers to require it. The 1,000-foot width of each corridor provides flexibility to place the 250- to 350-foot-wide future expressway. This flexibility would allow avoidance of resources like businesses, residences, farmland, wildlife reserves, and wetlands to the extent feasible. A narrowly defined footprint at this time would limit this flexibility. A discussion about study criteria can be found in Section 2.1.1 Common Design Features of the Alignment Alternatives.

The use of State Route 180 as a frontage road is a possibility and would be determined in the future during project-level studies. The 1,000-foot-wide footprint allows this option of using existing State Route 180 as a frontage, and the future expressway may be located either to the south or the north.

Response to comment #2: Caltrans discussed with resource agencies, including the California Department of Fish and Game, that most of the comments received from the general public were in favor of staying along the existing corridor to the greatest extent feasible. Consequently, the preferred alternative would propose the construction of a viaduct along the existing State Route 180 alignment to avoid adverse impacts to the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve. The viaduct would improve connectivity between both sides of the reserves by allowing safe migration of species and promoting genetic exchange of species. All agencies supported selecting a route approximately between Mendota and Kerman on the existing State Route 180 alignment because it would have the least indirect impacts to farmland and natural resources.

Response to comment #3: In this study, a property was categorized as a business if it was a nonresidential property with a business name that employed workers. The business-type categories included services/other commercial, agricultural, retail trade, industrial/manufacturing, and government/non-profit organizations. Some farm properties may not have been categorized as a business because they are residential farms and were categorized as a residence.

Response to comments #4: The scope of this route adoption study is for a route in Fresno County. Using Avenue 7½ would put any future project in Madera County.

Caltrans did a preliminary study (Interstate Route 5 to State Route 99 Geographical Information Study) in 2002 to define a study area for the route adoption. Alternatives within Madera Country were dropped. These alternatives would require miles of out-of-direction travel for State Route 180 motorists. The Madera County alternative would also take substantial Alkali Scrub habitat and was determined to no longer be a viable avoidance alternative. Based on the analysis north of the San Joaquin River, it was determined the best place to do focused studies was between the San Joaquin River and the Fresno Slough.

Response to comment #5: The comment is in reference to the alignment transition of Alternative 2 and Alternative 3 approximately between James and Juba avenues. This alignment transition was considered because of the fewest effects to wetlands in the Fresno Slough area west of Yuba Avenue. It remained next to the alignment going westward to avoid having two separate diagonals.

Except for the northern bypass around Kerman's urban core, the preferred alternative generally follows the existing State Route 180 alignment in this area. The preferred alternative would not bisect your property. Because the future expressway would use existing highway right-of-way and only acquire parcel edges along the existing highway, fewer farmland parcels would be split.

2.12 Comment from Ken Samarin

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: KEN SAMARIN

ADDRESS: 2085 N. LAKE CITY: KERMAN ZIP: 93630

Organization/ Affiliation: SAMARIN FARMS Phone: 559-846-9562 OFFICE 559-567-1029 CELL

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: ~~May 9, 2011~~ JUNE 1, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

PLEASE SEE ATTACHED

THANK YOU!

Caltrans

The proposed Route 180 Westside Expressway is no doubt a well thought out and carefully studied set of proposals. There is, however, one important area where the study does not account for many significant factors. In the towns along the 180 corridor farmers have invested tens of millions of dollars along the corridors of Belmont, Nielsen and McKinley in property, plant and equipment. These investments were made with the expectation that these corridors would remain rural highways and therefore development that takes generations to fully depreciate has been built along those corridors. Most of the agricultural properties along the proposed corridor options of Variation 1A, 1B, 1C are permanent crop plantings; crops such as almonds, grapes, and pistachios. All of these crops are long-term investments where a single planting can last multiple generations. Crop removals for the purpose of this project should be looked at through this lens. When productive agricultural land is taken for public use it can never be replaced and therefore the benefit that the land provides for its community, its owner and those who care for it can never be replaced.

With respect to Alternative 1 it has also been understood by farmers and investors in this area that the corridor along existing Highway 180 was the main thoroughfare that connected Interstate 5 to Highway 99 through Nees Avenue and the Cities of Firebaugh, Mendota, Kerman and Rolinda. Because of this understanding, developments along this corridor have been constructed and agricultural land has been improved with the knowledge that someday 180 would need to be expanded in order to accommodate for the substantial growth of this area of the valley.

To ignore these expectations of property owners and agricultural investors would be a great folly. Each of the ranches affected by this project is a small business generating thousands in tax revenue for the rural communities they reside in and employing hundreds of people. The final important factor I would like to point out concerning the major differences in effect upon property owners between Alternative 1 and Variation 1A and 1B and Alternatives 2 and 3, is that when commercial and retail properties have a major thoroughfare expanded along their sphere of influence the value of the property tends to increase due to the expectation of increased traffic and increased potential clientele. The inverse is true for agricultural properties. Because income and wealth are generated solely from the land a taking of a percentage or portions of that land

summarily decrease the whole property's value. Furthermore, it is also imperative to state that agricultural land once taken for the public use of an expressway can never be reclaimed for agricultural use again, it is a true net loss in the amount of available arable and irrigable land in this area. The same is not true for storefronts or personal residences. As we have learned recently the costs of individual homes is continuing to decline, as is the cost of many commercial properties. The compensation given to property owners of such locations will in all likelihood purchase them more than what they had previously. Again the inverse is true for agricultural properties. Throughout the decline in the nation and state's economies agricultural real estate has continued to steadily increase in value. This means that payments to farmers for property lost will result in the ability to buy less land than the amount taken. This reduces these businessmen's positive impact on their local economies but more importantly reduces their ability to earn a living for themselves and for their employees. With this stated I would encourage the committee and the departments overseeing this project to invest in Alternative 1 without inclusions if the Variations 1, 2, or 3 or to seek other routes that would join the 5 and 99 in a direct thoroughfare if this project were to move forward. The importance of agricultural lands to this area is difficult to overstate and should be protected to the fullest extent possible.

I thank the committee and department for their attention and their diligence in this matter.

Response to Comments from Ken Samarin

Thank you for your comments on the route adoption study. Caltrans acknowledges your preference for Alternative 1 or the current State Route 180 alignment and understands your concern about the effects of the future expressway on farmland. One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland and farming operations. The preferred alternative would affect the least amount of prime farmland when compared with the other alternatives under consideration. The preferred alternative would avoid adverse impacts to Section 4(f) resources and has an overall balance between environmental impacts. It minimizes disruption to farmland, businesses and residences by generally staying along existing roadway corridors and bypassing Kerman's urban center.

The preferred alternative combines alignments of Alternative 1, Variation 1A, and Variation 1B. The incorporation of Variation 1A is supported by Fresno County, City of Firebaugh, and City of Mendota because this variation would improve access to both Firebaugh and Mendota. Except for the "S" curve that bypasses just west of Mendota, Variation 1A uses the existing Shields Avenue corridor to minimize effects to farmland. Fresno County and the City of Kerman support Variation 1B because it minimizes disruption to Kerman's existing and planned land uses.

Extending State Route 180 all the way to Interstate 5 is a highly desirable goal of regional agencies and local municipalities in the San Joaquin Valley. Fresno County and the City of Kerman, City of Mendota, and City of Firebaugh all support the preferred alternative. The purpose of the study is to identify a corridor for future transportation development that will improve continuity for east-west regional movement of goods and people. Regional mobility and transportation continuity are key components of economic development, especially for the agricultural industry.

2.13 Comment from James Wulf

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: JAMES P. WULF

ADDRESS: 10280 W. NIELSEN CITY: FRESNO ZIP: 93723

Organization/ Affiliation: FARMER Phone: (559) 436-420

MAILING ADDRESS - 6612 N. SEEDLESCOMBE DR FRESNO, CA 93711

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

I WOULD RECOMMEND OPTION ALT. #1 WITHOUT ANY VARIATIONS - BETWEEN VALENTINE + HIWAY 145. UTILIZE THE EXISTING WHITES BRIDGE RD - RIGHT AWAYS PURCHASED APPROX 8 YEARS AGO. 1

1. NO ADDITIONAL COSTS FOR LAND SINCE STATE OWNS PROPERTY 2

2. LESS DISRUPTION OF FARMS (HIWAY 41 SOUTH OF FRESNO IS EXAMPLE OF SPLIT UP PROPERTY 3

THANK YOU!

3. NO NEED TO BYPASS ROLINDA AS THEIR IS NO HISTORIC VALUE + PRATICALLY NO BUSINESS. 4

4. THIS THE LOGICAL LEAST EXPENSIVE APPROACH 5

Response to Comments from James Wulf

Thank you for your comments on the route adoption study.

Response to comment #1: Your preference for Alternative 1 has been noted.

Response to comment #2: Additional right-of-way would be required to build a four-lane expressway and frontage roads. The Caltrans right-of-way width along existing State Route 180 varies between 36 feet and 307 feet. In most areas, the future expressway would consist of four 12-foot-wide travel lanes (two lanes in each direction) with 10-foot shoulders on either side, separated by a 62-foot-wide center median. Including outside areas for drainage, the total width of the expressway would be about 250 feet. In some areas, the roadway configuration would add parallel frontage roads on one or both sides of the expressway to provide access to adjacent properties. Each frontage road would require right-of way of around 52 feet wide. In areas requiring both frontage roads, the total expressway right-of-way would be approximately 350 feet wide. This discussion about design features can be found in Section 2.1.1 Alignment Alternatives, Common Design Features of the Alignment Alternatives.

Response to comment #3: Alternative 1 has the least impact—with respect to acreage—on farmland that is required for the future expressway because it uses the existing highway right-of-way.

Response to comment #4: The preferred alternative does not bypass Rolinda.

Response to comment #5: The estimated total capital cost for Alternative 1 is not the least costly. Please see Table 2.4, Comparison of Alternatives, in Section 2.1.3 of this document to see cost estimates for each alternative. The estimated costs associated with the alternatives under consideration are preliminary and may not reflect final costs of the future expressway project. Caltrans weighed the advantages and disadvantages of all alternatives and considered many other factors besides cost in selecting the preferred alternative.

2.14 Comments from Jeff Yribarren

CALTRANS MEETING AT FARM BUREAU 4/20/11 (Provided by Jeff Yribarren)

1. Thanks for opportunity to provide input.
2. Constructing final route along current 180 is best because:
    a. Transportation artery is the current land use.
    b. Is most intuitive, safest and shortest route and it has been the primary route for generations.
    c. Most efficiently preserves open space in west Fresno County because it would keep development along area that is already heavily developed.
    d. Is consistent with county land use policy of preserving natural resources.
    e. It could be constructed in a way that would keep existing 180 intact as frontage and existing business owners could benefit from increased traffic.
    f. Taking land along 180 would not split farms as they tend to terminate into the existing 180. The alternative of cutting through prime farmland would completely rearrange the region.
    g. The overwhelming will of the community is to keep the expressway along existing 180.

1

3. Constructing the final route away from the current 180 alignment is wrong because:
    a. It would destroy more of the county's most precious resource: PRIME agricultural land and open space.
        i. The rural routes would split far more fields and ranches and render them un-farmable. Orchards and vineyards would be replaced by remnant lots of weeds.
        ii. The 180 route has been in use for generations and has become a natural division between farms so its impact on the open space environment would be largely muted. Also, it's impact upon farmland would be more closely confined to the 350' path considered in the study.
        iii. The environmental study only talks about numbers of acres taken in a 350' path and fails to consider that the actual acres taken along the rural routes would be FAR more than that.
    b. It would create a second major traffic artery when only one is needed and would do so at too great of a cost to Fresno County's open space and farms.

2

4. Furthermore, the current study is not useful to decide upon a final alignment because it does not realistically study the current 180 route. If this study is going to be used to decide upon a FINAL alignment, then it must represent the impacts upon FINAL construction.

3

    a. Although it is understandable that you would want to study all the alignments using the same methodology, it is clear that to do so in this case is not possible because of the differences in the areas being studied.
        i. The current 180 route is far more heavily developed along a narrow path. Studying an alignment which follows the 180 but attempts to stay clear of the most developed areas (as would presumably be done at the project level) would give far more relevant results.

4

ii. The current 180 is a natural dividing line in the area due to its existence for over a century. Impacts to farmland and open space must be studied more closely between the routes because they will be VERY different upon final construction. 5

a. The purpose of including alignment 1 (expanding current 180) in the study was just to dismiss it as too impactful after the community pleaded for its inclusion at previous meetings. It was not studied as a realistic option.
   i. It was centered directly on the road while other alignments were offset from the roads to decrease the impacts of homes/businesses.
   ii. It is far more developed than the other alignment areas and alternate alignments should have been more closely examined to arrive upon a more accurate representation of the impacts of a final alignment. 6
   iii. No one would ever consider leveling both sides of 180 to make way for the freeway, so why does the study assume that?
   iv. Alternative 1 should have been called "Obliterate all development along Existing 180 and then compare it to the other routes".
   v. Possible alternatives could be: (1)take the south or north side, (2)leave existing 180 as frontage and construct expressway 300' to north or south, (3)Find best variation of these options.

b. This study does not truly look at using the existing 180 as an alternative and any final decision on an alignment that comes from this flawed study is irrelevant and wreckless.

5. We believe the arguments for constructing the expressway along the existing 180 in one form or another CLEARLY show that it is the best alternative. We believe the impact of adopting a rural route to Fresno County open space and the regional farming area is unacceptably high. We demand that the 180 alternative be TRULY studied and that emphasis be placed upon making the final alignment as close to 180 as possible. 7

Fresno County Board of Supervisors 5/3/11

1. Any new freeway construction should minimize the impact to Fresno County's rural countryside. Highway 180 has shaped western Fresno County for generations and this project will shape it for many more. It must be done right, fairly, and with extreme consideration to our prime farmland. It has not been given the consideration it deserves.
    a. The final alignment determination would affect farms and families immediately because the corridor will be chosen.
    b. Is most intuitive, safest and shortest route and it has been the primary route for generations.
    c. Most efficiently preserves open space in west Fresno County because it would keep development along area that is already heavily developed.
    d. Is consistent with county land use policy of preserving open space.
    e. Taking land along 180 would not split farms as they tend to terminate into the existing 180. The alternative of cutting through prime farmland would completely rearrange the region.
    f. The will of the community is to keep the expressway along existing 180. Caltrans put Alternative 1 back into the study because of the overwhelming outcry of the local residents to keep the expressway along the current route.

8

2. The "expand existing 180" option was not studied in the detail that Fresno County Deserves..
    a. The "expand 180" alternative was not even in the previous draft and was only included now to dismiss it as too impactful.
    b. Highway 180 has been the main traffic artery for generations and property lines and farm boundaries naturally terminate into it. It is the most developed swath of 1000' in western Fresno County. It must be studied more closely than the other routes because describing what impacts lie within 500' of both sides of it are FAR different than the actual impacts will be upon construction.
        i. The Caltrans "cookie cutter" approach is not a useful tool to reliably predict or compare the impacts from the expand/extend 180 and the rural alternatives
        ii. Comparing the alternatives as 1000' swaths of land does not give enough information to make an "informed decision" to select a route.

9

3. The Study does not adequately study impacts to farmland.
    a. The Project Development Procedures Manual Says: "The environmental document should present sufficient information to enable a reasoned choice among the project alternatives. The issues should be sharply defined and

provide a clear basis for selection. The selection *must* reflect the consideration of all significant, reasonably foreseeable, adverse impacts that remain after incorporation of all reasonable mitigation measures."(Caltrans Project Development Manual Chap. 12, sec. 2, pg. 6). 10

b. It doesn't even try to compare: "Neither remainder parcel size nor access difficulties can be accurately predicted at the current stage of project development" (180 Study Chap 3, pg. 69). 11

c. It *assumes* agricultural land taken would be "considerable and comparable in number of acres for all alternatives" (180 Study Chap 3, pg. 70 & 72). 12

d. It is not in compliance with Farmland Protection policy Act.
    i. Form AD-1006 must be completed "if farmlands will be disrupted" (Environmental Handbook Chap 23 pg. 5)
    ii. However, Caltrans states: "Completion of the U.S. Department of Agriculture Form AD-1006 is typically required to be in compliance with the Farmland Protection Policy Act, but it has not been prepared as part of this document because this study would neither result in a project nor acquisition of right-of-way in the near term, and is instead focused on examining broad-range impacts from the proposed alternatives. Project-level calculations of farmland conversion would be made as subsequent projects are proposed."
    iii. Farmlands decision tree was not complied with and had AD-1006 been completed, score would have required Caltrans to consider farmlands impacts and mitigation measures far more closely. (E.H. Chap.23, pg. 4).
    iv. Study must be done "prior to any route selection or acquisition activities" (E.H. Chap. 23, pg. 6) 13

4. The potential impacts to 4(f) resources are not adequately dealt with and cannot be used to dismiss Alternative 1 as the preferred route.
    i. Alternatives must be "prudent and feasible"(4(f) policy pg. 1)
    ii. "Not all 4(f) resources have the same magnitude"(4(f) policy pg. 2)
    iii. Caltrans can "minimize harm" and "mitigate" (4(f) policy pg. 3).
    iv. Alternative 2&3 are not "prudent and feasible" alternatives for Sheldon property.
        1. Saving 7 acres of Sheldon Thompsons would destroy thousands of acres of rural Fresno County open space that *is* the exact same environment.
        2. The farmhouse and oranges could be saved to preserve the "historic integrity" (FHWA 4(f) policy pg. 3).
        3. They could simply just route around it. 14

e. Alternative 2&3 are not "prudent and feasible" alternatives for Kerman Ecological Reserve.
    1. Highway already bisects it.
    2. Mitigation measures could enhance it according to Caltrans letter to DF&G: "Caltrans proposed that with avoidance, minimization, and mitigation or enhancement measures, improving the existing roadway by widening to a 250-foot roadway would not adversely affect the activities, features and attributes that make the Kerman Ecological Reserve a 4(f) resource."(180 Study Appendix B, pg. 374). 15

5. The process is in the final stage.
    i. May 9th is end of comment period (4 days from now); final route is decided behind closed doors and permits are obtained. 16
    ii. "The goal in defining reasonable alternatives for the preferred alternative selection is to gain a consensus of the community, the [project development team], and the permitting agencies. The agreement of the permitting agencies must be formally documented."(Caltrans Project Development Manual Chap. 12, sec. 2, pg. 6).
    iii. Even though the county is the largest "permitting agency", has never been formally consulted concerning preference about route selection as other local interests have (180 Study, Chap. 5, pg. 301):
        a. City of Firebaugh 1/7/05
        b. City of Mendota 1/19/05
        c. State Route 180 Corridor Steering Committee 3/30/2005
        d. Table Mountain Rancheria, and three other tribes 1/31/06
        e. City of Mendota 3/22/06
        f. Westlands Water District 8/10/06
        g. City of Mendota 8/30/06
        h. Council of Governments Board Meeting 9/28/06
        i. Russian Molokan community, Fresno Irrigation District 10/4/06
        j. City of Mendota 11/16/06
        k. Fresno Irrigation District 11/17/06
        l. City of Kerman 11/28/06
        m. Fresno Irrigation District 4/10/08
        n. California Dept. of Water Resources 4/20/08
        o. California Dept. of Fish and Game 12/1/08

    17

6. If this study is to be used to "aid in making an informed decision regarding the ultimately selected route"(Route Adoption Study pg. vii), we deserve the following:

i. The expand 180 alternative must be studied more closely to determine the ACTUAL impacts upon final construction of the expressway.
ii. The impacts to farmlands must be more closely studied to determine and compare the ACTUAL impacts for each alternative upon final construction. 18
iii. The 4(f) properties mitigation measures be more closely studied.

