

Interstate 15 Interchange Reconstruction

(D Street, E Street, Stoddard Wells Road, and Mojave River Bridge)

**City of Victorville
San Bernardino County, California
District 8-SBD-15
Kilo Post 67.4/74.0 (Post Miles 41.9/46.0)
EA 08-35556**

Final Initial Study [with Mitigated Negative Declaration]/Environmental Assessment [with Finding of No Significant Impact]



**Prepared by the
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 Department under its assumption of responsibility pursuant to 23 United States Code 327.



June 2008

GENERAL INFORMATION ABOUT THIS DOCUMENT

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In the city of Victorville, reconstruct three interchanges and upgrade the roadway along Interstate 15 (I-15) from the Mojave Drive Interchange, at kilo post 67.4 (KP 67.4) [post mile 41.9 (PM 41.9)], to 1.0 mile north of the existing Stoddard Wells Road Overcrossing, at kilo post 74.0 (KP 74.0) [post mile 46.0 (PM 46.0)], to meet current standards, improve operational efficiency, and enhance safety.

**FINAL INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION/
ENVIRONMENTAL ASSESSMENT WITH FINDING OF NO SIGNIFICANT IMPACT**

Submitted Pursuant to (State) Division 13, California Public Resources Code
(Federal) 42 United States Code 4332(2)(C)

THE STATE OF CALIFORNIA
Department of Transportation

6/27/08
Date of Approval


Ernest A. Figueroa
Deputy District Director
District 8, Division of Environmental Planning
California Department of Transportation

MITIGATED NEGATIVE DECLARATION
Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Department) proposes to reconstruct three interchanges and upgrade the roadway of Interstate 15 (I-15) within the City of Victorville. Proposed engineering includes reconstruction of the D Street, E Street, and Stoddard Wells Road interchanges; widening of the Victorville separation and overhead; widening of the Mojave River Bridge; and replacement of the Stoddard Wells Road overcrossing. Southbound and northbound interim three-lane roadbeds would be repositioned on the outside, leaving a median width that would be compatible with the ultimate 10-lane facility. A new frontage road would be constructed west of I-15, and the existing east frontage road would be realigned. A retaining wall would be used to support the widened D Street northbound exit ramp and auxiliary lane. Two northbound soundwalls and new and replacement landscaping are included in the proposed scope of work.

Determination

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

1. The proposed project would have no effect on land use, community cohesion, agricultural resources, geology and soils, mineral resources, recreational facilities, cultural resources, or utilities.
2. In addition, the proposed project would have no significant effect on air quality, hazardous waste, hydrology and floodplains, water quality, paleontology, public services, or transportation and traffic.

The proposed project would have no significantly adverse effect on the following resources because the identified mitigation measures would reduce the potential effects to insignificance:

Visual/Aesthetics:

- A decorative architectural treatment/graphic motif, incorporating texture and color, will be installed on the retaining wall constructed to support the widened D Street northbound exit ramp and auxiliary lane.
- Landscape treatment will be implemented in the area behind the sound walls.

Natural Resources:

- Replace lost habitats at a ratio consistent with resource agency criteria.
- Allocation of applicable acreage of purchased desert tortoise habitat land.
- Full and timely implementation of results of coordination with resource agencies regarding replacement of specified trees and/or other types of vegetation.

Noise:

- Construct soundwalls.



Ernest A. Figueroa
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California Department of Transportation

6/27/08

Date

CALIFORNIA DEPARTMENT OF TRANSPORTATION
FINDING OF NO SIGNIFICANT IMPACT

FOR

Interstate 15 Interchange Reconstruction
(D Street, E Street, Stoddard Wells Road, and Mojave River Bridge)

SBD—15 KP 67.4 / 74.0 (PM 41.9 / 46.0)

The California Department of Transportation (Department) has determined that Alternative 2 (the Build Alternative) for the proposed project will have no significant impact on the human environment. The Build Alternative includes reconstruction of D Street, E Street and Stoddard Wells Road interchanges on Interstate 15 (I-15); widening of the Victorville Separation and Overhead; widening of the Mojave River Bridge; repositioning of the southbound and northbound interim three-lane roadbeds on the outside to leave a median width that would be compatible with an ultimate 10-lane facility; construction of a new frontage road west of I-15; realignment of the existing east frontage road; a retaining wall to support the widened D Street northbound exit ramp and auxiliary.

This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment (EA) and the associated Technical Studies, which have been independently evaluated by the Department and determined to adequately and accurately discuss the need, environmental issues, and impacts of the project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The Department takes full responsibility for the accuracy, scope, and content of the attached EA and associated Technical Studies.

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 Department under its assumption of responsibility pursuant to 23 U.S.C. 327.

6/27/08
Date

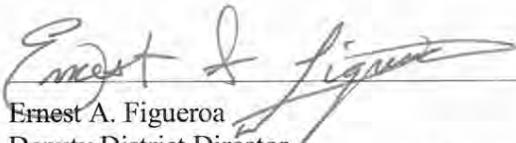

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California Department of Transportation

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Technical Reports

Community Impact Assessment
Air Quality Conformity Analysis
Noise Impact Analysis
Final Relocation Impact Report
Visual Impact Assessment
Floodplain Analysis
Historic Property Survey Report
Traffic Analysis Report
Natural Environment Study
Hazardous Waste Site Investigation Reports

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Chapter 1. Proposed Project

1.1 Introduction

The California Department of Transportation (Department) proposes to reconstruct three interchanges and upgrade the roadway along Interstate 15 (I-15) from the Mojave Drive interchange, at post mile 41.9 (Kilo Post [KP] 67.0), to 1.0 mile north of the existing Stoddard Wells Road overcrossing, at post mile 46.0 (KP 74.0), to meet current standards, improve operational efficiency, and enhance safety. The entire project is located within the boundaries of the City of Victorville (see Figures 1-1 and 1-2).

The estimated capital cost for the proposed interchange reconstruction project as of May 2008 is \$105,946,000, which includes \$19,773,000 for right-of-way acquisition and \$86,173,000 for construction. The project is currently programmed in the State Transportation Improvement Program (STIP) (fiscal year [FY] 2011/2012) using Interregional Improvement Program (IIP) and Regional Improvement Program (RIP) funds, State of Nevada funds, Nevada Federal Demonstration funds, and California Federal Demonstration funds.

The “gateway” enhancement portion of the project, programmed separately in the 2004 STIP with Transportation Enhancement IIP funds in FY 2009/2010, has an estimated capital cost of \$1,846,000 for aesthetic treatment. Construction of the interchange improvements and related “gateway” enhancements is expected to begin in the 2010 fiscal year.

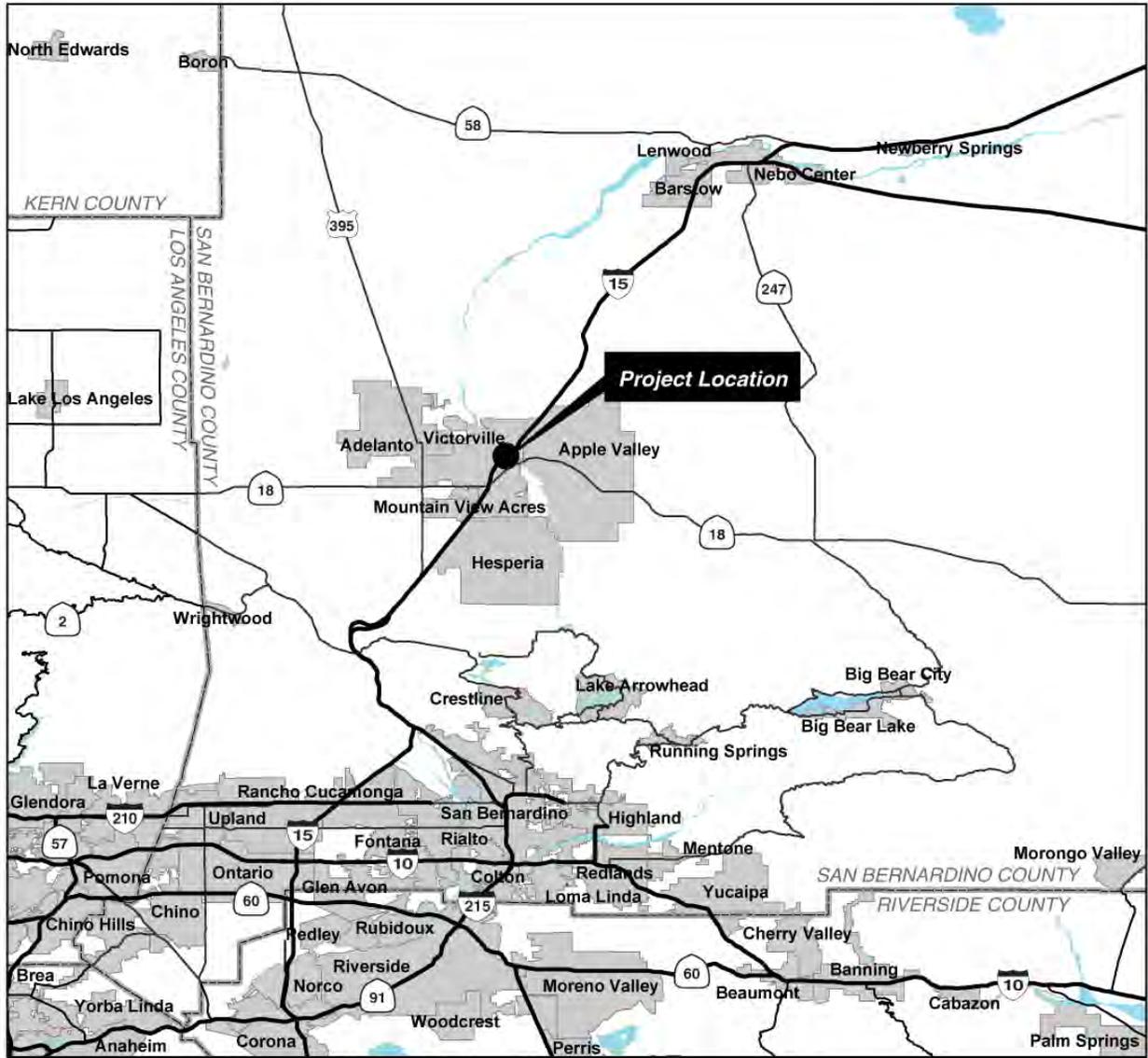
Existing landscaping, including irrigation systems, disturbed or destroyed by the roadway construction project will be replaced through a separately programmed project, which may also include additional landscaping, if determined to be warranted.

1.1.1 Background

Traffic congestion on I-15 from the Ontario area to Las Vegas occurs during peak recreational travel periods, on weekends, and over holidays. Beginning in the early 1980s, congestion worsened to become a recurring daily problem by the mid-1990s as the “high desert” communities of Apple Valley, Victorville, and Hesperia became residential suburbs for employees in the Inland Empire. To relieve this congestion and increase traffic flow, widening of I-15 and interchange reconstruction were proposed in a Project Study Report (PSR) approved by the Department on August 13, 1991. However, the project was not programmed for construction due to limited available funding at that time.

A supplemental PSR was approved on July 15, 1997, followed by programming of the project into the 1998 STIP. A single project would combine widening of both the northbound and southbound travel lanes and reconstruction of three interchanges. This project was given priority by the San Bernardino Associated Governments (SANBAG) and presented as a joint effort between the states of California and Nevada using federal Intermodal Surface Transportation Efficiency Act (ISTEA) funds.

Figure 1-1. Regional Location Map



Source: U.S. Census TIGER Data, 2000; Jones & Stokes, 2005.

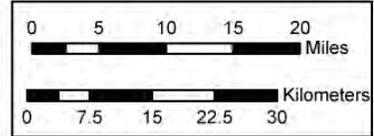


Figure 1-2. Existing Location of the Project



- 1 – “D” Street Interchange**
- 2 – “E” Street Interchange**
- 3 – Stoddard Wells Road Interchange**

Originally, freeway mainline widening and interchange reconstruction were combined for Project Approval and Environmental Document (PA/ED) processing. However, in April 1999, the Department's Office of Design, with concurrence from the Value Analysis Team, split the proposal into two separate projects, with the first project encompassing southbound lane widening (Phase I) and the second project encompassing northbound lane widening and interchange reconstruction (Phase II). The purpose of the split was to defer interchange reconstruction and the anticipated complex Section 404 permit under the Clean Water Act (CWA) for the scope of work involving widening of the Mojave River Bridge, to the northbound widening project.

In November 2000, the northbound widening was chosen as one of five pilot projects approved for "Design Sequencing" (a method of contracting where bids are based on partial project design, and final design activities are sequenced to permit each construction phase to begin as the design for that phase is complete). This process combined the northbound widening as a "Design Sequencing Contract" with the southbound project. Construction was sequenced under one contract so that the northbound widening was completed 1 year after the southbound project. In order to meet this delivery commitment, the northbound widening project was further split to again separate out complex environmental issues (Section 404 permit, biological impacts, and mitigation) related to the Mojave River.

The Department, in collaboration with FHWA, determined that two projects (the northbound widening and the interchange reconstruction) with independent utility and separate PA/ED documents could be phased to allow the northbound widening to be "Design Sequenced" with the southbound widening project. This resulted in three projects phased as follows: Southbound Widening Project (Phase I), Northbound Widening Project (Phase II), and Interchange Reconstruction Project (Phase III). FHWA approved the phasing during the PA/ED process, with the understanding that Phase III would follow in a timely manner. Separate IS/EAs were prepared and approved for Phase I and Phase II, respectively. The Department approved the Mitigated Negative Declaration (CEQA) for Phase I in *May 2001*, and FHWA approved the FONSI for Phase I in *May 2001*. The Department approved the Mitigated Negative Declaration (CEQA) for Phase II in *November 2001*, and FHWA approved the FONSI for Phase II in *November 2001*. Phases I and II are completed and currently open to the public.

Current discussions with the U.S. Army Corps of Engineers indicate that the Interchange Reconstruction project would require a Nationwide Section 404 permit under CWA. However, it would be exempt from the NEPA 404 Memorandum of Understanding (MOU) integration process.

The proposed project (Phase III) is included in the final adopted 2006 Regional Transportation Improvement Program (RTIP) with approved Amendments 1 through 12, 14 through 16, 18 as Project ID 35556; Model No. 4603, completion year 2011. The project is included in the approved 2008 Regional Transportation Plan (RTP). The Southern California Association of Governments (SCAG) adopted the 2008 RTP on May 8, 2008. The current conformity determinations for the 2008 RTP and 2006 RTIP (Amendment #13) were approved by FHWA and Federal Transit Administration on June 5, 2008. All projects included in the RTIP (and in the State Transportation Improvement program) are reviewed for conformity with air quality

plans. The project design concept and scope is consistent with the project description in the approved RTP. The project description as it appears in both the 2008 RTP and 2006 RTIP consistency Amendment #13 is shown below:

In Victorville from Mojave Drive to 1 Mile N/O existing Stoddard Wells Road Over crossing - Reconstruct the “D” Street and “E” Street Interchanges, Relocate the Stoddard Wells Road Interchange, Widen the Mojave River Bridge and the Victorville Separation and Overhead, upgrade 2.7 miles of the Mainline to Roadway Standards, Realign the East frontage Road, and Construct a New West Frontage Road.

A Value Analysis (VA) study was conducted in August 2007 specifically for the Phase III scope of work, with a focus on alternatives that would improve operations, maintain or improve safety, and reduce costs if possible. Alternative approaches to some of the design features were proposed. A final determination on the outcome of the VA study is pending.

1.2 Purpose and Need

The purpose and need for Phase III, interchange reconstruction, was developed in cooperation with FHWA. The purpose of the project is to upgrade the facility to meet current highway standards and improve operational characteristics that, currently, contribute to safety problems and operational inefficiencies. Three general-purpose objectives were adopted by the project development team to assess the viability of alternatives to fulfill the project’s purpose and need:

1. upgrade interim non-standard roadway features to current highway standards;
2. improve operational characteristics of the D Street, E Street, and Stoddard Wells Road interchanges to address accident concentrations and operational inefficiencies; and
3. enhance safety by improving the operational characteristics of the interchanges.

The existing facilities have a number of problems and deficiencies, including non-standard roadway features and a lack of route uniformity and surface street access. In addition, the project area has an above-average accident rate at several of the ramps. Area roadways are expected to operate at poor levels of service in the near future. These deficiencies and conditions are described in detail below.

1.2.1 Non-Standard Features and Operational Deficiencies

Non-Standard Features

The existing six-lane interim cross section was constructed during Phases I and II and is maintained with non-standard roadway features. A Design Exception Fact Sheet was approved for Phase I (southbound widening) on October 12, 1999, and a supplemental Design Exception Fact Sheet was approved May 8, 2001. The Phase II (northbound widening) Design Exception Fact Sheet was approved May 31, 2001. These fact sheets recommended 31 non-standard roadway features, as classified below, for upgrading to current standards through the subsequent Phase III project:

- non-standard roadbed components used in the interim cross section, e.g., lane and shoulder widths, clearances to the median barrier,
- interchange spacing between D Street and E Street and E Street and Stoddard Wells Road, and
- ramp deceleration lengths on the D Street, E Street, and Stoddard Wells Road interchanges.

Operational Deficiencies

Operational inefficiencies contribute to turbulent traffic conditions on this segment of I-15. These inefficiencies include interchanges that are close together, which interferes with mainline traffic maneuvers; the presence of a 4.54 percent grade, causing vehicles to travel at different speeds; and small-radius ramps with short acceleration lengths that impede truck acceleration. During peak traffic periods, the combination of mainline heavy-duty trucks and a fleet of cement trucks from a nearby plant restrict the ability of all traffic to maintain speed and maneuver efficiently. Operational inefficiencies are largely a result of design deficiencies, as described below.

Route Uniformity. Six-lane continuity on this segment of I-15 is disrupted by the 33- to 49-foot reduction in the typical section compared to adjacent sections. Travel uniformity is affected by reduced lane and shoulder widths and clearances to the median barrier that reduce level of service (LOS).

Interchange Spacing. The separation distance between the D Street and E Street interchanges is about 197 feet. This is below the recommended interchange spacing of 0.9 mile. Merging, diverging, and weaving areas are adversely affected by the non-standard separation. This problem is compounded by slow-moving cement trucks, which merge via the southbound entrance ramp at E Street from a loop with a 100-foot radius and then enter an ascending 4.54 percent grade. Interchange separation between E Street and Stoddard Wells Road is 0.83 mile, which is also non-standard.

Surface Street Access. E Street serves the CEMEX plant (formerly the Southdown Cement Company) and a small pocket of residences in the vicinity. Direct access to this area is cut off by the Burlington Northern & Santa Fe (BNSF) railroad tracks on the south and the Mojave River on the north. One at-grade railroad crossing exists approximately 0.75 mile east of I-15. The lack of surface-street access to this area encourages drivers (mostly bulk cement trucks from the CEMEX plant) to use the freeway to cross these barriers and gain access to D Street or Stoddard Wells Road. These conditions require slow-moving vehicles to perform merge (entrance) and diverge (exit) freeway maneuvers under non-standard interchange spacing conditions, which contribute to operational inefficiencies and safety concerns.

SR-18 north and I-15 are both part of the National Network of Terminal Access Routes and Service Access Routes. The D Street interchange provides access between these routes. The existing interchange and intersections are not currently designed to accommodate the projected volumes for these routes.

1.2.2 Capacity, Level of Service, Transportation Demand, and Safety

Capacity

The segment of I-15 between the cities of Victorville and Barstow was originally constructed in 1957 as a four-lane freeway/expressway. It was converted to a full freeway in 1972. At that time, the freeway was designed for an average traffic volume of about 15,000 vehicles in each direction. According to the 2005 Interstate 15 Traffic Study Report, Phase III, 2005 annual Average Daily Traffic (ADT) volumes for this segment of I-15 ranged from approximately 56,000 vehicles just north of the Stoddard Wells Road interchange to 78,000 vehicles between the Mojave Drive and D Street interchanges. It is predicted to reach 120,000 vehicles by 2030, with the assumption that the buildout of surrounding land uses continues according to local and regional general plans.

Due to the completion of Phase I in 2005, the corridor's capacity between Victorville and Barstow has been upgraded; it is now a six-lane divided freeway with lane widths that vary between 10.8 feet and 11.8 feet. A permanent concrete barrier separates the southbound and northbound lanes between the Mojave Drive and Stoddard Wells Road interchanges.

A southbound auxiliary lane has been added between Mojave Drive and D Street.

The east–west roadways that intersect I-15 in the project area include Mojave Drive, D Street, E Street, and Stoddard Wells Road. These roadways are described below. The designations for these roadways were obtained from the City of Victorville.

Mojave Drive. According to the City of Victorville, Mojave Drive is classified as a Super Arterial. Mojave Drive is aligned primarily with an east–west orientation. Within the project area, the roadway has two travel lanes in each direction, with a posted speed limit of 40 miles per hour.

D Street. According to the City of Victorville, D Street (SR-18 to the east and National Trails Highway to the west) is classified as a Major Arterial and runs in an east–west orientation. Within the project area, D Street has two lanes in each direction and an ADT of 24,200 vehicles east of the I-15 interchange and 13,200 vehicles west of the I-15 interchange. In addition, it has a left-turn pocket for westbound traffic to enter both on-ramps to I-15.

E Street. E Street runs in a general east–west orientation and is classified as a Collector according to the City of Victorville. Within the project area, it has one travel lane in each direction and an ADT of approximately 1,000 vehicles. E Street and D Street are separated by four BNSF railroad tracks.

Stoddard Wells Road. Stoddard Wells Road runs east to west over I-15 but generally follows a north–south orientation. According to the City of Victorville, the road is classified as an Arterial, with one lane in each direction, except for a portion with two lanes in each direction. The ADT is approximately 3,000 vehicles east of the I-15 interchange and 7,800 vehicles west of the I-15 interchange.

Table 1-1. Interstate 15 Interchange Ramp Average Daily Traffic (2005)

Interchange	ADT	Interchange	ADT
D Street		E Street	
NB on	1,200	NB on	1,000
NB off	9,900	NB off	1,000
SB on	9,900	SB on	1,000
SB off	1,200	SB off	1,000
Stoddard Wells Road		Mojave Drive	
NB on	1,500	NB on	2,200
NB off	3,000	NB off	3,500
SB on	3,000	SB on	3,900
SB off	1,500	SB off	2,200

Notes:
NB = northbound ramp
SB = southbound ramp

Source: California Department of Transportation, 2007.

Level of Service

LOS is a qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. As shown in Table 1-2, LOS conditions are designated as “A,” indicating best free-flow condition, through “F,” indicating worst-case congested conditions.

LOS is derived from a volume-to-capacity (V/C) ratio value. The V/C ratio signifies the number of vehicles, or volume (V), using the roadway compared to the roadway capacity (C). A V/C ratio of 1.00 indicates that the roadway is at capacity, which translates into LOS E. Any V/C values over 1.00 mean that the number of vehicles on the roadway exceeds capacity, and LOS is deemed to be F. Figure 1-3 illustrates LOS conditions A through F.

Freeway Mainline Operations

Mainline freeway capacity, as a result of Phase I improvements, was increased through the project segment of the I-15 corridor to yield an acceptable LOS through 2030 (see Table 1-3). The Route Concept Fact Sheet, written in accordance with the San Bernardino County Congestion Management Plan (CMP), states that the acceptable LOS is C for rural areas, LOS D in transition areas (where the route changes from rural to urban), and LOS E in urbanized areas. According to SANBAG socioeconomic data, the project area will be urbanized by 2030 and will meet the LOS criteria defined by the Route Concept Fact Sheet through 2030.

Table 1-2. Traffic Level of Service Descriptions

LOS	Description	Volume-to-Capacity Ratio
		Typical Speed
A	Indicates primarily free-flow operations and ability to maneuver unimpeded.	0.00–0.33 50-plus mph
B	Indicates stable flow with few restrictions on operating speed or maneuverability.	0.34–0.50 48–49 mph
C	Indicates stable flow but higher volume and more restriction on speed and lane changing.	0.51–0.65 44–47 mph
D	Indicates approaching unstable flow, little freedom to maneuver, and conditions tolerable for short periods.	0.66–0.80 40–43 mph
E	Indicates unstable flow, lower operating speeds than LOS D, and some momentary stoppages.	0.81–1.00 30–39 mph
F	Indicates forced flow operating at low speeds where the highway acts as a storage area and there are many stoppages.	Greater than 1.00 Less than 30 mph

Source: Highway Capacity Manual Special Report 209, Transportation Research Board, 1995.

Weaving Operations

Under the No-Build Alternative, the weaving section between the D Street and E Street interchanges for the southbound direction is deficient. This weaving section is projected to operate at LOS F in 2030, as shown in Table 1-4.

Transportation Demand

Interstate 15 is designated as an interregional “Gateway” route and “High Emphasis” route. It is also part of the Surface Transportation Assistance Act (STAA) system and classified as one of the Routes for Larger Trucks, part of the subsystem of highways for the Movement of Extralegal Permit Loads. It is also part of the Strategic Highway Network (STRAHNET). The I-15 corridor provides interregional mobility to the desert communities and is an important regional link to the entire Southern California area. Weekend and holiday recreational traffic on the route is exceptionally high because it connects Southern California to Las Vegas as well as the Colorado River area via Interstate 40. Also, with the North American Free Trade Agreement (NAFTA), it is an important link for the movement of goods by truck.

Safety

According to the Draft Project Report for the Interchange Reconstruction in the City of Victorville (DPR), safety analysis is based upon accident rates calculated for a 3-year reporting period. Accident statistics are maintained in the Department’s Traffic Accident Surveillance Analysis System (TASAS). A total of 198 accidents were recorded by TASAS for both directions of travel within the project limits during the time from January 1, 2004, to

Table 1-3. Interstate 15 Mainline Operations in 2030 under the No-Build Alternative

Location	Northbound				Southbound			
	AM Peak-Hour ADT	PM Peak-Hour ADT	AM Peak-Hour LOS	PM Peak-Hour LOS	AM Peak-Hour ADT	PM Peak-Hour ADT	AM Peak-Hour LOS	PM Peak-Hour LOS
Mojave Drive to D Street	6,400	4,500	E	C	4,300	6,500	C	D
E Street to Stoddard Wells	5,800	3,800	D	C	3,900	5,800	C	D
Stoddard Wells Road to SR-18	5,800	3,600	D	C	3,600	5,800	C	D
SR-18 to North Stoddard Wells	5,700	4,100	D	C	3,900	5,700	C	D
North Stoddard Wells to Dale Evans	5,700	4,100	D	C	3,900	5,700	C	D

Source: Interstate 15 Traffic Study Report, Phase III, October 2005.

Table 1-4. Interstate 15 Weaving Area Operations in 2030 under the No-Build Alternative

Location	Post Mile	Distance (miles)	Distance (feet)	Number of Lanes in Weaving Section	AM Peak-Hour LOS	PM Peak-Hour LOS
Northbound						
D Street NB On-Ramp	43.35					
		0.29	1.531	4	E	C
E Street NB On-Ramp	43.64					
Southbound						
E Street SB On-Ramp	43.72					
		0.32	1.690	4	D	F
D Street SB Off-Ramp	43.40					

Notes:

There is no weaving data for 2005.

NB = northbound; SB = southbound.

Source: Interstate 15 Traffic Study Report Phase III, October 2005.

Figure 1-3: Freeway Levels of Service A through F

LEVELS OF SERVICE for Freeways			
Level of Service	Flow Conditions	Operating Speed (mph)	Technical Descriptions
A		70	Highest quality of service. Traffic flows freely with little or no restrictions on speed or maneuverability. No delays
B		70	Traffic is stable and flows freely. The ability to maneuver in traffic is only slightly restricted. No delays
C		67	Few restrictions on speed. Freedom to maneuver is restricted. Drivers must be more careful making lane changes. Minimal delays
D		62	Speeds decline slightly and density increases. Freedom to maneuver is noticeably limited. Minimal delays
E		53	Vehicles are closely spaced, with little room to maneuver. Driver comfort is poor. Significant delays
F		<53	Very congested traffic with traffic jams, especially in areas where vehicles have to merge. Considerable delays

December 31, 2006. Five of these accidents involved fatalities, and 92 involved injuries, all during the same period. This accident-reporting period was used to represent normal traffic conditions after Phase I and Phase II construction was completed, approximately July 2005.

The overall accident rate (based on accidents per million vehicle miles) on the I-15 main line within the project limits is comparable to the statewide average for similar facilities. The actual accident rate of 0.76 per million vehicle miles traveled for the main line of I-15 in the project area is slightly less than the statewide average rate of 0.97 for similar highway conditions (see Table 1-5).

Table 1-5. Accident Rate for I-15 Main Line, January 1, 2004, to December 31, 2006 (both directions combined)

Actual Accident Rate—Accidents/MVM (number of accidents)			Statewide Average for Similar Types of Facilities (number of accidents)		
Fatal	Fatal plus Injured	Total Accidents	Fatal	Fatal plus Injured	Total Accidents
0.19 (5)	0.24 (97)	0.76 (198)	0.009	0.34	0.97 (198)

Notes:

MVM = million vehicle miles.

Source: Interstate 15 Draft Project Report, October 2007.

A pattern of accidents is occurring in both directions of travel on the 4.54 percent grade south of the D Street interchange. These accidents are in part attributable to the disruption of traffic flow by slow-moving vehicles on the southbound upgrade and a lane drop at the northbound exit ramp. Some of the entrance and exit ramps currently have an accident rate that is higher than expected. Accident rates for ramps are calculated using the length of the ramp and its ADT (see Table 1-6). The proposed project is expected to contribute to an improved overall accident rate by increasing ramp deceleration lengths, lane widths, shoulder widths, median widths, and interchange spacing.

Table 1-6. Accident Rate for Ramps, January 1, 2004, to December 31, 2006

Interchange	Number of Accidents	Actual Accident Rate	Statewide Average Accident Rate
D Street			
NB Off-Ramp	40	3.32	0.90
SB On-Ramp	19	1.54	0.80
NB On-Ramp	5	3.11	0.75
SB Off-Ramp	5	2.85	1.25

Interchange	Number of Accidents	Actual Accident Rate	Statewide Average Accident Rate
E Street			
NB Off-Ramp	3	3.48	1.25
SB On-Ramp	0	0	0.70
NB On-Ramp	2	7.30	0.80
SB Off-Ramp	5	6.92	1.50
Stoddard Wells Road			
NB Off-Ramp	6	2.16	1.15
SB On-Ramp	1	0.47	0.80
NB On-Ramp	1	1.20	0.60
SB Off-Ramp	4	3.13	1.15

Source: Interstate 15 Draft Project Report, October 2007.

1.3 Project Description

The project limits for this 4.1 mile-long interchange reconstruction project are from the Mojave Drive interchange at post mile 41.9 (KP 67.4) to 1.0 mile north of the existing Stoddard Wells Road overcrossing at post mile 46.0 (KP 74.0). The proposed project is within the boundaries of the City of Victorville. The purpose of the project is to upgrade roadway features, improve operational characteristics, and enhance freeway safety.

1.4 Alternatives

The alternatives selection process reduced the number of alternatives to two, the Build Alternative (Preferred Alternative) and the No-Build Alternative. Other alternatives previously considered but rejected from further consideration are discussed below.

1.4.1 No Build Alternative (Alternative 1)

The Phase I and II projects established the no-build conditions. Six mixed-flow lanes are in place (with the third lane in each direction added in the median) but with non-standard lane and shoulder widths. The No Build Alternative (see Figures 1-4A through 1-4D) provides an unacceptable LOS of F for the weaving section between D Street and E Street in 2030 for I-15 mainline traffic. Also, it does not meet the purpose and need for this project, i.e., upgrading roadway features, improving operational characteristics, and enhancing safety.

1.4.2 Build Alternative (Preferred Alternative): Proposed Interchange Reconstruction (Alternative 2)

The Build Alternative (Preferred Alternative) (see Figures 1-5A through 1-5D) proposes reconstructing three interchanges and upgrading the roadway. The proposed engineering includes reconstruction of the D Street, E Street, and Stoddard Wells Road interchanges; widening of the Victorville separation and overhead; widening of the Mojave River Bridge; and replacement of the Stoddard Wells Road overcrossing. Southbound and northbound interim three-lane roadbeds would be repositioned on the outside, leaving a median width compatible with the ultimate ten-lane facility. A new frontage road would be constructed west of I-15, and the existing east frontage road would be realigned. A retaining wall would be used to support widening of the D Street northbound exit ramp and auxiliary lane. Two northbound soundwalls and new and replacement landscaping are included in the proposed scope of work.

The Build Alternative (Preferred Alternative) would include the elements listed here and described in detail below:

- median widening,
- interchange reconstruction (D Street and E Street Interchange Reconstruction and Stoddard Wells Road Interchange Reconstruction)
- elimination of the southbound entrance and exit ramps at E Street and the construction of a new two-way frontage road on the west side,
- noise barriers,
- aesthetic treatment, and
- non-motorized and pedestrian features.

Median Widening

Interim median widening was included in Phase I of the Design Sequencing project within the above segment limits (2.8 miles) to avoid the long lead time needed to minimize environmental impacts associated with widening the Mojave River Bridge. A third lane, for a mixed flow, was installed in the median by adding median pavement in selected locations and restriping. This construction strategy allowed an additional lane in each direction to open to traffic 2 years ahead of schedule.

This proposed project would upgrade median lanes to current design standards by widening to the outside and reconfiguring the interchanges. Widening to the outside allows construction of the ultimate outside configuration but does not restrict independent implementation of other foreseeable transportation improvements. All future improvements would be made to the inside. The scope of work would include widening the Victorville separation and overhead and the Mojave River Bridge. Figures 1-6a through 1-6c shows the plan, elevation, and typical cross section of the proposed Mojave River Bridge.

Figure 1-4A. No Build Alternative

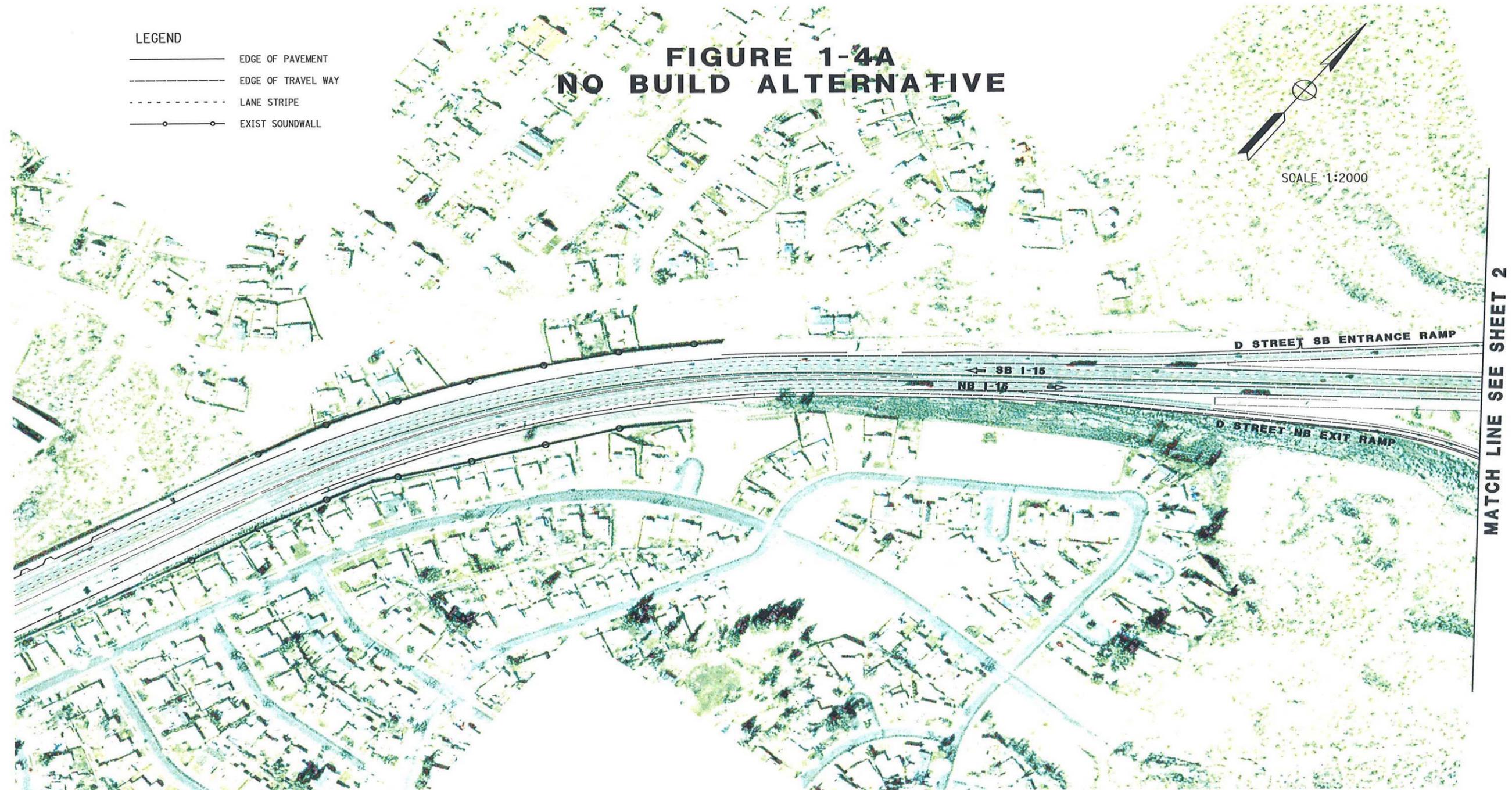


Figure 1-4B. No Build Alternative

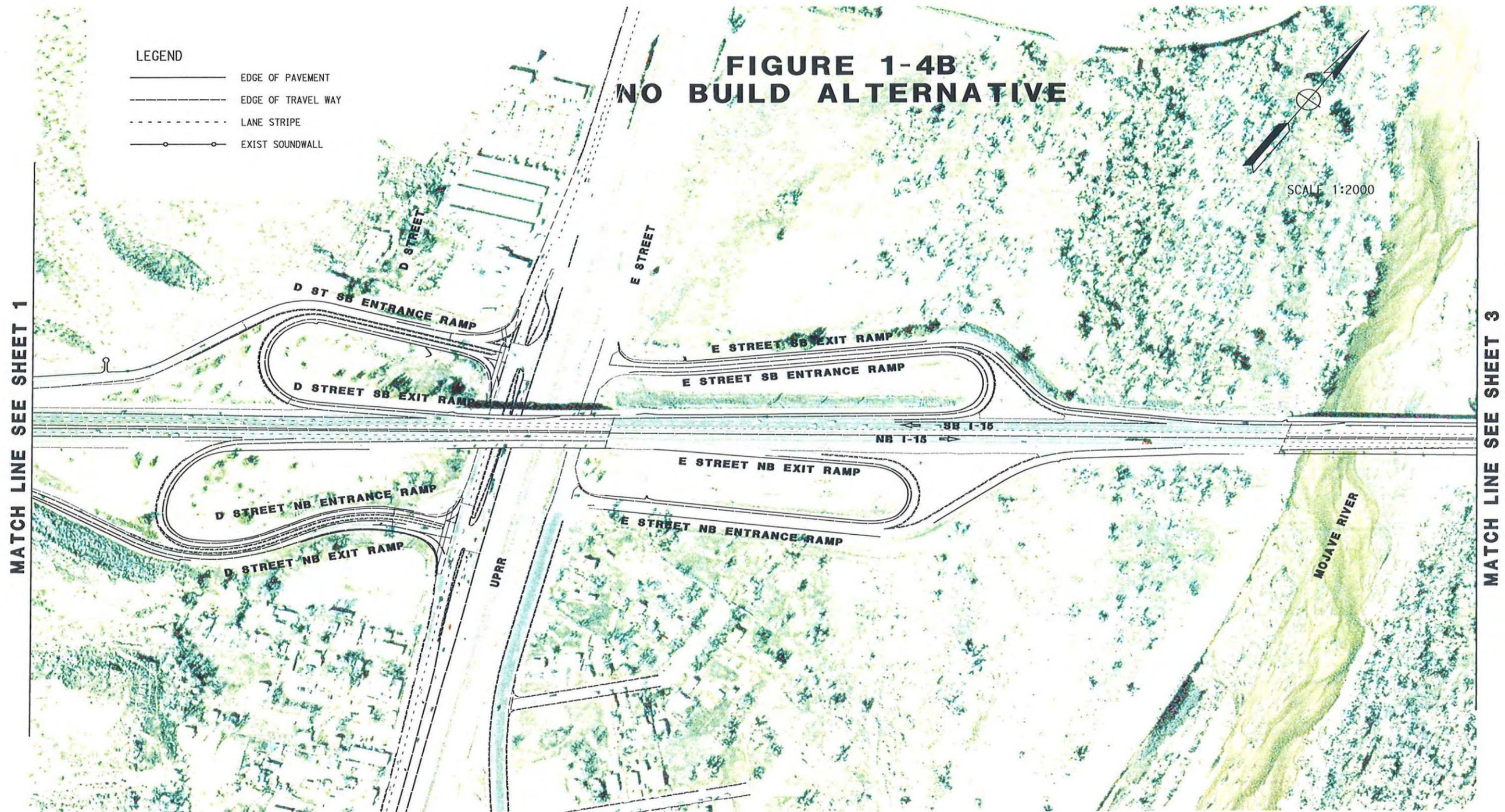


Figure 1-4C. No Build Alternative

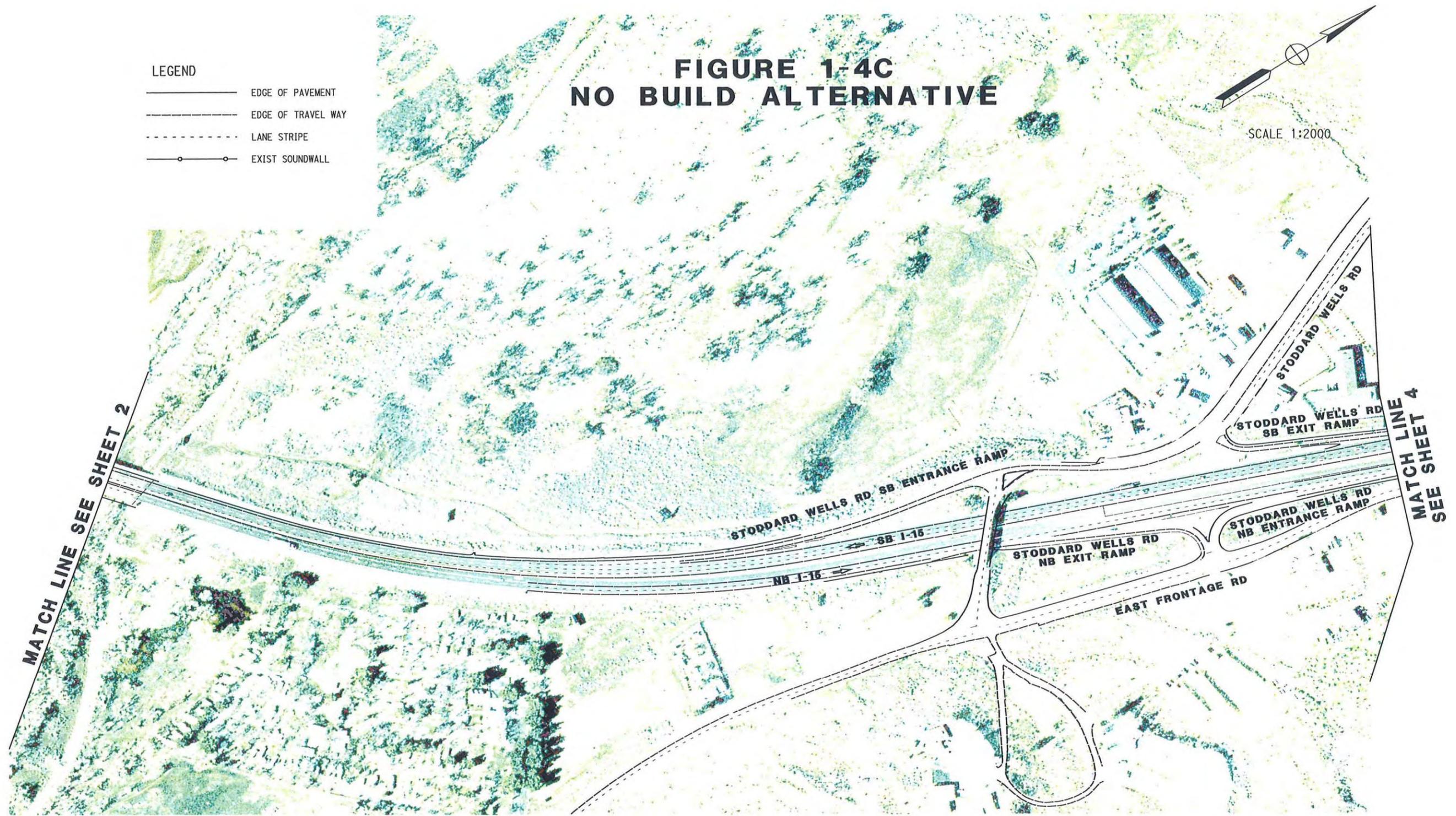


Figure 1-4D. No Build Alternative

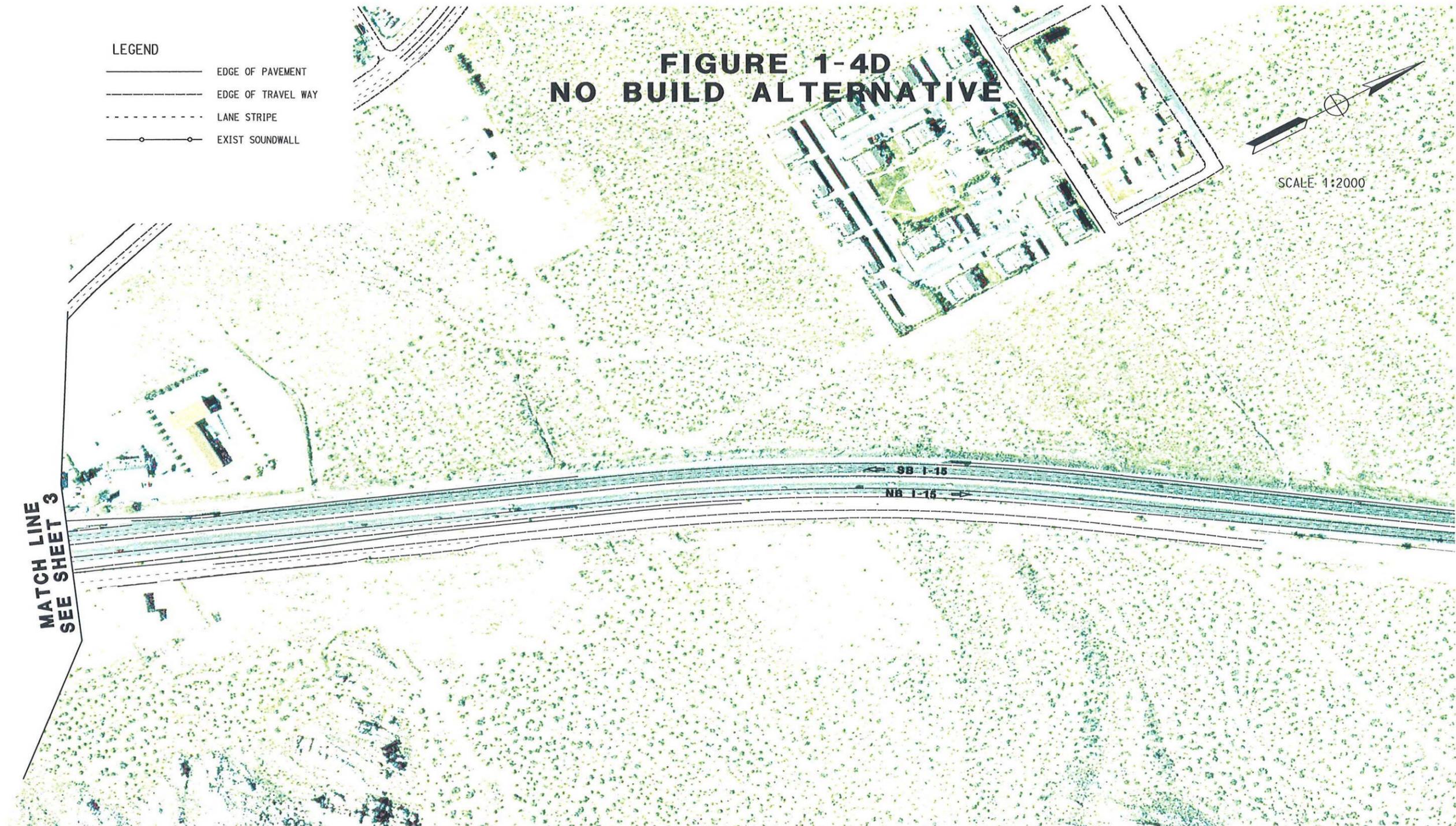


Figure 1-5A. Build Alternative (Preferred Alternative): Proposed Interchange Reconstruction

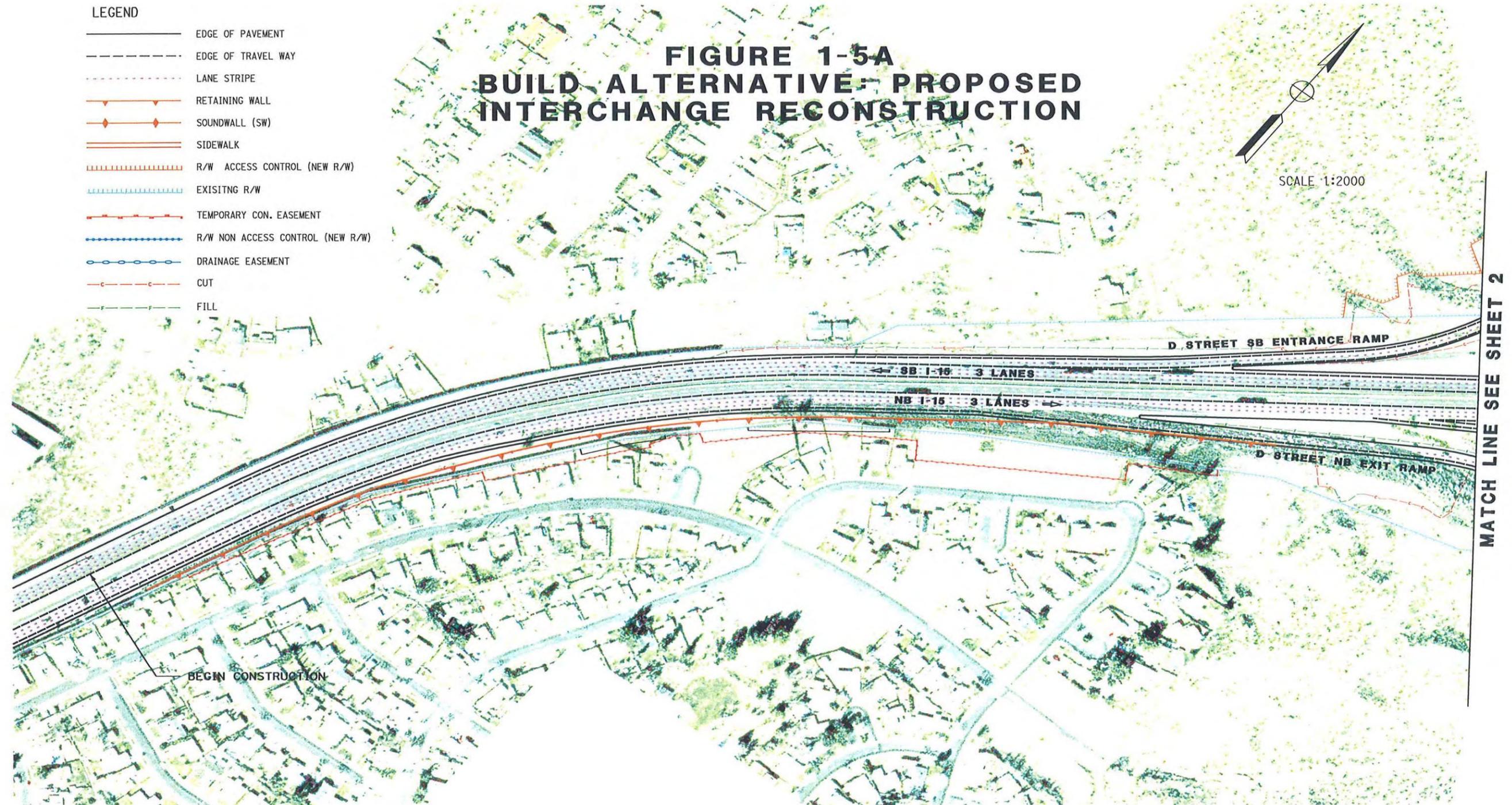


Figure 1-5B. Build Alternative (Preferred Alternative): Proposed Interchange Reconstruction

LEGEND

—	EDGE OF PAVEMENT	- - - - -	TEMPORARY CON. EASEMENT
- - - - -	EDGE OF TRAVEL WAY	—●—●—●—	R/W NON ACCESS CONTROL (NEW R/W)
- · - · - · -	LANE STRIPE	—○—○—○—	DRAINAGE EASEMENT
—▲—▲—▲—	RETAINING WALL	- - - - -	CUT
—◆—◆—◆—	SOUNDWALL (SW)	- F - F - F -	FILL
—	SIDEWALK		
—	R/W ACCESS CONTROL (NEW R/W)		
—	EXISTING R/W		

FIGURE 1-5B BUILD ALTERNATIVE: PROPOSED INTERCHANGE RECONSTRUCTION

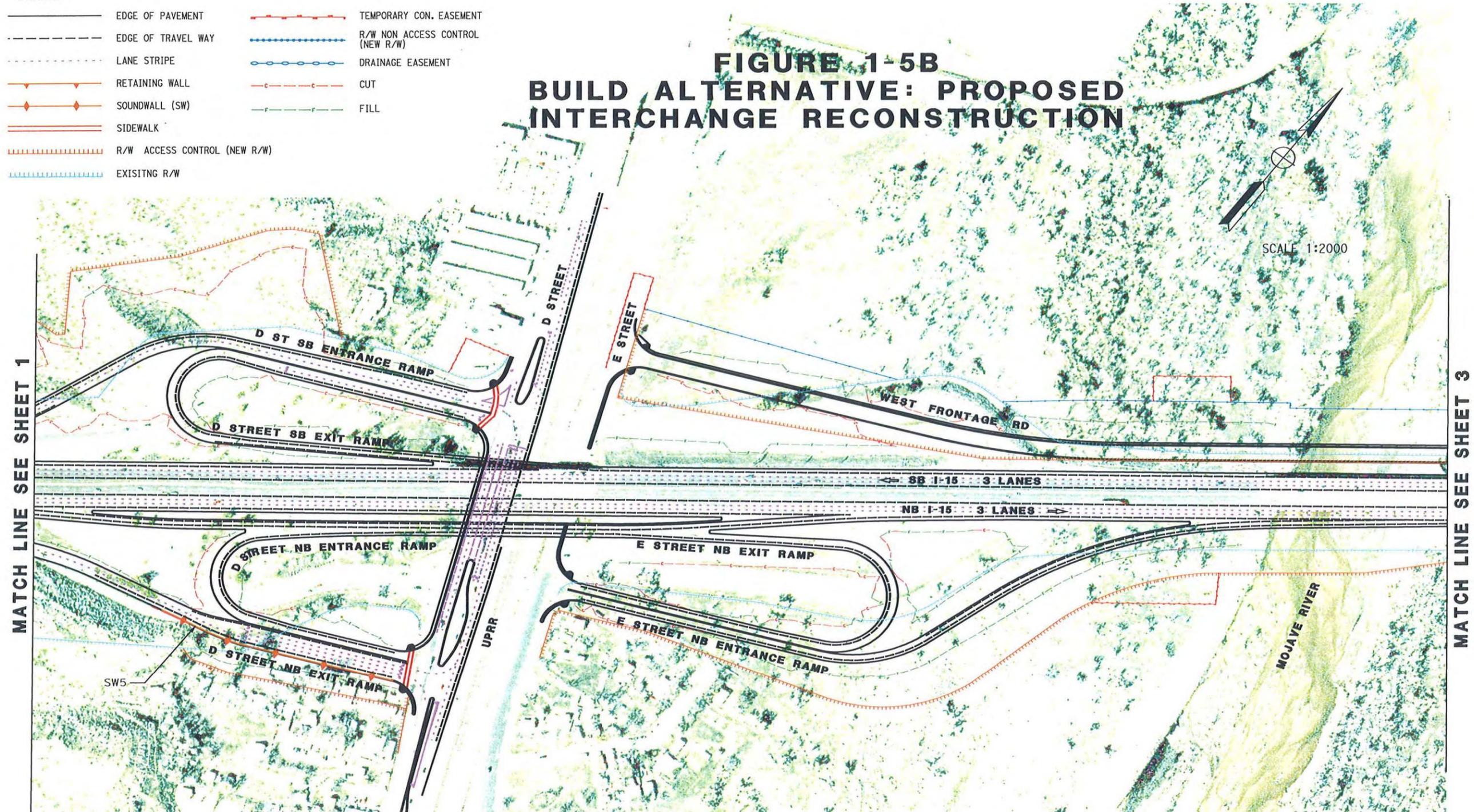


Figure 1-5C. Build Alternative (Preferred Alternative): Proposed Interchange Reconstruction

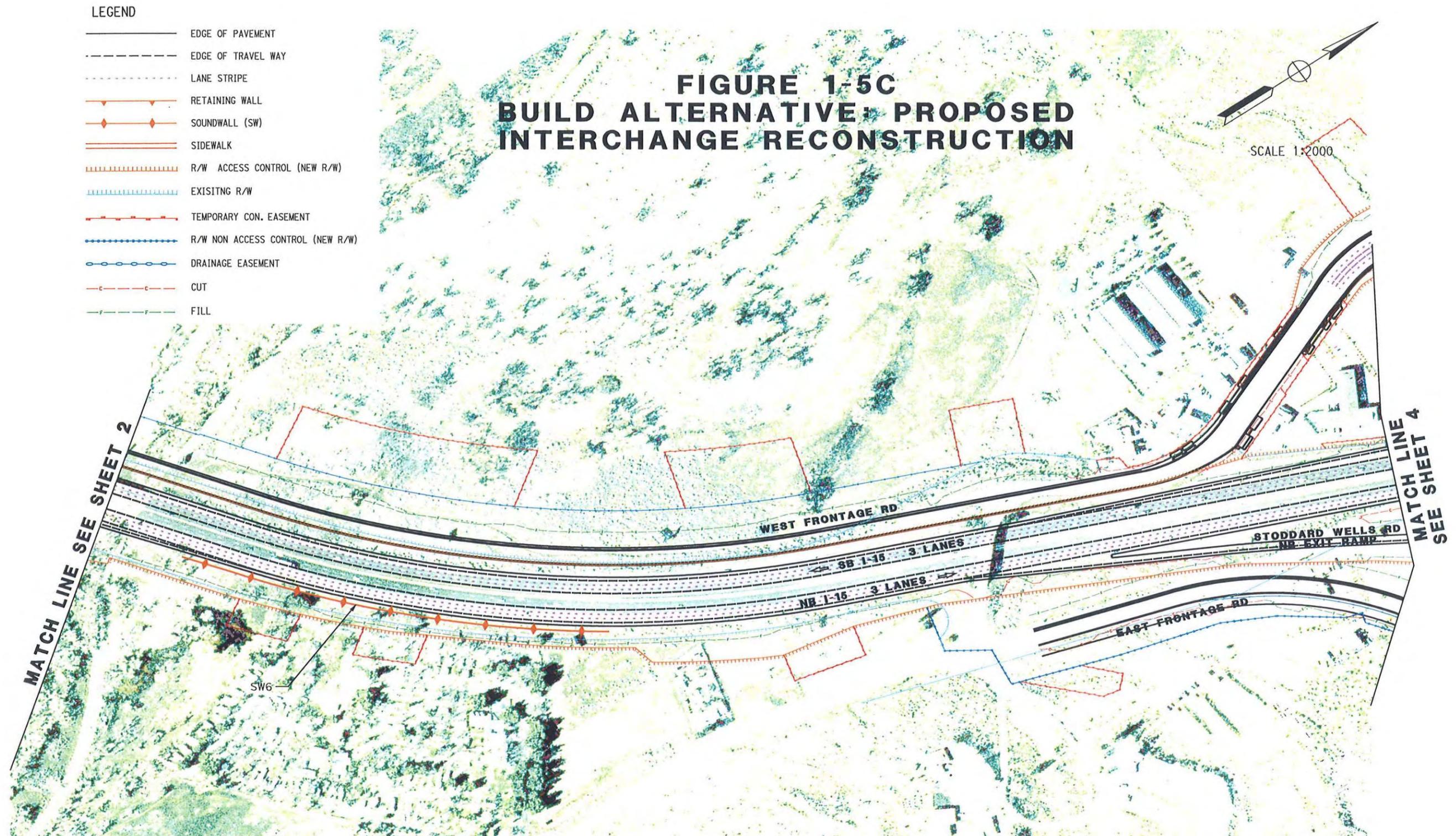


Figure 1-5D. Build Alternative (Preferred Alternative): Proposed Interchange Reconstruction

