

# **Haiwee Clear Recovery Zone**

On U.S. 395 2.5 miles north of Coso Junction

09-INY-395-PM 20.3-22.3

09-0002-0058

SCH#2013021034

## **Initial Study with Proposed Mitigated Negative Declaration**



Prepared by the  
State of California Department of Transportation

**April 2013**



# General Information About This Document

## ***What's in this document?***

The California Department of Transportation (Caltrans) has prepared this Initial Study, which examines the potential environmental impacts of alternatives being considered for the proposed project in Inyo County, California. The document describes the project, the existing environment that will be affected by the project, expected impacts from the project, and proposed avoidance, minimization, and/or mitigation measures.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please contact: Caltrans, Attn: Scott Smith, Chief, Central Sierra Environmental Analysis Branch; 855 M Street, Suite 300, Fresno, CA 93726, (559) 445-6172 voice, or use the California Relay Service TTY number, 1(800) 735-2929 or dial 711.

## Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

### **Project Description**

The California Department of Transportation (Caltrans) proposes to construct 10-foot-wide outside shoulder and ground in rumble strip along the southbound lanes of U.S. 395 from post mile 20.3 to post mile 22.3 in Inyo County. Side slopes will be flattened, culverts will be extended, and large boulders will be removed beyond the clear recovery zone. Los Angeles Aqueduct Bridge Number 48-15L will be widened two feet to provide a standard 10-foot-wide outside shoulder. Bridge approach railing will be upgraded to current standard. Existing culverts will be lengthened to match the widened shoulder and one new culvert will be added to assure continued adequate drainage.

### **Determination**

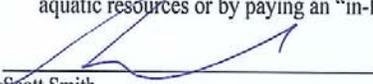
Caltrans has prepared an Initial Study for this project, and following public review, has determined from this study that the proposed project would not have a significant effect on the environment for the following reasons:

The proposed project would have no effect on: aesthetics; agricultural and forest resources; air quality; geology and soils; hydrology and water quality; hazards and hazardous waste; land use and planning; mineral resources; population and housing; public services; recreation; transportation/traffic; and utility and service systems.

The proposed project would have no significant effect on: cultural resources.

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

- The loss of habitat suitable for desert tortoise and Mohave ground squirrel would be mitigated by the purchase of mitigation bank credits
- The loss of aquatic habitat from permanent and temporary impacts to jurisdictional waters of the U.S. would be mitigated by either preserving, enhancing or restoring aquatic resources or by paying an "in-lieu fee"

  
Scott Smith  
Branch Chief, Central Sierra Environmental Analysis Branch

4/16/13  
Date



# Section 1 Project Information

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## ***Project Title***

Haiwee Clear Recovery Zone.

## ***Lead Agency Name and Address***

Caltrans District 9  
500 S. Main Street  
Bishop, CA 93514

## ***Contact Person and Phone Number***

Scott Smith, Chief, Central Sierra Environmental Analysis Branch, (559) 445-6172

## ***Project Location***

The project is located along the shoulders of the southbound lanes of U.S. 395 in Inyo County, 2.5 miles north of Coso Junction (See Figure 1, Project Location Map, and Figure 2, Project Vicinity Map on pages 2 and 3). The unincorporated area is locally known as Dunmovin.

## ***Project Sponsor's Name and Address***

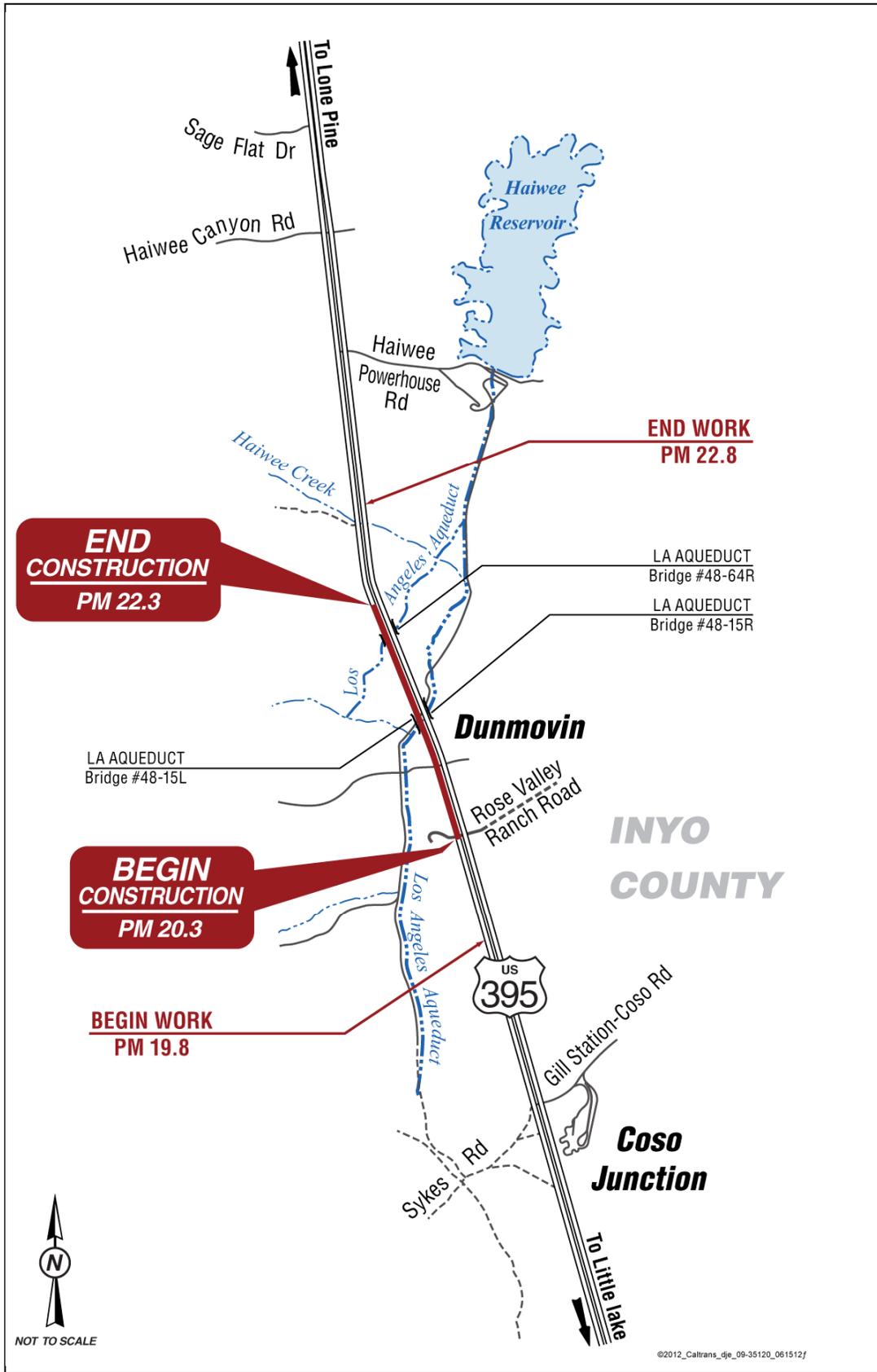
Caltrans District 9  
500 S. Main Street  
Bishop, CA 93514

## ***General Plan Description and Zoning***

The Inyo County General Plan shows the land uses in the Dunmovin area as open space and recreation, along with areas of rural low and very-low-density residential, ranging from one dwelling unit per five-acre parcel to one dwelling unit per ten-acre parcel.

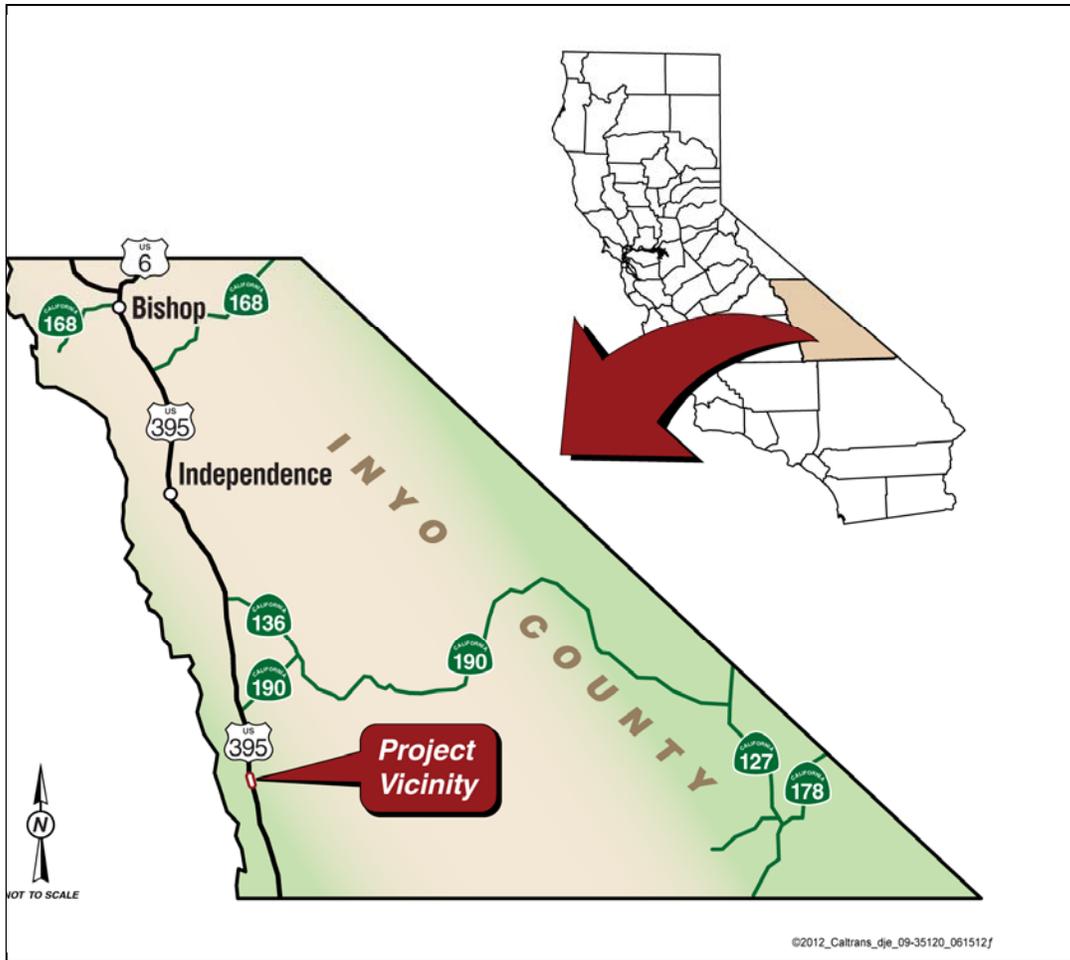
## ***Description of Project***

The project proposes to widen the existing outside shoulders of U.S. 395 from five feet to ten feet wide along the southbound lanes of U.S. 395 from post mile 20.3 to post mile 22.3. As part of the project, obstructions, including large boulders and swales, would be removed or leveled to provide motorists with a safe clear recovery zone extending 30 feet from the edge of the roadway in which to regain control of an errant vehicle. Also as part of the project, rumble strips would be ground into the pavement to aid in warning drivers if they begin to lose control of their vehicles, and



**Figure 1 Project Location Map**

*Haiwee Clear Recovery Zone*



**Figure 2 Project Vicinity Map**

the Los Angeles Aqueduct Bridge Number 48-15L would be widened to accommodate the improved shoulders. Bridge approach railings would be upgraded to meet the current standard. As part of this work, existing culverts would be extended to match the new shoulder width and one new culvert would be added. (See Appendix B for maps and layouts.)