7. Caltrans needs to re-study the expand existing 180 alternative in depth and emphasis needs to be placed upon determining a final alignment as close to the existing 180 for as long as possible. The community consensus is that the final alignment should enter into rural western Fresno County as little as possible and only as a last resort. Our open space MUST be preserved.

Jeff Yribarren

12249 W. Nielsen

Kerman, Ca 93630

(559) 259-1102

jyfarms@kermantel.net

Jeff Yribarren
<jyfarms@sebastiancorp .net >
05/31/2011 04:59 PM

To <trais_norris@dot.ca.gov>
cc
Subject 180 expressway comments

Trais,
I have attached the two outlines I prepared when I expressed concerns I have about the environmental study to Bob hull at the Farm Bureau meeting and to the Fresno County Board of Supervisors. I am sorry that I have not put my thoughts into letter format but I am hopeful that the many face to face discussions I have had raising these concerns will help fill in the gaps that an outline may leave. If you have any questions or are unclear about some points please don't hesitate to call me. I will sum up my feelings here:

I don't believe that sufficient consideration was given to the impacts associated with constructing an expressway through the rural area. I think that the methodology used to measure the impacts is flawed and that a reasoned and informed decision to place the expressway through rural fresno county cannot be made using this study. Although the methodology used in this study is relevant to other projects that Caltrans has performed, I believe that it is a "cookie cutter" approach that is not relevant to this project. Impacts such as remnant parcel creation and additional affected acres due to the destruction of farms and entire fields was not even attempted to be quantified or even compared. No serious effort was undertaken to comply with the Federal Farmland Protection Act. Considering the amount of acres of prime farmland being destroyed by this project, far more work should have been done to evaluate and mitigate those impacts. 19 20

I don't believe that any of the rural routes can be chosen as the preferred route because the consensus of the community and the "permitting agencies" is clearly for the expand/extend current 180 approach. The largest "permitting agency" was very clear and voted unanimously at the May 5, 2011 Board of Supervisors Meeting to put their support behind Alternative 1. The comments of the community as well as several farm groups including the Fresno County Farm Bureau, have been overwhelmingly for Alternative 1 also. To choose alternative 2 or 3 would be a clear disregard for the input of the community and the largest permitting agency. 21

I don't believe the 4(f) properties are significant enough to choose any alternative over another. For instance, at the town hall meetings in Kerman, we were told that the Sheldon Residence and the Kerman Ecological reserve were compelling reasons why Alternative 1 was potentially unsuitable. This is not the case. For the Sheldon Residence, diverting around and destroying the prime farmland in the heart of rural fresno county is clearly not a "prudent and feasible" option to save seven acres of Thompsons on the back side of the property if the expressway were to go through it. As for the Kerman ecological Reserve, the study says that Caltrans believes that the impacts of the expressway upon the resource could be mitigated, and DF&G did not disagree. Clearly, neither of these could be used to choose Alternative 2 or 3 over Alternative 1. 22

Response to Comments from Jeff Yribarren

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative is a combination of Alternative 1, Variation 1A, and Variation 1B. The preferred alternative would use the existing State Route 180 corridor and the existing Shields Avenue corridor to minimize effects to prime agricultural land. The alternative would also bypass the city of Kerman to minimize effects to businesses.

Response to comment #2: Alternatives 2 and 3 would require more land than Alternative 1. Therefore, more prime farmland would be acquired for the future build project since the study area is in land classified by the California Department of Conservation as Prime Farmland and Farmland of Statewide Importance. Alternatives 2 and 3 also would have more significant indirect impacts to farmland operations because of alignment transitions that cut parcels at irregular angles, creating more unusable pieces of land for property owners. However, Alternative 1 would affect more open space. Open space is defined by the County of Fresno as any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purposes of: 1) the preservation of natural resources; 2) the managed production of resources; 3) outdoor recreation; or 4) public health and safety. The Mendota Wildlife Area is considered by Fresno County to be open space land. This definition of open space would also apply to the Alkali Sink Ecological Reserve and Kerman Ecological Reserve.

For the purposes of a route adoption, each alternative is 1,000 feet wide. Therefore, all impacts were assessed within this footprint.

The preferred alternative would use the existing State Route 180 corridor and the existing Shields Avenue corridor to the extent feasible; therefore, the creation of a second major traffic artery would be avoided. Also, to minimize effects to open space and agricultural land, the preferred alternative would use an existing interchange at Shields Avenue.

Response to comment #3: The route adoption study Environmental Impact Report/Environmental Impact Statement is intended to be a general assessment of foreseeable impacts for the purpose of adopting a route for State Route 180 in western Fresno County. According to Section 15168(a)(2) of the State California Environmental Quality Act Guidelines, a Program Environmental Impact Report is appropriate for a series of actions that can be characterized as one large project and are related geographically, as logical parts in the chain of contemplated actions. When additional details and construction plans are available for the subsequent projects (actions), Caltrans will examine each proposed action to determine whether the effects were fully analyzed in this Environmental Impact Report in accordance with State

California Environmental Quality Act Guidelines Section 15162 or whether any subsequent additional environmental review would be required.

Code of Federal Regulations 771.11(g) states, "For major transportation actions, the tiering of EISs as discussed in the Council on Environmental Quality regulation (40 CFR 1502.20) may be appropriate. The first tier EIS would focus on broad issues such as general location, mode choice, and area-wide air quality and land use implications of the major alternatives. The second tier would address site-specific details on project impacts, costs, and mitigation measures."

Response to comment #4: Once the route is adopted for State Route 180, the preferred alternative would be further refined inside the 1,000-foot-wide corridor to appropriately place the 250-foot-wide to 350-foot-wide future expressway. This flexibility would allow avoidance of resources like businesses and residences within developed areas to the extent feasible.

Response to comment #5: The preferred alternative generally follows the existing State Route 180 corridor to minimize effects to farmland. Effects to farmland would be studied more closely during project-level studies. In order to comply with the Farmland Protection Policy Act, Caltrans would be required to complete the U.S. Department of Agriculture Form AD-1006. The form was not prepared as part of this document because this study would not result in a project or acquisition of right-of-way but is instead focused on examining broad-range effects from the proposed alternatives. Project-level farmland conversion calculations would be made as projects are proposed.

This is a planning-level study with no design plans or funds for right-of-way acquisition or construction. At the project-level, any future build project must be prioritized in a short-range capital program and have a well-developed scope and precise budget to be built in a defined time frame.

Response to comment #6: All alignments were studied to the same level of detail. Typically, improvement to the existing system is required to be addressed among the full range of options when alternatives are formally considered. During the course of studies, Alternative 1 was not considered a viable alternative because of its impacts to the Kerman Ecological Reserve, a Section 4(f)-protected resource. The viability of Alternative 1 depends on a no-adverse impact or a de minimis finding on the effects of a future build project on the Kerman Ecological Reserve. Without this finding, Section 4(f) of the U.S. Department of Transportation Act of 1966 states that Caltrans would need to select a prudent and feasible alternative that avoids the reserve.

Caltrans has discussed with the California Department of Fish and Game in coordination with U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Army Corps of

Engineers measures that would avoid or minimize impacts to biologically sensitive areas along the proposed alignments. All agencies supported a design modification approach. Consequently, the preferred alternative proposes constructing a viaduct along the existing State Route 180 alignment to avoid adverse impacts to the Alkali Sink Ecological Reserve, proposed Alkali Sink conservation bank, and Kerman Ecological Reserve.

Each 1,000-foot-wide alternative was generally centered along Whitesbridge Avenue to allow for final alignment variations to be considered during project-level studies. This will minimize the possibility of additional studies if a portion of the project-level alignment were to be outside the route adoption corridor. For the same reason, portions of Alternative 2 and Alternative 3 were centered on Belmont, Shields, or the Houghton Canal.

Response to comment #7: The preferred alternative generally follows the existing Route 180 corridor. Please see response to comment #3.

Response to comment #8: One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland. Caltrans's policy is to avoid or minimize farmland impact to the maximum extent possible. However, State Route 180 is surrounded by farmland, which makes avoidance of farmland impacts impossible. It minimizes disruption to farmland, businesses and residences by generally staying along existing roadway corridors and bypassing Kerman's urban center.

Response to comment #9: The draft environmental document dated March 2011 for this route adoption study was the only draft environmental document released for public review. There was no previous draft.

The study area defines the boundary for any formal study of the alternatives. Defining the study area boundary is key to forming a systematic approach for developing and evaluating alternatives, and can prevent unexpected future project rework. The boundary of the study area is derived from the purpose and need of the study, alternatives, and logical termini. Constraints identified in previous technical studies, legal requirements, design standards, community input, funding limitations, and natural or human-made elements assist in the delineation of the study area. Consensus on the definition of the boundary of the study areas is the responsibility of the Project Development Team. The boundary of the study area must be broad enough to ensure that all the viable alternatives can be evaluated.

The decision to use 1,000 feet for each alignment was made to determine a location for a future State Route 180 for planning purposes, not to narrowly define a specific project before there are funds or traffic numbers to require it. Examining a larger area would limit diverting outside of

the selected alternative for the route adoption because the 1,000-foot width provides flexibility to appropriately place the 250-foot-wide to 350-foot-wide future expressway. This flexibility would allow avoidance of resources (businesses, residences, farmland, wildlife reserves, and wetlands) to the extent feasible.

A narrowly defined footprint at this time would limit this flexibility. Without project design of the future expressway at this time or knowledge of the development that may occur over time, these project-level decisions must occur when future projects are proposed.

The adopted route would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in western Fresno County as a way to preserve the transportation corridor from incompatible land uses. However, the ultimate decision on land use is determined by the planning authority of that jurisdiction.

Response to comment #10: The Project Development Procedures Manual section referenced continues with the following statement, "The selection decision must be structured, analytical, and clearly address the specific evaluation criteria developed for the project." The evaluation criteria were developed for a Tier I planning-level environmental document to adopt a route and not a project-level environmental document to build a project. A Tier I planning-level Environmental Impact Report/Environmental Impact Statement is conceptual and abstract in nature and contains a broad discussion of impacts, alternatives and mitigation. To the extent feasible, Caltrans considered all significant, reasonably foreseeable, adverse impacts that may remain to farmland after incorporation of all reasonable mitigation measures.

Response to comment #11: An accurate assessment of remainder parcels would not be appropriate at this planning-level stage of the study because the 1,000-foot-wide footprint for each alternative does not represent the actual right-of-way needed for the future expressway. For this study, it was assumed that a residential acquisition would be considered partial if any alternative does not touch a home or barn building, if access to the property would remain intact after future project construction, and the affected lot is a non-agricultural. Because of the 1,000-foot-wide footprint, it appears that most of the affected residential properties would be fully acquired. In actuality, this will not be the case since the ultimate expressway footprint for a project-specific design will be 250 to 350 feet wide.

It was assumed that a nonresidential acquisition would be partial if any alternative does not touch any building associated with the business/operation and if access to the property would remain intact after future project construction. Given these criteria, there are very few anticipated partial nonresidential displacements because nearly all of the affected businesses/operations sit within

500 feet of major affected roads in the study area. Therefore, these affected properties were considered to be full acquisitions.

Response to comment #12: It is impossible to avoid affecting farmland as the study area is surrounded by farmland. According to this study, the total acreage of impacts associated with each alternative appears to be considerable and comparable.

Response to comment #13: According to the decision tree, Caltrans may proceed with the environmental process without completion of the Form AD-1006 because selection of a preferred alternative for this route adoption would not lead to acquisition of right-of-way. Detailed farmland analysis, including completion of the U.S. Department of Agriculture Form AD-1006 would be done when future projects are proposed. Additionally, Caltrans received a comment from the California Department of Conservation recommending that any subsequent California Environmental Quality Act document address items that would provide a comprehensive discussion of potential impacts of the project on agricultural land and activities.

Response to comment #14: The U.S. Department of the Interior has reviewed the Section 4(f) evaluation for this study and concurred on the findings of the report (please see page 34).

Response to comment #15: Caltrans has discussed with the California Department of Fish and Game in coordination with the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers measures that would avoid or minimize impacts to these Section 4(f) resources along the proposed alignments. All agencies supported a design modification approach. Consequently, the preferred alternative would propose constructing a viaduct or other engineering design options along the existing State Route 180 alignment that would avoid adverse impacts to the Alkali Sink Ecological Reserve, proposed Alkali Sink conservation bank, and Kerman Ecological Reserve.

Response to comment #16: The final corridor route is selected by the Project Development Team after consideration of effects to the environment and public and agency comments. The preferred alternative is then recommended to the District Director for approval. The Project Development Team for this route adoption consisted of the project manager, functional specialists and managers, and local and regional agency representatives. The official adoption of the preferred route is an action taken by the California Transportation Commission. Commission meetings are usually open to the public. No permits would be required for this route adoption. More detailed project-level routes within that corridor would be determined and studied in more detail when there is a future need for the project and funding becomes available. Although the project may not happen for 50 years or more, a corridor would be preserved from development encroachment.

Response to comment #17: The County of Fresno Public Works and Planning Department is part of the State Route 180 Corridor Steering Committee and also has assumed the role of participating agency pursuant to Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU 6002). Because of this role, Caltrans has consulted with the County on items such as the study's purpose and need and the range of alternatives. Even prior to the initiation of Section 6002 coordination, Caltrans discussed with Lynn Gorman, Fresno County Deputy Director of Planning, about the decision to prepare a joint NEPA/CEQA document for the route adoption on November 14, 2007.

Response to comment #18: Please see response to comments #10 and #11.

Response to comment #19: All alignments were studied to the same level of detail for a Tier I planning-level environmental impact report/environmental impact statement. This type of study is conceptual and abstract in nature and contains a broad discussion of effects , alternatives, and mitigation-based on available information. The decision to use a 1,000-foot-wide corridor for each alignment was made to determine a location for a future State Route 180 for planning purposes, not to narrowly define a specific project for near-term construction. Examining a larger area would limit design straying outside the selected alternative for the route adoption. A 1,000-foot-wide corridor provides flexibility to appropriately place the 250-foot-wide to 350-foot-wide future expressway.

Response to comment #20: The study area is surrounded by farmland, so complete avoidance of effects to farmland would be impossible. Compared with the other viable alternatives under consideration, the preferred alternative was selected because it achieves an overall balance between effects to the environment. It minimizes disruption to farmland, particularly the creation of unfarmable remnant parcels, by generally staying along existing roadway corridors.

Response to comment #21: Caltrans has considered all comments from the public, resource agencies, Fresno County, affected cities, and organizations during the environmental review process and has recommended an alternative that combines the alignments of a modified Alternative 1, Variation 1A and Variation 1B. See Chapter 2, Preferred Alternative for more details.

Response to comment #22: The Section 4(f) balancing test, used to determine if there is a feasible and prudent avoidance alternative for the 4(f) property, balances the 4(f) property (including consideration of its relative value) against six factors. One of the six factors includes in its definition "multiple factors, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude." Even when the six factors are considered

along with the relative value of the resource for 4(f) purposes, the balancing test puts a "thumb on the scale" in favor of protecting the Section 4(f) property.

At least four known 4(f) properties are present along existing State Route 180: two wildlife reserves, a historic district, and a wildlife area. The Alkali Sink Ecological Reserve in particular is considered critical habitat for the state and federally endangered Fresno kangaroo rat. The only known surviving population of this species occurs at this reserve. There is an ongoing effort by the California Department of Fish and Game to reintroduce this species at the Alkali Sink Ecological Reserve and the Kerman Ecological Reserve. Habitat also exists at the Alkali Sink Ecological Reserve for the state and federally endangered palmate-bracted bird's beak. According to the U.S. Fish and Wildlife Service's Recovery Plan for Upland Species of the San Joaquin Valley, the California Department of Fish and Game has also targeted this plant species for habitat protection at the two reserves and the wildlife area.

Although the amount of farmland affected would be significant, it would not be considered an effect of an extraordinary magnitude when mitigation is factored in. The effects to farmland would not jeopardize the local farming economy because farmland is abundant throughout the region, and opportunities exist that would allow the purchase of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of farmland.

The preferred alternative minimizes effects to farmland by using the existing State Route 180 and Shields Avenue rights-of-way. At least three Section 4(f) properties would be avoided with the preferred alternative because it includes a viaduct that would span and avoid effects to the Alkali Sink Ecological Reserve and Kerman Ecological Reserve. The Sheldon residence would be avoided with a mandatory design exception near Cornelia on the existing State Route 180 alignment. Please see the response to comment #15.

2.15 Comment from John Ziegler

5-25-11

Dear Planner Norris,

I'm writing to request environmental information about the proposed Route 180 extension westward, which I read about in the May 2011 issue of Agriculture Today, published by the Fresno County Farm Bureau. I'm very interested in transportation issues in California.

I do not own a computer, so any materials you could send via the mail would be appreciated.

Thank you.

Sincerely,

John K. Ziegler
330 Irving Rd.
York, PA 17403-3908

Response to Comments from John Ziegler

Thank you for your interest in the route adoption study. A copy of the draft environmental document has been sent to you.