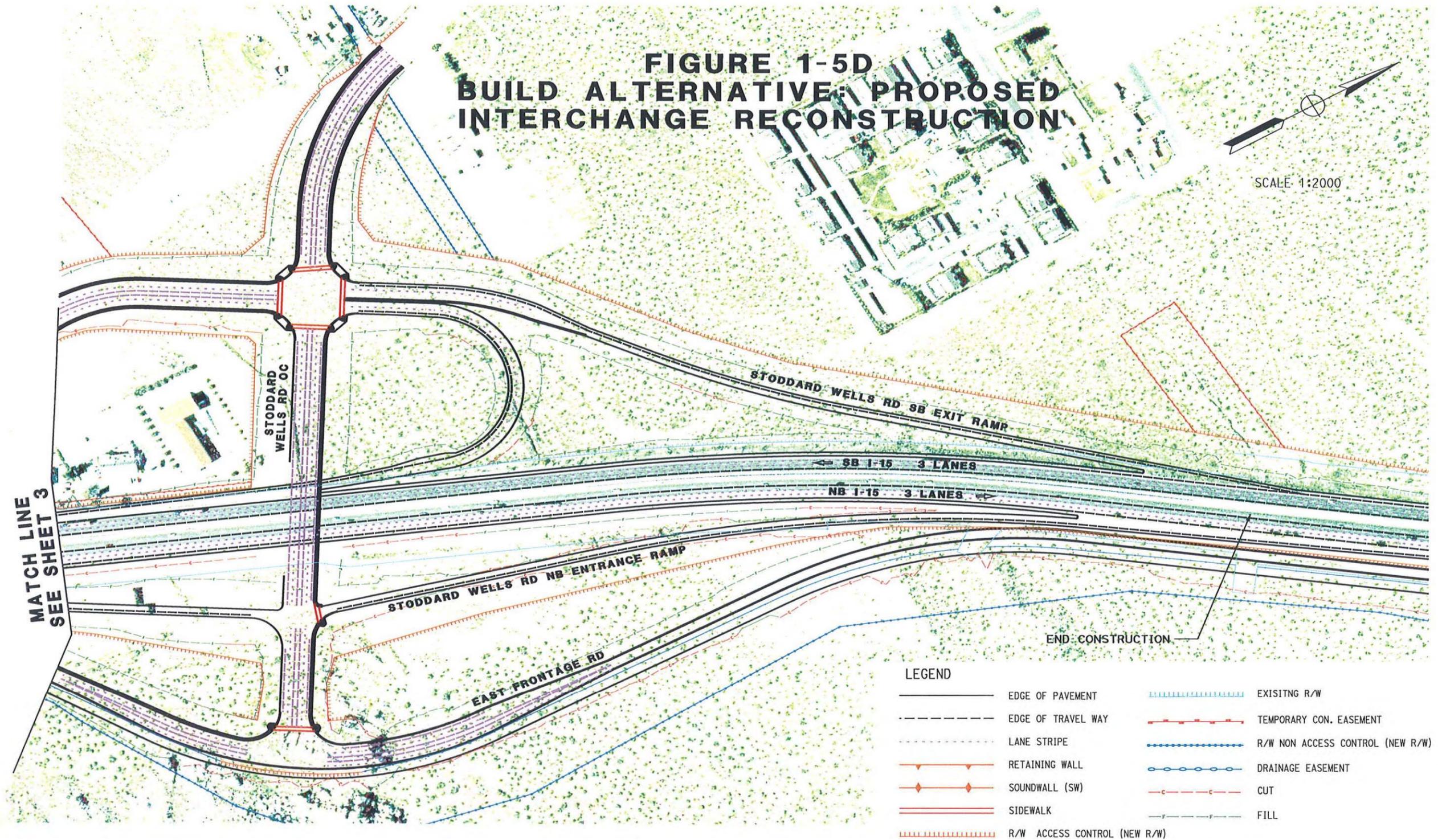


Figure 1-6A. Plan, Elevation, and Typical Cross Section of Proposed Mojave River Bridge

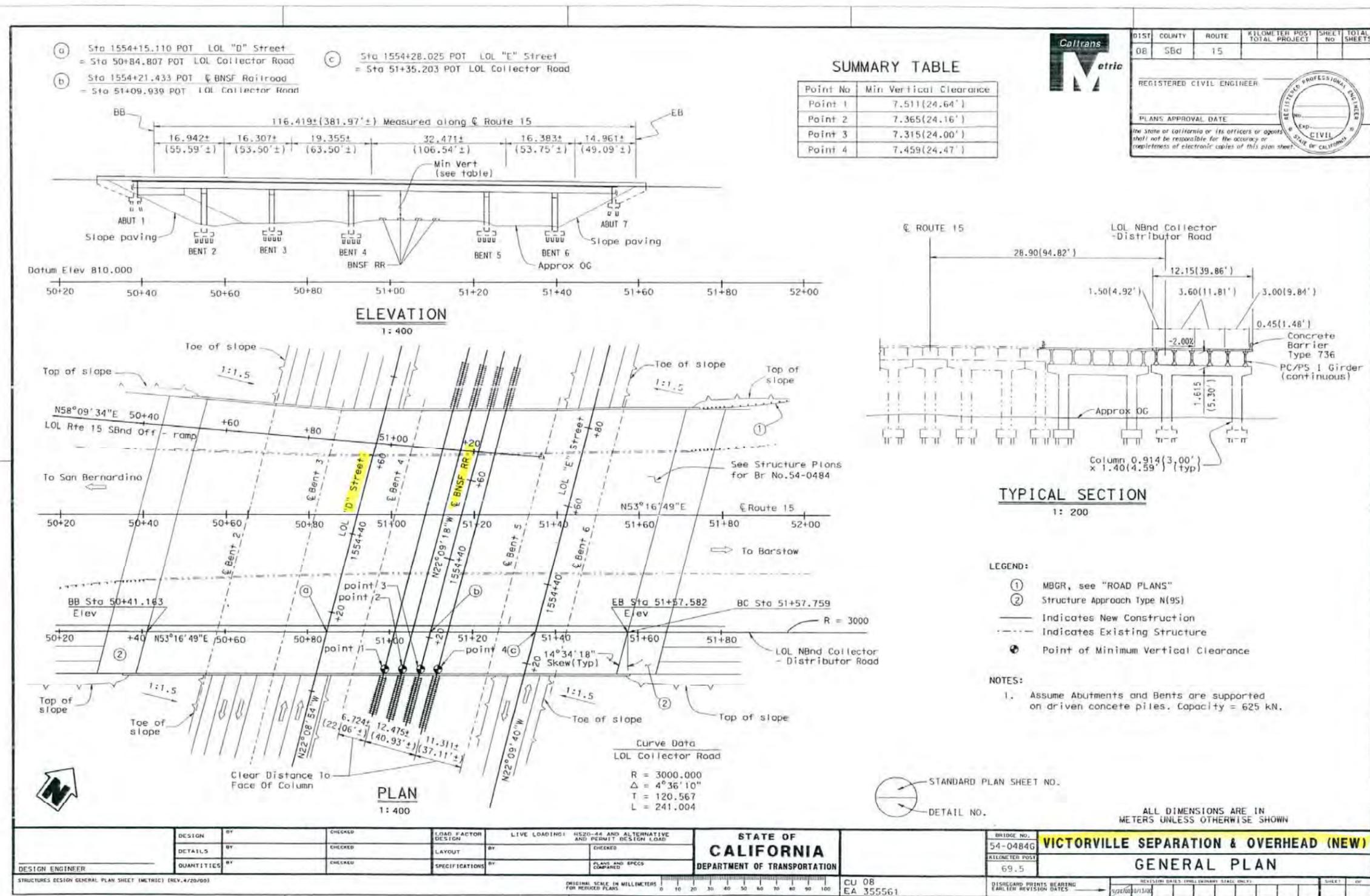


Figure 1-6B. Plan, Elevation, and Typical Cross Section of Proposed Mojave River Bridge

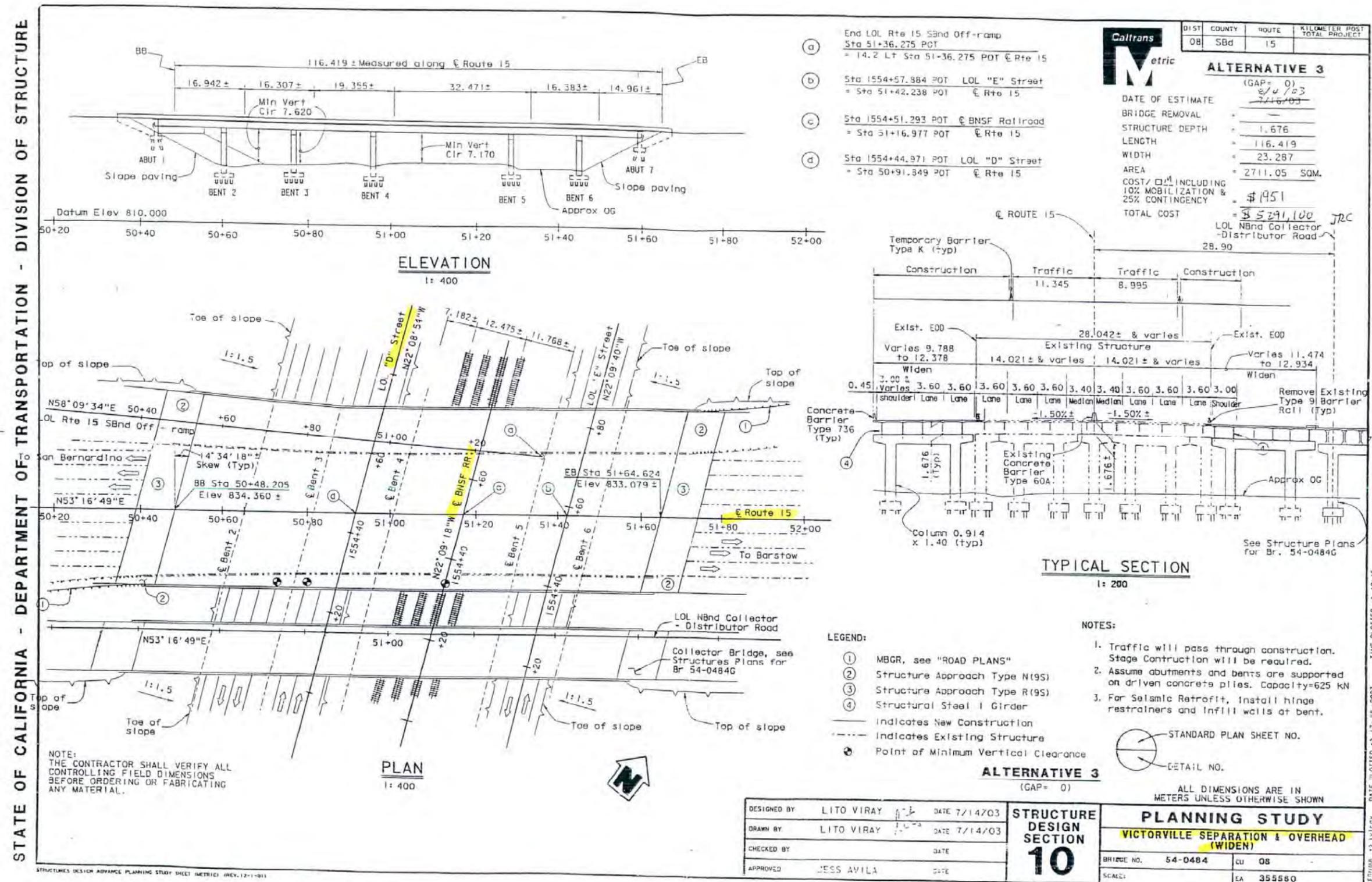
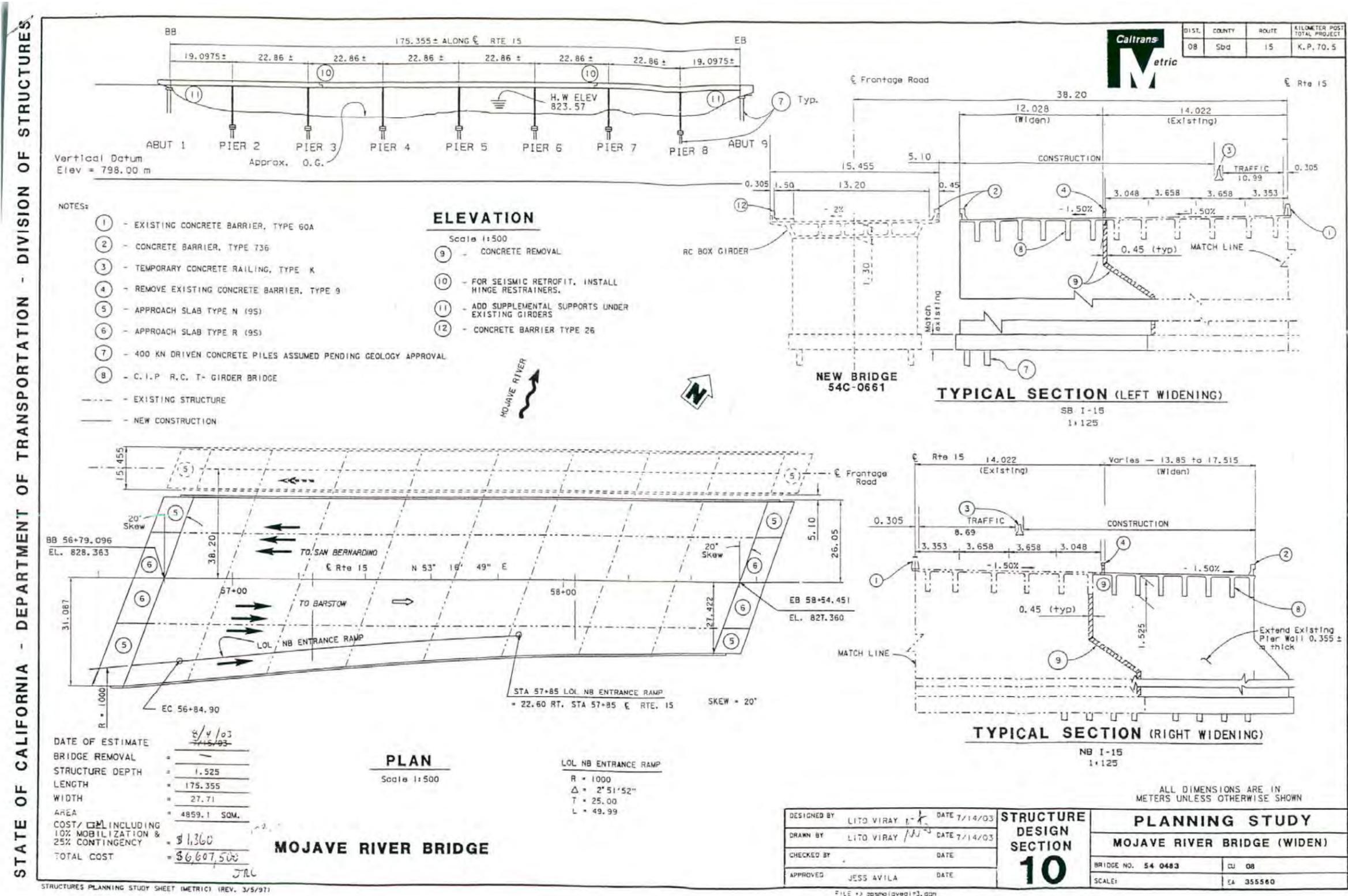


Figure 1-6C. Plan, Elevation, and Typical Cross Section of Proposed Mojave River Bridge



Pavement cross-slope corrections would be made and fill slopes would be flattened to 1:4 slopes, where feasible. The horizontal and vertical alignments for mainline I-15 would remain unchanged but drainage facilities would be modified.

D Street and E Street Interchange Reconstruction

The D Street and E Street interchanges would be redesigned as part of the project with upgraded deceleration lengths and curve radii. The northbound D Street exit ramp would be reconstructed as a two-lane exit with an auxiliary lane. Also, D Street and E Street would be connected using a collector/distributor road for northbound traffic. In order to avoid additional widening of the Mojave River Bridge, northbound traffic would have separate entrance ramps for D Street and E Street.

Southbound traffic would continue to have access to and from D Street; however, existing southbound ramps at E Street would be eliminated. Access to and from E Street for southbound traffic would be provided at the Stoddard Wells Road interchange using a two-way frontage road on the west side. This connection would cross the Mojave River.

The proposed interchange improvements would upgrade non-standard roadway features and separate or eliminate some merging and weaving movements from the mainline traffic flow. Ramp intersections at D Street and E Street would be improved, and the existing signal system would be relocated and coordinated. The interchange improvements and upgrades are expected to enhance safety conditions for higher traffic volumes in the future.

Stoddard Wells Road Interchange Reconstruction

Existing vertical abutments at the Stoddard Wells Road overcrossing are too close to the freeway to allow outside widening. Therefore, a new interchange is proposed 0.3 mile north of the existing location. A northbound diamond configuration and a southbound partial clover configuration with a loop on-ramp in the northwest quadrant are proposed. Both ramp intersections and the east frontage road intersection with Stoddard Wells Road would be signalized.

Interchange reconstruction would upgrade existing non-standard conditions related to interchange spacing, ramp deceleration, and vertical clearance. The merge, diverge, and weaving maneuvers between D Street and E Street would be mitigated with the removal of the southbound entrance and exit ramps at E Street and the installation of a collector/distributor road for northbound traffic. The relocation of the Stoddard Wells Road interchange would bring the interchange separation distance with E Street and Stoddard Wells Road interchanges into conformance with current standards.

Elimination of the Southbound Entrance and Exit Ramps at E Street and the Construction of a New Two-Way Frontage Road on the West Side

The existing southbound entrance ramp from E Street serves a cement plant and a small residential area isolated between the Mojave River and the BNSF railroad tracks. The slow-moving trucks from the cement plant currently enter the freeway on a 4.54 percent uphill grade and have difficulty merging with freeway traffic. When coupled with projected increases in traffic volume, merging is expected to become even more difficult.

To resolve this potential conflict, the southbound ramps at E Street would need to be closed, and a frontage road would need to be constructed. Trucks would enter the Stoddard Wells Road interchange with approximately 1.0 mile (1.6 kilometers [km]) of lane for gaining speed before ascending the 4.54 percent grade. The frontage road would also provide access to businesses located at the existing Stoddard Wells Road interchange. The Stoddard Wells Road interchange would be relocated about 0.5 mile (0.8 km) to the north to provide adequate interchange spacing.

The proposed frontage road on the west side would be 1.3 miles (2.1 km) long, with two 11.8-foot (3.6-meter [m]) lanes and 9.8-foot (3.0 m) outside shoulders. The Mojave River Bridge has a span of 574 feet (175.0 m), which would be widened to accommodate the roadbed. The frontage road bridge deck would be separated from the mainline deck. The east frontage road would be realigned and reconstructed around the proposed Stoddard Wells Road interchange and would have two 11.8-foot (3.6 m) lanes with 7.9-foot (2.4 m) outside shoulders. The frontage roads, in conjunction with the collector/distributor road, would reduce the amount of local traffic on the freeway, thereby easing congestion.

The frontage road on the east side of I-15 in the vicinity of the proposed Stoddard Wells Road interchange would be realigned around the new interchange. The frontage road would connect to Stoddard Wells Road to the south and then join the portion of the frontage road that was realigned during Phase I. The realignment would involve relocation of utilities, including Southern California Edison (SCE) overhead power lines and AT&T fiber optic lines.

Noise Barriers

A total of six locations were proposed for noise barrier construction as part of Phases I, II, and III. Noise barriers were installed at four locations as part of Phase I (southbound and northbound widening); noise barriers would be constructed at the two remaining locations through this proposed project. The first location is adjacent to the trailer park, in proximity to the northbound D Street off-ramp, between post mile 43.37 and post mile 43.43 (KP 69.8 and KP 69.9). The second location is adjacent to the KOA campground, between post mile 43.99 and post mile 44.18 (KP 70.8 and KP 71.1).

Aesthetic Treatment

Various context-sensitive elements would be integrated into the design of the project to improve the aesthetics of this “gateway” to the City of Victorville. Aesthetic treatments, including special groundplane treatments as well as architectural and structural elements, would be designed to blend with the natural desert surroundings. See Section 2.1.11 (pages 2-46 and 2-47) of the document for additional discussion related to context sensitive elements.

Funding for incorporating a decorative treatment/graphic motif into the retaining wall to be constructed on the east side of the northbound lanes of Interstate 15, from the vicinity of the Mojave Drive interchange to the vicinity of the D Street interchange as part of the Build Alternative (Preferred Alternative), was programmed in the 2004 Transportation Enhancement IIP (FY 2007/2008). Design and construction would be combined with the proposed Interchange Reconstruction project.

Existing landscaping, including irrigation systems, disturbed or destroyed by the roadway construction project would be replaced through a subsequent project. This future landscaping work would include a rock blanket, gravel, and planting and irrigation work, including vine planting on soundwalls and willow and cottonwood replanting.

Non-Motorized and Pedestrian Features

Local street access for pedestrians and bicycles would be enhanced by the proposed west frontage road. The west frontage road would have two outside shoulders available for bicycle use. The west frontage road will have two 9.8-foot (3.0 m) outside shoulders available for bicycle use. A sidewalk along the west side of the roadway would be provided for pedestrian use. The east frontage road would have two 9.8-foot (3.0 m) outside shoulders south of Stoddard Wells Road and two 9.8-foot (3.0 m) outside shoulders north of Stoddard Wells Road. A sidewalk along the west side of the roadway would be provided for the segment south of Stoddard Wells Road. Sidewalks would be provided for pedestrian use on the north side of the Stoddard Wells Road overcrossing and between the northbound and southbound ramp intersections. Sidewalks would also be provided for pedestrian use on the south side of D Street under the Victorville overhead and separation structure. A minimum outside shoulder of 1.2 meters would be provided to accommodate bicycles.

1.4.3 Identification of a Preferred Alternative

After the public circulation period, and after all comments received were considered, the Project Development Team selected the Build Alternative (Alternative 2) as the Preferred Alternative. The Preferred Alternative meets the purpose and need of the proposed project. The proposed Build Alternative (Preferred Alternative) would upgrade non-standard roadway features, improve operational characteristic of the D Street, E Street and Stoddard Wells Road interchange and enhance safety in the project area. In accordance with the California Environmental Quality Act (CEQA), since no unmitigable significant adverse impacts have been identified, the Department has prepared a Mitigated Negative Declaration (MND). Similarly, the Department has determined that the action does not significantly affect the environment and, as assigned by FHWA, the Department has issued a Finding of No Significant Impact (FONSI) in accordance with the National Environmental Policy Act (NEPA).

1.4.4 Alternatives Eliminated from further Consideration

Many design alternatives were considered for Phase III. Several alternatives were considered and rejected during the scoping process and preparation of the PSR, Major Investment Study, and Value Analysis Study because they were not effective.

Collector/Distributor System for the D Street and E Street Interchanges (Design Variation 1)

The initial design concept proposed collector/distributor roads for each direction of travel between the D Street and E Street interchanges. Subsequent engineering studies indicate that this design poses a potential bottleneck for the southbound mainline traffic flow. The basic problem involves slow-moving trucks merging with mainline flow from the collector/distributor while ascending an extended 4.54 percent mainline grade and then merging again with high-volume traffic from the D Street southbound entrance ramp (see Purpose and Need). Currently,

400 trucks per day from the CEMEX concrete plant use the E Street interchange. The plant expects 600 trucks per day in the near future. The collector/distributor road for the southbound direction was withdrawn from further consideration.

Eliminate E Street Interchange (Design Variation 2)

The Value Analysis Team studied the E Street interchange and recommended consideration be given to eliminating this interchange completely because 1) ramp volumes were low, 2) it violated current interchange spacing guidelines, and 3) ramp deceleration lengths were non-standard. Direct access to the area, including the cement plant, is currently provided by the freeway. Local access is available at an at-grade crossing of the railroad 0.9 mile (1.2 km) to the east.

The City of Victorville and the CEMEX cement plant concurred with the concept of providing alternate access for the southbound ramps but opposed closing the northbound ramps. The northbound exit ramp provides the only direct access to the area for emergency service vehicles. Currently, direct access from the local circulation system (D Street) is blocked by four sets of railroad tracks on the south and the Mojave River on the north.

In-Place Reconstruction of Stoddard Wells Road Interchange (Design Variation 3)

This alternative does not fulfill the purpose and need of the project (i.e., to eliminate the weaving problems that result from non-standard interchange spacing). By moving this interchange, the minimum spacing standard of 1 mile could be achieved between the Stoddard Wells Road interchange and the E Street interchange. Also, widening in place would mean more impacts than the Build Alternative (Preferred Alternative) on floodplains/wetlands and businesses, including several gas stations, motels, and restaurants. This would increase the project's cost by 5 to 10 percent.

Local Access Alternatives to Closing the E Street Southbound Ramps

Three variations were considered:

- **Grade Crossing near the D Street Interchange.** The Public Utilities Commission (PUC) has historically denied permission or consideration for any further at-grade crossings over the railroad tracks in this area;
- **Separated Connector between D Street and E Street.** The distance between D Street and E Street is insufficient for an acceptable geometric design for a separated connector either over or under the railroad tracks; and
- **Closing Northbound Ramps.** Closing the northbound ramps was not considered a viable option because it would disrupt city services, and its impact could not be mitigated. Closing the southbound ramps would improve mainline traffic flow while maintaining city services on the local road system via the proposed frontage road.

1.5 Permits and Approvals Needed

Permit/Approval	Agency	Status
Section 404 Permit	U.S. Army Corps of Engineers	Application will be submitted after project approval
Section 401 Permit	Regional Water Quality Control Board	Same as above
Section 1600	California Department of Fish and Game	Same as above
<i>2081 Permit</i>	<i>Department of Fish and Game</i>	Same as above
Section 7 Consultation	U.S. Fish and Wildlife Service	Based on discussions with USFWS, informal Section 7 consultation was determined sufficient for project. March 6, 2008 USFWS issued letter of concurrence for "Not Likely to Adversely Affect" determination.
Air Quality Conformity Determination	FHWA	Air Quality Conformity Determination issued on June 9, 2008
GO 88-B Request for authorization to modify an at-grade crossing	California Public Utilities Commission (through the Rail Crossings Engineering Section (RCES))	Request will be submitted following project approval
Freeway Agreement	City of Victorville	Following project approval
Relinquishment Agreement	City of Victorville	Following project completion
Common Use Agreement	San Bernardino County Flood Control	Following project approval

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

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

- Coastal Zone
- Wild and Scenic Rivers.

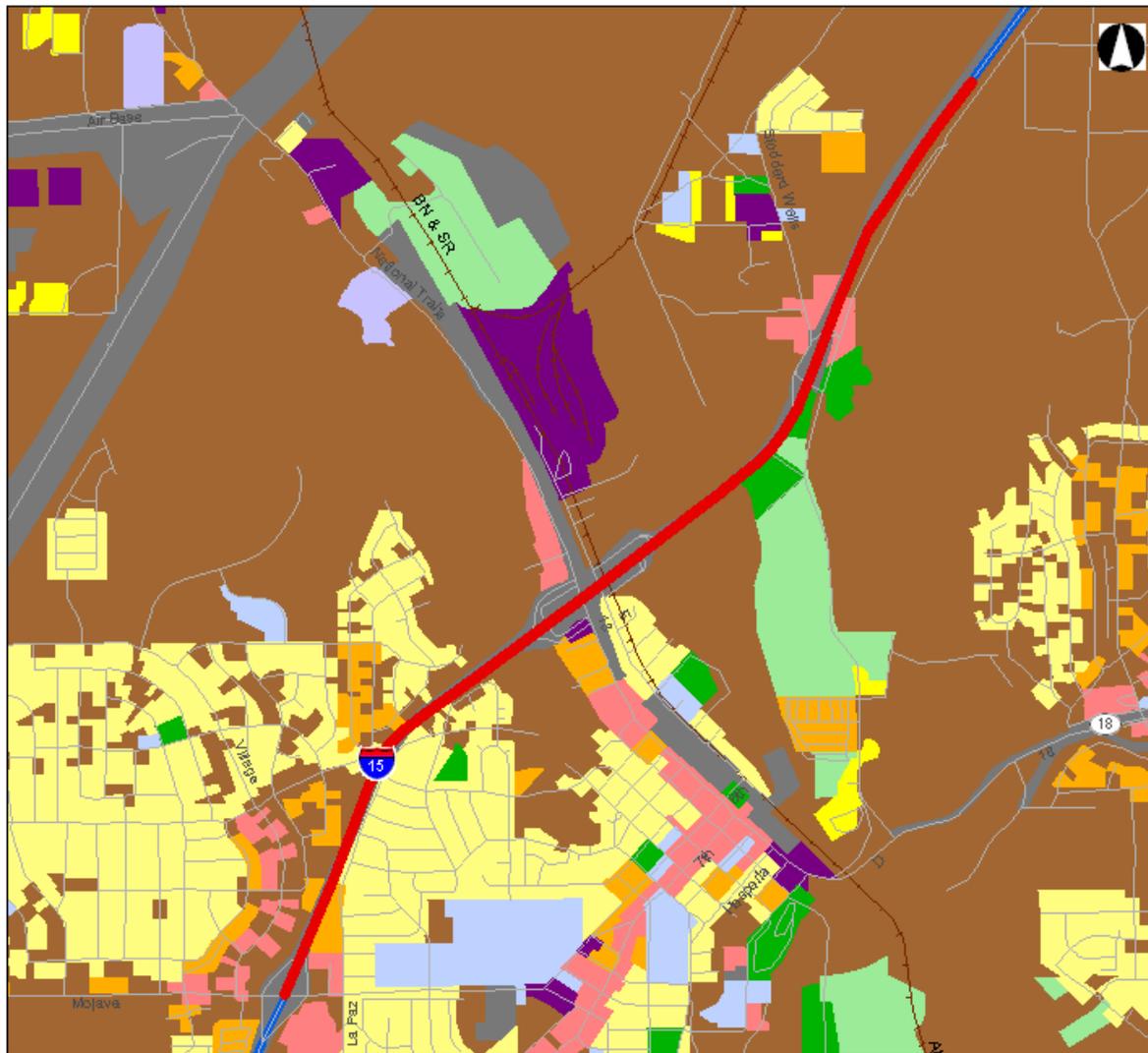
2.1 Human Environment

2.1.1 Existing and Future Land Use

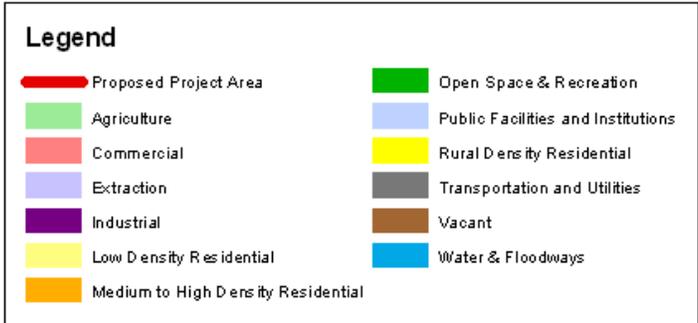
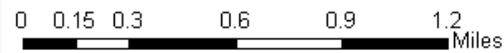
The information presented in this section is based primarily on the Community Impact Assessment for the proposed project dated December 2007. As shown in Figure 2-1, the project area encompasses a 3.5-mile-long section of I-15, located within the northeastern limits of the City of Victorville, in San Bernardino County. The area, in general, is dominated by both light and heavy industrial uses, such as a large cement plant (CEMEX), material recycling centers, and several small automotive repair type businesses. Typical highway-related uses, such as motels and diners, are also established in the area. The residential areas, mostly to the east of I-15, include multi-family units north of Mojave Drive and single-family residences near E Street. A noise wall exists along this portion of I-15 on both sides of the freeway. To the west of I-15, a few residential areas shielded by the noise wall are found near Mojave Drive. Farther north, near Stoddard Wells Road, is a multi-family residential area. A mobile home park exists near the northbound I-15 off-ramp at D Street. The nearest school is located along E Street, roughly 0.5 mile east of the project boundary. Eva Dell Park is adjacent to the school. Along D Street, going east, is the town center and a variety of retail establishments. An Amtrak station is also located in this area of D Street.

Future development is expected to occur throughout the City of Victorville, particularly in the North Mojave Planning Area, which is northeast of the proposed project area. Table 2-19, provides a list of the current and proposed projects, and Figure 2-8 shows the location of the proposed projects. According to SCAG projections, the population in the city is expected to increase substantially to 123,641 in 2030, an increase of about 91 percent from 2000, while the number of households in 2030 is projected to be 40,427, an increase of about 93 percent. While the proposed project is entirely within the jurisdiction of the City of Victorville, the town of Apple Valley is located within 1 mile of the proposed project. Therefore, planned projects within Apple Valley have also been included in Table 2-19. Also included are the Department's major roadway improvement projects.

Figure 2-1. Existing Land Use



Sources: U.S. Census Bureau TIGER Data, 2000; ESRI Streetmap USA, 2006; SANBAG, 2000



Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, the existing deficient conditions would continue to exist and perhaps worsen because no transportation improvements would be made. The existing non-standard features would not be improved, and accident rates would remain above average.

Build Alternative (Preferred Alternative). The project proposes safety improvements to existing transportation uses. The proposed interchange reconstruction project would contribute to overall safety and lower accident rates at the interchanges by increasing ramp deceleration lengths, lane widths, shoulder widths, median widths, and interchange spacing. The existing land uses in the vicinity are rail and highway dependent and would benefit from the proposed infrastructure improvements at the existing interchanges, which would be compatible. In addition, the proposed project is consistent with various regional and local land use and transportation plans.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are required.

2.1.2 Consistency with State, Regional, and Local Plans and Programs

2.1.2.1 Southern California Association of Governments 2008 Regional Transportation Plan

SCAG is the metropolitan planning organization for six counties in Southern California: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The Regional Transportation Plan (RTP) is a long-term (minimum of 20 years) vision document that outlines transportation goals, objectives, and policies for the SCAG region. Every 3 years, SCAG revises the RTP with updated information and new environmental clearance. The 2008 RTP, called *Making the Connections 2035*, was adopted by SCAG in May 2008 and FHWA approved the project level conformity determination with the 2008 RTP and 2006 Regional Transportation Improvement Program (RTIP) (Consistency Amendment #13) on June 5, 2008. The update reflects population, housing, employment, environmental, land use forecast, and technology changes. This regional planning document is required by a number of state and federal mandates and requirements, which include the Intermodal Surface Transportation Efficiency Act of 1991, the Clean Air Act, and the California Clean Air Act (SCAG 2004a). The I-15 Interchange Reconstruction Project is listed in the 2008 RTP.

On July 14, 1998, SCAG granted the Department a Letter of Completion for the I-15 Victorville-to-Barstow Major Investment Study (MIS). The MIS, prepared in cooperation with and overseen by SCAG, addressed two primary objectives: 1) identify all reasonable multi-modal alternatives through public participation and local agency collaboration and 2) use the Department's performance measures to evaluate all viable project alternatives for consistency with SCAG's 1998 RTP.

2.1.2.2 SCAG 2006 Regional Transportation Improvement Program

SCAG's 2006 RTIP is a capital listing of transportation projects proposed over a 6-year period for fiscal years 2006/2007 to 2011/2012. The RTIP must include all transportation projects that require federal funding as well as all regionally significant transportation projects for which federal approval (by FHWA or the Federal Transit Administration [FTA]) is required, regardless of funding source. The proposed project (Phase III) is included in the final adopted 2006 Regional Transportation Improvement Program (RTIP) with approved Amendments 1 through 12, 14 through 16, 18 as Project ID 35556, Model No. 4603, completion year 2011. All projects incorporated into the 2006 RTIP are consistent with 2008 RTP policies, programs, and projects.

2.1.2.3 San Bernardino Association of Governments Congestion Management Plan

The San Bernardino Association of Governments (SANBAG) is the council of governments and transportation planning agency for San Bernardino County. SANBAG has adopted a countywide CMP. The CMP is required pursuant to Government Code Section 65088 et seq. Its primary objective is to prevent increased congestion on CMP network roadways as well as a degradation of air quality. Approximately 1,500 miles of countywide roads are part of the CMP network; approximately 176 miles are located in the Victor Valley, with 40 miles in the Victorville Planning Area. CMP network roadways include state highways and principal arterials and roadways of multi-jurisdictional or regional significance. Interstate 15 is included within the CMP network roadways located in the Victorville Planning Area.

SANBAG is lending financial support to the proposed I-15 Interchange Reconstruction Project. As Phase III of the I-15 widening project, the proposed project is a collaborative effort/project of SANBAG, the Department, and the Nevada Department of Transportation.

2.1.2.4 West Mojave Plan

The planning area covers 9.3 million acres in the western portion of the Mojave Desert in Southern California, covering parts of San Bernardino, Los Angeles, Kern, and Inyo Counties. An interagency Habitat Conservation Plan is being prepared by the Bureau of Land Management (BLM) in collaboration with the region's cities and counties as well as state and federal agencies. The plan would apply to the 3.2 million acres of public lands and 2.9 million acres of private lands within the planning area and would be consistent with the Resource Management Plans adopted by each of the region's five military bases and the Desert Tortoise Recovery Plan. The proposed project, which is within the West Mojave Plan area, would follow the conservation measures discussed in the Biological Resources section of this document.

2.1.2.5 San Bernardino County General Plan

The most recent update to the San Bernardino County General Plan was adopted on March 17, 2007; it became effective on April 12, 2007. The San Bernardino County General Plan encompasses unincorporated lands within San Bernardino County, including those in the proposed project area. San Bernardino County is the largest county in the contiguous United States, with 24 cities and large areas of sparsely populated land. The county's general plan

provides guidance for the future, particularly with respect to growth and development. More precise direction is provided in plan implementation mechanisms, such as annexations, zoning codes, design regulations, annual budgets, and capital improvement programs. The general plan addresses a broad range of physical, environmental, social, and economic factors affecting change in the community. These factors include land use and circulation, the environment and resources, economic and fiscal conditions, as well as a host of others.

Interstate 15 is designated as a Six-Lane Freeway on the San Bernardino County Circulation and Transportation Map, Mojave Drive is designated as a Major Arterial Highway, D Street is designated as a Major Highway, and Stoddard Wells Road is designated as a Major Highway north of the I-15 south overpass and a Secondary Highway north of the I-15 underpass.

2.1.2.6 City of Victorville General Plan

The City of Victorville General Plan was approved on July 15, 1997. It was prepared pursuant to California Government Code Section 6530, which requires every city and county within the state to adopt a comprehensive long-term general plan for the physical development of the community as well as lands located outside the boundary that, in the planning agency's judgment, bear a relation to the agency's planning efforts. The time horizon for this plan is 2015, which is consistent with the regional planning efforts of SCAG contained in the Regional Comprehensive Plan and Guide (RCPG).

The proposed interchange reconstruction area lies within several planning areas. Beginning at the Mojave Drive intersection, the proposed project runs through the western edge of the Central City Planning Area, which contains the city's older and more intensive development. According to the City of Victorville General Plan, the interchange is designated as a Road Crossing, a Freeway Access [point], and an Arterial, while the adjacent property, as is the case at all freeway interchanges in the City of Victorville, is zoned primarily commercial. The Old Town Specific Plan is located southeast of D Street, bordering I-15. Parcels within this specific plan area are designated Residential, Commercial, and Restricted Industrial. The Village Planning Area, located northwest of I-15 and north of Mojave Drive, consists largely of rural, low-density residential uses and some medium-density residential and commercial uses. The D Street and E Street interchange reconstruction segment runs through the North Mojave Planning Area and is bordered by commercial, office/professional, low- and high-density residential, and open space parcels, while the Stoddard Wells Road interchange is bordered by commercial areas but is close to residential areas south of the interchange.

Circulation Element. Pursuant to Government Code Section 65302(b), the general plan includes a Circulation Element that identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and local public utilities and facilities. The Circulation Element also identifies goals, policies, and implementation measures that would relieve existing roadway congestion and expand the circulation network to serve the outlying areas where future growth is anticipated. Some of these goals are listed below.

Circulation Element Goals

The Circulation Element envisions Victorville as

- a balanced community with transportation alternatives;
- a community with a transportation system and infrastructure to serve existing and projected land uses, with all elements designed for convenience and safety;
- a community with an efficient transportation system; and
- a community that requires its circulation infrastructure to be constructed in an orderly and fiscally efficient manner.

The general plan does not specifically address the proposed project. However, the goals, policies, and implementation measures in the Circulation Element of the general plan are designed to improve the transportation system and existing infrastructure. Policy 2.1 under Goal 2 in the Circulation Element states that “The City will provide a plan for a locally and regionally coordinated street system for the safe and efficient movement of people and goods.”

2.1.2.7 Victorville Old Town Area – Neighborhood Revitalization Plan (1993)

Approximately four blocks wide, the Victorville Old Town area is located southeast of D Street, extending from 11th Street to I-15. It also includes a strip of land on both sides of 7th Street from Forrest to Victor Streets. A Neighborhood Enterprises Housing Working Together Plan has been prepared to implement a coordinated program of improvements and retain the viability of the Victorville Old Town area as a vital commercial and residential district. The eight goals outlined in the plan deal with improving economic vitality in the area and attracting new businesses. Other goals of the plan include improved traffic circulation and public infrastructure in the Victorville Old Town area. The NEHW Plan envisions neighborhood revitalization by reconstructing D Street from I-15 to the Mojave Narrows.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, spacing between the interchanges would remain unchanged and, therefore, would not comply with existing roadway standards. The geometric and operational deficiencies do not comply with the traffic safety goals of the Circulation Element of the City of Victorville General Plan.

Build Alternative (Preferred Alternative). The project proposes safety improvements to existing transportation uses. The proposed interchange reconstruction project would contribute to overall safety and lower accident rates at the interchanges by increasing ramp deceleration lengths, lane widths, shoulder widths, median widths, and interchange spacing. The existing land uses in the vicinity are rail and highway dependent and would benefit from the proposed infrastructure improvements at the existing interchanges, which would be compatible. The proposed project is consistent with the various regional and local land use and transportation plans described above.

The proposed project is listed in the 2008 RTP and the 2006 RTIP and SANBAG has given it a high-priority rating. The proposed project is consistent with the City of Victorville General Plan Circulation Element because it supports infrastructure improvements to enhance safety and promotes the efficient movement of people and goods. As such, the proposed project would not result in adverse effects concerning land use and transportation plans.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are required.

2.1.3 Parks and Recreation

Affected Environment

The proposed project is located in an urban industrial setting. Local parks do not abut the project alignment directly; all are a fair distance away and separated by intervening uses. Table 2-1 shows the park and recreational facilities located within 1 mile of the proposed project.

Table 2-1. Park and Recreational Facilities

Name	Address	Distance from Project (miles)
San Bernardino County Fairgrounds	14800 7 th Street	0.95
Forrest City Park	16858 D Street	0.72
Eva Dell Park	15714 1 st Street	0.35
Avalon City Park	16339 Avalon Avenue	0.17
Village Park/Village Recreation Center	15790 E. Camino Road	0.56
KOA Campground	16530 Stoddard Wells Road	0.25
Grady Trammel Park	17184 Stoddard Wells Road	0.36

Source: Jones & Stokes, 2007.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, the segment of I-15 in question would continue to operate as is. Nearby parks would not be affected.

Build Alternative (Preferred Alternative). The proposed project would not adversely affect park or recreational facilities and would not require acquisition of park property. The proposed improvements would not diminish access to area parks and would not involve use of a Section 4(f) park or recreational facility. The nearest park to the proposed project is Avalon City Park, which is 0.17 mile away. Access to the park is via Avalon Avenue, which would not be affected by the proposed project. Therefore, the proposed project would not have an adverse effect on parks or recreational facilities.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are required.

2.1.4 Growth

Regulatory Setting

Council on Environmental Quality (CEQ) regulations, which implement the National Environmental Policy Act of 1969, require evaluation of the potential environmental consequences of all proposed federal activities and programs. This provision includes a requirement to examine indirect consequences, which may occur in areas beyond the immediate influence of a proposed action and at some time in the future. CEQ regulations, 40 Code of Federal Regulations (CFR) 1508.8, refer to these consequences as secondary impacts. Secondary impacts may include changes in land use, economic vitality, and population density, which are all elements of growth.

The California Environmental Quality Act (CEQA) also requires an analysis of a project's potential to induce growth. *State CEQA Guidelines*, Section 15126.2(d), require that environmental documents "...discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment..."

Affected Environment

According to the City of Victorville General Plan, a large portion of the Victorville Planning Area is currently developed for low-density residential purposes, including some of the area adjacent to the proposed project. The city has grown rapidly over the last 10 years, from approximately 60,000 residents to approximately 102,538 in 2007, which represents an annual growth rate of 7.08 percent. It is anticipated that full implementation of the City of Victorville General Plan will result in substantial increases in population and housing stock. The SCAG 2004 RTP projects that San Bernardino County will have a population of 2,713,149 in 2030, or 59 percent more than the 2000 population. The number of households in the county by 2030 is projected to be 897,739 or 69.84 percent more than the 2000 number. The City of Victorville's population is projected to be 123,641 in 2030, or 93.10 percent more than the 2000 population. The number of households in the City of Victorville in 2030 is projected to be 40,427, an increase of about 93.5 percent.

The combined population of census tracts adjacent to the project area, which include Tract 98, Tract 99.01, Tract 99.03, and Tract 121, is projected to be 69,662 in 2030, an increase of 91.27 percent; the number of households in the project area census tract is projected to increase by 109.37 percent.

Environmental Consequences

No-Build Alternative. There would be no improvements to the interchanges under this alternative, and no property acquisitions or displacements would occur. There would be no effects on the pattern and/or rate of existing and planned population and housing growth in the project area.

Build Alternative (Preferred Alternative). The pattern and rate of population and housing growth would be consistent with contemplated patterns and rates in existing plans for the area. As described in the City of Victorville General Plan, the city and county have accounted for potential growth in their plans and have planned for community facilities. According to the Final Relocation Impact Report prepared for the project, six mobile home units and one single family residential unit would need to be relocated. The city has adequate properties to accommodate those relocations.

First-Cut Screening Analysis

The first-cut screening analysis for the Build Alternative (Preferred Alternative) is presented below.

Accessibility. The proposed project involves improvements to an existing transportation facility designed to address safety issues and bring the area interchanges into compliance with existing roadway standards. The proposed improvements would not provide new roads in an area not previously served by roads or improve accessibility to and from areas previously not accessible by roads.

Land Use. The area adjoining the proposed project is designated as Vacant, Commercial, or Industrial in the city's general plan. Historically, the area has been, for the most part, vacant but with some rail-dependent industries. Other uses include recycling centers and automotive repair shops. Given that the area is largely industrial, it is unlikely that residential uses would be located in this area in the future. In addition, the terrain is hilly. There are no shopping areas or highly frequented destinations in the vicinity of the project alignment; therefore, access to such areas would not change as a result of the proposed improvements. Travel behavior would remain unchanged.

Resources of Concern. Resources of concern can be identified as wetlands, vernal pools, threatened/endangered species, prime farmland, Section 4(f) property, etc. Given the nature of the proposed project and the types of existing land uses in the vicinity, growth resulting from the proposed project is not foreseeable. Therefore, the potential for impacts on resources of concern as a result of project-related growth is low.

Given this first-cut screening, it is determined that growth resulting from the proposed project is not foreseeable. Therefore, a growth-related analysis is not warranted for the proposed project.

Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, and/or mitigation measures are required.

2.1.5 Farmlands

Regulatory Setting

NEPA and the Farmland Protection Policy Act (FPPA) (United States Code [USC] 4201–4209, and its regulations, 7 CFR Chapter VI, Part 658) require federal agencies, such as FHWA, to coordinate with the Natural Resources Conservation Service (NRCS) if their activities may

irreversibly convert farmland (directly or indirectly) to non-agricultural use. For purposes of FPPA, farmland includes prime farmland, unique farmland, and farmland of statewide or local importance.

CEQA requires a review of projects that would convert Williamson Act contract land to non-agricultural uses. The main purposes of the Williamson Act are to preserve agricultural land and encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners, through reduced property taxes, to deter the early conversion of agricultural and open space lands to other uses.

Affected Environment

The project area is currently developed and designated for industrial, commercial, residential, office/professional, and open space uses. The project area is not used for farming or grazing, and no prime or unique farmlands or farmlands of statewide/local importance are located within the proposed project area. According to the City of Victorville General Plan, agricultural use of soils in the city is generally limited by the availability of water, soil alkalinity, and playas that are unsuitable for agricultural uses.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, there would be no effect on farmlands.

Build Alternative (Preferred Alternative). There are no prime or unique farmlands or farmlands of statewide/local importance located within the proposed project area. In addition, the area is not zoned for agricultural use, nor does it come under a Williamson Act contract. Hence, the proposed Build Alternative (Preferred Alternative) would have no adverse effect on farmland.

Avoidance, Minimization, and/or Mitigation Measures

No adverse effects on farmlands have been identified; therefore, mitigation is not required.

2.1.6 Community Impacts

Regulatory Setting

The National Environmental Policy Act of 1969 (as amended) mandates the federal government to use all practicable means to ensure safe, healthful, productive, and aesthetically and culturally pleasing surroundings for all Americans (42 USC 4331(b)(2)). FHWA, in its implementation of NEPA (23 USC 109(h)), directs that final decisions on projects be made in the best overall public interest. This requires taking into account adverse environmental impacts such as destruction or disruption of human-made resources, community cohesion, and the availability of public facilities and services.

Under CEQA, an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then social or economic change may be considered in determining whether the physical change is

significant. Since this project would result in physical changes to the environment, it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects.

Affected Environment

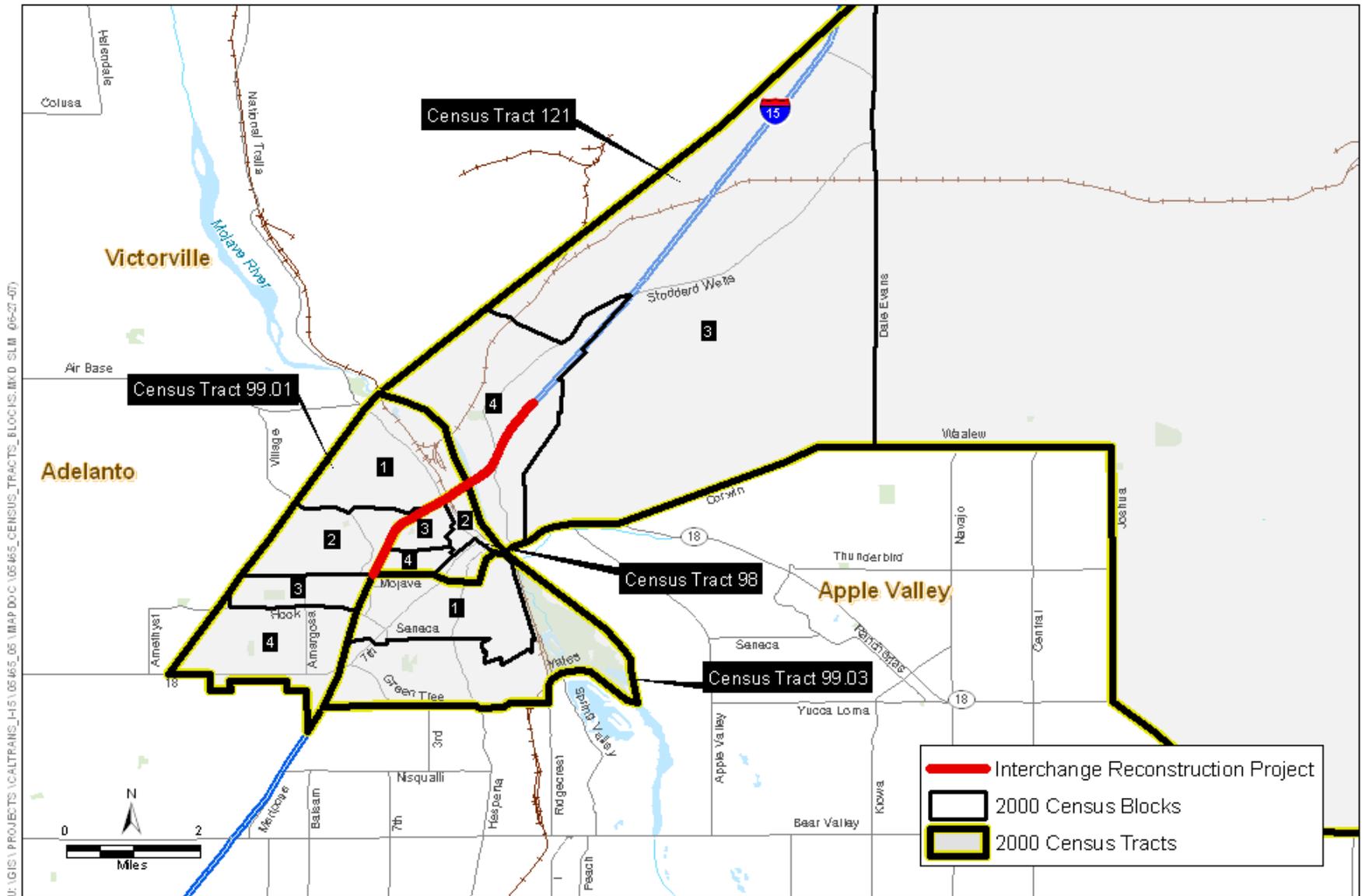
A Community Impact Assessment (CIA), June 2008, was prepared by the Department to analyze the impacts of the proposed project. Land uses in the area consist largely of highway-related uses such as motels, gas stations, and automotive repair shops. A large cement plant is located west of I-15 along E Street near the BNSF railroad tracks. There are several gas stations and motels along I-15, near Stoddard Wells Road, including a Denny's restaurant, Selim's Mobil gas station, a 76 gas station, a Howard Johnson hotel, and a Motel 6. Residential areas in the vicinity of the proposed project include mobile home parks near D Street and the east frontage road. Single-family residential areas are located east of I-15 along E Street and also at the southern edge of the proposed project area near Mojave Drive. A privately owned campground exists near the east frontage road east of I-15. The combined population of the block groups in the census tracts in the study area (Tract 98, Tract 99.01, Tract 99.03, and Tract 121) was 20,829 in 2000. The study area population is projected to be 69,662 in 2030, an increase of approximately 92 percent; the number of households in the proposed project area is projected to increase by approximately 110 percent. Table 2-2 provides the existing regional and local population characteristics, and Figure 2-2 shows the study area.

Table 2-2. Existing Regional and Local Population Characteristics – Age (2000)

Area	Total Population	Age			
		Under 18	%	65 and Over	%
San Bernardino County	1,709,434	552,047	32.29	146,459	8.57
City of Victorville	64,029	21,917	34.23	8,225	12.85
Apple Valley	54,239	17,115	31.56	7,445	13.73
Study Area	20,829	6,967	33.45	2,528	12.14
Census Tract 98					
Block Group 2	798	297	37.22	49	6.14
Block Group 3	1,417	462	32.60	159	11.22
Block Group 4	1,209	399	33.00	153	12.66
Census Tract 99.01					
Block Group 1	768	290	37.76	42	5.47
Block Group 2	3,977	1,513	38.04	291	7.32
Block Group 3	2,479	973	39.25	200	8.07
Block Group 4	4,201	1,374	32.71	524	12.47
Census Tract 99.03					
Block Group 1	2,328	737	31.66	404	17.35
Census Tract 121					
Block Group 3	2,934	744	25.36	515	17.55
Block Group 4	718	178	24.79	191	26.60

Sources: U.S. Census Bureau, Census of Population and Housing, Summary File 1 (2000); Jones & Stokes (2007).

Figure 2-2. Population and Housing Study Area



SOURCE: ESRI Streetmap USA (2006)

According to the 2000 U.S. census, the total number of housing units in the study area was 7,816, of which 60.15 percent of those were single-family units, 27.90 percent were multi-family units, and the remaining 11.95 percent were classified as “Other.” Of the total housing units, 91 percent were occupied and 9 percent were vacant, generally resembling the housing tenure characteristics for surrounding San Bernardino County, the City of Victorville, and the town of Apple Valley. Of the total number of occupied housing units, 55 percent were owner-occupied units and 45 percent were rented. In the study area, the percentage of owner-occupied housing units was slightly less than the number in the surrounding county and cities. Table 2-3, Table 2-4, and Table 2-5 present the regional and local housing characteristics.

Table 2-3. Existing Regional and Local Housing Characteristics – Type (2000)

Area	Total Units¹	Single Family	%	Multi-Family	%	Other²	%
San Bernardino County	601,369	Not Available		Not Available		Not Available	
City of Victorville	22,498	Not Available		Not Available		Not Available	
Apple Valley	20,163	Not Available		Not Available		Not Available	
Study Area	7,816	4,701	60.15	2,181	27.90%	934	11.95
Census Tract 98							
Block Group 2	331	227	68.58	99	29.91	5	1.51
Block Group 3	529	388	73.35	37	6.99	104	19.66
Block Group 4	486	355	73.05	131	26.95	0	0
Census Tract 99.01							
Block Group 1	261	248	95.02	7	2.68	6	2.30
Block Group 2	1,300	968	74.46	332	25.54	0	0
Block Group 3	822	580	70.56	145	17.64	97	11.80
Block Group 4	1,800	360	20.00	874	48.56	566	31.44
Census Tract 99.03							
Block Group 1	778	646	83.03	132	16.97	0	0
Census Tract 121							
Block Group 3	1,138	828	72.76	299	26.27	11	0.97
Block Group 4	371	101	27.22	125	33.70	145	39.08

Notes:

¹Total housing units information for this data set is from Summary File 3, which uses a population sample. Thus, the total housing units information shown here does not correspond to the total units reported in the Summary File 1 data sets.

²“Other” units includes mobile homes, recreational vehicles, vans, campers, tents, etc.

Sources: U.S. Census Bureau, Census of Population and Housing, Summary File 3 (2000); Jones & Stokes (2007).

Table 2-4. Existing Regional and Local Housing Characteristics – Occupancy (2000)

Area	Total Units	Occupied	%	Vacant	%	Persons per Household
San Bernardino County	601,369	528,594	87.9	72,775	12.1	3.23
City of Victorville	22,498	20,893	92.9	1605	7.1	3.07
Apple Valley	20,163	18,557	92	1606	7.9	2.92
Study Area	7,847	7,132	91.0	715	9.0	2.92
Census Tract 98						
Block Group 2	361	254	70.4	107	29.6	3.14
Block Group 3	514	471	91.6	43	8.4	3.01
Block Group 4	462	405	87.7	57	12.3	2.99
Census Tract 99.01						
Block Group 1	249	234	94	15	6	3.28
Block Group 2	1,312	1,191	90.8	121	9.2	3.34
Block Group 3	829	788	95.1	41	4.9	3.17
Block Group 4	1,793	1,634	91.2	159	8.80	2.57
Census Tract 99.03						
Block Group 1	786	731	93	55	7	3.19
Census Tract 121						
Block Group 3	1,138	1,081	95.0	57	5.00	2.71
Block Group 4	403	343	85.1	60	14.9	2.09

Sources: U.S. Census Bureau, Census of Population and Housing, Summary File 1 (2000); Jones & Stokes (2007).

Table 2-5. Existing Regional and Local Housing Characteristics – Tenure (2000)

Area	Occupied Units	Owner-Occupied Units	%	Renter-Occupied Units	%
San Bernardino County	528,594	340,933	64.5	187,661	35.5
City of Victorville	20,893	13,597	65.1	7,296	34.9
Apple Valley	18,557	12,996	70.0	5,561	30.0
Study Area	7,132	3,928	55	3,204	45
Census Tract 98					
Block Group 2	254	70	27.6	184	72.4
Block Group 3	471	290	61.6	181	38.4
Block Group 4	405	197	48.6	208	51.4
Census Tract 99.01					
Block Group 1	234	178	76.1	56	23.9
Block Group 2	1,191	738	62	453	38
Block Group 3	788	522	66.2	266	33.8
Block Group 4	1,634	613	37.5	1,021	62.4
Census Tract 99.03					
Block Group 1	731	418	57.2	313	42.8
Census Tract 121					
Block Group 3	1,081	727	67.2	354	32.7
Block Group 4	343	175	51	168	49

Sources: U.S. Census Bureau, Census of Population and Housing, Summary File 1 (2000); Jones & Stokes (2007).

Data from the 2000 U.S. census indicate that per capita income for the study area population was, for the most part, similar to City of Victorville per capita income but below county and Apple Valley income levels. Within the study area, the range of per capita incomes was quite large. Also, the percentage of people below the poverty threshold was 23.82 percent, which is higher than the percentage in the City of Victorville, San Bernardino County, or Apple Valley. In Census Tract 98, Block Group 2, the percentage of the population below the poverty threshold is as high as 53.38. (Note: The 1999 poverty threshold used in the 2000 U.S. census, as defined by the U.S. Census Bureau, was \$8,501 for an individual and \$17,029 for a family of four.) Table 2-6 shows the Existing Regional and Local Population Characteristics – Income/Poverty (2000).

Table 2-6. Existing Regional and Local Population Characteristics – Income/Poverty (1999)

Area	Total Population	Per Capita Income (\$)	Persons below Poverty Threshold	% ¹
San Bernardino County	1,709,434	16,856	263,412	15.41
City of Victorville	64,029	14,454	11,885	18.56
Town of Apple Valley	54,239	17,830	9,296	17.14
Study Area	20,829	14,151	4,962	23.82
Census Tract 98				
Block Group 2	798	8,750	426	53.38
Block Group 3	1,417	14,024	378	26.68
Block Group 4	1,209	12,690	366	30.27
Census Tract 99.01				
Block Group 1	768	15,793	108	14.06
Block Group 2	3,977	12,048	722	18.15
Block Group 3	2,479	13,981	616	24.85
Block Group 4	4,209	12,568	1,373	32.62
Census Tract 99.03				
Block Group 1	2,328	11,932	486	20.88
Census Tract 121				
Block Group 3	2,925	28,426	378	12.92
Block Group 4	718	11,295	109	15.18

Notes:

¹Percentages are based on total number of persons over age 16 for whom poverty status could be determined.

Sources: U.S. Census Bureau, Census of Population and Housing, Summary File 3 (2000); Jones & Stokes (2007).

Community facilities that serve the project area are listed in Table 2-7 and depicted in Figure 2-3.