***Surrounding Land Uses and Setting***

The area known as Dunmovin is in southern Inyo County, about 13.5 miles south of the town of Olancha and about 2.5 miles north of Coso Junction. The area is high desert, characterized by an arid landscape with drought-tolerant shrubs and seasonally blooming annuals, including creosote bush, desert saltbrush, shadscale, and big sagebrush among others. The elevation in the project area is roughly 3,500 feet above sea level, with the Sierra Nevada range rising above the highway to the west and the

White –Inyo Range to the east, and the expanse of the Rose Valley spread out to the south. Peaks of both ranges are spectacular, with some having elevations in excess of 10,000 feet.

The topography features extensive alluvial fans created by centuries of run-off and erosion from the mountains to the west, and numerous dry creek beds that carry storm run-off and snowmelt as it occurs. There are a few scattered residences within view of the proposed project area, all on parcels of five or ten acres. There are the remains of a building, now abandoned, that once served as a café and rest station for travelers. The building is being treated for the purposes of this project as eligible for inclusion on both the National and the State Register of Historic Buildings and will be protected within an environmentally sensitive area marked by high visibility fencing.

The project area supports a number of animal species, some throughout the year (desert tortoise and Mohave ground squirrel) and others during the brief period when ephemeral streams in the vicinity fill with water from high Sierra snow melt and desert plants and creatures flourish and are abundant for a few weeks (silver-haired bats, for example, forage in the areas where the presence of water brings insects).

**Other Public Agencies Whose Approvals Are Required**

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status</b>
United States Fish and Wildlife Service	Section 7 consultation for Threatened and Endangered Species for the desert tortoise.	Complete
California Department of Fish and Game	Alteration Section 2080.1. Agreement for Threatened and Endangered Species. Section 1600 permits for four culverts to be extended and one 1602 Streambed Alteration Agreement for the culvert being added	Initiate once the final environmental document is complete
Lahontan Regional Water Quality Control Board	Section 401 certification for culvert being added	Initiate once the final environmental document is complete
Army Corp of Engineers	Section 404 permit	Initiate once the final environmental document is complete

## Section 2 Environmental Factors Potentially Affected

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

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



## Section 3 Determination

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On the basis of this determination:

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



Scott Smith  
Chief, Central Sierra Environmental Analysis Branch  
Caltrans Central Region Environmental

4/11/13

Date



## Section 4     Impacts Checklist

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

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

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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**I. AESTHETICS** — Would the project:

- a) Have a substantial adverse effect on a scenic vista?

*Explanation:* With standard best management practices to preserve and protect existing native vegetation, including duff collection before construction begins, the visual impacts of this project will be reduced and will not result in substantial changes in overall visual quality (Visual Impact Assessment, February 15, 2012).

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

*Explanation:* No, the widening of the shoulders may actually allow motorists a clearer view of the surrounding mountains (Visual Impact Assessment, February 15, 2012).

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

*Explanation:* No, the widening of the shoulders may actually allow motorists a clearer view of the surrounding mountains (Visual Impact Assessment, February 15, 2012).

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

*Explanation:* The proposed project would not introduce new sources of light or glare to the area (Visual Impact Assessment, February 15, 2012).

**II. AGRICULTURE AND FOREST RESOURCES** —

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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*Explanation:* There is no farmland that is considered prime, unique or of statewide importance in the project area (Inyo County General Plan, Land Use Element, updated March 2012).

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

*Explanation:* There is no land in the area zoned for agricultural use or under Williamson Act contract. (Inyo County General Plan, Land Use Element, updated March 2012).

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

*Explanation:* There is no forest or timberland in the area. (Inyo County General Plan, Land Use Element, updated March 2012).

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

*Explanation:* There is no forest or timberland in the area. (Inyo County General Plan, Land Use Element, updated March 2012).

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

*Explanation:* The proposed project will not result in the conversion of farmland or forest land (Inyo County General Plan, Land Use Element, updated March 2012).

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

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

*Explanation:* The proposed project will not have any substantial long-term impacts to any of the parameters for air quality (Air Quality Technical Report, February 2012).

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

*Explanation:* The proposed project will not have any substantial long-term impacts to any of the parameters for air quality (Air Quality Technical Report, February 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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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, which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* The proposed project will not have any substantial long-term impacts to any of the parameters for air quality (Air Quality Technical Report, February 2012).

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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*Explanation:* The proposed project will not produce substantial pollutant concentrations (Air Quality Technical Report, February 2012).

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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*Explanation:* The proposed project will not produce objectionable odors (Air Quality Technical Report, February 2012).

**IV. BIOLOGICAL RESOURCES — Would the project:**

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Explanation:* See discussion in the Further Information section following this checklist. (Natural Environment Study, September 2012)

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

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Explanation:* See discussion in the Further Information section following this checklist. (Natural Environment Study, September 2012)

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*Explanation:* See discussion in the section following this checklist for further information. (Natural Environment Study, September 2012)

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* The project would not interfere with the movement of any species or impede the use of native wildlife nursery sites. (Natural Environment Study, September 2012)

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"/>
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*Explanation:* No, project would not conflict with any local policies or ordinances protecting biological resources. (Natural Environment Study, September 2012)

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* No, the project would not conflict with the provisions of any approved local, regional, or state habitat conservation plan. (Natural Environment Study, September 2012)

**V. CULTURAL RESOURCES — Would the project:**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*Explanation:* No, there is one historical site in the area that will be protected by establishing an environmentally sensitive area marked by high visibility fencing. See Additional Information section following the checklist for further discussion.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Archaeological resources are considered “historical resources” and are covered under question V(a).

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* The proposed project with the minimal excavations described will not encounter any sensitive fossil bearing formations (Paleontology Environmental Assessment Report, January 2011).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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d) Disturb any human remains, including those interred outside of formal cemeteries?

*Explanation:* No, the project would not disturb any human remains, including those interred outside of formal cemeteries (Historic Property Survey Report, October 2012).

**VI. GEOLOGY AND SOILS** — Would the project:

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

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

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase seismic risk (Draft Project Report, June 2012).

ii) Strong seismic ground shaking?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase seismic risk (Draft Project Report, June 2012).

iii) Seismic-related ground failure, including liquefaction?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase seismic risk (Draft Project Report, June 2012).

iv) Landslides?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase the likelihood of landslides (Draft Project Report, June 2012).

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

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase the risk of erosion (Draft Project Report, June 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not present the possibility of increasing the instability of soil or geologic unit (Draft Project Report, June 2012).

- 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.

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would be affected by the presence of expansive soils (Draft Project Report, June 2012).

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

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. There are no wastewater disposal systems proposed as part of the project (Draft Project Report, June 2012).

**VII. GREENHOUSE GAS EMISSIONS:** Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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**VIII. HAZARDS AND HAZARDOUS MATERIALS —**

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

*Explanation:* No, the project would not require the transport, use or disposal of hazardous materials. (Hazardous Waste Technical Report, February 2012).

- 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?

*Explanation:* No, the project would not present foreseeable risks for accidental release of hazardous materials into the environment. (Hazardous Waste Technical Report, February 2012).

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

*Explanation:* No, the project is not expected to emit or handle hazardous materials, and there are no schools either existing or proposed within one-quarter mile of the project location. (Hazardous Waste Technical Report, February 2012).

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

*Explanation:* No, the project would not be located on such a site. (Hazardous Waste Technical Report, February 2012).

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

*Explanation:* No, the proposed project is not within an airport land use plan (Inyo County General Plan, Land Use Element, updated March 2012).

- 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?

*Explanation:* No, the proposed project is not in the vicinity of a private airstrip. (Inyo County General Plan, Land Use Element, updated March 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

*Explanation:* No. (Inyo County General Plan, Land Use Element, updated March 2012).

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?

*Explanation:* No, the area of the proposed project is very sparsely populated and the proposed project is not increasing public access to the site. (Site visit, July 2012).

**IX. HYDROLOGY AND WATER QUALITY —**

Would the project:

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

*Explanation:* No, the proposed project will not violate water quality standards or waste discharge requirements. (Air, Noise and Water Technical Report, February 2012)

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

*Explanation:* No, the proposed project will not affect groundwater supplies nor recharge activities. (Air, Noise and Water Technical Report, February 2012)

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

*Explanation:* No, the proposed project would not substantially alter the drainage pattern of the site or area in such a way to result in erosion or siltation on- or off-site. (Air, Noise and Water Technical Report, February 2012)

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?

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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*Explanation:* No, the proposed project would not substantially alter the drainage pattern of the site or area in such a way to result in flooding on- or off-site. (Air, Noise and Water Technical Report, February 2012)

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

*Explanation:* No, the proposed project would not create runoff that would exceed the capacity of the storm water drainage system or provide substantial addition sources of polluted runoff. (Floodplain Evaluation Report, December 2011)

f) Otherwise substantially degrade water quality?

*Explanation:* No, the proposed project will not degrade water quality (Air, Noise and Water Technical Report, February 2012).

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?

*Explanation:* No, the proposed project will not place housing within a flood plain (Floodplain Evaluation Report, December 2011).

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

*Explanation:* No, the proposed project will not place structures within a 100-year flood hazard area (Floodplain Evaluation Report, December 2011).

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?

*Explanation:* No, the proposed project will not construct a dam or levee (Floodplain Evaluation Report, December 2011).

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

*Explanation:* No, the proposed project is not in an area subject to seiche, tsunami or mudflow (Floodplain Evaluation Report, December 2011).

**X. LAND USE AND PLANNING** — Would the project:

a) Physically divide an established community?

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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*Explanation:* No, the unincorporated community known as Dunmovin has shrunk to comprise a few residences on the west side of U.S.395 that are significantly removed from the immediate project area (Historic Property Survey Report, October 2012).

- b) Conflict with any applicable land use plan, policy, 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?