2.16 Comment from John Shehadey

Producers BAR 20-DAIRY FARMS
ALL STAR

May 9, 2011

Mr. Trais Norris
Senior Environmental Planner
2015 E. Shields Ave, Suite 100
Fresno, Ca 93726

Re: Route 180 Westside Expressway Route Adoption Study

Dear Mr. Norris:

Our family farms approximately 5,000 acres from Highway 180 to the San Joaquin River. We also operate a dairy on this property. Our property starts at Napa avenue and ends at approximately 2 ½ miles west at Calaveras avenue. We also have a second dairy and farmland on the south side of Highway 180 from Napa and to the west one mile. The southern border of our property ends at the railroad tracks.

I was greatly surprised to see some of the alternatives proposed by your planners after the meetings that were held previously with top officials at Caltrans who listened to our concerns and promised to make changes which would not severely impact farming interests west of Kerman. At that time, the plan was to go around Kerman to the north, then drop the route back to the existing highway 180 and go west. This would not have impacted our operation and many others in such a severe and destructive way. Since prior meetings, no one has contacted us or others in our area. This was promised before future plans were to be proposed. 1

I am especially concerned with your two alternatives to the north of 180 which would not only be extremely costly to Caltrans but would destroy our most valuable farmland and severely affect the daily operations to the effect of rendering our operation unprofitable. We have a business plan mandated in part by the San Joaquin Valley Air Pollution Control District (air quality regulations), California Regional Water Quality Control Board (water regulations), and other federal and state agencies. In order to comply with this situation, we have laid out our dairy and farming structure to not only comply with these mandates but also to try to survive as a business entity. We have many concerns that need to be addressed regarding your proposal. I strongly urge you and/or your staff to contact me as soon as possible. I can be reached at (559) 266-5055. 2

Sincerely,

John L. Shehadey
Managing Partner
Bar 20 Dairy Farms

Response to Comments from John Shehadey

Thank you for your comments on the route adoption study.

Response to comment #1: During the course of this study, Alternative 1 was dropped from consideration. However, due to responses from the community, including input from the meetings you refer to, Caltrans decided Alternative 1 should be studied. The recommended preferred alternative combines the alignments of a modified Alternative 1 (between Mendota and the western city limits of Fresno, except in Kerman), Variation 1A (between Interstate 5 and Mendota), and Variation 1B that bypasses Kerman to the north (see Figure 2-5). The preferred alternative bypasses Kerman north of the urban core before rejoining existing State Route 180 going west. This alternative was recommended because it generally follows existing roadway corridors as much as possible to minimize effects to farmland and farming operations.

Caltrans conducted public outreach pursuant to the requirements of the California Environmental Quality Act and the National Environmental Policy Act. Between February 8, 2006 and March 30, 2011, Caltrans held five public meetings for the study. Each one included public notices in newspapers and press releases. Also, several newsletters were sent to the public to update them on the status of the study, including information on any changes to the alternatives. The newsletters were sent to city and county officials, elected officials, resource agencies, organizations, and individuals on the mailing list from prior public meetings. Producers Dairy has been on the study's mailing list since 2006.

Response to comment #2: The preferred alternative generally follows the existing State Route 180 corridor and does not appear to significantly affect your farming or dairy property between State Route 180 and the San Joaquin River. Widening of the future expressway may require right-of-way along your dairy parcels just north of State Route 180 on the west side of Sonoma Avenue and just south of State Route 180 on the east side of Sonoma Avenue. Since the 1,000-foot-wide corridor allows flexibility in placing the ultimate expressway, it may be possible to shift the alignment south to avoid or minimize effects to dairy facilities on the parcel north of State Route 180. Further refinement to the preferred alternative would occur during project-level studies when subsequent projects are proposed.

2.17 Comment from Stephen Shehadey, Bar 20 Dairy Farms

Producers BAR 20 DAIRY FARMS ALL STAR

May 9, 2011

Mr. Trais Norris
Senior Environmental Planner
2015 E. Shields Ave, Suite 100
Fresno, Ca 93726

Re: Route 180 Westside Expressway Route Adoption Study

Dear Mr. Norris:

The proposed change to Highway 180 will have a drastic impact on our dairies, farming operations, and livelihood. We farm approximately 5,000 acres from Highway 180 to the San Joaquin River. Our property starts at Napa avenue and ends at approximately 2 ½ miles west at Calaveras avenue. We also have a second dairy and farmland on the south side of Highway 180 from Napa and to the west one mile. The southern border of our property ends at the railroad tracks.

Although each alternative would have a negative impact on our dairies and farms, the alternative 1 (using existing highway 180) would have the least negative impact on us. Alternative 1 would impact our dairy barn and corrals on the north side of the existing Route 180. It also would cause our water lines for the dairy on the south side of the existing Route 180 to be relocated.

The other two alternatives (alternatives 2 & 3) could cause drastic consequences on our entire operation. Based upon the information provided it appears that the current highway would be moved North near the river where it would basically eliminate hundreds of acres of feed for our dairy cattle. It would also eliminate several acres of our almond trees. It would negatively affect our irrigation lines and water sources that provide water for over 19,000 dairy cattle. Our cattle will not survive without a good water source. This plan would also have a negative impact on our nutrient management plan required by the water board to operate our dairy farm. The nutrient management plan requires us to allocate a specific number of acres for the application of the manure (liquid and solids) from the dairy cattle. Another extremely negative impact would be accessing our farmland north of the proposed Route 180 Westside Expressway. The only intersections listed are at San Mateo and James Avenue. There would not be any access from our

property north of the proposed 180 Expressway. We would have to transport farming equipment and workers over a mile to farm our land. 1

Flooding and river seepage will also be major concerns for the highway. Our farmland has a history of flooding when the San Joaquin River reaches capacity. Water also seeps onto our farmland during wet years. We are currently unable to harvest some winter forage due to river seepage flooding some of our farmland. 2

In conclusion, all three of these options will negatively affect our farming and dairy operations. Alternative 1 (using the existing Highway 180) would have the least negative impact on us. The other two alternatives would have drastic impacts on both our farming and dairy operations. Our family would be willing to met and discuss this plan at any time. Do not hesitate to contact me regarding this matter.

Sincerely,

Stephen J. Shehadey

Stephen J. Shehadey
Bar 20 Dairy Farms

Response to Comments from Stephen Shehadey

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative generally follows the existing State Route 180 corridor. The preferred alternative would maintain access to the future expressway at James Avenue and San Mateo Avenue.

Response to comment #2: While floodplain impacts cannot be fully assessed until future projects are proposed, there are standard Caltrans design features such as bridges or viaducts and culverts or underpasses that would be incorporated into those future projects to minimize impacts associated with floodplain crossings.

2.18 Comment from Don Mendrin, Bar 20 Dairy Farms

May 9, 2011

Mr. Trais Norris
Senior Environmental Planner
2015 E. Shields Ave, Suite 100
Fresno, Ca 93726

Re: Route 180 Westside Expressway Route Adoption Study

Dear Mr. Norris:

The proposed change to Highway 180 will have a drastic impact on my employer. They farm approximately 5,000 acres from Highway 180 to the San Joaquin River. The property starts at Napa avenue and ends at approximately 2 ½ miles west at Calaveras avenue. There is a second dairy and farmland on the south side of Highway 180 from Napa and to the west one mile. The southern border of the property ends at the railroad tracks.

Alternative 1 (using existing highway 180) would be the least harmful to the operation. Alternative 1 would impact the dairy barn and corrals on the north side of the existing Route 180. It also would cause the water lines for the dairy on the south side of the existing Route 180 to be relocated.

The other two alternatives (alternatives 2 & 3) will have severe consequences on the entire operation. Based upon the information provided, the current highway would be moved North near the river where it would basically eliminate hundreds of acres of feed for the dairy cattle. It would also eliminate several acres of almond trees. It would negatively affect the irrigation lines and water sources that provide water for over 19,000 dairy cattle. The cattle will not survive without good water. This plan would also have a negative impact on the nutrient management plan required by the water board to operate the dairy farm. The nutrient management plan requires the dairy to allocate a specific number of acres for the application of the manure (liquid and solids) from the dairy cattle. Another negative impact would be accessing the farmland north of the proposed Route 180 Westside Expressway. The only intersections listed are at San Mateo and James Avenue. There would not be any access from the property north of the proposed 180 Expressway. The company would have to transport farming equipment and workers over

a mile to farm our land. This would create a tremendous hardship to farm the northern acreage. 1

Flooding and river seepage will also be major concerns for the highway. The farmland near the river has a history of flooding when the San Joaquin River reaches capacity. Water also seeps onto our farmland during wet years. The company is currently unable to harvest some winter forage due to river seepage flooding some of our farmland. 2

In summary, all three of these options will negatively affect my employer's farming and dairy operations. Alternative 1 (using the existing Highway 180) would have the least negative impact on us. The other two alternatives would have severe impacts on the farming and dairy operations.

Sincerely,

Don Mendrin

Don Mendrin
Farming & Environmental Manger
Bar 20 Dairy Farms

Response to Comments from Don Mendrin

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans understands your concern about the effects of the future expressway on farming operations. One of the reasons the preferred alternative was selected was that it generally follows the existing State Route 180 alignment, thereby minimizing effects to farmland and farming operations. The preferred alternative would affect the least amount of prime farmland when compared with the other alternatives under consideration. The preferred alternative would maintain access to the future expressway at James Avenue and San Mateo Avenue. It is possible that the existing State Route 180 would become a frontage road to the future expressway; however, this would be determined during project-level studies.

Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. When future projects are proposed for construction, property owners would be compensated at the fair market value for their property as determined on the basis of the highest and best value. Caltrans would compensate property owners for moving and reestablishment expenses including relocation of irrigation lines. The Nonresidential Relocation Assistance Program provides assistance to businesses, farms, and nonprofit organizations in locating suitable replacement property and reimbursement for certain costs involved in relocation. For more information about the farm relocation assistance program, refer to Appendix D of this document or read the Relocation Assistance for Businesses, Farms, and Nonprofit Organizations brochure at the following website: http://www.dot.ca.gov/hq/row/pubs/business_farm.pdf

Response to comment #2: While floodplain impacts cannot be fully assessed until future projects are proposed, there are standard Caltrans design features such as bridges or viaducts and culverts or underpasses that would be incorporated into those future projects to minimize impacts associated with floodplain crossings.

2.19 Comment from Lee Higgins, Chevron Environmental Management Company

Chevron

Lee Higgins
Environmental Project Manager

Chevron Environmental Management Company
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790-6437
Fax (925) 790-6772
leehiggins@chevron.com

May 3, 2011

Stakeholder Correspondence – California Department of Transportation – District 6

Mr. G. William "Trais" Norris III
Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, California 93726

Subject: **Comments on the State Route 180 Westside Expressway Route Adoption Study – Draft Environmental Impact Report/Tier 1 Environmental Impact Statement and Section 4(f) Evaluation**
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Norris:

Chevron Environmental Management Company (CEMC) recently became aware of the State Route 180 Westside Expressway Route Adoption Study – Draft Environmental Impact Report/Tier 1 Environmental Impact Statement and Section 4(f) Evaluation. The purpose of this letter is to notify the California Department of Transportation (Caltrans) District 6 as to the location of formerly active crude-oil pipelines in Fresno County (Figure 1), and to provide background information about the former pipelines. The intent is that information regarding the location and construction of these pipelines will be incorporated into future project engineering and environmental plans.

Portions of the former Old Valley Pipeline (OVP) and Tidewater Associated Oil Company (TAOC) crude-oil pipelines existed in the vicinity of the State Route 180 Westside Expressway Route Study Area (Figure 1). The historic pipelines were constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. Operations for the OVP ceased in the 1940s, and in the 1970s for the TAOC pipelines.

The pipelines were originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipelines were typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipelines were taken out of commission. The degree and method of decommission varied; in some instances the pipelines were removed, while in others they remain in place.

Evidence of historic releases associated with the former OVP and TAOC pipelines is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline rights of ways (ROWs). Residual weathered crude oil associated with former OVP and TAOC operations can usually be observed visually; however, analytical testing is necessary to

confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historic release of crude oil from the pipelines is non-hazardous.

Figure 1 illustrates the location of the former OVP and TAOC ROWs with respect to the State Route 180 Westside Expressway Route Study Area.

CEMC recommends that Caltrans be prepared to potentially address residual weathered crude oil, pipeline, and ACM from the former OVP and TAOC pipelines during subsurface construction activities. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of progress regarding the proposed project and any encountered petroleum, pipelines, and pipeline-related ACM in the vicinity of the former OVP and TAOC ROWs.

For more information regarding these historic pipelines, please visit http://www.hppinfo.com/. If you have any questions, require additional information, or would like to request more detailed maps, please contact SAIC consultants Tom Burns (thomas.a.burns@saic.com) at (916) 979-3748 or Daniel Anzelon (daniel.b.anzelon@saic.com) at (858) 826-3316.

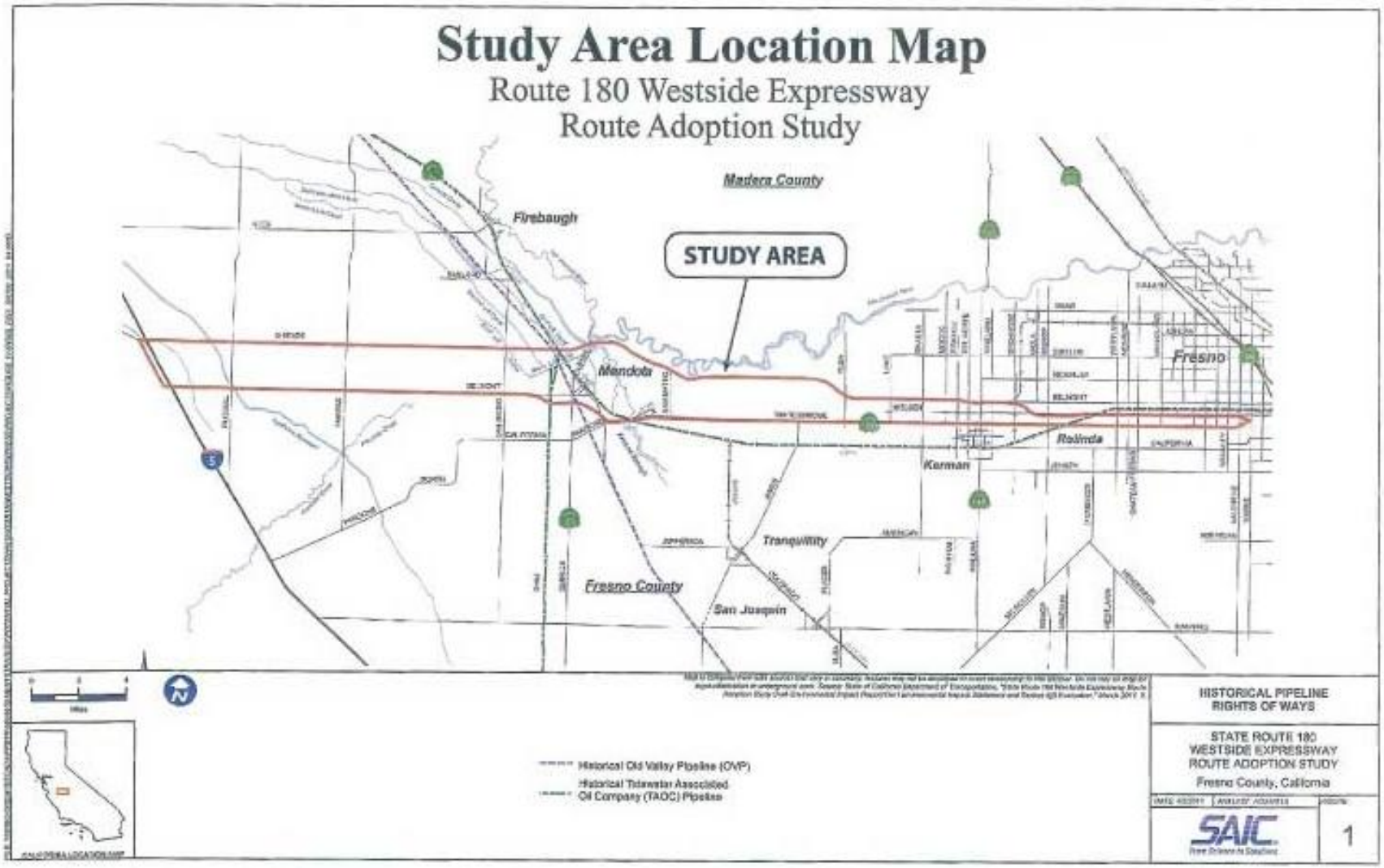
Sincerely,

Lee Higgins

LPH/klg

Enclosures:
Figure 1. Historical Pipeline Rights of Ways – State Route 180 Westside Expressway Route Adoption Study

cc: Mr. Tom Burns – SAIC
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Hurd– SAIC (letter only)
1000 Broadway, Suite 675, Oakland, California 94607


Study Area Location Map
Route 180 Westside Expressway
Route Adoption Study
Madera County
Firebaugh
STUDY AREA
Mendota
Fresno
Raisin
Kerman
Tranquillity
Fresno County
San Joaquin
Historical Old Valley Pipeline (OVP)
Historical Tidewater Associated Oil Company (TAOC) Pipeline
HISTORICAL PIPELINE RIGHTS OF WAYS
STATE ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
Fresno County, California
SAIC
1

Response to Comments from Chevron

Thank you for your comments on the route adoption study. Caltrans follows department policies and guidelines for dealing with hazardous waste and hazardous materials. The Project Development Procedures Manual, Standard Environmental Reference, and Hazardous Waste Guidelines ensure that our department adheres to the appropriate handling of hazardous wastes and substances before, during and after construction. This includes areas of stained soil from petroleum hydrocarbons and asbestos-containing materials. Caltrans investigates/samples all potential sources of contamination to soil and groundwater prior to acquiring right-of-way. Caltrans would coordinate with Chevron prior to conducting sampling activities and would provide Chevron sampling results upon request.

Caltrans appreciates the information that Chevron has provided regarding where the preferred alternative crosses historic-era pipelines. Caltrans right-of-way utilities and survey staffs typically identify and coordinate with utility owners affected by a project. All utilities will be incorporated into engineering design plans during the project-level phase of future projects.