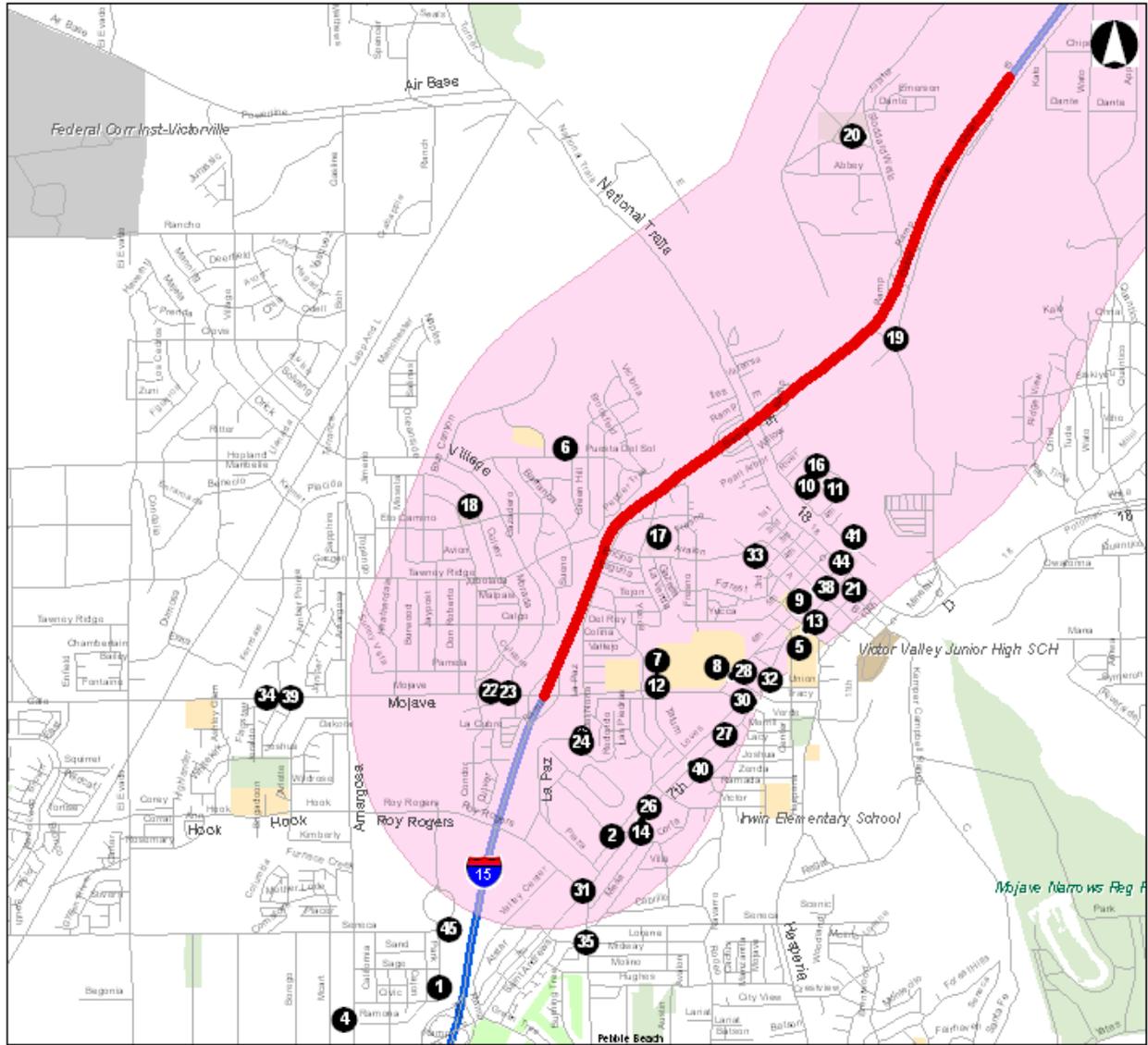
Table 2-7. Study Area Community Facilities and Services

Type	Name	Address	Distance from Project (mi)	Map ID
Fire/EMS	Victorville Fire Department	14345 Civic Dr	1.30	1
	Victorville Fire Department Station 311	16200 Desert Knoll Dr	0.73	2
Police/Sheriff	Victorville Police Department/San Bernardino County Police	14200 Amargosa Rd	1.58	3
	California Highway Patrol	14210 Amargosa Rd	1.60	4
Schools	Victor Valley Junior High School (public)	16925 Forrest Ave	0.90	5
	Puesta Del Sol Elementary School (public)	15887 Academy St	0.50	6
	Del Rey Elementary School (public)	15332 Del Rey Dr	0.33	7
	Victor Valley High School (public)	16500 Mojave Dr	0.69	8
	Victor Primary School (public)	15478 6 th St	0.72	9
	Goodwill Continuation High School (public)	15733 1 st St	0.37	10
	Eva Dell High School	15733 1 st Street	0.35	11
	Suzie Mathews Academy (public)	16350 Mojave Dr	0.40	12
	University Preparatory School (public)	16925 Forrest Ave	1.00	13
Parks	San Bernardino County Fairgrounds	14800 7 th St	0.25	14
	Forrest City Park	16858 D St	0.72	15
	Eva Dell Park	15714 1 st St	0.35	16
	Avalon City Park	16339 Avalon Ave	0.17	17
	Village Park/Village Recreation Center	15790 Camino Rd	0.56	18
	KOA Campground	16530 Stoddard Wells Rd	0.25	19
	Grady Trammel Park	17184 Stoddard Wells Rd	0.36	20
Community Centers	Victorville Community Center	15615 8 th St	0.89	21

Type	Name	Address	Distance from Project (mi)	Map ID
Places of Worship	Grace Awakening Ministries	15770 Mojave Dr	0.11	22
	Calvary Chapel Adelanto	15770 Mojave Dr	0.11	23
	United Methodist Church	15150 La Paz Dr	0.20	24
	Greater Harvest AME Church	15000 7 th St	0.74	25
	Burning Bush Baptist Church	14849 7 th St	0.80	26
	East Victor Church of Christ	15080 7 th St	0.95	27
	First Southern Baptist Church	16611 Tracy St	0.81	28
	El Bethel Apostolic Faith Church	15191 7 th St	0.79	29
	Lord's House of Prayer	15215 7 th St	0.84	30
	Salvation Army	14585 La Paz Dr	0.42	31
	Iglesia de Cristo Elim	15291 7 th St	0.84	32
	High Desert Seventh Day	16663 A St	0.53	33
	Praise Chapel	15112 Mojave Dr	0.95	34
	Desert Rock Church	14411 La Paz Dr	0.51	35
	Lord's Table	15512 6 th St	0.74	36
	St Joan of Arc Church	15512 6 th St	0.74	37
	Greater Victory Family Church	15548 6 th St	0.75	38
Seventh Day Adventist Spanish	15112 Mojave Dr	0.95	39	
Libraries	Victorville Branch Library	15011 Circle Dr	0.85	40
Transportation Centers	Amtrak Victorville Station	16858 E St	0.77	41
	Greyhound Bus Station	16838 D St	0.75	42
Museums	Victorville Fire Museum	15620 8 th St	0.81	43
	California Route 66 Museum	16849 D St	0.69	44
	Roy Rogers and Dale Evans Museum	15650 Seneca Rd	1.00	45

Source: Jones & Stokes (2007).

Figure 2-3. Location of Community Facilities and Services



Sources: U.S. Census Bureau TIGER Data, 2000; ESRI Streetmap USA, 2006; Internet Search Jones & Stokes, 2007



Legend

- Interchange Reconstruction Project
- # Location of Community Facilities
- 1 mile Buffer

School services are provided by several entities within the area. These include privately owned pre-schools; public elementary and high schools, covering grades K through 12; and adult educational facilities. The Victorville Elementary School District and the Victor Valley Union High School District have primary jurisdiction over the area. Both school districts have bus routes in the project area.¹

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, there would be no effect on community cohesion.

Build Alternative (Preferred Alternative). The proposed improvements are for existing roadways and interchanges. Access to school services and businesses would be temporarily affected due to reconfigured bus routes. Two noise barriers would be installed along I-15 to reduce noise impacts on sensitive receptors in the project area. However, no new physical barriers would be installed within the community. The level of community cohesion in areas east and west of I-15 is limited. The residential areas in the immediate vicinity of I-15 are largely self-contained and exist in isolation. The area, in general, is dominated by light industrial uses.

During a public meeting held on January 31, 2008, and in subsequent correspondence, the proprietors of these businesses at Stoddard Wells Road including the Mobil service station, Unocal 76 service station, Denny's restaurant, and Howard Johnson hotel, expressed concern regarding the viability of their businesses due to the relocation of the interchange because the businesses are highway-dependent. The proposed interchange relocation would increase the traveling distance for southbound customers of the businesses by approximately 0.25 mile (a quarter mile) and 0.3 mile for northbound customers.

Past studies prepared by departments of transportation throughout the country have shown that businesses affected by new highway bypasses built less than 1 mile away from existing locations have experienced little reduction in sales volume. These studies have shown that "travelers don't perceive a mile to be so great an inconvenience when in need of services such as gas or food" (Department Environmental Handbook Volume 4). Therefore, since the interchange would be relocated within 1 mile of its original location, the change would not result in a lengthy vehicular detour. The businesses would continue to be visible from I-15. Additional freeway directional signage may be provided.

Avoidance, Minimization, and/or Mitigation Measure

No adverse effects related to economic impacts on businesses along Stoddard Wells Road and to community character and cohesion would occur as a result of the proposed project including the Stoddard Wells Road intersection relocation. This project will improve access to the businesses and community as a result of improving the overall safety and operation of the interchange and the freeway.

¹ Information from telephone conversations with Ms. Keri of the Victorville Elementary School District and Mr. Shawn Butters of Victor Valley Union High School District on June 15, 2007.

The following minimization and/or mitigation measures are proposed to alleviate impacts to the affected public due to construction of this project:

- Prepare a staging plan that ensures the closures are not concurrent and that access will be available at all times with a minimum increase in distance and delays. The staging plan is to ensure that closure periods are for the least amount of time possible.
- Design a public campaign through which the public is well advised of the times and period of closures, as well as available alternate routes.
- Coordinate with emergency services, including the fire department, emergency medical services, police and sheriff departments on the best access management plan and alternate routes. Keep these agencies informed of closures and continue the coordination over the entire period of construction.
- Coordinate with the school district to ensure minimum effects on travel time to schools, especially effects on the school bus routes and bus stops.
- Inform affected businesses of closure times and periods. Prepare a plan to advise the public of alternate access for these businesses.
- Contingent upon applicable eligibility requirements being satisfied, a blue and white “D Series” sign may be installed on the highway in conjunction with the Stoddard Wells Road exit. As applicable, the sign would include a picture of a gas pump, bed, and fork and spoon with appropriate text such as “Next Exit.”

2.1.7 Relocations

Regulatory Setting

The Relocation Assistance Program (RAP) is based on the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, and Title 49 CFR Part 24. The purpose of the RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. Please see Appendix D for a summary of the RAP.

All relocation services and benefits are administered without regard to race, color, national origin, or sex in compliance with Title VI of the Civil Rights Act (42 USC 2000d, et seq.). Please see Appendix C for a copy of the Title VI Policy Statement.

Affected Environment

A total of 130 parcels would be affected by the proposed project. The Right-of-Way Data Map (see Figures 2-4A through 2-4D) identifies parcels that would require partial acquisition, full acquisition, a temporary construction easement (TCE), or a permanent easement. The data sheet identifies 61 parcels that would require full or partial acquisition. The proposed project would require TCEs from 62 parcels. Table 2-8 shows the right-of-way requirements for the project. APN and index numbers identify the affected properties on the right-of-way information maps.

Figure 2-4A. Additional Right-of-Way Anticipated to Be Needed for the Build Alternative (Preferred Alternative)

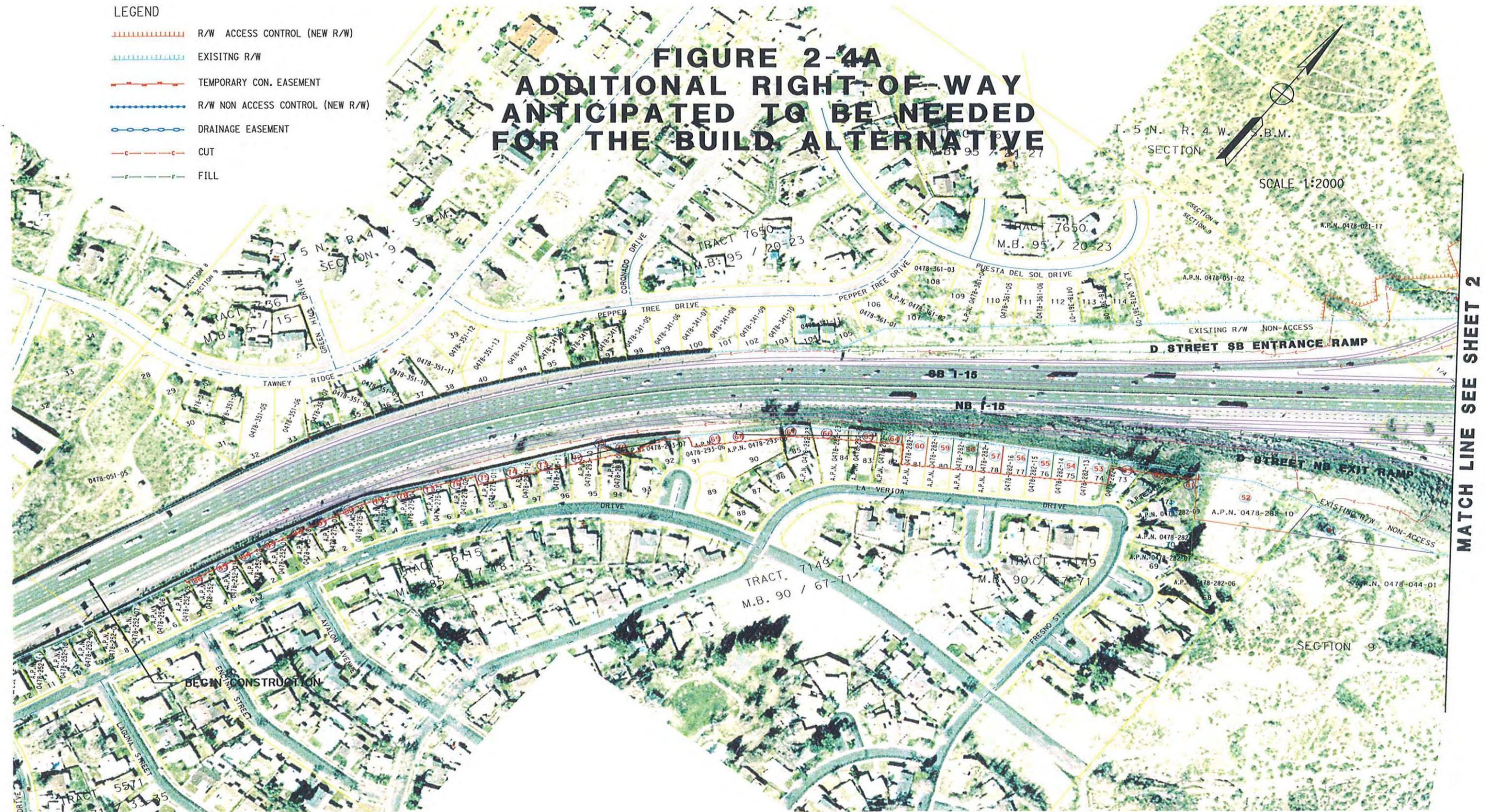


Figure 2-4B. Additional Right-of-Way Anticipated to Be Needed for the Build Alternative (Preferred Alternative)

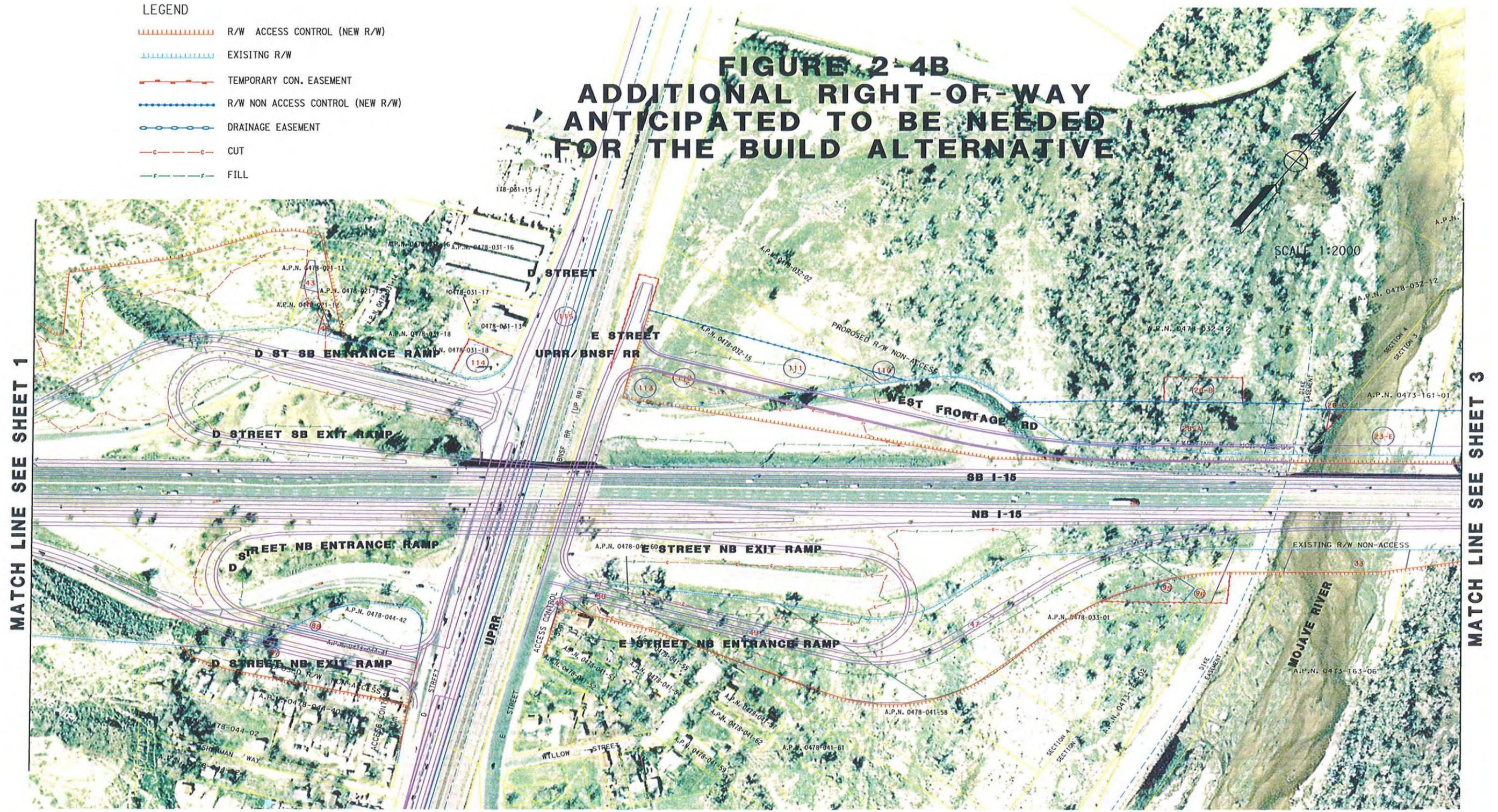


Figure 2-4D. Additional Right-of-Way Anticipated to Be Needed for the Build Alternative (Preferred Alternative)

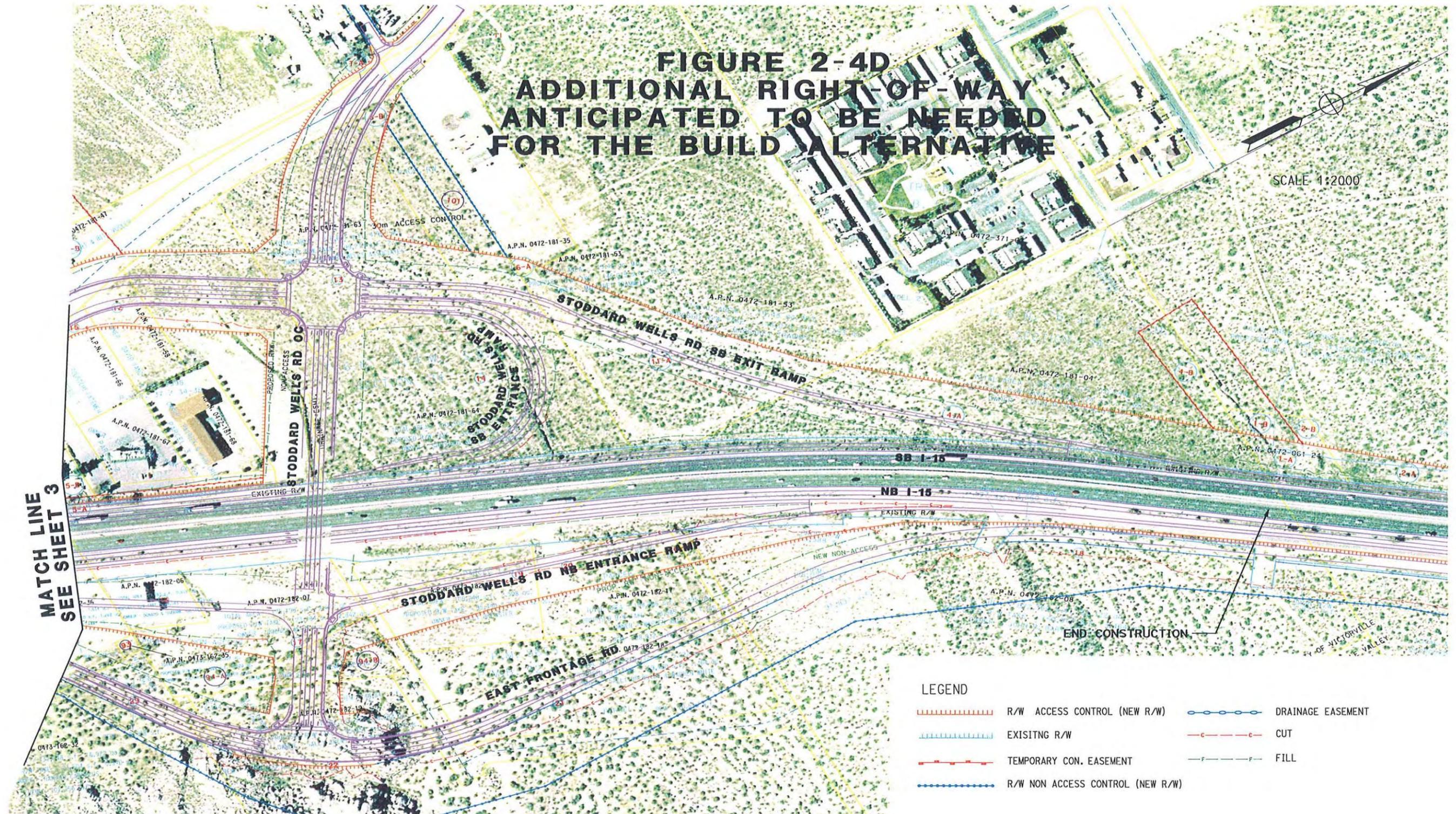


Table 2-8. Right-of-Way Requirements for the Project

APN	Index #	Type	Total Area (ft ²)	Preliminary Projection of Area Needed (ft ²)	% of Area
0472-061-24	1A	Fee	35,471.57	20,725.24	58%
0472-061-24	B	TCE	35,471.57	10,473.92	30%
0472-061-25	2A	Fee	1,714,043.44	49,894.44	3%
0472-061-25	B	TCE	1,714,043.44	4,450.01	0%
0472-061-26	3	Fee	1,407,379.93	85,925.74	6%
0472-181-04	4A	Fee	441,965.73	180,782.39	41%
0472-181-04	B	TCE	441,965.73	57,637.99	13%
0472-181-27	5A	TCE	42,302.13	235.30	1%
0472-181-27	B	Fee	42,302.13	2,111.12	5%
0472-181-35-1	6A	Fee	102,364.69	2,070.22	2%
0472-181-35-2	B	Fee	102,364.69	8,529.42	8%
0472-181-44	7A	Fee	48,437.55	1,547.85	3%
0472-181-44	B	TCE	48,437.55	21,298.21	44%
0472-181-45	8	Fee	7,534.73	148.65	2%
0472-181-46	9	Fee	29,708.36	5,969.12	20%
0472-181-47-1	10A	Fee	141,007.09	6,405.27	5%
0472-181-47-2	B	TCE	141,007.09	17,385.96	12%
0472-181-53-1	11A	Fee	848,518.24	182,717.09	22%
0472-181-58	12	Fee	42,840.32	17,544.30	41%
0472-181-63	13	Fee	216,677.31	172,644.45	80%
0472-181-64	14	Fee	581,250.60	445,946.65	77%
0472-181-66	15	Fee	46,284.77	6,234.34	13%
0472-182-06	16	Fee	29,600.73	29,582.53	100%
0472-182-07	17	Fee	174,805.74	121,603.65	70%
0472-182-08	18	Fee	972,410.73	328,186.36	34%
0472-182-16	19	Fee	108,715.39	109,248.42	100%
0472-182-17	20	Fee	108,500.11	108,695.58	100%
0472-182-18	21	Fee	218,722.45	201,856.17	92%
0472-182-19	22	Fee	1,162,285.92	237,314.18	20%
0473-161-01	23A	Fee	3,271,149.21	265,661.23	8%
0473-161-01	B	TCE(1)	N/A	104,706.05	
0473-161-01	C	TCE(2)	N/A	54,967.58	
0473-161-01	D	TCE(3)	N/A	17,201.04	
0473-161-01	E	Fee	N/A	34,546.74	
0473-162-18	25	TCE	26,210.10	1,928.35	7%

APN	Index #	Type	Total Area (ft ²)	Preliminary Projection of Area Needed (ft ²)	% of Area
0473-162-21	26A	Fee	36,877.12	29,962.28	81%
0473-162-21	26B	Fee	36,877.12	2,420.48	7%
0473-162-22	27	Fee	30,354.20	15,871.69	52%
0473-032-12	28A	Fee	N/A	79,388.71	
0473-032-12	28B	Fee	N/A	14,316.53	
0473-032-12	28C	Fee	N/A	1,132.04	
0473-162-32	29	Fee	737,111.87	60,208.74	8%
0473-162-36	30	Fee	70,288.27	41,061.48	58%
0473-163-03	32A	Fee	452,460.54	17,561.09	4%
0473-163-03	B	TCE (1)	N/A	13,679.73	
0473-163-03	C	TCE (2)	N/A	13,967.56	
0473-163-06	33	Fee	3,702,781.60	19,290.63	1%
0473-163-07	34	Fee	77,715.36	16,615.69	21%
0473-163-08	35	No Take	131,588.68	2,336.84	2%
0473-171-05	36	TCE	36,597.26	7,388.56	20%
0473-171-07	37	TCE	226,956.83	378.89	0.0+%
0473-172-01	38	Fee	35,520.87	6,988.89	20%
0473-172-02	39	Fee	41,602.47	11,980.01	29%
0473-172-03	40	Fee	48,738.94	14,740.95	30%
0473-172-06	41	No Take	23,250.02	1,297.80	6%
0473-172-08	42	No Take	3,465.98	3,689.43	106%
0478-021-11	43	Fee	8,740.29	2,566.22	29%
0478-021-12	44	Fee	8,740.29	7,906.73	90%
0478-021-13	45	Fee	16,974.67	1,221.60	7%
0478-021-17	46	Fee	9,539,614.01	139,025.35	1%
0478-033-01	47	Fee	319,364.91	165,537.26	52%
0478-041-55	48	Fee, Access Take	18,061.82	1,381.01	8%
0478-041-58	49	Fee	215,891.54	101,463.75	47%
0478-041-61	50	Fee	328,298.95	20,369.82	6%
0478-044-01	51	TCE	1,050,233.72	16,568.55	2%
0478-282-10	52	TCE	60,923.67	33,549.46	55%
0478-282-13	53	TCE	12,410.78	5,353.43	43%
0478-282-14	54	TCE	11,033.00	4,684.02	42%
0478-282-15	55	TCE	11,033.00	4,895.42	44%
0478-282-16	56	TCE	11,033.00	5,106.93	46%
0478-282-17	57	TCE	11,033.00	5,300.04	48%

APN	Index #	Type	Total Area (ft ²)	Preliminary Projection of Area Needed (ft ²)	% of Area
0478-282-18	58	TCE	11,033.00	5,523.17	50%
0478-282-19	59	TCE	11,033.00	5,579.36	51%
0478-282-20	60	TCE	11,033.00	5,252.89	48%
0478-282-09	61	Fee	13,999.85	119.05	1%
0478-282-11	62	Fee	12,049.11	2,318.97	19%
0478-282-12	63	TCE	7,838.38	1,814.90	23%
0478-282-21	64	TCE	9,563.83	1,813.72	19%
0478-282-122	65	TCE	9,221.97	1,044.53	11%
0478-282-122	65	SSCE	9,221.97	778.34	8%
0478-282-23	66	TCE	13,142.29	894.26	7%
0478-282-23	66	SSCE	13,142.29	1,981.42	15%
0478-282-23	67	TCE	12,976.20	376.41	3%
0478-282-23	67	SSCE	12,976.20	1,928.35	15%
0478-293-05	68	TCE	18,436.62	2,624.24	14%
0478-293-05	68	SSCE	18,436.62	1,856.02	10%
0478-293-06	69	TCE	9,744.67	2,766.43	28%
0478-293-07	70	TCE	11,253.44	1,768.19	16%
0478-293-07	70	SSCE	11,253.44	1,843.21	16%
0478-293-09	71	TCE	10,205.04	593.84	6%
0478-293-09	71	SSCE	10,205.04	199.46	2%
0478-293-10	72	TCE	10,803.40	1,449.14	13%
0478-293-10	72	SSCE	10,803.40	1,274.98	12%
0478-293-11	73	TCE	10,064.46	2,735.43	27%
0478-293-12	74	TCE	9,478.80	2,705.83	29%
0478-275-01	75	TCE	8,964.28	2,432.21	27%
0478-275-02	76	TCE	8,989.58	590.94	7%
0478-275-03	77	TCE	8,380.23	597.29	7%
0478-275-04	78	TCE	8,831.35	802.02	9%
0478-275-05	79	TCE	9,180.96	1,043.56	11%
0478-275-06	80	TCE	9,163.09	1,176.17	13%
0478-275-07	81	TCE	8,919.18	1,204.16	14%
0478-275-08	82	TCE	8,722.10	1,172.94	13%
0478-252-01	83	TCE	8,809.50	1,160.03	13%
0478-252-02	84	TCE	8,703.69	1,089.74	13%
0478-252-03	85	TCE	8,584.10	916.22	11%
0478-252-04	86	TCE	8,711.87	740.56	9%

APN	Index #	Type	Total Area (ft ²)	Preliminary Projection of Area Needed (ft ²)	% of Area
0478-044-41	87	Fee	138,447.43	65,686.59	47%
0478-044-42	88	Owned by state	31,327.60	31,782.57	101%
0473-172-02	89	TCE	41,602.47	16,629.26	40%
0473-162-07	90A	Fee	534,395.56	23,999.51	4%
0473-162-07	90B	TCE	534,395.56	13,452.18	3%
0473-162-23	91	Fee	74,155.31	13,816.54	19%
0473-162-36	92	Fee	70,288.27	27,057.22	38%
0473-162-35	93	Fee	2,499.92	2,499.92	100%
0472-182-07	94A	Fee	175,197.65	41,240.59	24%
0472-182-07	94B	Fee	175,197.65	12,353.30	7%
0478-033-01	95	TCE	319,364.91	9,456.19	3%
0473-163-02	96	TCE	288,597.92	19,977.80	7%
0472-181-64	101	Fee	581,250.60	34,953.61	6%
Access Road	102	TCE	N/A	1,188.12	
0472-181-27	103	TCE	42,302.13	2,302.94	5%
0473-162-18	104	TCE	26,210.10	2,068.18	8%
0473-162-19	105	TCE	21,755.89	3,493.75	16%
0473-171-07	106	TCE	263,505.12	2,103.27	1%
0473-171-08	107	TCE	26,520.20	1,627.61	6%
0473-171-06	108	TCE	92,518.73	4,596.72	5%
0473-171-05	109	TCE	36,597.26	2,683.22	7%
0478-032-02	110	Fee	N/A	1,874.96	
0478-032-15	111	Fee	153,858.11	38,833.78	25%
0478-032-15	112	Fee	153,858.11	51,891.79	34%
0478-032-15	113	Fee	153,858.11	10,912.55	7%
0478-031-18	114	TCE	58,396.20	10,795.76	18%
BNSF/UPRR	115	TCE	N/A	22,780.18	

Total Fee: 61 parcels

Total TCE: 62 parcels

Notes:

TCE: Temporary Construction Easement

SSCE: Subsurface Construction Easement

Permanent sub-surface construction easements (SSCE) would be acquired from seven parcels. A Final Relocation Impact Report (FRIR) was prepared by the Department, District 8, in April 2008.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no acquisitions would be required.

Build Alternative (Preferred Alternative). This alternative would require displacement of one non-residential property (a restaurant) located at 16885 Frontage Road. The restaurant is located on the northeast corner of the Stoddard Wells Road interchange. According to the FRIR, there are 11 business sites available for rent, purchase, or development in the study area. Given the availability of properties, the impact would not be substantial.

The proposed project would result in the displacement of six mobile homes located on the southeast corner of I-15 and D Street and one single-family unit (APN 0478-041-55). According to the FRIR, there are adequate mobile home and single-family resources in the City of Victorville and the surrounding areas.

Permanent Easements

A permanent SSCE would be needed to build a retaining wall after widening the D Street northbound off-ramp and auxiliary lane. Depending on final construction design, several properties in this area could be affected. However, none of the residences built on these parcels would be affected.

Temporary Construction Easements

TCEs would be required to accommodate construction activities along I-15. However, since these easements would be necessary only for the construction period and would not substantially interfere with the use of any parcel in the area, they are not expected to have an adverse effect on nearby properties or the overall pattern and rate of land use and development in the study area.

Avoidance, Minimization, and/or Mitigation Measure

Compensation for all acquisitions, in accordance with the Uniform Act (42 USC Sections 4601–4655), would be provided to eligible recipients.

2.1.8 Environmental Justice

Regulatory Setting

All projects involving a federal action (funding, permit, or land) must comply with Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994. This EO directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

The definition of “low income” is based on the Department of Health and Human Services poverty guidelines. For 2006, this was \$20,000 for a family of four. All considerations under Title VI of the Civil Rights Act of 1964 and related statutes have also been included in this project. The Department’s commitment to upholding the mandates of Title VI is evidenced by its Title VI Policy Statement, which was signed by the director and can be found in Appendix C of this document.

Affected Environment

A Community Impact Assessment (June 2008) was prepared to analyze the impacts of the proposed project. As described in the CIA, the study area’s population is not characterized by substantial numbers of minority persons (33.57 percent) when compared to the city (33.46 percent) or the county (39.16 percent). The proportion of persons below the poverty threshold in the study area is (23.82 percent), which is higher than the city (18.56 percent) and the county (15.41 percent). However, other indicators of a disadvantaged community (e.g., more renter-occupied housing and greater housing density as measured by persons per household) do not appear in the data; there are more owner-occupied units than renter-occupied units in the study area, and an average of 2.9 persons per household is slightly below or similar to the surrounding communities and the county. The higher proportion of persons below the poverty level is indicative of the presence of disadvantaged groups.

Environmental Consequences

Although the effects of the proposed project would occur within an area having a population that is low income, these effects would not be disproportionately high and adverse. The 10 block groups in the four census tracts in the project area are composed of substantial numbers of low-income individuals. The proportion of these groups, however, is not determinative of whether there is a disproportionately high and adverse effect. Even though the low-income groups could potentially bear a large part of the burden associated with the proposed project, primarily due to their proximity to short-term construction activities, the community in general would be similarly affected. The interchanges are an important part of both the local and regional circulation system. Consequently, local motorists from the immediate project area, as well as those traveling to and from the project area from elsewhere, would all be inconvenienced by traffic delays and other disruptions during the project’s construction period. In addition, the potential adverse effects resulting from the proposed project would not be more severe or greater in magnitude on low-income populations than they would be on the population as a whole. All potential adverse effects identified in this IS/EA could be satisfactorily avoided or minimized. Because there has been no evidence to suggest that the efficacy of these measures would differ with respect to different population groups, the net result would be the same for all population groups for these resource areas.

Avoidance, Minimization, and/or Mitigation Measures

The community outreach and public involvement programs for the project will seek to actively and effectively engage the affected community and include mechanisms to reduce cultural, language, and economic barriers to participation.

- Public involvement and community outreach efforts are being undertaken to ensure that issues of concern or controversy to minority and low-income populations are identified and addressed where practicable as part of the project planning and development process and the environmental process. Public involvement methods to include, but not limited to include, additional community meetings, informational mailings, a project web site, and news releases to local media.
- Comply with applicable federal requirements promulgated in accordance with EO 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000). This law requires that federal programs and activities be accessible to persons with limited English language proficiency.

Given the above discussion and analysis, the Build Alternative (Preferred Alternative) would not cause disproportionately high and adverse effects on any minority or low-income populations per E.O. 12898 regarding environmental justice.

2.1.9 Utilities/Emergency Services

Affected Environment

The proposed project area is located within the City of Victorville. The city receives utility and public services from several agencies.

Utilities

Water services are provided by a variety of water service companies, including the Victor Valley Water District, which services the project area. According to the City of Victorville General Plan, water is provided from a total of 39 active local wells. The depth to groundwater ranges from 50 feet near the Mojave River to 500 feet in the western portion of Victorville. Wastewater treatment is provided by the Victor Valley Wastewater Reclamation Authority (VWRA), a joint-power agency, of which the city is a member. SCE provides electricity service, and the Southern California Gas Company provides natural gas in the proposed project area. The proposed project area contains water supply pipes, sewage pipelines, gas pipelines, and electricity transmission lines along the frontage road.

Emergency Services

The following excerpts from the San Bernardino General Plan are pertinent to the proposed project:

- GE-4** Because emergency preparedness is crucial to the protection of the public in case of disaster, the following actions shall be implemented:
- f. Assure adequate access routes to and from potential devastation areas as required by the county's Emergency Management Plan.

(Potential evacuation routes are discussed in Section II-D, Transportation/Circulation, of the county general plan and are shown on the circulation maps.)

Police services are provided by the Victorville Police Department, which is staffed by officers under contract with the San Bernardino County Sheriff's Department. The Victorville police station is located at 14200 Amargosa Road. It would provide the first response to the proposed project area. The station serves a population of 100,000 and covers 73 square miles within its jurisdiction. There are currently 88 sworn personnel assigned to the station. There are 25 patrol cars and four trucks available at the station. This station is located 2.5 miles from the project's southern endpoint i.e. the Mojave Drive interchange.

There were 120,227 calls for service in the city in 2006. The average response times for calls for service are broken down by priority. Response times, from dispatch to arrival, average as follows:

- Emergency: 5 minutes,
- Priority 1: 6 minutes,
- Priority 2: 12 minutes,
- Priority 3: 11 minutes, and
- Priority 4: 10 minutes.

The California Highway Patrol (CHP) provides primary law enforcement services within the I-15 transportation corridor. The city is broken down into a six-beat system for patrolling. There are three beats east of I-15 and three beats west of I-15.

Fire services are provided by the Victorville Fire Department, which also provides emergency medical and hazardous materials services for the city. American Medical Response (AMR) provides ambulance services for the city. Station 311, located at 16200 Desert Knoll Drive, which is approximately 1.5 miles from the project site, provides the first response to the project area. Station 311 currently has two engine companies that are staffed 24/7, with three fire personnel per unit. The Victorville Fire Department responded to 11,771 calls for service in 2006 from four stations. It currently holds an International Standardization Organization (ISO) grade of 3 for the built-up portions of the community. The city has the service ratio of one service provider per 1,000 citizens. The average response time for fire services in the city was 6 minutes 48 seconds in 2006. A new station is to be constructed during the 2007–2008 budget year. The 10-year budgetary plan calls for construction of three additional fire stations in the city. The fire department uses the E Street off-ramps from I-15 as well as the Stoddard Wells Bridge for accessing areas along I-15.

The City of Victorville Emergency Preparedness Plan is described in the Safety Element of the city's 1998 general plan, which identifies potential hazards in the planning area, such as earthquakes and floods, and presents mitigation measures, and an emergency response and action plan. Interstate 15, D Street, Mojave Drive, and Stoddard Wells Road are identified as important evacuation routes.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, there would be no effect on utilities.

Build Alternative (Preferred Alternative). Temporary construction impacts on utilities and emergency services are expected to occur as a result of the proposed project. Electric towers belonging to SCE as well as water supply, wastewater, and gas pipelines located along the east frontage road would need to be relocated. The Department is expected to fully compensate the respective utilities for the cost of relocating utility infrastructure. If relocation of any utilities results in impacts not already addressed, measures will be developed and implemented to avoid, minimize, and/or mitigate the impacts. Therefore, the proposed Build Alternative (Preferred Alternative) would not result in a substantial impact on utility services.

Interstate 15 is used extensively by responding units traveling from Mojave Drive to Stoddard Wells Road. Construction along I-15 could affect access to the police facility and travel to northern portions of the city. Ramp closures, including both the E Street and Stoddard Wells Road off-ramps, could affect response times for fire and other emergency services providers in the project area. This would require responding units to use alternate routes along already-congested surface streets. These impacts could be avoided and minimized with the measures listed below.

Avoidance, Minimization, and/or Mitigation Measures

The construction period for the project is planned to be from 2010 to 2012. Although, construction-period impacts would be temporary and short term, the following minimization measures are recommended.

- The potential for disruption or obstruction of emergency services in the project area as a result of construction activities will be avoided with preparation of a Traffic Management Plan (TMP). The TMP will be designed in consultation with emergency services personnel to ensure that the communities connected by I-15 will remain accessible during the construction phase.
- An informational meeting shall be conducted between the utility and emergency services providers and Department officials to discuss the ramp/lane closures and detours.
- Additional notifications, such as mailed informational notices, press releases, and public service radio announcements, shall be provided to inform the public in advance of the closures.

2.1.10 Traffic and Transportation/Pedestrian and Bicycle Facilities

Regulatory Setting

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

The Department is committed to carrying out the 1990 Americans with Disabilities Act (ADA) by building transportation facilities that provide equal access for all persons. The same degree of convenience, accessibility, and safety available to the general public will be provided to persons with disabilities.

Affected Environment

A technical study was prepared for the proposed project titled the *Interstate 15 Traffic Study Report Phase III – Interchange Reconstruction in the City of Victorville, October 2005* (TSR) by the San Bernardino County Freeway Study Team. The study concluded that the area suffers from several operational deficiencies, including the closeness of the interchanges, which interferes with mainline traffic maneuvers; the existence of a 4.54 percent grade, creating differential vehicle speeds; small-radius ramps with short acceleration lengths, impeding truck acceleration; and an inadequate local street network for drivers desiring to cross the BNSF tracks or the Mojave River.

Traffic volumes along I-15 are high, particularly on the weekends. The interchanges proposed for reconstruction are at D Street, E Street, and Stoddard Wells Road.

Safety

The relatively high mainline traffic volume and stop-and-go traffic conditions, coupled with merging and diverging ramp traffic, are contributing factors to the concentrations of accidents around the interchanges. According to accident statistics maintained by TASAS, the overall accident rate (based on accidents per million vehicle miles) on the I-15 main line within the project limits is comparable to the statewide average for similar facilities. However, some of the on- and off-ramps currently have an accident rate higher than the statewide average (calculation is based on the length of the ramp and its ADT). These accident rates are shown below in Table 2-9 along with actual and average accident rates.

Table 2-9. Accident Rate Table for Ramps, January 1, 2004, to December 31, 2006

Interchange	Number of Accidents	Actual Accident Rate	Statewide Average Accident Rate
D Street			
NB Off-Ramp	40	3.32	0.90
SB On-Ramp	19	1.54	0.80
NB On-Ramp	5	3.11	0.75
SB Off-Ramp	5	2.85	1.25
E Street			
NB Off-Ramp	3	3.48	1.25
SB On-Ramp	0	0.00	0.70
NB On-Ramp	2	7.30	0.80
SB Off-Ramp	5	6.92	1.50

Interchange	Number of Accidents	Actual Accident Rate	Statewide Average Accident Rate
Stoddard Wells Road			
NB Off-Ramp	6	2.16	1.15
SB On-Ramp	1	0.47	0.80
NB On-Ramp	1	1.20	0.60
SB Off-Ramp	4	3.13	1.15

Source: Interstate 15 Draft Project Report, October 2007.

Service Levels

There are two areas within the realm of weaving for the Build Alternative (Preferred Alternative). The first is located on the collector/distributor road between the northbound D Street on-ramp and the E Street off-ramp. The second weaving section is on I-15 between the future southbound SR-18 on-ramp and the southbound Stoddard Wells Road off-ramp. The northbound and southbound weaving sections between the D Street and E Street interchanges are projected to operate at an unacceptable LOS of E or F by design year 2030 under the No-Build Alternative (see Table 2-10).

According to the San Bernardino and Riverside County CMP, the standard LOS for the urbanized portions of I-15 is LOS E. In rural areas, the standard is LOS C; in the transitional areas where the route changes from rural to urban, the standard is LOS D. LOS E is the 2030 standard adopted by the Department, District 8, for the segment of I-15 affected by this project. The City of Victorville's target for peak-hour intersection operation is LOS E or better. The threshold of significance occurs when the addition of project-generated trips causes an intersection operating at LOS E or better to operate at LOS F.

According to the TSR, all mainline sections, except the northbound segment from Mojave Drive to D Street, would operate in 2030 at a minimum LOS of D, which conforms to the Department's route concept standard. The performance level for freeway operations and ramp/local street intersections shall be considered deficient in 2030 if it operates lower than LOS E.

Bicycle and Pedestrian Access

Interstate 15 is closed to bicycles within the project limits. Further, according to the city's general plan Circulation Element, the city has not prepared a local bicycle plan. However, a portion of the regional bicycle route network shown on the SANBAG Regional Bicycle Plan traverses the Victorville Planning Area. This includes a bicycle route on D Street in the project area. The city anticipates that, once prepared, the local bicycle plan would designate most bikeways as Class III, which would provide a right-of-way shared with pedestrians or motorists and designated by signs or permanent markings.

The proposed project area is primarily rural, with sparse commercial, industrial, and residential land uses. With the exception of one sidewalk along D Street in the vicinity of the northbound off-ramp, there are no sidewalks or major crosswalks in the project area.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no construction-related effects on traffic and transportation would occur. Table 2-10 compares the design year 2030 levels of service for the proposed project area under the Build and No-Build Alternatives. The analysis indicates that, for the No-Build Alternative, all mainline sections of I-15, with the exception of northbound Mojave Drive to D Street, would operate at a minimum LOS of D, which conforms to the Department's route concept standard. However, under the No-Build Alternative, the weaving section between the D Street and E Street interchanges for the southbound direction is deficient. This weaving section is projected to operate at LOS F (see Table 2-11). In addition, the No-Build Alternative would not improve safety along the highway on this section of I-15, which would occur under the Build Alternative (Preferred Alternative).

Table 2-10. Route I-15 Freeway Mainline Analysis for Design Year 2030

Location	Build Alternative (Preferred Alternative)				No-Build Alternative			
	AM Peak-Hour ADT	PM Peak-Hour ADT	AM Peak-Hour LOS	PM Peak-Hour LOS	AM Peak-Hour ADT	PM Peak-Hour ADT	AM Peak-Hour LOS	PM Peak-Hour LOS
Northbound								
Mojave Drive to D Street	5,630	3,660	D	C	6,400	4,500	E	C
E Street to Stoddard Wells	5,800	3,800	D	C	5,800	3,800	D	C
Stoddard Wells to SR-18	5,800	3,600	D	C	5,800	3,600	D	C
SR-18 to North Stoddard Wells	5,700	4,100	D	C	5,700	4,100	D	C
North Stoddard Wells to Dale Evans	5,700	4,100	D	C	5,700	4,100	D	C
Southbound								
Dale Evans to North Stoddard Wells	3,900	5,700	C	D	3,900	5,700	C	D
North Stoddard Wells to SR-18	3,900	5,700	C	D	3,900	5,700	C	D
SR-18 to Stoddard Wells	3,600	5,800	C	D	3,600	5,800	C	D
Stoddard Wells to E Street	3,900	5,800	C	D	3,900	5,800	C	D
D Street to Mojave Drive	4,300	6,500	C	D	4,300	6,500	C	D

Source: Interstate 15 Traffic Study Report Phase III, October 2005.

Table 2-11. Route I-15 Weaving Analysis for Design Year 2030

Location	Stationing (feet)	Distance (feet)	Distance (miles)	AM Peak-Hour LOS	PM Peak-Hour LOS
Build Alternative (Preferred Alternative) Northbound					
D Street NB On-Ramp	176+92				
		1,056	0.20	B	B
E Street NB On-Ramp	187+48				

Location	Stationing (feet)	Distance (feet)	Distance (miles)	AM Peak- Hour LOS	PM Peak- Hour LOS
Build Alternative (Preferred Alternative) Southbound					
Future SR-18 SB On-Ramp	275+52				
		2,362	0.45	C	D
North Stoddard Wells to SR-18	251+90				
No-Build Alternative Northbound					
D Street NB On-Ramp			—		
	0.29	1,531	—	E	C
E Street NB Off-Ramp			—		
No-Build Alternative Southbound					
E Street SB On-Ramp			—		
	0.32	1,690	—	D	F
D Street SB Off-Ramp			—		

Source: Interstate 15 Traffic Study Report Phase III, October 2005.

Build Alternative (Preferred Alternative). Operationally, the Build Alternative (Preferred Alternative) would have a beneficial effect on traffic and transportation by improving levels of service and safety. As shown in Table 2-9, all mainline sections for the alternative would operate at a minimum LOS of D. With respect to weaving operations, there are two sections within the realm of weaving for the Build Alternative (Preferred Alternative). As shown in Table 2-11, the northbound D Street on-ramp and the E Street off-ramp are projected to operate in 2030 at LOS B. The second weaving section is on I-15 between the future southbound SR-18 on-ramp and the southbound Stoddard Wells Road off-ramp. This section is projected to operate in 2030 with a weaving LOS of C or D. Further, an evaluation of all improved ramps indicates that they would maintain a LOS of D or better for projected 2030 traffic, and all interchange ramp/surface street intersections would have a LOS of D or better for the Build Alternative (Preferred Alternative). Finally, it is expected that the Build Alternative (Preferred Alternative) would contribute to an improved overall accident rate by increasing ramp deceleration lengths, shoulder widths, median widths, and interchange spacing. All improvements would be constructed in accordance with the Department's design standards. Therefore, the Build Alternative (Preferred Alternative) would improve traffic operations, and no adverse effects would occur.

Bicyclists traveling between Victorville and Barstow would be accommodated on the National Old Trails Highway, or SR-247, via SR-18. Local street access for pedestrians and bicycles would be enhanced by the proposed west frontage road, which would have two 10-foot outside shoulders available for bicycle use. A sidewalk along the west side of the roadway would be provided for pedestrian use. The east frontage road would have two 10-foot outside shoulders north and south of Stoddard Wells Road. A sidewalk along the west side of the roadway would be provided for the segment south of Stoddard Wells Road. Sidewalks would be provided for pedestrian use on the north side of the Stoddard Wells Road overcrossing between the northbound and southbound ramp intersections and on the south side of D Street under the Victorville overhead and separation structure. Outside shoulders with a 3.9-foot minimum width would be provided to accommodate

bicycles. A future bicycle route on D Street would most likely be a Class III bikeway, which would not require any specific consideration other than the careful placement of signage. All facilities would be designed and built to meet ADA requirements.

Construction Consequences

Several extended ramp closures would be required during construction (see the Ramp Closure Study appendix to the CIA). Ramp closures would cause minor delays for emergency vehicles and school buses and disrupt access to businesses. Some road closures would also be required, but construction staging and detour plans would be prepared to minimize impacts.

Avoidance, Minimization, and/or Mitigation Measures

The potential for disruptions to vehicular and pedestrian movement in the project area as a result of construction activities would be reduced to a less-than-substantial level under NEPA and less than significant under CEQA with preparation and implementation of a TMP. The measures listed under Avoidance, Minimization, and/or Mitigation Measures of Section 2.1.6 Community Impacts would also be implemented.

- A comprehensive TMP was prepared by the Department's Traffic Operations office to ensure that excessive traffic delays would be avoided. General elements of the plan include a construction zone enforcement program; portable, changeable signs, and a public awareness and coordination campaign.

2.1.11 Visual/Aesthetics

Regulatory Setting

The National Environmental Policy Act of 1969, as amended, mandates the federal government to use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 USC 4331(b)(2)). To further emphasize this point, FHWA, in its implementation of NEPA (23 USC 109(h)), directs that final decisions on projects be made in the best overall public interest, taking into account adverse environmental impacts, which include the destruction or disruption of aesthetic values.

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

California Scenic Highway Program

The California Scenic Highway Program (1963) was created to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to the highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The Scenic Highway Program includes a list of highways that are either eligible for designation as scenic highways or have been so designated. According

to the San Bernardino County General Plan Update, I-15 is not designated as a scenic route within the proposed project area. Interstate 15 is, however, classified as a scenic route approximately 3 miles north of the proposed project.

City of Victorville General Plan

- **Land Use Goal 4:** Victorville as an aesthetically pleasing community with development standards that reflect community needs.
 - **Policy 4.1:** The city will promote the establishment of design themes in areas deemed appropriate.
 - Imp. 1: The city may utilize specific plans and/or redevelopment project areas in areas deemed appropriate for design themes.

Affected Environment

The project area is defined along the southern segment of I-15 by a series of slopes that dominate the terrain. The freeway cuts through the slopes, some of which have residences on top. The Mojave River crosses the central segment, with an open valley area on the west side, and rock formations and hills are found on the east side of the freeway along the northern segment. Commercial uses such as restaurants, hotels, and gas stations are located near the interchanges, with industrial activities located farther away. On the north side, I-15 is bounded by vacant land, and a KOA campground is found to the south. Therefore, project area residents, hikers, campers, travelers, employees, customers, and visitors all have key views of I-15 and the areas adjacent to the freeway from various viewpoints.

A Visual Impact Assessment (VIA) was prepared for the project in December, 2007. The methodology adopted in the VIA was used to identify seven key views and analyze the changes that would occur as a result of the proposed project. These viewpoints and their current visual quality rating on a scale of 1 (very low) to 7 (very high) are described below. The locations of the viewpoints are shown in Figure 2-5.

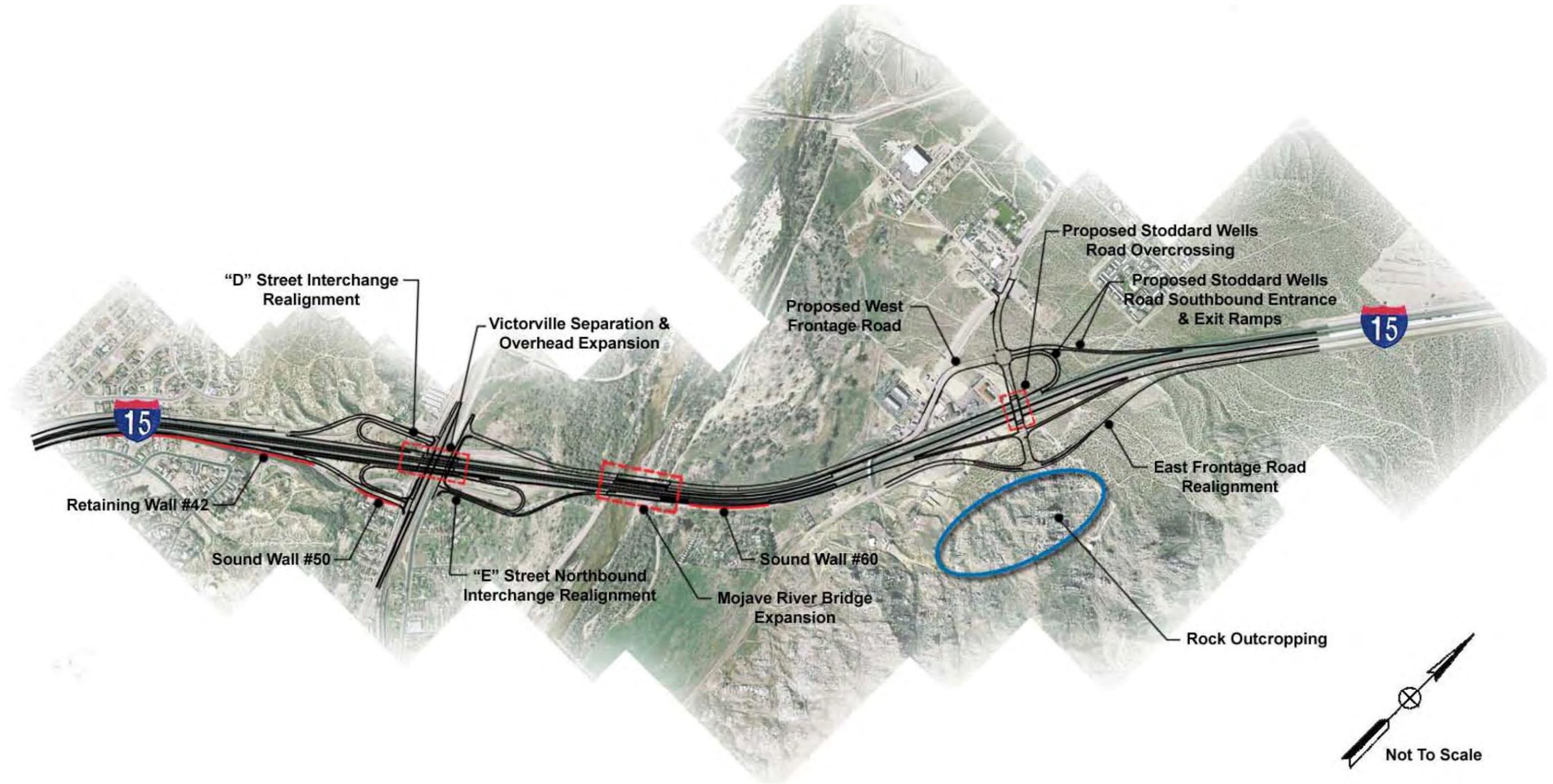
Viewpoint 1 (residents on top of slope). This viewpoint is available to residents located at the top of the slope on the west side of I-15. The view faces east and is dominated by the existing graded slope on the east side of the proposed project area north of Mojave Drive and adjacent to northbound traffic. The visual quality of the viewpoint is 3.3 (moderately low).

Viewpoint 2 (Iron Horse Mobile Home and RV Park). This viewpoint is available to residents of the Iron Horse Mobile Home and RV Park, located at the southeast corner of the I-15 and D Street interchange. Residents and visitors have westerly views of the northbound off-ramp at D Street. The viewpoint has a visual quality of 3.0 (moderately low).

Viewpoint 3 (KOA campground). This viewpoint is available to visitors and campers at the KOA campground, located north of the Mojave River and east of I-15. The viewpoint has a visual quality of 3.6 (moderate).

Viewpoint 4 (Abbey Lane). The viewpoint is available to residents, employees, and travelers at the intersection of Stoddard Wells Road and Abbey Lane. The views are looking toward I-15 to the northeast. This viewpoint has a visual quality of 4.6 (moderately high).

Figure 2-5. Location of Analyzed Key View Points



Viewpoint 5 (Northgate Village Apartment). This viewpoint is available to residents of the Northgate Village Apartments, looking southeast toward I-15. This viewpoint has a rating of 4.6 (moderately high).

Viewpoint 6 (southbound travelers). This viewpoint is available to travelers on the southbound lanes of I-15 as they approach the location of the proposed Stoddard Wells Road ramp and overcrossing. The foreground views include three lanes of southbound freeway traffic, the K-rail median, and northbound traffic on the other side of the K-rail. The visual quality rating of this viewpoint is 4.3 (moderate).

Viewpoint 7 (northbound travelers). This viewpoint is available to travelers on the northbound lanes of I-15 as they travel downhill toward the Mojave River, with the Bell and Fairview Mountains in the background. The visual quality rating of this viewpoint is 2.6 (moderately low) due to the dominance of the retaining wall on the east side of the freeway. The length and height of the wall near the northbound traveler detracts from the view of the natural landscape in the middle ground and background.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no adverse impacts on the existing visual setting and aesthetic conditions would occur.

Build Alternative (Preferred Alternative). Impacts on visual quality and setting may result from the Build Alternative (Preferred Alternative). However, the VIA did not identify any views of high visual quality that would be affected by the Build Alternative (Preferred Alternative). Further, the visual quality of the viewpoints would not be changed substantially as a result of the Build Alternative (Preferred Alternative). The proposed interchange improvements would result in positive visual quality changes to Viewpoint 2 (+0.3) and Viewpoint 3 (+0.7); Viewpoint 5 (-0.6) and Viewpoint 6 (-0.3) would be minimally affected, with visual quality for both reduced by 0.6 or less. The simulations in Figure 2-6 show the viewpoints after the proposed interchange improvements, including the landscaping after 5 years of growth.

The visual qualities of Viewpoint 1 and Viewpoint 7 would decrease by 1 point, going from moderately low to low and moderate to moderately low, respectively, as a result of the Build Alternative (Preferred Alternative). A retaining wall would be constructed along the slope on the east side of the freeway. This would alter Viewpoint 1 by creating a wide expanse of blank wall, resulting in an adverse change in visual quality; the retaining wall would become a major encroachment for Viewpoint 7 and represent the primary foreground view for the northbound traveler. However, aesthetic treatments, such as a graphic motif, would be provided along sections of the retaining wall to create visual interest.

Figure 2-6. Comparison of Viewpoints, Existing Conditions, and Simulations with Improvements



Viewpoint #1 - Existing Condition Between Mojave Dr. & "D" Street



Viewpoint #1 - Proposed Improvements, Retaining Wall



Viewpoint #2 - Existing Condition, Iron Horse Mobile Home Park



Viewpoint #2 - Proposed Improvements, Soundwall #1 at Iron Horse Mobile Home Park

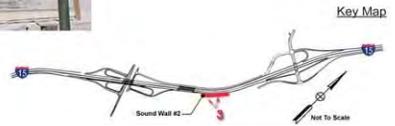




Viewpoint #3 - Existing Condition, KOA Kampground



Viewpoint #3 - Proposed Improvements, Soundwall #2 at KOA Kampground



Viewpoint #4 - Existing Condition, Near Abbey Lane



Viewpoint #4 - Proposed Improvements, Stoddard Wells Overcrossing & West Frontage Road





Viewpoint #5 - Existing Condition, Near Northgate Village Apartments



Viewpoint #5 - Proposed Improvements, Exit Ramp & Stoddard Wells Road Overcrossing

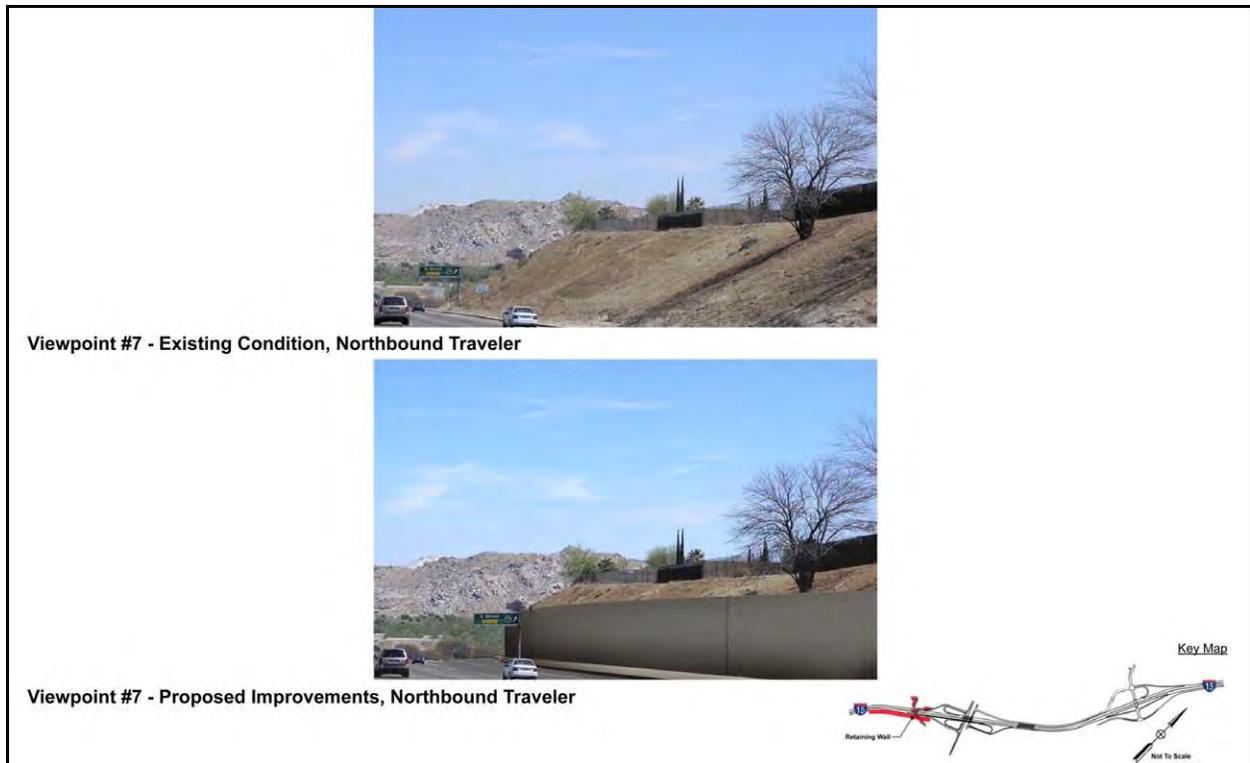


Viewpoint #6 - Existing Condition, I-15 Southbound



Viewpoint #6 - Proposed Improvements, I-15 Southbound Widening & Stoddard Wells Road Overcrossing Relocation





The visual quality of Viewpoint 4 would decrease by 1.3 points from moderately high to moderate as a result of the Build Alternative (Preferred Alternative). With relocation of the ramps and overcrossing, the new overcrossing from Abbey Lane would become the dominant feature of the view. In addition, the substantial changes in the foreground and middle ground at this viewpoint would make the freeway improvements more visible than the natural elements of the landscape.