*Explanation:* No, the community of Dunmovin exists only on the west side of the freeway today. (Inyo County General Plan, Land Use Element, updated March 2012).

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

*Explanation:* No, the project would not conflict with any applicable habitat conservation or natural community conservation plan. (Inyo County General Plan, Land Use Element, updated March 2012).

**XI. MINERAL RESOURCES** — Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include major excavation or use or conversion of any known mineral resource. (Draft Project Report, June 2012).

- 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?

*Explanation:* No. (Inyo County General Plan, Land Use Element, updated March 2012).

**XII. NOISE** — Would the project result in:

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

*Explanation:* No, the project would not expose of people to or generate noise levels in excess of standards. (Air, Noise and Water Technical Report, February 2012).

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

*Explanation:* No, the project would not expose of people to or generate excessive groundborne vibration or noise levels. (Air, Noise and Water Technical Report, February 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

*Explanation:* No, the project would not substantially increase ambient noise levels in the vicinity. (Air, Noise and Water Technical Report, February 2012).

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

*Explanation:* No, the project would not substantially increase ambient noise levels in the vicinity. (Air, Noise and Water Technical Report, February 2012).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

*Explanation:* No, the proposed project is not within an airport land use plan (Inyo County General Plan, Land Use Element, updated March 2012).

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?

*Explanation:* No, the proposed project is not in the vicinity of a private air strip (Inyo County General Plan, Land Use Element, updated March 2012).

**XIII. POPULATION AND HOUSING** — Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

*Explanation:* No, the proposed project will not add capacity to U.S. 395; it is a safety project that is intended to protect motorists passing through the area (Inyo County General Plan, Land Use Element, updated March 2012).

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

*Explanation:* No, the proposed project does not displace homes or businesses (Historic Property Survey Report, October 2012).

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

*Explanation:* No, the proposed project does not displace homes or businesses (Historic Property Survey Report, October 2012).

**XIV. PUBLIC SERVICES —**

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

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It would not require new or physically altered government facilities. (Draft Project Report, June 2012).

**XV. RECREATION —**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It would not increase the use of existing parks or other recreation facilities. (Draft Project Report, June 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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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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*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new recreation facilities or expanding any existing recreation facilities. (Draft Project Report, June 2012).

**XVI. TRANSPORTATION/TRAFFIC** — Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase traffic or induce population growth. (Draft Project Report, June 2012).

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 type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway that would increase traffic or induce population growth. (Draft Project Report, June 2012).

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"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It would have no effect on air traffic patterns. (Draft Project Report, June 2012).

d) Substantially increase hazards due 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"/>
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*Explanation:* The project would widen the shoulder of an existing highway, establish a clear recovery zone and add ground-in rumble strips, all measures to increase motorist safety. It does not include adding any new features to the current highway. (Draft Project Report, June 2012).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* No, the proposed project is widening the shoulders and adding a clear recovery zone alongside the southbound lanes of the existing U.S. 395. It will not have any effect on emergency access (Draft Project Report, June 2012).

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*Explanation:* No, the proposed project is widening the shoulders and adding a clear recovery zone alongside the southbound lanes of the existing U.S. 395. It will not have any effect on the availability of parking in the area (Site visit, July 2012).

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* No, the proposed project is widening the shoulders and adding a clear recovery zone alongside the southbound lanes of the existing U.S. 395. The project area is sparsely populated and is not served by alternative methods of transportation (Site visit, July 2012).

**XVII. UTILITY 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 checked="" type="checkbox"/>	<input type="checkbox"/>
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*Explanation:* Obtaining a 401 Dredge and Fill Permit. (Air, Noise and Water Technical Report, February 2012).

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"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

*Explanation:* No, the proposed project is widening the shoulders and adding a clear recovery zone alongside the southbound lanes of the existing U.S. 395. It will not build or expand wastewater treatment facilities (Air, Noise and Water Technical Report, February 2012).

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"/>
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*Explanation:* No, the proposed project is widening the shoulders and adding a clear recovery zone alongside the southbound lanes of the existing U.S. 395. It will not build or expand water drainage facilities (Floodplain Evaluation Report, December 2011).

Potentially significant impact	Less than significant impact with mitigation	Less than significant impact	No impact
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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"/>
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*Explanation:* No, there are sufficient water supplies available to serve construction needs (Air, Noise and Water Technical Report, February 2012).

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"/>
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*Explanation:* The proposed project will not result in added demands on the existing wastewater treatment provider (Air, Noise and Water Technical Report, February 2012).

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"/>
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*Explanation:* The proposed project will not result in added demands on the existing solid waste disposal provider (Air, Noise and Water Technical Report, February 2012).

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"/>
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*Explanation:* The proposed project will not generate any additional solid waste (Air, Noise and Water Technical Report, February 2012).

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —**

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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*Explanation:* No, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause such a species 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 pre-history (Natural Environment Study, September 2012).

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

*Explanation:* No, the project does not have cumulatively considerable impacts (Natural Environment Study, September 2012).

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

*Explanation:* No, the project would not have environmental effects that will cause substantial adverse effects on human being either directly or indirectly (Natural Environment Study, September 2012).



## **Additional Explanations for Questions in the Impacts Checklist**

The proposed project is located along U.S. Route 395, 2.5 miles north of Coso Junction, and south of Haiwee Reservoir in Inyo County. The project occurs on the Route 395 from post mile 20.3 to 22.3. The U.S. Geological Survey 7.5-minute quadrangle is Coso Junction, Township 21 south, Range 37 East, sections 15, 22, 23, and 26. Topographic map of the project area and site photographs are provided in Appendix B.

### *IV. Biological Resources (checklist questions a, b and c)*

The biological study area (the study area) consists of a 2 mile segment along U.S. Route 395 from post miles 20.3 to 22.3. The landscape of the study area consists of dry creek beds, the Los Angeles Aqueduct, and the surrounding desert scrub habitat. Bureau of Land Management owns and manages the land. Within the study area, the land consists of mostly disturbed habitat located in the median of the highway and just outside the north and southbound lanes. See Appendix B for an aerial photograph of the study area. Studies for the project began with a literature review, continued with field reconnaissance-level surveys, and concluded with field surveys for desert tortoise, Mohave ground squirrel, rare plant species, and a delineation of the potential waters of the United States.

The study area is classified as desert scrub habitat, which is characterized by open, scattered assemblages of broad-leaved evergreen or deciduous shrubs usually between 1 to 6 feet in height. The vegetation community within the study area is dominated by creosote bush shrubland and creosote bush - burro-weed shrubland with some areas of cattle saltbush shrubland interspersed. There is generally little available shade. Soils are well drained and coarse. Annual rainfall is sparse, ranging from 1.6 to 11.8 inches.

A total of 40 special-status species were addressed for this study. Of those species addressed, the following 10 species and/or their habitat may potentially be impacted by the Haiwee Clear Recovery Zone Project:

- Desert tortoise – The desert tortoise is a state and a federally threatened species. The tortoise is widely distributed in the Mojave, Sonoran, and Colorado deserts and is found in desert scrub, desert wash, and joshua tree habitats.
- Mohave ground squirrel – The Mohave ground squirrel is a state threatened species. It ranges from Inyo to San Bernardino counties in the western Mojave Desert.

- Silver-haired bat – The silver-haired bat is a Fish and Game species of concern. It ranges from the California Coast to the Sierra Nevada Great Basin region to Inyo County. During spring and fall migrations the bat may be found anywhere throughout California.
- Le Conte's thrasher – The Le Conte's thrasher is a California species of special concern. The Le Conte's thrasher has pale coloration, a dark tail and pale buffy under-tail covers. It feeds mostly on insects and other terrestrial arthropods, but will also consume seeds, small lizards and other small vertebrates. The Le Conte's thrasher nests in dense, spiny shrubs or densely branched cacti in desert wash habitats. Breeding season extends from late January to early June. Clutch size typically consists of 3 eggs, and the bird will attempt three clutches a year.
- Western burrowing owl – Burrowing owls are small, ground-dwelling raptors that nest and forage in open grasslands, prairies, and farmlands. They nest in small mammal burrows; most frequently in the burrows of California ground squirrels.
- Owens Valley checkerbloom – This perennial herb is a member of the mallow family and is endemic (limited) to the Owens Valley of Inyo County, where it grows on alkali flats and in alkaline meadows and springs. It grows from one or more fleshy roots and reaches maximum heights of 8 to 24 inches. It generally has pinkish purple petals and leaves with blades deeply divided into narrow linear lobes.
- Creamy blazing star – An annual herb that is a member of the evening star family. It is native to California, where it grows in rocky, gravelly, and sandy soils of the Mojave Desert scrubland. It reaches height from 4 to 10 inches and has wavy or toothed leaves with a white flower.
- Charlotte's phacelia -- This annual herb is a member of the forget-me-not family. It is endemic to California, where it only grows in the granitic and sandy soils in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats where the Sierra Nevada intersects with the Mojave Desert. The mature plant is around 7 inches tall, and its leaves are shallowly lobed oval or rounded blades on petioles one inch long. It has bell-shaped flowers deep blue in color.
- Amargosa beardtongue – A perennial herb in the plantain family, this plant can be found in eastern California and western Nevada growing in Mojavean desert scrub habitat. It has thick leaves that are lance shaped and has white or pale pinkish flowers. It can grow up to 23.6 inches tall.
- White pygmy-poppy – White pygmy-poppy, a dicot, is an annual herb that is native to California and is endemic to California alone. It is a member of the

poppy family (Papaveraceae). It is found in California, in Imperial, Inyo, Kern, Los Angeles, and San Bernardino counties and occurs in gravelly, sandy, and granitic soils in Mohavean Desert scrub, Joshua tree woodland, pinyon, and juniper woodland.

Based on habitats found within the study area and in-office research, the biologists decided that surveys should be conducted for burrowing owl, desert tortoise, and sensitive plant species and the ephemeral wetlands in the study area should be delineated. During surveys, the vertebrate species and plants encountered were documented. See Appendix B of the Natural Environment Study for a full list of plants and wildlife observed during surveys and site visits.

### *Threatened and Endangered Species*

#### ***Plant Species***

- Owens Valley checkerbloom – The plant, a perennial herb, would have been visible during the surveys if it existed within the area, but it wasn't seen, nor was suitable habitat for it found, making it quite unlikely that the plant is present in the potential impact area.
- Creamy blazing star – The plant was not found during surveys of the study area, although the site does contain suitable habitat.
- Charlotte's phacelia -- The plant was not found and its habitat of steep granitic or volcanic soils does not occur within the survey area.
- Amargosa beardtongue – Although suitable habitat is present, the plant was not found during surveys of the study area during its blooming period. Since the plant is perennial, evidence of it would have been noted even if it was not flowering.
- White pygmy-poppy – The plant was not found during surveys. The reference population was not located during the early season 2012 botanical reference plant surveys for this species. It is unclear whether the botanical survey is a false negative for this species because of the unseasonably dry year or whether the species no longer exists in the vicinity.