2.20 Comments from Charles Ettner and Grace Pivovaroff

The following individuals submitted comment letters concerning impacts of the route adoption study to the Russian Molokan community. A collective response to the letters from these individuals is provided following the comment letters.

Comment from Charles Ettner

Charles Ettner <charlese@csufresno.edu>

Charles Ettner
<charlese@csufresno.edu>
05/16/2011 05:06 PM

To Marta Frausto <marta_frausto@dot.ca.gov>
cc
Subject Freeway 180 extension and the Molokan community north of Kerman

Hello Marta,

I am looking to make contact with the project manager and environmental planners involved with the proposed extension of Freeway 180 W that will pass by Kerman toward I-5. My project concerns protecting and preserving the integrity of a Molokan religious sect, the only surviving religious farming community of its kind in the U.S.A., established in 1917, just north of Kerman.

More specifically, two of the proposed routes for extending freeway 180 go directly through the heart of the Molokan farming community (a group of roughly 300 active families), and would cause a significant dislocation of the historical core group. This very likely would disrupt group integrity and quite possibly lead to group deterioration and demise.

Any assistance you can provide would be very much appreciated. Many thanks in advance.

Respectfully,

Charles Ettner, Ph.D.
Department of Anthropology
California State University, Fresno
Summer contact: 559 229-3089
Cell phone: 559 999-3825

Comment from Grace Pivovaroff

Grace Pivovaroff
<mgpivo@sebastiancorp .net>

06/01/2011 09:02 PM

To <trais_norris@dot.ca.gov>
cc
Subject Hwy 180 western extention

The western extension of highway 180 through Kerman is a concern for our family and community. We are part of a group of Russian Christians who began settling in 1917 when Kerman was not much more than plots of land. Our community settled here in the central valley and specifically here in Kerman to continue the farming traditions they brought here from Russia.

We are in our fourth generation of farming land that, at present, is in jeopardy of being made part of highway 180 if the northern routes are further considered. It is not just our immediate family but also other generational farming families of our Russian Christian Molokan community as well. Many of our community's farming families are established right along the corridor north of Whitesbridge roughly between Dickenson to Lake Ave.
These routes north of Whitesbridge do not just affect single families but our community as a whole because so many of us lay in hwy 180's proposed path. Here in Kerman, we have four churches and our community center which includes a school . Relocating a single family farm is one thing, relocating an entire community is another.

It is understandable that such a project affects those in it's path. We are asking for serious consideration of options that keeps this Hwy. expansion away from our farms, our history, and future.

Thank you.

Grace Pivovaroff

Response to Comments from Charles Ettner and Grace Pivovaroff

Thank you for your comments on the route adoption study.

Caltrans has coordinated with Russian Molokan community members during the scoping and environmental processes of the study. Between February 8, 2006, and March 30, 2011, Caltrans held five public meetings for the study. Each one included public notices in newspapers and press releases. Also several newsletters were sent to residents that were on the mailing list from prior public meetings. According to meeting records, many Russian Molokan community members attended these meetings. Although not all Russian Molokan-owned properties can be avoided, a good faith effort has been made to minimize effects to Russian Molokan-owned properties within the study area. Caltrans took into consideration the location of four churches, a cemetery, and the community center. This effort resulted in changing the alignment for Alternatives 2 and 3 between Lake Avenue and Siskyou Avenue to avoid these locations and minimize effects to Russian Molokan-owned parcels.

Caltrans met with community spokesperson Mr. Morris Pivovaroff on November 7, 2006. Mr. Pivovaroff provided background information on the community and conducted a tour of the area. Mr. Pivovaroff provided mapping that showed the locations of homes, a cemetery, places of worship, and preferred expressway routes. The Russian Molokan community is an ethno-religious Russian group that migrated to the area in the 1920s. The community is composed of more than one hundred homes relatively dispersed throughout Kerman but generally located in an area bounded east and west by Butte Avenue and Jameson Avenue and north and south by the San Joaquin River and the San Joaquin Valley Railroad.

With the intent of minimizing potential future adverse effects to cultural and socioeconomic resources, five route variations were assessed that follow along major east-west streets through the Russian Molokan community. The following was gathered for the data compilation process: parcel number, ownership name, percent of owners with Russian surnames, structures affected, crop acreage, and proportion of agricultural parcels taken. The data were tabulated and compared for each of the five route variations with emphasis on issues such as how many parcels would be split or otherwise rendered unusable. Note, this was only an informal assessment of community composition based only upon surname identification and information provided by Mr. Pivovaroff. When projects are proposed for construction, it would be necessary to gather additional field data to more accurately depict the spatial extent of this community. Results of the 2007 analysis indicated that two route variations would result in the least potential effects to parcels presumed to be owned by people of Russian Molokan descent: an alignment to the immediate north of Whitesbridge Avenue representing the probable southernmost extent of the

community and an alignment to the immediate south of Belmont Avenue. These variations were incorporated into Alternatives 1, 2, and 3.

Except for a bypass north of Kerman's sphere of influence boundary, the preferred alternative would generally use the existing State Route 180 and Shields Avenue corridors for the future expansion of the highway to minimize effects to farmland. The bypass was requested by the City of Kerman to minimize effects to businesses and residences in the city's urban core. The city indicated that the Kerman Bypass (Variation 1B) was a strategic dividing line between urban development and agriculture. There is potential for this bypass to affect Russian Molokan-owned properties as well as other non-Russian Molokan-owned properties; however, effort has been made to minimize effects to Russian Molokan-owned properties by avoiding locations of churches, a cemetery, and the community center.

The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in the Westside to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does not imply near-term development of the corridor. Subsequent projects would occur over time, in response to expected future demand and availability of funding, and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more.

The Russian Molokan community resides within the city of Kerman and promotes community cohesion through ethno-religious-based cultural traditions and customs amongst its members. Based on the level of community participation, members within the route adoption study area at the public meetings for the study show that connectedness within the community is high throughout the study area. The potentially affected area under study is considered rural in nature, and typically, residents in rural areas are more cohesive than in urbanized areas. Rural residents tend to know one another and meet frequently at local businesses, post offices, schools, and churches. This statement is supported by the 2000 census data: 52 to 63 percent of residents in the study census tracts lived in the same house in 1995 compared 51 percent countywide and 47 percent in urbanized city of Fresno.

The Russian Molokan group in and around Kerman regularly gather based on religious tenets. Russian Molokan residences, school, and other associated sites and/or buildings are dispersed throughout both the city of Kerman and the city's sphere of influence. The proposed route adoption has the potential to create a barrier to interaction between parts of a community.

However, based on input received from members of the Russian Molokan community, Alternative 1 (Extend and Expand Existing Route 180) is perceived to have the least potential to create a barrier to interaction between parts of their community. Furthermore, some of the route alternative alignments under consideration cross existing clusters of homes or communities situated within the study area. It is possible that with careful placement of the final route alignment during project-level studies, negative effects to neighborhood and community cohesion would be minimized.

Caltrans acknowledges the possibility of moving from a long term home and/or community is difficult. In building a transportation system designed to benefit the public as a whole, the displacement of a small percentage of the population is often necessary. It is the policy of Caltrans that displaced persons would not suffer unnecessarily as a result of these projects. Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans will provide property owners with moving and related expense payments in addition to purchase differential payments. The differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment will assist in purchasing a comparable replacement dwelling.

When future development is taken into account, as described in Section 3.1.1.1 Land Use, there appears to be more than an adequate supply of replacement housing and rental properties in the in the Kerman area. However, there may be instances when the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will use a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate, or modify housing to meet the needs of the people displaced as a result of a project. For more information about the program, please visit this website: http://www.dot.ca.gov/hq/row/pubs/residential_english.pdf

2.21 Comment from Nick Leontieff

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: NICK LEONTIEFF PETE A. NAZAROFF FARMS

ADDRESS: 3107 W VICTOR CITY: VISALIA ZIP: 93277

Organization/ Affiliation: OWNER OF PETE A. NAZAROFF Phone: 559 7327461

Would you like to be added to the State Route 180 project mailing list? ☑ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

I DON'T THINK ALL POSSIBLE ALTERNATE ROUTES HAVE HAD ENOUGH STUDY AND CONSIDERATION. 1

ALSO AS OWENERS AND OPERATORS OF THIS SITE, IT HAS ~~BEEN~~ BIN IN EXISTANCE SINCE 1936 AND IS CONSIDERED A BUSINESS AND THERE FOR WE ARE BUSINESS PERSONS 2

THE BUSINESS IS LOCATED AT 17066 W. BELMONT KERMAN, CA. 3

THANK YOU!

Caltrans

Response to Comments from Nick Leontieff

Thank you for commenting on the route adoption study.

Response to comment #1: The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 in western Fresno County using evaluation criteria developed for a Tier I planning-level environmental document to adopt a route and not a project-level environmental document to build a project. A Tier I planning-level environmental impact report/environmental impact statement is conceptual and abstract in nature and contains a broad discussion of impacts, alternatives, and mitigation. Caltrans believes that potential alternatives were adequately considered during this study. The alternatives and their variations were assembled as a result of an exhaustive study initiated by Caltrans in 2006. Forty-eight potential route segments were assessed and assembled in a variety of combinations. The full range of alternatives was reduced to the present set through a multi-staged screening process that evaluated a broad range of factors that addressed purpose and need, cost, environmental considerations, and public input.

Response to comment #2: In this study, a property was categorized as a business if it was a nonresidential property, had a business name, and employed workers. The business-type categories included services/other commercial, agricultural, retail trade, industrial/manufacturing, and government/non-profit organizations. Some farm properties may not have been categorized as a business because they are residential farms and therefore categorized as a residence.

Response to comment #3: The property is north of Belmont Avenue between Shasta Avenue and Lassen Avenue. The preferred alternative generally follows the existing State Route 180 corridor and does not affect your property at this address.

2.22 Comment from Allan Nazaroff

COMMENT CARD

180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Allan Nazaroff

ADDRESS: 350 N Floyd CITY: Fresno ZIP: 93706

Organization/ Affiliation: Farming Phone: 843-4556

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

The family has been farming in this area between 180 & Kitchen for 70 years and by taking the 180 route down Kitchen will take away years of memories and are dreams of staying here, please take the route down Whitesbridge

THANK YOU! Allan Nazaroff

Response to Comments from Allan Nazaroff

Thank you for commenting on the route adoption study.

Except for the bypass north of Kerman's urban center, the preferred alternative generally follows the existing State Route 180 corridor. The property address provided in your letter is east of Floyd Avenue and south of Nielsen Avenue. The preferred alternative does not affect the property at this address.

2.23 Comment from David and Helen Nazaroff

COMMENT CARD

180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: David + Helen Nazaroff

ADDRESS: 278 N. Floyd CITY: Fresno ZIP: 93706

Organization/ Affiliation: Phone: 846-6577

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

+ County Sup. Phil Larson

I would like the following comments to be considered (please print):

I am a 3rd generation farmer on 22.5 ac of Thompson Grapes. Alternative routes 2+3 would go through our property. America was built on family farms + we are a dieing breed. Your Routes will destroy us. My farm will not be sold to an outsider for big bucks. It will be handed down to our children. Use Alternate Route 1. You already have 2 lanes + some areas 3 lanes. Use the existing Hwy 180 Route straight through + do not split up small family farms in Route 2 + 3.

THANK YOU!

Dave Nazaroff

Caltrans

Response to Comments from David and Helen Nazaroff

Thank you for commenting on the route adoption study.

Caltrans acknowledges your preference for Alternative 1 or the current State Route 180 alignment and understands your concern about the effects of the future expressway on the farming communities of western Fresno County. Because the study area is surrounded by farmland, complete avoidance of effects to farmland would be impossible. One reason the preferred alternative was selected is that it generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland and farming operations. The address of the property provided in your letter is east of Floyd Avenue and south of Nielsen Avenue. The preferred alternative does not affect the property at this address.

2.24 Comment from Jim and Sally Nazaroff

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Jim & Sally Nazaroff

ADDRESS: 360 N. Floyd CITY: Fresno ZIP: 93706

Organization/ Affiliation: Phone: 846-6106

Would you like to be added to the State Route 180 project mailing list? [X] YES [ ] NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

May 25, 2011

I would like the following comments to be considered (please print):

Use the current 180 corridor, Alternative 1, without any Variations. Using the current alignment will cause a less impact to the communities, leaving more farms in business. The other alignments will take away more farm land, cut up and disect farms, and disrupt the lives of third and fourth generation family farms. I am a third generation farmer in the path of routes Alternative 2 + 3. I do not understand why you would disrupt and cause hardship in trying to farm land that is disected into different shapes. That is also why you should not have the Rolindo and Kerman Bypasses. A farmer can not just pick up his business and move it to another location. For less economic impact on agricultre, communities, and family farms, use the existing 180 alignment straight all the way

THANK YOU!

Caltrans

Thank You

Jim Nazaroff

cc: Phil Larson
Fresno County Supervisor

Response to Comments from Jim and Sally Nazaroff

Thank you for commenting on the route adoption study.

Caltrans acknowledges your preference for Alternative 1 or the current State Route 180 alignment and understands your concern about the effects of the future expressway on the farming communities of western Fresno County. Because the study area is surrounded by farmland, complete avoidance of effects to farmland would be impossible. Therefore, minimizing impacts to agricultural land and residences was one of the criteria used to determine the corridor alternatives. The preferred alternative generally follows the existing State Route 180 alignment, thereby minimizing impacts to farmland and farming operations. This alternative minimizes disruption to farmland, particularly the creation of unfarmable remnant parcels.

Fresno County and the affected cities in the study area have strict policies in place to prevent unnecessary farmland conversion, but also understand the need for regional continuity with an improved transportation corridor in western Fresno County. Fresno County and the City of Kerman, City of Mendota, and City of Firebaugh all support the preferred alternative.

The address of the property provided in your letter is east of Floyd Avenue and south of Nielsen Avenue. The preferred alternative does not affect the property at this address.

2.25 Comment from Morris Pivovaroff

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Morris Mose Pivovaroff

ADDRESS: 15330 W. Ulrich CITY: Kerman ZIP: 93630

Organization/ Affiliation: Elder in the Molokan community Phone: 846-8365

Would you like to be added to the State Route 180 project mailing list? [X] YES [ ] NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

cel 246-8601
office — 243-8178
488 4030

I would like the following comments to be considered (please print):

1. put the new 180 Hwy south of Kerman 1

2. or widen 180 now 2

3. do not destroy peoples homes who have live there who have lived there in their life time (90 years)
4. do not disrupt a unique Russian Molokan community started in 1916 Only one of its kind in USA. Some families are still living in their original Homes 3

THANK YOU!

Caltrans

Response to Comments from Morris Pivovaroff

Thank you for your comments on the route adoption study.

Response to comment #1: Early scoping activities for a route to extend State Route 180 west to Interstate 5 found that a southern bypass of Kerman would add 1 to 2.25 miles to State Route 180, have a higher cost, and affect an additional eight to ten linear miles of farmland. Therefore, a southern bypass of Kerman was not carried forward for additional studies.

The City of Kerman and Kerman Unified School District have expressed their preference for a bypass outside of Kerman's sphere of influence and around proposed school sites as outlined in Kerman's 2027 General Plan.

The Kerman Bypass (Variation 1B) currently runs along the northern edge of Kerman's sphere of influence, which is between Nielsen Avenue and Belmont Avenue. The 1000-foot route adoption corridor is centered along parcel lines where possible. This variation moves the route 0.75 mile north of the existing route, causing 6 linear miles of affected farmland.

Routing a bypass just south of the railroad, following the railroad south as it crosses the existing State Route 180, also moves the route 1 mile south of the existing highway. This would affect 8 linear miles of farmland. A railroad loading yard exists at the southeast corner of State Route 145 and the railroad; the yard would have to be closed or relocated. If it is not possible for Caltrans to acquire the current railroad loading yard, the route would have to pass south of it, possibly along Church Avenue. A Church Avenue bypass would move the route 1.5 miles south of the existing route, affecting 8.5 linear miles of farmland.

The southern edge of Kerman's sphere of influence is between Annadale Avenue and Jensen Avenue. Bypassing Kerman along this southern edge would require routing the expressway 2.25 miles south of the existing route, affecting 10 linear miles of farmland.

Response to comment #2: The preferred alternative would generally use the existing State Route 180 and Shields Avenue corridors for the future expansion of the highway.

Response to comment #3: There is potential for the Kerman Bypass to affect Russian Molokan-owned properties; however, a good faith effort has been made to minimize impacts to Russian Molokan-owned properties within the study area. All alignment alternatives avoid the locations of churches, a cemetery, and the community center.

2.26 Comment from Mike and Vera Romanoff

Mike and Vera Romanoff
336 N. Lassen
Kerman, CA 93630
(559) 846-6829

June 1, 2011

Trais_norris@dot.ca.gov

Dear Mr. Norris:

This letter is in regards to the 180 extension and possibly the destruction of our home.

As you can see by our address above, we are located on Lassen Avenue in Kerman . According to one of the proposed plans, our home may be demolished. It is one of the plans to make Lassen an onramp to 180. We object to this plan. A few reasons are stated below:

1. Mike is unemployed and handicapped.
2. Vera cares for her elderly mother and works part time.
3. Mike and Vera are both up in age (employment is difficult to find).
4. Unable to refinance, let alone get a new mortgage loan to relocate.
5. We are a part of a small group of God abiding citizens in this area called the Molokans.
6. Due to gas prices, if we had to move away, it would be difficult to attend our Molokan church and Molokan community functions, currently located a few miles from us.
7. According to our constitution, the freedom of choice on where to live and our religious choice will be compromised if our home is taken away from us (will we indeed be able to buy another home with the monies we will be given for our land, seriously). 1

I, Vera Bogdanov Romanoff am an American citizen, a Russian Molokan whose parents migrated from the old country and made a home here in America. My parents lived in San Francisco on Potrero Hill. In 1963, we moved to Kerman amongst other Molokans. My dad wanted to farm, something his parents did in the old country. They (my parents) wanted the best for their family by living in the country, farming, raising their family, attend our Molokan church, participate in our Molokan community functions, attend the local schools and become part of the Kerman community and its' people is

what they anticipated and, thank God, here we are. The Molokans are a good, God fearing, peaceful people. We help others in need, we help each other, we respect the land, we provide nourishment to all, we are but a few.