The “gateway” enhancement portion of the project, programmed separately in the 2004 STIP with Transportation Enhancement IIP funds in FY 2009/2010, will be implemented as part of the proposed Interchange Reconstruction project.

The Build Alternative (Preferred Alternative) will be designed in accordance with the Department’s Context Sensitive Solution policies to make the improvements harmonious with community goals and the natural environment.

Context Sensitive Solutions is a Department policy that requires early consideration of the total context within which a transportation improvement is proposed. This consideration includes protection of the environment and preservation of scenic, aesthetic, cultural, and environmental resources while maintaining and improving traffic safety and mobility. It also incorporates the public interest by involving all affected stakeholders in order to share ownership and create partnerships in the development of innovative and creative ways to achieve both the environmental and engineering goals of new or improved transportation systems. Involvement with stakeholders (City of Victorville, SANBAG, the Department, FHWA, County of

San Bernardino, and local residents and business representatives) is anticipated to be a component of the final design effort which focuses on the aesthetic treatment for the proposed walls, slopes and other freeway improvements associated with this proposed project.

Avoidance, Minimization, and/or Mitigation Measures

Implementation of the following avoidance, minimization, and/or mitigation measures will address and reduce the visual impacts of the Build Alternative (Preferred Alternative), resulting in no substantial adverse impacts.

- The retaining wall anticipated to be constructed on the east side of the northbound lanes of Interstate 15, from the vicinity of the Mojave Drive interchange to the vicinity of the D Street interchange, will present an imposing structure in height and length. To mitigate the loss of natural land form and the monotony and expanse of blank wall, a decorative treatment/graphic motif will be installed. The installed architectural treatment shall incorporate texture, motif, and color to recall the area's rural character and geologic heritage, with surface design providing reminiscence of local history and culture (i.e. ancient lake beds, Mojave River, Native American villages). In addition to being appropriate mitigation for the visual impact resulting from the retaining wall, this treatment is expected to discourage graffiti. The specific elements of the graphic motif will be developed during the final design phase. The Department will use the context sensitive solution process, involving review and agreement from stakeholders.
- In addition to the decorative treatment/graphic motif mitigation measure, opportunities for planting to minimize the length and height of the wall shall be incorporated (such as vines being planted on top of the wall to break the horizontal line created by the top of the wall) if determined feasible.

The following landscaping proposed is expected to soften the view of residents and campers at the respective locations and mitigate the visual impact resulting from an expanse of blank wall, minimize the size (height) of the walls, and discourage graffiti

- Landscaping shall be provided behind the proposed sound walls along the Iron Horse Mobile Home and Recreational Vehicle Park and the KOA Campground. The plant palette may include climbing vines, trees in mixed sizes, shrubs and groundcover, to minimize the straight lines created by the manufactured slopes and vertical walls. The specific components of the plant palette will be determined during the final design phase. Consultation with Department biologists will be completed as necessary, to ensure consistency with requirements identified in the biological Technical Studies prepared for this project, and/or requirements identified by Resource Agency in conjunction with any necessary permits being issued.
- Landscaping shall be provided in conjunction with erosion control measures on the slopes of ramps at D Street, E Street, the new Stoddard Wells Overcrossing, and the slopes for the Stoddard Wells on- and off-ramps. The plant palette for the landscaping in these locations will consist of plants native to the area. Additionally, the disturbed areas shall

be hydroseeded with native plants from the surrounding area to supplement the vegetation efforts and minimize the visual impact of unnatural edges created by the engineered slopes.

- Existing landscaping, including irrigation systems, disturbed or destroyed by the Interchange Reconstruction project will be replaced through a separately programmed project, which may also include additional landscaping, if determined by the District Landscape Architect be warranted.

2.1.12 Cultural Resources

Regulatory Setting

The term “cultural resources,” as used in this document, refers to historic and archaeological resources. The primary federal laws dealing with historic and archaeological resources include those listed below.

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). On January 1, 2004, a Section 106 Programmatic Agreement (PA) between the Advisory Council, FHWA, State Historic Preservation Officer (SHPO), and the Department went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the Advisory Council’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Pilot Program (23 CFR 773) (July 1, 2007).

Section 4(f) of the U.S. Department of Transportation Act

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties. See Appendix B for specific information regarding Section 4(f).

California Environmental Quality Act

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

Affected Environment

A Historic Property Survey Report (HPSR) was prepared for the proposed project by Department staff January 2007. According to the HPSR, the area of potential effects (APE) on historical resources was developed in consultation with Kurt Heidelberg, the Department's principal investigator and PQS archaeologist, and Melecio Chalco, project manager, on January 8, 2007. The APE was established as the proposed outer right-of-way boundaries and temporary construction easements on either side of I-15, Abbey Lane, and all areas of proposed interchange reconstruction; all construction, staging, storage, and other construction-related activity would be restricted to those boundaries. As part of the HPSR, several individuals and organizations were consulted, including the Native American Heritage Commission (NAHC) and several Native American tribes.

According to the HPSR, within a 0.5-mile radius around the project area, 26 area-specific survey reports and six general area overviews were identified as well as two prehistoric archaeological sites, seven historic archaeological sites, and one historic isolate. Five of these properties (SBR-6793H, a railroad; SBR-2910H, the National Old Trails Highway; SBR-10318H, a communication line; SBR 92602H, Stoddard Wells Road; and SBR-3033/H, Mojave Trail/Old Government Road) are linear features, and sections were recorded at places outside of the record search. No evaluation of these properties was performed prior to this study.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no modifications to existing structures or the land would occur; therefore, no effects on historical or archaeological cultural resources would result.

Build Alternative (Preferred Alternative). According to the findings on the HPSR, no properties requiring evaluation are present within the project's APE. In addition, according to the Archaeological Survey Report (ASR), all of the previously recorded properties present within the APE meet the criteria for Section 106 PA Attachment 4 Properties Exempt from Evaluation; no other archaeological resources were identified during the survey. Therefore, no effects on cultural resources would occur.

Avoidance, Minimization, and/or Mitigation Measures

No substantial adverse cultural resources impacts have been identified; therefore, mitigation is not required. No further archeological survey work is necessary unless project plans change to include areas not surveyed or if buried cultural resources are found.

- If buried cultural resources are encountered during construction, work in that area must halt until a qualified archaeologist can evaluate the nature and significance of the find.
- If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

- If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the county coroner shall be contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify NAHC, which will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the Department, District 8, Environmental Division, Cultural Studies Branch, and work with the MLD to determine the most respectful treatment and disposition for the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

2.2 Physical Environment

2.2.1 Hydrology and Floodplains

Regulatory Setting

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing any action in a floodplain unless it is the only practicable alternative. FHWA requirements for compliance are outlined in 23 CFR 650 Subpart A.

In order to comply, the following must be analyzed:

- the practicability of alternatives to any longitudinal encroachments,
- the risks of the action,
- impacts on natural and beneficial floodplain values,
- support of incompatible floodplain development, and
- measures to minimize floodplain impacts and preserve/restore any beneficial floodplain values affected by the project.

The base floodplain is defined as “the area subject to flooding by the flood or tide having a 1 percent chance of being exceeded in any given year.” An encroachment is defined as “an action within the limits of the base floodplain.”

Affected Environment

The proposed project site, located in the high desert community of Victorville, crosses the Mojave River. According to the Federal Emergency Management Agency (FEMA) Hazard Awareness Site Map (www.esri.com/hazards), portions of the proposed project site are located within mapped floodplains, and encroachment within the floodplains occurs at the Mojave River Bridge. A Floodplain Study was conducted in December 1998 to evaluate Phase I, II, and III impacts on floodplains in the project area. An updated Floodplain Evaluation Report Summary and Location Hydraulic Study Forms were prepared for the proposed project in December, 2007. According to this study, FEMA has identified a 100-year peak flow rate of 26,500 cubic feet per second (cfs) at the north reach, adjacent to the Upper Narrows. At the segment south of Victorville, a peak flow rate of 26,000 cfs was identified. In addition, Federal Insurance Rate Maps (FIRMs) have identified this I-15 bridge crossing at the Mojave River as part of a critical floodplain.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, there would be no effect on hydrology or floodplains.

Build Alternative (Preferred Alternative). The Build Alternative (Preferred Alternative) would include widening the Victorville separation and overhead and the Mojave River Bridge to a width sufficient to provide an ultimate transportation corridor (UTC) facility (two high-occupancy vehicle [HOV] lanes and eight mixed-flow [MF] lanes). The bridge would be widened to accommodate the proposed lanes, shoulders, ramp tapers, and west-side frontage road. This would add approximately 30 feet to the width, which would bring the total width to 120 feet. Flood history indicates that flows reaching up to 17,000 cfs were contained within the floodplain under the existing condition. Widening is not anticipated to alter the flow of the river within the proposed project area. Therefore, the Build Alternative (Preferred Alternative) would not affect the hydrology or floodplains within the area. However, if it is discovered during the design phase that significant widening of the bridge columns would be required to support the weight of the widened bridge, a reevaluation of the floodplain study would be performed to determine the impacts on the water surface of the Mojave River, in compliance with FEMA regulations.

As described above, the Build Alternative (Preferred Alternative) is not expected to affect floodplains in the area. There are two levees that parallel the Mojave River; however, the proposed project would not affect either one. The proposed project site would not be subject to flooding resulting from failure of a levee or dam. In addition, the Build Alternative (Preferred Alternative) does not include a housing component and, as such, would not place housing within a 100-year flood hazard area. Lastly, while the Build Alternative (Preferred Alternative) would slightly increase the amount of impervious surface area, it would not substantially alter existing drainage patterns.

Avoidance, Minimization, and/or Mitigation Measures

No hydrologic or floodplain issues of concern have been identified; therefore, mitigation is not required.

2.2.2 Water Quality and Stormwater Runoff

Regulatory Setting

Section 401 of the Clean Water Act (CWA) requires water quality certification from the State Water Resources Control Board (State Water Board) or from a regional water quality control board (RWQCB) when a project requires a CWA Section 404 permit to discharge dredged or fill within a water of the United States. Along with CWA Section 401, CWA Section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant into waters of the United States. The U.S. Environmental Protection Agency (EPA) has delegated administration of the NPDES program to the State Water Board and nine RWQCBs. The State Water Board and RWQCB also regulate other waste discharges to land within California through the issuance of waste discharge requirements under authority of the Porter-Cologne Water Quality Act.

The State Water Board has developed and issued a statewide NPDES permit to regulate stormwater discharges from all Department activities on its highways and facilities. Department construction projects are regulated under the statewide permit, and projects performed by other entities on Department rights-of-way (encroachments) are regulated by the State Water Board's Statewide General Construction Permit. All construction projects require a Stormwater Pollution Prevention Plan (SWPPP) to be prepared and implemented during construction. Department activities less than 1 acre require a Water Pollution Control Program.

Additional laws regulating water quality include the Porter-Cologne Water Quality Act, Safe Drinking Water Act, and Pollution Prevention Act. State water quality laws are codified in the California Water Code.

Affected Environment

A Water Quality Report (December 1998) was prepared by the Department for the proposed widening of I-15 in San Bernardino County from Mojave Drive in Victorville to SR-58 in Barstow (Phases I, II, and III). The proposed project is located in the City of Victorville and would consist of approximately 170.1 acres of disturbed soil area (DSA). The Lahontan RWQCB has jurisdiction over the project area, which is located in hydrologic subarea 628.20 (Upper Mojave). The receiving waters within the project limits include the Mojave River and its tributaries; none of the receiving waters within the project limits are 303(d)-listed water bodies. In addition, the receiving water bodies are not considered high-risk areas that are used for municipal or domestic water supply. There are no Total Maximum Daily Load (TMDL) or effluent limits within the project limits.

The Department is conducting ongoing consultation with the Lahontan RWQCB pertaining to this project. A 401 Water Quality Certification Permit will be required when the project is in the Plans, Specifications, and Estimates (PS&E) stage. The soils report indicated hazardous levels of aerially deposited lead (ADL) on two of the side slopes on the freeway. There are no other major contaminated or hazardous wastes within the project area that would substantially affect receiving waters.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, water quality would not be affected.

Build Alternative (Preferred Alternative). Due to roadway widening and construction at the bridge, the estimated increase in impervious area resulting from the proposed Build Alternative (Preferred Alternative) would be about 48.2 acres, which would increase the volume of downstream flow in the Mojave River. The on-site volume of flow around the bridge would increase slightly but would not substantially increase the velocity of the flow in the Mojave River. The flow would discharge to the Mojave River, an unlined channel, via bridge drains and overside drains. However, the flow would not affect channel stability because of the relatively low volume and the immense amount of riprap on the slopes surrounding the bridges. Discharges from cross drains that run from east to west under I-15 would not experience any increase in volume. In addition, the drainage system would be altered to include a system of detention basins to reduce peak discharges and substantially reduce the potential sediment load of the downstream flow.

The project would not encroach, cross, realign, or cause other hydraulic changes to a stream, all of which could affect downstream channel stability. New side slopes would be created at all three intersections to integrate current design standards for the on- and off-ramps and Stoddard Wells Road overcrossing. All cross drains would be modified, either removed or extended, to facilitate roadway widening, and detention basins would be incorporated to move stormwater from the east side of I-15 to the west side. As such, the project would not substantially change local hydrologic conditions or substantially increase stormwater runoff. No adverse effect on hydrology or floodplains would occur.

As described above, under Affected Environment, the receiving waters, including the Mojave River, do not have TMDLs or effluent limits within the proposed project area. The Build Alternative (Preferred Alternative) would not violate water quality standards or waste discharge requirements. However, the Build Alternative (Preferred Alternative) would require a 401 Water Quality Certification Permit from RWQCB when the project is in the PS&E stage. The Build Alternative (Preferred Alternative) would not generate substantial amounts of runoff, as discussed in the NEPA evaluation above.

Avoidance, Minimization, and/or Mitigation Measures

Pollution-prevention best management practices (BMPs) have been developed for the proposed project.

- In addition, the SWPPP will be prepared for the Build Alternative (Preferred Alternative) to comply with NPDES permit requirements.
- In compliance with state and federal clean water standards, the SWPPP will identify BMPs to control construction-related erosion and discharges and minimize water quality impacts.
- Permanent BMPs will be implemented part of the project, including slope stabilization and sediment control with landscape blankets and other available measures.
- In compliance with Section 404 of the Clean Water Act, the Department will apply for a Nationwide Permit with US Army Corps of Engineers in conjunction with a Water Quality Certification under Section 401 of the Clean Water Act from Lahontan Regional Water Quality Control Board.
- The Project Engineer is required to file the Notice of Construction at least 30 days prior to the start of construction.
- The Resident Engineer must notify the Regional Water Quality Control Board if dewatering is required on the project

2.2.3 Geology/Soils/Seismic/Topography

Regulatory Setting

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

This section also discusses geology, soils, and seismic concerns as they relate to public safety and project design. Earthquakes are prime considerations in the design and retrofit of structures. The Department’s Office of Earthquake Engineering is responsible for assessing the seismic hazard for Department projects. Current policy is to assume the occurrence of an anticipated Maximum Credible Earthquake (MCE) on young faults in and near California. The MCE is defined as the largest earthquake that can be expected to occur on a fault over a particular period of time.

Alquist-Priolo Earthquake Fault Zoning Act

California’s Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 et seq.), originally enacted in 1972 as the Alquist-Priolo Special Studies Zones Act and renamed in 1994, is intended to reduce risk to life and property from surface fault rupture during earthquakes. The Alquist-Priolo Act prohibits the location of most types of structures intended for human occupancy across the traces of active faults and strictly regulates construction in corridors along active faults (referred to as “earthquake fault zones”). It defines criteria for identifying active faults, giving legal weight to terms such as active, and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. It also encourages and regulates seismic retrofits of some types of structures.

Seismic Hazards Mapping Act of 1990

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) is intended to avoid or reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist-Priolo Act (i.e., the state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped seismic hazard zones).

Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development. Specifically, cities and counties are prohibited from issuing development permits for sites within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

Surface Mining and Reclamation Act of 1975

The principal piece of legislation addressing mineral resources in California is the Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710–2719), which was enacted in response to land use conflicts involving urban growth and essential mineral production. The stated purpose of this act is to provide a comprehensive surface mining and reclamation policy that encourages production and conservation of mineral resources while ensuring that adverse environmental effects of mining are prevented or minimized. It recommends that mined lands be reclaimed and residual hazards to public health and safety eliminated. It suggests that consideration be given to recreation, watershed, wildlife, aesthetic, and other related values. The Surface Mining and Reclamation Act of 1975 provides guidelines for the evaluation of an area's mineral resources using a system of mineral resource zone classifications that reflect the known or inferred presence and significance of a given mineral resource.

California Environmental Quality Act

Topographic and geologic features are also protected under CEQA. Appendix G of the *State CEQA Guidelines* presents guidance for making significance determinations.

Local Policies and Regulations

Local jurisdictions (counties and cities) typically regulate construction activities through a multi-stage permitting process, which may require preparation of a site-specific geotechnical investigation. The purpose of a site-specific geotechnical investigation is to provide a geologic basis for the development of an appropriate project design. Geotechnical investigations typically assess bedrock and Quaternary geology, geologic structure, soils, and the previous history of excavation and fill placement; as appropriate, they may also address the requirements of the Alquist-Priolo Act, the Seismic Hazards Mapping Act, and/or local regulations.

Cities and counties also commonly include geologic hazards in their land use planning. As a result, their general plans and/or zoning ordinances reflect policies specifically aimed at reducing risks to life and property from seismic and other types of geologic hazards. For the proposed project, the key document for planning guidance relevant to geologic hazards is the City of Victorville General Plan.

Affected Environment

A Geotechnical Design Report (February 2000) was prepared by the Department for the proposed widening of I-15 in San Bernardino County from Mojave Drive in Victorville to SR-58 in Barstow (Phases I, II, and III). According to this report, the proposed project is located in the Mojave Desert Geomorphic Province, within the East Mojave subprovince. In the City of Victorville, the soil is characterized as flat, sandy alluvium dissected by the Mojave River. Some river gravels and clayey silts are layered in the alluvium.

Seismicity

The proposed project lies in a seismically active area, and future earthquakes could potentially occur in the area. According to the City of Victorville General Plan Safety Element, five fault systems could affect the Victorville Planning Area: the San Andreas, Helendale, North Frontal, Landers, and San Jacinto. The San Andreas fault is located approximately 24 miles south of the proposed project and is likely to produce a major earthquake of up to 8.3 Richter magnitude. The Helendale fault is located approximately 9 miles northeast of the proposed project and could result in an earthquake with a Richter magnitude of 5.9. The San Jacinto fault is approximately 26 miles south of the proposed project area and runs parallel to the San Andreas fault. The North Frontal fault zone of the San Bernardino Mountains is located approximately 5.5 miles south of the project area, which has the potential to produce a moderate earthquake with a Richter magnitude of 6.2. The Landers fault is located approximately 50 miles southeast of Victorville.

Liquefaction

Areas along the Mojave River may be susceptible to liquefaction. Liquefaction results when water-saturated, sandy unstable soils are subject to intense shaking, such as that caused by an earthquake. These soils lose cohesiveness, causing unreinforced structures to fail. The primary factors for increased liquefaction susceptibility include the presence of areas subject to high seismicity, shallow groundwater, and young, poorly consolidated sandy alluvium. When this type of sandy alluvium is present, liquefaction susceptibility is generally considered high if groundwater depth is less than 10 feet beneath the ground surface, moderate if groundwater depth is between 10 and 30 feet, and low if groundwater is between 30 and 50 feet deep.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no effects involving geology, soils, seismicity, or topography would occur.

Build Alternative (Preferred Alternative). The site is not located within a State of California Earthquake Fault Zone (Hart and Bryant 1997), and the probability of damage from surface fault rupture is low due to the lack of known active faults directly underlying the subject site or its vicinity. Surface ground cracking related to shaking from distant events is not considered a major hazard, although it is a possibility. The proposed project is not of substantial scope and size to result in adverse geological or mineral resource impacts. The improvements proposed as part of the Build Alternative (Preferred Alternative) would not require construction methods with the potential to result in or trigger geologic hazards, such as subsidence, lateral spreading, landslides, or collapse. To reduce adverse impacts related to the potential for liquefaction resulting from the project's proximity to the Mojave River, BMPs and sound engineering would be employed in compliance with all applicable provisions and guidance by the Department. To minimize and control erosion of soils disturbed and exposed by clearing, grubbing, and grading activities, BMPs would be implemented in compliance with NPDES permit requirements and the SWPPP.

Avoidance, Minimization, and/or Mitigation Measures

The following measures should be implemented as part of the proposed project to avoid and/or minimize potential adverse effects.

Construction

The geologic and seismic hazards described above will be avoided or minimized by employing sound engineering practice in the design and construction of the proposed project. Measures identified in Section 2.2.2, Water Quality, will be designed to comply with NPDES permit requirements and will ensure that erosion impacts will not be adverse under NEPA and less than significant under CEQA.

Operation

Because of the potential for distant seismic ground shaking and soil liquefaction, design and construction of the proposed project shall conform to all applicable provisions and guidelines set forth by the Department regarding earthquake safety design.

2.2.4 Paleontology

Regulatory Setting

Paleontology is the study of life in past geologic time based on fossilized plants and animals. Although there is no federal law that specifically protects natural or paleontological resources, there are a number of laws that have been interpreted to do so—the primary law being the Antiquities Act of 1906, which protects historic or prehistoric ruins or monuments and objects of antiquity. This act has been amended to specifically allow funding for paleontological mitigation. Under California law, paleontological resources are protected by CEQA; the California Administrative Code, Title 14, Section 4306 et seq.; and Public Resources Code Section 5097.5.

The City of Victorville General Plan

- **Policy 1.3:** The city will continue to support efforts to identify, as well as protect or salvage, significant paleontological and archaeological resources threatened by development.
 - Imp. 1: The City of Victorville Planning Department will maintain a set of paleontological sensitivity overlay maps of the city, which will be available for public review upon request.
 - Imp. 2: The City of Victorville Planning Department will continue to submit development plans that involve excavation/grading beyond minor cutting and filling to the San Bernardino County Museum Archaeological Information Center and the Department of Community and Cultural Resources for review to determine the potential for the existence of archaeological and paleontological resources and whether monitoring will be required during grading and/or excavation of the site.

Affected Environment

The City of Victorville contains rich paleontological resources within its Planning Area. A citywide geologic survey conducted in 1985 identified nine ancient lake-bed deposits, estimated to date back to the Pleistocene epoch (10,000 to 900,000 years ago). These lake beds contain numerous mammalian fossils, including teeth, limb fragments, phalanges, and metacarpals from horses, camels, and other large animals. Since then, monitoring during earth-disturbance activities has resulted in the identification and recovery of several resources. The most recent significant find was a mammoth discovered in June 1993. The fossil-bearing rock layers are essentially level due to their formation from an ancient lake bed. All of the land in the Victorville Planning Area, except those areas above the 2,985-foot contour or below the 2,727-foot contour, is located upon fossil-bearing strata. The entire City of Victorville General Plan area is considered to be sensitive with respect to paleontological resources due to the existence of recovery sites throughout the area. Therefore, the potential to affect paleontological resources is high.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, paleontological resources would not be affected.

Build Alternative (Preferred Alternative). There are no known paleontological resources within the boundaries of the proposed project area. Nonetheless, potential paleontological impacts during excavation or construction may occur. These impacts would be minimized with the following avoidance and minimization measures.

Avoidance, Minimization, and/or Mitigation Measures

The following measures are proposed to minimize impacts on paleontological resources.

- If project plans change to include unsurveyed areas or if buried paleontological resources are encountered during construction, work must halt until a qualified paleontologist can evaluate the nature and significance of the find. If required, recovery of significant paleontological deposits shall occur using standard paleontological techniques, including, but not limited to, manual or mechanical excavations, monitoring, soil testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the paleontological resource.

2.2.5 Hazardous Waste/Materials

Regulatory Setting

Hazardous materials and hazardous wastes are regulated by many state and federal laws. These include not only specific statutes governing hazardous waste but also a variety of laws pertaining to air and water quality, human health, and land use. The primary federal laws regulating hazardous wastes and materials are the Resource Conservation and Recovery Act of 1976 and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, often referred to as the Superfund. The purpose of the Superfund is to clean up contaminated sites so

that public health and welfare are not compromised. The Resource Conservation and Recovery Act of 1976 provides for “cradle to grave” regulation of hazardous wastes. Other federal laws include the following:

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

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

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

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

Affected Environment

An Initial Site Assessment (ISA) (March 2002) was completed by the Department for the project area. The ISA provides information from various agency databases and meets the American Society for Testing and Materials (ASTM) standard E-1527 for federal and state government database research in a Phase I Environmental Site Assessment.

According to the ISA, three properties were identified as potential hazard sites within the project area: a gasoline service station located at 16916 Stoddard Wells Road, a gasoline service station located at 16850 Stoddard Wells Road, and a gasoline service station located at 16828 Stoddard Wells Road. A Site Assessment Report was prepared for each of the sites, and using analytical data obtained from the investigations, a small area of contamination was detected at 16828 Stoddard Wells Road, and no remediation was found to be required for 16916 Stoddard Wells Road and 16850 Stoddard Wells Road. The property at 16828 Stoddard Wells Road is located west of I-15, east of the Mojave River, and north of Victorville. In January 1986, four underground storage tanks (USTs) were removed by Exxon from 16828 Stoddard Wells Road, and the station was subsequently closed. Currently, the site is owned by U.S. Gas; the western portion of the site is being used by an auto wrecker as a storage yard.

In addition, the soil investigation report dated January 22, 2001, for areas along the shoulders of the existing highway revealed the presence of ADL. The mean total lead concentration is 65.05 mg/kg, and the mean soluble lead concentration is 10.87 mg/kg. The mean soluble lead concentration exceeds the federal and state threshold for hazardous classification. The mean soluble lead concentration of 10.87 mg/kg designates the soils as hazardous, according to Title 22, California Code of Regulations (CCR).

A limited lead and asbestos soil survey was conducted on February 1, 2001, in the project area (conducted on I-15 from post mile 43.19 to post mile 44.68). Out of 15 samples collected, one homogenous material was found to have asbestos-containing material (ACM). The railing shims at the Victorville separation and overhang (right) and the Mojave River Bridge (right and left) were found to contain 45percent asbestos. However, the identified railings were observed to be in a good condition. The limited lead survey underneath the bridge structure revealed some concentration of lead in all analyzed soil samples, but most of these samples were below federal and state limits. Only two out of 24 collected soil samples had lead concentration above the federal limit.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, the project site would not be disturbed, and no effects involving hazardous materials would occur.

Build Alternative (Preferred Alternative). On April 13, 2004, eight soil borings were sampled at the 16828 Stoddard Wells Road property. The findings indicate that impacts on soil would be low at the site. The total petroleum hydrocarbons as diesel (TPH-d) detected in boring number A-4 at 12 feet below surface (bgs), and the associated toluene and ethylbenzene encountered, indicate that the affected soil is localized to the upper 15 feet. To address this TPH-d detection, the affected soil would be excavated to 15 feet bgs in the vicinity of the southwestern gas dispenser (in Pump Island) and boring A-4. The Department would need to transport and dispose of hazardous materials found on the site, such as soil with ADL and other contaminants. In addition, applicable BMPs would be followed. After removal of the diesel-contaminated soil, no further assessment should be necessary at 16828 Stoddard Wells Road. The results of remedial actions would be submitted to the local oversight agency (i.e., Victorville Fire Department).

The railing shims at Mojave River Bridge and Victorville Separation and overhang were found to contain asbestos. The ACM on the bridge would be removed and properly disposed prior to bridge widening. The railing shims with ACM would be regulated according to the National Emission Standards for Hazardous Air Pollutants (NESHAP). The railing shims are classified as Category I non-friable materials according to the NESHAP. However, the railings have not crumbled or been pulverized and would be exempt from waste disposal requirements. They can be disposed of in any landfill that will accept them. The lead-containing soils identified in the limited lead survey under the bridge structure would be reused with special instructions.

Avoidance, Minimization, and/or Mitigation Measures

The following measures have been proposed to avoid or minimize hazardous materials impacts that could occur as a result of the proposed project.

- If any hazardous wastes/materials and/or groundwater contamination is suspected, all activities on the proposed project site shall cease, and the Department's contingency action plan will be implemented. With implementation of the action plan, the resident engineer will notify the Department, District 8, Hazardous Waste Unit, Headquarters Construction Branch and Headquarters Hazardous Waste Management Branch. Coordination with the appropriate agencies will be initiated immediately to develop an investigation plan and a remediation plan for the expedited protection of public health and the environment.
- An Excavation, Reuse, and Transportation Plan will be prepared and implemented along with Standard Special Provisions (SSPs) including stockpiling and sampling to deal with ADL in the project area. The lead-affected soils identified from the limited lead survey would be reused within the state right-of-way for I-15. (Specific reuse instructions would be included in contract documents for construction and landscaping contractors. To address reuse issues pertaining to excavated soils, applicable Special Provisions shall be incorporated into the PS&E package).

Proper notification of the Department of Toxic Substances Control (DTSC) and the RWQCB is necessary for the reuse of soils. The project engineer must invoke a DTSC variance at least 5 days prior to construction, but it is advisable to submit it at least 1 month before construction and send a copy to the RWQCB, Lahontan Region.

- If excavated, hazardous soils should be covered with 1 foot of non-hazardous soils at least 5 feet above the highest groundwater level. SSPs also include the preparation of a Lead Compliance Plan for the proposed project (in response to Comment-1 of Comment Letter A-1 in Appendix H). This plan would be submitted to Construction/Stormwater for review prior to approval of the Lead Compliance Plan and construction.
- A hazardous waste manifest shall be prepared by the construction contractor. The contractor would obtain a temporary EPA identification number and check that all the information on manifest is correct.
- The contractor will sample the removed yellow thermoplastic stripe for its lead content.
- The contractor will notify the Mojave Desert Air Quality Management District (MDAQMD) ten working days prior to any demolition works.
- The diesel-contaminated soil found in the area of Stoddard Wells Road will be excavated in coordination with the VFD, which is the oversight agency. Approved procedures of the Department will be followed for transportation and disposal of the contaminated soil.

2.2.6 Air Quality

Regulatory Setting

Federal Requirements

The Clean Air Act (CAA), as amended in 1990, is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for six

criteria pollutants that have been linked to potential health concerns: carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), particulate matter, lead (Pb), and sulfur dioxide (SO₂). Regional conformity standards in California determine how well the region is doing in meeting the standards set for CO, NO₂, O₃, and particulate matter (California is already in attainment status for the other criteria pollutants [Pb and SO₂]).

Under the 1990 CAA amendments, the U.S. Department of Transportation cannot fund, authorize, or approve federal actions to support programs or projects that are not found to conform to a State Implementation Plan for achieving the goals of the CAA. Conformity with the CAA takes place on two levels—first, at the regional level, and second, at the project level. The proposed project must conform at both levels to be approved.

To achieve the goals of the CAA, RTPs are developed that include all transportation projects planned for the region over a period of years, usually at least 20. After determining which projects would be included in the RTP, an air quality model would be used to determine whether implementation of those projects would conform to emission budgets or other tests to show that the attainment requirements of the CAA would be met. If the conformity analysis is successful, the regional planning organization, such as the MDAQMD for the Mojave Desert Air Basin (MDAB), and the appropriate federal agencies, such as FHWA, make the determination that the RTP is in conformity with the State Implementation Plan for achieving the goals of the CAA. Otherwise, the projects in the RTP must be modified until conformity is attained. If the design and scope of the proposed transportation project are the same as described in the RTP, then the proposed project is deemed to meet regional conformity requirements for the purposes of project-level analysis.

Conformity at the project-level also requires hot-spot analysis if an area is in nonattainment or maintenance status for CO and/or particulate matter. A region is a nonattainment area if one or more monitoring stations in the region fail to attain the relevant standard. Areas that were previously designated as nonattainment areas but have recently met the standard are called maintenance areas. Hot-spot analysis is essentially the same, for technical purposes, as a CO or particulate matter analysis performed for NEPA and CEQA purposes. Conformity does include some specific standards for projects that require a hot-spot analysis, but in general, projects must not cause the CO standard to be violated. In nonattainment areas, projects must not cause any increase in the number or severity of violations. If a known CO or particulate matter violation is located in the project vicinity, the project must include measures to reduce or eliminate the existing violation(s).

Mobile-Source Air Toxics

The CAA identified 188 pollutants as being air toxics, which are also known as hazardous air pollutants (HAP). From this list, EPA identified a group of 21 as mobile-source air toxics (MSATs) in its final rule, Control of Emissions of Hazardous Air Pollutants from Mobile Sources (66 Federal Register [FR] 17235), in March 2001. From this list of 21 MSATs, EPA has identified six MSATs, benzene, formaldehyde, acetaldehyde, diesel particulate matter/diesel exhaust organic gases, acrolein, and 1,3-butadiene, as being priority MSATs. To address emissions of MSATs, EPA has issued a number of regulations that will dramatically decrease MSATs through cleaner fuels and cleaner engines.

The area of air toxics analysis is a new and emerging issue and is a continuing area of research. Although much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques available for assessing project-specific health impacts from MSATs are limited. Given the emerging state of the science and the project-level analysis techniques, there are no established criteria for determining when MSAT emissions should be considered a significant issue in the NEPA context. FHWA is currently preparing guidance regarding how mobile-source health risks should factor into project-level decision making under NEPA. In addition, EPA has not established regulatory concentration targets for the six relevant MSAT pollutants appropriate for use in the project-development process. In light of the recent development regarding MSATs, FHWA has issued interim guidance for the assessment of MSATs in NEPA documents.

State Requirements

Responsibility for achieving California's ambient air quality standards (CAAQS), which are more health protective than the federal standards, is placed on the California Air Resources Board (ARB) and local air pollution control districts. State standards are to be achieved through district-level air quality management plans, which are incorporated into the State Implementation Plan.

The California CAA requires local and regional air pollution control districts that are not attaining one or more of the CAAQS for O₃, CO, SO₂, or NO₂ to expeditiously adopt plans specifically designed to attain those standards. Each plan must be designed to achieve an annual 5 percent reduction in district-wide emissions for each nonattainment pollutant or its precursors.

Recently enacted amendments to the California CAA imposed additional requirements, which are designed to ensure an improvement in air quality over the next 5 years. More specifically, local districts with moderate air pollution that did not achieve "transitional nonattainment" status by December 31, 1997, must implement the more stringent measures applicable to districts with serious air pollution.

Local and Regional Requirements

The air quality management agencies of direct importance to the MDAB portion of San Bernardino County include EPA, ARB, and MDAQMD. EPA has established federal ambient air quality standards for which ARB and MDAQMD have primary implementation responsibility. ARB and MDAQMD are also responsible for ensuring that state ambient air quality standards are met. In addition, to meet the goals and objectives of the NAAQS, SCAG develops the RTP in consultation with local air management districts. The RTP would be in accord with EPA's Transportation Conformity Rule as it pertains to air quality standards in San Bernardino County.

Federal and State Ambient Air Quality Standards

Existing air quality conditions in the project area can be characterized in terms of the ambient air quality standards that the State of California and the federal government have established for several different pollutants. For some pollutants, separate standards have been set for different measurement periods. Most standards have been set to protect public health. For some

pollutants, standards have been based on other values (such as protection of crops, protection of materials, or avoidance of nuisance conditions). Table 2-12 shows the state and federal standards for a variety of pollutants.

Table 2-12. California and National Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS^a	NAAQS^b
Ozone (O ₃)	1 hour	0.09 ppm	0.12 ppm
	8 hour	0.07 ppm	0.08 ppm
Carbon monoxide (CO)	1 hour	20 ppm	35 ppm
	8 hour	9.0 ppm	9.0 ppm
Nitrogen dioxide (NO ₂)	1 hour	0.25 ppm	NA
	Annual	NA	0.053 ppm
Sulfur dioxide (SO ₂)	1 hour	0.25 ppm	NA
	24 hour	0.04 ppm	0.14 ppm
	Annual	NA	0.03 ppm
Inhalable particulate matter (PM ₁₀)	24 hour	50 µg/m ³	150 µg/m ³
Fine particulate matter (PM _{2.5})	24 hour	NA	35 µg/m ³
	Annual	12 µg/m ³	15 µg/m ³
Sulfates	24 hour	25 µg/m ³	NA
Lead (Pb)	30 day	1.5 µg/m ³	NA
	Calendar quarter	NA	1.5 µg/m ³
Hydrogen sulfide	1 hour	0.03 ppm	NA
Vinyl chloride	24 hour	0.010 ppm	NA

Notes:

^a CAAQS for O₃, CO, SO₂ (1 hour and 24 hour), NO₂, PM₁₀, and PM_{2.5} are values not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

^b NAAQS, other than O₃ and those based on annual averages, are not to be exceeded more than once a year. The O₃ standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.

ppm = parts per million by volume.

µg/m³ = micrograms per cubic meter.

NA = not applicable.

Source: California Air Resources Board 2006.

California Environmental Quality Act

Appendix G of the *State CEQA Guidelines* presents guidance for making significance determinations. The guidelines also state that the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make determinations of significance under CEQA.

Affected Environment

Topography and Climate

Most of the MDAB is commonly referred to as the high desert because elevations range from approximately 2,000 to 5,000 feet above sea level. The MDAB is characterized by extreme temperature fluctuations, strong seasonal winds, and clear skies. With respect to O₃, the greatest air pollution impacts throughout the MDAB occur from June to September. This condition is attributed generally to the large amount of pollutant transport from within the South Coast Air Basin and San Joaquin Valley Air Basin to the MDAB.

Existing Air Quality Conditions

The proposed project is located in the western portion of the MDAB and, as such, is designated a nonattainment area for certain criteria pollutants. If a pollutant concentration is lower than the state or federal standard, the area is classified as being in attainment for that pollutant. If a pollutant violates the standard, the area is considered a nonattainment area. If data are insufficient to determine whether a pollutant is violating the standard, the area is designated unclassified. The State of California has designated the western portion of the MDAB as being a nonattainment area for O₃, PM₁₀, and PM_{2.5}. The federal EPA has designated this area as being a nonattainment area for O₃ and PM₁₀ (see Table 2-13).

Table 2-13. Attainment Status for the Western Portion of the Mojave Desert Air Basin

Pollutants	Status	
	Federal (attainment year)	State Standards
Ozone (O ₃)	1-hour: Nonattainment	1-hour: Nonattainment
	8-hour: Nonattainment, Moderate (2010)	8-hour: Not yet classified
Particulates (PM ₁₀)	Nonattainment, Moderate (2000)	Nonattainment
Fine particulates (PM _{2.5})	Attainment/Unclassified	Nonattainment
Carbon monoxide (CO)	Attainment/Unclassified	Attainment

Source: California Air Resources Board.

Environmental Consequences

No-Build Alternative. The No-Build Alternative is used to compare the relative impacts and benefits of the proposed project improvements. Under this alternative, no improvements, modifications, or changes would be made to the project limits of I-15. As such, there would be

no construction-period emissions and no change in operations-period regional emissions, localized emissions, or MSAT emissions. Under the No-Build Alternative, no air quality effects would occur.

Build Alternative (Preferred Alternative). The air quality effects related to construction emissions, regional operations emissions, localized operations emissions, and MSAT emissions are provided below.

Construction Emissions Analysis

Conformity requirements apply only to emissions after completion of a project; they do not apply to construction impacts.

Regional and Localized Emissions Analysis

The proposed project can demonstrate conformity by meeting both of the following criteria:

- Regional conformity is met if the project comes from a currently conforming RTP and RTIP and the project has not been altered in design and scope; and
- Local conformity is met if the project does not cause or contribute to any new localized CO or PM violations or increase the frequency or severity of any existing violations in nonattainment or maintenance areas.

Regional Conformity

The proposed project is fully funded and is in the 2008 Regional Transportation Plan (RTP) which was found to conform by SCAG on May 5, 2008, and FHWA and FTA adopted the Air Quality Conformity finding on June 5, 2008. The project is also included in the financially constrained 2006 Regional Transportation Improvement Program (RTIP) with approved Amendments 1 through 12, 14 through 16, and 18, page number 9 of 18. The 2006 RTIP was found to conform by FHWA and Federal Transit Administration (FTA) on October 2, 2006. The current conformity determinations for the 2008 RTP and 2006 RTIP (Amendment #13 to the 2006 RTIP provided conformity with the 2008 RTP) were approved by FHWA and FTA on June 5, 2008. The design concept and the scope of the proposed project is consistent with the 2008 RTP, the 2006 RTIP, and the assumptions in SCAG's regional emissions analysis.

FHWA issued the required air quality conformity determination letter for this project on June 9, 2008 (see Appendix G for Air Quality Conformity Letter).

Local Conformity

Carbon Monoxide Operational Impact. The scope required for local analysis is summarized in Section 3, Determination of Project Requirements, and Section 4, Local Analysis, of the Department's CO Protocol. Section 3 incorporates Section 93.115, and the procedure to determine project requirements begins with Figure 1 of the CO Protocol, Requirements for New Projects. The sections cited are followed by responses, which determine the next applicable section of the flowchart for the proposed project. The flowchart begins with Section 3.1.1.

3.1.1 Is this project exempt from all emissions analyses (see Table 1, CO Protocol)? The list of exempt projects appears in Table 1 of the CO Protocol. The proposed project does not appear in this table. It is not exempt from all emissions analysis.

3.1.2 Is the project exempt from regional emissions analyses (see Table 2, CO Protocol)? The response is no. The proposed project is not covered under any category of projects listed in Table 2 of the CO Protocol, which are exempt from regional analysis.

3.1.3 Is the project locally defined as regionally significant? Yes.

Is the project in a federal attainment area? Yes.

3.1.4a Is the project in a California attainment area? Yes.

3.1.9 Examine local impacts. Section 3.1.9 of the flowchart directs the project evaluation to Section 4, Local Analysis.

Section 4 contains a flowchart similar to that found in Section 3. This flowchart is used to determine the type of CO analysis required for the proposed project. Below is a step-by-step explanation of the flowchart. Each level cited is followed by a response, which determines the next applicable level of the flowchart for the proposed project. The flowchart (Figure 3, Local CO Analysis) begins at Level 1.

Level 1. Is the project in a CO nonattainment area? No. According to Table 2, above, the MDAB is classified as attainment/unclassified for CO federal standards.

Level 1. Was the area redesignated as attainment after the 1990 CAA? No. Currently, the area is classified as attainment/unclassified, which means that before the 1990 CAA, the area was classified as attainment. Hence, to redesignate the area as attainment, the area would have to have been classified as nonattainment before the CAA.

Level 7. Does the project worsen air quality? No. According to the protocol, the following criteria should be used to determine whether a project is likely to worsen air quality for the area surrounding the project site.

- The project significantly increases the percentage of vehicles operating in cold-start mode. Increasing the number of vehicles operating in cold-start mode by as little as 2 percent should be considered potentially significant. As determined in the Supplemental Air Quality Report (Department 2007), “There would be no significant increase in the percentage (more than 2 percent) of vehicles operating in cold-start mode.”
- The project significantly increases traffic volumes. Increases in traffic volumes in excess of 5 percent should be considered potentially significant. Increasing the traffic volumes by less than 5 percent may still be potentially significant if there is also a reduction in average speeds. As determined in the Supplemental Air Quality Report (Department 2007), “The proposed project improvements would reduce traffic congestion and improve LOS.”

- The project worsens traffic flow. For uninterrupted roadway segments, a reduction in average speeds (within a range of 3 to 50 miles per hour [mph]) should be regarded as worsening traffic flow. For intersection segments, a reduction in average speed or an increase in average delay should be considered as worsening traffic flow. As determined in the Supplemental Air Quality Report (Department 2007), “The proposed project would not worsen the traffic flow; rather, it would improve traffic flow and average speed.”

In answering no to the question at Level 7, the project has sufficiently addressed the CO impact, and no further analysis is needed.

Particulate Matter (PM10 and PM2.5) Hot-Spot Analysis. A new guidance was jointly released by EPA and FHWA on March 29, 2006, titled Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM2.5 and PM10 Nonattainment and Maintenance Areas. The guidance provides information for state and local agencies to meet the particulate matter (PM2.5 and PM10) hot-spot analysis requirements established in the March 10, 2006, final transportation rule (71 FR 12468). It is required that all future qualitative PM hot-spot analyses be based on this new guidance, which supersedes FHWA’s previous September 12, 2001, Guidance for Qualitative Project-Level Hot-Spot Analysis in PM10 Nonattainment and Maintenance Areas.

PM2.5 Hot-Spot Analysis

As can be seen from Table 2-12, above, the project is located in the western portion of the MDAB, which is classified as attainment/unclassified for the federal PM2.5 standard. Therefore, per 40 CFR, Part 93, no qualitative or quantitative analysis is required for PM2.5 for conformity purposes.

PM10 Hot-Spot Analysis

The MDAB is classified as a moderate nonattainment area for federal PM10 standards; therefore, a qualitative hot-spot analysis for PM10 may be required under the final Transportation Conformity Rule (40 CFR 93.123 (b)(1)). A project-level PM10 hot-spot analysis pertaining to the combined projects was performed for the Department’s air quality analysis (1998) and approved by FHWA after conformity was determined. For this project (phase III), a PM10 Conformity Hot-Spot Analysis Summary form for interagency consultation was prepared and submitted to the SCAG Transportation Conformity Working Group (TCWG) for review. At the July 24, 2007 TCWG meeting, members of the interagency consultation group, in the absence of the FHWA representative, reviewed the proposed project (referenced as the interchange reconstruction) for conformity and determined provisionally that the proposed project is not a Project of Air Quality Concern (POAQC). Final approval by TCWG was made contingent upon FHWA's review of the project and concurrence with the findings of the other members of the interagency consultation group. Per new PM2.5 and PM10 guidance, a qualitative PM10 hot-spot analysis is not required for a project that is not a POAQC. The requirements of the CAA and 40 CFR 93.116 are met without performing the PM10 hot-spot analysis for such projects. The interagency consultation group (TCWG) concurred on June 3, 2008 that this project is not a POAQC. FHWA provided a reference to this consultation on June 3, 2008.

MSAT Emissions Analysis

MSAT emissions are proportional to the vehicle miles traveled (VMT) for each alternative considered, assuming that other variables such as speed and fleet mix are the same. VMT is calculated by multiplying projected traffic volume (ADT) with vehicle distance (miles) traveled on a stretch of roadway (main line or local streets) within the project study area. VMT has been estimated for each alternative from the layout plans provided in the Department's Supplemental Air Quality Report (Department 2007).

VMT for the Build Alternative (Preferred Alternative) is slightly greater than that for the No-Build Alternative (approximately 5 percent higher) because the additional capacity created by the proposed project, which increases the efficiency of the roadway, would attract rerouted trips from elsewhere in the transportation network. This increase in VMT would lead to higher MSAT emissions under the Build Alternative (Preferred Alternative) along the freeway corridor. However, according to EPA's MOBILE6 emissions model, emissions of all priority MSATs, except diesel particulate matter, decreases as speed increases; therefore, MSAT emissions are expected to decrease due to the increased speeds that would result from the greater efficiency of the roadway segment. The extent to which speed-related emissions decreases will offset VMT-related emissions increases cannot be reliably projected due to the inherent deficiencies of the technical models.

EPA regulations for vehicle engines and fuels would cause overall MSATs to decline significantly over the next 20 years. Even after accounting for an increase in VMT, FHWA predicts MSATs would decline in the range of 57 percent to 87 percent from 2000 to 2020 based on regulations now in effect, even with the projected increase in VMT. This would both reduce the background level of MSATs as well as the possibility of even minor MSAT emissions from this project.

Construction Emissions Analysis

Project construction would generate combustion-source emissions from operation of haul trucks and on-site construction equipment as well as fugitive dust emissions from site disturbance activity. It is the Department's policy to reduce construction-period emissions by the greatest extent feasible by requiring implementation of effective and comprehensive avoidance and minimization measures, such as the those measures detailed in the Department's Standard Specifications, Section 7-1.01F (Air Pollution Control), and MDAQMD Rule 403.2 (Fugitive Dust Control), as described below.

Diesel Particulate-Related Health Risk during Construction

MDAQMD does not consider diesel-related cancer risks from construction equipment to be an issue due to the short-term nature of construction activities. Construction activities associated with the proposed project would be sporadic, transitory, and short term in nature (approximately 4 years). The assessment of cancer risk is typically based on a 70-year exposure period. Because exposure to diesel exhaust would be well below the 70-year exposure period, construction of the proposed project is not anticipated to result in an elevated cancer risk to exposed persons due to the short-term nature of construction. Consequently, diesel emissions associated with construction activities would have no effect on humans. The Build Alternative (Preferred Alternative) would not result in significant adverse diesel particulate-related health risks during construction under CEQA.

Regional Emissions Analysis

Please see the NEPA evaluation discussion above. The Build Alternative (Preferred Alternative) would not result in regional significant adverse impacts under CEQA.

Localized Emissions Analysis

Please see the NEPA evaluation discussion above. The Build Alternative (Preferred Alternative) would not result in localized significant adverse impacts under CEQA.

MSAT Emissions Analysis

Please see the NEPA evaluation discussion above. The Build Alternative (Preferred Alternative) would not result in significant adverse MSAT impacts under CEQA.

Avoidance, Minimization, and/or Mitigation Measures

The following measures should be implemented to avoid or minimize potential adverse impacts on air quality.

Construction Exhaust Emissions

Implementation of control measures will avoid and/or minimize any construction exhaust emissions-related impacts on air quality. The project will conform to the Department's construction requirements, as specified in the Department's Standard Specifications, Section 7-1.01F (Air Pollution Control):

- The contractor shall comply with all air pollution control ordinances and statutes that apply to any work performed pursuant to the contract, including any air pollution control rules, regulations, ordinances, and statutes specified in Section 11017 of the Government Code.

Construction-Activity Fugitive Dust Emissions

The proposed project will implement applicable control measures for each source of PM10 emissions, as specified in the MDAQMD adopted Rule 403.2 (Fugitive Dust Control for the Mojave Desert Planning Area [MDPA]). This will ensure that state and federal ambient air quality standards for PM10 are not exceeded due to man-made sources of fugitive dust within the MDPA and implement the control measures contained in the MDPA federal PM10 attainment plan.

Implementation of applicable fugitive dust emission-control measures will avoid and/or minimize any construction fugitive dust-related impacts on air quality. The owner or operator of any construction/demolition equipment shall:

- use periodic watering for short-term stabilization of disturbed surface areas to minimize visible fugitive dust emissions. For purposes of this rule, use of a water truck to moisten disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance;
- take actions sufficient to prevent project-related trackout onto paved surfaces;

- cover loaded haul vehicles while operating on publicly maintained paved surfaces;
- stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions;
- clean up project-related trackout or spills on publicly maintained paved surfaces within 24 hours; and
- reduce nonessential earth-moving activity under high wind conditions. For purposes of this rule, a reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.

2.2.7 Noise

Regulatory Setting

The National Environmental Policy Act of 1969 and CEQA provide the broad basis for analyzing and abating highway traffic noise effects. The intent of these laws is to promote the general welfare and foster a healthy environment. The requirements for noise analysis and consideration of noise abatement and/or mitigation, however, differ between NEPA and CEQA.

California Environmental Quality Act

CEQA requires a strictly no-build versus build analysis to assess whether a proposed project would have a noise impact. If a proposed project is determined to have a significant noise impact under CEQA, then CEQA dictates that mitigation measures must be incorporated into the project unless such measures are not feasible.

National Environmental Policy Act and 23 CFR 772

For highway transportation projects with FHWA involvement (and the Department, as assigned), the Federal Aid Highway Act of 1970 and the associated implementing regulations (23 CFR 772) govern the analysis and abatement of traffic noise impacts. The regulations require that potential noise impacts in areas of frequent human use be identified during the planning and design of a highway project. The regulations contain noise abatement criteria (NAC) that are used to determine when a noise impact would occur. The NAC differ depending on the type of land use under analysis. For example, the criterion for residences (67 decibels, adjusted [dBA]) is lower than the criterion for commercial areas (72 dBA). The following table lists the NAC for use in NEPA and 23 CFR 772 analyses, and Figure 2-7 lists the noise levels of common activities so the reader can compare the actual and predicted highway noise levels discussed in this section.

In accordance with the Department's *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects*, October 1998, a noise impact occurs when the future noise level with the project results in a substantial increase in the noise level (defined as a 12 dBA or more increase) or when the future noise level with the project approaches or exceeds the NAC. Approaching the NAC is defined as coming within 1 dBA of the NAC. These definitions remain the same in the August 2006 version of the protocol.

Table 2-14. Noise Abatement Criteria

Activity Category	NAC (hourly A-weighted noise level [dBA L_{eq}(h)])	Description of Activities
A	57 exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 exterior	Picnic areas, recreation areas, playgrounds, active sport areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 exterior	Developed lands and properties or activities not included in Categories A or B above.
D	—	Undeveloped lands.
E	52 interior	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

Notes:
L_{eq}(h) = hourly noise level equivalent.
Source: FHWA, Procedures for Abatement of Highway Traffic and Construction Noise, 1995.

If it is determined that the project would have noise impacts, then potential abatement measures must be considered. Noise abatement measures that are determined to be “reasonable and feasible” at the time of final design would be incorporated into the project plans and specifications. This document discusses noise abatement measures that would likely be incorporated in the project.

The Department’s traffic noise analysis protocol sets forth the criteria for determining when an abatement measure is “reasonable and feasible.” Feasibility of noise abatement is basically an engineering concern. A minimum 5 dBA reduction in the future noise level must be achieved for an abatement measure to be considered feasible. Other considerations include topography, access requirements, other noise sources, and safety considerations. The reasonableness determination is basically a cost-benefit analysis. Factors used in determining whether a proposed noise abatement measure is reasonable include residents’ acceptance, the absolute noise level, build versus existing noise, environmental impacts of abatement, public and local agencies’ input, newly constructed development versus development pre-dating 1978, and the cost per benefited residence.

Affected Environment

A noise impact analysis was prepared for Phase I, Phase II, and Phase III improvements in March 2000 (for information on the phases, see Background, pages 1-1 through 1-5, of this report). The land uses within the project corridor were identified utilizing current land use maps, aerial photography, and site inspections. Within each land use category, sensitive receptors were identified. Land uses within the corridor are primarily single- and multiple-family residential structures. In addition, there are two motels and a private campground. The generalized land use data and the locations of particular sensitive receptors were considered in selecting the noise monitoring and analysis sites. All receptors with regular outdoor uses located within the limits of this project, between Mojave Drive and just north of Stoddard Wells Road, were studied.

Figure 2-7. Noise Levels of Common Activities

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet Fly-over at 300m (1000 ft)	110	Rock Band
Gas Lawn Mower at 1 m (3 ft)	100	
Diesel Truck at 15 m (50 ft), at 80 km (50 mph)	90	Food Blender at 1 m (3 ft)
Noisy Urban Area, Daytime	80	Garbage Disposal at 1 m (3 ft)
Gas Lawn Mower, 30 m (100 ft)	70	Vacuum Cleaner at 3 m (10 ft)
Commercial Area		Normal Speech at 1 m (3 ft)
Heavy Traffic at 90 m (300 ft)	60	Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime		Library
Quiet Rural Nighttime	30	Bedroom at Night, Concert Hall (Background)
	20	Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

Source: California Department of Transportation, State Environmental Reference. Available: <<http://www.dot.ca.gov/set/>>. Accessed June 22, 2007.

A total of 15 locations were measured and 30 noise-sensitive receptors were modeled for noise levels along the freeway within the construction limits of this project (Phase III). However, the report also identifies other noise-sensitive receptors that are outside the construction limits of the proposed project but within the construction limits of Phase I and Phase II, which were part of the “reasonable and feasible” calculation and the determination of noise abatement measures. (For detailed information on receptors’ locations and calculations for the three phases, please refer to the Noise Analysis Report.)

Measured existing noise levels at noise-sensitive land uses range from 54 dBA to 72 dBA. These noise levels were used to calibrate the model, obtain existing peak-hour levels, and predict future noise levels. As a result of the analysis prepared for the three phases, six soundwalls were found to be feasible and reasonable. Soundwalls 1, 2, 3, and 4 were built as part of Phase I and Phase II. The remaining two walls, (soundwalls 5 and 6), are anticipated to be built as part of this project (see Figures 1-5B and 1-5C on pages 1-20 and 1-21 for location of these proposed soundwalls).

Approximately 80 percent of the noise-sensitive uses adjacent to the project corridor experienced levels approaching or exceeding 67 dBA. The worst-case receivers appear to lie within 100 feet of the existing corridor right-of-way and receive little or no shielding. The residential receptors with noise levels less than the NAC of 67 dBA are 1) significantly set back from the corridor and/or 2) able to receive a degree of shielding from the corridor with intervening structures, earth berms, hillsides, hinge-point barriers, or existing noise barriers.

Commercial land within the City of Victorville is located between the D Street interchange and the Stoddard Wells Road interchange. In this area, there are two restaurants, four gas stations, and two motels. The KOA campground is also located between these two interchanges. Noise readings were taken at each of the motels. Only the noise levels adjacent to the pool areas at two of the motels meet or exceed the NAC. The future noise levels are 74 dBA (location F-19) for Motel 6 and 67 dBA for the Queens Motel (location F-20).

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, noise levels would not be affected.

Build Alternative (Preferred Alternative). The following analysis will consider only receptor locations within the construction limits for this project that still require noise abatement as identified in the noise impact analysis report.

Of the 16 modeled receptors, 14 would approach or exceed FHWA NAC for a Category B land use. In general, the proposed Build Alternative (Preferred Alternative) would increase noise levels at locations 14-1, F-14, and 14-2 from 1 to 3 dBA, with the exception of the trailer park adjacent to the D Street northbound off-ramp, which, due to ramp realignment, would increase from 8 to 11 dBA. The other receivers would experience increased noise levels that approach or exceed 67 dBA. Noise barriers at these locations would be considered to attenuate the noise impact, pending a location-by-location “reasonable and feasible” analysis. A “reasonable and feasible” analysis, based on the 2006 Traffic Noise Analysis Protocol and cost estimates, was performed to update the analysis in the March 2000 noise report. Table 2-15 provides a summary of this analysis.

Table 2-15. Noise Abatement Analysis for Category B Land Uses

Receptor Number and Location	Existing Noise Level (dBA)	Predicted Noise Level without Project (dBA)	Predicted Noise Level with Project (dBA)	Predicted Noise Level with Abatement (dBA)			Reasonable and Feasible
				8-Foot Wall	12-Foot Wall*	14-Foot Wall	
14-1	54	54	65	61	59	58	Yes
F-14	59	59	67	64	61	60	Yes
14-2	56	56	66	64	62	61	Yes
F-15	67	67	70				NF
15-1	63	63	67				NF
15-2	63	63	66				NF
15-3	64	64	67				NF
F-16	69	69	71				NR
F-17	66	66	68	64	61	60	Yes
17-1	64	64	66	64	61	60	Yes
F-18	66	66	68	65	62	61	Yes
18-1	66	66	68	64	62	60	Yes
18-2	65	65	67				NR
F-21	57	57	59				NW

Notes:

*proposed height.

NR = Not reasonable due to cost.

NF = Not feasible (< 5 dBA).

NW = Not warranted due to noise level.

Source: California Department of Transportation, Noise Impact Analysis Report, March 2000; update, May 2007.

Given the analysis, the Department intends to incorporate noise abatement in the form of a soundwall at the northbound D Street off-ramp adjacent to the mobile home park. It was determined that the wall would be reasonable, providing a noise reduction of 6 to 7 dBA. The wall would be 14 feet high and 700 feet long. It would cost \$310,000. A soundwall for the KOA campground would also achieve a 6 to 7 dBA reduction. This wall would be built at the edge of the shoulder, with a height of 12 feet, length of 1,150 feet, and an estimated cost of \$570,000. However, if final design conditions change substantially, noise abatement may not be necessary. The final decision regarding noise abatement will be made upon completion of the project design and the public involvement processes.

Build Alternative (Preferred Alternative). As described above, the proposed Build Alternative (Preferred Alternative) would mitigate exposure of persons to noise levels in excess of the standards established in the local general plan or noise ordinance.

Construction Impacts

Construction noise represents a short-term impact on existing noise levels. Construction activities such as ground clearing, including demolition and/or removal of existing structures, trees, rocks and soil; excavation; the placement of foundations and roadbeds; the erection of structures, including bridges and retaining walls; and finishing, including filling, grading, paving, landscaping, and cleanup operations, would affect the duration and level of construction noise.

Noise levels for equipment that might be used for excavation and construction of the proposed project are presented in Table 2-16. The noise levels are at a reference distance of 50 feet. The construction equipment noise levels decrease at a rate of approximately 6 dBA per doubling of distance. Therefore, at 100 feet, the noise levels would be about 6 dBA less than the noise levels at 50 feet. Intervening structures or topography can act as a noise barrier and reduce noise levels further.

Table 2-16. Construction Equipment Noise Levels

Source	L _{max} at 50 feet (dBA)	Model Tested
Backhoe	85	John Deer 609A
Front Loader	84	Caterpillar 980
Dozer	84	Caterpillar D7e
Grader	91	Caterpillar 16
Scraper	92	Caterpillar 660
Compressor	80–89	various models tested

Note:
L_{max} = the highest sound pressure level in specific time period.
Source: California Department of Transportation, Noise Impact Analysis on Interstate 15 from Mojave Drive in Victorville to Route 58 in Barstow, 2000.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and minimization measures are proposed as part of the project to reduce noise impacts in the area.

- Two sound barriers shall be constructed to minimize noise impacts on sensitive receptors.
- The control of noise from construction activities shall conform to the provision in Section 7-1.0II, Special Control Requirements, of the Standard Specifications and Section 30 of the Special Provisions. The special provisions typically used are quoted, in part, below.
 - The noise level from the contractor's operations between the hours of 9:00 p.m. and 6:00 a.m. shall not exceed 86 dBA at a distance of 50 feet. This requirement in no way relieves the contractor from responsibility for complying with local ordinances regulating noise levels.

- Noise level requirements shall apply to all equipment on the job or related to the job, including, but not limited to, trucks, transit mixers, or transient equipment that may or may not be owned by the contractor. The use of loud signals shall be avoided in favor of light warnings, except those required by safety laws for the protection of personnel.