#### ***Animal Species***

- Desert tortoise – the remains of one dead desert tortoise were found during surveys.
- Mohave ground squirrel – The biologist assumed presence of this State-threatened species since the study area is prime Mohave ground squirrel habitat

- Silver-haired bat – The project study area does not contain suitable roosting habitat, although when seasonal streams are flowing in the area there is suitable foraging habitat available.
- Le Conte’s thrasher – No Le Conte’s thrashers have been observed onsite. The closest historical occurrence is 7.3 miles west of the project site, observed in 1981. The project site does contain potentially suitable habitat for the Le Conte’s thrasher.
- Western burrowing owl – No burrowing owls were observed onsite but optimal habitat occurs just outside the study area, although the closest recorded occurrence is located 2.1 miles south of the project site.

## ***Affected Environment***

### ***Desert Tortoise***

The desert tortoise is a state and a federally threatened species. The tortoise is widely distributed in the Mojave, Sonoran, and Colorado deserts and is found in desert scrub, desert wash, and joshua tree habitats. The tortoises are herbivorous, and have a diet consisting of annual forbs and grasses. They are active all year, but the level of activity varies with the seasons. The tortoise excavates a burrow under various objects and uses its burrows for cover, thermal regulation, and nests for its young. Reproduction occurs between March and April and eggs are laid in early summer (May to July). The average clutch size is 5 eggs.

## **SURVEY RESULTS**

Qualified biologists conducted protocol surveys on the project site. One dead tortoise was found in the project area; the biologists believe it was hit by a car. More desert tortoise sign was found in the study area in the form of scat and abandoned burrows. Even though no live tortoise was found during the surveys, desert tortoise sign and historical occurrences of the desert tortoise have been recorded within the study area; therefore there is potential for a live desert tortoise to exist in the project’s potential impact area.

## ***Environmental Consequences***

No desert tortoise are anticipated to be injured, killed or otherwise directly affected during construction of the proposed project, as there are no desert tortoise burrows that are in active use in the biological study area. However, a desert tortoise could build a burrow within the potential impact area between now and the beginning of

construction. If an active burrow were to be detected, Caltrans or its contractor would consult the California Department of Fish and Wildlife (Fish and Wildlife) and the U.S. Fish and Wildlife Service (the Wildlife Service) and an environmentally sensitive area may be established around the burrow site to prevent disturbance. Work may be temporarily suspended if tortoises are found in the affected area.

***Avoidance, Minimization, and/or Mitigation Measures***

Avoidance and minimization measures include:

- a) Prior to construction, a qualified biologist would conduct focused clearance surveys for desert tortoise. Clearance surveys are required in any area (including appropriate buffers) that supports suitable desert tortoise habitat and that would be subject to disturbance as a result of the project, unless otherwise authorized by the Wildlife Service and Fish and Game. Clearance surveys would follow the most current United States Fish and Wildlife Service’s desert tortoise survey protocol. The authorized biologist would determine whether tortoises are present at the site, and whether tortoises may occur in adjacent areas and immigrate into the biological study area. If tortoises or intact burrows are found in the study area or if the authorized biologist determines that a tortoise may enter the construction site, Caltrans or its contractor would halt work within 500 feet of the tortoise or burrow and construction activities may not resume within this 500-foot buffer without concurrence from the Wildlife Service and Fish and Game. Upon discovery of a tortoise or active tortoise burrow, and prior to any road widening or reconstruction, the following measures will be implemented in consultation with the Wildlife Service and Fish and Game:
  - a. The project proponent(s) would retain a qualified biologist with demonstrated expertise with desert tortoise to monitor all construction activities and assist in the implementation of the monitoring program. This person will be approved by the Wildlife Service prior to the onset of ground-disturbing activities. The authorized biologist will be present during all construction activities immediately adjacent to or within habitat that supports desert tortoise.
  - b. Before any construction begins, Caltrans or its contractor would provide all personnel who will be present on work areas within or adjacent to the project area with:
    - i. A detailed description of the desert tortoise including color photographs

- ii. Guidance as to the protection the desert tortoise receives under the Federal and State Endangered Species Acts and possible legal action that may be incurred for violation of those protections
  - iii. The protective measures being implemented by the project to conserve the desert tortoise and other species during construction activities
  - iv. A point of contact to notify if desert tortoises are observed
- c. All trash that may attract predators of desert tortoises will be removed from work sites or completely secured at the end of each work day.
- d. Employees and contractors would look under vehicles and equipment for the presence of desert tortoise before moving vehicles and equipment. If desert tortoise is observed, no vehicles or equipment would be moved until the animal has left voluntarily or is removed by the biological monitor. No listed species would be handled by anyone on the job site with the possible exception of the authorized biologist.
- e. Vehicle speed limits would not exceed 15 miles per hour during construction and operation of the project. A speed limit sign would be posted at all project site entry locations.
- f. When construction goes on in habitat where desert tortoise may be present, work areas will be fenced in a manner that excludes tortoises from the work area and prevents equipment and vehicles from straying from the designated work area into adjacent habitat. The authorized biologist will assist in determining the boundaries of the area to be fenced in consultation with the Wildlife Service and Fish and Game. All workers will be advised that equipment and vehicles must remain within the fenced work areas. Installation of the fencing and any necessary surveys will be directed and/or conducted by the authorized biologist in concurrence with the Wildlife Service and Fish and Game.
- g. If desert tortoises are found within an area that has been fenced to exclude the species, activities will cease and the authorized biologist will contact Fish and Game and the Wildlife Service for further direction.
- h. If desert tortoises are found in a construction area where fencing was deemed unnecessary, work will cease until the animal(s) leave on their own. The authorized biologist in consultation with the Wildlife Service and Fish and Game will then determine whether additional surveys or fencing are needed. Work may resume while this determination is being made, if deemed appropriate by the authorized biologist.

- i. The authorized biologist will have the authority to stop all activities until appropriate corrective measures have been completed. If impacts to desert tortoise cannot be avoided, Fish and Game and the Wildlife Service would be consulted and the necessary approvals and/or permits obtained.

### **COMPENSATORY MITIGATION**

6.85 acres of potentially suitable habitat for the desert tortoise will be impacted. Desert tortoise habitat loss will be compensated at a 3:1 ratio, which means that 20.55 acres will be compensated for in the form of buying mitigation credits, or by purchasing suitable desert tortoise habitat to be preserved in perpetuity.

### **Mohave Ground Squirrel**

#### **Affected Environment**

The Mohave ground squirrel is a state threatened species. It ranges from Inyo to San Bernardino counties in the western Mojave Desert. The squirrels feed on a variety of foods, but primarily on the leaves and seeds of forbs and shrubs. The species has a seasonal cycle of activity and hibernates generally between July and March. Adult squirrels are solitary except during breeding which occurs soon after emergence from hibernation in March. They tend to have between 4 and 9 young. Individuals may have several burrows which are used for night roosting, temperature control, and predator avoidance.

#### **SURVEY RESULTS**

Based on consultation with Philip Leitner, a California State University Stanislaus Endangered Species Recovery Program scientist, Caltrans is going to assume Mohave ground squirrels occur in the project area because it is prime habitat. Protocol surveys were not done.

#### **Environmental Consequences**

The impact of the project will be a loss of 6.85 acres of suitable Mojave creosote bush scrub habitat.

### **AVOIDANCE AND MINIMIZATION EFFORTS**

Impacts to native vegetation communities will be minimized. Staging and equipment areas will be approved by a qualified biologist and contained within the proposed right-of-way of the project area.

## COMPENSATORY MITIGATIONS

6.85 acres of potentially suitable habitat for the Mohave ground squirrel will be impacted and will be compensated for at a 3:1 ratio. Therefore 20.55 acres will be compensated for by purchasing either mitigation credits, or by preserving Mohave ground squirrel habitat in perpetuity.

### ***Affected Environment, Jurisdictional Waters of the U.S.***

Jurisdictional waters of the United States are waters that have been, will be, or are being used in interstate commerce, including all interstate rivers and streams, even seasonal streams, where the use, degradation or destruction of the water body could affect interstate or foreign commerce. Typically, Caltrans biologists survey to determine what might constitute waters that potentially fall into the category of waters of the U.S.; the U.S. Army Corps of Engineers (Army Corps) has the final say as to what are, in fact, jurisdictional waters (called a “jurisdictional determination”).

In July 2012, Caltrans biologists delineated the ephemeral (seasonal) desert washes in the proposed project area that are potentially jurisdictional waters of the U.S.

### ***Environmental Consequences***

The proposed project would temporarily affect 0.284 acre and permanently affect 0.026 acre of potentially jurisdictional waters of the U.S. The Army Corps will make the jurisdictional determination at the time it is responding to the permit request associated with the proposed project. For the purposes of this document, it is assumed that the Army Corps will concur with the opinion of Caltrans biologists and will determine the waters identified as potentially jurisdictional are, in fact, jurisdictional waters of the U.S.

## AVOIDANCE AND MINIMIZATION EFFORTS

Impacts to aquatic resources will be minimized through the use of best management practices. The smallest practical project footprint would be in place to minimize temporary, indirect and permanent impacts to jurisdictional waters of the U.S., and work would be carried out when the creek is dry.

## COMPENSATORY MITIGATIONS

Two mitigation options are proposed to address the potential loss of aquatic resources if waterways are determined to be jurisdictional

- Preservation, enhancement, and/or restoration of aquatic resources
- “In-lieu fee” mitigation

#### *V. Cultural Resources (checklist question a)*

The project area is in the southern Owens Valley, which runs south to north at an elevation of roughly 4000 feet above sea level between the Sierra Nevada and the White-Inyo mountain ranges in Inyo County. The area is drained by the Owens River, which is mostly diverted into the Los Angeles Aqueduct, and now provides much of the drinking water for the metropolitan Los Angeles population. While the climate in the area is arid, as it exists in the rain shadow of the Sierra Nevada, runoff from precipitation that falls in the mountains supports some streams, both year-round and seasonal, as well as some limited local agriculture and wetland habitats.

The area has hosted historical and prehistorical human populations, beginning as much as 10,000 years ago. Different populations are represented in the artifact record beginning in the Lake Mojave temporal period, before 7,500 years ago and continuing through the Little Lake period, between 3,500 and 7,500 years in the past. The Newberry, Haiwee, and Marana periods followed in turn; all have contributed artifacts to the prehistoric record, which ends in about 1850 with the beginning of the historic record. Since the 1940s, archaeologists have intensively studied the entire Owens Valley, some of them at the request of Caltrans as part of proposed transportation projects.