Running the 180 freeway through our land will take away our rights. First, financially, it will be more costly to relocate the 180 freeway from its existing area, thus, as an American citizen, shame on you. It is hard for me to make a living and the monies the government will be spending on this project (the 180 re-design) should not be foolishly spend on an error caused by a group of people with bad planning. We strongly disagree with relocating 180. 2

Secondly, there is an existing plan – the original one, widening Whitesbridge. All you need is two more lanes, one on each side. Seriously, can no one else see this? Is it not obvious to continue the construction on what is now considered the 180 highway? 3

Thirdly, to save the extinction of living creatures (might I remind you, we as people are also living creatures – and the Molokans are but a few, do not scatter us). Use a few extra dollars and construct an overpass through the areas in question (to save those creatures from extinction) - easy enough.

Fourthly, why were we not notified directly of these choices. Yes, sure, it was advertised in the Kerman News, but we don't buy the newspaper. Shame on you twice, behind our back? Really now, you can spend billions on reconstruction, relocating 180 due to error, but we can not receive a letter notifying us of your proposals? What - expect us to let it go because we didn't pay attention? This angers us. You want our land and get it after you sneak it by the city. 4

Fifthly, with all this advertised now, can we truly sell our land if we freely decide to? Do you think it is "sellable" now? Can you not see the damage already caused all because someone somewhere made an error and think it will be alright to just uproot a lot of people, spend a lot more money than originally planned, and, we will be okay with it, and just go ahead with anything you want? 5

Sixthly, we are but a minority. Some of us (on this path of planned uprooting those in the way) may be wealthy, others not so wealthy – can we not be bothered by those trying to get their way for selfish gains?

We are done. We should be heard. And please let us live peacefully. Do not disturb us anymore. Do not relocate 180.

Mike and Vera Romanoff
see attachment, Molokan

No Excuse Needed

Editor — How tired I am of hearing about how rock concerts "draw drug users like flies". Drug users do not need an excuse like a rock concert to damage their minds and bodies. Nor do the thousands of social drinkers and alcoholics attending Wayne Newton concerts in Las Vegas. But we are in serious trouble when the country's leaders start to pronounce what popular forms of entertainment and expression we can and cannot see. Sounds like tactics used by some other super powers we know, doesn't it?

M. ANTHONY
Oakland

SHOULD BE MILK DRINKERS!

The Inevitable

Editor - Barney Clark has made medical history as has the artificial heart. Eliminating the pain and suffering from disease is perhaps one of our laudable achievements; the other side of all the pain and suffering we cause each other.

But we should not lose sight of the inevitable: Eventually we must die. Let us hope it can be of natural causes, and not by our own hand.

KENNETH MALEY
San Francisco

Response

Editor — Recently, the Friends of the Earth ran an ad in The Chronicle urging your readers to express their opposition to the environmental policies of President Reagan and Interior Secretary Watt. I have received thousands of coupons in response to that ad.

people, Watt has heard their message and are working hard to restore sensible land management policies.

MORRIS UDALL
Chairman, Committee on Interior and Insular Affairs
Washington, D.C.

Gandhi and Tolstoy

Editor — While in South Africa, in the 1890's, Gandhi drew his inspiration from Tolstoy, who advocated non-violent non-cooperation to fight injustice. Tolstoy, in turn, had been inspired by the Molokan (Milk Drivers) sect, a rural people in Russia who opposed violence and military service, hence inviting persecution. Tolstoy enjoyed their company and spread their views. Some Molokans managed to reach the United States and some settled in San Francisco, where they live on Potrero Hill.

It is interesting to observe the link from the pastoral Molokans to Tolstoy to Gandhi to Martin Luther King Jr. to the Oscar-winning film.

Chronicle 4/25/1983

DAVID KLUGMAN
Oakland

Ready to Scream

Editor — One more picture of Prince Charles falling off his horse and I'm gonna scream!

GREGORY TRAVEN
San Francisco

Quandary

Editor — The following lines appeared in a Chronicle column of April 13: "Angular and elegant, long-lived and complex. Style, power, depth, texture and grace."

Had I not known Anthony Dins

The American record in relation to Sartawi is not full of courage either. For many years, under both Republican and Democratic administrations, Sartawi was prevented from coming to the United States.

If those who praise Isam Sartawi now really mean it, they will do something about the ideas he cared for so passionately. The passion is there in the notes of my talks with him.

PEACE WAS of course the subject of Sartawi's passion. He believed that there was a will for peace, among Israelis and Palestinians, even when their leaders seemed uncompromising. "That's normal," he said. "People want to live. One of the sad things is the failure of the peace camp in Israel to get enough recognition in the United States or Europe."

But whatever happened politically in Israel, he wanted the Palestinians to act for peace — in their own interest, because war would not give them the homeland they wanted.

"I think we must come out unambiguously," he said, "for two states living side by side in peace: unilaterally, regardless of what the Israelis do. Chairman Arafat will have to decide, sooner or later."

QUESTION MAN / By Contl

What's Been Your Show Stopper?

(Opening night of Flower Drum Song, Palace of Fine Arts Theatre)

Fred Button, retired electrical engineer, Greenbrae:

I'm a peace lover, but I've only been thinking that way the last couple of years. July 4th our peace group marched in the Corte Madera parade and the reception we got moved me to tears.

ARTICLE PRINTED IN S.F. CHRONICLE MIGHT BE OF INTEREST

EZEKIEL 48:35

Response to Comments from Mike and Vera Romanoff

Thank you for your comments on the route adoption study.

Response to comment #1: Caltrans acknowledges that the possibility of moving from a long term home and/or community is difficult. In building a modern transportation system, the displacement of a small percentage of the population is often necessary. However, it is the policy of Caltrans that displaced persons should not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans will provide property owners with moving and related expense payments in addition to purchase differential payments. The differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment will assist in purchasing a comparable replacement dwelling.

When future development is taken into account, as described in Section 3.1.1.1 Land Use, there appears to be more than an adequate supply of replacement housing and rental properties in the study area. However, there may be instances where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will use a method called Last Resort Housing. Last Resort Housing allows Caltrans to construct, rehabilitate or modify housing in order to meet the needs of the people displaced as a result of a project. Caltrans can also pay above the statutory limits to make available housing affordable.

After negotiations are initiated, Caltrans will, within a reasonable length of time, personally contact the displacees to gather important information such as the following:

- Number of people displaced.
- Specific arrangements needed to accommodate any family member(s) with special needs.
- Financial ability to relocate into comparable replacement dwelling that will adequately house all members of the family.
- Preferences in relocation area.
- Employment or school location.

For more information about the program, please visit this website:
http://www.dot.ca.gov/hq/row/pubs/residential_english.pdf

Response to comment #2: Caltrans has coordinated with Russian Molokan community members during the scoping and environmental processes of the study. Between February 8, 2006, and March 30, 2011, Caltrans held five public meetings for the study. Each one included public notices in newspapers and press releases. Also, several newsletters were sent to residents that were on the mailing list from prior public meetings. According to meeting records, many Russian Molokan community members attended these meetings. Although not all Russian Molokan-owned properties can be avoided, a good faith effort has been made to minimize impacts to Russian Molokan-owned properties within the study area. Caltrans took into consideration the location of four churches, a cemetery, and the community center. This effort resulted in changing Alternatives 2 and 3 alignments between Lake Avenue and Siskyou Avenue to avoid the churches, cemetery, and community center and minimize effects to Russian Molokan-owned parcels.

Response to comment #3: The preferred alternative generally follows the existing State Route 180 corridor. State planning documents show that State Route 180 would ultimately be developed as an expressway only. An expressway is a limited-access highway, meaning that access to State Route 180 would be allowed only at selected public road intersections. No direct private road or driveway access would be allowed. Therefore, in addition to two more lanes, an expressway would require additional right-of-way for parallel frontage roads on one or both sides of the expressway to provide access to adjacent properties.

Response to comment #4: Following department policy, Caltrans made every effort to inform the public of its study. Caltrans hosted a total of five meetings open to the general public. Each one included public notices in newspapers and press releases. Also, several newsletters were sent to residents who, at previous public meetings, requested being placed on the mailing list. In addition, Caltrans was invited to speak at several Board of Supervisor, Council of Fresno County Governments, and city council meetings. All meetings were open to the public. See Chapter 5 for additional outreach activities.

Response to comment #5: The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected Westside cities to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does not imply near-term development of the corridor. Subsequent projects would occur over time in response to expected future demand and availability of funding and within the context of local and regional land use planning. Ultimately, construction of the expressway may not occur for 50 years or more. For this analysis, however, development of the

corridor is assumed to occur by 2030. Because of this, properties would most likely be sellable for some time.

2.27 Comments from Nathanael Shubin

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Nathanael Shubin

ADDRESS: 1695 N. Madera Ave CITY: Kerman ZIP: 93630

Organization/ Affiliation: Shubinoff@hotmail.com Phone: 559-974-3761

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

Stay on the original Route! Stay on Route A. green! 1
dont Sway up North! Stay on Hwy 180!
This is the King of Ag of the Entire world!
do more Studying on this. consider MY Family's
Farm and countless others. Including our Unique 2
Russian Christian Molokon Community.

Hear our crys!
THANK YOU!

Caltrans

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: Nathanael Shubin

ADDRESS: 1695 N. Madera Ave. CITY: Kerman ZIP: 93630

Organization/ Affiliation: Pivo Varoff Farms Phone: 559-974-3761

Would you like to be added to the State Route 180 project mailing list? ☒ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

Just Stay on whites Bridge Hwy 180, why move it North into Ag Land owned by hundreds of Farmers. 3
on Manning Ave its a exspressway with 65 mile Per Hour they did not need to make crazy turns.
The Fresno Kangaroo Rat, is also not mentioned along the other Endangerged Animals. 4

THANK YOU!

Caltrans

Response to Comments from Nathanael Shubin

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative generally follows the existing State Route 180 corridor.

Response to comment #2: Caltrans has coordinated with the Russian Molokan community members during the scoping and environmental processes of the study. Although not all Russian Molokan-owned properties can be avoided, a good faith effort has been made to minimize impacts to Russian Molokan-owned properties within the study area. This effort included changing the alignment for Alternatives 2 and 3 between Lake Avenue and Siskyou Avenue.

Response to comment #3: Placing the alignment along Manning Avenue would have a significant effect to farmland, residences and businesses as well as cause significant out-of-the-way travel and additional cost. A Manning Avenue alignment would, therefore, not fulfill the purpose and need of the route adoption.

Response to comment #4: The Fresno kangaroo rat is discussed in this document in Section 3.3.5 Threatened and Endangered Species.

2.28 Comments from David Siapin

COMMENT CARD

CALIFORNIA 180 Corridor Study

ROUTE 180 WESTSIDE EXPRESSWAY ROUTE ADOPTION STUDY
PUBLIC HEARING
FRESNO COUNTY, CALIFORNIA
March 30, 2011

NAME: DAVID SIAPINI

ADDRESS: 810 N. SISKIYOU CITY: KERMAN ZIP: 93630

Organization/ Affiliation: SELF Phone: 240.9422

Would you like to be added to the State Route 180 project mailing list? ☑ YES ☐ NO

Please hand in your comment card tonight or mail by the deadline: May 9, 2011 to:

Trais Norris, Senior Environmental Planner
Caltrans/District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726

I would like the following comments to be considered (please print):

YOU STARTED WORKING ON WHITESBRIDGE, STAY ON WHITEBRIDGE 1

THANK YOU!

Caltrans

5/24/11

To Whom It May Concern;

My name is David E. Siapin and I live in Kerman on Siskiyou just south of Belmont, with my wife and children. We live on a 2 acre parcel that was gift on our wedding 35 years ago from my in-laws.. My nephews farm the surrounding 40 acres around where we live.

Ever since the first meeting 3 or 4 years ago in the Kerman Community Center where I listened to representatives from Cal-Trans and City of Kerman about the westerly extension of the Highway 180, I was not in favor of it. Not just because it would take out my home and split my father-in-law's farm into *two worthless pieces*, but when that representative from the City of Kerman got up and said, "Kerman would grow out to the new 180", *I could not accept and agree to this!!!*

I drive a truck for my livelihood, mainly here in the valley. I have seen some changes over the past 35 years of driving, some good and some not so good. The Highway 152 going through Los Banos is a perfect example. For more than thirty-five years when I would drive through Los Banos it was a fairly small town, quick and easy to get through. As time went by, traffic began to build up, it became tighter for tourists to get to the bay area, and it was difficult for trucks to get to their destinations. The 152 going through Los Banos was a four-lane road with a median, not much different than Kerman has presently. There was no room for parking along the road in town, and it was difficult to pull in and out of cross streets and parking lots. When 152 got busier, Los Banos made the roads wider for more traffic and to make it easier to pull on and off the road. Businesses grew, and more businesses came. One can see as you drive through the town where the old town was and where the new city is. *The city of Los Banos grew* from a two-bit town to a small city by keeping Highway 152 running straight through it. 2

The city of Livingston had the old highway 99 going through town. When the state built the new highway 99, it went around the town. I would admit it did some good for traffic, but not for the city of Livingston. The city of Livingston did not grow. The city of Easton off highway 41, basically the same thing happened. Easton did not grow.

Keep the Highway 180 on the existing road. Have plans to make the road wider east and west of Kerman to accommodate new businesses, motels, etc. I realize city of Rolinda might not survive if this is done, but it is easier to move a small market, an auto parts store, and whatever else is out there, than to split up farms. Farms are businesses also, but they cannot pack up and move like other businesses. Cal-Trans are making plans on extending the 180 westerly from Fresno out to Kerman and beyond. It is unspeakable the farms they will destroy, *especially the smaller 20-60 acre farms*.

IF THEY HAVE TO BUILD A NEW HIGHWAY, JUST WIDEN THE EXISTING ROAD!

Thank you for reading this letter;

David E. Siapin

David Siapin
<siapin@sebastiancorp .net>
06/01/2011 10:31 PM

To <trais_norris@dot.ca.gov>
cc <som_phongsavanh@dot.ca.gov>
bcc
Subject 180 Comments: What is a Molokan?

Good Evening Trais:

I know something similar was already submitted at an earlier date after the scoping meeting, but I wanted to send something to refresh about the ethnic people I am trying to help perserve.

So who are these Molokans? They are a God fearing people who came to this country for religious freedom, They are a peace loving pacifist group who adhere to the Mosaic food and cleanliness laws. They believe that Jesus Christ is the son of God but do not celebrate traditional "Christian Holidays" such as Christmas but rather celebrate God's Holidays as written in the Old Testament. To stay in the faith, they only marry within their own faith They have a unique dress for when they gather for their many services: many men have full beards and wear Russian style shirts while the women cover their heads with Russian style scarves and wear special outfits. They speak their native Russian language and hold classes to teach their young. They are a quite people and keep to themselves. They do not get involved in politics or worldly affairs.

Molokans migrated to America starting in 1904 up until the start of WWI. They settled in the Los Angeles area where it was supposed to be but a temporary "resting place where the people were to recuperate their physical and material strength for the next move which was to be toward the farm." ***
Over the years many areas of suitable farmland was scouted and a few settled or colonized. But the only one that was successful that still thrives till this day is the community here in Kerman.

It was in 1916 when my grandfather seen an advertisement by the Kerchoff Land Company for newly formed irrigation land here in Kerman and scouted it out. He liked what he saw and convinced other families they could make a go of it in this new farmland. So seven families started the Molokan Community here in Kerman. In 1917 another group of Molokans came and joined them. Others have come and gone, but the families of some of these original settlers are the ones that are being threatened of losing their homes, their farms, their livelihoods. What our grandparents and great-grandparents went through in carving out this farmland so that future generations will be able to continue our way of life may be cut up in pieces and ran over by an expressway.

What has kept this unique group of people together and holding on to the customs of old is their **close knit community**, their language, and their traditions. If families lose their homes, where will they go? It's not like there are a lot of farms or small land parcels in the vicinity to buy. I am told there isn't any. A number of families will be forced to move out of the area in order to replace what they are losing. But by doing so, one will lose that what is keeping our way of life alive, and that is being close to the community. It is one thing to drive 10 minutes to attend a Russian Molokan Hymns class and quite another to drive a couple of hours or a couple of days! It's not like being a Baptist or Mormon where one can pick just about anywhere in the United States and find a church community of their faith. There isn't another Molokan Community in a prime farming area like here in Kerman. Like the poor endangered animals that are being protected from encroachments on their habitat, the Molokans need proctection from encroachments on their land least they become extinct!

3

David Siapin
<siapin@sebastiancorp .net>

06/01/2011 11:56 PM

To <trais_norris@dot.ca.gov>
cc <som_phongsavanh@dot.ca.gov>
bcc
Subject 180 comments: Save the endangered species Part I

When a public hearing was held in Kerman on March 30, 2011, on the 180 Westside Expressway Route Adoption Study, there were two things that caught people's attention:

1. the enormously long scrolled out maps with all the properties being affected by the 180 expressway corridor, and

2. all of the animals that will be effected with the construction of the proposed expressway.

One may ask why was there such a big focus on the animals? Really, how many people actually care about some toad or rat? Well, the environmentalists do and rightly so. Because if the environmentalists don't toot the horn for the little critters, most likely not much of anybody else will.

In the act of "progress" and "modernization" these animals will get run over by the equipment and chased out of their homes. When we are talking about a small indigenous area like the wetlands, there may be limited numbers of a particular animal. If they are destroyed, they could become extinct.

Again, why would the average person even care? Because even though people may not think too highly of an insect, that tiny bug plays an important role in the environment. It may be the primary food source for another animal, and in turn that other animal a food source for yet another animal. The "food chain" and the "cycle of life" plays an important role for all of us. By not caring and taking care of those who are helpless to help themselves, we may eventually be "shooting ourselves in the foot" so to speak. We are all part of the environment interacting will all other species and living beings. What affects one group can affect all other groups.

This is something I am sure you are keenly aware of. So why am I bringing this all up? Because it's not just plants and animals that need protection from being endangered of becoming extinct. People do to. People touch the lives of so many other people that we need to consider what the impact would be if "modernization" and "progress" were to endanger a group of people.