2.3 Biological Environment

A Final Natural Environment Study (NES) was prepared for the project in August 2007. Appropriate mitigation was identified in the document, which was prepared in consultation with the U.S. Army Corps of Engineers (Corps), the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS), BLM, and the San Bernardino County.

2.3.1 Natural Communities

This section of the document discusses natural communities of concern. The focus of this section is on biological communities, not individual plant or animal species. This section also includes information on wildlife corridors and habitat fragmentation. Wildlife corridors are areas of habitat used by wildlife for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value.

Habitat areas that have been designated as critical habitat under the federal Endangered Species Act are discussed under Threatened and Endangered Species, Section 2.3.5. Wetlands and other waters are discussed in Section 2.3.2.

Affected Environment

Natural communities of special concern are those managed for the maintenance or recovery of protected species. Desert Riparian habitat is a natural community known to support a limited community of plants and animals and has been identified within the proposed project boundaries. This habitat/community is ecologically important to the Mojave Desert and is protected by several laws and regulations. Field surveys were conducted to ascertain the presence of the particular tree types (willows and cottonwoods) associated with this community. A cottonwood and willow tree inventory was conducted within the project footprint, and estimates were generated on the number that must be removed due to construction.

Linkages and corridors facilitate regional animal movement and are generally centered around waterways, riparian corridors, flood control channels, contiguous habitat, and upland habitats. The project site is within the Mojave River watershed, which serves as a wildlife movement corridor for both local and regional movement of wildlife. Species that use riverine and adjacent upland habitats on a regional scale include migratory songbirds, waterfowl, shorebirds, raptors, and bats. On a local scale, resident birds, amphibians, fish, reptiles, and mammals such as rodents and meso-predators depend on this important corridor. The Mojave River Bridge currently provides a safe undercrossing for wildlife using the Mojave River corridor, providing a functional benefit that is not expected to change as the width of the bridge increases. An additional inventory of Desert Riparian trees will be conducted within the project footprint to determine the final number of trees that would be affected by this project.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no adverse effects on natural communities would occur.

Build Alternative (Preferred Alternative). Desert Riparian habitat was mapped during wetland delineation and other field visits to the site. The proposed project area contains 16.77 acres of Desert Riparian habitat subject to CDFG jurisdiction. The Department will apply to CDFG for a Lake and Streambed Alteration Agreement (Section 1600 of the Fish and Game Code). In addition, temporary disruptions affecting the Mojave River as a wildlife corridor would occur during the project construction period, which may affect the ability of wildlife to utilize it effectively. The disruptions are temporary, however, and it is anticipated that wildlife movement within the Mojave River drainage would not be affected in the long term by the upgraded bridge crossing.

Due to the widening of the Mojave River Bridge and installation of the roadway improvements proposed for this project, it is estimated that cottonwoods and willows of various age classes will be removed, primarily outside the river channel on the south side of the project to accommodate the frontage road and the reconfiguration of the D Street interchange. Prior to the onset of construction activities, a tree and vegetation acreage inventory will be performed. The results of the inventory will be used to determine the extent of mitigation that will be necessary to mitigate for the loss of riparian trees due to the project.

The scope of the project includes upgrades and maintenance of existing drainage structures that have Desert Riparian habitat within the area designed for construction. With implementation of the avoidance, compensation, and mitigation measures listed below, this potential adverse effect on natural communities would be minimized under the Build Alternative (Preferred Alternative).

Avoidance, Minimization, and/or Mitigation Measures

The Department will protect Desert Riparian habitat to the fullest extent possible within the scope of the proposed project by having a qualified biologist present.

- A qualified biologist shall be on-site prior to and during construction of the proposed project to identify and protect Environmentally Sensitive Areas. The biologist will define the boundaries of the Environmentally Sensitive Areas and supervise the placement of exclusion fencing to protect those areas during all project activities.
- A silt fence around the construction work area to identify and protect Environmentally Sensitive Areas, including wetlands/waters of the United States.
- Standard BMPs will be implemented by the Department to protect ecologically important resources in the construction area.

2.3.2 Wetlands and Other Waters

Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Clean Water Act (33 U.S.C. 1344) is the primary law regulating wetlands and waters. The Clean Water Act regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters, interstate waters, territorial seas and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the Clean Water Act, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

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

The Executive Order for the Protection of Wetlands (E.O. 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this executive order states that a federal agency, such as the Federal Highway Administration, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

At the state level, wetlands and waters are regulated primarily by the Department of Fish and Game (CDFG) and the Regional Water Quality Control Boards (RWQCB). In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission) may also be involved. Sections 1600-1607 of the Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify CDFG before beginning construction. If CDFG determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. CDFG jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the ACOE may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the CDFG.

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

Affected Environment

Technical reports include the NES (August 2007) and Jurisdictional Determination surveys (January 2006), conducted to assess Waters/Wetlands of the US and Waters of the State. A Jurisdictional Determination Application will be completed and submitted to the Los Angeles District of the ACOE, consistent with early coordination efforts conducted prior to the *Rapanos* Decision.

The proposed project is directly within the Mojave River, which is determined to be within the jurisdictional boundary of Waters/Wetlands of the US and Waters of the State. The proposed project is located where Interstate 15 crosses the Mojave River. The proposed project is within the current transportation system and is managed for structural protection by the San Bernardino County Flood Control (SBFC) district. The SBFC district's activities are permitted by the ACOE, RWQCB and CDFG. Seasonal management activities include vegetation clearing, dredging and excavation within the Mojave River. The San Bernardino Flood Control district's seasonal activities provide structure protection to the existing levees along the Mojave River and the bridge structure protection for Interstate 15 crossing the Mojave River.

Under Section 404 of the Clean Water Act the ACOE regulates dredged and fill material in Waters of the US. The ACOE issues Nationwide Permits (NWPs) for projects that contain measures to protect the aquatic environment and the public interest while effectively authorizing activities that have minimal individual and cumulative adverse effects on the aquatic environment. Department staff coordinated with ACOE's Los Angeles District Office staff to determine the boundary of Waters/Wetlands of the US prior to the *Rapanos* Decision. The *Rapanos* Decision requires that a Jurisdictional Determination Application will be submitted to the Los Angeles District, ACOE.

Based on coordination between the agencies an informal Jurisdictional Determination was conducted prior to the *Rapanos* Decision and boundaries of Waters of the US were identified. The Ordinary High Water Mark (OHWM) was determined to be at the river stage level of the 100 frequency return interval for a storm event. This equates to approximately to the 2 foot river stage which is evident in the river stage data available from the California Data Exchange Center (JD Application).

The proposed project includes a new bridge and bridge expansion of the existing structure within the Mojave River. The placement of new structures such as levees or bridge piers is considered to be permanent impacts. Changing the character of the current conditions in a way that significantly alters the Mojave River in form or function may be considered by the regulatory agencies as having a permanent impact. Permanent impacts to the Mojave River were calculated by using the OHWM (100 year frequency flood interval / 2' River Stage) as a boundary.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no effects on wetlands and other waters would occur.

Build Alternative (Preferred Alternative). The build alternative (preferred alternative) will significantly improve the transportation infrastructure of Interstate 15 and protect life and property. There were several alternatives proposed during the early stages of the project development process that were considered but were rejected for reasons such as cost, difficulty to construct, or inability to adequately construct. The alternatives analysis part of the NEPA/404 MOU process for attaining an Individual Permit is not required for this project because this project is within the guidelines of the NWP process under Section 404 of the CWA.

The project will not substantially alter the existing conditions or substantially change the current management strategies of the affected environment. Permanent impacts to Waters of the US were determined based on the project engineer's design files for the proposed project and the OHWM. There are 0.23 acres of permanent impacts calculated for this project. This project is eligible for a NWP under Section 404 of the Clean Water Act.

The seasonal activities of the SBFC district are similar to construction activities for the project. The project located within the Mojave River area will have a temporary impact of approximately 17 acres. Temporary impacts associated with construction activities include, but are not limited to storage and staging areas, vegetation removal, excavation, pile driving, new bridge structures for expanding the existing structure and constructing a new roadway and bridge crossing the Mojave River adjacent to the existing Interstate 15. Potential impacts to Waters of the US and Waters of the State include sediment transport, fill material, disturbance to the stream bank and channel vegetation through vegetation removal and alteration of the current physical character of the stream channel. Most of these activities are on-going as part of the permitted seasonal management activities of the SBFC district and are considered temporary impacts.

Direct impacts to the Mojave River are those considered to occur directly within the Mojave River channel. Direct impacts such as excavation within the channel, bank or riparian corridor, are part of the current management strategy. Although direct impacts occur on a regular seasonal basis, not all direct impacts are considered permanent. Direct impacts such as construction activities of the proposed project will occur over a relatively short duration and are not considered to be permanent impacts. Construction activities will occur in approximately 17 acres within the Mojave River that may be considered direct impacts, but will occur over a relatively short duration. The jurisdictional boundaries for Waters of the State and Waters/Wetlands of the US are the same for the proposed project. The proposed project will have a temporary and direct impact on approximately 17 acres of jurisdictional area within the Mojave River. As part of the regulatory process and to protect aquatic resources, area that is suitable for restoration to preconstruction condition will be determined through resource agency coordination including the SBFC district.

The potential impacts caused by construction of the proposed project are summarized as follows:

<u>Potential Impacts</u>	<u>Acres</u>
Permanent	0.23
Temporary	17.00
Direct	17.00
Indirect	0.00

Figure 2-8 shows the impacts of the proposed project on the Mojave River. Seasonal management activities of the SBFC district have altered the characteristics of the Mojave River since the last survey. The SBFC district activities are permitted and regulated through Los Angeles District, ACOE, the RWQCB and CDFG.

The project will include all practicable measures to minimize harm to wetlands.

Avoidance, Minimization, and/or Mitigation Measures

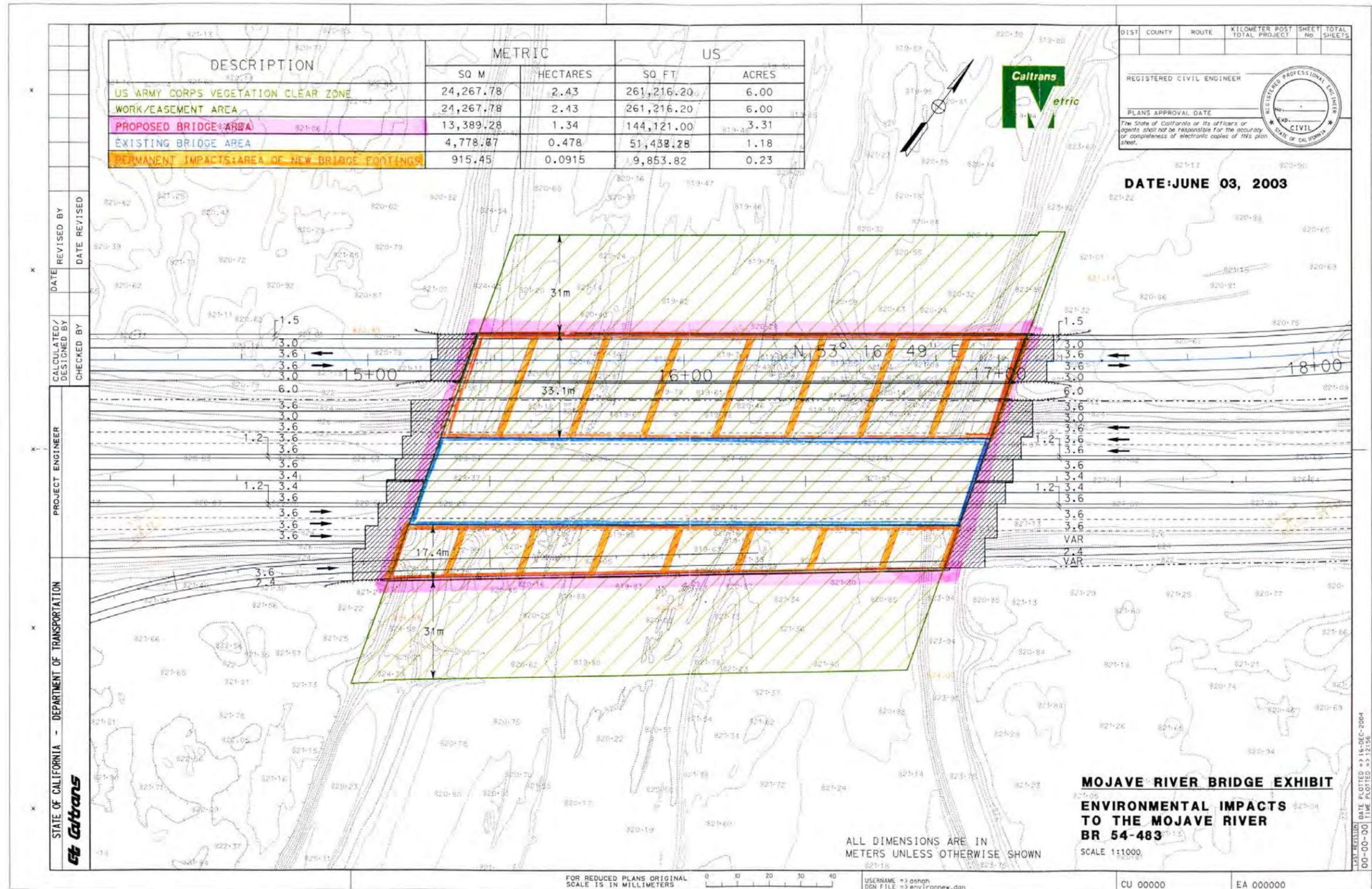
A Jurisdictional Determination Application will be submitted to the Los Angeles District, ACOE.

The following activities will take place prior to construction and all applicable avoidance, minimization and mitigation measures identified in the regulatory process designed to protect the aquatic environment will be included in the construction of the project.

- A 404 NWP application will be submitted to the Los Angeles District, ACOE.
- In conjunction with the 404 NWP, a Water Quality Certification (401) from RWQCB will be obtained.
- Department will negotiate with CDFG for the Streambed Alteration Agreement with CDFG for the project.
- Protection measures will be included in the construction of the project through Standard Special Provisions and non-Standard Special Provisions that will adhere to all permits, water quality certifications and agreements for the project. Requirements of the Permits, Agreements and Certifications will be implemented in the construction phase of the project along with Standard Best Management Practices that Department employs as part of the NPDES process and are located in the Storm Water Pollution Prevention Plan.
- Monitoring efforts will be ongoing throughout the construction phase to ensure that the components of the compliance documents are adhered to during the construction phase.

Because of the dynamic and changing conditions of the area managed by the SBFC district, the specific range of measures that may be required has not been determined yet but will be identified during the permitting phase prior to construction.

Figure 2-8. Environmental Impacts of the Proposed Bridge on the Mojave River



2.3.3 Plant Species

Regulatory Setting

The ACOE and CDFG share regulatory responsibility for the protection of special-status plant species. Special-status species are identified by the agencies for protection because they are rare and/or subject to population and habitat declines. “Special status” is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and/or the California Endangered Species Act (CESA). Section 2.3.5, Threatened and Endangered Species, includes detailed information regarding these species.

This section discusses non-threatened or non-endangered plant species, including CDFG fully protected species and species of special concern, USFWS candidate species, and nonlisted California Native Plant Society (CNPS) rare and endangered plants.

The regulatory requirements for the federal ESA can be found at USC 16 Section 1531 et seq. (see also 50 CFR, Part 402). The regulatory requirements for CESA can be found at California Fish and Game Code Section 2050 et seq. Department projects are also subject to the Native Plant Protection Act, found at California Fish and Game Code Sections 1900–1913 and within CEQA, Public Resources Code Sections 2100–21177.

Affected Environment

The proposed project area contains Desert Riparian habitat, which is a unique and important habitat type for many species in the Mojave Desert. Special-status CNPS plants that have the potential to occur in the vicinity of the proposed project area, based on available habitat, are listed in Table 2-17. Due to the lack of federal ESA and CESA status for these species, focused surveys were not conducted. No plants on the federal or state lists were documented through the California Natural Diversity Database (CNDDDB) or the CNPS database as present in the Victorville quadrangle, nor in the surrounding eight quadrangles (CNDDDB 2007; CNPS 2007). A CNPS database search does indicate the presence of CNPS-listed plant species that warrant special concern in the Victorville and surrounding eight quadrangles. No plant species on the federal or state lists were observed in the project area during the general surveys. A complete list of all common plant species observed in the project area during the biological surveys is included in the Plant Species Compendium in Appendix A of the NES.

Table 2-17. Plant Species of Special Concern Identified by CNPS

Common Name	Potential for Occurrence
Desert Cymopterus <i>Cymopterus deserticola</i>	Moderate
Mojave Monkeyflower <i>Mimulus mohavensis</i>	Moderate
Southern Skullcap <i>Scutellaria bolanderi</i> ssp	Moderate

Common Name	Scientific Name	Potential for Occurrence
Small flowered Androstephium	<i>Scutellaria bolanderi</i> ssp	Unlikely
Booth's evening-promise	<i>Camissonia boothii</i>	Unlikely
Sagebrush loeflingia	<i>Loeflingia squarrosa</i> var. <i>artemisiarum</i>	Moderate
Short-joint beavertail	<i>Opuntia basilaris</i> var. <i>brachyclada</i>	Low
San Bernardino aster	<i>Symphiotrichum defoliatum</i>	Moderate

Source: Mojave River I-15 Interchange Reconstruction Project Natural Environmental Study, 2007.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no effects on plant species would occur.

Build Alternative (Preferred Alternative). As discussed above, Desert Riparian habitat has been identified within the proposed project area. This habitat/community is ecologically important to the Mojave Desert and is protected by various laws and regulations. Field surveys were conducted to ascertain the presence of the particular tree types (willows and cottonwoods) associated with this community. Construction of the Build Alternative (Preferred Alternative) would require some clearing and grubbing activities. As part of the permitting process, a survey for the total acreage and number of riparian trees affected by the project will be determined. The Department, in consultation with Army Corps of Engineers, San Bernardino County Flood Control, Lahontan Regional Water Quality Control Board, CA Department of Fish and Game, will determine the total number of trees to mitigate for and if on-site restoration or offsite mitigation is appropriate. Department will also coordinate with the San Bernardino Flood Control District to determine the locations and status of tree removal activities for channel maintenance prior to conducting any re-vegetation. The Department will also implement avoidance and minimization measures in the project design and during construction to lessen impacts to riparian vegetation.

Avoidance, Minimization, and/or Mitigation Measures

To minimize impacts on plant species in the proposed project area, the following avoidance and minimization measures would be implemented as part of the proposed project.

- A qualified biologist shall be on-site prior to and during construction of the proposed project to identify and protect Environmentally Sensitive Areas. The biologist shall define the boundaries of the Environmentally Sensitive Areas and supervise the placement of exclusion fencing to protect those areas during all project activities.

- Standard BMPs shall be implemented by the Department to protect ecologically important resources in the construction area. By temporarily fencing riparian Environmentally Sensitive Areas to limit work around Desert Riparian habitat and by having a qualified biologist present, the Department shall protect Desert Riparian habitat to the fullest extent possible within the scope of the proposed project.

Compensatory Mitigation

Compensatory mitigation for permanent and temporary impacts on Desert Riparian habitat will be determined in coordination with the appropriate regulatory agencies. The Department is committed to providing mitigation measures according to the regulations of these agencies.

2.3.4 Animal Species

Regulatory Setting

Many state and federal laws regulate impacts on wildlife. USFWS, the National Marine Fisheries Service (NMFS), and CDFG are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with wildlife not listed or proposed for listing under the federal ESA or CESA. Species listed or proposed for listing as threatened or endangered are discussed in Section 2.3.5, below. All other special-status animal species are discussed here, including CDFG fully protected species and species of special concern and USFWS or NMFS candidate species.

Federal laws and regulations pertaining to wildlife include the following:

- NEPA,
- the Migratory Bird Treaty Act,
- the Fish and Wildlife Coordination Act, and
- the federal Endangered Species Act.

State laws and regulations pertaining to wildlife include the following:

- CEQA,
- the California Endangered Species Act,
- Section 1600 of the California Fish and Game Code, and
- Sections 4150 and 4152 of the California Fish and Game Code.

USFWS, NMFS, and CDFG are responsible for implementing these laws.

Affected Environment

The results of the literature search (CNDDDB 2007) and other local biological studies as well as input from agency and independent biologists familiar with the project region indicate that the following animal species on the state and federal lists either occur in the project region (within the Victorville quadrangle) or may be present in the vicinity. These species include the arroyo toad

(*Bufo californicus*), California red-legged frog (*Rana aurora drayonii*), Mohave tui chub (*Gila bicolor mohavensis*), unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), desert tortoise (*Gopherus agassizii*), bald eagle (*Haliaeetus leucocephalus*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), southwestern willow flycatcher (*Empidonax traillii*), peregrine falcon (*Falco peregrinus anatum*), least Bell's vireo (*Vireo bellii pusillus*), Mohave ground squirrel (*Spermophilus mohavensis*), and Yuma myotis (*Myotis yumanensis*). Section 2.3.5 discusses these species in detail. Species of special concern may occur in the project region according to habitat assessments and current literature search results (CNDDDB 2007). The CNDDDB search (CNDDDB 2007) identified 21 special-status wildlife species occurrences (6 listed, 15 sensitive) within the Victorville quadrangle. Some of these species, listed in Table 2-18, are birds protected under the Migratory Bird Treaty Act of 1918 (MBTA) or fully protected species under California Fish and Game Code Sections 3503 and 3503.5.

Table 2-18. Species of Special Concern

Scientific Name	Common Name	Potential for Occurrence
Wildlife		
<i>Ixobrychus exilis</i>	least bittern	Yes
<i>Clemmys marmorata pallida</i>	southwestern pond turtle	Yes
<i>Ovis canadensis nelsoni</i>	Nelson's bighorn sheep	No
<i>Myotis thysanodes</i>	fringed myotis	Moderate
<i>Antrozous pallidus</i>	pallid bat	Moderate
<i>Myotis yumanensis</i>	Yuma myotis	Present
<i>Phalacrocorax auritus</i>	double-crested cormorant	Moderate
<i>Euchloe Hyantis andrewsi</i>	Andrews marble butterfly	No
<i>Helminthoglypta mohaveana</i>	Victorville shoulderband snail	Moderate
<i>Gila orcutti</i>	arroyo chub	Moderate
<i>Phrynosoma coronatum blainvillei</i>	San Diego horned lizard	High
<i>Thamnophis hammondi</i>	two-striped garter snake	Moderate
<i>Accipiter cooperii</i>	Coopers hawk	High
<i>Petrochelidon pyrrhonota</i>	cliff swallow	Present
<i>Carduelis lawrencei</i>	Lawrence's goldfinch	Moderate
<i>Aquila chrysaetos</i>	golden eagle	Moderate
<i>Ardea Alba</i>	great egret	High
<i>Asio otus</i>	long-eared owl	Moderate
<i>Dendroica petechia brewsteri</i>	yellow warbler	Present
<i>Athene cucularia</i>	burrowing owl	High
<i>Calyptae costae</i>	Costa's hummingbird	High
<i>Circus cyaneus</i>	northern harrier	Moderate
<i>Elanus leucurus</i>	white-tailed kite	Present
<i>Eremophila alpestris actia</i>	California horned lark	Moderate
<i>Falco mexicanus</i>	prairie falcon	Moderate
<i>Lanius ludovicianus</i>	loggerhead shrike	Moderate
<i>Myiarchus tyrannulus</i>	brown-crested flycatcher	Present
<i>Pyrocephalus rubinus</i>	vermillion flycatcher	High
<i>Vireo vicinior</i>	gray vireo	Unlikely
<i>Chaetodipus fallax pallidus</i>	pallid San Diego pocket mouse	Moderate
<i>Onychomys torridus</i>	southern grasshopper mouse	Moderate
<i>Tadarida brasiliensis</i>	Mexican free tailed bat	Present

Scientific Name	Common Name	Potential for Occurrence
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	Moderate
<i>Taxidea taxus</i>	American badger	Moderate
<i>Icteria virens</i>	yellow breasted chat	Present
<i>Piranga rubra</i>	summer tanager	Present
<i>Toxostoma lecontei</i>	Le Conte's thrasher	Moderate
<i>Nyctinomops macrotis</i>	big free-tailed bat	Moderate
<i>Microtus californicus mohavensis</i>	Mojave river vole	High
<i>Nycticorax nycticorax</i>	black-crowned night heron	Moderate
<i>Ardea herodias</i>	great blue heron	High
<i>Egretta thula</i>	snowy egret	Moderate

Source: I-15 Mojave River Interchange Reconstruction Project Natural Environmental Study, 2007.

Common animal species observed in the project area include more than 15 species of butterflies (*Nymphalidae*); dragonflies (*Anax* sp.); frogs and toads, including bullfrogs (*Rana Catesbeiana*), pacific treefrogs (*Hyla regilla*), and western toads (*Bufo boreas*); lizards, including western fence lizards (*Sceloporus occidentalis*) and side-blotched lizards (*Uta stansburiana*); birds, including red-tailed hawks (*Buteo jamaicensis*), bushtits (*Psaltriparus minimus*), Canada geese (*Branta canadensis*), common ravens (*Corvus corax*), song sparrows (*Melospiza melodia*), house finch (*Carpodacus mexicanus*), cliff swallows (*Petrochelidon pyrrhonota*), and western scrub-jay (*Aphelocoma californica*); mammals, including California ground squirrels (*Spermophilus beecheyi*), black-tailed jackrabbits (*Lepus californicus*), desert cottontails (*Sylvilagus audubonii*); and others as evident by numerous tracks and scat, including coyote (*Canis latrans*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and bat species, including Brazilian free-tailed bats (*Taderida brasiliensis*), which recently roosted within the expansion joints of the concrete bridge. A complete list of common animal species is included in the NES.

Several species are of particular concern in the proposed project area and are described in detail below.

The Victorville Shoulderband Snail

This species is considered to be extremely rare; however, it has not been placed on the state or federal lists. It is currently a California Species of Concern (CSC). It was last observed in 1939 between Oro Grande and Victorville along the Mojave River. The Victorville shoulderband snail prefers dry, rocky outcrops and granitic boulders along the bases of cliffs and loose rocks on hillsides near the Mojave River. It was not observed within the project area during the project surveys.

Mojave River Vole

This species is not on the federal or state lists; however, it is a CSC species of management concern. It is associated with wet areas along the Mojave River, weedy herbaceous areas, and irrigated pastures; it has been declining mainly due to loss of habitat along the Mojave River. Because the project site contains some suitably moist soils for this species and the closest known occurrence is at Mojave Narrows Regional Park, approximately 2 miles upstream from the site, there is the potential for this species to be present in the project area.

Bridge-Roosting Bats

Numerous bat species roosted in the Mojave River Bridge as late as 2003. Protocol bat surveys have not been performed at the project site; however, researchers familiar with bats in the project region have reported the following species at the bridge: Mexican free-tailed bat (*Tadarida brasiliensis*) and Yuma myotis. Other bat species present in the vicinity that may also be present in the immediate project area include pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and big free-tailed bat (*Nyctinomops macrotis*) (O'Farrell and Brown-Berry; personal communication)

None of these bat species are on the state or federal lists; however, Yuma myotis is a C2 candidate for federal listing as threatened or endangered and is of special management concern. All of these bat species are fully protected CSC species.

Cliff Swallows

Cliff swallows are not on the state or federal lists; however, they are protected under the MBTA. They are also protected by CDFG as a non-game native species. Cliff swallows are currently present in the project area and have used the Mojave River Bridge as a nesting site as recently as 2006.

Environmental Consequences

NEPA Evaluation

No-Build Alternative. Under the No-Build Alternative, no effects on animal species would occur.

Build Alternative (Preferred Alternative). Under the Build Alternative (Preferred Alternative), the Mojave River habitat would be temporarily disturbed as a result of construction. While most of the species listed above were not observed in the project area, the Mojave River is suitable habitat for many. As a result of the proposed Build Alternative (Preferred Alternative), the river would experience temporary diversions, which would temporarily affect the project area's natural communities. As such, Victorville shoulderband snail, Mojave River vole, bridge-roosting bats, and cliff swallows would potentially experience adverse effects as a result of the proposed project. Protection measures have been developed for each of the species to minimize impacts

Avoidance, Minimization, and/or Mitigation Measures

Victorville Shoulderband Snail

It is possible that this species may utilize riprap, plant litter, and other river debris in the project area as habitat. Therefore, the delineation and protection of Environmentally Sensitive Areas, described previously, intended to protect Mojave River riparian habitat for obligate bird species (e.g., the use of exclusion fencing coupled with biological monitoring) should prevent and/or minimize project-related impacts on the Victorville shoulderband snail.

Mojave River Vole

The delineation and protection of Environmentally Sensitive Areas, described previously, intended to protect Mojave River riparian habitat for obligate bird species (e.g., the use of exclusion fencing coupled with biological monitoring) should prevent and/or minimize project-related impacts on the Mojave River Vole. Coordination with CDFG may result in a requirement to trap and relocate the Mojave river vole in areas utilizing exclusionary fencing.

Bridge-Roosting Bats

An effort to exclude bats from the Mojave River Bridge was initiated during December 2002. Per CDFG approval, one-way flaps and foam joint sealers were installed in the Mojave River Bridge to prevent bats from roosting on the bridge prior to the maternity season. Alternate roosting habitat was also created by placing large bat boxes under the SR-18 Mojave River Bridge approximately 1.2 miles south (upstream) of the Mojave River Bridge.

During a recent site visit to the Mojave River Bridge in February 2007, it was noted that bats may still be reentering and using parts of the bridge due to gaps in the exclusion foam that have developed since 2003. Due to the disintegration of the existing foam, bat exclusion maintenance work should be performed during the winter prior to the onset of construction activities. Existing gaps will need to be resealed under the direction of a bat biologist prior to any bridge construction work to ensure that no bat species will be harmed as a result of the project.

Cliff Swallows

CDFG considers February 15 to September 1 to be the swallows' nesting season. Completed nests cannot be disturbed without a permit from the USFWS during the breeding season. Outside of these dates, the nests may be removed without a permit. If construction is to take place during the breeding season for swallows (February 15 through September 1), the following measures shall be implemented to protect the swallows (Salmon and Gorenzel 2005).

- Existing nests that are vacant shall be removed only between September 2 and February 14, before the onset of the breeding season for the year in which construction would take place.
- All traces of mud and other nesting materials shall be removed to prevent returning swallows from being attracted.
- Nest removal or exclusionary devices shall be used to prevent nesting. Removal of partial nests (one-third of the nest or less completed) may be performed between February 15 and September 1 by a qualified biologist holding the appropriate permit from USFWS.
- Removal of partial nests shall be conducted in accordance with the recommendations of USFWS.
- If nests become occupied with eggs, no work that would interfere with or discourage swallows from returning to their nests may be performed.
- If evidence of swallow nesting is discovered, the nesting birds or nests may not be disturbed until the birds have naturally left the nests.

- If netting is used for exclusion, the mesh size shall be a diameter of not more than 0.75 inch. The netting must be anchored securely, covering the undersides of the bridge and any other overhangs that may provide potential nesting sites, and shall not be allowed to become loose.
- All exclusionary devices shall be installed prior to February 15 only in the absence of birds and inspected daily by a qualified biologist to ensure that swallows cannot nest and that they are not harmed.

Since swallows return every year, this process will need to be repeated each year in which construction activities take place.

2.3.5 Threatened and Endangered Species

Regulatory Setting

The primary federal law protecting threatened and endangered species is the federal ESA (USC Section 1531 et seq.; see also 50 CFR, Part 402). This act and subsequent amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of the federal ESA, federal agencies, such as FHWA, are required to consult with USFWS and NMFS to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. “Critical habitat” is defined as geographic locations critical to the existence of a threatened or endangered species. The outcome of consultation under Section 7 is a biological opinion or an incidental take permit. The incidental take permit is the result of a Section 2080.1 consistency determination or a 2080(b) incidental take permit application process under the CESA. Section 3 of the federal ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or any attempt at such conduct.” In addition, the MBTA implements various treaties and conventions between the U.S. and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the act provides that it is unlawful to kill or possess migratory birds.

California has enacted a similar law at the state level, the CESA (California Fish and Game Code Section 2050 et seq.) CESA emphasizes early consultation to avoid potential impacts on rare, endangered, or threatened species and appropriate planning to offset project-caused losses of listed species’ populations and essential habitats. The CDFG is the agency responsible for implementing CESA. Section 2081 of the California Fish and Game Code prohibits the take of any species determined to be an endangered species or a threatened species. Take is defined in Section 86 of the California Fish and Game Code as “to hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill.” CESA allows for take incidental to otherwise lawful development projects; for these actions, an incidental take permit is issued by CDFG. For projects requiring a biological opinion under Section 7 of the federal ESA, CDFG may also authorize impacts on CESA species by issuing a Consistency Determination under Section 2080.1 of the California Fish and Game Code.

Affected Environment

Several threatened or endangered species could be affected by the proposed project. The CNDDDB search (CNDDDB 2007) identified 21 special-status (6 listed) wildlife species occurrences within the Victorville quadrangle. The results of the literature search (CNDDDB 2007) and other local biological studies as well as input from agency and independent biologists familiar with the project region indicate that the following animal species on the state and federal lists either occur in the project region (within the Victorville quadrangle) or may be present in the vicinity.

No plants on the federal or state lists were documented through the CNDDDB or the CNPS database as present in the Victorville quadrangle, nor in the surrounding eight quadrangles. A total of 70 plant species on the federal or state lists were observed in the project area during the general surveys.

Table 2-19. Threatened or Endangered Species

Scientific Name	Common Name	Potential for Occurrence	Status
Wildlife			
<i>Coccyzus occidentalis</i>	western yellow-billed cuckoo	Yes	FSC, SE
<i>Vireo belii pusillus</i>	least Bell's vireo	Yes	FE, SE
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	Moderate	FE, SE
<i>Bufo microscaphus californicus</i>	southwestern arroyo toad	Moderate	FE, SSC
<i>Xerobates agassizii</i>	desert tortoise	Unlikely	FT, ST
<i>Spermophilus mohavensis</i>	Mohave ground squirrel	Unlikely	SSC, ST
<i>Rana aurora draytonii</i>	California red-legged frog	Low	FT, SSC
<i>Gila bicolor mohavensis</i>	Mohave tui chub	Low	FE, SE
<i>Gasterosteus aculeatus williamsoni</i>	unarmored threespine stickleback	Unknown	FE, SE
<i>Haliaeetus leucocephalus</i>	bald eagle	Moderate	FE, SE
<i>Falco peregrinus anatum</i>	peregrine falcon	Moderate	DEL, SE

Notes:

California Endangered Species Act (CESA) Listing Codes:

SE = state list, endangered

SSC = state special species of concern

ST = state list, threatened

SCE = state candidate for listing as endangered

Endangered Species Act (ESA) Listing Codes:

FE = federal list, endangered

FSC = federal special-concern species

FT = federal list, threatened

DEL = delisted (species considered fully recovered)

Source: Mojave River I-15 Interchange Natural Environmental Study, 2007.

Desert Tortoise

The desert tortoise was listed as threatened under CESA in 1989 and listed as threatened under the federal ESA by USFWS in 1990 due to a decline in population and threat of habitat destruction (USFWS 1990, 1994). A protocol desert tortoise survey was conducted in 2006 using the guidelines provided by USFWS. The survey covered the proposed project site and the zone of influence and captured the information required to assess presence or absence and potential for presence based on habitat type. No desert tortoise or sign of desert tortoise was found within the project limits. Due to the deleterious conditions existing on-site for desert tortoises, in addition to the lack of suitable habitat, it is concluded that there is a very low potential for desert tortoises or their sign to be detected in the project area. Informal Section 7 consultation with USFWS was conducted resulting in a determination of may affect, not likely to adversely affect the desert tortoise (see Chapter 3).

Least Bell's Vireo

Least Bell's vireo was listed by the state in October 1980 as an endangered species; in May 1986, it was placed on the federal list. Surveys were conducted in 2000, 2001, and 2002 at the project site using the USFWS least Bell's vireo survey guidelines. No least Bell's vireo was observed during the surveys. Critical habitat was determined not to exist in the project area. There is, however, suitable habitat within the project area. Given the potential for movement of these locally occurring species in response to changing conditions, informal Section 7 consultation with USFWS was conducted resulting in a determination of may affect, not likely to adversely affect least Bell's vireo (see Chapter 3).

A pair of least Bell's vireo were previously reported in 2002 by San Bernardino County Museum (SBCM) biologists approximately 822 feet northwest of the end of Abbey Lane and north of the railroad, near the Mojave River but outside the project area (SBCM 2002). In 2004, another survey by the museum detected only a single least Bell's vireo bachelor approximately 492 feet west of the end of Abbey Road on the north side of the railroad, near the Mojave River (SBCM 2004). The West Mojave Planning Team (1999) reported that the total population of least Bell's vireo is only one or two pairs along the Mojave River. Least Bell's vireo is not abundant in the Mojave River drainage, and critical habitat was determined not to exist in the project area. Suitable habitat for the species currently exists from approximately Spring Valley Lakes through the Lower Narrows (USFWS 1999). Recent observations of paired least Bell's vireo and nests suggest nesting activity occurs from the Mojave Narrows Regional Park to Bell Mountain Wash (USFWS 1999). Protocol surveys completed in July 2007 detected three breeding least Bell's vireo pairs north of the existing Mojave River Bridge along the Mojave River.

Arroyo Toad

The arroyo toad was added to the federal endangered species list in January 1995. The arroyo toad historically occurred in the Victorville reach and is known to occur below the Mojave River Dam in disturbed habitat. However, pending further investigations, arroyo toad breeding populations now appear restricted to the West Fork of the Mojave River, Little Horsethief Creek, and the lower and middle portions of Deep Creek in the San Bernardino National Forest (USFWS 1999). Suitable habitat is present in the Mojave River crossing; however, it is highly disturbed. The species was not observed during protocol surveys.

Southwestern Willow Flycatcher

The southwestern willow flycatcher (*Empidonax traillii*) was added to the federal endangered species list March 1995. The state listing for it and its subspecies occurred in January 1991. Surveys were conducted according to the USFWS *Survey Protocol for the Southwestern Willow Flycatcher*, dated May 1999. Surveys were conducted in 2000, 2001, and 2002. No southwestern willow flycatchers were observed during the aforementioned surveys. Protocol surveys in 2007 observed four southwestern willow flycatchers within 1,070 feet of the Mojave River Bridge. Critical habitat for the southwestern willow flycatcher was determined to exist within the project area. Suitable habitat for the southwestern willow flycatcher is present in the project area. Informal Section 7 consultation with USFWS was conducted resulting in a determination of may affect, not likely to adversely affect the southwestern willow flycatcher, and southwestern willow flycatcher critical habitat (see Chapter 3).

Western Yellow-Billed Cuckoo

Western yellow-billed cuckoos are state listed as endangered. Protocol surveys in 2007 observed one migratory yellow-billed cuckoo within 3,600 feet of the Mojave River Bridge. This species was previously observed in the Upper Narrows of the Mojave River in 1978. Unmated males have also been reported between Victorville and Barstow along the Mojave River. The cuckoo may possibly breed between the narrows and Helendale (West Mojave Planning Team 1999). The Mojave Narrows Regional Park is a committed long-term management area for the cuckoo. The narrows is located 1.2 miles upstream of the Mojave River Bridge. The cuckoo may use the project area along the Mojave River corridor for foraging or migration but is not likely to use the area for breeding due to the removal of riparian habitat, which was required for flood control maintenance and adjacent development in the floodplain.

Mohave Ground Squirrel

The Mohave ground squirrel is state listed as threatened. Mohave ground squirrel habitat evaluation and protocol trapping survey was conducted in the project area between March 15 and July 10, 2006. The habitat evaluation covered 33 acres, and the protocol trapping covered approximately 23.5 acres within and adjacent to the project impact area over a period of three sessions. No Mohave ground squirrel was located during the survey.

Threespine Stickleback

Threespine stickleback were reported in the Mojave River at the project site during the 2007 survey as well as during the arroyo toad surveys conducted in 2001 (AMEC 2001). Since these fish were not collected for detailed identification, it was not possible to determine if they were the endangered unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) or the nonlisted armored threespine stickleback. According to USFWS, the agency is not required to make that determination. However, BMPs related to the fish will be determined as part of coordination with USFWS during the application for required permits.

Unarmored threespine stickleback were placed on the federal endangered species list in 1970 and state list in 1971. The listing includes all stickleback populations from the Santa Clara River in Los Angeles County, to Shay Creek in San Bernardino County, and south to San Felipe Creek in San Diego County. Surface waters of the Mojave River are ephemeral in the project area, and if stickleback species are present, they are likely to be entering the project area from upstream

when seasonal flows flush them down from the perennial pools located approximately 1.2 to 1.9 miles upstream in the Mojave Narrows region. Two isolated and distinct populations of unarmored stickleback were found in Holcomb Creek and Shay Creek, both tributaries to the Mojave River in the San Bernardino Mountains (Bell 1982). Currently, the Holcomb Creek population has not been listed by CDFG or USFWS. Shay Creek unarmored threespine stickleback are also presumed to be *G. a. williamsoni* by USFWS; it is included on the federal list of endangered species (Federal Register 1996).

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no effects on animal species would occur.

Build Alternative (Preferred Alternative). The proposed Build Alternative (Preferred Alternative) may result in impacts on the following threatened species on the federal and/or state lists. Informal consultation with USFWS was conducted regarding least Bell's vireo, the southwestern willow flycatcher, southwestern willow flycatcher critical habitat, and the desert tortoise for the proposed project. The USFWS concurred with a determination of may affect, not likely to adversely affect all species and their critical habitats with the implementation of the avoidance and minimization measures presented below (see Chapter 3). A 2081 incidental take permit will be obtained from the California Department of Fish and Game for potential impacts to the Mohave ground squirrel.

Desert Tortoise

Due to the unlikelihood of their presence, the high degree of habitat degradation in the project area, and the implementation of protective measures, it is not anticipated that the project would adversely affect desert tortoise or its habitat. The protective measures that would be followed during project construction to protect other resources, including the installation of exclusion fencing to limit impacts on important ecological resources such as Desert Riparian habitat in the project's Environmentally Sensitive Areas, would also act to decrease the probability that a desert tortoise would be harmed during construction.

Arroyo Toad

Although the project area is not currently presumed to be occupied by arroyo toads, water quality protection measures will be maintained throughout the course of all construction activities to protect aquatic resources in the Mojave River.

Mohave Ground Squirrel

Due to the lack of Mohave ground squirrel occupation of suitable habitat areas in the northern portion of the project area, as determined by the 2006 protocol trapping survey, the project is not expected to affect Mohave ground squirrel or its habitat.

Threespine Stickleback

Should construction proceed during seasonal flow periods when stickleback are present, project activities that may affect water quality and streamside habitat in the project area would become potential impacts on the species. Potential direct project impacts may include siltation and other

degradations of water quality resulting from streambed disturbance, disruptions of water flow, the introduction of runoff or other drainage into the river, fill or other construction materials entering the streambed, excavation or removal of streambed materials, leaching cement or other chemical contaminants, and the removal of streamside vegetation and habitat.

Long-term effects that may affect fisheries resources in the Mojave River include the removal of riparian vegetation, which may cause increased siltation during seasonal flood events in the river basin, river bank and streambed destabilization, and increases in water velocity near the bridge, which may render the area unsuitable for stickleback.

Avoidance, Minimization, and/or Mitigation Measures

The following measures shall be implemented as part of the proposed project to avoid and/or minimize impacts on threatened or endangered species.

Avoidance and Minimization Efforts

Desert Tortoise

Results of the protocol desert tortoise survey suggest that the desert tortoise is not likely to be present in the construction area or to enter the area. However, it is recommended that protective measures still be used during implementation of the project due to the potential, albeit low, for tortoises to enter the project area.

The following avoidance and minimization efforts are recommended as methods to avoid accidental take of desert tortoise as a result of the proposed project.

- During construction activities, the contractor shall use the following list of strategies to minimize impacts on special-status species and protect the Desert Riparian habitat's Environmentally Sensitive Areas, thereby ensuring a measure of protection in the unlikely event that a desert tortoise should enter the project boundary.
 - To avoid additional disturbance beyond the project area, undisturbed areas outside the temporary desert tortoise exclusion fence shall be designated Environmentally Sensitive Areas. All construction activities shall be confined within the fenced project impact area. At no time shall equipment or personnel be allowed within the Environmentally Sensitive Areas.
 - Temporary exclusion fencing (tight-weave fiber silt fencing) shall be installed and maintained along the common boundary of the Environmentally Sensitive Areas, the project area, and the drainages leading from the project area to prevent unauthorized entry into the Environmentally Sensitive Areas (Desert Riparian wash areas) and protect water resources during construction activities. In the unlikely event that a desert tortoise is present in the washes or other Environmentally Sensitive Areas, this fencing shall help to keep it from entering the project construction area.
 - Outside Desert Riparian areas, temporary wire-mesh desert tortoise exclusion fence will be required to exclude all tortoises in identified desert tortoise habitat and around all construction equipment and material storage and staging areas in identified desert tortoise habitat.

- Before installation of the temporary Environmentally Sensitive Area fencing and prior to initiation of construction activities, a qualified biologist shall perform a pre-construction sweep for desert tortoise. If any desert tortoises are present in the project area, an authorized desert tortoise biologist shall relocate any tortoises found in the project impact area. Tortoises will be moved to suitable habitat outside the impact area and placed in a natural or artificial burrow or under a shrub, depending on time of day and year. The authorized biologist shall also be available to relocate any tortoises that may wander into the impact area during construction.
- All personnel involved in the construction project shall receive project-related environmental protection training, including desert tortoise awareness training, as approved by USFWS and CDFG prior to performing on-site work. Training shall include a discussion regarding the fragility of Desert Riparian habitat; the importance of listed species likely to be in the area to the environment, including the desert tortoise; the protections afforded these species by the ESA; locations of Environmentally Sensitive Areas; and the correct protocol to follow should a desert tortoise or other sensitive species be encountered.
- At the end of each working day, the contractor shall inspect the integrity of all Environmentally Sensitive Area fencing to ensure that it is in good condition and that desert tortoises would be prohibited from entry. If the fence is compromised, repairs must be completed at that time.
- Open trenches, auger holes, or other excavations that may function as pitfall traps shall be inspected by an approved biologist before back filling. Any desert tortoise or other species found within the holes will be safely removed and relocated out of harm's way by an authorized biologist. For open trenches, earthen escape ramps shall be maintained at intervals no greater than 0.25 mile. The open trenches shall be inspected three times per day (four times per day during the summer) by a qualified biologist. Other excavations that remain open overnight will be covered to prevent them from becoming traps.
- Project personnel shall carefully check under parked vehicles and equipment for desert tortoises or other species before operation. An authorized biologist shall move desert tortoises found within the parking, staging, construction, or other traffic areas to a location away from danger and only as specified in the biological opinion.
- Raven proofing shall be considered at water and construction trash sources. Trash must be placed in a sealed container and emptied at the close of business each day. Each water source must be caged. Water sources in construction areas shall not be accessible to tortoises or ravens due to the use of fencing or raven netting.
- Culvert extensions shall be installed so that tortoises can enter and exit safely at each end.
- If a desert tortoise or other listed species, whether dead, injured, or entrapped, is found, the contractor or project biologist shall immediately notify USFWS, CDFG, and BLM directly or through the Department's biology staff. Work in the immediate area shall be temporarily halted while the Department consults with USFWS. Any entrapped desert tortoise shall be permitted to escape. The disposition of any carcasses or recovery of dead animals shall be coordinated through USFWS.

- If a desert tortoise or other listed species is injured during the course of construction, the resident engineer must be notified. The authorized biologist shall transport the animal to a qualified veterinarian or, if a desert tortoise is killed during the course of construction, leave it in place. Again, the resident engineer must be notified. The authorized biologist would then document and remove the carcass.
- Invasive species control measures shall be implemented. Such measures may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species revegetation, and washing the tires on construction equipment to prevent the introduction of seeds from invasive species.
- No firearms or pets shall be allowed in the work area.

Compliance with the avoidance, minimization, and mitigation measures shall be documented by the Department and said documentation shall be provided to the regulatory agencies on a regular basis as determined by the agreements established for the proposed project.

Riparian Obligate Bird Species

Sensitive areas outside of the proposed project zone shall be designated as Environmentally Sensitive Areas and avoided to minimize potential impacts on nearby riparian obligate bird species. For instance, exclusion fencing shall be used to delineate and protect Desert Riparian habitat bordering the proposed project area while construction occurs.

In addition to protecting Environmentally Sensitive Areas where riparian obligate birds are most likely to occur, if construction were to occur during nesting season, a nesting bird survey would be conducted by a qualified biologist prior to the onset of construction activities to verify the absence of nesting riparian obligate bird species in, or adjacent to, the proposed project area.

Arroyo Toad

Sensitive areas outside of the proposed project zone shall be designated as Environmentally Sensitive Areas and avoided to minimize potential impacts on arroyo toads. For instance, exclusion fencing shall be used to delineate and protect habitat in the river channel near the proposed project while construction occurs.

Mohave Ground Squirrel

Since Mohave ground squirrels were not located during the 2006 protocol survey and there is a lack of suitable habitat in the immediate project area, the project is not expected to affect this species, nor its habitat. Through BMPs and the implementation of resource protection efforts during construction, potential impacts on suitable unoccupied Mohave ground squirrel habitat in the northwest portion of the project area shall be minimized.

Threespine Stickleback

Should it be determined, or presumed, that listed unarmored threespine stickleback are present in the Mojave River and the project area, avoidance and minimization efforts concerning the fish and their habitat during the course of construction shall be necessary. Timing construction activities to occur while the Mojave River is dry in the project area would be the biologically preferred method of avoidance; however, this would require a thorough review of Mojave River surface flow data for the project reach (Mojave Narrows to the Mojave River Bridge) to determine if that would be a viable alternative.

Should it be determined that construction cannot be scheduled around the surface flow regime, then formal consultations may be necessary to determine the best course of action and the minimization efforts necessary to protect the species from project impacts. Potential efforts may include streamflow diversions so fish can move through the project area safely or implementation of strict water quality control measures and biological monitoring during construction to ensure compliance with the measures.

Protection Measures

Riparian Obligate Bird Species

Riparian obligate bird species shall be protected through BMPs, which shall include Environmentally Sensitive Area delineation and exclusion and timing construction (or using avoidance with a buffer zone) to avoid potential impacts on any nesting species present in the project area or adjacent to it. In addition, the following protection measures may be implemented to protect riparian obligate sensitive bird species in the construction area.

- Pre-construction surveys shall be conducted prior to any activity that could affect nesting birds, including brush clearing, surveying, or other activities where human presence may cause disturbance. USFWS- and CDFG-permitted biologists shall conduct the surveys and flag the Environmentally Sensitive Areas or nest buffer areas as necessary to protect them.
- A pre-construction survey will take place before the removal of trees or Desert Riparian vegetation for this project. Any tree removal activity is required to be implemented outside the migratory bird nesting season.
- Construction activities during the breeding season (March through September) shall not occur within 100 feet of an observed nest or territory of a breeding pair.
- Construction activities, such as pile driving, that may cause adverse noise impacts on nesting birds will be conducted outside the migratory bird breeding season. Construction activities will not occur within 100 feet of an observed nest or territory of a breeding pair.
- If construction outside the breeding season is not possible, noise readings will be taken prior to construction to establish the potential boundary where noise levels do not exceed the 60 dBA threshold. If a nest is observed within the area of the 60 dBA boundary, additional measures will be taken, including the use of a soundwall or sound-reducing curtain around construction activities, or construction will be stopped until juveniles have fledged.
- All project personnel, as well as construction activities, must remain outside of the Environmentally Sensitive Areas unless authorized to enter by the project biologist to prevent potential impacts on sensitive species.

Arroyo Toad

Arroyo toad shall be protected through BMPs, which shall include the use of Environmentally Sensitive Area delineation and exclusion and timing construction (or ensuring avoidance with a buffer zone) to avoid potential impacts on water quality in the Mojave River.

Arroyo toad protection measures may include the items listed below.

- Prior to the onset of construction activities, the construction area boundary shall be demarcated by silt fences where it borders Environmentally Sensitive Areas, including the active (flowing) river channel, with the help of a qualified biologist. All silt fence locations will be trenched and the silt fence bottom buried no less than 12 inches deep.
- A biologist authorized by USFWS will look for arroyo toads within the proposed work area. If arroyo toads are detected, the authorized biologist will relocate all arroyo toads to a safe location outside the construction area.
- During construction activities, the project biologist shall ensure that water quality is maintained and that construction personnel adhere to prescribed protective measures.
- If there is a water quality issue or other impact affecting the arroyo toad or its habitat, all work must be postponed until a CDFG fisheries biologist is contacted.

Because the proposed project would affect the Mojave River, which is a jurisdictional water of the United States, it would be subject to regulations under Corps, CDFG, and Lahontan RWQCB jurisdiction. The proposed project must avoid depositing fill into the Mojave River channel or streambed area during construction activities. However, since avoidance of the riverbed would not be possible for this project, it would be necessary to complete a formal delineation of jurisdictional water resources and apply for permits with the aforementioned agencies. Prior to construction, boundaries would be established between construction equipment and the river channel, such as temporary exclusion and silt fencing and large hay wattles (which must be weed proof). These methods would be implemented to ensure that arroyo toad would not be disturbed during project construction and that potential erosion and runoff impacts would not occur.

Due to the project area's proximity to the Mojave River, some additional water quality and habitat protection measures are recommended.

- Require containment or other appropriate methods to ensure that construction wastewater, including concrete truck washout and trenching sump wastewater, does not enter the river channel.
- Require all equipment, tool, or vehicle refueling and/or lubrication to be conducted outside the river channel to avoid the potential to affect river water quality.
- Require the use of approved collection containers or trays for equipment, tool, or vehicle refueling and/or lubrication to avoid contaminating soil on the project site.
- Require all project personnel, vehicles, and equipment to remain out of undisturbed areas and Environmentally Sensitive Areas in the project area and vehicles and equipment to be parked only in approved, designated areas or on established roadways outside of the river channel.

Mohave Ground Squirrel

The following protective measures will be followed during all project phases to protect Mohave ground squirrel.

- Undisturbed habitat areas in the project vicinity will be designated as Environmentally Sensitive Areas, and construction activities shall be confined within all project impact areas. At no time shall equipment or personnel be allowed within the Environmentally Sensitive Areas.
- Temporary exclusion fencing (tight-weave fiber silt fencing) will be installed and maintained along the common boundary of the Environmentally Sensitive Area and the project area and in drainages leading from the project area to prevent unauthorized entry into the Environmentally Sensitive Area.
- A pre-construction survey for Mohave ground squirrel must be conducted prior to any construction activities that may affect identified Mohave ground squirrel habitat.
- All personnel involved in the construction project shall receive project-related environmental protection training, including sensitive-species awareness training, prior to performing on-site work. Training shall include a discussion regarding the fragility of Desert Riparian habitat; the importance of listed species likely to be in the area, including the desert tortoise and Mohave ground squirrel; the protections afforded to these species by CESA and the federal ESA, locations of Environmentally Sensitive Areas and their functions; and the correct protocol to follow should a Mohave ground squirrel, desert tortoise, or any other sensitive species be encountered.
- At the end of each working day, the contractor shall inspect the integrity of all Environmentally Sensitive Area fencing to ensure that it is in good condition. If the fence is compromised, repairs must be completed at that time.
- Open trenches, auger holes, or other excavations that may act as pitfall traps shall be inspected by an approved biologist before back filling. Any Mohave ground squirrel, desert tortoise, or other species found within the holes will be safely removed and relocated out of harm's way by an authorized biologist. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 mile. The open trenches shall be inspected three times per day (four times per day during the summer) by a qualified biologist. Other excavations that remain open overnight will be covered to prevent them from becoming traps.
- Project personnel shall carefully check under parked vehicles and equipment for wildlife species before operation. An authorized biologist shall move desert tortoises or other sensitive wildlife found within the parking, staging, construction, or other traffic areas to a location away from danger and only as specified in the biological opinion.
- Culvert extensions shall be installed so that sensitive wildlife can enter and exit safely from each end.
- If a Mohave ground squirrel, or other listed species, whether dead, injured, or entrapped, is found, the contractor or project biologist shall immediately notify CDFG directly or through the Department's biology staff. Work in the immediate area will be temporarily halted while the Department consults with CDFG. Any entrapped Mohave ground squirrel shall be permitted to escape. The disposition of any carcasses or the recovery of dead animals shall be coordinated through CDFG.

- If a Mohave ground squirrel or other listed species is injured during the course of construction, the resident engineer must be notified. The authorized biologist shall transport the animal to a qualified veterinarian or, if it was killed during the course of construction, leave it in place. Again, the resident engineer must be notified. The authorized biologist will document and remove the carcass.
- Invasive species control measures will be implemented. These may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species revegetation, and washing the tires on construction equipment to prevent the introduction of seeds from invasive species.
- No firearms or pets will be allowed in the work area.

Compliance with the avoidance, minimization, and mitigation measures will be documented by the Department and said documentation will be provided to the regulatory agencies on a regular basis as determined by the agreements established for the proposed project.

Threespine Stickleback

Stickleback, as well as other aquatic resources, shall be protected through BMPs, including the use of Environmentally Sensitive Area delineation and exclusion and timing construction (or using avoidance with a buffer zone) to avoid potential impacts on water quality and fish in the Mojave River.

Stickleback protection measures may include the following.

- Prior to the onset of any construction activities, the construction area boundary should be demarcated by silt fences where it borders project area Environmentally Sensitive Area including the active (flowing) river channel under the direction of a qualified biologist.
- The biologist shall look for stickleback within the proposed work area. Should stickleback be found, then construction activities that may harm or disturb the fish or stream area shall be halted until consultation is made with a CDFG biologist.
- During construction activities, the project biologist shall ensure that water quality is maintained and that construction personnel adhere to prescribed protective measures.
- If there is a water quality issue or other impact to the stickleback or its habitat, all work must be temporarily postponed until contact may be made with a CDFG fisheries biologist.

Because the proposed project would affect the Mojave River, which is a jurisdictional water of the United States, it would be subject to regulations under Corps, CDFG, and Lahontan RWQCB jurisdiction. The proposed project must avoid depositing fill into the Mojave River channel or streambed area during construction activities. However, since avoidance of the riverbed would not be possible for this project, it would be necessary to complete a formal delineation of jurisdictional water resources and apply for permits with the aforementioned agencies. Prior to construction, boundaries would be established between construction equipment and the river channel, such as temporary exclusion and silt fencing and large hay wattles (which must be weed proof). These methods would be implemented to ensure that stickleback and other aquatic resources would not be disturbed during project construction and that potential erosion and runoff impacts would not occur.

Due to the project area's proximity to the Mojave River, some additional water quality and habitat protection measures are recommended.

- Require containment or other appropriate methods to ensure that construction wastewater, including concrete truck washout and trenching sump wastewater, does not enter the river channel.
- Require all equipment, tool, or vehicle refueling and/or lubrication to be conducted outside the river channel to avoid the potential to affect river water quality.
- Require the use of approved collection containers or trays for equipment, tool, or vehicle refueling and/or lubrication to avoid contaminating soil on the project site.
- Require all project personnel, vehicles, and equipment to remain out of undisturbed areas and Environmentally Sensitive Areas in the project area and vehicles and equipment to be parked only in approved, designated areas or on established roadways outside of the river channel.

Compensatory Mitigation

Desert Tortoise

The proposed project is not expected to result in direct or indirect take of desert tortoise. The Department purchased 667 acres of mitigation land for desert tortoise habitat in 2002 for the entire Victorville to Barstow I-15 project, of which approximately 48 acres would be applied to the interchange reconstruction project. Ownership and management of the property has been transferred to CDFG.

Project construction will require additional desert tortoise protective measures, including pre-construction surveys and monitoring to prevent the direct take of desert tortoise during all construction activities.

Riparian Obligate Bird Habitat

As part of the permitting process, a survey for the total acreage and number of riparian trees affected by the project will be determined. The Department, in consultation with Army Corps of Engineers, San Bernardino County Flood Control, Lahontan Regional Water Quality Control Board, CA Department of Fish and Game, will determine the total number of trees to mitigate for and if on site restoration or offsite mitigation is appropriate. Department will also coordinate with the San Bernardino Flood Control District to determine the locations and status of tree removal activities for channel maintenance prior to conducting any re-vegetation. The Department will also implement avoidance and minimization measures in the project design and during construction to lessen impacts to riparian vegetation.

Arroyo Toad

The proposed project is not expected to affect arroyo toad. There will be a temporary loss of riparian habitat due to the removal of vegetation containing suitable habitat for riparian obligate bird species that may also be suitable for amphibians, including arroyo toads. This temporary loss will be mitigated through habitat restoration and enhancement efforts deemed appropriate by USFWS and CDFG upon completion of the project.

Mohave Ground Squirrel

A total of 33 acres were identified as suitable unoccupied Mohave ground squirrel habitat in the project area during the 2006 focused survey. Unoccupied Mohave ground squirrel habitat will be delineated, avoided, and protected from project impacts to the fullest extent possible; however, sections of the planned interchange and frontage road construction areas may directly affect portions of the habitat area. Therefore, the Department will provide CDFG with an estimate of total Mohave ground squirrel habitat to be affected, depending on the final project footprint, for the purposes of determining compensatory mitigation.

Threespine Stickleback

It is estimated that up to 0.23 acre of river channel will be permanently affected in the project area due to new bridge footings. There will be a temporary loss of fisheries habitat due to this removal of riparian habitat, which will be mitigated through habitat restoration and enhancement efforts upon completion of the project, as approved by USFWS and CDFG. No other direct effects on Mojave River fisheries resources are expected due to adherence to BMPs throughout the project construction period; therefore, the loss of fisheries habitat is not expected.

2.3.6 Invasive Species

Regulatory Setting

On February 3, 1999, President Clinton signed EO 13112, requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.” FHWA guidance issued on August 10, 1999, directs the use of the state’s noxious weed list to define the invasive plants that must be considered as part of the NEPA analysis for a proposed project.

Affected Environment

The following are invasive/exotic plant species found in the project area and its zone of influence.

Tamarisk

Tamarisk, or salt cedar, is found in the project area at several locations. Tamarisk is one of the most invasive and natural-community-altering shrub trees in the southwestern United States. It is a superior competitor in the wetland ecosystems of the southwest. Each tamarisk produces 500,000 wind-dispersed seeds per year. Once established, tamarisk acts as a facultative halophyte, tolerating salt concentrations up to 15,000 ppm and secreting salt at 41,000 ppm, which is deposited on the soil surface. Tamarisk uses more water than other native riparian plants and, once established, is able to tolerate lower soil moisture levels than the native species.

Other non-native grassland and scrubland species associated with ground disturbances also presently occur at the site, including cheat grass (*Bromus tectorum*), wild oat (*Avena* sp.), Mediterranean grass (*Schismus barbatus*), and Russian thistle. Additional species, including prickly lettuce (*Lactuca serriola*) and shortpod mustard (*Hirschfeldia incana*), have become well established in the project area.

Localized ground disturbances in the current bridge area result from off-road vehicle traffic (motorcycles, quads, and automobiles), campfires, and trash and other debris deposited by people who frequent the area. All of these factors combine to degrade the natural riparian vegetation community in the area and contribute to the establishment of exotic species.