Beginning with the historic period, mining of precious metals, primarily gold and silver, started to dwindle on the west side of the Sierra Nevada, and enterprising prospectors extended their search to the east side of the mountains. By 1860, productive gold deposits were discovered south of the Owens Lake, bringing hundreds of miners to the Owens Valley in search of treasure. These new arrivals founded the towns of Independence, Lone Pine, and Laws. In 1865, a rich silver strike near Lone Pine brought the first large group of settlers to the area. Because major population centers were so inaccessible from the Owens Valley, agriculture, ranching, timber harvesting and typical commercial ventures sprang up to support the miners and the growing local population. The area became closely linked to the Los Angeles basin despite the geographic distance between them, but most Owens Valley businesses supplied the local population because transporting goods to external markets was difficult and expensive. By 1883, there was a railroad connection between Nevada and the eastern shore of the Owens Lake. While mining

intermittently expanded and contracted in the Owens Valley, leading to population booms and busts, agriculture and ranching developed into the primary businesses.

The Los Angeles Aqueduct was built between 1907 and 1913, and most of the water in the Owens River was diverted into it, effectively draining the Owens Lake. This construction and the operation of the aqueduct led in turn to the establishment of the Southern Pacific's Owens Valley rail line between Los Angeles and the Owens Lake. In the 1920s, Los Angeles started buying land and water rights further north in the valley to assure a reliable supply of water for the population that was continuing to flood into the L.A. Basin. The aqueduct was extended north in the early '30s to capture the water from those purchases and agriculture became less successful in the area.

The loss of agriculture as a major industry in the valley was offset by increasing tourism. The operation of water delivery systems and government offices focused on resource protection joined tourism, recreation and continued ranching operations to support the local economy.

### ***Affected Environment***

The existing right-of-way for U.S. 395 has been surveyed and inventoried for historic and pre-historic resources and the area is recorded as site CA-INY-3815, which is shown as extending both to the west and to the east of U.S. 395. The current project does not require an update of this site. The proposed project would require the acquisition of some additional right-of-way and that area was surveyed and inventoried as discussed in the Historic Preservation History Report that supports this document. All other resources in the proposed project area are exempt from evaluation.

Today, the easternmost portion of the community of Dunmavin (CA-INY-3815), which extends along the southbound lanes of U.S. 395, is abandoned. The western side of the freeway includes some still-occupied dwellings as well as historic structures and associated debris, and there is also some historic debris in the median.

### ***Environmental Consequences***

There is a historic property, P-14-3815, that shall be treated as eligible for the National Register of Historic Places.

### AVOIDANCE AND MINIMIZATION EFFORTS

Resource P-14-3815 will be protected from all activities associated with the construction of the proposed project by establishing an environmentally sensitive area marked by high visibility fencing placed by a qualified professional archaeologist. Throughout construction the Caltrans archaeologist will regularly inspect the fencing that marks the environmentally sensitive area to be sure it remains intact and that the site it is protecting remains undisturbed. The fencing would not be removed except by the professionally qualified archaeologist following the end of all construction activities. At the time that the environmentally sensitive area is dismantled, the archaeologist would inspect the sensitive area to determine if impacts have occurred and to report the findings of that inspection.



## Appendix A Climate Change

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

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988, has led to increased efforts devoted to greenhouse gas emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of greenhouse gases generated by human activity including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF<sub>6</sub>), HFC-23 (fluoroform), HFC-134a (s, s, s, 2-tetrafluoroethane), and HFC-152a (difluoroethane).

In the U.S., the main source of greenhouse gas emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light duty trucks, other trucks, buses, and motorcycles make up the largest source (second to electricity generation) of greenhouse gas emitting sources. The dominant greenhouse gas emitted is CO<sub>2</sub>, mostly from fossil fuel combustion.

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

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

## **Regulatory Setting**

### *State*

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

- Assembly Bill 1493 (Assembly Bill 1493), Pavley. Vehicular Emissions: Greenhouse Gases, 2002: requires the California Air Resources Board to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year. In June 2009, the U.S. Environmental Protection Agency administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own greenhouse gas emission standards for motor vehicles beginning with model year 2009. California agencies will be working with federal agencies to conduct joint rulemaking to reduce greenhouse gas emissions for passenger cars model years 2017-2025.
- Executive Order S-3-05: (signed on June 1, 2005, by former Governor Arnold Schwarzenegger) the goal of this executive order is to reduce California's greenhouse gas emissions to: 1) year 2000 levels by 2010, 2) year 1990 levels by the 2020, and 3) 80 percent below the year 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.
- Assembly Bill 32, the Global Warming Solutions Act of 2006, Núñez and Pavley: Assembly Bill 32 sets the same overall greenhouse gas emissions reduction goals as outlined in executive order S-3-05, while further mandating that air resources board create a scoping plan, (which includes market mechanisms) and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.”
- Executive Order S-20-06: (signed on October 18, 2006 by former Governor Arnold Schwarzenegger) further directs state agencies to begin implementing Assembly Bill 32, including the recommendations made by the California's Climate Action Team.
- Executive Order S-01-07: (signed on January 18, 2007 by former Governor Arnold Schwarzenegger) set forth the low carbon fuel standard for California.

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<sup>1</sup> [http://climatechange.transportation.org/ghg\\_mitigation/](http://climatechange.transportation.org/ghg_mitigation/)  
*Haiwee Clear Recovery Zone*

Under this executive order, the carbon intensity of California's transportation fuels is to be reduced by at least ten percent by the year 2020.

- Senate Bill 97 (SB 97) Chapter 185, 2007: required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the California Environmental Quality Act (CEQA) Guidelines for addressing greenhouse gas emissions. The amendments became effective on March 18, 2010.
- Caltrans Director's Policy 30 Climate Change (approved June 22, 2012): is intended to establish a Caltrans policy that will ensure coordinated efforts to incorporate climate change into Caltrans decisions and activities. This policy contributes to Caltrans' stewardship goal to preserve and enhance California's resources and assets.

### *Federal*

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

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

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

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

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the U.S. Environmental Protection Agency has the authority to regulate greenhouse gas. The Court held that the U.S. Environmental Protection Agency Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

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

- **Endangerment Finding:** The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>)—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the U.S. Environmental Protection Agency’s *Proposed Greenhouse Gas Emission Standards for Light-Duty*

*Vehicles*, which was published on September 15, 2009<sup>2</sup>. On May 7, 2010 the final *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* was published in the Federal Register.

U.S. Environmental Protection Agency and the National Highway Traffic Safety Administration are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced greenhouse gas emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever greenhouse gas regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle greenhouse gas regulations. These steps were outlined by President Obama in a Presidential Memorandum on May 21, 2010.<sup>3</sup>

The final combined U.S. Environmental Protection Agency and National Highway Traffic Safety Administration regulations that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide (CO<sub>2</sub>) per mile, (the equivalent to 35.5 miles per gallon [MPG] if the automobile industry were to meet this CO<sub>2</sub> level solely through fuel economy improvements. Together, these standards will cut greenhouse gas emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

On November 16, 2011, U.S. Environmental Protection Agency and National Highway Traffic Safety Administration issued their joint proposal to extend this national program of coordinated greenhouse gas and fuel economy standards to model years 2017 through 2025 passenger vehicles.

### *Project Analysis*

An individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may contribute to a potential impact through its *incremental* change in emissions when combined with the contributions of

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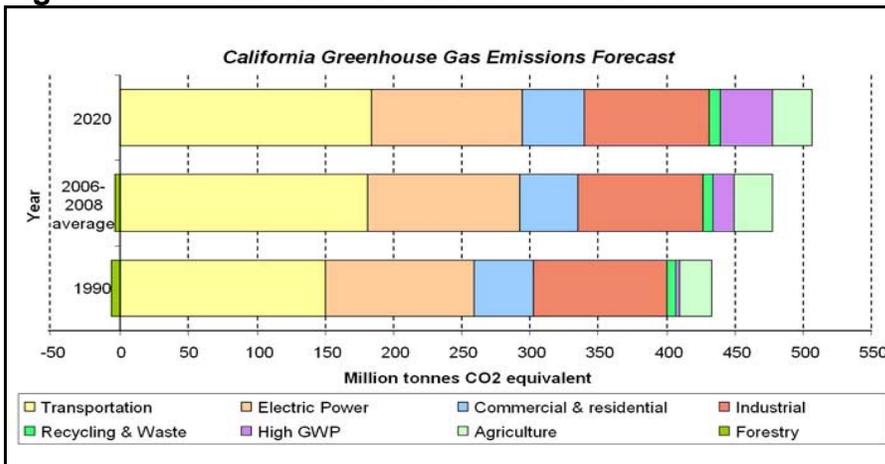
<sup>2</sup> <http://www.epa.gov/oms/climate/regulations.htm#1-1>

<sup>3</sup> <http://epa.gov/otaq/climate/regulations.htm>

all other sources of greenhouse gas.<sup>4</sup> In assessing cumulative impacts, it must be determined if a project’s incremental effect is “cumulatively considerable” (CEQA Guidelines sections 15064(h)(1) and 15130). To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult, if not impossible, task.

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

**Figure 3 California Greenhouse Gas Forecast**



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

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California’s greenhouse gas emissions

<sup>4</sup> This approach is supported by the AEP: *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), as well as the South Coast Air Quality Management *Haiwee Clear Recovery Zone*

are from the burning of fossil fuels and 40 percent of all human made greenhouse gas emissions are from transportation, Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006.<sup>5</sup>

The project proposes to widen shoulders and add a clear recovery zone adjacent to the southbound lanes of the existing U.S. 395 in Inyo County. The purpose of the proposed project is to improve safety by creating a clear recovery zone. As this project will not change the lane configuration or the capacity of the existing roadway, no increases in operational greenhouse gas emissions are anticipated.

### *Construction Emissions*

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction greenhouse gas emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In this particular case, since the construction period is predicted to be brief and the scope of work is limited, the project may result in short term degradation of mesoscale air quality due to equipment exhaust and some dust generated by grading, clearing and removal of boulders.

### *CEQA Conclusion*

While it is Caltrans's determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct impact and its contribution on the cumulative scale to climate change, Caltrans is firmly committed to implementing measures to help reduce greenhouse gas emissions. These measures are outlined in the following section

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District (Chapter 6: The CEQA Guide, April 2011) and the US Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

<sup>5</sup> Caltrans Climate Action Program is located at the following web address:

[http://www.dot.ca.gov/hq/tpp/offices/ogm/key\\_reports\\_files/State\\_Wide\\_Strategy/Caltrans\\_Climate\\_Action\\_Program.pdf](http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf)

### *Executive Order S-13-08*

On November 14, 2008, former Governor Arnold Schwarzenegger signed EO S-13-08 which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change. This executive order set in motion several agencies and actions to address the concern of sea level rise.