A people that needs protection are the Russian Christian Spiritual Molokan People. These people are a quite, peaceful people who keep to themselves. They for the most part do not get involved in politics or government affairs.

But even though the Molokans may be quite and are not widely known, they have unknowingly and indirectly influenced billions of people world wide.

How you wonder? Please stay tuned for Part II. I would like to reserve the right to add to this comment already in progress. 4

Response to Comments from David Siapin

Thank you for your comments on the route adoption study.

Response to comment #1: The preferred alternative generally follows the existing State Route 180 corridor.

Response to comment #2: The factors that affected growth along State Route 152 in Los Banos are different from those affecting communities in western Fresno County. Los Banos grew due to its proximity to the southern Silicon Valley. Housing costs went up because Los Banos is much closer to the coast. People were willing to commute to work centers near the coast and live in Los Banos in order to have more affordable housing. That type of commute pattern does not occur in western Fresno County since housing is relatively affordable near major employment centers like the city of Fresno. Also, many valley and inland residents use State Route 152 through Los Banos to travel to the coast for recreational purposes, adding traffic volume to the highway during holidays and weekends. When the economy fell, many new homes in Los Banos became empty and many developments that were planned dried up. Businesses in Los Banos have never been against a bypass there. Other conditions besides a road determine whether a town will grow or not.

Another thing to note is that the route for the bypass around Los Banos was approved in 1965. Although the project to construct this bypass was approved in 2007, the funding for it still has not been appropriated.

Response to comment #3: According to information received from a community representative in 2007 and data compiled of property owners with Russian surnames in the Kerman area, the Russian Molokan community is composed of more than one hundred homes, a school, and other associated sites and/or buildings that are relatively dispersed throughout both the city of Kerman and the city's sphere of influence. Generally, residences are bounded east and west by Butte Avenue and Jameson Avenue and north and south by the San Joaquin River and the San Joaquin Valley Railroad.

Although not all Russian Molokan-owned properties can be avoided, a good faith effort was made during the early scoping process to minimize effects to Russian Molokan-owned properties within the study area such as four churches, a cemetery, and the community center.

The proposed route adoption has the potential to create a barrier to interaction between parts of a community. However, based on input from members of the Russian Molokan community, Alternative 1 (Extend and Expand Existing Route 180) is perceived to have the least potential to create a barrier to interaction between parts of their community. Furthermore, some of the route

alternative alignments under consideration cross existing clusters of homes or communities situated within the study area. It is possible that with careful placement of the final route alignment during project-level studies, negative effects to neighborhood and community cohesion would be minimized.

Caltrans acknowledges the possibility of moving from a long term home and/or community is difficult. In building a transportation system designed to benefit the public as a whole, the displacement of a small percentage of the population is often necessary. It is the policy of Caltrans that displaced persons would not suffer unnecessarily as a result of these projects. Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans would provide property owners with moving and related expense payments in addition to purchase differential payments. The differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment would assist in purchasing a comparable replacement dwelling.

When future development is taken into account, as described in Section 3.1.1.1 Land Use, there appears to be more than an adequate supply of replacement housing and rental properties in the in the Kerman area.

Response to comment #4: This comment is in regard to the Section 4(f)-protected Alkali Sink Ecological Reserve, Mendota Wildlife Area, and the Kerman Ecological Reserve. The reserves and wildlife area provide habitat for many plant and animal species that are protected by state and federal laws. The Alkali Sink Ecological Reserve in particular is considered critical habitat for the state and federally endangered Fresno kangaroo rat. The only known surviving population of this species occurs at this reserve. Not all resources can be treated significantly equal in the context of Section 4(f) regulations. Section 4(f) requires more weight be put on protecting Section 4(f) resources than on other non-Section 4(f) properties protected by other federal laws. This is why any alignment that would encroach upon these resources was not considered. The preferred alternative would not affect these resources because this alternative includes a proposed viaduct that would span and avoid the Alkali Sink Ecological Reserve and Kerman Ecological Reserve. See response to comment #3 for a discussion regarding community impacts.

2.29 Comments from Susan Siapin

David Siapin
<siapin@sebastiancorp .net>
06/01/2011 04:10 AM

To <som_phongsavanh@dot.ca.gov>
cc <trais_norris@dot.ca.gov>
bcc
Subject 180 project: Endangered Ethnic Group...Registered???

Hello Som Phongsavanh!

I don't know if you will remember me or not, but we spoke at the March 30th meeting in Kerman. We discussed the Molokan people and the fact that a couple of the proposed routes cut into the farms and homesteads of this ethnic group. And by doing so will disperse a number of families and deteriorate many of their livelihoods. But most of all, the close knit community that we have here in Kerman is what is keeping this community alive and thriving. By dispersing families and their livelihoods it **will** affect this community and may even endanger the future existence of this farming community that was established nearly a 100 years ago!

You had mentioned something about the fact they (the Molokan's) were not a "registered" group. I gather that because they are not "registered" that they do not warrant protection?

I am not sure what it means or takes to be "registered." Buildings and monuments can be registered as being "historic." I am not sure about animals that are on the "endangered" lists, are they somehow "registered"? But I didn't know that people can be "registered" as such.

But the Molokans as a people **are** a recognized group and "registered" in some degree. Attached are two pdf files of documents I have come across that list the Molokans here in the valley. One is titled "Ethnic Groups in the Fresno Area" that was put together by the Cultural Arts Division of the City of Fresno back in 1980. The other is titled "Ethnic Communities in the Fresno Area" that is based on data accumulated by the Multi-Cultural Institute, Department of Anthropology, California State University, Fresno. This compilation of data began in June of 1977. 1

In addition, I have come across correspondence and documents addressed to and from various U.S. Government Agencies, including the President of the U.S., Congress, the War Department, Dept of Justice, District Courts, and other individuals regarding the Molokan people. These have been reprinted and are included in John K. Berokoff's book entitled "Molokans in America" (Stockton-Doty Trade Press, Inc., Whittier, CA, 1969) Here are a few excerpts. I copied them onto pdf files. See attached pdf files on the following:

Addenda I
This is a resolution that was recorded with the County Clerk of Los Angeles. It briefly describes the Molokan people. It states that "We are all Russian tillers of the soil and our aim is to establish ourselves here on farms in preservation of the sacredness of religion." This resolution is dated May 28, 1917.

Note: In the attached pdf "addenda" files the name Molokan may or may not appear. Our official name in Russian is "Spiritual Christian Jumpers." The name "Molokan" that we generally use was a "nickname" given to our people because they drank milk during lent when it was forbidden by the Russian Orthodox Church. It means "Milk Drinker" which comes from the Russian word "Moloko" which means milk. The

original name is "Spiritual Christians." In the 1830's the word "Jumpers" was added to distinguish from the "Constants." Since the arrival of Molokans in the United States, they many times add the word or words "Russian", "Sectarian", and "Molokan" to better describe our people. I hope this clarifies when reading the attached pdf files.

Addenda II

This is a petition to the President Woodrow Wilson. It briefly describes why the Molokan people left their birthplace and their "cultivated fields" to come to America. In the 3rd paragraph it states that "we are Russian farmers." This petition is dated June 2, 1917.

Addenda IV

This is a letter of petition to the Secretary of War in Washington, D.C. It refers to the petition filed in 1917 but adds to it to reflect current information at the time of it's writing. In the 4th paragraph it states "Among our people there are a great many farmers, most of whom reside at or near Fresno, California, and other places." This letter of petition is dated October 15, 1940.

Note: The above petition references Fresno. Fresno is used instead of Kerman because Fresno appears on the maps and is the general point of reference for Central California. How many people know where Kerman is located? But Kerman is and has always been the center of our farming community and it is were all the churches and community areas are located at.

Note: The above petition also mentions "other places" in reference to the farmers. None were large enough of a community (at that time) to note by name. At best they may have had a small church, but nothing else. At one time Arizona (in Glendale near Phoenix) had a good sized community of maybe over a 100 families. But during the depression, a great many families could not make a go of it in the desert and returned to the city or migrated to the Kerman area. Only a fraction of the families remained. When the city of Glendale enveloped the farms, some of the families sold out and moved to Kerman, some returned to Los Angeles, and the remainder dissipated into the American culture around them. Today there is no longer a Molokan community in Arizona. The church has closed it's doors some years ago. Whereas surrounding Kerman today there are six churches, a private cemetery, a community center comprising of a gymnasium, a multipurpose center, a school and a park.

There are many documentations regarding the Molokan people. Not only are there recordings filed, but we are established as "farmers." Its true that there are Molokans that dwell in the city due to economics, but in their hearts lives the desire to be on the land.

In the book called "A Stroll through Russiantown" by George Mohoff and Jack Valov (1996) in Chapter #17 entitled "Back to the Land" they write: "In the innermost recesses of many Molokan's mind, as well as deep down in the heart, is the yearning to settle and live the rest of the days on the farm. This nostalgic feeling is undoubtedly inherited from past generations of Molokans who made their living from the soil." and "The experiences of Molokans acquiring and settling on land in America has not destroyed the desire to return to the soil. 'It is written' they say that they should derive their livelihood from the land and it is prophesied that they must leave the city in search of a better religious environment."

Since the Molokan's arrival in the United States, many farming communities have been scouted and a several settled. Some were quite large and even successful for a time being, like Guadalupe Valley in Baja California, Washington, and Arizona. But they no longer exist. Of the few little farming pockets of Molokans sprinkled in California (i.e. Shafter, Porterville, Lindsey) or Oregon (i.e. Woodburn, Gervis) that exist today, they only comprise of a few families, if that!

There is no other Molokan farming community like we have here in Kerman left in the United States!

We want to keep our community intact. But a couple of the proposed routes for the180 Expressway cut through a number of Molokan family farms and homes. That endangers our way of life. Like the Blunt Nosed Tiger Lizard, we need protection from being run over by an expressway least we become extinct!

If you have any questions or need more documentation, etc, please let me know.

Susan Siapin
559.846.8747 H
559.978.9986 C

Cultural Arts Division of the City of Fresno.pdf Multi-Cultural Institue, Anthropology Dept (with stamp).pdf Addenda I.pdf

Addenda II.pdf Addenda IV.pdf

ETHNIC GROUPS IN THE FRESNO AREA

The Cultural Arts Division of the City of Fresno has identified and made contact with more than fifty ethnic groups in the Fresno area since April 1, 1980. This assessment of the ethnic community is made possible by the City of Fresno and a National Endowment For The Humanities grant. The purpose of the assessment is to survey the cultural resources of the ethnic groups to preserve their cultural heritage and share it with the community. The first section of the list consists of groups large enough to have an organization, club or church. The major ethnic groups are:

American Indians (at least 5 groups)
Armenians
Asian Indians
Basque
Blacks
Celtics (Irish, Scotch, Welsh)
Chinese
Czechoslavakian
Croatians
Danes
Filipinos
Finns
Germans
Germans from Russia (2 groups)
Greeks
Laotians (Hmong)
Italians
Italo-Albanians
Japanese
Jews
Koreans
Lebanese
Mexicans
Molokans
Norwegians
Pakistani
Poles
Polynesians (New Zeland, Hawaii, Tonga, Fiji, Samoa, Tahiti.
Portuguese
Serbians
Swedes
Ukranians
Vietnamese

The following represent ethnic groups that are small in number and do not have an active club or organization, but who have indicated an interest in preserving their heritage:

Assyrians
Cambodians
Dutch-Indonesians
Egyptians
English
Estonians
Ethiopians
French
Israelis
Lithuanian
Puerto Ricans
Russians
South Americans
Spanish
Thai

This data is based on a survey currently under way by the City of Fresno (May 31, 1980.) Cultural Arts Division. Anyone wishing to add information, please call Mabelle Selland at 488-1181.

We have had reports that there are representatives of the following groups, but we do not have a contact person. If you know of someone in one of these groups, please have them call 488-1181.

Canadians
Cubans
Dutch
Gypsies
Hungarians
Latvians
Syrians
Arabs (Yemeni Arabs)
Iranians
Swiss

ETHNIC COMMUNITIES IN THE FRESNO AREA

he Anthropology Department's inventory of ethnic and subcultural roups in the Fresno area was begun in June 1977. It now ncludes approxmitely 70 groups.

ong the "ethnic groups" or national communities identified so far are the ollowing:

erican Indians (at least five communities)
rmenians
ssyrians
asques
elgians
lacks (a heterogenous group)
urmese
ambodians
anadians
hinese (two ethnic groups)
zechoslavakians
roatians
ubans
anes
utch
gyptians
stonians
thiopians
ilippinos
inns
ermans
ermans from Russia
reeks
uatemalans
ypsies (three ethnic groups)
mongs
ndians
ndonesians
ranians
raquis
rish
talians
Italo-Albanians
Israelis
Japanese
Jews
Koreans
Laotians
Latvians
Lithuanians
Malaysians
Mexicans
Mien
Molokans
Norwegians
Okies
Pakistani
Poles
Portuguese
Russians
Salvadorians
Scots
Serbians
Sikhs
Swedes
Thais
Ugandans
Ukranians
Vietnamese
Welsh
Yemeni Arabs

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Fresno, California 93740
(209) 294-3002

Addenda I

ADVERTISEMENT

TO ALL WHOM THIS MAY CONCERN

At a meeting attended by 259 Russian Spiritual Christians (called Jumpers) which took place on the 28th day of May, 1917 at the house of Ivan G. Samarin, No. 122 S. Utah St. city of Los Angeles it was resolved to have recorded with the County Clerk of Los Angeles County, California, a certain resolution drawn up by this meeting of 259 Russian Spiritual Christians.

Ivan G. Samarin, Nikolai I. Agaltsoff, Rodion T. Kulikoff and Vasiley Z. Vedeneff were empowered by the meeting to sign this notice.

The following is the wording of the Resolution:

RESOLUTION

May 28, 1917

In view of the fact that we, Russian Sectarians, Spiritual Christian Jumpers, from different parts of Trans-Caucasia, having with great difficulties and sacrifices of our savings, left our birth-place in the first decade of the present century only for our religious convictions which do not admit military service or carrying of arms, making a home for ourselves in this peaceful and free country.

Wherefore, with enthusiasm we herewith witness: that all of us living in Los Angeles, California and other places, cannot on the strength of these religious views, enter any existing armies, including the conscription of recruits in United States which begins, as the newspapers say, on the 5th of June of this year, provided that that is to affect us also.

We are all Russian tillers of the soil and our aim is to establish ourselves here on farms in preservation of the sacredness of religion. Though a few of us were able to realize our desires, others were compelled to live for a while in the city by the lack of funds to buy land and farming tools.

Adenda II

PETITION

To His Excellency, The Hon. Woodrow Wilson, President of the United States of North America:

A petition of the Colony of Russian Sectarians Spiritual Christian Jumpers living in Los Angeles, California and other parts of the United States:

We have the honor to report to you that we are Russian farmers, followers of the faith of Spiritual Christian Jumpers, which forbids military service and carrying of arms. For the sacredness of which, upon refusing military service, our forefathers were persecuted by the authorities of the Tsars. Living through very much bitterness and bearing on their shoulders heavy burdens, they were subject to tortures, to mortal corporeal punishment by the rod, the knout, the cudgel etc. as well as confinement to forts, prisons, monasteries and mines; they were exiled from the beautiful parts of interior Russian to Siberia, to dark Asiatic Trans-Caucasia and other places, shedding much of their innocent blood from the iron shackles and hand-cuffs.

Upon the introduction of military service in Trans-Caucasia, we were compelled to leave our birth places, our cultivated fields, our homes and households, coming in the last decade to America, to a country worthy of peace and liberty, obtaining here for ourselves and families, a livelihood by the hardest kinds of labor, not burdening the country.

Judging by the general registration of the 5th of June of this year, it seems as though we unnaturalized foreigners must also participate in the military obligations now introduced here. But even the inclusion of our names in the military rolls is prejudicial to our consciences.

By virtue of the above we consider it necessary to notify you betimes that according to our religious convictions we cannot enter into the army of the country entrusted to your government, and to escape the possible future performance of which as well as prosecution for refusal, we ask to be exempted from its participation.

Herewith we append a resolution adopted by our community on th 28th day of May of this year.

The number of followers of this religion in America is approximately four thousand souls of both sexes, including children.

Delegates Ivan G. Samarin and Philip M. Shubin

June 2, 1917.

Addenda IV

To Honorable Henry L. Stimson,
Secretary of War, Washington, D.C.:-
by
The Colony of Russian Christian
Molokan Spiritual Jumbers, a
religious sect, of Los Angeles,
California,

WAR DEPARTMENT
Oct. 15, 1940
Secretary's Office

PETITION

In the month of June, 1917, the organized Brotherhood of Molokan Christian Spiritual Jumpers of Los Angeles, California, filed their petition with the President of the United States, praying for exemption of their young men from military service, for religious reasons.

Said petition was signed by representatives of 259 families only, because the special meeting for that purpose, was called on short notice, and all of the members of the organized Brotherhood therefore did not have the opportunity to be present.

We consider it necessary to inform you and whom ever it may concern, that with the increase during the last 23 years, the colony of Russian Christian Molokan Spiritual Jumpers, a religious sect, at the present time consists of approximately 1500 families, numbering about 10,000 persons.

Among our people there are a great many farmers, most of whom reside at or near Fresno, California, and other places.

Should it be requisite, we will furnish the names of all the heads of our families.

We respectfully submit the above stated facts and pray that you order that the names of the petitioners herein, be added to the original petition of the 259 families heretofore filed in June, 1917, as hereinabove stated.

Dated at Los Angeles, California, September 21st, 1940.

Respectifully submitted,
Moses Holopoff, 4340 Michigan Ave. L.A. Calif.
Moses E. Voloff—125 S. Gage St., L.A.

David Siapin
<siapin@sebastiancorp .net>
06/02/2011 12:28 AM

To <som_phongsavanh@dot.ca.gov>
cc <trais_norris@dot.ca.gov>
bcc
Subject 180 Comments: Environmental Document

This is in regards to the **Draft Environmental Impact Report/Tier I Environmental Impact Statement and Section 4(f) Evaluation**

I noticed in chapter two:

Alternative 3 between Yuba Avenue and Del Norte Avenue. Shown on Figure 2-5

as route alignment K, this was eliminated because of impacts to the Russian

Molokan community.