Environmental Consequences

No-Build Alternative. Under the No-Build Alternative, no effects involving invasive species would occur.

Build Alternative (Preferred Alternative). Annual grasses and forbs spread easily and quickly with soil disturbance and loss, as would be expected alongside I-15. Though the project would not substantially increase the area of road surface in the project vicinity, all reasonable and prudent measures should be utilized to prevent or minimize the spread of invasive species in the project area. In compliance with the EO on invasive species, EO 13112, and subsequent guidance from FHWA, duffing or landscaping associated with the project would not use any species listed as noxious weeds. Extra precaution, such as inspection and cleaning of construction equipment and eradication strategies, would be taken if invasive species were found in or adjacent to the construction area. With appropriate measures, the proposed project is not expected to result in an increase or spread of invasive species in the project area. Thus, no adverse effects would result.

Avoidance, Minimization, and/or Mitigation Measures

The Department and FHWA shall implement BMPs targeting the control of invasive species as identified in the *Construction Site BMPs Manual* (Department 2003).

2.4 Cumulative Impacts

2.4.1 Regulatory Setting

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

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

State CEQA Guidelines, Section 15130, describes when a cumulative impact analysis is warranted and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts under CEQA can be found in Section 15355 of the *State CEQA Guidelines*. A definition of cumulative impacts under NEPA can be found in 40 CFR, Section 1508.7 of the CEQ regulations.

2.4.2 Environmental Consequences

The proposed project is listed in 2008 RTP and the 2006 RTIP, and SANBAG has given a high-priority rating to this project. The proposed project is consistent with the City of Victorville General Plan Circulation Element, which considers the I-15 interchange project, other roadway improvements, and future land uses within the city. Table 2-20 provides a list of proposed, planned and recently approved projects within the City of Victorville and Town of Apple Valley. Figure 2-9 shows the location of related projects.

Table 2-20. List of Related Projects

No.	Location	City	Assessor's Parcel Number	Type of Development	Project Status/ Plan Check Activity
1	North of Tawney Ridge Ln, south of Puesta Del Sol Dr and east of and abutting Green Hill Dr	Victorville	0478-336-01	4 units	Incomplete
2	15579 Barranca Way	Victorville	0395-114-02,03	19 units	2nd plan check 07/17/07 (Approved: 10/11/06)
3	Southeast corner of Tawney Ridge Ln and Sueno Ln	Victorville	0395-114-20	8 units	Inactive (Approved: 05/24/06)
4	15631 Sueno Ln	Victorville	0395-114-07	7 units	Building permit issued 10/25/06 (Approved: 01/26/05)
5	15775 Sueno Ln	Victorville	0395-114-19	6 units	2nd plan check 06/07/07 (Approved: 01/26/05)
6	North of Midtown Dr, south of Mojave Dr, east of Amargosa Rd and west of Civic Dr	Victorville	0395-311-17	128 units	On hold for revisions
7	South of and abutting Mojave Dr, east of Amargosa Rd and west of Civic Dr	Victorville	0395-311-13,23	44 units	Inactive (Approved: 04/25/07)
8	16553 Zenda St	Victorville	0477-393-13	4 units	3rd plan check 08/13/07 (Approved: 01/10/07)
9	15388 Midtown Dr	Victorville	0395-311-16	196 units	SP-06-014-Phases I and II; SP-06-052-Phases III and IV; 2nd plan check 03/29/07 (Approved: 07/26/06)

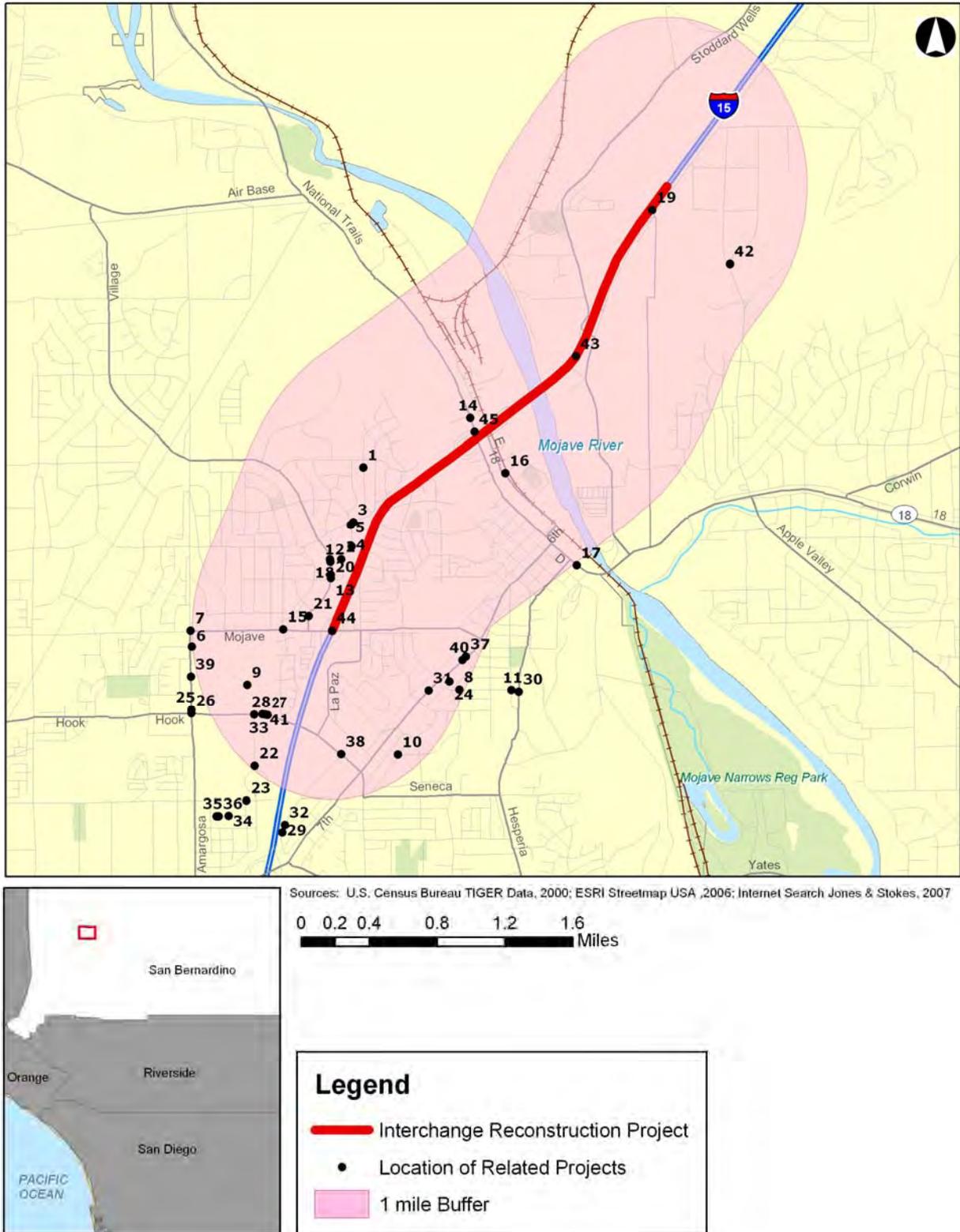
No.	Location	City	Assessor's Parcel Number	Type of Development	Project Status/ Plan Check Activity
10	North of Seneca Rd, south of Desert Knoll Dr, east of 7th St and west of and abutting Mesa Dr	Victorville	0477-201-06-08	28 units	Inactive (Approved: 03/08/06)
11	South of Zenda St, east of and abutting Center St and west of Hesperia Rd	Victorville	0477-161-18	20 units	1st plan check 07/25/07 (Approved: 07/13/05)
12	North of Calgo Ln, South of Tawney Ridge Ln, east of and abutting Village Dr and west of Barranca Way	Victorville	0395-112-03, 04	Two commercial buildings (8,616 sf)	Inactive (approved 08/08/07)
13	15500 Village Dr	Victorville	0395-121-02	Auto repair facility (936 sf)	Inactive (approved 06/27/07)
14	16251 D Street	Victorville	0478-931-19,20	Demo existing building; new gas station (10,128 sf)	2nd plan check 08/13/07 (Approved 03/14/07)
15	Northeast corner of Mojave Drive and Condor Rd	Victorville	0395-137-21	Auto repair shop (3,964 sf)	Inactive (approved 05/09/07)
16	16577 E Street	Victorville	0478-043-05,06	Conversion to industrial use (600 sf)	Pending review at 01/24/07
17	17043 D Street	Victorville	0478-205-08	Auto repair facility (3,000 sf)	3rd plan check 08/06/07 Approved 07/12/06
18	15592 Village Drive	Victorville	0395-111-14,15	Auto repair facility (936 sf)	2nd plan check 01/05/07
19	North of D Street and east of the I-15/Stoddard Wells Rd freeway overpass	Victorville	0473-162-32	Nursery (425 sf)	Inactive (Approved 09/27/06)
20	15517 Village Dr	Victorville	0395-122-19	Commercial building (7,133 sf)	2nd plan check 06/13/06 (Approved 01/11/06)
21	15370 Village Drive	Victorville	0395-137-08,09	Automobile repair facility (8,400 sf)	3rd plan check 07/10/07 (Approved 04/23/06)
22	Northeast Corner of Civic Dr and Valley Park Ln	Victorville	0395-361-35	Auto dealership (19,789 sf)	Inactive (Approved 08/22/07)
23	Southeast corner of Park and Seneca Rd	Victorville	0396-171-20	Office building (3,200 sf)	Inactive (Approved 07/25/07)
24	15010 Circle Drive	Victorville	0477-042-10	Convert building to banquet hall (5,494 sf)	Inactive (Approved 05/09/07)
25	Northeast corner of Roy Rogers Dr and Amargosa Rd	Victorville	0395-31-21,22	Commercial shopping center (14,820 sf)	On hold; approval pending

No.	Location	City	Assessor's Parcel Number	Type of Development	Project Status/ Plan Check Activity
26	Southeast corner of Roy Rogers Dr and Amargosa Rd	Victorville	0395-361-15,54	Commercial shopping center (48,800 sf)	On hold; approval pending
27	15683 Roy Rogers Dr	Victorville	0395-361-49	Tire sales facility (6,947 sf)	4th plan check 08/31/07 (Approved 03/28/07)
28	Southeast corner of Roy Rogers Dr and Civic Dr	Victorville	0395-361-07	Three drive-through restaurants (10,135 sf)	Inactive (Approved 07/25/07)
29	14555 Valley Center Dr	Victorville	0395-363-22,23,27	Retail building (160,068 sf)	Building permit issued 05/07/07 (Approved 11/08/06)
30	14970 Hesperia Rd	Victorville	0477-161-19,20	Office/retail complex (18,083 sf)	3rd plan check 04/03/07 (Approved 12/13/06)
31	14964 7th St	Victorville	0477-131-09	Retail building (5,189 sf)	2nd plan check 07/23/07 (Approved 12/13/06)
32	14612 Valley Center Drive	Victorville	0395-363-24	Remodel of existing auto dealership (9,684sf)	2nd plan check 03/21/07 (Approved 11/08/06)
33	15617 Roy Rogers Dr #201	Victorville	0395-361-08	Restaurant (3,138 sf)	3rd plan check 03/29/07 (Approved 09/20/06)
34	15505 West Sand St	Victorville	0396-174-01	Office building (3,300 sf)	3rd plan check 03/16/07 (Approved 07/26/06)
35	15433 West Sand St	Victorville	0396-163-06	Office building (3,300 sf)	4th plan check 03/29/07
36	15447 West Sand St	Victorville	0396-163-07	Office building (3,300 sf)	2nd plan check 03/29/07 (Approved 07/26/07)
37	15108 7th St	Victorville	0477-041-14	Multi-tenant office building (5,400 sf)	2nd plan check 03/05/07 (Approved 04/12/06)
38	Northwest corner of La Paz Dr and Valley Center Dr	Victorville	0395-363-33	Auto dealership (24,740 sf)	2nd plan check 09/13/06 (Approved 12/14/05)
39	15095 Amargosa Rd	Victorville	0395-311-15	Office complex with restaurants (57,200 sf)	Building permit issued 04/06/06 (Approved 07/27/05)
40	15063 7th St	Victorville	0477-042-14	Self-service car wash (2,040 sf)	4th plan check 05/21/07 (Approved 03/09/05)
41	15655 Roy Rogers Dr	Victorville	3135-351-02	Commercial/home improvement center (206,915 sf)	Home Depot finalized 05/26/06; building permits issued for out pads; Two out pads finalized (approved 01/26/05)
42	North of Ohna and Muni; between the extension of Ridge View Drive and Menahka Ln; south of Wallow	Apple Valley	0479-011-30	191 units	Approved in March 2005

No.	Location	City	Assessor's Parcel Number	Type of Development	Project Status/ Plan Check Activity
Roadway Improvement Projects					
43	Northbound and southbound widening of I-15 (Phases I and II of I-15 widening)	Victorville		Freeway widening project of the Department from Barstow to Victorville	Completed in 2007
44	Mojave Road interchange improvement	Victorville		Interchange reconstruction project of the Department	Under construction. To be completed in summer 2008.
45	D Street Widening on west of I-15	Victorville		Street widening by City of Victorville	

Source: City of Victorville, Development Department, Planning Division, October 22, 2007; Apple Valley, October 26, 2007.

Figure 2-9. Related Projects



Source: City of Victorville, Development Department, Planning Division, October 22, 2007; Apple Valley, October 26, 2007.

There are several environmental resources that would not result in project-level operational impacts. Therefore, no cumulatively considerable impacts would result as a result of the proposed project in these areas. These impacts are discussed in their respective sections of this document and listed below.

- Existing and Future Land Use (Section 2.1.1),
- Growth (Section 2.1.4),
- Farmlands (Section 2.1.5),
- Community Impacts (Section 2.1.6),
- Environmental Justice (Section 2.1.8),
- Utilities/Emergency Services (Section 2.1.9),
- Traffic and Transportation/Pedestrian and Bicycle Facilities (Section 2.1.10),
- Cultural Resources (Section 2.1.12),
- Hydrology and Floodplains (Section 2.2.1),
- Water Quality and Stormwater Runoff (Section 2.2.2),
- Geology/Soils/Seismicity/Topography (Section 2.2.3),
- Hazardous Waste/Materials (Section 2.2.5), and
- Air Quality (Section 2.2.6).

The proposed project could result in adverse impacts in the following areas:

- Relocations (Section 2.1.7)
- Noise
- Visual (Section 2.1.11)
- Biological Resources (Section 2.3)

However mitigation or minimization measures have been identified for each of the impacts. The discussion provided below takes into account the relevant related projects in addition to the project impacts.

- Relocations: For relocations, the resource study area would comprise the entire City of Victorville. The proposed project would result in relocation of one single-family, 6 mobile home units and one business. However, the City of Victorville has adequate resources to absorb the additional demand for housing and business. All relocation activities would be conducted in accordance with the federal Uniform Relocation Assistance and Property Acquisition Act and the California Relocation Act. Other related projects could also result in displacements and relocations. However, it is expected that any adverse impact from the individual projects would be mitigated and, therefore, would not contribute to impacts at cumulative level.

- Noise: For noise, the resource study area would include an area along the project alignment 500 feet long. The railroad tracks traversing east to west between D Street and E Street are another source of noise in the project vicinity. Noise levels generated by trains far exceed the noise produced by vehicular sources on I-15. Cumulatively, noise from the railroad and noise from I-15 may pose an adverse impact. However, the proposed project includes the construction of soundwalls to attenuate noise created by traffic on I-15. With the reduced noise levels, noise impacts on local residents and businesses would be reduced. No cumulative noise impacts would occur.
- Visual and Aesthetics: For visual and aesthetics, the resource study area would include an area that would encompass adjacent residents who would have long-term views of the soundwalls proposed for the project. For motorists traveling north or south along I-15 through Victorville in project area, interchange reconstruction would not have a substantial adverse visual effect given the lack of scenic resources and moderate to low quality of the views from the freeway. Additionally, there are existing interchanges in place at Stoddard Wells Road, D Street, and E Street. Therefore, the new interchanges would not represent unique or new visual elements that would prove distracting to motorists traveling along this section of I-15. The project would construct noise barriers at two locations; however, context sensitive design, aesthetic treatments, and mitigation and/or minimization measures are proposed as part of the project. Such measures would be designed to enhance the appearance of the interchanges, provide landscaping in accordance with city and department landscape policies and standards, and provide lighting features that minimize impacts on nearby residences. Therefore, no cumulative impacts would occur.
- Biological Resources: The resource study area for biological resources is the biological study area identified in the NES. The resource study area is located in the Lower Narrows section of the Mojave River, northeast of the City of Victorville. As discussed in Section 2.3.5, several threatened species on the federal and state lists have the potential to occur within the project area, including desert tortoise. According to the adopted 2006 RTIP, *State Highway Projects*, several Department projects have been proposed in San Bernardino County. In addition, several management projects and directives may result in cumulative effects on the Mojave River's natural resources; these include Mojave River floodplain maintenance, managed through a Floodplain Maintenance Plan administered by the Corps, and the Mojave River groundwater basin adjudication, which requires reduced pumping throughout the Mojave River watershed.

No cumulative impacts on riparian habitat, desert tortoise, riparian obligate bird species, arroyo toad, or threespine stickleback are expected to occur with implementation of the proposed project due to the absence of suitable habitat in the area and the non-growth-inducing nature of the project. In addition, given the avoidance and minimization efforts required as part of the proposed project, no substantial adverse temporary or permanent effects would result from construction and operation of the proposed project. These avoidance and minimization efforts have been individualized for each of the species potentially affected by the proposed project. As such, the proposed project's contribution to cumulative impacts on a biological resource would be less than cumulatively considerable.

2.5 Climate Change (CEQA)

2.5.1 Regulatory Setting

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas² (GHG) emissions reduction and climate change research and policy have increased dramatically in recent years. In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and proactive approach to dealing with GHG emissions and climate change at the state level. AB 1493 requires the Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions; these regulations will apply to automobiles and light trucks beginning with the 2009 model year.

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

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

Climate change and GHG reduction is also a concern at the federal level; at this time, no legislation or regulations have been enacted specifically addressing GHG emissions reductions and climate change. However, California, in conjunction with several environmental organizations and several other states, sued to force the U.S. Environmental Protection Agency (EPA) to regulate GHGs as a pollutant under the Clean Air Act (*Massachusetts vs. Environmental Protection Agency et al.*, U.S. Supreme Court No. 05-1120. 549 U.S. _____; Argued November 29, 2006—Decided April 2, 2007). The court ruled that GHGs do fit within the Clean Air Act's definition of a pollutant, and that EPA does have the authority to regulate GHGS. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting greenhouse gas emissions.

² Greenhouse gases related to human activity, as identified in AB 32, include: carbon dioxide, methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23, HFC-134a*, and HFC-152a*.

2.5.2 Affected Environment

According to a recent white paper by the Association of Environmental Professionals,³ “an individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases.”

The Department and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California’s GHG emissions are from the burning of fossil fuels and 40 percent of all human made GHG emissions are from transportation, the Department has created and is implementing the *Climate Action Program at Caltrans* (December 2006). Transportation’s contribution to GHG emissions is dependent on three factors: the types of vehicles on the road, the type of fuel the vehicles use, and the time/distance the vehicles travel.

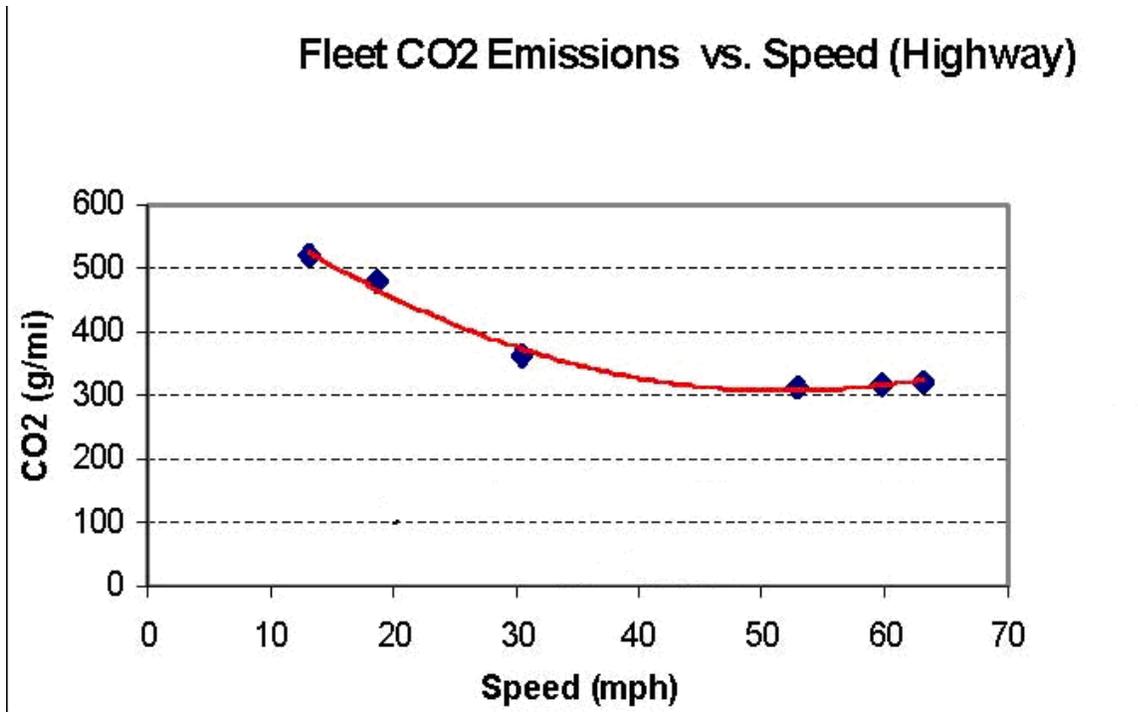
One of the main strategies in the Department’s Climate Action Program to reduce GHG emissions is to make California’s transportation system more efficient. The highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0–25 miles per hour) and speeds over 55 mph; the most severe emissions occur from 0–25 miles per hour (see Figure 2-10). Relieving congestion by enhancing operations and improving travel times in high congestion travel corridors will lead to an overall reduction in GHG emissions.

Under existing conditions, ADT for this segment of I-15 ranged from approximately 56,000 vehicles north of Stoddard Wells Road Interchange to 78,000 vehicles between the Mojave Drive and D Street Interchanges, with peak hourly volume of approximately 6,500 vehicles (see Table 1-3). The I-15 freeway currently operates at LOS C to E during peak periods at different segments in the project area (see Table 1-3). Operating conditions, and related GHG gas emissions, on all segments are expected to continue to deteriorate as traffic demand increases from the growth and development taking place along the I-15 corridor. In order to improve the operational efficiency of the corridor, it is necessary that I-15 be widened and interchanges be reconstructed to develop the capacity necessary to maintain a desirable level of service, as well as improve passing opportunities to minimize traffic conflicts. Without significant and timely improvements, regional and inter-regional travel along this I-15 corridor will be severely compromised, which would result in increased GHG emissions.

The Department recognizes the concern that carbon dioxide emissions raise for climate change. However, accurate modeling of GHG emissions levels, including carbon dioxide at the project level, is not currently possible. No federal, state, or regional regulatory agency has provided methodology or criteria for GHG emission and climate change impact analysis. Therefore, the Department is unable to provide a scientific- or regulatory-based conclusion regarding whether the project’s contribution to climate change is cumulatively considerable.”

³ Hendrix, Micheal and Wilson, Cori. *Recommendations by the Association of Environmental Professionals (AEP) on How to Analyze Greenhouse Gas Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), p. 2.

Figure 2-10. Fleet CO₂ Emissions vs. Speed



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

The Department continues to be actively involved on the Governor's Climate Action Team as ARB works to implement AB 1493 and AB 32. As part of the *Climate Action Program at Caltrans* (December 2006), the Department is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. The Department is working closely with local jurisdictions on planning activities; however, the Department does not have local land use planning authority. The Department is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, as well as in light- and heavy-duty trucks. However it is important to note that the control of the fuel economy standards is held by the United States Environmental Protection Agency and ARB. Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the University of California Davis.

Chapter 3. Comments and Coordination

Early and continuing coordination with the general public and appropriate public resource agencies is an essential part of the environmental process. Agency consultation and public participation for this project occurred through a variety of methods, including Project Development Team meetings, public meetings, and interagency coordination meetings.

Consultation with resource agencies and solicitation of public input began during the early planning stages for the Interstate 15 improvements included in Phases I, II, and III of the project. These efforts defined the environmental and engineering issues that were evaluated during the environmental review process and provided an opportunity for agencies and residents to learn about the project.

The following information regarding coordination and public participation activities is supported in the environmental documents approved for Phases I, II, and III.

3.1 Consultation and Coordination with Public Agencies

A Notice of Initiation of Studies that identified alternatives to the Interstate 15 Interchange Reconstruction Project, was mailed to elected officials and local, state, and federal agencies with jurisdiction or discretionary approval in the project corridor. Consultations with several agencies occurred in conjunction with the preparation of the technical reports and Initial Study/Environmental Assessment for the proposed project. The agencies are identified in the various technical reports and include those listed below.

Federal

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service (USFWS)
Bureau of Land Management

Regional

County of San Bernardino
SANBAG

State

California Department of Fish and Game
California Native American Heritage
Commission

Local

Apple Valley
City of Victorville

Coordination with the County of San Bernardino, the City of Victorville, and SANBAG is a continuous process and started with the initial planning for the project. Coordination addressed issues related to planning, design, environmental consequences, and cooperative agreements. Members of the aforementioned agencies are part of the Project Development Team.

An informal consultation was held with USFWS regarding project impacts on threatened and endangered species. The letters from the Department seeking opinion of USFWS and USFWS's response are provided at the end of this chapter.

3.2 Public Participation

3.2.1 Public Information Meetings

The various methods used to inform the public about the proposed project and solicit input included the items listed below.

- Public information meetings were held in Barstow on August 26, 1997, and Victorville on August 28, 1997. The public meetings covered all three phases of the proposed project (Phases I, II, and III).
- A public workshop was held at the Victorville City Hall on May 11, 1998, from 6:30 to 8:30 p.m. to discuss the Major Investment Study. The workshop was announced in local newspapers and on the radio. In addition, notices and survey forms were distributed to businesses that could be affected by the improvements as well as public officials. Workshop participation included 15 people from the public sector. The participants considered the following alternatives: rail service, a directional control lane (reversible lane), improved highway service in both directions, and improved southbound service only. There was also discussion of a National Trails Highway by-pass lane. Participants identified highway widening in both directions as the only reasonable alternative. There was no opposition from workshop attendees to highway widening.
- Separate presentations were made to the following groups to solicit comments and opinions on the proposed project: Mountain/Desert Policy Committee of SANBAG (June 27, 1997) and the Victorville City Council (September 16, 2007). There was no opposition to highway widening from those who attended the presentations.
- A public information meeting regarding the Interstate 15 Interchange Reconstruction Project (Phase III) Draft IS/EA was held on Thursday January 31, 2008, from 6:00 to 8:00 p.m. in the City of Victorville (Victorville City Hall, Conference Room B). A project notice was published in the Victorville Daily Press and the San Bernardino Sun on January 18, 2008. The notice that was published included the Notice of Availability of the Environmental Document, Notice of Intent to Adopt a Mitigated Negative Declaration, Notice of Opportunity for a Public Hearing, and Notice of Public Information Meeting. Residents, homeowners, and business owners within 500 feet of the project were sent the project notice and information about the meeting at the beginning of the public comment period. The format of the meeting was open forum/open workshop, and no formal presentations were made. The public was provided the findings and conclusions of this IS/EA and given an opportunity to comment. Twenty-six private citizens attended the meeting, and eight comment cards were submitted. Many of the attendees had questions and concerns about the design and right-of-way acquisitions required for the proposed project. In addition, several people expressed concern about businesses at the Stoddard Wells Road interchange that could be affected by the proposed project. Most questions were answered to the satisfaction of the inquiring party, with some follow-up information needed regarding Department business assistance. The comment cards that were submitted at the meeting and other comments received regarding the proposed project are included in Appendix H.

3.2.2 Public Circulation

During the Public Circulation Period, various outreach efforts were made to alert the public about the availability of the document. A Notice of Availability/Notice of Intent (January 2008), which noted the availability of the IS/EA (Phase III) for public review, was mailed to residents, homeowners, and business owners within 500 feet of the project and agencies at the beginning of the public review period. In addition, an official notice regarding the availability of the Draft IS/EA/MND was published in the Victorville Daily Press and the San Bernardino Sun on January 18, 2008. A total of 54 agencies received the NOA and a copy of the document for review (see Chapter 5, Distribution List).

The Draft IS/EA (Phase III) was circulated for public and agency review and comment for a period of 30 days, from January 18, 2008, to February 16, 2008. The Draft IS/EA was available for review at the following locations:

California Department of Transportation
District 8 Office Building
464 W. 4th Street
San Bernardino, CA

San Bernardino County Library – Victorville Branch
15011 Circle Drive
Victorville, CA

City of Victorville – City Hall
14343 Civic Drive
Victorville, CA

A total of 14 comment letters were received during the comment period. Copies of the letters and responses to relevant comments are provided in Appendix H. Comments were received from the following:

Agencies

California Department of Toxic Substances Control (Greg Holmes)
California Native American Heritage Commission (Dave Singleton)
California Public Utilities Commission (Rosa Muñoz)
California Regional Water Quality Control Board, Lahontan Region (Mack Hakakian)

Private Citizens/Individuals

Callaway, Elizabeth	Ruffin, Bishop Nathaniel J.
Ismail, Lutfi	Selim, Anwar
Patel, Rajeshkumar V.	Steelman, Danny
Rodriguez, Armando	Thompson, Jack
Roufail, Amir	Wells, Donna J.



California Department of
Transportation

PUBLIC NOTICE

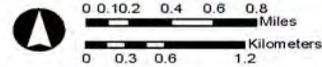


State of California

**Notice of Availability of Environmental Document, Notice of Intent to Adopt a Mitigated Negative Declaration, and Opportunity for a Public Hearing
Notice of Public Information Meeting
Interstate 15 Interchange Reconstruction
(D Street, E Street, Stoddard Wells Road, and Mojave River Bridge)**



Sources: U.S. Census Bureau TIGER Data, 2000; Jones & Stokes, 2005.



WHAT IS BEING PLANNED	The California Department of Transportation (Caltrans) proposes to reconstruct three interchanges and upgrade roadway standards on Interstate 15 (I-15) from the Mojave Drive interchange, to 1.6 kilometers (km) (1.0 mile) north of the existing Stoddard Wells Road overcrossing to meet current standards, improve operational efficiency and enhance safety.
WHY THIS AD	Caltrans has studied the effects this project may have on the environment. The results of the studies are detailed in a Draft Initial Study/Environmental Assessment Document (IS/EA). This notice is to advise of the availability of this document for review and comments, and to offer the opportunity for a public hearing. This notice also serves as notification that the Project-level conformity analysis shows that the project will conform with the State Implementation Plan, including localized impact analysis for particulate matter (PM10 and PM2.5). This project is not considered a Project of Air Quality Concern regarding particulate matter (PM10 and PM2.5) as defined in 40 CFR 93.123(b)(1). Clean Air Act and 40 CFR 93.116 requirements for PM10 and PM2.5 are met without an explicit hot-spot analysis. Comment is requested regarding the project-level conformity analysis. This notice is also to notify you that a Public Information Meeting will be held on the proposed project on January 31, 2008 at 6:00 pm in Victorville City Hall, 14343 Civic Center Drive, Training Room B, Victorville, CA. This meeting will give you an opportunity to provide comments and discuss the features of the project with Caltrans staff.
WHAT IS AVAILABLE	The Draft IS/EA is available for review at the Caltrans District 8 Office, 464 W. Fourth Street, 8 th Floor, San Bernardino, CA 92401 on weekdays from 8:00 a.m. to 4:00 p.m. It is also available for review at the City Hall and Public Library in Victorville). To view an electronic copy of the document go to http://www.dot.ca.gov/dist8 .
WHERE YOU COME IN	You can review the Draft IS/EA and attend the public information meeting. If you have any comments about the project, please submit them to Maisoon Afaneh, 464 W. Fourth Street, MS823, San Bernardino 92401-1400 or e-mail them to maisoon_afaneh@dot.ca.gov . Your comments should be received no later than February 16, 2008.
CONTACT	For information about this project call Maisoon Afaneh at Caltrans District 8 at (909) 383-5918. For information on any other transportation matters, call the Public Affairs Office at (909) 383-4631.
SPECIAL ACCOMODATIONS	Under the Americans with Disabilities Act of 1990, Caltrans will provide reasonable accommodations such as an American Sign Interpreter, accessible seating, and documentation in alternate formats to individuals with disabilities. To obtain such services, please contact Ms. Terri Kasinga at (909) 383-4631 at least 10 days before the meeting date. TDD users may contact the California Relay Service TDD line at 1-800-735-2929 or District 8 TTY (909) 383-6300.



Departamento de Transporte
de California

AVISO AL PÚBLICO



Estado de California

Notificación de disponibilidad de un documento medioambiental, notificación de la intención de adoptar una declaración negativa mitigada y oportunidad de celebrar una audiencia pública.

Aviso de reunión pública informativa
Reconstrucción del nodo vial en la Autopista Interestatal 15
(D Street, E Street, Stoddard Wells Road y puente Mojave River)



¿QUÉ SE ESTÁ PLANEANDO?

El Departamento de Transporte de California (Caltrans) propone reconstruir tres nodos viales (cruceos viales) y mejorar los estándares de la Autopista Interestatal 15 (I-15) desde el nodo vial de Mojave Drive, hasta 1.6 kilómetros (1.0 milla) al norte del puente peatonal de Stoddard Wells Road para cumplir con los estándares actuales, mejorar la eficiencia operativa y la seguridad.

¿POR QUÉ ES ESTO?

Caltrans ha estudiado los efectos que puede tener este proyecto en el medio ambiente. Los resultados de los estudios están detallados en el documento borrador del Estudio Inicial y la Evaluación Medioambiental (Draft Initial Study/Environmental Assessment Document o IS/EA por sus siglas en inglés). Esta notificación sirve para dar aviso de que este documento está disponible para revisión y comentario público, y para ofrecer la oportunidad de que se lleve a cabo una audiencia pública. Asimismo, sirve como notificación de que el análisis de conformidad a nivel proyecto muestra que el éste estará en conformidad con el Plan de Implementación Estatal, incluyendo un análisis localizado del impacto para materia particulada (PM 10 y PM 2.5). No se considera que éste sea un Proyecto que Arriesgue la Calidad del Aire en lo que respecta a la materia particulada (PM 10 y PM 2.5) según se define en 40 CFR 93.123(b)(1). Los requisitos de la Ley del Aire Limpio y 40 CFR 93.116 para PM 10 y PM 2.5 se cumplen sin realizar un análisis explícito de lugares de riesgo (hot-spots). Se solicitan comentarios respecto al análisis de conformidad a nivel proyecto. Además, esta notificación sirve para avisarle a usted que se llevará a cabo una audiencia pública informativa sobre el proyecto propuesto, el día Treinta y uno de Enero de 2008 a las 6:00 PM en el City Hall de Victorville, en el 14343 Civic Center Drive, Training Room B (sala de capacitaciones B), Victorville, CA. Esta reunión le brindará la oportunidad de dar sus comentarios y de tratar las particularidades del proyecto con el personal de Caltrans.

¿QUÉ ESTÁ DISPONIBLE?	El borrador del documento IS/EA está disponible para su revisión en la oficina del Distrito 8 de Caltrans en el 464 W. Fourth Street, 8vo piso, San Bernardino, CA 92401 en días hábiles entre las 8:00 AM y las 4:00 PM. También está disponible para su revisión en el City Hall y la biblioteca pública de Victorville). Para ver una copia electrónica del documento, visite http://www.dot.ca.gov/dist8
EN DÓNDE ENTRA USTED	Puede revisar el borrador del documento IS/EA y asistir a la reunión pública informativa. Si tiene algún comentario que hacer sobre el proyecto, por favor envíelo a Maisoon Afaneh, 464 W. Fourth Street, MS823, San Bernardino 92401-1400 o por correo electrónico a maisoon_afaneh@dot.ca.gov . Sus comentarios deberán recibirse a más tardar el Diez y seis de Febrero.
CONTACTO	Para obtener información sobre este proyecto, llame a Maisoon Afaneh en la oficina del Distrito 8 de Caltrans al (909) 383-5918. Para información sobre cualquier otro asunto relacionado al transporte, llame a la oficina de relaciones públicas al (909) 383-4631.
ARREGLOS ESPECIALES	De acuerdo con la Ley de 1990 para Estadounidenses con Discapacidades, Caltrans hará los arreglos necesarios, dentro de lo razonable, tales como ofrecer los servicios de un intérprete del lenguaje de señas americano, asientos accesibles y documentación en formatos alternativos para las personas con discapacidades. Para obtener estos servicios, por favor contacte a la Srta. Terri Kasinga al (909) 383-4631 por lo menos 10 días antes de la reunión. Las personas que utilizan el sistema TDD pueden contactar al California Relay Service en su línea TDD al 1-800-735-2929 o a la línea TTY del Distrito 8 al (909) 383-6300.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
2008-1-0290

March 6, 2008

Donald Copeland
Biological Construction Monitoring
Department of Transportation, District 8
464 West 4th Street, 6th Floor
San Bernardino, California 92401-1400

Subject: Proposed Upgrade of Road Features along Interstate 15 in Victorville, California

Dear Mr. Copeland:

We have reviewed the California Department of Transportation's (Caltrans) letter, dated January 29, 2008, requesting our concurrence with your determination that the subject project is not likely to adversely affect the federally endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), the threatened desert tortoise (*Gopherus agassizii*), and critical habitat of the southwestern willow flycatcher. Your request and our response are in accordance with section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act).

Caltrans proposes to improve operations and enhance freeway safety between Post Mile 41.9 and Post Mile 46.0 along Interstate 15 (I-15) in Victorville. The project includes: the reconstruction of interchanges at D Street, E Street, and Stoddard Wells Road; widening of the Mojave River Bridge; replacing the Stoddard Wells Road overcrossing; and constructing a new frontage road west of I-15. Your January 29, 2008, letter describes the actions that Caltrans proposes to implement in more detail.

Your request for concurrence identifies that surveys in 2007 located least Bell's vireos approximately 500 feet from the proposed construction area and southwestern willow flycatchers within 1,070 feet of said area. Caltrans has proposed several measures to avoid potential project impacts to both bird species, including presence/absence surveys prior to initiating construction between February 15 and September 1, and nest monitoring through fledging should a nest be located. In addition, noise levels produced by the construction will be monitored should breeding least Bell's vireos or southwestern willow flycatchers be observed within 350 feet of project construction. Noise levels exceeding 60dBa L_{eq} would require additional noise reduction measures and/or delay of construction activities. Additional details on the avoidance and minimization measures that will be implemented for the least Bell's vireo and southwestern willow flycatcher are outlined in your attachment to the letter dated January 29, 2008.

Caltrans also identifies the potential presence of desert tortoises in the proposed construction area. Habitat conditions along I-15 are degraded from human disturbance including vehicle traffic and trash dumping. Protocol surveys in the area in 2006 did not locate any individuals or sign of desert tortoises; however, Caltrans has included several avoidance and minimization measures, including but not limited to, erecting temporary wire exclusion fence around all construction areas, pre-construction sweeps for desert tortoises by a biologist prior to installing temporary fences, and desert tortoise awareness training for all personnel involved in the construction. A complete list of all avoidance measures that will be implemented for the desert tortoise is found in the attachment to your letter dated January 29, 2008.

The San Bernardino Flood Control District currently removes vegetation within the Mojave River adjacent to the I-15 bridge. For this reason, most of the primary constituent elements of southwestern willow flycatcher critical habitat are absent from this area.

We concur with your determination that the proposed project to improve I-15 in Victorville is not likely to adversely affect the least Bell's vireo, southwestern willow flycatcher, and desert tortoise. Our concurrence for the bird species is based on the avoidance and minimization measures that will be implemented to protect least Bell's vireos and south western willow flycatchers observed in proximity to the construction project. Our concurrence for the desert tortoise is based on the high degree of degradation of the habitat, negative protocol surveys, and planned implementation of avoidance measures. We concur with your determination that the proposed project is not likely to adversely affect critical habitat of the southwestern willow flycatcher because the ground-disturbing activities would occur in an area that does not support the primary constituent elements of critical habitat.

For these reasons, further consultation, pursuant to section 7(a)(2) of the Endangered Species Act, is not required. If the proposed project changes in a manner that may affect least Bell's vireos, southwestern willow flycatchers or their critical habitat, or desert tortoises in a way that has not been considered, please contact us as soon as possible to determine whether additional consultation is necessary.

If you have any questions regarding this matter, please contact Ashleigh Blackford at (805) 644-1766, Extension 234.

Sincerely,



Raymond Bransfield
Senior Biologist

DEPARTMENT OF TRANSPORTATION

DISTRICT 8
ENVIRONMENTAL PLANNING (MS 822)
464 WEST 4TH STREET, 6TH FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-1252
FAX (909) 383-6494
TTY (909) 383-6300



*Flex your power!
Be energy efficient!*

January 29, 2008

Carl Benz
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Venture, CA 93003

Dear Mr. Benz

The California Department of Transportation (Caltrans) requests a concurrence of a *may affect, not likely to adversely affect* for the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), southwestern willow flycatcher critical habitat and the desert tortoise (*Gopherus agassizii*). Additionally, Caltrans has determined that the proposed action will not affect the endangered arroyo toad (*Bufo californicus*). The project is located from Post Mile 41.9 to Post Mile 46.0 within the Victorville USGS Quadrangle. The project is within the City of Victorville, San Bernardino County.

The purpose of the project is to upgrade roadway features, improve operational characteristics, and enhance freeway safety. Proposed engineering features include the reconstruction of the D Street, E Street, and Stoddard Wells Road interchanges; widening of the Victorville separation and overhead; widening of the Mojave River Bridge; and replacement of the Stoddard Wells Road over crossing. Southbound and northbound interim three-lane roadbeds would be repositioned on the outside, leaving a median width compatible with the ultimate 10-lane facility. A new frontage road would be constructed west of I-15, and the existing east frontage road would be realigned.

Caltrans is proposing measures to avoid potential project related impacts to the least Bell's vireo, southwestern willow flycatcher, southwestern willow flycatcher critical habitat and the desert tortoise. Please see the attached avoidance and minimization measures.

Protocol surveys in 2007 in the Mojave River located a total of three least Bell's vireo breeding pairs with the closest observation located approximately 500 feet downstream (152m) from the existing I-15 Mojave River Bridge. Protocol surveys in 2007 also observed a total of four potentially breeding pairs of southwestern willow flycatchers, with the closest observation located within 1,070 feet west (326m) from the existing I-15, Mojave River Bridge. The potential noise effects from intermittent, short duration, construction activities, such as pile driving, grading, drilling etc., are not expected reach levels that may result in negative physiological or behavioral responses to the least Bell's vireo or the southwestern willow flycatcher. The closest observation of the least Bell's vireo nest site is 500 feet from the project construction area. Construction noise levels are not expected to reach the established noise impact criterion of 60 dB(A) L_{eq} above the existing ambient traffic noise at this distance. The 60

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dB(A) L_{eq} criterion came about from the U.S. Fish and Wildlife Service requesting Caltrans to address noise masking effects to the least Bell's vireo potentially resulting from a planned Caltrans project since, at that time, no noise impact to birds criterion existed. The result was a Caltrans biologist's measurement of the loudest hour sound level at several active nests of the least Bell's vireo next to an existing highway with the rationale that if the vireo lives and nests in these locations, the background noise must not have a detrimental impact. Although questions were raised about its validity, the 60dB(A) L_{eq} standard has become established as more studies continue to use it as an impact criterion (Barrett, 1996).

The San Bernardino Flood Control District conducts continuing vegetation removal activities within the Mojave River channel, which essentially removes most of the suitable nesting habitat for the least Bell's vireo and the southwestern willow flycatcher as well as most of the primary constituent elements that identify southwestern willow flycatcher critical habitat within the project action area. Caltrans has determined that due to the existing level of vegetation removal and disturbance within the Mojave River channel and the implementation of protective measures the proposed project may affect but is not likely to adversely affect the least Bell's vireo, the southwestern willow flycatcher and designated southwestern willow flycatcher critical habitat.

In general desert tortoises occur in lower densities in the immediate vicinity of freeways. Habitat conditions adjacent to freeways are generally disturbed and degraded from anthropogenic activities. Given the amount of vehicle traffic on Interstate 15, desert tortoise density is expected to be very low adjacent to and some distance away from the Interstate. The proposed project area is highly disturbed and contains evidence of off-road vehicle traffic, trash dumping, feral dogs, and other conditions that are highly depletory to the desert tortoise. Protocol surveys of the project action area and the zone of influence conducted in 2006 did not locate any desert tortoises or desert tortoise sign. Due to the unlikelihood of their presence, negative protocol surveys, the existing high degree of habitat degradation in the project area and implementation of avoidance and minimization measures, the proposed project may affect but is not likely to adversely affect the desert tortoise.

Protocol surveys, for this project, have been conducted for the arroyo toad in 2000, 2001, 2002 and 2007 with negative results. The San Bernardino Flood Control District conducts continuing vegetation removal activities within the Mojave River channel, which can destroy or degrade breeding and foraging habitat and kill or injure toads. The U.S. Fish and Wildlife Service Recovery Plan for the Arroyo (Southwestern) Toad considers the arroyo toad extirpated from the reach of the Mojave River within the Victorville area due to flood control activities. Due to the unlikelihood of their presence, negative protocol surveys and the high degree of habitat degradation in the project area, Caltrans has determined that the proposed project will have no effect on the arroyo toad.

Please contact Craig Wentworth, of my staff, at (909) 383-4216, with questions regarding this

Mr Ray Bransfield, U.S. Fish and Wildlife Service
1/10/2008
Page 3

request.

Sincerely,

DONALD COPELAND
Office Chief
Biological Construction Monitoring

Attachment(s): Project federal listed species avoidance and minimization measures.

References

Barrett, DE (1996): Traffic-noise impact study for least Bell's vireo habitat along California state route 83. Transport. Res. Rec. 1559, 3-7.

Attachment: I-15 Mojave River Interchange Reconstruction Project

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Avoidance and Minimization Measures

The following avoidance and minimization measures will be implemented for the **least Bell's vireo** and the **southwestern willow flycatcher**:

- No project related vegetation or tree removal shall occur between February 15 and September 1, which coincides with the migratory bird nesting season.
- Between February 15 and September 1, on a yearly basis, if necessary, breeding bird presence/absence surveys shall be conducted within the project action area prior to the start of construction activities. If nests are located, a biological monitor will be present to monitor the nesting activities of listed riparian bird species and other nesting birds to ensure that construction noise, disturbance or dust is not adversely affecting them. If evidence that construction activities are adversely impacting nesting migratory birds is observed, the Resident Engineer shall be notified and the Contractor shall immediately stop work within 50 feet (15.2 m) of the nest. Work shall not resume in this location until nesting birds fledge and leave the nest and/or the Engineer provides written notification authorizing the Contractor to resume work.
- If breeding least Bell's vireo or southwestern willow flycatchers are observed within 350 feet (91.4 m) of the construction action area, noise readings will be conducted during construction to establish the boundary where noise levels do not exceed the established criterion of 60 dBA L_{eq} threshold. If the noise level exceeds the 60 dBA L_{eq} , additional minimization measures will be taken. These measures include the use of a sound wall or sound reducing curtain to reduce noise levels around construction activities, stopping construction until juveniles have fledged, starting some construction activities later in the day when birds are not as active or conducting some construction activities outside of the migratory bird breeding season. Additionally, Section 7 consultation with the U.S. Fish and Wildlife Service will be reinitiated in this instance.
- Sensitive areas outside of the proposed project zone will be designated as an ESA and avoided to minimize the potential impacts to nearby riparian obligate bird species. These areas will be fenced off clearly by use of obvious silt exclusion fencing while the project is being constructed. Construction personnel are to remain outside of the ESA zones and are to be no closer than 50 ft (15.2 m) of an observed migratory bird nest or breeding pair territory unless authorized to enter.

The following avoidance and minimization measures will be implemented for the **desert tortoise**:

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- In identified desert tortoise habitat, temporary wire mesh desert tortoise exclusion fence will be placed around all construction areas, construction equipment and material storage and staging areas. The fence will be installed to Caltrans specifications and is required to be maintained by the contractor, and will be inspected to ensure its integrity. A biological monitor shall be present during the installation of the fence.
- In Desert Riparian wash areas (the Mojave River channel), temporary silt fence exclusion fencing shall be installed and maintained along the common boundary of the ESA and project area, and in drainages leading off of the project area. All silt fence exclusion locations will be trenched and the silt fence bottom buried no less than 12" deep in the presence of a biological monitor.
- Prior installation of the temporary desert tortoise fence, and prior to initiation of construction activities, a qualified biologist shall conduct a pre-construction sweep for desert tortoise to verify there are no tortoises above or below ground in the project action area. If any desert tortoises are discovered in the project area, it will not be disturbed and left to leave on its own accord.
- All personnel involved in the construction project shall receive project-related desert tortoise awareness training prior to performing onsite construction work.
- At the end of each working day, the contractor shall inspect the integrity of all ESA fencing to ensure that they are in good condition and that desert tortoises would be prohibited from entry. If the fence is compromised, repairs must be completed at that time.
- Open trenches, auger holes, or other excavations that may act as pit-fall traps shall be inspected by a qualified or authorized biologist before back filling. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 mi (0.40 km). Other excavations that remain open overnight would be covered to prevent them from becoming traps.
- Project personnel shall carefully check under parked vehicles and equipment for desert tortoises or other species before operation.
- Raven proofing shall be considered for construction trash sources. Trash must be placed in a sealed container and emptied at the close of business each day.
- Culvert extensions shall be installed in such a way for tortoises to enter and exit safely from each end.
- If a desert tortoise or other listed species is injured during the course of construction, the Resident Engineer must be notified and the authorized biologist shall transport the animal

Mr Ray Bransfield, U.S. Fish and Wildlife Service
1/10/2008
Page 6

to a qualified veterinarian or if a desert tortoise is killed during the course of construction, they must be left in place as is and the Resident Engineer must be notified. The Resident Engineer, contractor or project biologist shall immediately notify USFWS or CDFG. Work in the immediate area will be temporarily halted.

- No firearms or pets will be allowed in the project action area.

Chapter 4. List of Preparers

California Department of Transportation

Maisoon Afaneh, Associate Environmental Planner, Generalist

Kurt Heidelberg, Associate Environmental Planner, Archaeology

Edison Jaffery, Transportation Engineer, Air Quality

Rosanna Roa, Transportation Engineer, Hazardous Waste

Craig Wentworth, Associate Environmental Planner, Natural Sciences

Mike Goodhue, Transportation Engineer, Noise

Jones & Stokes

Lee Lisecki, Project Manager, 22 years of experience

Shilpa Trisal, Environmental Specialist III, 5 years of experience

Hina Gupta, Environmental Specialist I, 1 year of experience

Teresa Tapia, Environmental Specialist I, 1 year of experience

Lincoln Hurlbut, Environmental Specialist I, 2 years of experience

Victor Ortiz, Environmental Specialist I, 1 year of experience

Keith Cooper, Environmental Scientist, 10 years of experience

County of San Bernardino

Jim Balcom, Transportation Engineer, Engineering Studies

Chapter 5. Distribution List

The IS/EA was distributed to the federal, state, regional, and local agencies and utility providers listed below. In addition, property owners who could be directly affected by the proposed project were provided with the document's Notice of Availability and/or a copy of the Draft IS/EA.

U.S. Fish and Wild Life Service
6010 Hidden Valley Road
Carlsbad, CA 92009

California Highway Patrol
Victorville Office
14210 Amargosa Road
Victorville, CA 92392

U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-3401

Ryan Graham
SANBAG
1170 West 3rd Street, Second Floor
San Bernardino, CA 92410

Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Brian Gengler
City of Victorville
P.O. Box 5001
Victorville, CA 92393-5001

California Department of Fish and Game
Region 6, Inland Deserts Regional Office
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764

Victorville Sheriff's Station
14200 Amargosa Road,
Victorville, CA 92392

Regional Water Quality Control Board
Victorville Branch Office
14440 Civic Drive, Suite 200
Victorville, CA 92392-2359
760/241-6583; Fax 760/241-7308

Victor Valley Union High School District
16350 Mojave Drive
Victorville, CA 92395

Jim Balcom
San Bernardino County Freeway Study Team
825 East 3rd Street
San Bernardino CA 92415-0835

Ralph H. Baker, Superintendent
Victor Elementary School District
15579 8th Street,
Victorville, CA 92392

Southern California Rail Authority
700 Flower Street, Suite 2600
Los Angeles, CA 90017

John Becker, Fire Chief
City of Victorville Fire Department
14343 Civic Drive
Victorville, CA 92393-5001

County of San Bernardino
Department of Public Works/Flood Control
825 East 3rd Street
San Bernardino, CA 92415

Anwar Selim
Selim's Mobil
16850 Stoddard Wells Road
Victorville, CA 92394

Amir Roufail
Unocal 76
16881 Stoddard Wells Road
Victorville, CA 92394

Lutfi Ismail, Area Manager
Denny's
16937 Stoddard Wells Road
Victorville, CA 92394

Queens Motel
16959 Stoddard Wells Road
Victorville, CA 92392

Carmen Yung
Motel 6
Legal Department, Corporate Counselor
4001 International Parkway
Carrollton, TX 75007
972/360-5915

Kirti Patel, Manager
Howard Johnson Inn
1686 Stoddard Wells Road
Victorville, CA 92394

Iron Horse Mobile Home Park
2445 Stanley Road
Tustin, CA 92782

Tony Corbo, Area Development Manager
ARCO
28662 Breckenridge Drive
Laguna Niguel, CA 92677

Neil Neiman
Charter Communications
12490 Business Center Drive, Suite 1
Victorville, CA 92392

Steve Payne
Southwest Gas Corporation
13471 Mariposa Road
Victorville, CA 92392-0919

Walter Werstuick
Franco Jauregui
AT&T
22311 Brookhurst Street, Suite 203
Huntington Beach, CA 92646

Joe D'Amato
SCE Corporate Real Estate
12353 Hesperia Road
Victorville, CA 92392

David Riddell
Verizon
16071 Mojave Drive, Bldg. A
Victorville, CA 92392

Reggie Lamson
Victor Valley Water District
17185 Yuma Street
Victorville, CA 92392-5887

Greyhound Bus Station
16886 C Street
Victorville, CA 92392

Selso Martinez
Global Alliance
4 Central Point Drive
La Palma, CA 90623
562/743-6150

John P. Barter
P.O. Box 2418
Apple Valley, CA 92307

Spirit of Christ Church
P.O. Box 1155
Victorville, CA 92393

Kamel Hodhod
23230 W. Casper Court
La Habra, CA 90631

Advance Home Builders Inc.
6700 Fallbrook Avenue
West Hills, CA 91307

Miri Lee
13513 Charlwood Circle
Cerritos, CA 90703

John Barton
P.O. Box 2418
Apple Valley, CA 92307

Warren B. White Trust
8614 Villa La Jolla Drive, 6
La Jolla, CA 92037

Victorville Holding Inc.
2122 Century Park Lane, Suite 409
Los Angeles, CA 90067

John Francis Gabler
7782 SVL Box
Victorville, CA 92395

AVI -15-LLC
P.O. Box 6668
Laguna Niguel, CA 92607

California North S9 LLC
P.O. Box 117508
Carrollton, TX 75011

Kenneth Sheer
8360 W. Sahara Avenue, Suite 230
Las Vegas, NV 89117

Suraj V V LLC
12621 Western Avenue
Garden Grove, CA 92631

David W. Yancey
Stoddard Wells Associates
1141 Owsley Avenue, Suite A
San Jose, CA 95122

David Halstead
5273 Alpine Meadows
Alta Loma, CA 91737

Metoché Land LLC
4000 Via Padora
Claremont, CA 91711

Jimmy and Sally Trust
P.O. Box 42068
Kanarrville, UT 84742

California North S9 LLC
P.O. Box 117508
Carrollton, TX 75011

MVBY Corporation
4227 E. Main Street, Suite 218
Ventura, CA 93003

Gilbert and Rosa Ramos
10150 Foothill Blvd.
Rancho Cucamonga, CA 91730

Campground of California LLC
16530 Stoddard Wells Road
Victorville, CA 92394

John Anderson Rev. Trust
15211 Hesta Street
Poway, CA 92064

Bal Krishna Inc.
18250 Koda Court
Apple Valley, CA 92307

BP West Cost Products LLC
P.O. Box 5015
Buena Park, CA 90622

Duncan T. and Kathy A. Bush
11551 Knoll Vista Street
Moreno Valley, CA 92555

Rizwan M. Azam
1080 Elmhurst Drive
Corona, CA 92880

Mujahid and Kathy B. Hussain
14590 Hidden Canyon Lane
Victorville, CA 92394

William R. Glenn Trust
20407 Eyota Lane
Apple Valley, CA 92308

Belgo Diam II Inc.
P.O. Box 4627
Pahrump, NV 89041

Terris Williams
Reed Family Trust
15984 La Verida Drive
Victorville, CA 92395

Elizabeth J. Callaway Trust
14680 Pawnee Road
Apple Valley, CA 92307

SLPR LLC
4800 N. Scottsdale Road, Suite 6000
Scottsdale, AZ 85251

Ashraf and Ghada Hodhod
15025 Palmdale Road
Victorville, CA 92307

Gus Christopoulos Trust
1115 Lind Glen Drive
Pasadena, CA 91105

Seitz Trust
P.O. Box 4821
Garden Grove, CA 92842

Mojave Vistas LLC
8800 North Gainey Center Drive
Scottsdale, AZ 85256

Jacob and Lidia De La Cruz
2451 Florence Avenue
Huntington Park, CA 90255

Cronwell and Olivia Irving
19435 Red Feather Road
Apple Valley, CA 92307

Tyson J. and Andrea G. Davis
927 Coyote Road
Hesperia, CA 92345

Hughie L. and Linda E. Shelton
15981 Fresno Street
Victorville, CA 92395

Paul M. Terry
15934 La Verida Drive
Victorville, CA 92395

Carmen L. Blanco
15930 La Verida Drive
Victorville, CA 92395

Jose Cervantes Jr.
15826 La Paz Drive
Victorville, CA 92395

Farron D. Arends
15808 La Paz Drive
Victorville, CA 92395

Max H. Koenig
15792 La Paz Drive
Victorville, CA 92395

Donald and Yukan Matthias
P.O. Box 1566
Victorville, CA 92393

Victor Ramirez
15756 La Paz Drive
Victorville, CA 92395

Harold L. Loudermilk
15738 La Paz Drive
Victorville, CA 92395

Gus Christopoulos Trust
1115 Linda Glen Drive
Pasadena, CA 91105

Yudvinder S. Kang
24203 Peak Court
Diamond Bar, CA 91765

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1080 Elmhurst Drive
Corona, CA 92880

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P.O. Box 117508
Carrollton, TX 75011

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15834 La Paz Drive
Victorville, CA 92395

Daniel R. and Rachael N. McGuire
15818 La Paz Drive
Victorville, CA 92395

Stephanie M. Romero
15802 La Paz Drive
Victorville, CA 92395

Isaias Delgadillo
15784 La Paz Drive
Victorville, CA 92395

Betty A. Crawford Trust
P.O. Box 1258
Victorville, CA 92393

Joe and Monique Ramirez
15746 La Paz Drive
Victorville, CA 92395

Charles Thompson
P.O. Box 665
Yermo, CA 92393

Apple Valley Gun Club
P.O. Box 786
Victorville, CA 92393

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15080 La Paz Drive
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1141 Owsley Ave, Suite A
San Jose, CA 95122

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Department of Public Works, Flood Control
825 East 3rd Street
San Bernardino, CA 92415

Bal Krishna Inc.
18250 Koda Court
Apple Valley, CA 92307

CEMEX California Cement LLC
840 Gessner Road, Suite 1400
Houston, TX 77024

Fred D. Bonner
15 La Paz Drive
Victorville, CA 92395

Anwar ' Mona Selim
16850 Stoddard Wells Road
Victorville, CA 92394

Ernist A. Durston
15947 La Verida Court
Victorville, CA 92395

Owner/ Manager
Peggy Sue's '50s Diner
16885 Frontage Road
Victorville, CA 92392

APPENDICES

Appendix A: CEQA Checklist

Issues

Potentially Significant
 Potentially Significant
 Unless Mitigation Incorporated
 Less than Significant Impact
 No Impact

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
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a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues

Potentially Significant
Potentially Significant
Unless Mitigation Incorporated
Less than Significant Impact
No Impact

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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4. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Issues

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues

Potentially Significant
Potentially Significant Unless Mitigation Incorporated
Less than Significant Impact
No Impact

6. GEOLOGY AND SOILS. Would the project	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues

Potentially Significant
Unless Mitigation Incorporated
Less than Significant Impact
No Impact

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues

Potentially Significant
Potentially Significant
Unless Mitigation Incorporated
Less than Significant Impact
No Impact

8. HYDROLOGY AND WATER QUALITY. Would the project:				
	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues

Potentially Significant
Potentially Significant
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h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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9. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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10. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues

Potentially Significant
Unless Mitigation Incorporated
Less than Significant Impact
No Impact

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
11. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues

Potentially Significant
Unless Mitigation Incorporated
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No Impact

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

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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14. RECREATION.

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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15. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Issues

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e. g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Appendix B: Resources Evaluated Relative to the Requirements of Section 4(f)

Resources Evaluated Relative to the Requirements of Section 4(f)

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or adjacent to the project area that do not trigger Section 4(f) protection because 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, 4) the project does not permanently use the property and does not hinder the preservation of the property, or 5) the proximity impacts do not result in constructive use.

The Historic Property Survey Report (HPSR) prepared for this project concluded that no properties that would require evaluation are present within the project vicinity. Therefore, the provisions of Section 4(f) are not triggered.

There are no existing or planned publicly owned parks, recreation areas, or wildlife or waterfowl refuges within or immediately adjacent to the disturbance limits of the proposed project. Therefore, the provisions of Section 4(f) are not triggered.

Appendix C: Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

January 14, 2005

**TITLE VI
POLICY STATEMENT**

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

A handwritten signature in black ink that reads "Will Kempton".

WILL KEMPTON
Director

Appendix D: Summary of Relocation Benefits

California Department of Transportation Relocation Assistance Program

RELOCATION ASSISTANCE ADVISORY SERVICES

The California Department of Transportation (the Department) will provide relocation advisory assistance to any person, business, farm or non-profit organization displaced as a result of the Department's acquisition of real property for public use. The Department will assist residential displacees in obtaining comparable decent, safe and sanitary replacement housing by providing current and continuing information on sales prices and rental rates of available housing. Non-residential displacees will receive information on comparable properties for lease or purchase.