The California Natural Resources Agency (Resources Agency) was directed to coordinate with local, regional, state and federal public and private entities to develop. The California Climate Adaptation Strategy (Dec 2009)<sup>6</sup>, which summarizes the best known science on climate change impacts to California, assesses California's vulnerability to the identified impacts, and then outlines solutions that can be implemented within and across state agencies to promote resiliency.

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

The Resources Agency was also directed to request the National Academy of Science to prepare a Sea Level Rise Assessment Report by December 2010<sup>7</sup> to advise how California should plan for future sea level rise. The report is to include:

- Relative sea level rise projections for California, Oregon and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates.

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<sup>6</sup> <http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF>

<sup>7</sup> Pre-publication copies of the report, *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*, were made available from the National Academies Press on June 22, 2012. For more information, please see [http://www.nap.edu/catalog.php?record\\_id=13389](http://www.nap.edu/catalog.php?record_id=13389).

- The range of uncertainty in selected sea level rise projections.
- A synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities and beaches), natural areas, and coastal and marine ecosystems.
- A discussion of future research needs regarding sea level rise.

Prior to the release of the final Sea Level Rise Assessment Report, all state agencies that are planning to construct projects in areas vulnerable to future sea level rise were directed to consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information regarding local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data

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

All projects that have filed a Notice of Preparation as of the date of EO S-13-08, and/or are programmed for construction funding from 2008 through 2013, or are routine maintenance projects may, but are not required to, consider these planning guidelines. The proposed project is located outside the coastal zone and is not in a location that is expected to be directly affected by projected sea level rise in the year 2050 or 2100.

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

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



# Appendix B Supporting Materials

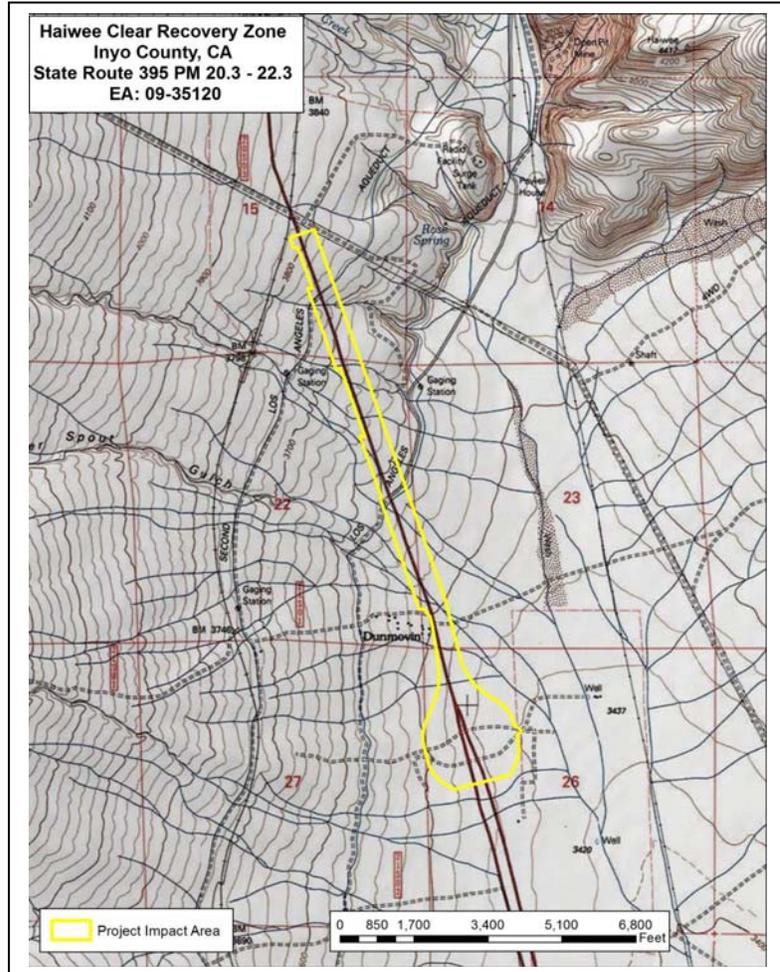
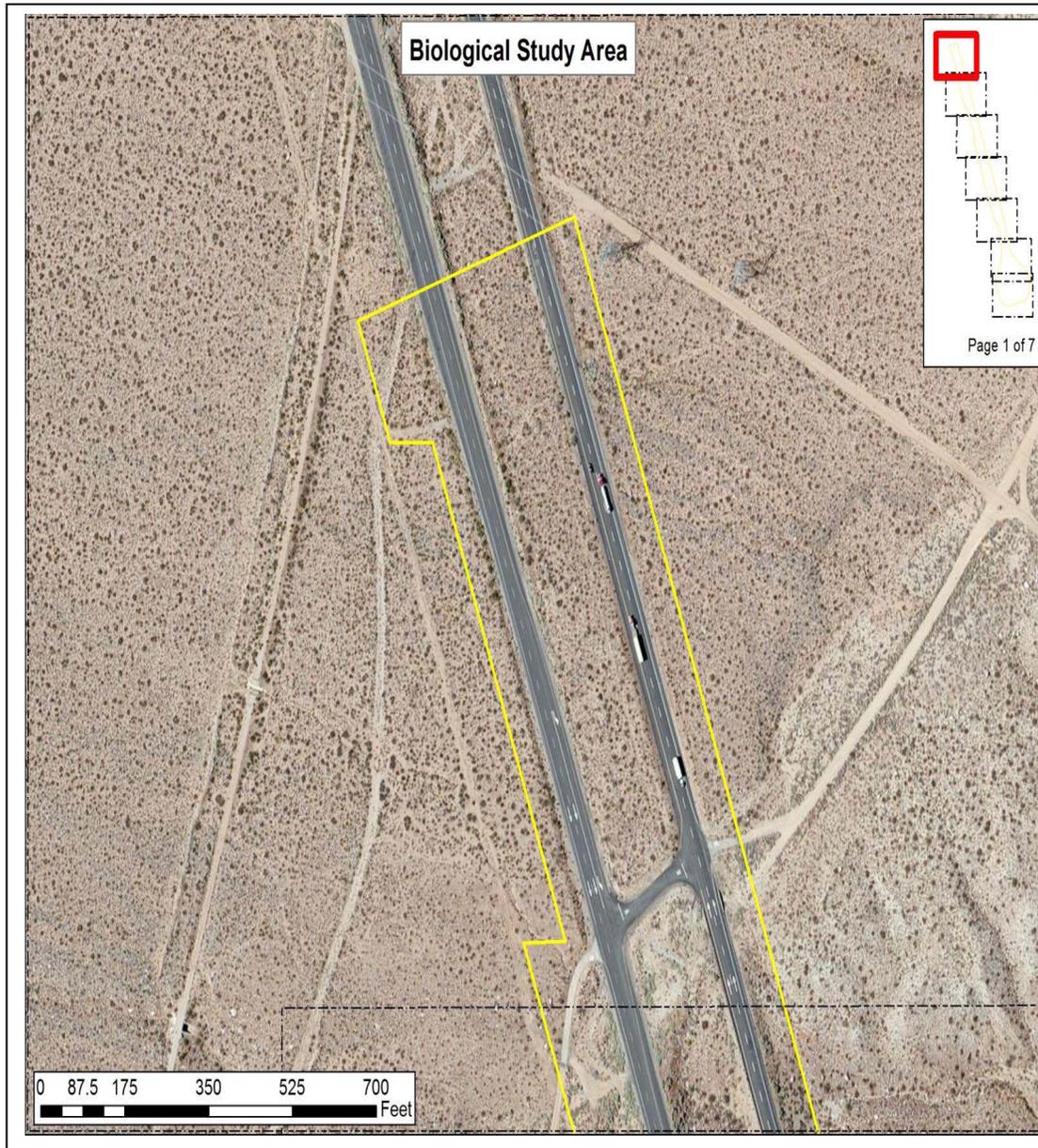


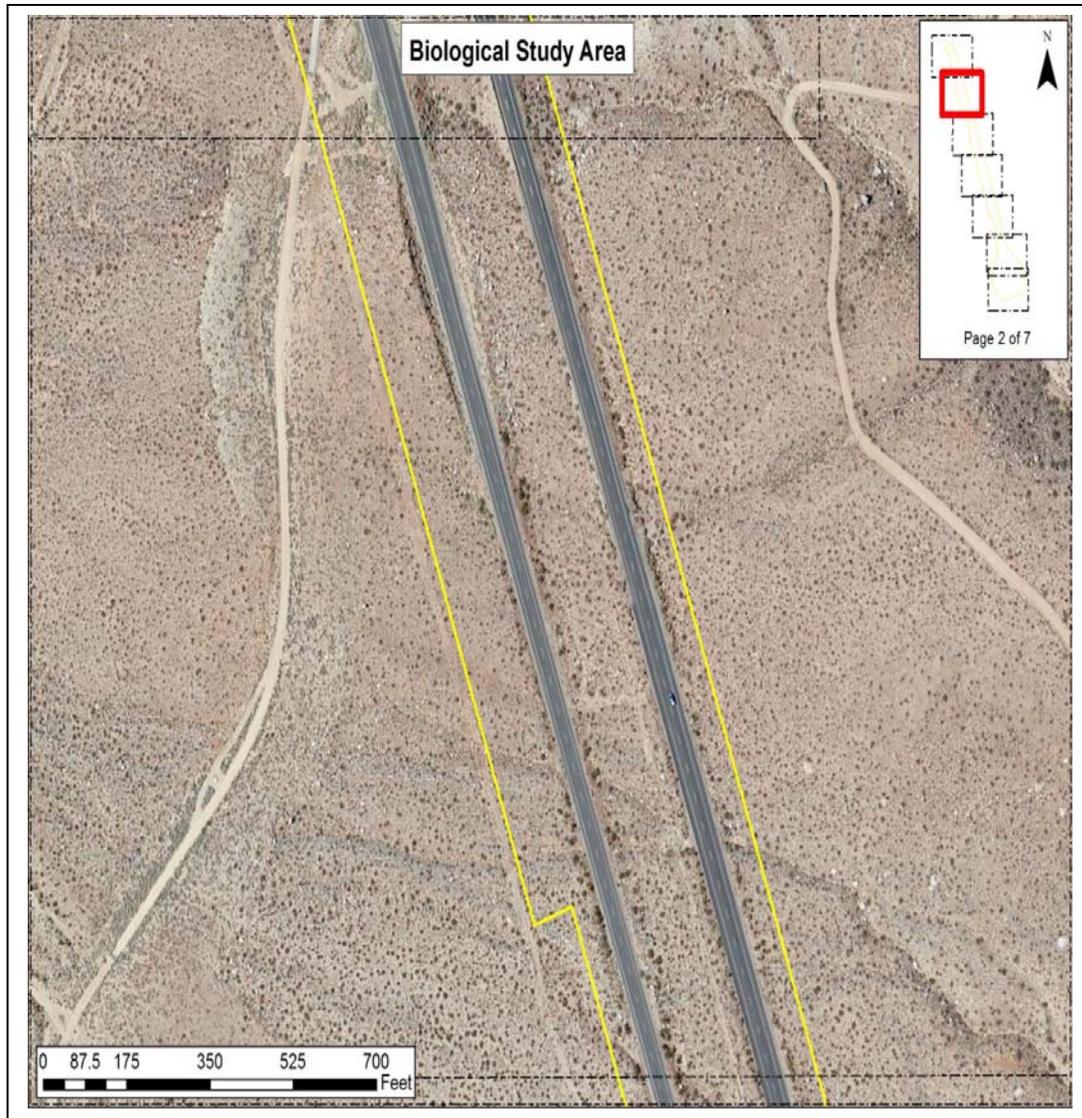
Figure 4: Topographic View of the Project Area