Som,

I think this is what you were referring to at the meeting held on March 30th in Kerman. What "map" was this based on? Do you have a copy you can send me? I would like to be given the opportunity to update that info for additional clarity if I am thinking correctly from where the original information came. 2

Thank you for working with our people up to this point. Its really appreciated. In the couple of times I have met with you, you have genuinely seemed to care and have taken interest. Thank you again.

Susan Siapin

David Siapin
<siapin@sebastiancorp .net>
06/03/2011 01:41 AM

To <trais_norris@dot.ca.gov>
cc <som_phongsavanh@dot.ca.gov>
bcc
Subject 180 comments: Save the endangered species Part II

Dear Trais,

This is the ending to what I sent to you on June 1, 2011:

Our President, Barack Obama, once said in an address to a joint session of the Parliament of India: "I am mindful that I might not be standing before you today, as President of the United States, had it not been for Gandhi and the message he shared with America and the world."

Mahatma Gandhi, nominated for the Nobel Peace Prize five times, had a message of peace and non-violence. His message was a big influence on Martin Luther King, Jr.. Martin Luther King, Jr. was a significant influence in this country. We even hold a holiday in his honour.

In turn, Mahatma Gandhi was greatly influenced by Leo Tolstoy (the famous Russian writer of such books as "War & Peace" and "Anna Karenina").

Leo Tolstoy was born into aristocracy. As a young man he lived a privileged life and one of indulgence. But his life took a crucial turning point starting in 1851 when he accompanied his brother to the Caucasus. It was there he encountered the free-spirited peasant people called the Molokans. He came to believe that the peasants' faith in God gave their lives meaning and a purpose. His writings began to reflect this change within him. His book, "An examination of dogmatic Theology", has been the basis for all the important nonviolent political resistance movements of the past century (Gandhi, Martin Luther King, Jr., Cesar Chavez, Nelson Mandela, etc.)

The Molokans influenced Tolstoy. Tolstoy influenced Gandhi. Gandhi influenced Martin Luther King, Jr. M.L.K. Jr. influenced the American people and the American people voted Barack Obama into presidency. So there you have it.

If the Five-Toed Kangaroo Rat deserves to be protected, don't you think that the Molokan people deserve the same consideration?

But I must add a disclaimer. No more can a little mouse agree with the big owl's taste for rodents, the Molokan's cannot claim support for any political movement as a result of their way of life.

Sincerely,

Susan Siapin

3

Response to Comments from Susan Siapin

Thank you for your comments on the route adoption study.

Response to comment #1: The law that protects minority populations is Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This executive order focused attention on Title VI of the Civil Rights Act of 1964 by providing that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." The fundamental principles of environmental justice requires Caltrans to avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations. A "minority" for purposes of Title VI and Environmental Justice under U.S. DOT Order (5610.2) is any person belonging to the following five groups:

1. Black (a person having origins in any of the black racial groups of Africa).
2. Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).
3. Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands).
4. American Indian and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).
5. Native Hawaiian or Other Pacific Islander - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

It is not always possible to completely avoid a minority population. When a project causes disproportionate adverse effects on a minority population, efforts are made to avoid adverse consequences. If they cannot be avoided, then efforts are made to minimize the magnitude of such impacts or to provide mitigation to reduce the impacts.

The Russian Molokan community does not fall under the Title VI definition of a minority group; however, Caltrans has made efforts to minimize impacts to the community. Caltrans coordinated with Russian Molokan community members during the scoping and environmental processes of the study. Between February 8, 2006, and March 30, 2011, Caltrans held five public meetings for the study. According to meeting records, many Russian Molokan community members attended

these meetings. Caltrans met with community spokesperson Mr. Morris Pivovaroff on November 7, 2006. Mr. Pivovaroff provided background information on the community and conducted a tour of the area. Mr. Pivovaroff provided mapping that showed the locations of homes, a cemetery, places of worship, and preferred expressway routes. The Russian Molokan community is composed of more than one hundred homes relatively dispersed throughout Kerman but generally located in an area bounded east and west by Butte Avenue and Jameson Avenue and north and south by the San Joaquin River and the San Joaquin Valley Railroad. Caltrans took into consideration the location of four churches, a cemetery, and the community center. This effort resulted in changing the alignment for Alternatives 2 and 3 between Lake Avenue and Siskyou Avenue to avoid these locations and minimize effects to Russian Molokan-owned parcels. Although not all Russian Molokan-owned properties can be avoided, a good faith effort was made to minimize effects to Russian Molokan-owned properties within the study area.

Response to comment #2: In 2007, Caltrans analyzed several variations through the city of Kerman with the intent of minimizing potential adverse impacts to cultural and community resources. The data were tabulated and compared for each variation, with emphasis on issues such as how many parcels would be split or rendered unusable. Only an informal assessment of the Russian Molokan community composition was conducted, based on surname identification and mapping provided by Mr. Morris Pivovaroff. In this analysis, Variation K was eliminated from further consideration due to a relatively high percentage of potential property acquisitions, including Russian Molokan-owned properties.

Response to comment #3: See response to comment #1.

2.30 Comment from Harlow Dawson

Dear Caltrans,

I have major concerns about one of the alternatives of the proposal for SR 180 as it passes the community of Rolinda.

Alternative 1 variation 1C would cut a destructive path through the middle of all our properties. If you were to "cut our farms in half" with this proposed route it would require some farmers to drive more than 3 miles and be forced to drive through other farms where no roads currently exist, just to get to the other half of their properties. Caltrans would only take a small amount land from each farmer so the compensation paid to each farmer would in no way compensate us for the actual financial losses some of which would include:

1. The increased time and expense of traveling from one half of the farm to the other.
2. Our pumps and access to canal water would be on north side and the south side would have to be irrigated separately causing us to do twice the work we are doing right now.
3. The variable cost to farm the acreage that would taken is insignificant, but the total production of some farms could by as much as 10% or more.
4. We will also have to create a buffer zone on both sides of the express way in order to maintain our current level of productivity, this is land we cannot use to farm but will not be compensated for.
5. If Cal Trans purchases 2 acres of land from us, we wont be able to buy a 2 acre parcel for the amount of their reimbursement, we will be forced to take the economic loss. 1

This area is comprised of small family farms, most of which have been passed down through several generations. We are currently forced to compete with large corporate ranches who have massive cost advantages over us because they are able to purchases supplies at greatly discounted rates and have the capitol and the economies of scale to purchase expensive automation equipment. Fuel prices are up, the prices of commodities are down, and it is a struggle for most small farmers just to provide for their families. If Caltrans takes this land it could mean an end to our way of life and take away our ability to provide for our families.

To use Alternative 1 with no variations would disrupt the entire community of Rolinda from Grantland to Dickensen. 2

All three of Caltrans proposals around the Rolinda area have some part of my property within it.

I urge not you to use alternative 1 variation 1C use and use alternative 2(if you want a recommend best alternative.

Sincerely,

Harlow S Dawson
6355 N Third
Fresno, CA 93710
559-449-8268

STATEMENT OF FACTS

Caltrans is about to extend 180 from the existing end of freeway 180 to I-5. They have three different proposals as it travels through the community of Rolinda.

We are allowed to have some input at this point, but ONLY BEFORE: May 9, 2011.

The least desirable alternative will go from Jameson Ave. to Westlawn Ave. anywhere from 750 feet north of Whitesbridge to 800 feet south of the canal, which will cut our farms in half potentially causing great disruption in our farming practices.

When Caltrans acquires land they take the low fair market value less property owners cost to hire an attorney less general closing costs. They WILL NOT cover the actual losses associated with their acquisition. Those of us that have dealt with their acquisition methods can testify it is no fun. 3

I have attached a copy of the letter I am sending to Caltrans voicing my concerns. If you have the same concerns feel free to copy the letter or make one or your own, but YOU MUST SEND IT BY: May 9, 2011

G. William "Trais" Norris III
Senior Environmental Planner
Sierra Pacific Enviromental Analysis Branch
California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Or: trais_norris@dot.ca.gov

Be sure to put your name and address on any letter.

Sincerely,

Harlow S Dawson

Response to Comments from Harlow Dawson

Thank you for your comments on the route adoption study.

Response to comment #1: The future expressway may significantly affect farming operations and values. Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans would compensate property owners for moving and reestablishment expenses. The Nonresidential Relocation Assistance Program provides assistance to businesses, farms, and nonprofit organizations in locating suitable replacement property and reimbursement for certain costs involved in relocation. For more information about the farm relocation assistance program, refer to Appendix D of this document or read the Relocation Assistance for Businesses, Farms, and Nonprofit Organizations brochure at the following website: http://www.dot.ca.gov/hq/row/pubs/business-farm/pdf

Response to comment #2: The preferred alternative would minimize impacts through the community of Rolinda by placing the ultimate expressway on the side of existing State Route 180 where there are the least impacts to residents and businesses.

Because the study area is surrounded by farmland, complete avoidance of effects to farmland would be impossible. Compared with the other viable alternatives under consideration, the preferred alternative was selected because it achieves an overall balance in regard of effects to the environment. This alternative minimizes disruption to farmland, particularly the creation of unfarmable remnant parcels, by generally staying along existing roadway corridors. The preferred alternative would minimize effects through the community of Rolinda by placing the ultimate expressway on the side of existing State Route 180 where there are the least impacts to residents and businesses.

The purpose of this study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in the Westside to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does not imply near-term development of the corridor. Subsequent projects would occur over time in response to expected future demand and availability of funding and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more.

Major highways such as State Route 180, State Route 41, and State Route 168 in the general area were defined in 1963 by the Legislature and existed in some form from 1933–34 before their current routing was established. For example, before the current routing was established, Route 41 entered via Elm Avenue, followed C Street to Fresno Street, then merged with Route 180 northeast to Broadway (US 99). Route 41 continued north with US 99 to Stanislaus Street and then north on Stanislaus to Blackstone Avenue. State Route 41 and State Route 168 were not built until much later when the need was identified. State Route 168 through Fresno was not built until the late 1980s.

Response to comment #3: Caltrans acknowledges the possibility of moving from a long term home and/or community is difficult. In building a transportation system designed to benefit the public as a whole, the displacement of a small percentage of the population is often necessary. It is the policy of Caltrans that displaced persons would not suffer unnecessarily as a result of these projects. Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans would provide property owners with moving and related expense payments in addition to purchase differential payments. The differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. This payment would assist in purchasing a comparable replacement dwelling.

2.31 Comments from Mary Arrigoni, Donald Reinhardt, Alice Wagenlectner, and Cameron Wulf

The following individuals submitted identical comment letters. A collective response to each comment from these individuals is provided following the comment letters.

Dear Caltrans,

I have major concerns about one of the alternatives of the proposal for SR 180 as it passes the community of Rolinda.

Alternative 1 variation 1C would cut a destructive path through the middle of all our properties. If you were to "cut our farms in half" with this proposed route it would require some farmers to drive more than four miles and be forced to drive through other farms where no roads currently exist, just to get to the other half of their properties. Caltrans would only take a small amount land from each farmer so the compensation paid to each farmer would in no way compensate us for the actual financial losses some of which would include:

1. The increased time and expense of traveling from one half of the farm to the other.
2. Our pumps and access to canal water would be on north side and the south side would have to be irrigated separately causing us to do twice the work we are doing right now.
3. The variable costs to farm the acreage that would be taken is insignificant, but the total production of some farms could by as much as 10% or more.
4. We will also have to create a buffer zone on both sides of the express way in order to maintain our current level of productivity, this is land we cannot use to farm but will not be compensated for.
5. If Caltrans purchases 2 acres of land from us, we won't be able to buy a 2 acre parcel for the amount of their reimbursement; we will be forced to take the economic loss. 1

This area is comprised of small family farms, most of which have been passed down through generations. We are currently forced to compete with large corporate ranches who have massive cost advantages over us because they are able to purchases supplies at greatly discounted rates and have the capitol and the economies of scale to purchase expensive automation equipment. Fuel prices are up, the prices of commodities are down, and it is a struggle for most small farmers just to provide for their families. If Caltrans takes this land it could mean an end to our way of life and take away our ability to provide for our families.

We urge not you to use alternative 1 variation 1C and use alternative 2 (if you want the recommend best alternative). 2

To use Alternative 1 with no variations would disrupt the entire community of Rolinda from Grantland to Dickensen.

Sincerely,

Mary J. Arrigoni

Mary J. Arrigoni
9874 W. Whitesbridge
Fresno, CA 93706

Comment from Donald Reinhardt

Dear Caltrans,

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Sincerely,

Donald L. Reinhardt

DONALD L. REINHARDT
9818 W. WHITESBRIDGE
FRESNO, CA 93706

Comment from Alice Wagenlectner

Dear Caltrans,

I have major concerns about one of the alternatives of the proposal for SR 180 as it passes the community of Rolinda.

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To use Alternative 1 with no variations would disrupt the entire community of Rolinda from Grantland to Dickensen. 2

Sincerely,

Alice Wagenlectner, Owner
Janice Meisner, Property Operator
863 N. Rolinda
Fresno CA 93723
May 4, 2011

Comment from Cameron Wulf

Dear Caltrans,

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Sincerely,

Cameron Wulf

Response to Comments from Mary Arrigoni, Donald Reinhardt, Alice Wagenlectner, and Cameron Wulf

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Chapter 3 Public Hearing Transcript

Transcribed comments of individuals who attended the public hearing on March 30, 2011

BEFORE THE CALTRANS ENVIRONMENTAL DIVISION
COUNTY OF FRESNO
-oOo-

State Route 180 Westside Expressway)
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The Hearing of the Route 180 Westside Expressway Route Adoption Study, taken on behalf of the CALTRANS Environmental Division, at the Kerman Community Center, 15101 West Kearney Boulevard, Kerman, CA 93630, commencing at 4:30 p.m., Wednesday, March 30, 2011, before Dominic F. LaMar, CSR # 13416.

APPEARANCES:

CALTRANS Environmental Division
2015 East Shields Avenue
Suite 100
Fresno, CA 93726

INDEX

STATEMENTS:

By James and Madeline Sheldon.....5
By Joe Porto.....6
By Phil Larson.....7
By Joe Porto (Continued).....7
By Paul Toste.....8
By Morris Pivovaroff.....8
By Gary Buchnoff.....11
By Susan Siapin.....12
By Jeff Yribarren.....17

KERMAN, CA, WEDNESDAY, MARCH 30, 2011
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BOB HULL: My name is Bob Hull, H-U-L-L. I'm the project manager for Caltrans for the State Route 180 Westside Expressway Route Adoption Study. Today is March 30th, 2011. It's 4:30 p.m. We are at the Kerman Community Center in Kerman, California. This is the public hearing for Project No. 06000000445.

The public hearing is to allow the public to receive information and comment on the Draft Environmental Impact Report and Teir 1 Environmental Impact Statement and Section 4F Evaluation for the project. We will now begin the meeting. Thank you.

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JAMES SHELDON AND MADELINE SHELDON

JAMES SHELDON: My name is James J. Sheldon, S-H-E-L-D-O-N, and my wife's name is Madeline Frances Sheldon. We live at 4770 West Whitesbridge Avenue, Fresno, California. Our property -- I didn't bring my glasses. This is page -- can you read the page number here? Can you see the page number on this?

THE REPORTER: 365.

JAMES SHELDON: Is there a section here?

MADELINE SHELDON: Can I find is for you, Jim? I have my glasses. Here, what do you want?

JAMES SHELDON: First of all, let me record the information. In the State Route 180 Westside Expressway Route Adoption Study on page 365, our property has been recognized as a 4F property. I don't think I need to go any further with that.

MADELINE SHELDON: No, we just want to say we prefer the northern route up towards Belmont Avenue, Alternative 2.

JAMES SHELDON: Also, what page were we on here? Also, on page 352, first paragraph, in the Appendix B, there's a write-up explaining why we are 4F. It makes it simple. Therefore, we will be environmentally impacted if Caltrans uses -- what will be the lower expressway on it? 1

MADELINE SHELDON: The point is we want Alternative 2 to the north.

JAMES SHELDON: We need to have Caltrans use the Alternative -- the northern alternative to avoid being environmentally impacted.

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JOE PORTO

JOE PORTO: My name is Joe Porto, P-O-R-T-O. I'm representing Porto Brothers Farming. We currently farm a section of land on the very end of Belmont and Yuba, Y-U-B-A. Two out of the three proposals would

terribly disrupt our farming operation because you would be going across your vineyards on a diagonal, as the proposed freeway goes from Neilson to Olive. You're going by way of through our vineyards. I would strongly disapprove of that. We strongly wish you would consider staying on the old 180 Route, disrupting least amount of farmland, because as we keep hearing, farmland is a rarity. So we would sure wish you would stay on the current 180. Any questions, please call me at (559) 908-6699. My name is Joe Porto. 2

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PHIL LARSON

PHIL LARSON: My name is Phil Larson, Fresno County Supervisor, L-A-R-S-O-N. My concern is that the present alignment, the green as shown in the maps, to me make more sense than any of the other alignments put together, especially between Brawley and west of Kerman. And then, go back to the present alignment and go through and come up on I-5, either Belmont or Shields, whichever they choose to do. That's my comment. 3

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JOE PORTO (CONTINUED)

JOE PORTO: This is Joe Porto again. I spoke to you earlier. By staying on the existing 180, especially as you get farther west, the water quality

tends to get worse and the land quality gets worse. So you would be affecting less good productive land by staying on the south. As you get north by the river, there's good land over there, good water. There I go again, don't take good farmland out of production. Thank you. 4

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PAUL TOSTE

PAUL TOSTE: My name is Paul Toste, P-A-U-L, T-O-S-T-E. My concern is Alternate 1 or Alternate 2. Both cross Goldenrod, that's G-O-L-D-E-N-R-O-D, Avenue, and there is a proposed Super Walmart located on -- let me just think here -- it would be on the southwest corner of Goldenrod and Highway 180 today. It's a 160,000-square-foot Super Walmart. There's no off-ramp on either route scheduled for that entity. That would be a huge mistake. Either one has to address the major flow of traffic coming into that Walmart center. 5

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MORRIS PIVOVAROFF

MORRIS PIVOVAROFF: This is my name, right there, Morris Pivovaroff, P-I-V-O-V-A-R-O-F-F. My dad started the community in 1916, started with seven families, and now there's over 300 families in and around this area. We have our own churches, we have our

own school, we have our own cemetery. By making a road through there, it not only disrupts our farming, it disrupts our community with people going to church back and forth. It will be difficult for them to cross. They could make the road south of Kerman where there's a lot of open space where people only lived there maybe 20 years or 30 years. 6

We were just talking to Travis over here, and there was eight people that the road would go right through their house. One of them in six more months will be living 90 years in the same house. Are you going to move that man? I told Travis, "If you could find another community like ours, I'll pay ten to one. I'll put up a $1,000 if he put up $100."