Residential replacement dwellings will be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, displacees will be offered comparable replacement dwellings that are open to all persons regardless of race, color, religion, sex, or national origin and are consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include supplying information concerning federal and state assisted housing programs and any other known services being offered by public and private agencies in the area.

ADDITIONAL INFORMATION

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law (except for any federal law providing low-income housing assistance).

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without being given at least 90 days advance notice in writing. Occupants of any type of dwelling eligible for relocation payments will not be required to move unless at least one comparable "decent, safe, and sanitary" replacement residence, open to all persons regardless of race, color, religion, sex or national origin, is available or has been made available to them by the state.

Any person, business, farm, or non-profit organization that has been refused a relocation payment by the Department, or believes that the payments are inadequate, may appeal for a hearing before a hearing officer or the Department's Relocation Assistance Appeals Board. No legal assistance is required; however, the displacee may choose to obtain legal counsel at his/her expense. Information about the appeal procedure is available from the Department's relocation advisors.

The information above is not intended to be a complete statement of all of the Department's laws and regulations. At the time of the first written offer to purchase, owner occupants are given a more detailed explanation of the state's relocation services. Tenant occupants of properties to be acquired are contacted immediately after the first written offer to purchase and given a more detailed explanation of the Department's relocation programs.

IMPORTANT NOTICE

To avoid loss of possible benefits, no individual, family, business, farm or non-profit organization should commit to purchase or rent a replacement property without first contacting a Department of Transportation relocation advisor at:

State of California
Department of Transportation, District 8
464 W. 4th Street, 6th Floor, MS 823
San Bernardino, CA 92401-1400

Attachment A: Relocation Benefits for Displaced Residences

Your Rights and Benefits as a
Displacee Under the Uniform
Relocation Assistance Program
(Residential)
2007



Caltrans

California Department of Transportation

Introduction

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 shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

- (1) Decent, safe, and sanitary. (See definition below)
- (2) Functionally equivalent to the displaced dwelling.
- (3) Adequate in size to accommodate the family being relocated.
- (4) In an area not subject to unreasonable adverse environmental conditions.
- (5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of-employment.
- (6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- (1) Be structurally sound, weather tight, and in good repair.
- (2) Contain a safe electrical wiring system adequate for lighting and other devices.



- (3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.
- (4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than 2 persons per room unless the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.
- (5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

- (6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- (7) *For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Residents **not lawfully present** in the United States are not eligible to receive relocation payments and assistance

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either a:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

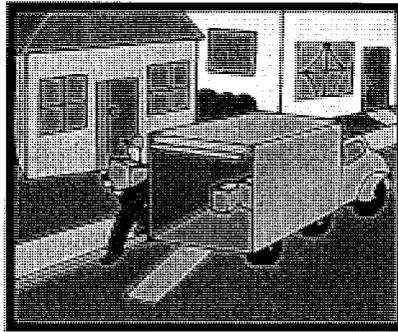
Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- (1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or
- (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- (3) A contract to purchase any interests or estates; or
- (4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Moving Expenses



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained. Below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs - You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses may include:

- Transportation
- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.

OR

Fixed Moving Cost Schedule - You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2005 Rate):

4 Rooms - \$ 950

7 Rooms - \$1,550

If the furniture is moved with the mobile home, the amount of the fixed payment is based on Schedule B.

Examples (Year 200 Rate):

4 Rooms - \$1,175

7 Rooms - \$1,900

Under the Fixed Move Schedule for a furnished unit (e.g. you are a tenant of an apartment that is furnished by your landlord) is based on Schedule B.

Example (Year 2005 Rate):

1 Room - \$400

Under the Fixed Move Schedule, you will not receive any additional payments for temporary storage, lodging, transportation or utility hook-ups.

Replacement Housing Payments

The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant, and the length of occupancy in the property being acquired.

If you are a qualified **owner occupant** of more than 180 days prior to the initiation of negotiations for the acquisition of your property, you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

If you are a qualified **owner occupant** of more than 90 days but less than 180 days, OR you are a qualified **tenant occupant** of at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Downpayment Option

Length of occupancy simply means counting the number of days that you actually occupied a dwelling before the date of initiation of negotiations by Caltrans for the purchase of the property. The term "initiation of negotiations" means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment. Check with your Relocation Agent before you make any decision to vacate your property.

For Owner Occupants of 180 Days or More

If you qualify as a 180-day owner occupant, you may be eligible -- in addition to the fair market value of your property -- for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and/or Incidental Expenses.

The **Price 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 you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property

The **Mortgage Differential** payment will reimburse you for any increased mortgage interest costs you might incur because the interest rate on your new mortgage exceeds the interest rate on the property acquired by Caltrans. The payment computation is complex as it is based on prevailing rates, your existing loan and your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

If the total amount of your **Replacement Housing Payment** (Price Differential, Mortgage Differential and Incidental Expenses) exceeds \$22,500, the payment must be deposited directly into an escrow account or paid directly to the mortgage company.

EXAMPLES OF PRICE DIFFERENTIAL PAYMENT COMPUTATION:

Assume that Caltrans purchases your property for \$98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property will cost you \$100,000. If your purchase price is \$100,000, you will receive \$2,000 (see *Example A*).

If your actual purchase price is more than \$100,000, you pay the difference (see *Example B*). If your purchase price is less than \$100,000, the differential payment will be based on actual costs (see *Example C*).

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property and Mobile Home	\$100,000
Acquisition Price of Your Property and Mobile Home	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example A

Purchase Price of Replacement	\$100,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>-\$ 98,000</u>
Maximum Price Differential	\$ 2,000

Example B

Purchase Price of Replacement Property	\$105,000
Comparable Replacement Property	\$100,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Maximum Price Differential	\$ 2,000
You Must Pay the Additional	\$ 5,000

Example C

Comparable Replacement Property	\$100,000
Purchase Price of Replacement	\$ 99,000
Acquisition Price of Your Property	<u>\$ 98,000</u>
Price Differential	\$ 1,000

In Example C you will only receive \$1,000 - not the full amount of the Caltrans "Comparable Replacement Property" because of the "Spend to Get" requirements.

IN ORDER FOR A "180 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT (*Price Differential, Mortgage Differential and Incidental Expenses*), **you must:**

A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement house, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the closing of escrow on State's acquisition),

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Owner Occupants and Tenants of 90 Days or More

If you qualify as a 90-day occupant (either as an owner or tenant), you may be eligible for a Replacement Housing Payment in the form of a Rent Differential.

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

- a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**
- b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer - regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations.

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may - with certain limitations - be converted to a **Downpayment Option** to assist you in purchasing a replacement property.

Example of Rent Differential Payment Computation:

After a thorough study of comparable, decent, safe and sanitary dwellings that are available for rent, Caltrans determines that a comparable replacement property will rent for \$325.00 per month.

Caltrans Computation (rates are per month)

Rental Rate for Comparable Replacement Property	\$ 325
PLUS average estimated utilities costs	<u>+ 100</u>
TOTAL Cost to Rent Comparable Replacement Property	= \$ 425

Rental Rate for Your Current Property	\$ 300
PLUS average utilities costs	<u>+ 90</u>
TOTAL Cost to Rent Current Property	= \$ 390

Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	<u>+ 390</u>
Difference	= \$ 35

Multiplied by 42 months = \$1,470 Rent Differential

Example A:

Rental Rate for a Replacement Property including Estimated average utilities costs	\$ 525
Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	\$ 390

Since \$425 is less than \$525, the Rent Differential is based on the difference between \$390 and \$425.

Rent Differential (\$35 x 42 months = \$1,470)

In this case you spent "at least" the amount of the Comparable Replacement Property on the replacement property and will receive the full amount.

Example B:

Rental Rate for a Replacement Property including Estimated average utilities costs	\$ 400
Comparable Replacement Property including utilities	\$ 425
Cost you pay to rent your property including utilities	\$ 390

Since \$400 is less than \$525, the Rent Differential is based on the difference between \$400 and \$390.

Rent Differential (\$10 x 42 months = \$420)

In this case you spent "less than" the amount of the Comparable Replacement Property on the replacement property and will not receive the full amount.

IN ORDER FOR A "90 DAY OWNER OCCUPANT" TO RECEIVE THE FULL AMOUNT OF THEIR REPLACEMENT HOUSING PAYMENT (Rent Differential), you must:

A) Rent and occupy a DS&S replacement dwelling within one year after the later of:

- (1) The date you first receive a notification of an available replacement house, **OR**
- (2) The day you vacate the property acquired by Caltrans.

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later of:

- (1) The date you vacate the property acquired by Caltrans, **OR**
- (2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition)

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. And, you will also receive at least 90 days' written notice before you must move.

Note1: The time periods for a 90-day owner occupant are different than a 180-day owner occupant.

Note 2: If the Rent Differential is converted to a Downpayment Option, there is no "spend-to-get" requirement.

DOWN PAYMENT OPTION

The Rent Differential payment may - with certain limitations - be converted to a **Down Payment Option** to assist you in purchasing a replacement property. The down payment option is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between \$0 and \$5,250, your down payment option will be \$5,250, which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over \$5,250, you may be able to convert the entire amount of the Rent Differential to a downpayment option.

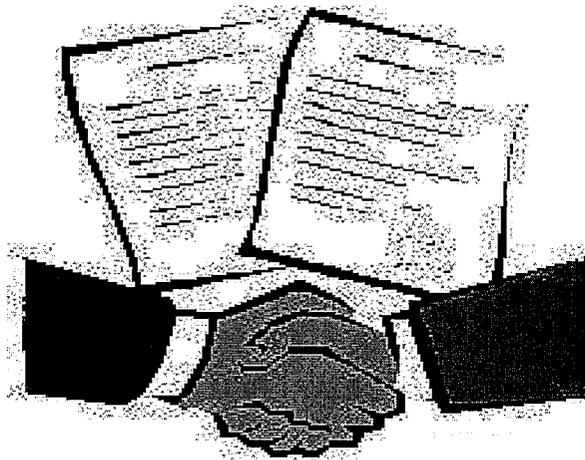
The down payment option must be used for the acquisition of the replacement dwelling, plus any eligible incidental expenses (see "180-day Owner Occupants Incidental Expenses") related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your down payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a down payment option, those advance payments will be deducted from the entire benefit.

LAST RESORT HOUSING

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will utilize 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 from a project. Caltrans can also pay above the statutory limits of \$5,250 and \$22,500 in order to make available housing affordable.

Relocation Advisory Assistance



Any individual, family, business or farm displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real property taxes.
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.



YOUR RIGHTS AS A DISPLACEE

All eligible displacees have a freedom of choice in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a purchase agreement or a rental agreement until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Attachment B: Relocation Benefits for Displaced Mobile Homes

Your Rights and Benefits as a Displacee Under the Uniform Relocation Assistance Program (Mobile Home)

Introduction

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 shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended “The Uniform Act”

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the “Uniform Act” in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer dispro-portionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Comparable Replacement: means a dwelling which is:

- (1) Decent, safe, and sanitary. *(See definition below.)*
- (2) Functionally equivalent to the displaced dwelling.
- (3) Adequate in size to accommodate the family being relocated.
- (4) In an area not subject to unreasonable adverse environmental conditions.
- (5) In a location generally not less desirable than the location of your displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the place of employment.
- (6) On land that is typical in size for residential development with typical improvements.

Decent, Safe and Sanitary (DS&S): Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- (1) Be structurally sound, weather tight, and in good repair.
- (2) Contain a safe electrical wiring system adequate for lighting and other devices.
- (3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.

- (4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The Caltrans policy is that there will be no more than two persons per room unless the room is of adequate size to accommodate the normal bedroom furnishings for the occupants.
- (5) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

Note: *In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.*

- (6) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- (7) *For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the P.C. dwelling by such displaced person.*

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Residents **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Relocation benefits will vary, depending upon the type and length of occupancy. As a residential displacee, you will be classified as either:

- An owner occupant of a residential property (includes mobile homes)
- A tenant occupant of a residential property (includes mobile homes and sleeping rooms)

Dwelling: The place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

Mobile Home: Generally refers to single, double or triple wide mobile home units. It does not include manufactured homes that are permanently affixed to the realty, as these are treated as single family dwellings. However, it can include certain trailers or recreational vehicles that are a primary residence depending on how they are permanently affixed to the real property.

Owner: A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

- (1) Fee title, a life estate, a land contract, a 99-year lease, oral lease including any options for extension with at least 50 years to run from the date of acquisition; or
- (2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or
- (3) A contract to purchase any interests or estates; or
- (4) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

Tenant: A person who has the temporary use and occupancy of real property owned by another.

Mobile Homes

If the mobile home **is not** acquired by Caltrans, the owner (regardless of who occupies it) of a mobile home is eligible for a payment to move the mobile home to a replacement piece of land based on an actual cost basis. This includes the cost to disassemble, move and reassemble any porches, decks, skirting and/or awnings. Additional costs may be eligible for reimbursement if Caltrans determines they are “actual, reasonable and necessary.” Some of these costs might be:

- Anchoring the unit to the new pad
- Additional axles or brakes on the mobile home that are required for transportation
- Temporary protection of an extra wide mobile home unit that must be split during the move
- Utility hook-ups to the unit (e.g. water, sewer, septic, electricity, gas) – if utilities are already available to the mobile home location (e.g. pad)
- Necessary repairs to meet local and state code
- Modifications necessary to meet Caltrans “decent, safe and sanitary” requirements
- Non-returnable entrance fee to the mobile home park – with limitations

The movement of the mobile home must be performed by a qualified mover and the payment is based on the lowest of two bids obtained by the owner of the mobile home and approved by Caltrans. Caltrans cannot pay for the move of the mobile home beyond 50 miles unless there are no suitable replacement pieces of land or mobile home parks within the 50-mile radius. Approval for a move beyond 50 miles must be obtained in advance of the move.

Moving Expenses

In addition to moving the mobile home, the occupant (regardless of who owns it) may be eligible for a payment to move their personal property – if you qualify as a “displaced person.”

The methods of moving and the various types of moving cost payments are explained below. Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the

move. Reimbursement will be limited to a move of 50 miles or less. Related expenses *may* include:

- Transportation
- Packing and unpacking personal property
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property
- Insurance while property is in storage or transit

OR

Fixed Moving Cost Schedule – You may be paid on the basis of a fixed moving cost schedule. Under this option, you will not be eligible for reimbursement of related expenses listed above. The fixed schedule is designed to cover such expenses.

Examples (Year 2000 Rate):

4 Rooms - \$ 950
7 Rooms - \$1,550

If the furniture is moved with the mobile home, the amount of the fixed payment is based on Schedule B.

Examples (Year 2001 Rate):

4 Rooms - \$475
7 Rooms - \$625

Normally no additional payments for temporary storage, lodging, transportation or utility hook-ups of household appliances can be paid with the fixed move schedule. However, the occupants of the mobile home who choose to move back into the same mobile home at the new location, can receive an allowance for food and lodging during the move and set-up time. Also, utility hook-ups to the mobile home unit may be eligible for reimbursement.

Note: *Even if the mobile home is acquired by Caltrans, the occupant (regardless of who owns it) of the mobile home is still eligible for a payment to move their personal property.*

Replacement Housing Payments

The occupant of a mobile home unit may be eligible for a replacement housing payment. The type of Replacement Housing Payment (RHP) depends on whether you are an owner or a tenant *of the mobile home*, and the length of occupancy in the mobile home unit that is on property being acquired for a highway project.

If you are a qualified **owner occupant** of both the land and the mobile home for more than 180 days prior to the initiation of negotiations for the acquisition of your property – and the mobile home unit is acquired by Caltrans – you may be entitled to a RHP that consists of:

Price Differential, and

Mortgage Differential, and

Incidental Expenses;

OR

Rent Differential

You do not have to purchase and occupy another mobile home unit in order to receive your RHP – however, the new residential unit must meet the “decent, safe and sanitary” requirements.

If the mobile home is not acquired by Caltrans, you may still be eligible for a RHP to assist you with purchasing a replacement piece of land where you can move your mobile home.

It is **important** to know that if you **do not own both** the mobile home and the property, your RHP can be limited. You must work closely with your Relocation Agent to fully understand your eligibility.

If you are a qualified **owner occupant** of the mobile home for more than 90 days but less than 180 days, OR you are a qualified **tenant occupant** of the mobile home for at least 90 days, you may be entitled to a RHP as follows:

Rent Differential

OR

Down Payment Option

As the occupant of a mobile home – regardless of the length of time or your status as an owner or tenant – your payment will vary depending upon the following:

- If the mobile home unit was acquired by Caltrans
- The owner of the mobile home
- You will occupy the mobile home at the new location if it is moved
- You choose to occupy another type of unit such as a single family residence.

Length of occupancy simply means counting the number of days that you actually occupied the mobile home unit on the land that is being acquired by Caltrans – prior to the date of initiation of negotiations by Caltrans for the purchase of the property. The term “initiation of negotiations” means the date Caltrans makes the first personal contact with the owner of real property, or his/ her representative, to give him/her a written offer for the property to be acquired.

Note: *If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may or may not be eligible for a Replacement Housing Payment, based on the established affordability guidelines. Check with your Relocation Agent before you make any decision to vacate your property.*

For Owner Occupants of 180 Days or More

If you qualify as a 180-day owner occupant, you may be eligible – in addition to the fair market value of your property – for a Replacement Housing Payment that consists of a Price Differential, Mortgage Differential and/or Incidental Expenses.

The **Price 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 you in purchasing a comparable decent, safe, and sanitary (DS&S) replacement dwelling. Caltrans will compute the maximum payment you may be eligible to receive.

In order to receive the full amount of the calculated price differential, you must spend at least the amount calculated by Caltrans on a replacement property.

The **Mortgage Differential** payment will reimburse you for any increased mortgage interest costs you might incur because the interest rate on your new mortgage for the real property, or the loan obtained for just the mobile home unit, exceeds the interest rate on the property acquired by Caltrans. The payment computation is complex because it is based on prevailing rates, your existing loan **and** your new loan. Also, a part of this payment may be prorated such as reimbursement for a portion of your loan origination fees and mortgage points.

To be eligible to receive this payment, the acquired property must have been encumbered by a *bona fide* mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

You may also be reimbursed for any actual and necessary **Incidental Expenses** that you incur in relation to the purchase of your replacement property. These expenses may be those costs for title search, recording fees, credit report, appraisal report, and certain other closing costs associated with the purchase of property. You may also be eligible for certain costs related to the purchase of a new mobile home, such as sales tax or use tax payments, DMV title transfer fees, or building and transportation permits. You will not be reimbursed for any recurring costs such as prepaid real estate taxes and property insurance.

If the total amount of your **Replacement Housing Payment (RHP)** (Price Differential, Mortgage Differential and Incidental Expenses) exceeds \$22,500, the payment must be deposited directly into an escrow account or paid directly to the mortgage company.

EXAMPLES OF PRICE DIFFERENTIAL PAYMENT COMPUTATION:

SCENARIO 1: If you ***owned and occupied the mobile home for at least 180 days***, and it's on ***your own property***, and Caltrans ***acquires your mobile home***, then you are entitled to receive a **Price Differential** based on a comparable residential property.

Assume that Caltrans purchases your property and mobile home for \$98,000. After a thorough study of available, decent, safe and sanitary dwellings on the open market, Caltrans determines that a comparable replacement property, a mobile home on a similar size lot, will cost you \$100,000. If your actual purchase price is \$100,000, you will receive \$2,000 (see *Example A*).

If your actual purchase price is more than \$100,000, you pay the difference (see *Example B*). If your actual purchase price is less than \$100,000, the differential payment will be based on actual costs (see *Example C*).

Remember: You do not have to purchase another mobile home as your replacement property.

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Property and Mobile Home:	\$100,000
Acquisition Price of Your Property and Mobile Home:	<u>– \$ 98,000</u>
Maximum Price Differential:	\$ 2,000

Example A

Purchase Price of Replacement Property and Mobile Home:	\$100,000
Comparable Replacement Property and Mobile Home	\$100,000
Acquisition Price of Your Property and Mobile Home:	<u>– \$ 98,000</u>
Maximum Price Differential:	\$ 2,000

Example B

Purchase Price of Replacement Property and Mobile Home:	\$105,000
Comparable Replacement Property and Mobile Home:	\$100,000
Acquisition Price of Your Property and Mobile Home:	<u>– \$ 98,000</u>
Maximum Price Differential:	\$ 2,000
You Must Pay the Additional:	\$ 5,000

Example C

Comparable Replacement Property and Mobile Home:	\$100,000
Purchase Price of Replacement and Mobile Home:	\$ 99,000
Acquisition Price of Your Property and Mobile Home:	– \$ 98,000
Price Differential:	\$ 1,000

In Example C you will only receive \$1,000 – not the full amount of the Caltrans “Comparable Replacement Property” because of the “Spend to Get” requirements.

SCENARIO 2: If you ***owned and occupied the mobile home for at least 180 days***, and it’s on ***your own property***, and Caltrans DOES NOT ***acquire your mobile home***, then you are entitled to receive a **Price Differential** based on a comparable residential property on which you can relocate your mobile home.

Assume that Caltrans purchases your land for \$48,000. After a thorough study of available locations for purchase that can accommodate the mobile home unit that you retained (which will be moved by a qualified mover), Caltrans determines that a comparable replacement piece of land will cost you \$51,000. If your actual purchase price is \$51,000, you will receive \$3,000 (*see Example A*).

If your actual purchase price is more than \$51,000, you pay the difference (*see Example B*). If your actual purchase price is less than \$51,000, the differential payment will be based on actual costs (*see Example C*).

Remember: You do not have to buy a replacement piece of land for your mobile home. You can sell your mobile home to a private party, and purchase a single family residence. However, your RHP will be based on the replacement value of the land.

How much of a differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in these examples:

Caltrans' Computation

Comparable Replacement Land:	\$ 51,000
Acquisition Price of Your Land :	– <u>\$ 48,000</u>
Maximum Price Differential:	\$ 3,000

Example A

Purchase Price of Replacement Land:	\$ 51,000
Comparable Replacement Land:	\$ 51,000
Acquisition Price of Your Land:	– <u>\$ 48,000</u>
Maximum Price Differential	\$ 3,000

Example B

Purchase Price of Replacement Land:	\$ 55,000
Comparable Replacement Land:	\$ 51,000
Acquisition Price of Your Land:	– <u>\$ 48,000</u>
Maximum Price Differential:	\$ 3,000
You Must Pay the Additional:	\$ 4,000

Example C

Comparable Replacement Property:	\$ 51,000
Purchase Price of Replacement:	\$ 49,500
Acquisition Price of Your Property:	– <u>\$ 48,000</u>
Price Differential	\$ 1,500

In Example C you will only receive \$1,500 – not the full amount of the Caltrans “Comparable Replacement Property” because of the “Spend to Get” requirements.

SCENARIO 3: If you ***owned and occupied the mobile home for at least 180 days***, and it's on land that you rent (e.g. a mobile home park), and Caltrans **DOES NOT *acquire your mobile home***, then you may be entitled to a **Rent Differential** based on a comparable piece of land.

However, if Caltrans acquires your mobile home because it cannot be moved, it is not considered “decent, safe and sanitary,” there are no comparable replacement locations, or available mobile home parks will not accept it because of its size or condition, then you may be entitled to a **Price Differential** for the mobile home plus a **Rent Differential** for the land you rent in the Mobile Home Park.

Assume that Caltrans purchases your mobile home for \$38,000 which is located in a Mobile Home Park where you pay \$400 per month for rent (which includes heat, lights, water, garbage, sewer). Caltrans conducts a thorough study of available pieces of land for rent that can accommodate a mobile home unit **AND** the purchase price of a comparable mobile home unit. An example of your entitlement might be:

Caltrans’ Computation

Comparable Replacement Land for Rent:	\$ 500
Rent you currently pay at the mobile home park:	– \$ 400
Monthly difference:	\$ 100
Multiplied times 42 months – Maximum Rent Differential:	– \$ 4,200

if you spent at least \$500 per month at the new location.

PLUS:

Comparable Replacement Mobile Home for purchase:	\$42,000
Acquisition Price of the Mobile Home you occupy:	– \$ 38,000
Maximum Price Differential:	\$ 4,000

If you pay at least \$42,000 for a new mobile home to be set up at the new mobile home park

In order for a “180 day owner occupant” to receive the full amount of their Replacement Housing Payment (Price Differential, Mortgage Differential and Incidental Expenses), you must:

A) Purchase and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement residential property (e.g. mobile home on an existing location, land available for your mobile home, or another type of residential unit), **OR**

(2) The date that Caltrans has paid the acquisition cost of your mobile home and/or land (usually the closing of escrow on State's acquisition),

AND

B) Spend at least the amount of the Caltrans "Comparable Replacement Property" for a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State's acquisition).

You will **not** be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days' written notice before you must move.

For Owner Occupants and Tenants of 90 Days or More

If you qualify as a 90-day occupant (either as an owner or tenant), you may be eligible for a Replacement Housing Payment in the form of a Rent Differential. Remember – it is your status in the mobile home unit that determines your "occupancy."

The **Rent Differential** payment is designed to assist you in renting a comparable decent, safe and sanitary replacement dwelling. The payment is based on the difference between the base monthly Rent for the property acquired by Caltrans (including average monthly cost for utilities) and the lesser of:

- a) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as determined by Caltrans, **OR**
- b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling that you actually rent as a replacement dwelling.

Utility costs are those expenses you incur for heat, lights, water and sewer – regardless of the source (e.g. electricity, propane, and septic system). It does not include garbage, cable, telephone, or security. The utilities at your property are the average costs over the last 12 months. The utilities at the comparable replacement property are the estimated costs for the last 12 months for the type of dwelling and area used in the calculation.

This difference is multiplied by 42 months and may be paid to you in a lump sum payment or in periodic installments in accordance with policy and regulations. (See page 23 for an example)

In order to receive the full amount of the calculated Rent Differential, you must spend at least the amount calculated by Caltrans on a replacement property.

This payment may – with certain limitations – be converted to a **Down Payment Option** to assist you in purchasing a replacement property. (See page 31 for a full explanation)

Example of Replacement Housing Payments for 90 day occupants:

Situation 1: You ***owned and occupied*** the mobile home unit and the land for at least 90 days but not more than 180 days. You are entitled to a **Rent Differential** based on the economic rent of your home (the unit and the land) and a comparable home (the unit and the land) that is available for rent.

If you move the mobile home, then you are entitled to a **Rent Differential** based on economic rent of the mobile home site and a comparable mobile home site that is available for rent.

Situation 2: You ***rented and occupied*** the mobile home unit for at least 90 days, which was located on land you owned. You are entitled to a **Rent Differential** based on the actual rent of your mobile home plus the economic rent of the

mobile home site, and a comparable mobile home (the unit and site) that is available for rent.

Situation 3: You ***rented and occupied*** the mobile home and the land for at least 90 days. You are entitled to a **Rent Differential** based on the actual rent of the mobile home unit (including utilities) and the land, compared with a comparable home (the unit and the land) that is available for rent.

Situation 4: You ***owned and occupied*** the mobile home for at least 90 days, on land that you rented. You are entitled to a **Rent Differential** based on economic rent of the mobile home PLUS the actual rent of the mobile home site, and a comparable mobile home (the unit and site) that is available for rent.

If you move the mobile home, then you are entitled to a **Rent Differential** based on the actual or economic rent of the mobile home site and a comparable mobile home site that is available for rent.

In order for a “90 day owner occupant” to receive the full amount of their Replacement Housing Payment (*Rent Differential*), you must:

A) Rent and occupy a DS&S replacement dwelling within one year after the later of:

(1) The date you first receive a notification of an available replacement house, **OR**

(2) The day you vacate the property acquired by Caltrans.

AND

B) Spend at least the amount of the Caltrans “Comparable Replacement Property” to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the later of:

(1) The date you vacate the property acquired by Caltrans, **OR**

(2) The date that Caltrans has paid the acquisition cost of your current dwelling (usually the close of escrow on State’s acquisition).

In order for a “90 day occupant” to receive the full amount of their Replacement Housing Payment (*Rent Differential*), you must:

A) Rent and occupy a DS&S replacement dwelling within one year after day you vacate the property acquired by Caltrans,

AND

B) Spend at least the amount of the Caltrans “Comparable Replacement Property” to rent a replacement property,

AND

C) File a claim for relocation payments within 18 months of the day you vacate the property acquired by Caltrans.

You will not be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. Also, you will also receive at least 90 days’ written notice before you must move.

Down Payment Option

The Rent Differential payment may – with certain limitations – be converted to a **Down Payment** to assist you in purchasing a replacement property. The Down Payment is a direct conversion of the Rent Differential payment.

If the Caltrans calculated Rent Differential is between \$0 and \$5,250, your Down Payment will be \$5,250 which can be used towards the purchase of a replacement decent, safe and sanitary dwelling.

If the Rent Differential is over \$5,250, you may be able to convert the entire amount of the Rent Differential to a Down Payment option.

The Down Payment option must be used for the required Down Payment, which is usually a percentage of the entire purchase price, plus any eligible incidental expenses (*see page 17 – 180-day Owner Occupants Incidental Expenses*) related to the purchase of the property. You must work closely with your Relocation Agent to ensure you can utilize the full amount of your Down Payment option towards the purchase.

If any portion of the Rent Differential was used prior to the decision to convert to a Down Payment, those advance payments will be deducted from the entire benefit.

Last Resort Housing

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. In such cases, Caltrans will utilize 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 from a project. Caltrans can also pay above the statutory limits of \$5,250 and \$22,500 in order to make available housing affordable.

Relocation Advisory Assistance

Any owner or occupant of a mobile home impacted by a Caltrans project shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Explain the relocation benefits and eligibility requirements.
- Provide the amount of the replacement housing payments in writing.
- Assure the availability of a comparable property before you move.
- Inspect possible replacement residential units for DS&S compliance.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.

- Assist you in completing loan documents, rental applications or Relocation claims.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- VA and FHA loan requirements
- Real and personal property taxes
- Qualified mobile home movers, including disassembly and reassembly
- Mobile Home Park requirements and fees
- Consumer education literature on housing

If you desire, your Relocation Agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special problems, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project.. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember – YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

YOUR RIGHTS AS A DISPLACED

All eligible displacees have a ***freedom of choice*** in the selection of replacement housing, and Caltrans will not require any displaced person to accept a replacement dwelling provided by Caltrans. If you decide not to accept the replacement housing offered by Caltrans, you may secure a replacement dwelling of your choice, providing it meets DS&S housing standards. Caltrans will not pay more than your calculated benefits on any replacement property.

The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe, and sanitary” standards. *Do not execute a purchase agreement or a rental agreement* until a representative from Caltrans has inspected and certified in writing that the dwelling you propose to occupy meets the basic standards. **DO NOT jeopardize** your right to receive a replacement housing payment by moving into a substandard dwelling.

It is important to remember that your relocation benefits will ***not have an adverse*** affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the **Title VIII of the Civil Rights Act of 1968** and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, and that is within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Caltrans’ **Non-Discrimination Policy** ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the **Right to Appeal** any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the “Uniform Act” which states that any person may file an appeal with the head of the responsible agency if that person believes that the agency has failed to properly determine the person’s eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Attachment C: Relocation Benefits for Displaced Businesses, Farms and Non Profit Organizations

Your Rights and Benefits as a Displaced Business, Farm or Nonprofit Organization Under the Uniform Relocation Assistance Program

Introduction

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 shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole.

Displaced businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments.

This brochure provides information about available relocation services and payments. If you are required to move as the result of a Caltrans transportation project, a Relocation Agent will contact you. The Relocation Agent will be able to answer your specific questions and provide additional information.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 As Amended "The Uniform Act"

The purpose of this Act is to provide for uniform and equitable treatment of persons displaced from their business, farm or nonprofit organization, by federal and federally assisted programs and to establish uniform and equitable land acquisition policies for federal and federally assisted programs.

49 Code of Federal Regulations Part 24 implements the "Uniform Act" in accordance with the following relocation assistance objective:

To ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

While every effort has been made to assure the accuracy of this booklet, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

Relocation Services

The California Department of Transportation has two programs to aid businesses, farms and nonprofit organizations which must relocate.

These are:

1. The Relocation Advisory Assistance Program, which is to aid you in locating a suitable replacement property, and
2. The Relocation Payments Program, which is to reimburse you for certain costs involved in relocating. These payments are classified as:
 - Moving and Related Expenses (costs to move personal property not acquired).
 - Reestablishment Expenses (expenses related to the replacement property).
 - In-Lieu Payment (a fixed payment in lieu of moving and related expenses, and reestablishment expenses).

NOTE: *Payment of loss of goodwill is considered an acquisition cost. California law and the federal regulations mandate that relocation payments cannot duplicate other payments such as goodwill. You will **not** be eligible to receive any relocation payments until the State has actually made the first written offer to purchase the property. You will also receive at least 90 days' written notice before you must move.*

Some Important Definitions...

Your relocation benefits can be better understood if you become familiar with the following terms:

Business: Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property, or for the sale of services to the public, or solely for the purpose of this Act, and outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

Displaced Person or Displacee: Any person who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from the agency to vacate the real property needed for a transportation project. In the case of a partial acquisition, Caltrans shall determine if a person is displaced as a direct result of the acquisition.

Owners and tenants **not lawfully present** in the United States are not eligible to receive relocation payments and assistance.

Contributes Materially: A business or farm operation must have had average annual gross receipts of at least \$5,000 **or** average annual net earnings of at least \$1,000, or their income must have contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources, in order to qualify as a bona-fide operation.

Farm Operation: Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization: A public or private entity that has established its nonprofit status under applicable law.

MOVING EXPENSES

If you qualify as a displaced business, farm or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. To qualify you must legally occupy the property as the owner or lessee/tenant when Caltrans initiates negotiations for the acquisition of the property **OR** at the time Caltrans acquires title or takes possession of the property. However, to assure your eligibility and prompt payment of moving expenses, you should contact your Relocation Agent before you move.

You Can Choose Either:

Actual Reasonable Moving Costs – You may be paid for your actual reasonable moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. Related expenses, with limitations, *may* include:

- Transportation.
- Packing and unpacking of personal property.
- Disconnecting and reconnecting personal property related to the operation.
- Temporary storage of personal property.
- Insurance while property is in storage or transit, or the loss and damage of personal property if insurance is not reasonably available.
- Expenses in finding a replacement location.
- Professional services to plan and monitor the move of the personal property to the new location.
- Licenses, permits and fees required at the replacement location.

OR

Self-Move Agreement – You may be paid to move your own personal property based on the lower of two acceptable bids obtained by Caltrans.

Under this option, you will still be eligible for reimbursement of related expenses listed above that were not included in the bids.

OR

In-Lieu Payment – You can accept a fixed payment between \$1,000 and \$20,000, based on your annual earnings IN LIEU OF the moving cost, related expenses and reestablishment cost.

Actual Reasonable Moving Costs

You may be paid the actual reasonable and necessary costs of your move when a professional mover performs the move. All of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your Relocation Agent can provide you with a complete explanation of reimbursable expenses.

Self-Move Agreement

If you agree to take full responsibility for all or part of the move of your business, farm, or nonprofit organization, the Department may approve a payment not to exceed the lower of two acceptable bids obtained by the Department from qualified moving firms or a qualified Department staff employee. A low-cost or uncomplicated move may be based on a single bid or estimate at the Department's discretion. The advantage of this moving option is the fact that it relieves the displaced business, farm or nonprofit organization operator from documenting all moving expenses. The Department may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate. Other expenses, such as professional services for planning, storage costs, and the cost of licenses, permits, and certifications may also be reimbursable if determined to be necessary. These latter expenses must be pre approved by the Relocation Agent.

Requirements:

Before you move, you must provide Caltrans with the:

- Certified inventory of all personal property to be moved.
- Date you intend to vacate the property.
- Address of the replacement property.
- Opportunity to monitor and inspect the move from the acquired property to the replacement property.

Related Expenses

1. **Searching Expenses for Replacement Property:** Displaced businesses, farms and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to the real estate agents, brokers or consultants; and other expenses determined to be reasonable and necessary by the Department.
2. **Direct Loss of Tangible Personal Property:** Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the lesser of:
 - a. The fair market value of the item for continued use at the displacement site minus the proceeds from its sale.

OR

 - b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expense4s, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE:

You determine that the "document shredder" cannot be moved to the new location because of its condition, and you will not replace it at the new location.

Fair Market Value of the Document Shredder	
Based on its use at the current location	\$ 1,500
Proceeds: Price received from selling the Document Shredder	-
	<u>\$ 500</u>
Net Value	\$ 1,000

OR

Estimated cost to move \$ 1,050

Based on the "lesser of", the amount of the
"Loss of Tangible Personal Property" = **\$ 1,000**

Note: You are also entitled to all reasonable costs incurred in attempting to sell the document shredder (e.g. advertisement).

3. Purchase of Substitute Personal Property: If an item of personal property, which is used as part of the business, farm, or nonprofit organization, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

- a. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item;

OR

- b. The estimated cost of moving and reinstalling the replaced item, based on the lowest acceptable bid or estimate obtained by the Department for eligible moving and related expenses, including dismantling and reassembly, but with no allowance for storage, cost of code requirement betterments or upgrades at the replacement site.

EXAMPLE A:

You determine that the copying machine cannot be moved to the new location because it is now obsolete and you will replace it.

Cost of a substitute copy machine	
Including installation costs at the replacement site	\$ 3,000
Trade-in Allowance	- \$ 2,500
Net Value	\$ 500

OR

Estimated cost to move	\$ 550
------------------------	--------

Based on the "lesser of", the amount of the "Substitute Personal Property" = \$ 500

EXAMPLE B:

You determine that the chairs will not be used at the new location because they no longer match the décor and you will replace them.

Cost of substitute chairs	\$ 1,000
Proceeds from selling the chairs	- \$ 100
Net Value	\$ 900

OR

Estimated cost to move	\$ 200
------------------------	--------

Based on the "lesser of", the amount of the "Substitute Personal Property" = \$ 200

Note: You are also entitled to all reasonable costs incurred in attempting to sell the copy machine and/or chairs.

- 4. Disconnecting and Reinstallation:** You will be reimbursed for your actual and reasonable costs to disconnect, dismantle, remove, reassemble and reinstall any machinery, equipment or other personal property in relation to its move to the new location. This includes connection to utilities available nearby and any modifications to the

personalty that is necessary to adapt it to utilities at the replacement site.

5. **Physical changes at the new location:** You may be reimbursed for certain physical changes to the replacement property if the changes are necessary to permit the reinstallation of machinery or equipment necessary for the continue operation of the business. **Note:** *The changes cannot increase the value of the building for general purposes, nor can they increase the mechanical capability of the buildings beyond its normal requirements.*
6. The cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site.
7. Marketing studies, feasibility surveys and soil testing.
8. Professional real estate services needed for the purchase or lease of a replacement site.
9. One-time assessments or impact fees for anticipated heavy utility usage.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Construction and installation of exterior signing to advertise the business.
4. Redecoration or replacement such as painting, wallpapering, paneling or carpeting when required by the condition of the replacement site or for aesthetic purposes.

5. Advertising the new business location.
6. The estimated increased costs of operation at the replacement site during the first two years, for items such as:
 - a) Lease or rental charges
 - b) Personal or real property taxes
 - c) Insurance premiums, and
 - d) Utility charges (excluding impact fees).
7. Other items that the Department considers essential for the reestablishment of the business or farm.

Note: *A nonprofit organization must substantiate that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). The payment is based on the average of two years annual gross revenues less administrative expenses.*

In-Lieu Payment (Fixed)

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$20,000.

For a business to be eligible for a fixed payment, the Department must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of existing patronage.
3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity, which are under the same ownership and are not being displaced by the department.
4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are being displaced from a farm or your represent a nonprofit organization and are interested in a fixed payment, please consult your relocation counselor for additional information.

The Computation of Your In-Lieu Payment:

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced. Caltrans can use a different two year period if it is determined that the last two taxable years do not accurately reflect the earnings of the operation.

EXAMPLE: Caltrans acquires your property and you move in 2005:

2003 Annual Net Earnings	\$ 10,500
2004 Annual Net Earnings	<u>\$ 12,500</u>
TOTAL	\$ 23,000
Average over two years	\$ 11,500

This would be the amount of your in-lieu payment. Remember – this is in-lieu of all other moving benefits, including reestablishment expenses. You must provide the Department with proof of net earnings to support your claim.

Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence of net earnings acceptable to the Department.

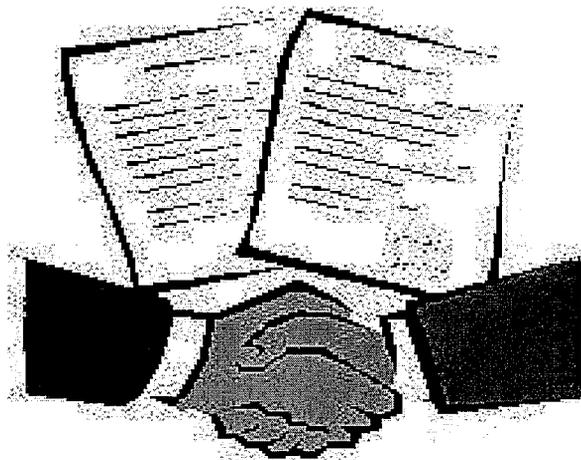
Note: The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

Before You Move:

- A. Request a determination of entitlement for in-lieu payment from your Relocation Agent.
- B. Include a written statement of the reasons the business cannot be relocated without a substantial loss in net earnings.

- C. Provide certified copies of tax returns for the two tax years immediately preceding the tax year in which you move. (If you move anytime in the year 2005, regardless of when negotiations began or the State took title to the property, the taxable years would be 2003 and 2004).
- D. You will be notified of the amount you are entitled to after the application is received and approved.
- E. You cannot receive the payment until after you vacate the property, AND submit a claim for the payment within 18 months of the date of your move.

Relocation Advisory Assistance



Any business, farm or nonprofit organization displaced by Caltrans shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation services are provided by qualified personnel employed by Caltrans. It is their goal and desire to be of service to you and assist in any way possible to help you successfully relocate.

A Relocation Agent from Caltrans will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview with you, your needs and desires will be determined as well as your need for assistance.

You can expect to receive the following services, advice and assistance from your Relocation Agent who will:

- Determine your needs and preferences.
- Explain the relocation benefits and eligibility requirements.
- Provide information on replacement properties for your consideration.
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location.
- Assist you in completing loan documents, rental applications or Relocation Claims Forms.

AND provide information on:

- Security deposits
- Interest rates and terms
- Typical down payments
- Permits, fees and local planning
- SBA loan requirements
- Real property taxes.
- Consumer education literature

If you desire, your Relocation Agent will give you current listings of other available replacement property. Transportation will be provided to inspect available property, especially if you are elderly or handicapped. Though you may use the services of a real estate broker, Caltrans cannot provide a referral.

Your Relocation Agent is familiar with the services provided by others in your community and will provide information on other federal, state, and local programs offering assistance to displaced persons. If you have special needs, your Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If the highway project will require a considerable number of people to be relocated, Caltrans will establish a temporary Relocation Field Office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, Caltrans is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember - YOUR RELOCATION AGENT is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.



YOUR RIGHTS AS A DISPLACEE

It is important to remember that your relocation benefits will not have an adverse affect on your:

- Social Security Eligibility
- Welfare Eligibility
- Income Taxes

In addition, the Title VIII of the Civil Rights Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Caltrans' Non-Discrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act (42 USC 2000d. et seq.).

And you always have the Right to Appeal any decision by Caltrans regarding your relocation benefits and eligibility.

Your Right of Appeal is guaranteed in the "Uniform Act" which states that any person may file an appeal with the head of the responsible agency if that

person believes that the agency has failed to properly determine the person's eligibility or the amount of a payment authorized by the Act.

If you indicate your dissatisfaction, either verbally or in writing, Caltrans will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative in connection with the appeal (but solely at your own expense).

Caltrans will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. Caltrans will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, Caltrans will advise you that you may seek judicial review.

Appendix E: Environmental Commitments Record

ENVIRONMENTAL COMMITMENT RECORD

Interchange Reconstruction

08-SBd-15-KP (PM) 67.4/74.0 (PM41.9/46.0)

EA 355560

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
COMMUNITY IMPACTS						
COM-1	Prepare a staging plan that ensures the closures are not concurrent and that access will be available at all times with a minimum increase in distance and delays. The staging plan is to ensure that closure periods are for the least amount of time possible.	RE/RE	Pre and during construction		Caltrans Protocol	
COM-2	Design a public campaign through which the public is well advised of the times and period of closures, as well as available alternate routes.	PM/Public Affairs/RE	Pre and during construction		Caltrans Protocol	
COM-3	Coordinate with emergency services, including the fire department, emergency medical services, police and sheriff departments on the best access management plan and alternate routes. Keep these agencies informed of closures and continue the coordination over the entire period of construction.	TMP Eng./RE	Pre and during construction		CIA/Ramp Closure Study/Caltrans Protocol	
COM-4	Coordinate with the school district to ensure minimum effects on travel time to schools, especially effects on the school bus routes and bus stops.	PM/Public Affairs/RE	Pre and during construction		CIA/Ramp Closure Study/Caltrans Protocol	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
COM-5	Inform affected businesses of closure times and periods. Prepare a plan to advise the public of alternate access for these businesses.	PM/Public Affairs/RE	Pre and during construction		CIA/Ramp Closure Study/Caltrans Protocol	
COM-6	Contingent upon applicable eligibility requirements being satisfied, a blue and white “D Series” sign may be installed on the highway in conjunction with the Stoddard Wells Road exit. As applicable, the sign would include a picture of a gas pump, bed, and fork and spoon with appropriate text such as “Next Exit.”	TMP Eng./RE	Construction and Post-Construction		Caltrans Protocol	
COM-7	Compensation for all acquisitions, in accordance with the Uniform Act (42 USC Sections 4601–4655), would be provided to eligible recipients.	Right of Way (RW)/PM	Pre- construction		CIA/Uniform Act (42 USC Section 4601-4655)	
COM-8	Public involvement and community outreach efforts are being undertaken to ensure that issues of concern or controversy to minority and low-income populations are identified and addressed where practicable as part of the project planning and development process and the environmental process. Public involvement methods to include, but not limited to include, additional community meetings, informational mailings, a project web site, and news releases to local media.	PE/Env. Planner	Pre-construction till project completion		CIA/Title VI	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
COM-9	Comply with applicable federal requirements promulgated in accordance with EO 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000). This law requires that federal programs and activities be accessible to persons with limited English language proficiency.	PM/Public Affairs/RE	Pre-construction till project completion		ED	
COM-10	The potential for disruption or obstruction of emergency services in the project area as a result of construction activities will be avoided with preparation of a Traffic Management Plan (TMP). The TMP will be designed in consultation with emergency services personnel to ensure that the communities connected by I-15 will remain accessible during the construction phase.	TMP Eng./RE	Pre and during construction		CIA/Ramp Closure Study/Caltrans Protocol	
COM-11	An informational meeting shall be conducted between the utility and emergency services providers and Department officials to discuss the ramp/lane closures and detours.	PE/RW/RE	Pre and during construction		ED	
COM-12	Additional notifications, such as mailed informational notices, press releases, and public service radio announcements, shall be provided to inform the public in advance of the closures.	PM/Public Affairs/RE	Pre and during construction		ED	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
COM-13	A comprehensive TMP was prepared by the Department's Traffic Operations office to ensure that excessive traffic delays would be avoided. General elements of the plan include a construction zone enforcement program; portable, changeable signs, and a public awareness and coordination campaign.	TMP Eng./RE	Pre and during construction		CIA/Ramp Closure Study/Caltrans Protocol	
LANDSCAPE						
LAND-1	The retaining wall anticipated to be constructed on the east side of the northbound lanes of Interstate 15, from the vicinity of the Mojave Drive interchange to the vicinity of the D Street interchange, will present an imposing structure in height and length. To mitigate the loss of natural land form and the monotony and expanse of blank wall, a decorative treatment/graphic motif will be installed. The installed architectural treatment shall incorporate texture, motif, and color to recall the area's rural character and geologic heritage, with surface design providing reminiscence of local history and culture (i.e. ancient lake beds, Mojave River, Native American villages). In addition to being	RE/Landscape Architecture	Design/Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
LAND-1 contd.	appropriate mitigation for the visual impact resulting from the retaining wall, this treatment is expected to discourage graffiti. The specific elements of the graphic motif will be developed during the final design phase. The Department will use the context sensitive solution process, involving review and agreement from stakeholders.	RE/Landscape Architecture	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	
LAND-2	In addition to the decorative treatment/graphic motif mitigation measure, opportunities for planting to minimize the length and height of the wall shall be incorporated (such as vines being planted on top of the wall to break the horizontal line created by the top of the wall) if determined feasible.	RE/Landscape Architecture	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	
LAND-3	Landscaping shall be provided behind the proposed sound walls along the Iron Horse Mobile Home and Recreational Vehicle Park and the KOA Campground. The plant palette may include climbing vines, trees in mixed sizes, shrubs and groundcover, to minimize the straight lines created by the manufactured slopes and vertical walls. The specific components of the plant palette will be determined during the final design phase. Consultation with	RE/Landscape/ Biologist	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
LAND-3 contd.	Department biologists will be completed as necessary, to ensure consistency with requirements identified in the biological Technical Studies prepared for this project, and/or requirements identified by Resource Agency in conjunction with any necessary permits being issued.	RE/Landscape/ Biologist	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	
LAND-4	Landscaping shall be provided in conjunction with erosion control measures on the slopes of ramps at D Street, E Street, the new Stoddard Wells Overcrossing, and the slopes for the Stoddard Wells on- and off-ramps. The plant palette for the landscaping in these locations will consist of plants native to the area. Additionally, the disturbed areas shall be hydroseeded with native plants from the surrounding area to supplement the vegetation efforts and minimize the visual impact of unnatural edges created by the engineered slopes.	RE/Landscape Architecture	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	
LAND-5	Existing landscaping, including irrigation systems, disturbed or destroyed by the Interchange Reconstruction project will be replaced through a separately programmed project, which may also include additional landscaping, if determined by the District Landscape Architect be warranted.	RE/Landscape Architecture	Design/ Construction		VIA/Scenic Resource Evaluation, Context Sensitive Solutions	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
CULTURAL RESOURCES						
CULT-1	If buried cultural resources are encountered during construction, work in that area must halt until a qualified archaeologist can evaluate the nature and significance of the find.	RE/Cultural	Construction		CT Policy	If resources are detected, immediately contact the Cultural Studies branch chief or District Native American Coordinator (DNAC). Additional survey will be required if the project changes to include areas not previously surveyed for cultural resources.
CULT-2	If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.	RE/Cultural	Construction		CT Policy	Same as above
CULT-3	If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the county coroner shall be	RE/Cultural	Construction		CT Policy	Same as above

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
CULT-3 contd.	contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify NAHC, which will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the Department, District 8, Environmental Division, Cultural Studies Branch, and work with the MLD to determine the most respectful treatment and disposition for the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.	RE/Cultural	Construction		CT Policy	Same as above
CULT-4	If project plans change to include unsurveyed areas or if buried paleontological resources are encountered during construction, work must halt until a qualified paleontologist can evaluate the nature and significance of the find. If required, recovery of significant paleontological deposits shall occur using standard paleontological techniques, including, but not limited to, manual or mechanical excavations, monitoring, soil testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the paleontological resource.	RE/Cultural	Construction		CT Policy	Same as above

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
STORMWATER						
SW-1	A SWPPP will be prepared for the Build Alternative (Preferred Alternative) to comply with NPDES permit requirements.	RE/Storm Water	Construction		NPDES	
SW-2	In compliance with state and federal clean water standards, the SWPPP will identify BMPs to control construction-related erosion and discharges and minimize water quality impacts.	RE/Storm Water	Construction		NPDES	
SW-3	Permanent BMPs will be implemented part of the project, including slope stabilization and sediment control with landscape blankets and other available measures.	RE/Storm Water	Construction		ED	
SW-4	In compliance with Section 404 of the Clean Water Act, the Department will apply for a Nationwide Permit with US Army Corps of Engineers in conjunction with a Water Quality Certification under Section 401 of the Clean Water Act from Lahontan Regional Water Quality Control Board.	RE/Storm Water/Biologist	Pre-Construction		ACOE/RWQCB	
SW-5	The Project Engineer is required to file the NOC at least 30 days prior to the start of construction.	RE/Storm Water	At bid award		RWQCB	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
SW-6	The Resident Engineer must notify the Regional Water Quality Control Board if dewatering is required on the project.	RE/Storm Water	Between Pre-construction meeting and start of construction		RWQCB	Once the project goes to the RE, the NOC will contain missing or inaccurate information, such as the RE's name or construction office address. The RE must correct this by filing an amended NOC.
HAZARDOUS WASTE/MATERIALS						
HW-1	If any hazardous wastes/materials and/or groundwater contamination is suspected, all activities on the proposed project site shall cease, and the Department's contingency action plan will be implemented. With implementation of the action plan, the resident engineer will notify the Department, District 8, Hazardous Waste Unit, Headquarters Construction Branch and Headquarters Hazardous Waste Management Branch. Coordination with the appropriate agencies will be initiated immediately to develop an investigation plan and a remediation plan for the expedited protection of public health and the environment.	RE/Contractor	Construction		ED	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
HW-2	An Excavation, Reuse, and Transportation Plan will be prepared and implemented along with Standard Special Provisions (SSPs) including stockpiling and sampling to deal with ADL in the project area. The lead-affected soils identified from the limited lead survey would be reused within the state right-of-way for I-15. (Specific reuse instructions would be included in contract documents for construction and landscaping contractors. To address reuse issues pertaining to excavated soils, applicable Special Provisions shall be incorporated into the PS&E package).	RE/RE	Construction		DTSC	<p>--Submit for review a copy of the Excavation and Transportation Plan to Construction Stormwater between the preconstruction meeting and start of work and prior to payment or approval.</p> <p>--Implement any soil sampling plans required by the contractor's lead plan and SSPs.</p> <p>--provide notification to and obtain necessary approvals from DTSC.</p>
HW-3	If excavated, hazardous soils should be covered with 1 foot of non-hazardous soils at least 5 feet above the highest groundwater level. Applicable Special Standard Provisions (SSPs) include the preparation of a Lead Compliance Plan for the project if required. This plan would be submitted to Department's Construction/	RE/Storm Water	Between preconstruction and start of construction		Title 8, California Code of Regulations, Section 1532.1	<p>--Submit for review a copy of the Excavation and Transportation Plan to Construction Stormwater between the preconstruction</p>

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HW-3 contd.	Stormwater Offices for review prior to approval of the Lead Compliance Plan and construction.	RE/Storm Water	Between preconstruction and start of construction		Title 8, California Code of Regulations, Section 1532.1	meeting and start of work and prior to payment or approval. --Implement any air, soil, or hazardous waste sampling plans required by the contractor's lead plan and SSPs.
HW-4	A hazardous waste manifest shall be prepared by the construction contractor. The contractor will obtain a temporary EPA identification number and check that all the information on manifest is correct.	RE/RE	Construction		DTSC	The RE can obtain the temporary EPA identification number by contacting DTSC.
HW-5	The contractor will sample the removed yellow thermoplastic stripe for its lead content.	RE/RE	Construction		DTSC	Same as above.
HW-6	The contractor will notify the Mojave Desert Air Quality Management District (MDAQMD) ten working days prior to any demolition works.	RE/Contractor	Construction		AQMD	
HW-7	The diesel-contaminated soil found in the area of Stoddard Wells Road will be excavated in coordination with the VFD, which is the oversight agency. Approved procedures of the Department will be followed for transportation and disposal of the contaminated soil.	RE/Contractor	Preconstruction		ISA	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
AIR QUALITY						
AQ-1	The contractor shall comply with all air pollution control ordinances and statutes that apply to any work performed pursuant to the contract, including any air pollution control rules, regulations, ordinances, and statutes specified in Section 11017 of the Government Code.	RE/RE	Construction		California Department of Transportation	
AQ-2	<p>The owner or operator of any construction/demolition equipment shall:</p> <ul style="list-style-type: none"> - use periodic watering for short-term stabilization of disturbed surface areas to minimize visible fugitive dust emissions. For purposes of this rule, use of a water truck to moisten disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance; - The owner or operator of any construction/demolition equipment shall take actions sufficient to prevent project-related trackout onto paved surfaces; - cover loaded haul vehicles while operating on publicly maintained paved surfaces; - stabilize graded site surfaces 	RE/Contractor	Construction		AQMD, California Department of Transportation	

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AQ-2 contd.	<p>upon completion of grading when subsequent development is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions;</p> <ul style="list-style-type: none"> - clean up project-related trackout or spills on publicly maintained paved surfaces within 24 hours; and - reduce nonessential earth-moving activity under high wind conditions. For purposes of this rule, a reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance. 	RE/Contractor	Construction		AQMD, California Department of Transportation	
NOISE						
NOISE-1	Two sound barriers shall be constructed to minimize noise impacts on sensitive receptors.	Design/RE	Design/Construction		Noise Study	
NOISE-2	The control of noise from construction activities shall conform to the provision in Section 7-1.0II, Special Control Requirements, of the Standard Specifications and Section 30 of the Special Provisions. The	RE/Construction	Construction		Standard Specifications/ED	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
NOISE-2 contd.	<p>special provisions typically used are quoted, in part, below.</p> <ul style="list-style-type: none"> - The noise level from the contractor's operations between the hours of 9:00 p.m. and 6:00 a.m. shall not exceed 86 dBA at a distance of 50 feet. This requirement in no way relieves the contractor from responsibility for complying with local ordinances regulating noise levels. - Noise level requirements shall apply to all equipment on the job or related to the job, including, but not limited to, trucks, transit mixers, or transient equipment that may or may not be owned by the contractor. The use of loud signals shall be avoided in favor of light warnings, except those required by safety laws for the protection of personnel. 	RE/Construction	Construction		Standard Specifications/ED	
BIOLOGICAL ENVIRONMENT						
BIO-1	<p>A qualified biologist shall be on-site prior to and during construction of the proposed project to identify and protect Environmentally Sensitive Areas. The biologist will define the boundaries of the ESAs and supervise the placement of exclusion fencing to protect those areas during all project activities.</p>	RE/BIO	<p>Install any required ESA fence as a first order of work. Replace damaged plants as soon as possible and maintain through the duration of project.</p>		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-2	A silt fence will be installed around the construction work area to identify and protect ESAs including wetlands/waters of the United States.	RE/BIO	Install any required ESA fence as a first order of work. Replace damaged plants as soon as possible and maintain through the duration of project.		NES	
BIO-3	Standard BMPs will be implemented by the Department to protect ecologically important resources in the construction area.	RE/BIO	Construction		NES	
BIO-4	A 404 NWP application will be submitted to the Los Angeles District, ACOE.	RE/BIO	Pre-Construction		NES	
BIO-5	In conjunction with the 404 NWP, a Water Quality Certification (401) from RWQCB will be obtained.	RE/BIO	Pre-Construction		NES	
BIO-6	Department will negotiate with CDFG for the Streambed Alteration Agreement with CDFG for the project. Protection measures will be included in the construction of the project through Standard Special Provisions and non-Standard Special Provisions that will adhere to all permits, water quality certifications and agreements for the project. Requirements of the Permits, Agreements and Certifications	RE/BIO	Pre-Construction		NES	

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BIO-6 contd.	will be implemented in the construction phase of the project along with Standard Best Management Practices that Department employs as part of the NPDES process and are located in the Storm Water Pollution Prevention Plan.	RE/BIO	Pre-Construction		NES	
BIO-7	Monitoring efforts will be ongoing throughout the construction phase to ensure that the components of the compliance documents are adhered to during the construction phase.	RE/BIO	Construction		NES	
BIO-8	A qualified biologist shall be on-site prior to and during construction of the proposed project to identify and protect Environmentally Sensitive Areas. The biologist shall define the boundaries of the Environmentally Sensitive Areas and supervise the placement of exclusion fencing to protect those areas during all project activities.	RE/BIO	Construction		NES	
BIO-9	Standard BMPs shall be implemented by the Department to protect ecologically important resources in the construction area. By temporarily fencing riparian Environmentally Sensitive Areas to limit work around Desert Riparian habitat and by having a qualified	RE/BIO	Construction		NES	

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BIO-9 contd.	biologist present, the Department shall protect Desert Riparian habitat to the fullest extent possible within the scope of the proposed project.	RE/BIO	Construction		NES	
BIO-10	Compensatory mitigation for permanent and temporary impacts on Desert Riparian habitat will be determined in coordination with the appropriate regulatory agencies. The Department is committed to providing mitigation measures according to the regulations of these agencies.	RE/BIO	Pre-Construction		NES	
BIO-11	It is possible that this species may utilize riprap, plant litter, and other river debris in the project area as habitat. Therefore, the delineation and protection of Environmentally Sensitive Areas, described previously, intended to protect Mojave River riparian habitat for obligate bird species (e.g., the use of exclusion fencing coupled with biological monitoring) should prevent and/or minimize project-related impacts on the Victorville shoulderband snail.	RE/BIO	Install any required ESA fence as a first order of work. Replace damaged plants as soon as possible and maintain through the duration of project.		NES	
BIO-12	The delineation and protection of Environmentally Sensitive Areas, described previously, intended to protect Mojave River riparian habitat for obligate bird species	RE/BIO	Install any required ESA fence as a first order of work. Replace damaged plants as soon as		NES	

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BIO-12 contd.	(e.g., the use of exclusion fencing coupled with biological monitoring) should prevent and/or minimize project-related impacts on the Mojave River Vole. Coordination with CDFG may result in a requirement to trap and relocate the Mojave river vole in areas utilizing exclusionary fencing.	RE/BIO	possible and maintain through the duration of project.		NES	
BIO-13	An effort to exclude bats from the Mojave River Bridge was initiated during December 2002. Per CDFG approval, one-way flaps and foam joint sealers were installed in the Mojave River Bridge to prevent bats from roosting on the bridge prior to the maternity season. Alternate roosting habitat was also created by placing large bat boxes under the SR-18 Mojave River Bridge approximately 1.2 miles south (upstream) of the Mojave River Bridge.	RE/BIO	Pre-Construction		NES	
BIO-14	CDFG considers February 15 to September 1 to be the swallows' nesting season. Completed nests cannot be disturbed without a permit from the USFWS during the breeding season. Outside of these dates, the nests may be removed without a permit. If construction is to take place during the breeding season for	RE/BIO	Pre-Construction		NES	

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BIO-14 contd.	<p>swallows (February 15 through September 1), the following measures shall be implemented to protect the swallows (Salmon and Gorenzel 2005).</p> <ul style="list-style-type: none"> - Existing nests that are vacant shall be removed only between September 2 and February 14, before the onset of the breeding season for the year in which construction would take place. - All traces of mud and other nesting materials shall be removed to prevent returning swallows from being attracted. - Nest removal or exclusionary devices shall be used to prevent nesting. Removal of partial nests (one-third of the nest or less completed) may be performed between February 15 and September 1 by a qualified biologist holding the appropriate permit from USFWS. - Removal of partial nests shall be conducted in accordance with the recommendations of USFWS. - If nests become occupied with eggs, no work that would interfere with or discourage swallows from returning to their nests may be performed. 	RE/BIO	Pre-Construction		NES	