Figure 5: Aerial View of the Project Area



**Figure 6: Biological Study Area 1**



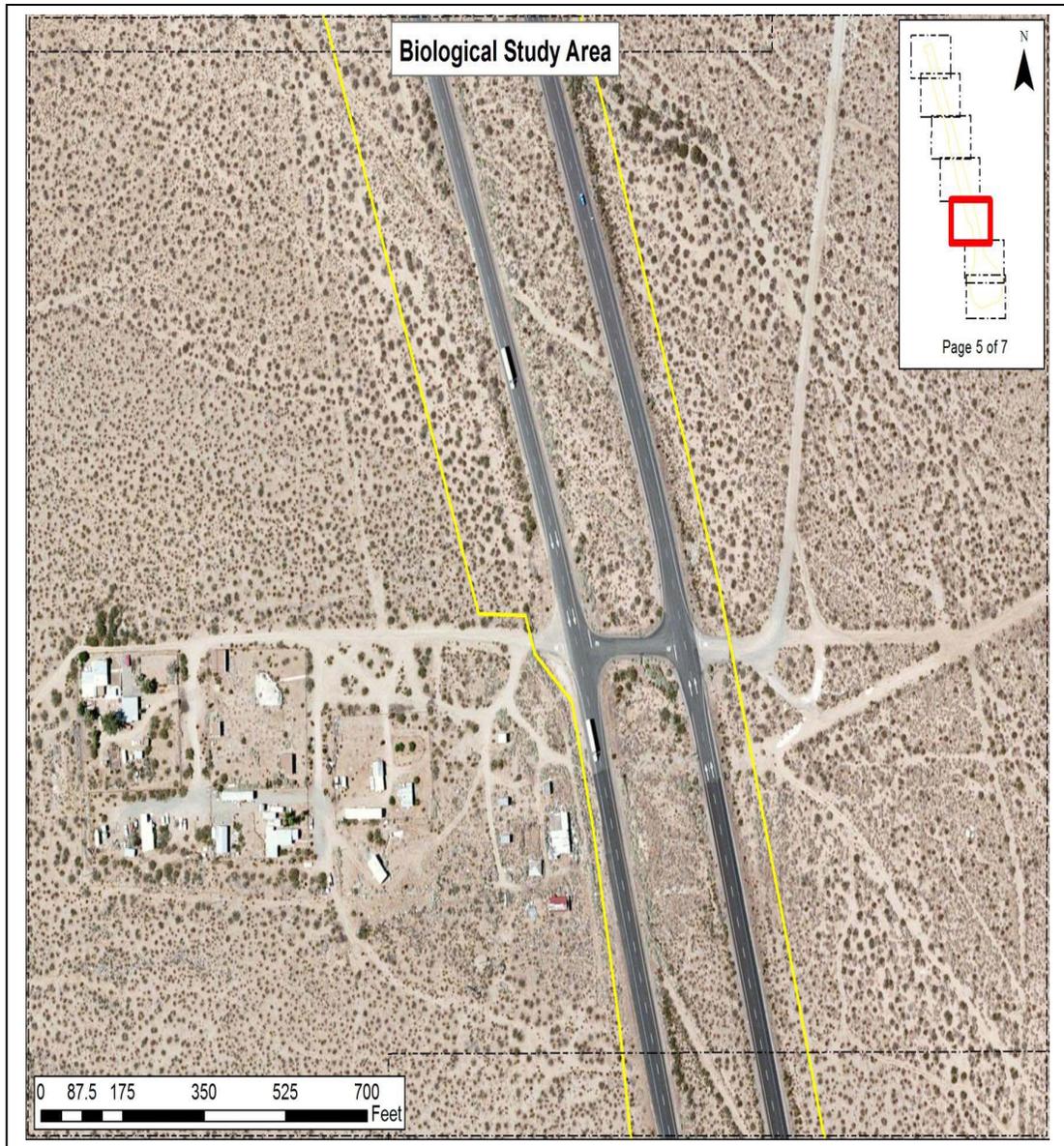
**Figure 7: Biological Study Area 2**



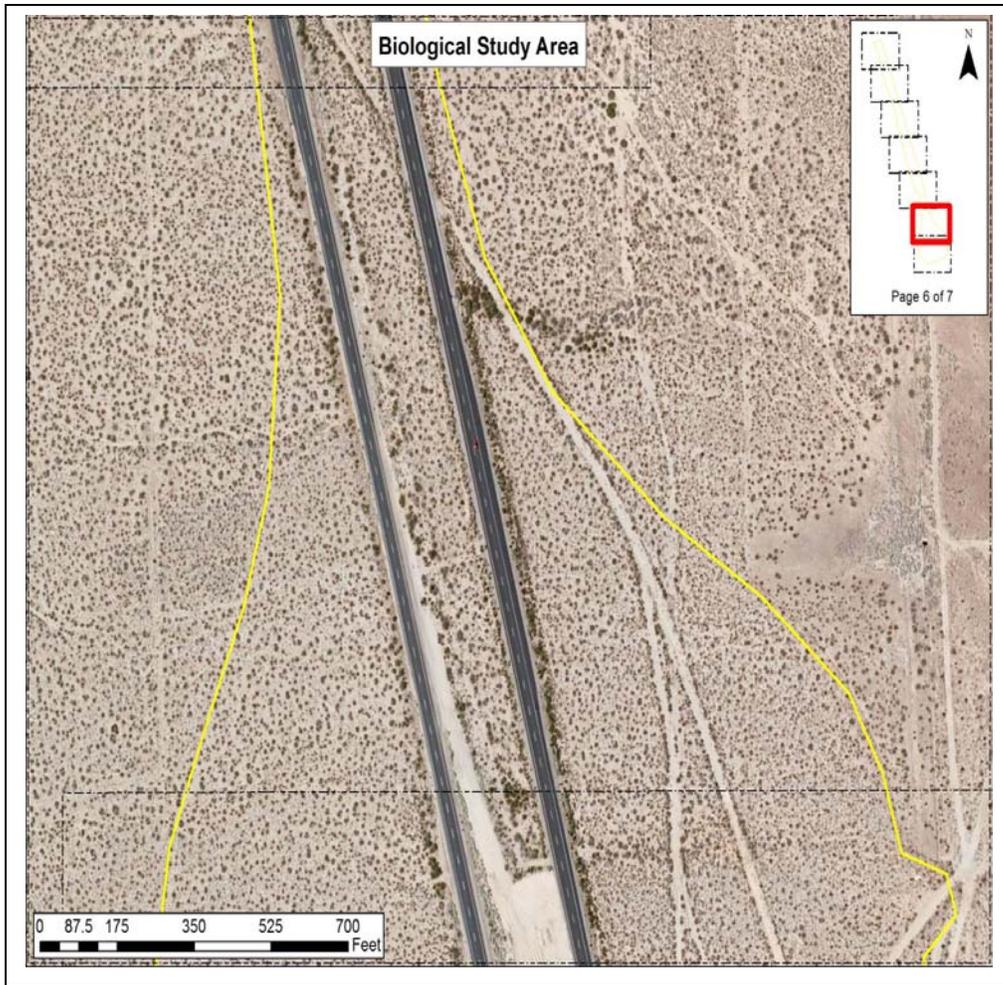
**Figure 8: Biological Study Area 3**



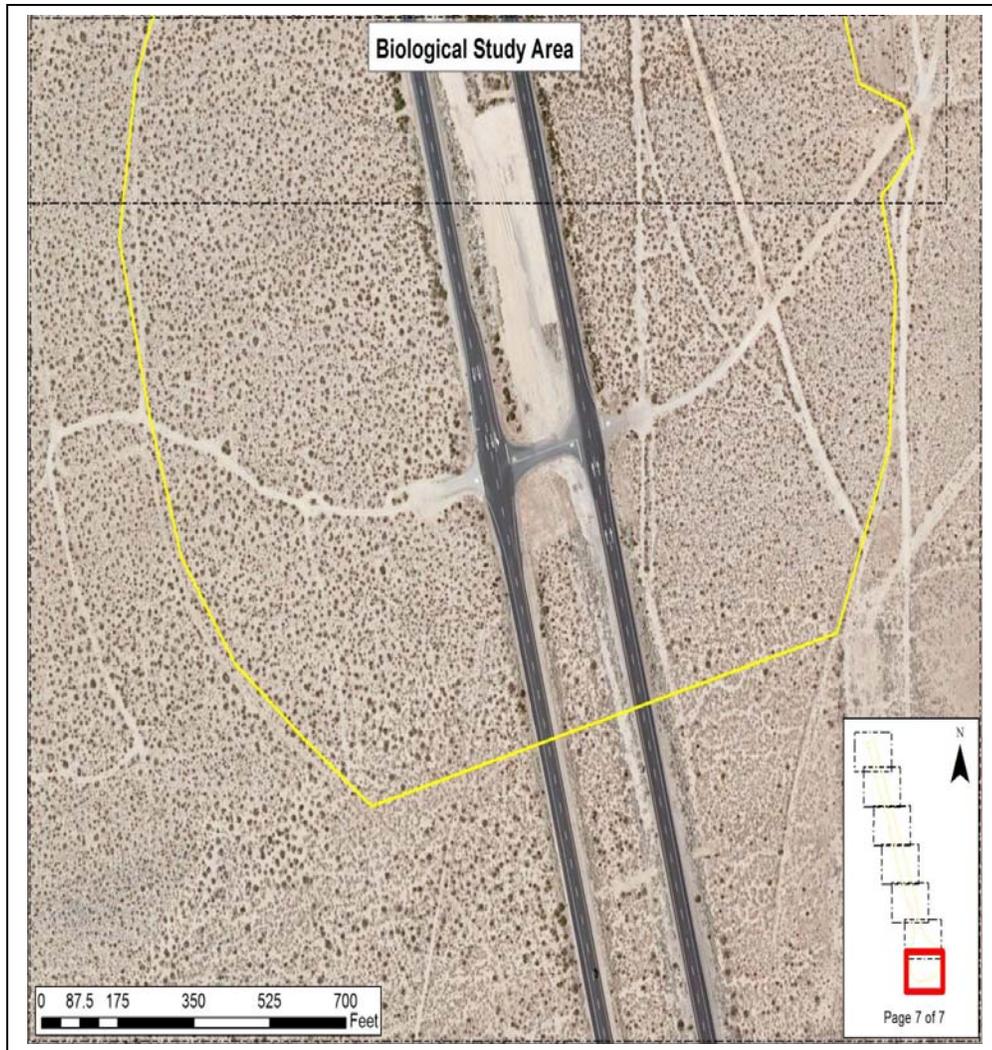
**Figure 9: Biological Study Area 4**



**Figure 10: Biological Study Area 5**



**Figure 11: Biological Study Area 6**



**Figure 12: Biological Study Area 7**



## Appendix C Comments and Responses

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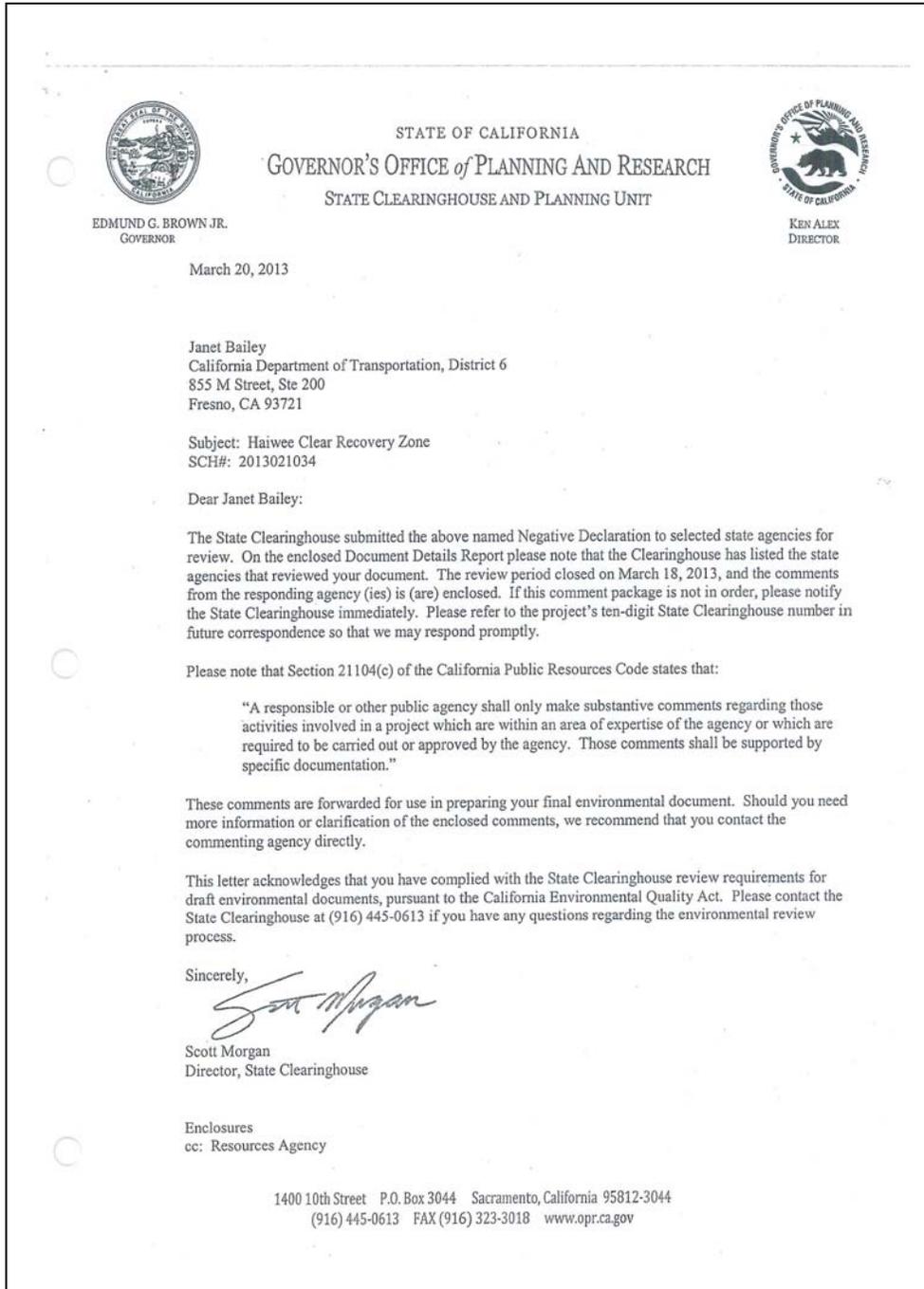
This draft environmental document was offered for public review and comment beginning February 24, 2013 and ending March 24, 2013. Electronic copies of the document were provided to the offices of elected officials who represent the project area at either the federal or the state level, the State Clearinghouse, and posted on the Caltrans District 9 website, and printed copies were sent to the California Transportation Commission and placed for public convenience at the Caltrans District 9 office in Bishop, California and at the Lone Pine Branch of the Inyo County Public Library.

No comments were received from the public about this project. One phone inquiry was received from California State Senator Jean Fuller's office asking how to access the copy of the document posted to the website. One inquiry was received via email from the Los Angeles Department of Water and Power asking for assurance that our design would not damage or otherwise limit the integrity of their aqueduct.



# Agency Letters

## Office of Planning and Research Letter



Document Details Report  
State Clearinghouse Data Base

**SCH#** 2013021034  
**Project Title** Haiwee Clear Recovery Zone  
**Lead Agency** Caltrans #6

**Type** Neg Negative Declaration  
**Description** The project proposes to widen the existing shoulders along the southbound lanes of US 395 from five feet to ten feet wide and establish a clear recovery zone for errant vehicles.

**Lead Agency Contact**

**Name** Janet Bailey  
**Agency** California Department of Transportation, District 6  
**Phone** 559 445 6328 **Fax**  
**email**  
**Address** 855 M Street, Ste 200  
**City** Fresno **State** CA **Zip** 93721

**Project Location**

**County** Inyo  
**City**  
**Region**  
**Lat / Long**  
**Cross Streets** US 395 2.5 miles north of Coso Junction between post mile 20.3 and post mile 22.3  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>

**Proximity to:**

**Highways** US 395  
**Airports**  
**Railways**  
**Waterways** Los Angeles Aqueduct  
**Schools**  
**Land Use** State Highway

**Project Issues** Wetland/Riparian; Wildlife

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6 (Inyo & Mono Region); Cal Fire; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 6 (Victorville); Native American Heritage Commission

**Date Received** 02/15/2013 **Start of Review** 02/15/2013 **End of Review** 03/18/2013

## **Response to Office of Planning and Research Letter**

Thank you for your comment



## Native American Heritage Commission Letter

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**  
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)  
[www.nahc.ca.gov](http://www.nahc.ca.gov)  
(916) 657-5390 - Fax



March 4, 2013

Ms. Janet Bailey, Environmental Planner

**California Department of Transportation – District 6**  
855 "M" Street, Suite 200  
Fresno, CA 93721

RE: SCH# 2013021034 CEQA Notice of Completion; Proposed Negative Declaration – "**Haiwee Gear Recovery Zone Project**;" located near Coso Junction; southern Inyo County, California