There's no other community like ours this the whole United States. So they should have pictures of our people here, our churches here, not the lizards and gophers and squirrels.

What else did I say? When I talked to them the first time, they got interested and they came down and I showed where people live and where the crossroads are. Just even going south of Neilson would save a lot. Right now, they show north of Neilson. They could go south of Neilson. But, better yet, they can go south of the City of Kerman.

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Best of all, we prefer to keep 180. And right through the city, they could drop it down like they did in Visalia. The City of Visalia is still there; it didn't move. Kerman doesn't have to move. They could just drop down the freeway just where they need to be. There's not too many with buildings in the front anyway. But over here, definitely, it will disrupt the community.

Strange thing about it, when my children were building a house where they're going to make the freeway off-ramp, or whatever it is, you seen a picture on a computer before these maps were out, and he couldn't believe it and I couldn't believe it. But it seemed like whatever they had in their mindset, that's the way they want to do it. So we got our signatures together, 300 signatures; that means something. And we don't know what they did with the paper, made toilet paper out of it, or what. They're asking us to sign papers again. What for? What did they do with the other ones?

I don't know what else to say. I'm maybe not a good communicator like Ronald Reagan, but I do know there is no other community like it and I would like to preserve it for our children and grandchildren. Where are they going to live? Are they going to go out of the community?

Page 10

I do know on Highway 41 when they come to the interchange on 180, they made a big jog in the freeway to save San Joaquin Memorial Catholic School. There's thousands of catholic schools around the United States. We got a couple of them here in Kerman, but you will not find another Russian community in the whole United States.

To me that's more important than the wildlife. Put a 90-year-old and a lizard by him. Who are you going to save if it comes down to push and shove, or a lady or someone? How are you going to do it?

Maybe it won't go through the church, but it will make it so the guys going to the church would have to go around it or something, and it would be difficult for the older people.

They can go south of Kerman. There might be one or two families here, too, but that's rare. The only reason they'll be here is because they couldn't find a spot in this area between the highway and lake and the river, and that's the bulk of them scattered here and there.

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GARY BUCHNOFF

GARY BUCHNOFF: My name is Gary Buchnoff, B-U-C-H-N-O-F-F, and I live on 867 North Del Norte,

Page 11

which is going to wipe out my house. Either way, it doesn't matter. The two options -- there's four options, isn't there? Two of them are going to wipe us out. But anyway, looking at the map and stuff, I think maybe if they would look at going south of Kerman, you might take out less housing. And also, it won't wipe out a community that our forefathers had came here in early 1900s and established a church. And most of the people, over half of them are from this community. And if that road is going to go through there, it's going to wipe us out.

So that's basically all I have to say. And if they would just look to see south of Kerman, if they do anything. It might even be less expensive; I don't know. That's it.

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SUSAN SIAPIN

SUSAN SIAPIN: I've come to several of these when they had the other meetings a couple of years ago, and I have never seen a plan going south of Kerman. Environmental impact studies, they study, you know, pollutants, noise pollution, and all that kind of stuff, and that's a concern. We get nice breezes from the Bay Area or, you know, the northwest breezes. If they put an expressway north of town, that would cause more dust,

Page 12

noise, pollution, blowing into Kerman where people are sleeping, where children are at school, walking to and from school. All of this is because the expressway is north of town. All of that is coming in from town.

Logically to go south of town, it bypasses. You also have the industrial parts of Kerman. They're located on the south side of town. That's where the trucks would go. The train goes there. It would make sense for the freeway to go there because that's where you have all that industrial vehicles and stuff going. It would just make more sense.

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Now, they said they didn't do that because of -- what do you call those -- sanctioned areas, where they're trying to save the lizards, the environmentally protected areas, and that was the reason I was given as to why they didn't put it south of Kerman.

But, you know, you could make a jog in between, I would think, just by looking at the map, seeing the way the expressway curves with the other plans. Why can't they do the same on the south side? That's one thing.

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When my grandfather came here over a hundred years ago and he came on the train and they stopped in Kerman, and when my aunt got out of the train, and she looked, when they got out of train, she was look south of Kerman. And there was nothing, just alkaline patches of

Page 13

grass or whatever. And she thought, "Where did my father bring us?" But north of Kerman, it was already a growing little community. They had stores and farmland, irrigation was being brought in. It's been established a lot longer than the south side of Kerman. People have planted roots here for a long time.

Just, you know, for historical reason, as you know, going south of Kerman would be more logical. It's my opinion.

I'm going to add some more, but the most important thing is that just north of Kerman, there is a community, a well-established community, that you don't find just anywhere. By putting the expressway north of the existing 180, you will be disrupting a number of families and farms, which are the families' livelihood, and these people have been here for a long time. The community that I'm speaking of is the Russian Molokan Community, and we have several churches, we have a community center, we have a school, we have our own cemetery, we have all of this established.

And right now, it's getting harder and harder, if you can even find, you know, farmland. The younger generations are having to be are forced to move, say, maybe in the town of Kerman and farther and having to commute, and this is really affecting the community

Page 14

because they have to travel. And the more displaced we get, the farther apart we get, the more difficult it gets to come together as a community.

Our concern is losing this community. We can't just say, "Well, okay, they are coming through. We have to progress with the times and, you know, move along. We'll just go to another community." There isn't another community. It's taken 100 years to establish our schools. They used to have to meet in the homes or in the church or something, but now we actually have a facility.

Most of the people in the community are not very well-to-do, and so it's hard. We need to stay together and help one another, and you can't do that when you are living on the other side of town.

A good friend of mine lived closer to Kerman, but because of recent economic downturn, they lost their home, and they were forced to move. And the most reasonable place they were able to buy was out of Clovis. We hardly see them anymore because it's so far to travel for events.

We have families who have had to, maybe couldn't find a place real close and had to move far away, and they had stop bringing their because it's too far to travel. The more displacement we get, the worse that scenario

Page 15

will grow.

We are trying really hard to keep the community together because there is not another like it in the sense that as close as we have, you know. And that's my concern.

We have been here for a long time, this community has been here for a long time, other people have established livelihoods here in Kerman north of the city of town a lot longer than south of town.

So there's so many reasons why to consider moving or having that expressway south of town. The people who may have thought of this plan first from San Francisco have no idea what we're doing here, what we're all about. This makes it more convenient going from Clovis to go to San Francisco, but they have no idea what they are displacing.

Some friends of ours have a nice sized ranch. They build beautiful homes on there. Their children's hopes and dreams are to build a home on the land. It's big enough to cut up, to put more homes on there. And the families are going to grow. Now they won't be able to do that. And not only will the children not be able to continue the growth, their parents, their grandparents are going to be out of there.

So, you see, it's not just a farm or a school, it's

Page 16

an entire community. And though a lot of our community may not live in the way of the expressway, it affects the rest of the community.

I think that's why I wanted to make a point. Why was it never considered? Well, maybe they considered it, but it was never at these public forums, not in the past, whatever, six or seven years or whatever. At least I haven't seen them. Maybe I just wasn't aware of it. I didn't get notices until they started doing the scoping, and that's when I first became aware of the expressway. But since they have come, like, to the scoping meetings, and like today, it was never a part of the plan. My question is why.

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JEFF YRIBARREN

JEFF YRIBARREN: My name is Jeff Yribarren, J-E-F-F, last name Y-R-I-B-A-R-R-E-N. I want to make comments on two specific issues on the 180 Expressway. The first is I don't -- I would like to see a different study of Alternative 1 along the 180 expanding the 180 existing route.

I think that the way that the study depicts the three alternatives is not realistic in terms of how the actual final alignment, the impacts the final alignment will have once constructed. The 180 -- the current 180 Route

Page 17

12

is has a high density of homes and businesses on either side of the road. And because of that, studying it -- studying a 1,000 foot swath, like the Alternative 2 and 3 were studied, it skews the numbers in terms of the homes and businesses relocated, et cetera. Moving the study area onto either side of 180, for instance, would at least cut the impacts in half, as far as the relocations.

A more accurate depiction of the relocations of the final alignment would be to study two or three separate alignments within the current 1,000-foot swath along 180, maybe an alignment north of the 180, an alignment south, and possibly, an alignment several hundred feet north of the current 180 leaving all of the homes and businesses directly on the current route unharmed.

The bottom line is looking at the numbers on the boards that we have here tonight, it's clear that the 1,000 feet along either side of 180 has more homes, more businesses, et cetera, than the 1,000-foot swaths through, mainly, rural farmland, but that doesn't have anything to do with where the final alignment will run if it were placed along the 180 Route. And because of that, I believe the study is fundamentally flawed and

13 cannot be used to choose an alignment between the three alternatives as it's presented.

Second is the Waldron Banking Facility. I notice that the alignment 2 and 3 -- excuse me, Alternative 2 and 3 both are routed around the Waldron Banking Facility, and I am not sure why that particular route around the Waldron Banking Facility takes out several homes and divides several 20-acre parcels of land and will render them virtually unfarmable. And it seems to me that going over or through the Waldron Facility would

14 be a better route to minimize the effect on the surrounding farmland and residence.

And going back to the 180 Route, one thing I wanted to say, a comment that I got today talking with some of the planners was that the 180 Alternative had to be studied the same as the other two alternatives, which is the 1,000-foot swath, and I understand that. I just feel that in this case, if what we're really trying to pick here is the best alignment, the 180 Route, because it has such dense housing and businesses along it, it really needs to be studied differently than the open space rural routes to arrive at closer to what the actual impact will finally be when the final expressway is put in, is constructed.

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BOB HULL: This is Bob Hull, Caltrans project manager. It's now 7:40 p.m., and we are now

closing the public hearing.

(Whereupon at the hour of 7:40 p.m., the hearing on the Route 180 Westside Expressway Route Adoption Study was adjourned.)

STATE OF CALIFORNIA)
)
COUNTY OF FRESNO)

I, DOMINIC LAMAR, a Certified Shorthand reporter in the State of California, do hereby certify that the above hearing was reported in shorthand by me at the time and place above stated, and thereafter transcribed under my direction and control, and that said transcript is a true record of the testimony given.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action.

In witness whereof, I have hereunto set my hand and affixed my signature at my office in Fresno, California, the 7th day of April, 2011.

DOMINIC LAMAR, CSR #13416

Response to Comments from Individuals Who Attended the Public Hearing

Thank you for your comments on the route adoption study.

Response to comment #1: Through the use of one of various engineering designs, the preferred alternative would not physically affect this property. The actual design feature would be selected during project-level studies.

Response to comment #2: The preferred alternative uses the existing corridor as much as possible. Please see Section 2.1.3 for further details.

Response to comment #3: The preferred alternative follows the existing Shields Avenue alignment between Interstate 5 and just west of Mendota where it bypasses south of the city to follow Belmont Avenue. From there, it generally follows the existing State Route 180 alignment going eastward, except for a northern bypass through the city of Kerman.

Response to comment #4: The Shields Avenue alignment is on land with less drainage impairment compared to the Belmont Avenue alignment when traveling west from Mendota to Interstate 5. Salt accumulation in the soil from the use of agricultural fertilizers and pesticides contribute to the poor water quality in western Fresno County. The Belmont Avenue alignment, however, has more high quality farmland (Prime Farmland) going westward compared with the Shields Avenue alignment as depicted in Figure 3-3.

Response to comment #5: The preferred alternative avoids the Walmart site. Access from the State Route 180 expressway would be determined during project-level studies.

Response to comment #6: Caltrans has considered bypassing the expressway to the south of Kerman. A Kerman bypass following just north of the San Joaquin Valley railroad would move the route 1 mile south of the existing route, affecting close to 100 homes and several businesses. The preferred alternative bypasses Kerman and moves the route 0.75 mile north of the existing route. This would affect up to about 814 acres of farmland, 658 acres of which are prime farmland.

Routing a bypass just south of the railroad and following the railroad south as it crosses the existing State Route 180 also moves the route 1 mile south of the existing highway. This would affect up to about 808 acres of farmland, 758 acres of which are prime farmland. A railroad loading yard sits at the southeast corner of State Route 145 and the railroad. The yard would have to be closed or relocated. If it is not possible for Caltrans to acquire the current location of the railroad loading yard, then the route would have to pass south of it, possibly along Church

Avenue. A Church Avenue bypass would move the route 1.5 miles south of the existing route. This would affect up to about 980 acres of farmland, 733 acres of which are prime farmland.

The southern edge of Kerman's sphere of influence is between Annadale Avenue and Jensen Avenue. Bypassing Kerman along this southern edge would require routing the expressway 2.25 miles south of the existing route. This would affect up to about 1,151 acres of farmland, 715 acres of which are prime farmland.

Response to comment #7: This comment refers to the below-ground section of State Route 198 through the City of Visalia. If the ultimate State Route 180 expressway was below-ground through Kerman, impacts of this design would be similar to that of an at-grade expressway.

Response to comment #8: See response to comment #6.

Response to comment #9: The alternatives under consideration have been developed and screened in part on the basis of avoiding established communities. The preferred alternative bypasses north of Kerman's urban core for this reason. It is expected the future expressway would relocate a number of residences, but these relocations would not significantly disrupt community cohesion, including the Russian Molokan community. The Russian Molokan community promotes community cohesion through ethno-religious-based cultural traditions and customs amongst its members. Based on the level of participation of community members within the route adoption study area at the public meetings, it is evident that community connectedness within the community is high throughout the study area. However, according to information received from a community representative in 2007 and data compiled of property owners with Russian surnames in the Kerman area, the Russian Molokan community is composed of more than one hundred homes relatively dispersed throughout Kerman. Generally, residences are bounded east and west by Butte Avenue and Jameson Avenue and north and south by the San Joaquin River and the San Joaquin Valley Railroad.

Although not all Russian Molokan-owned properties can be avoided, a good faith effort was made during the early scoping process to minimize effects to Russian Molokan-owned properties within the study area such as four churches, a cemetery, and the community center.

Every effort would be made to provide compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Property owners would be compensated at the fair market value for their property, determined on the basis of the highest and best value. Caltrans would compensate property owners for moving and reestablishment expenses.

The purpose of the study is to identify the most appropriate location for an ultimate four-lane expressway for State Route 180 within the study area between Interstate 5 and the city of Fresno. The route adoption corridor would be incorporated into the transportation elements of general plans of Fresno County and the affected cities in the Westside to help guide development and planning decisions. The adoption of the route by the California Transportation Commission does not imply near-term development of the corridor. Subsequent projects would occur over time, in response to expected future demand and availability of funding, and within the context of local and regional land use planning. The ultimate construction of the expressway may not occur for 50 years or more.

Response to comment #10: See response to comment #6.

Response to comment #11: This comment is regarding the Section 4(f)-protected Alkali Sink Ecological Reserve, Mendota Wildlife Area, and the Kerman Ecological Reserve. Not all resources can be treated significantly equal in the context of Section 4(f) regulations. Section 4(f) requires more weight be put on protecting Section 4(f) resources than on other non-Section 4(f) properties protected by other federal laws. This is why any alignment that would encroach upon these resources was not considered. The preferred alternative would avoid effecting these resources because this alternative includes a viaduct that would span and avoid the Alkali Sink Ecological Reserve and Kerman Ecological Reserve.

Early scoping activities for a State Route 180 extension west to Interstate 5 found that a southern bypass of Kerman would add 1 to 2.25 miles to State Route 180, have a higher cost, and affect an additional 8 to 10 linear miles of farmland. Therefore, due to the higher number of impacts, a southern bypass of Kerman was not carried forward for additional studies. See response to comment #6 for details.

Response to comment #12: Caltrans has coordinated with Russian Molokan community members during the scoping and environmental processes of the study. Between February 8, 2006 and March 30, 2011, Caltrans held five public meetings for the study. Each meeting included public notices in newspapers and press releases. Also, several newsletters were sent to residents on the mailing list from prior public meetings. According to meeting records, many Russian Molokan community members attended these meetings. Although not all Russian Molokan-owned properties can be avoided, a good faith effort has been made to minimize effects to Russian Molokan-owned properties within the study area. Caltrans took into consideration the location of four churches, a cemetery, and the community center. This effort resulted in changing the alignment for Alternatives 2 and 3 between Lake Avenue and Siskyou Avenue to avoid these locations and minimize effects to Russian Molokan-owned parcels.

Response to comment #13: The evaluation criteria were developed for a Tier I planning-level environmental document to adopt a route and not a project-level environmental document to build a project. A Tier I planning-level environmental impact report/environmental impact statement is conceptual and abstract in nature and contains a broad discussion of effects, alternatives, and mitigation. The decision to use 1,000-foot-widths for each alignment was made to determine a location for a future State Route 180 for planning purposes, not to narrowly define a specific project for near-term construction. Examining a larger area would limit design straying outside the selected alternative for the route adoption. That is, the 1,000 foot width provides flexibility to appropriately place the 250-foot-wide to 350-foot-wide future expressway. The ultimate expressway alignment would be further refined after the route is adopted during project-level studies, meaning Caltrans may study several alignments within the 1,000-foot-wide adopted corridor. Environmental studies would be based on engineering plans for a built project; therefore, those project-level studies would reflect actual effects of the future expressway.

Response to comment #14: The preferred alternative does not affect the Waldron banking facility.

Caltrans has been coordinating with the Fresno Irrigation District since 2006 regarding potential effects the route adoption would have on the District's 270-acre Waldron banking facility. Fresno Irrigation District requested the route alignment be redesigned to avoid the newly expanded facility. The Waldron banking facility is a groundwater recharge and recovery facility that provides water to urban suppliers, agricultural suppliers, and facilitates the environmental benefits of improving a river fishery.

Potential effects the future expressway would have to the Waldron banking facility are significant: constraints of relocating the banking facility and potential financial impacts. The costs associated with its relocation include $3 million (2006 dollars) plus $250,000 to $300,000 per well and the additional cost for feasibility investigations. There would also be difficulty in finding land that has as suitable a recharge/percolation potential as the current site.