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BIO-14 contd.	<ul style="list-style-type: none"> - If evidence of swallow nesting is discovered, the nesting birds or nests may not be disturbed until the birds have naturally left the nests. - If netting is used for exclusion, the mesh size shall be a diameter of not more than 0.75 inch. The netting must be anchored securely, covering the undersides of the bridge and any other overhangs that may provide potential nesting sites, and shall not be allowed to become loose. - All exclusionary devices shall be installed prior to February 15 only in the absence of birds and inspected daily by a qualified biologist to ensure that swallows cannot nest and that they are not harmed. <p>Since swallows return every year, this process will need to be repeated each year in which construction activities take place.</p>	RE/BIO	Pre-Construction		NES	
BIO-15	<p><u>DESERT TORTOISE</u> <i>Avoidance and Minimization Efforts</i></p> <ul style="list-style-type: none"> - To avoid additional disturbance beyond the project area, undisturbed areas outside the temporary desert tortoise exclusion fence shall be designated 	RE/BIO	Pre-Construction		NES	

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BIO-15 contd.	<p>Environmentally Sensitive Areas. All construction activities shall be confined within the fenced project impact area. At no time shall equipment or personnel be allowed within the Environmentally Sensitive Areas.</p> <ul style="list-style-type: none"> - Temporary exclusion fencing (tight-weave fiber silt fencing) shall be installed and maintained along the common boundary of the Environmentally Sensitive Areas, the project area, and the drainages leading from the project area to prevent unauthorized entry into the Environmentally Sensitive Areas (Desert Riparian wash areas) and protect water resources during construction activities. In the unlikely event that a desert tortoise is present in the washes or other Environmentally Sensitive Areas, this fencing shall help to keep it from entering the project construction area. - Outside Desert Riparian areas, temporary wire-mesh desert tortoise exclusion fence will be required to exclude all tortoises in identified desert tortoise habitat and around all 	RE/BIO	Pre-Construction		NES	

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BIO-15 contd.	<p>construction equipment and material storage and staging areas in identified desert tortoise habitat.</p> <ul style="list-style-type: none"> - Before installation of the temporary Environmentally Sensitive Area fencing and prior to initiation of construction activities, a qualified biologist shall perform a pre-construction sweep for desert tortoise. If any desert tortoises are present in the project area, an authorized desert tortoise biologist shall relocate any tortoises found in the project impact area. Tortoises will be moved to suitable habitat outside the impact area and placed in a natural or artificial burrow or under a shrub, depending on time of day and year. The authorized biologist shall also be available to relocate any tortoises that may wander into the impact area during construction. - All personnel involved in the construction project shall receive project-related environmental protection training, including desert tortoise awareness training, as approved by USFWS and CDFG prior to performing on- 	RE/BIO	Pre-Construction		NES	

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BIO-15 contd.	<p>site work. Training shall include a discussion regarding the fragility of Desert Riparian habitat; the importance of listed species likely to be in the area to the environment, including the desert tortoise; the protections afforded these species by the ESA; locations of Environmentally Sensitive Areas; and the correct protocol to follow should a desert tortoise or other sensitive species be encountered.</p> <ul style="list-style-type: none"> - At the end of each working day, the contractor shall inspect the integrity of all Environmentally Sensitive Area fencing to ensure that it is in good condition and that desert tortoises would be prohibited from entry. If the fence is compromised, repairs must be completed at that time. - Open trenches, auger holes, or other excavations that may function as pitfall traps shall be inspected by an approved biologist before back filling. Any desert tortoise or other species found within the holes will be safely removed and relocated out of harm's way 	RE/BIO	Pre-Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-15 contd.	<p>by an authorized biologist. For open trenches, earthen escape ramps shall be maintained at intervals no greater than 0.25 mile. The open trenches shall be inspected three times per day (four times per day during the summer) by a qualified biologist. Other excavations that remain open overnight will be covered to prevent them from becoming traps.</p> <ul style="list-style-type: none"> - Project personnel shall carefully check under parked vehicles and equipment for desert tortoises or other species before operation. An authorized biologist shall move desert tortoises found within the parking, staging, construction, or other traffic areas to a location away from danger and only as specified in the biological opinion. - Raven proofing shall be considered at water and construction trash sources. Trash must be placed in a sealed container and emptied at the close of business each day. Each water source must be caged. Water sources in construction areas shall not be accessible to tortoises or ravens due to the use of 	RE/BIO	Pre-Construction		NES	

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BIO-15 contd.	<p>fencing or raven netting.</p> <ul style="list-style-type: none"> - Culvert extensions shall be installed so that tortoises can enter and exit safely at each end. - If a desert tortoise or other listed species, whether dead, injured, or entrapped, is found, the contractor or project biologist shall immediately notify USFWS, CDFG, and BLM directly or through the Department's biology staff. Work in the immediate area shall be temporarily halted while the Department consults with USFWS. Any entrapped desert tortoise shall be permitted to escape. The disposition of any carcasses or recovery of dead animals shall be coordinated through USFWS. - If a desert tortoise or other listed species is injured during the course of construction, the resident engineer must be notified. The authorized biologist shall transport the animal to a qualified veterinarian or, if a desert tortoise is killed during the course of construction, leave it in place. Again, the resident engineer must be 	RE/BIO	Pre-Construction		NES	

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BIO-15 contd.	<p>notified. The authorized biologist would then document and remove the carcass.</p> <ul style="list-style-type: none"> - Invasive species control measures shall be implemented. Such measures may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species revegetation, and washing the tires on construction equipment to prevent the introduction of seeds from invasive species. - No firearms or pets shall be allowed in the work area. <p><i>Compensatory Mitigation</i> Project construction will require additional desert tortoise protective measures, including pre-construction surveys and monitoring to prevent the direct take of desert tortoise during all construction activities.</p>	RE/BIO	Pre-Construction		NES	
BIO-16	<p><u>RIPARIAN OBLIGATE BIRD SPECIES</u> <i>Avoidance and Minimization Efforts</i></p> <ul style="list-style-type: none"> - Sensitive areas outside of the proposed project zone shall be designated as Environmentally Sensitive Areas and avoided to 	RE/BIO	Pre-Construction		NES	

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BIO-16 contd.	<p>minimize potential impacts on nearby riparian obligate bird species. For instance, exclusion fencing shall be used to delineate and protect Desert Riparian habitat bordering the proposed project area while construction occurs.</p> <ul style="list-style-type: none"> - In addition to protecting Environmentally Sensitive Areas where riparian obligate birds are most likely to occur, if construction were to occur during nesting season, a nesting bird survey would be conducted by a qualified biologist prior to the onset of construction activities to verify the absence of nesting riparian obligate bird species in, or adjacent to, the proposed project area. <p><u>Protection Measures</u></p> <ul style="list-style-type: none"> - Riparian obligate bird species shall be protected through BMPs, which shall include Environmentally Sensitive Area delineation and exclusion and timing construction (or using avoidance with a buffer zone) to avoid potential impacts on any nesting species present in the project area or adjacent to it. In addition, the following 	RE/BIO	Pre-Construction		NES	

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BIO-16 contd.	<p>protection measures may be implemented to protect riparian obligate sensitive bird species in the construction area.</p> <ul style="list-style-type: none"> - Pre-construction surveys shall be conducted prior to any activity that could affect nesting birds, including brush clearing, surveying, or other activities where human presence may cause disturbance. USFWS- and CDFG-permitted biologists shall conduct the surveys and flag the Environmentally Sensitive Areas or nest buffer areas as necessary to protect them. - A pre-construction survey will take place before the removal of trees or Desert Riparian vegetation for this project. Any tree removal activity is required to be implemented outside the migratory bird nesting season. - Construction activities during the breeding season (March through September) shall not occur within 100 feet of an observed nest or territory of a breeding pair. <ul style="list-style-type: none"> - Construction activities, such as pile driving, that may cause adverse noise 	RE/BIO	Pre-Construction		NES	

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BIO-16 contd.	<p>impacts on nesting birds will be conducted outside the migratory bird breeding season. Construction activities will not occur within 100 feet of an observed nest or territory of a breeding pair.</p> <ul style="list-style-type: none"> - If construction outside the breeding season is not possible, noise readings will be taken prior to construction to establish the potential boundary where noise levels do not exceed the 60 dBA threshold. If a nest is observed within the area of the 60 dBA boundary, additional measures will be taken, including the use of a soundwall or sound-reducing curtain around construction activities, or construction will be stopped until juveniles have fledged. - All project personnel, as well as construction activities, must remain outside of the Environmentally Sensitive Areas unless authorized to enter by the project biologist to prevent potential impacts on sensitive species. 	RE/BIO	Pre-Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-16 contd.	<p><u>Compensatory Mitigation</u></p> <ul style="list-style-type: none"> - The Department, in consultation with Army Corps of Engineers, San Bernardino County Flood Control, Lahontan Regional Water Quality Control Board, CA Department of Fish and Game, will determine the total number of trees to mitigate for and if on site restoration or offsite mitigation is appropriate. - Department will also coordinate with the San Bernardino Flood Control District to determine the locations and status of tree removal activities for channel maintenance prior to conducting any re-vegetation. - The Department will also implement avoidance and minimization measures in the project design and during construction to lessen impacts to riparian vegetation. 	RE/BIO	Pre-Construction		NES	
BIO-17	<p><u>ARROYO TOAD</u> <u>Avoidance and Minimization Efforts</u></p> <ul style="list-style-type: none"> - Sensitive areas outside of the proposed project zone shall be designated as Environmentally Sensitive Areas and avoided to minimize potential impacts on 	RE/BIO	Pre-Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-17 contd.	<p>arroyo toads. For instance, exclusion fencing shall be used to delineate and protect habitat in the river channel near the proposed project while construction occurs.</p> <p><u>Protection Measures</u></p> <ul style="list-style-type: none"> - Prior to the onset of construction activities, the construction area boundary shall be demarcated by silt fences where it borders Environmentally Sensitive Areas, including the active (flowing) river channel, with the help of a qualified biologist. All silt fence locations will be trenched and the silt fence bottom buried no less than 12 inches deep. - A biologist authorized by USFWS will look for arroyo toads within the proposed work area. If arroyo toads are detected, the authorized biologist will relocate all arroyo toads to a safe location outside the construction area. - During construction activities, the project biologist shall ensure that water quality is maintained and that construction personnel adhere to prescribed protective measures. 	RE/BIO	Pre-Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-17 contd.	<ul style="list-style-type: none"> - Due to the project area's proximity to the Mojave River, some additional water quality and habitat protection measures are recommended. - Require containment or other appropriate methods to ensure that construction wastewater, including concrete truck washout and trenching sump wastewater, does not enter the river channel. - Require all equipment, tool, or vehicle refueling and/or lubrication to be conducted outside the river channel to avoid the potential to affect river water quality. - Require the use of approved collection containers or trays for equipment, tool, or vehicle refueling and/or lubrication to avoid contaminating soil on the project site. - Require all project personnel, vehicles, and equipment to remain out of undisturbed areas and Environmentally Sensitive Areas in the project area and vehicles and equipment to be parked only in approved, designated areas or on established roadways outside of the river channel. 	RE/BIO	Pre-Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-18	<p><u>MOHAVE GROUND SQUIRREL</u> <u>Avoidance and Minimization Efforts</u></p> <ul style="list-style-type: none"> - Through BMPs and the implementation of resource protection efforts during construction, potential impacts on suitable unoccupied Mohave ground squirrel habitat in the northwest portion of the project area shall be minimized. <p><u>Protection Measures</u></p> <ul style="list-style-type: none"> - Undisturbed habitat areas in the project vicinity will be designated as Environmentally Sensitive Areas, and construction activities shall be confined within all project impact areas. At no time shall equipment or personnel be allowed within the Environmentally Sensitive Areas. - Temporary exclusion fencing (tight-weave fiber silt fencing) will be installed and maintained along the common boundary of the Environmentally Sensitive Area and the project area and in drainages leading from the project area to prevent unauthorized entry into the Environmentally Sensitive Area. 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-18 contd.	<ul style="list-style-type: none"> - A pre-construction survey for Mohave ground squirrel must be conducted prior to any construction activities that may affect identified Mohave ground squirrel habitat. - All personnel involved in the construction project shall receive project-related environmental protection training, including sensitive-species awareness training, prior to performing on-site work. Training shall include a discussion regarding the fragility of Desert Riparian habitat; the importance of listed species likely to be in the area, including the desert tortoise and Mohave ground squirrel; the protections afforded to these species by CESA and the federal ESA, locations of Environmentally Sensitive Areas and their functions; and the correct protocol to follow should a Mohave ground squirrel, desert tortoise, or any other sensitive species be encountered. - At the end of each working day, the contractor shall inspect the integrity of all Environmentally Sensitive Area fencing to ensure that it 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-18 contd.	<p>is in good condition. If the fence is compromised, repairs must be completed at that time.</p> <ul style="list-style-type: none"> - Open trenches, auger holes, or other excavations that may act as pitfall traps shall be inspected by an approved biologist before back filling. Any Mohave ground squirrel, desert tortoise, or other species found within the holes will be safely removed and relocated out of harm's way by an authorized biologist. For open trenches, earthen escape ramps shall be maintained at intervals of no greater than 0.25 mile. The open trenches shall be inspected three times per day (four times per day during the summer) by a qualified biologist. Other excavations that remain open overnight will be covered to prevent them from becoming traps. - Project personnel shall carefully check under parked vehicles and equipment for wildlife species before operation. An authorized biologist shall move desert tortoises or other sensitive wildlife found within the parking, staging, construction, 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-18 contd.	<p>or other traffic areas to a location away from danger and only as specified in the biological opinion.</p> <ul style="list-style-type: none"> - Culvert extensions shall be installed so that sensitive wildlife can enter and exit safely from each end. - If a Mohave ground squirrel, or other listed species, whether dead, injured, or entrapped, is found, the contractor or project biologist shall immediately notify CDFG directly or through the Department's biology staff. Work in the immediate area will be temporarily halted while the Department consults with CDFG. Any entrapped Mohave ground squirrel shall be permitted to escape. The disposition of any carcasses or the recovery of dead animals shall be coordinated through CDFG. - If a Mohave ground squirrel or other listed species is injured during the course of construction, the resident engineer must be notified. The authorized biologist shall transport the animal to a qualified veterinarian or, if it was killed during the course of construction, leave it in 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-18 contd.	<p>place. Again, the resident engineer must be notified. The authorized biologist will document and remove the carcass.</p> <ul style="list-style-type: none"> - Invasive species control measures will be implemented. These may include, but are not limited to, avoidance of streambed disturbance, herbicide application (upland areas only), native species revegetation, and washing the tires on construction equipment to prevent the introduction of seeds from invasive species. - No firearms or pets will be allowed in the work area. <p><u>Compensatory Mitigation</u></p> <ul style="list-style-type: none"> - Unoccupied Mohave ground squirrel habitat will be delineated, avoided, and protected from project impacts to the fullest extent possible. - Department will provide CDFG with an estimate of total Mohave ground squirrel habitat to be affected, depending on the final project footprint, for the purposes of determining compensatory mitigation. 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-19	<p><u>THREESPINE STICKLEBACK</u> <u>Avoidance and Minimization Efforts</u></p> <ul style="list-style-type: none"> - Timing construction activities to occur while the Mohave River is dry in the project area would be the biologically preferred method of avoidance; however, this would require a thorough review of Mojave River surface flow data for the project reach (Mojave Narrows to the Mojave River Bridge) to determine if that would be a viable alternative. - Should it be determined that construction cannot be scheduled around the surface flow regime, then formal consultations may be necessary to determine the best course of action and the minimization efforts necessary to protect the species from project impacts. Potential efforts may include streamflow diversions so fish can move through the project area safely or implementation of strict water quality control measures and biological monitoring during construction to ensure compliance with the measures. 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-19 contd.	<p><u>Protection Measures</u></p> <ul style="list-style-type: none"> - Prior to the onset of any construction activities, the construction area boundary should be demarcated by silt fences where it borders project area Environmentally Sensitive Area including the active (flowing) river channel under the direction of a qualified biologist. - The biologist shall look for stickleback within the proposed work area. Should stickleback be found, then construction activities that may harm or disturb the fish or stream area shall be halted until consultation is made with a CDFG biologist. - During construction activities, the project biologist shall ensure that water quality is maintained and that construction personnel adhere to prescribed protective measures. - If there is a water quality issue or other impact to the stickleback or its habitat, all work must be temporarily postponed until contact may be made with a CDFG fisheries biologist. - Require containment or other appropriate methods to ensure that construction wastewater, 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-19 contd.	<p>including concrete truck washout and trenching sump wastewater, does not enter the river channel.</p> <ul style="list-style-type: none"> - Require all equipment, tool, or vehicle refueling and/or lubrication to be conducted outside the river channel to avoid the potential to affect river water quality. - Require the use of approved collection containers or trays for equipment, tool, or vehicle refueling and/or lubrication to avoid contaminating soil on the project site. - Require all project personnel, vehicles, and equipment to remain out of undisturbed areas and Environmentally Sensitive Areas in the project area and vehicles and equipment to be parked only in approved, designated areas or on established roadways outside of the river channel. <p><u>Compensatory Mitigation</u></p> <ul style="list-style-type: none"> - There will be a temporary loss of fisheries habitat due to this removal of riparian habitat, which will be mitigated through habitat restoration and enhancement efforts upon completion of the project, as approved by USFWS and CDFG. 	RE/BIO	Construction		NES	

NO.	AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES	RESPONSIBLE PARTY/MONITOR	TIMING/PHASE	TASK COMPLETED (Sign and Date)	COMMITMENT SOURCE	COMMENTS
BIO-20	The Department and FHWA shall implement BMPs targeting the control of invasive species as identified in the Construction Site BMPs Manual (Department 2003).	RE/BIO	Construction		NES/Caltrans Protocol	

Appendix F: List of Acronyms

Acronyms and Abbreviations

$\mu\text{g}/\text{m}^3$	micrograms per cubic meter
ACOE	U.S. Army Corps of Engineers
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APE	area of potential effects
AQMP	air quality management plan
ARB	Air Resources Board
BNSF	Burlington Northern & Santa Fe
C	capacity
CAAQS	California Ambient Air Quality Standards
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CMP	Congestion Management Plan
CNPS	California Native Plant Society
CO	carbon monoxide
Department	California Department of Transportation
DPR	Draft Project Report for the Interchange Reconstruction in the City of Victorville
EA	Environmental Assessment
EO	Executive Order
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FY	fiscal year
HAP	hazardous air pollutants
HPSR	Historic Property Survey Report
I-15	Interstate 15
IIP	Interregional Improvement Program
IS/EA	Initial Study/Environmental Assessment
ISTEA	Intermodal Surface Transportation Efficiency Act
LOS	level of service
MDAQMD	Mojave Desert Air Quality Management District
MND	Mitigated Negative Declaration
MOU	Memorandum of Understanding
MVM	million vehicle miles
NA	not applicable
NAAQS	National Ambient Air Quality Standards
NAFTA	North American Free Trade Agreement
NB	northbound
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act, as amended,
NO ₂	Nitrogen dioxide
NOAA Fisheries	National Marine Fisheries Service
NRCS	Natural Resources Conservation Service
NWP	Nationwide Permits
OHWM	Ordinary High Water Mark
O ³	Ozone

PA/ED	Project Approval and Environmental Document
Pb	lead
PM10	inhalable particulate matter
PM2.5	fine particulate matter
ppm	parts per million by volume
PSR	Project Study Report
PUC	Public Utilities Commission
RIP	Regional Improvement Program
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SB	southbound
SBFC	San Bernardino County Flood Control
SCAG	Southern California Association of Governments
SCE	Southern California Edison
SHPO	State Historic Preservation Officer
SO ₂	sulfur dioxide
STAA	Surface Transportation Assistance Act
STIP	State Transportation Improvement Program
STRAHNET	Strategic Highway Network
TASAS	Traffic Accident Surveillance Analysis System
USC	United States Code
V	volume
V/C	volume-to-capacity
VA	Value Analysis

Appendix G: Air Quality Conformity Letters



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

June 9, 2008

IN REPLY REFER TO

HDA-CA

File # 8-SBD-15 KP67.4/74.0

EA # 355560

Document # P58436

Mike Perovich, District Director
California Department of Transportation
District 8
464 West Fourth Street
San Bernadino, CA 92401-1400

Attention: Tony Louka, Office Chief, Environmental Engineering

Dear Mr. Louka:

On June 6, 2008, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a request for the project-level conformity determination for the Interstate 15 Interchange Reconstruction Project pursuant to 23 U.S.C. 327(a)(2)(B)(ii)(1). The project is in an area that is designated Nonattainment for Ozone and Particulate Matter (PM₁₀).

The project level conformity analysis submitted by Caltrans indicates that the project-level transportation conformity requirements of 40 C.F.R. Part 93 have been met. The project is included in the Southern California Association of Government's (SCAG) currently conforming *2008 Regional Transportation Plan (RTP)*, and the *2006 Regional Transportation Improvement Program, Amendment 13 (RTIP)*. The current conformity determinations for the RTP and RTIP were approved by FHWA and the Federal Transit Administration (FTA) on June 5, 2008. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 C.F.R. 93.116 and 93.123, the localized CO and PM_{2.5} analyses are included in the documentation. The CO hotspot analysis was performed with the Caltrans' *Transportation Project-Level Carbon Monoxide Protocol*. The analyses demonstrate that the project will not create any new violation of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the Conformity Determination for the Interstate 15 Interchange Reconstruction Project conforms to the State Implementation Plan (SIP) in accordance with 40 C.F.R. Part 93.

**MOVING THE
AMERICAN
ECONOMY**



If you have any questions pertaining to this conformity finding, please contact Aimee Kratovil, FHWA Air Quality Specialist, at (916) 498-5866.

Sincerely,

/s/ K. Sue Kiser

For
Gene K. Fong
Division Administrator

cc: (email)
Mike Brady, Caltrans
Steve Luxenberg, FHWA
Edison Jaffery, Caltrans

AKratovil/ac

DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL PLANNING (MS 821)
464 WEST 4TH STREET, 8TH FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-6385
FAX (909) 383-6494
TTY (909) 383-6300



*Flex your power!
Be energy efficient!*

June 6, 2008

EA 08- 355560

Ms. Sue Keiser
U.S. Department of Transportation
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Attention: Ms. Aimee Kratovil

**RE: PROJECT-LEVEL CONFORMITY DETERMINATION FOR INTERSTAE-15
INTERCHANGE RECONSTRUCTION PROJECT IN THE CITY OF VICTORVILLE, SAN
BERNARDINO COUNTY**

Dear Ms. Kratovil:

The California Department of Transportation (Department) requests that the Federal Highway Administration issue a project-level Conformity Determination for the Caltrans project "Interstate-15 Interchange Reconstruction in the City of Victorville." The project is in an area that is designated Nonattainment for Ozone; PM₁₀ but is attainment for CO and PM_{2.5} standards.

The project is not exempt from conformity analysis requirements; thus, project area is subject to project-level hot spot analysis requirements for PM₁₀ as the area (Mojave Desert Air Basin) is in non-attainment areas for national PM₁₀ standards. The attached Air Quality Conformity Analysis documentation shows that hot spot analysis requirements listed in 40 CFR 93.116 and 123 are met. A written commitment is made by this letter to implement hot spot pollutant control measure identified in the applicable SIP and NEPA document, as required by 40 CFR 93.117 and 125.

Interagency Consultation and public involvement requirements related to PM₁₀ and PM_{2.5} have been completed in accordance with the requirements in *Transportation Conformity Guidance for Qualitative Hot-Spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas* (U.S. EPA, 3/29/2006). The Interagency Consultation partners (TCWG)

Sue Keiser
June 6, 2008
Page 2

concluded on June 3, 2008 that this project is not a POAQC as defined at 40 CFR 93.123(b)(1).

This project is being processed for NEPA environmental document purposes under Section 6005 assignment to the Department, and the proposed approval date of the final NEPA document is expected on or about June 16, 2008. We would appreciate your assistance with providing a conformity determination prior to that date.

If you have any questions regarding this conformity analysis, please contact me at (909) 383-6385 or Edison Jaffery, Transportation Engineer at (909) 383-6903.

Sincerely,



Tony Louka, P.E.
Office Chief
Environmental Engineering

Cc: Boniface Udotor, Environmental Studies
Maison Afaneh, Planner
Edison Jaffery, Environmental Engineering

Enclosure

Conformity analysis Checklist;
Conformity Analysis Documentation;
Copy of e-mail from FWHA showing concurrence

Appendix H: Comments and Responses

Appendix H– Comments on the Draft IS/EA

A total of four agencies and 10 individuals provided comments and/or letters during the circulation period for the Draft IS/EA. This appendix includes copies of the letters received, with the responses to the comments raised immediately following each letter.

A. Public Agencies

No.	Agency	Name	Date
1.	California Department of Toxic Substances Control	Greg Holmes	02/20/08
2.	California Native American Heritage Commission	Dave Singleton	02/19/08
3.	California Public Utilities Commission	Rosa Muñoz	02/19/08
4.	California Regional Water Quality Control Board, Lahontan Region	Mack Hakakian	02/04/08

B. Private Citizens/Individuals

No.	Name	Type of Correspondence	Date
1.	Callaway, Elizabeth	Comment Card	01/31/08
2.	Ismail, Lutfi	Comment Card	01/31/08
3.	Patel, Rajeshkumar V.	Comment Card (and letter on 01/30/08)	01/31/08
4.	Roufail, Amir	Comment Card (and email and letter on 02/14/08)	01/31/08
5.	Ruffin, Bishop Nathaniel J.	Comment Card	01/31/08
6.	Selim, Anwar	Comment Card (and email and letter on 02/15/08)	01/31/08
7.	Rodriguez, Armando	Comment Card	01/31/08
8.	Steelman, Danny	Comment Card	02/13/08
9.	Thompson, Jack	Comment Card	01/24/08
10.	Wells, Donna J.	Comment Card	01/31/08

Comment Letter A-1



Department of Toxic Substances Control

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

February 20, 2008

Ms. Masioon Afaneh
CA Department Of Transportation/Caltrans
464 W. 4th Street, 6th Floor, MS 823
San Bernardino, California 92401

INITIAL STUDY AND NEGATIVE DECLARATION (ND) FOR I-15 INTERCHANGE
RECONSTRUCTION PROJECT (SCH# 2008011062)

Dear Ms. Afaneh:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "Reconstruct interchanges and upgrade the roadway of Interstate 15 (I-15) within the City of Victorville. Project includes reconstruction of the D Street, E Street, and Stoddard Wells Road interchanges; widening of the Victorville separation and overhead; widening of the Mojave River Bridge; and replacement of the Stoddard Wells Road over crossing. Southbound and northbound three-lane roadbeds would be repositioned on the outside, leaving a median width to accommodate the ultimate 10-lane facility. Construct a new frontage road west of I-15, and realign the existing east frontage road. A retaining wall would be constructed to support the widened D street northbound exit ramp and auxiliary lane. Two northbound sound walls and new and replacement landscaping are also included in the project".

Based on the review of the submitted document DTSC has the following comments:

- 1) The ND should identify and determine whether current or historic uses at the project area may have resulted in any release of hazardous wastes/substances. | 1
- 2) The document states that the ND would identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the ND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies: | 2

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Comment Letter A-1

Ms. Masioon Afaneh
February 20, 2008
Page 2

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The ND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If hazardous materials or wastes were stored at the site, an environmental assessment should be conducted to determine if a release has occurred. If so, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. It may be necessary to determine if an expedited response action is required to reduce existing or potential threats to public health or the environment. If no immediate threat exists, the final remedy should be implemented in compliance with state laws, regulations and policies.

3

Comment Letter A-1

Ms. Masioon Afaneh
February 20, 2008
Page 3

- 4) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination. 4

- 5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. 5

- 6) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the ND should identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight. 6

- 7) If weed abatement occurred, onsite soils may contain herbicide residue. If so, proper investigation and remedial actions, if necessary, should be conducted at the site prior to construction of the project. 7

If you have any questions regarding this letter, please contact Mr. Al Shami, Project Manager, at (714) 484-5472 or "ashami@DTSC.ca.gov".

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: See next page

Comment Letter A-1

Ms. Masioon Afaneh
February 20, 2008
Page 4

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA #2042

Responses to the February 20 Comment Letter from the California Department of Toxic Substances Control

Response to Comment 1

An environmental information database was reviewed for potential evidence of environmental concerns. The review included federal, state, and local databases that meets the ASTM standards for Phase 1 Site Assessment and includes lists of known and suspected contaminated sites, known handlers or generators of hazardous waste, known waste disposal facilities, and permitted underground storage tanks. According to the records, the proposed project site is not located on any of these sites and acquisition of the sites listed as of environmental concerns is not expected for this project.

The existing soils within the state right of way are impacted with aurally deposited lead. Proper notification to the DTSC is required for reuse under the variance issued to Caltrans (2000). A lead compliance plan will be prepared for the project by the construction contractor to minimize the public and workers exposure to lead. The lead compliance plan shall also include provisions for the removal and disposal of yellow thermoplastic traffic stripe residue.

Response to Comment 2

Please see the response to comment 1. The project will not pose a threat to human health or the environment.

Response to Comment 3

Please see the response to comment 1. Due to the conditions at the project site, the project would not require further investigation or remediation.

Response to Comment 4

Please see the response to comment 1. Based on the results of the soils survey conducted for the project, contaminated soil will be reused within the project limits.

Response to Comment 5

The proposed project is considered low risk and that no further studies would be required. The storage of toxics or chemicals is not a proposed component of this project. The proposed project is not expected to result in the creation of health hazards or potential health hazards. The proposed project is not expected to result in the creation of health hazard or potential to health hazard to human health or the environment.

Response to Comment 6

The comment is addressed in the following Avoidance and Minimization Measure is included in the IS/EA, section 2.2.5 “Hazardous Waste/Materials”:

If any hazardous wastes/materials and/or groundwater contamination is suspected, all activities on the proposed project site shall cease, and the Department's contingency action plan will be implemented. With implementation of the action plan, the resident engineer will notify the Department, District 8, Hazardous Waste Unit, Headquarters Construction Branch and Headquarters Hazardous Waste Management Branch. Coordination with the appropriate agencies will be initiated immediately to develop an investigation plan and a remediation plan for the expedited protection of public health and the environment.

Response to Comment 7

The areas within the project limits do not have a history of agriculture, poultry, dairy and/or cattle industry operations. There is no evidence of herbicide storage, mixing, or unlawful release within the project limits. As such, testing for herbicides or agricultural chemicals was not indicated nor performed.

Comment Letter A-2

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_naho@pacbell.net



February 19, 2008

Mr. Masioon Afaneh

CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT - 8

464 West 4th Street, 6th Floor, MS 823
 San Bernardino, CA 92401-1400

Re: SCH#2008011062: CEQA Notice of Completion: proposed Mitigated Negative Declaration for the Interstate 15 Three-Interchanges Reconstruction Project, Victorville Area, California Department of Transportation EA 355560; San Bernardino County, California

Dear Mr. Afaneh:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

1

2

3

4

Comment Letter A-2

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

5

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

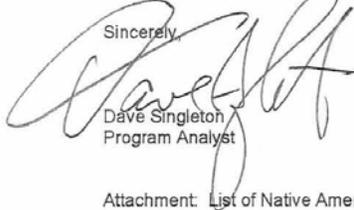
6

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

7

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

**Native American Contacts
San Bernardino County
February 19, 2008**

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Ramona Band of Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Henry Duro, Chairperson
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Chemehuevi Reservation
Charles Wood, Chairperson
P.O. Box 1976 Chemehuevi
Chemehuevi Valley, CA 92363
chemehuevit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

Fort Mojave Indian Tribe
Tim Williams, Chairperson
500 Merriman Ave Mojave
Needles, CA 92363
(760) 629-4591
(760) 629-5767 Fax

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838 Fernandeno
Newhall, CA 91322 Tataviam
tsen2u@msn.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

AhaMaKav Cultural Society, Fort Mojave Indian Tribe
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley, AZ 86440
ahamakav@citlink.net
(928) 768-4475
(928) 768-7996 Fax

Morongo Band of Mission Indians
Cultural Resources-Project Manager
49750 Seminole Drive Cahuilla
Cabazon, CA 92230 Serrano
britt_wilson@morongo.org
(951) 755-5206
(951) 755-5200/323-0822-cell
(951) 922-8146 Fax

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

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

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2008011062; CEQA Notice of Completion; Mitigated Negative Declaration for the Interstate 15 Interchange Reconstruction Project, work to be located in the Victorville Area of San Bernardino County, California - a project of the California Department of Transportation - District 8.

Comment Letter A-2

**Native American Contacts
San Bernardino County
February 19, 2008**

San Manuel Band of Mission Indians
Ann Brierty, Environmental Department
101 Pure Water Lane Serrano
Highland, CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321

(909) 862-5152 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
11581 Potrero Road Cahuilla
Banning, CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

Serrano Nation of Indians
Goldie Walker
6588 Valaria Drive Serrano
Highland, CA 92346
(909) 862-9883

Fort Mojave Indian Tribe
Esadora Evanston, Environmental Coordinator
500 Merriman Ave Mojave
Needles, CA 92363 t
region9epa@ftmojave.com
(760) 326-1112
(760) 629-4591
(760) 629-5767 Fax

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

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

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2008011062; CEQA Notice of Completion; Mitigated Negative Declaration for the Interstate 15 Interchange Reconstruction Project, work to be located in the Victorville Area of San Bernardino County, California - a project of the California Department of Transportation - District 8.

Responses to the February 19 Comment Letter from the California Native American Heritage Commission

Response to Comment 1

The CHRIS records search was conducted and is discussed in the Historic Property Survey Report (HPSR) and in the IS/EA, Chapter 2.1.12, Cultural Resources.

Response to Comment 2

Results of the cultural resources survey are reported in the HPSR and Archaeological Survey Report (ASR) and are discussed in the IS/EA, Chapter 2.1.12, Cultural Resources.

Response to Comment 3

The request was sent to NAHC on August 24, 2006, and a response was received on September 5, 2006; the letters appear in Attachment C of the HPSR.

Response to Comment 4

The HPSR, ASR, and IS/EA, Chapter 2.1.12 detail the negative results of the cultural resources investigation.

Response to Comment 5

The IS/EA (Chapter 2.1.12, Cultural Resources, Avoidance, Minimization, and Mitigation Measures Section) includes language regarding the unanticipated discovery of human remains.

Response to Comment 6

The IS/EA (Chapter 2.1.12, Cultural Resources, Avoidance and Minimization, and Mitigation Measures Section) includes language regarding the unanticipated discovery of human remains.

Response to Comment 7

The HPSR, ASR, and the IS/EA detail the negative results of cultural resources investigation.

Comment Letter A-3

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

ARNOLD SCHWARZENEGGER, Governor



February 19, 2008

Masioon Afaneh
CA Department of Transportation/Caltrans
464 W. 4th Street, 6th Floor, MS 823
San Bernardino, CA 92401-1400

Dear Masioon Afaneh:

Re: SCH# 2008011062; I-15 Interchange Reconstruction Project

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission’s Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Mt. Neg Dec* from the State Clearinghouse. Project description mentions widening of the “Victorville separation and overhead.” Modifications to crossings including widening of an existing grade separation, are within the scope of Commission General Order (GO) 88-B: “Rules for Altering Public Highway-Rail Crossings.” A request for authorization must be submitted to the Commission through RCES.

1

It must be noted that GO 88-B authority is granted at staff level, with a short processing period of two to six weeks. One of the primary prerequisites for a GO 88-B application is concurrence of all parties (railroad, local agency and Commission) to the proposed changes. Therefore, the Commission should be listed under “Permits and Approvals Needed”.

2

Caltrans should arrange a meeting with the RCES and BNSF Railway to discuss relevant safety issues and, if necessary, file a GO88-B request for authority to modify an at-grade crossing

3

If you have any questions, please contact Varouj Jinbachian, Senior Utilities Engineer at 213-576-7081, vsj@cpuc.ca.gov, or me at rxm@cpuc.ca.gov, 213-576-7078.

Sincerely,

Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: John Shurson, BNSF

Responses to the February 19 Comment Letter from the California Public Utilities Commission

Response to Comment 1

The Department of Transportation (Department) has submitted in August 2003 preliminary design plans to BNSF for coordination on the modifications to rail crossings that are part of this project. The Department will continue its coordination with RCES and BNSF regarding any plans that will affect Railroad facilities and will apply for any required requests for authorizations during the design phase and prior to beginning of construction.

Response to Comment 2

The Environmental Document, Section 1.5 “Permits and Approval Needed” will be revised to include the Permits required from RCES.

Response to Comment 3

RCES and BNSF will be contacted by the Department Right of Way Division/ Railroad Branch to arrange for a meeting and a field review soon after the completion of the Environmental Document phase and at the beginning of the project’s design stage. Also at that time, the Department will apply for the permits required for completing the work that would affect the railroad facilities.

Comment Letter A-4



**California Regional Water Quality Control Board
Lahontan Region**



Linda S. Adams
Secretary for
Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
<http://www.waterboards.ca.gov/lahontan>

Arnold Schwarzenegger
Governor

February 4, 2008

File: Environmental Doc Review
San Bernardino County

Masioon Afaneh
California Department of Transportation
464 West 4th Street, 6th Floor, MS 823
San Bernardino, CA 92401-1400

COMMENTS ON THE NOTICE OF COMPLETION FOR THE PROPOSED I-15 INTERCHANGE RECONSTRUCTION INVOLVING WIDENING OF BOTH THE NORTHBOUND AND SOUTHBOUND TRAVEL LANES AND RECONSTRUCTION OF THREE INTERCHANGES, IN THE CITY OF VICTORVILLE (SCH # 2008011062)

Please refer to the items checked for staff comments on the above-referenced project:

- [X] The site plan for this project does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and potentially less impacts to receiving waters. Principles of LID include:
 - Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
 - Reducing the impervious cover created by development and the associated transportation network, and
 - Managing runoff as close to the source as possible.

We understand that LID development practices that would maintain aquatic values could also reduce local infrastructure requirements and maintenance costs, and could benefit air quality, open space, and habitat. Planning tools to implement the above principles and manuals are available to provide specific guidance regarding LID.

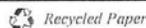
We request you require these principles to be incorporated into the proposed project design. We request natural drainage patterns be maintained to the extent feasible. Future development plans should consider the following items:

- [X] The project requires development of a Stormwater Pollution Prevention Plan and
 - a NPDES General Construction Stormwater Permit and/or

1

2

California Environmental Protection Agency



Comment Letter A-4

Masoon Afaneh

- 2 -

February 4, 2008

a NPDES General Industrial Stormwater Permit

These permits are accessible on the State Board's Homepage (www.waterboards.ca.gov). Best Management Practices must be used to mitigate project impacts. The environmental document must describe the mitigation measures or Best Management Practices.

2
(cont'd.)

[X] The project requires a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board. Application forms can be found at our web site (<http://www.waterboards.ca.gov/lahontan/>).

3

[X] The proposal does not provide specific information on how impacts to surface Waters of the State and/or Waters of the U.S. will be mitigated. These surface waters include, but are not limited to, drainages, streams, washes, ponds, pools or wetlands. Waters of the State or Waters of the U.S. may be permanent or intermittent. Waters of the State may include waters determined to be isolated or otherwise non-jurisdictional by the Army Corps of Engineers. The Environmental Document needs to quantify these impacts. Discuss purpose of project, need for surface water disturbance, and alternatives (avoidance, minimize disturbances and mitigation). Mitigation must be identified in the environmental document including timing of construction.

4

Mitigation must replace functions and values of wetlands lost. For more information see the Lahontan Region Basin Plan http://www.waterboards.ca.gov/lahontan/BPlan/BPlan_Index.htm.

[X] Other

- Please include both pre-construction and post construction stormwater management and best management practices (BMP) as part of planning process.

5

- If the proposed project is located in an area that contains drainages, wetlands, Waters of the State, Waters of the U.S. or blue-line stream, we request that measures be incorporated into the project to avoid these areas and provide buffer zones where possible. Please inform project proponent to consult with Army Corps of Engineers, Department of Fish and Game, and the Water Board prior to issuing a grading permit.

6

- If the proposed project impacts and alters drainages, then we request that the project to be designed such that it would maintain existing drainage features and patterns to the extent feasible. Please inform project proponent to consult with Army Corps of Engineers, Department of Fish and Game, and the Water Board prior to issuing a grading permit.

7

California Environmental Protection Agency



Comment Letter A-4

Masioon Afaneh

- 3 -

February 4, 2008

Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

If you have any questions, please contact me at (760) 241-7376, or e-mail me at mhakakian@waterboards.ca.gov

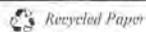
Sincerely,


Mack Hakakian, PG
Engineering Geologist

cc: State Clearinghouse (SCH # 2008011062)

MH/rc/CEQA comments/Victorville I-15 Interchange Reconstruction Project

California Environmental Protection Agency



Responses to the February 4 Comment Letter from the California Regional Water Quality Control Board, Lahontan Region

Response to Comment 1

The project will comply with the provisions of the Statewide NPDES Permit (Permit), issued to the Department by the SWRCB, Order No. 99-06-DWQ. Specific Design Pollution Prevention BMPs as described in Section 5 of the Department's Statewide Stormwater Management Plan (SWMP) and the Project Planning and Design Guide (PPDG) will be evaluated for the preferred alternative and incorporated into the final design. The SWMP may be accessed at the following website:

<http://www.dot.ca.gov/hq/env/stormwater/index.htm>.

The PPDG may be accessed at the following website:

<http://www.dot.ca.gov/hq/oppd/stormwtr/>.

Design Pollution Prevention BMPs are based on LID principles and selected to reduce post-construction discharges. They are incorporated into every Department project.

No TMDLs or other pollution control requirements have been established for surface or receiving waters within project limits, but the project does lie within the Victorville MS4 area. Pre-construction treatment BMPs will be included in the project. During the design phase, final BMPs selection will be made according to criteria in the project's Planning and Design Guide.

Response to Comment 2

- a. Prior to construction, the Stormwater Pollution Prevention Plan (SWPPP) will be prepared in compliance with the Permit and the SWMP by the Contractor who is awarded the project. The SWPPP will be reviewed and approved by the Department's Resident Engineer assigned to the project prior to ground-disturbing activities, and amended as required during the course of the project.
- b. A Statewide NPDES Permit has been issued to the Department (SWRCB Order No. 99-06-DWQ), which requires the Department to comply with the NPDES Construction General Permit, Order No. 99-08-DWQ.
- c. A General Industrial Stormwater Permit (GIP) would be obtained by the Contractor prior to commencement of any activity requiring a GIP. Permanent and Temporary Best Management Practices as described in the PPDG will be evaluated for this project in the design phase of the project and implemented during construction.

Response to Comment 3

The Draft Initial Study/Environmental Assessment (IS/EA) section 1.5 "Permits and Approvals required" identifies Section 401 Certification as one of the approvals required for this project. The Department will apply for the Certification after approval of the Environmental Document, during the Project's design stage.

Response to Comment 4

Information on the delineation of waters of the United States including wetland is included under Biological Environment, section 2.3.2 of the IS/EA. It is estimated that the project will impact .23 acres of wetlands/waters of the United States. Standard BMPs will be implemented to protect the ecology of the waters, in addition to any BMPs required by resource agencies, including Army Corp of Engineers, Department of Fish and Games, and Water Board during the permit application process. Minimization and avoidance measures for wetland impacts will also be determined in coordination with the resource agencies and will include on-site restoration and/or contribution of funds to an-off site mitigation bank and organization.

Response to Comment 5

Stormwater management during construction and post-construction are considered as part of the planning process per the SWMP and the PPDG for all Department projects.

Response to Comment 6

Please see response to comment #4.

Response to Comment 7

The project will add impervious surface to the roadway and shoulder areas. The drainage system will be modified to handle altered flows; stormwater will be managed through sheet flows through vegetated areas, and concentrated flow conveyances, which will include post-construction BMPs. These measures will be shown on final design plans. Consultation with resource agencies and permits will be obtained from the resources agencies prior to the beginning of construction.

Comment Card B-1



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: ELIZABETH CALLAWAY Date: 31 JAN 08
 Address: 4680 PAULINE RD, APPLE VALLEY, CA 92307 Phone: (760) 247-6687
 E-mail Address: bub.ca)@way@gte.net
 Representing: _____

- My comments are as follows:
- Please answer the following questions:
- I support the project
- I do not support the project

THE BUSINESSES ALONG STODDARD WELLS ROAD WILL BE SERIOUSLY IMPACTED. AS A ~~LEASE~~ LESSOR FOR ONE OF THE SERVICE STATIONS WHAT PROVISION WILL BE MADE FOR LOSS OF BUSINESS & DECREASE OF PROPERTY VALUES?

1/31/08

Response to the January 31, 2008, Comment Card from Elizabeth Callaway

It was necessary that Stoddard wells road interchange be relocated to the proposed new location at about 0.5 km (0.3 mi) north of the existing one. Existing vertical abutments at the Stoddard Wells Road Overcrossing are too close to the freeway to allow for outside widening, and thus to allow for upgrade of nonstandard roadway and interchange features. A northbound diamond configuration and a southbound “par-clo” with a loop on-ramp in the northwest quadrant are proposed. Both ramp intersections and the east frontage road intersection with Stoddard Wells Road will be signalized.

Interchange reconstruction will also upgrade existing nonstandard conditions as related to interchange spacing. The merge, diverge and weaving maneuvers between “D” Street and “E” Street will be improved with the removal of the southbound entrance and exit ramps at “E” Street, and the installation of a collector/distributor road for northbound traffic. The relocation of the Stoddard Wells Road interchange will bring the interchange separation distance with “E” Street and Stoddard Wells Road interchanges into conformance with current standards, and at the same time provide sufficient space for ramp deceleration and vertical clearance of the proposed High Desert Corridor Interchange/I-15 north of the proposed location of Stoddard Wells Road Interchange. The proposed location of Stoddard Wells Road Interchange is the only location that provides standard spacing with the existing and proposed Interchanges at this portion of I-15.

Interchange improvements and upgrading standards are expected to improve operations and enhance safety conditions for future traffic conditions.

In response to concerns regarding economic impacts as a result of the Stoddard Wells Interchange improvements, the environmental document has been revised to reflect additional information received during the public comment period. The proposed interchange relocation would increase the traveling distance for southbound customers of the businesses by approximately 0.25 mile (a quarter mile) and 0.03 mile for northbound customers. As discussed in Section 2.1.6 of the IS/EA, past studies prepared by departments of transportation throughout the country have shown that businesses impacted by new highway bypasses built less than a mile away from existing locations experience little reduction in sales volume. These studies have shown that “travelers don’t perceive a mile to be so great an inconvenience when in need of services such as gas or food” (Department Environmental Handbook Volume 4)]. Improvement of operation and safety conditions should enhance accessibility to the businesses in this area.

After the Environmental Document and the Project Report prepared for the project have been approved, business owners who feel their properties may be impacted by the construction project may contact the Department’s Right of Way Office to obtain a goodwill package. Additional information on the goodwill package can be found on the Department’s website.



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: Lutfi Ismail Date: 1-31-08
 Address: 16937 Stoddard wells rd Phone: (951) 255-7164
 E-mail Address: lutfii70@yahoo.com
 Representing: Denny's

- My comments are as follows: Please answer the following questions:
 I support the project I do not support the project

This project will eliminate 70% of our
business due to the relocation of the exit
and the visibility factor. Most of my business
is generated from south bound traffic from las
vegas. Do you have any compensation plans?
 1/31/08 May I please obtain a loss of business good will
package.

Response to the January 31 Comment Card from Lutfi Ismail

See response to Comment Card B-1.

Comment Card B-3



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: BALKRISHNA INC DBA HOWARD JOHNSON Date: 01/31/08
RAJESH KUMAR V. PATIL
Address: 16868, Stoddard wells Rd. Phone: (760)-243-7700
E-mail Address: HOJOVV@yahoo.com
Representing: Howard Johnson mn

- My comments are as follows: I support the project
Please answer the following questions: I do not support the project

This project is completely eliminate our Business it is going negative impact in our Business. We strongly oppose this one & we advise to also find the another route like of this project. This project is not viable for existing Business All are going to closed.

1/31/08

Comment Letter B-3

January 30, 2008

Bal Krishna Inc. dba
Howard Johnson Inn
16868 Stoddard Wells Rd.
Victorville, CA 92394

Maisoon Afaneh
Associate Environmental Planner
Caltrans, District B
464 W. 4th Street, 6th Floor, MS 823
San Bernardino, Ca 92401-1400

Dear Ms. Afaneh,

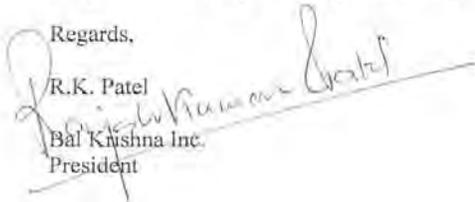
We have received the Public notice for Interstate 15 interchange reconstruction (D street, E street, Stoddard Wells Road, and Mojave River Bridge). We have certain concerns regarding this project. My motel/property is on Stoddard wells road. It is a 98 rooms motel. The property is known as Howard Johnson Inn. Currently we are at 55% occupancy with at least \$53 ADR. We are increasing the sales every month. We are improving the property to make it a business class property.

With this construction project it will impact us negatively. We feel that once the construction starts the traffic flow will slow down towards our area eventually reducing the occupancy and affecting the total gross income. Due to the slow in total gross income, we will face the financial crunch. At this time we are requesting to see how this financial crunch due to this construction project will be taken care.

Therefore, given the above scenario, we strongly fee that this construction will have a very negative effect on our business in the long run. If any compensation is not provided we will be facing difficulties in making the mortgage payment to the financial institutions, which will result in long term financial impact on the business and personal alike.

I hope to hear from you in very near future.

Regards,


R.K. Patel
Bal Krishna Inc.
President

**Response to the January 31 Comment Card and January 30 Letter from
Rajeshkumar V. Patel**

A Transportation Management Plan (TMP) will be prepared to minimize impacts during the construction period of the project. See response to Comment Card B-1.

Comment Card B-4



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: AMIR Foufai Date: 1/31/08
Address: 16881 Stoddard wells RD Phone: 960 245-6490
E-mail Address:
Representing:

- My comments are as follows:
I support the project
Please answer the following questions:
I do not support the project

my business located at 16881 Stoddard wells rd victorville CA 92394 off the freeway RD and this project will destroy my business completely - as I have to do all what it take to protect my rights - amir

please send me a loss of business goodwill package to 16881 Stoddard wells RD victorville CA 92394

Comment Letter B-4



"Martha Roufail"
<martharoufail@gmail.com>
02/15/2008 02:45 PM

To: maisoon_afaneh@dot.ca.gov
cc: smona@aol.com
bcc:

Subject: Impact on Local Businesses of Proposed Construction on I-15 in Victorville, CA - EA35556

February 14, 2008

California Department of Transportation
Boniface Udotor, Branch Chief
Attention: Maisoon Afaneh
Environmental Studies "A"
464 W. 4th Street, 6th Floor, MS#823
San Bernardino, CA 92401

RE: Impact on Local Businesses of Proposed
Construction on I-15 in Victorville, CA -
EA35556

Dear Mrs. Afaneh,

My name is Amir T. Roufail the co-owner and partner of Unocal 76, along with Mr. Anwar A. Selim, we are located at 168-*81 Stoddard Wells Rd. Victorville, California. 92394.

The purpose of this letter is to make clear that I strongly objection to the above referenced proposed construction and to also request that in the event the proposed construction becomes a reality, just compensation would be made to myself, and Mr. Anwar A. Selim.

The above referenced proposed construction would essentially destroy and close my business and

Comment Letter B-4

render my years of investing in the business valueless. Under the 5th amendment of the United States Constitution and all applicable Supreme Court decisions, this action by the State of California constitutes a taking and requires that just compensation be made to me for the loss of the business.

By removing the entire exit at Stoddard Wells Rd, the state is placing a significant burden on the businesses that exist on that exit. Cars exiting and entering the I-15 have been the only source of business for the gas station. The nature of Stoddard Wells Rd. Off-Ramp businesses has always been completely reliant on freeway traffic. As such the relocation of the exit would completely shutdown the Unocal 76 in that location.

Under current United States Supreme Court decisions, state entities such as Cal Trans, are required to provide just compensation to a leaseholder when the state entity makes his lease and investment in a business utterly valueless. In *United States v. General Motors Corporation* 323 U.S. 373 (1945) the court held that a leasehold that is made useless by a government ordinance or action should be compensated because it is considered a regulatory taking of personal property.

I have owned and operated this business for nearly twenty-five (25) years. It has been my only source of income and has been my sole major investment. I have literally poured my entire life into this business. This business will become completely useless and valueless if the proposed action by CAL TRANS becomes a reality. As such it is imperative that I receive just compensation from the State of California for the taking of my personal property.

I have lived in Victorville with my wife, daughter, and son for over 25 years. I have approximately 10 years remaining on the Unocal Lease. Based upon this long term Unocal Lease, over the past 25 years I have invested over \$350,000 dollars, within that past month alone I invested \$100,000 to improve fixtures and equipment per standards of Unocal 76. My primary source of income to support my family and to pay for my children's education is the operation of the Unocal 76 station. I employ approximately 5 people at the Unocal 76 who also have families to support.

The purpose of this letter is to inform CAL TRANS and the State of California that if the proposed action becomes a Reality, I will pursue every legal remedy available to receive just compensation for the taking of my personal property business interest. I respectfully request that a valuation of my personal property and business interest be made as soon as possible and that

Comment Letter B-4

the State of California recognize this situation as a regulatory taking and categorize it as such.

I would like to be informed on a regular basis with an news, decisions, or updates concerning this project. Please, feel free to contact me, Amir T. Roufail at (760) 245-9651, or email me at martharoufail@gmail.com

Sincerely,

Amir T. Roufail

Response to the January 31 Comment Card and February 14 Email and Letter from Amir Roufail

See response to Comment Card B-1.

Comment Card B-5



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: Bishop NATHANIEL J. RUFFIN Date: 31 JAN 2008
Address: 1711 Stoddard Wells Rd Phone: 760 243-4154
E-mail Address:
Representing: SPIRIT OF CHRIST TABERNACLE (Pastor)

- My comments are as follows:
I support the project
Please answer the following questions:
I do not support the project

1. When I questioned the closing or relocation of Stoddard Wells Rd - 4 days ago I was informed NO changes.
2. What is going to happen to the

'Business' in the small area?
(Notes - Dining Room - Gas Station)
3. The new road will it affect the location of Spirit of Christ Tabernacle in any way?
4. I would appreciate talking to someone (Caltrans) on a smaller setting so I can understand what you are doing & for what good purpose.

Response to the January 31 Comment Card from Bishop Nathaniel J. Ruffin

See response to Comment Card B-1.

Comment Card B-6



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: Anwar Selim Date: 1/31/2008
 Address: 16850 Stoddard Wells Rd. Phone: (760) 508-1203
 E-mail Address: Smana@aol.com
 Representing: Selim's Mobil

- My comments are as follows: Please answer the following questions:
 I support the project I do not support the project

Please Consider the major impact this project will have on my business.
The closure and removal of the Stoddard Wells Rd South bound off-ramp will
destroy the gas station completely. There will be no traffic thru
the street.
Please send me information regarding loss of business goodwill.
 1/31/08

Comment Letter B-6



"Mona" <smona@aol.com>
02/15/2008 03:30 PM

To <maisoon_afaneh@dot.ca.gov>,
<anthony_rizzi@dot.ca.gov>, <Ahmed_shah@dot.ca.gov>,
<fernando_gandana@dot.ca.gov>
cc
bcc
Subject Interstate 15 Interchange Reconstruction - EA35556 (Selim's
Mobil and Stoddard Wells Unocal 76)

Hello Maisoon, Anthony, Ahmed and Fernando.

It was a pleasure meeting all of you on January 31, 2007 at the City of Victorville.

I am attaching a letter stating my objection to the I-15 construction project EA35556, and I looking forward to hearing from you concerning this important issue.

Please feel free to call me at (760) 508-1203 or contact my wife, Mona Selim, at (760) 508-1204 with any information or news.

Thanks.

Anwar and Mona Selim
Owners of
Selim's Mobil
16850 Stoddard Wells Rd
Victorville, California 92394

and Co-Owners of
Stoddard Wells Unocal 76
16881 Stoddard Wells Rd
Victorville, California 92394



Interstate 15 Interchange Reconstruction - EA35556.doc

February 13, 2008

California Department of Transportation
Boniface Udotor, Branch Chief
Attention: Maisoon Afaneh
Environmental Studies "A"
464 W. 4th Street, 6th Floor, MS#823
San Bernardino, CA 92401

RE: Interstate 15 Interchange Reconstruction - EA35556

Dear Mrs. Maisoon Afaneh

My name is Anwar A. Selim the owner and operator of Selim's Mobil located at 16850 Stoddard Wells Rd. Victorville, California and a co-owner and partner of Stoddard Wells Unocal 76 Gas Station along with Mr. Amir Roufail. The Unocal Station is also located on Stoddard Wells Rd at 16881 Stoddard Wells Rd Victorville, California.

Mrs. Afaneh, based on the initial study draft that I have received January 2008, and after attending the Public Information Meeting on January 31, 2008 at the City of Victorville, and discussing the proposal with Mr. Anthony Rizzi, Right of Way Agent, and Mr. Ahmad Shah, Design Engineer, I concluded that your proposal will eliminate traffic (my business' only source of survival) from Stoddard Wells Rd. Therefore, I strongly object to the removal of the I-15 southbound off-ramp and the moving of the Mojave River over-pass north of its current location.

The above referenced proposal will remove the I-15 south bound exit, which is the main traffic outlet to Stoddard Wells Rd and my Gas Stations. The nature of Stoddard Wells Rd. Off-Ramp business has always been completely reliant on freeway traffic. My Service Stations, which I poured all my adult life establishing, will be destroyed by your above design. The Stoddard Wells Off-ramp literally dumps traffic onto my Mobil gas station, 99% of my business depends on freeway traffic. By removing the freeway exit and building a new off-ramp (which will begin one mile north of the current off ramp) and relocating the overpass, my gas stations will be in a dead zone, invisible to freeway traffic, and no customer will be able to see it.

Comment Letter B-6

This construction will not only destroy the service stations, but it will force me to shut down my only source of income completely.

For the past 27 years, since 1981, I have worked, updated, operated, and kept the service stations prosperous. Selim's Mobil and Stoddard Wells Unocal 76 are my life! I am a 55-year old, and I spent half of my life building these gas stations through hard work and diligence. Your construction project is going to deem my two businesses worthless and with no value. The years I have investing in my businesses will be of no significance.

Also, keep in mind that this will also affect my employees. In reality, this will negatively impact more than ten families whose heads of household earn their living by working at my stations.

California Department of Transportation is placing a tremendous burden on me and my businesses. Under the 5th Amendment of the United States Constitution and all applicable Supreme Court decisions, this action by the state of California requires that just compensation be made for the loss of my business. I will pursue every legal remedy available to receive just compensation, for the taking of my personal property business interests.

I would appreciate looking into this serious matter. Furthermore, I would like to be informed on a regular basis of any news, information, updates or any decisions concerning this proposed project.

Please, feel free to contact me, Anwar Selim at (760) 508-1203, or e-mail me at smona@aol.com

Sincerely,



Anwar A. Selim

Owner and Operator of
16850 Stoddard Wells Rd
Victorville California, 92394
(760) 241 – 7753 Home
(760) 245 – 9667 Business
(760) 508 - 1203 Cell

Co-Partner and Owner of
16850 Stoddard Wells Rd
Victorville California, 92392
(760) 245 – 6490 Business

Response to the January 31 Comment Card and February 15 Email from Anwar Selim

See response to Comment Card B-1.

Comment Card B-7



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: ARMANDO RODRIGUEZ Date: 1-31-08
 Address: 13603 WRANGLER CT, VN 92392 Phone: (951) 377-5740
 E-mail Address: RODRIGUEZAE@VMC.MATL.COM
 Representing: VULCAN MATERIALS CO. (ASPHALT & AGGREGATE SUPPLIER)

- My comments are as follows: Please answer the following questions:
 I support the project I do not support the project

How soon will a map of the project be available to the public?
Who can I speak to about obtaining a map of project for our company's
awareness to help us with possible projections of supplying
the project
 1/31/08

Response to the January 31 Comment Card from Armando Rodriguez

The completed plans and specifications for the project will be made available to the public when the project is advertised and listed for bidding. At that time, your company can obtain a copy for the purpose you describe in your Comment card.

Comment Card B-8



"Denny Steelman"
<Denny@actionelectriccorp.com>

02/13/2008 03:13 PM

To "Maisoon Afaneh" <maisoon_afaneh@dot.ca.gov>

cc

Subject Interstate 15 Interchange Reconstruction

Mr. Afaneh.
My property is located at 16530 Stoddard Wells Road. The K.O.A Kampground.
In your proposal it shows a sound wall and new easement. Figure 2-5 shows
sound wall how much property is this going to take? What is the process for
reimbursement for this land? Figure 1-5C New easement and property lines,
what is the compensation for this property? You also show temporary You also
show temporary construction easements, what is my compensation for lost
business?

Thank You,
Denny Steelman
Action Electric Corp.
Phone: 714-972-4838
Fax: 714-972-1935

Response to the February 13 Comment Card from Danny Steelman

According to the current Right of Way maps the Interstate 15 Interchange Reconstruction Project will affect your property. The Right of Way Agent assigned to appraise your property will explain temporary construction easements and potential acquisition to you in detail. After the Environmental Document and the Project Report prepared for the project have been approved, as soon as possible during the Design phase, owners of properties expected to be affected by construction of the project will be contacted by personnel with the Department's Right of Way Office. Compensation cannot be discussed at this time until an appraisal has been completed and approved by the Department.

Comment Card B-9

Summary
Phone Call record on, Thursday 24, 08 at 3:50 pm.
From: Jack Thompson
2217 Crawford St.
Las Vegas NV 8930
Property Address: 163913 D street.
PIN # 047804441

Need to know exactly how his property will be affected.

Send response for the owner and brother. Address is in the name of the brother for tax purposes!

Brother's name and address: (name on the distribution list)
Charles and Jackie Thompson
P.O. Box 665
Yermo CA 92393

Response to the January 24 Comment Card from Jack Thompson

According to the current Right of Way maps the Interstate 15 Interchange Reconstruction Project will affect your property. After the Environmental Document and the Project Report prepared for the project have been approved, as soon as possible during the Design phase, owners of properties expected to be affected by construction of the project will be contacted by personnel with the Department's Right of Way Office. Compensation cannot be discussed at this time until an appraisal has been completed and approved by the Department.

Comment Card B-10



COMMENT CARD

I-15 Project (D & E Streets, Stoddard Wells Rd.)

Name: Donna J. Wells CPA Date: 1/31/08
Address: 19445 Kina Rd Apple Valley, CA 92307 Phone: (760) 245-5341
E-mail Address: djwells@mierscpa.com
Representing: Citizen

- My comments are as follows: Please answer the following questions:
I support the project I do not support the project

We need more overpass on Inter 15 + Mojave River
It will hurt the business in our valley that are
using the road as an access for a long period of
time.

1/31/08

Response to the January 31 Comment Card from Donna J. Wells

Concerns regarding the need for an additional overpass at Interstate 15 and the Mojave River are noted.