Dear Ms. Bailey:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has.
  - The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.
- ✓ If an additional 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. We suggest that this be coordinated with the NAHC, if possible.
  - 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 pursuant to California Government Code Section 6254.10.
- ✓ Contact has been made to the the Native American Heritage Commission for:
  - A Sacred Lands File Check, and cultural resources have been identified to your agency.
  - A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter.
  - Lack of surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries be coordinated with the NAHC;

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)

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364

SACRAMENTO, CA 95814

(916) 653-6251

[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)

[www.nahc.ca.gov](http://www.nahc.ca.gov)

(916) 657-5390 - Fax



§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.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton".

Dave Singleton  
Program Analyst  
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

## **Response to Native American Heritage Commission Letter**

Thank you for your response. We have taken the actions you recommend.



## Los Angeles Department of Water and Power E-mail Inquiry

["Cordova, Francis"

<Francis.Cordova@WATER.LADWP.com>

03/06/2013 10:48 AM

To "Scott\_Smith@dot.ca.gov" <Scott\_Smith@dot.ca.gov>  
cc "Miller, John (JFB)" <John.Miller@WATER.LADWP.com>, "Anbessaw, Abebaw" <Abewaw.Anbessaw@WATER.LADWP.com>

Subject: Widening of Southbound Highway 395 Bridge Over LA Aqueducts

Good morning Mr. Smith,

My name is Francis Cordova and I work with Aqueduct southern District Engineering Group (ASDE) of the Los

Angeles Department of Water and Power (LADWP). Could I get copies of Maps for the proposed negative

declaration and any other information you have available for the project ? Please give me a call if you have any

questions. I could be reached at (213) 367-1147.

Thank you and have a great day.

Francis L. Cordova

Aqueduct Southern District Engineering  
(213) 367-1147

**Bailey-Sutton, Janet H@DOT**

**From:** Cordova, Francis [Francis.Cordova@WATER.LADWP.com]

**Sent:** Tuesday, March 19, 2013 1:07 PM

**To:** Bailey-Sutton, Janet H@DOT

**Cc:** Miller, John (JFB); Anbessaw, Abebaw; Martin, Clarence; Rodrigues, Charlotte

**Subject:** RE: Haiwee Clear Recovery Zone

LADWP's concern will be how the project will affect the existing LA Aqueduct facilities that the widening will cross near Dunmavin in the Rose Valley area. Your design manager could assist us with that.

Thank you and have a great day.

Francis L. Cordova

Aqueduct Southern District Engineering  
(213) 367-1147

From: Bailey-Sutton, Janet H@DOT [mailto:janet.bailey-Sutton@dot.ca.gov]

Sent: Tuesday, March 19, 2013 11:24 AM

To: Cordova, Francis

Subject: Haiwee Clear Recovery Zone

Hi Francis:

I'm the environmental planner for this project. I can direct you to our design manager if what you're interested in is the construction itself, or to the project manager if your questions relate to the project overall. Let me know what your particular concerns are and I'll pass you along.

Janet Bailey

Associate Environmental Planner

Caltrans Central Sierra Environmental Analysis Branch  
(559) 445-6328

## **Response to Los Angeles Department of Water and Power E-mail Inquiry**

Referred Francis Cordova to Truman Denio, Design Manager, District 9 Caltrans Office in Bishop. Mr Denio has provided design information to Mr Cordova and they will continue to consult throughout design.