

Guadalupe Ditches

Between Guadalupe and Santa Maria in Santa Barbara County, California

05-SB-166-PM 0.9/2.4 and 3.8/4.8

ID #0500000056 (05-0G160)

SCH #2010111089

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



Prepared by the
State of California Department of Transportation

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

APRIL 2011



General Information About This Document

What's in this document?

This document contains a Mitigated Negative Declaration and Finding of No Significant Impact, which examine the environmental effects of a proposed project on State Route 166 in Santa Barbara County.

The Initial Study/Environmental Assessment and proposed Negative Declaration were circulated to the public from November 23, 2010 to December 24, 2010. Comment letters were received on the draft document. Comments on the circulated document are shown in the Comments and Responses section of this document, which has been added since the draft. Elsewhere throughout this document, a line in the margin indicates a change made since the draft document circulation.

What happens after this?

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

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Matt Fowler, Environmental Central Coast Branch, 50 Higuera Street; (805) 542-4603 Voice, or use the California Relay Service TTY number, 1-800-753-2929 or dial 711.

The California Department of Transportation (Caltrans) proposes to relocate drainage ditches along State Route 166 from post miles 0.9 to 2.4 (Location 1) and from post miles 3.8 to 4.8 (Location 2), between the City of Santa Maria to Guadalupe, California.

**INITIAL STUDY
with Mitigated Negative Declaration
/ENVIRONMENTAL ASSESSMENT**

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 U.S. Code 4332(2)(C) and 23 U.S. Code 327

THE STATE OF CALIFORNIA
Department of Transportation

4/11/2011
Date of Approval


Richard Krumholz
District Director
Caltrans District 5

Page Intentionally Left Blank

**California Department of Transportation
Finding of No Significant Impact**

FOR

The Guadalupe Ditches Relocation Project

The California Department of Transportation (Caltrans), as delegated by the Federal Highway Administration, has determined that Build Alternative will have no significant impact on the human environment. This Finding of No Significant Impact is based on the attached Environmental Assessment, which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment and incorporated technical reports.

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

Date

4/11/2011



Richard Krumholz
District 5 Director
California Department of Transportation

Page Intentionally Left Blank

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes to relocate drainage ditches along State Route 166 from post miles 0.9 to 2.4 (Location 1) and from post miles 3.8 to 4.8 (Location 2).

The replaced drainage ditches will be relocated at a minimum of 30 feet away from the edge of the traveled roadway. Fixed objects adjacent to State Route 166 within the 30-foot clear recovery zone will also be relocated. The project will relocate some of the existing irrigation systems, driveways, culverts, property fences, headwalls, and utility poles. Affected driveways will be changed and adjusted to grade. Fencing will be placed along the highway right-of-way at Location 2. Rock slope protection will be placed at ditches prone to channel erosion.

Determination

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

The proposed project will have no effect on: land use, growth, traffic/ transportation, cultural resources, geology/soil, hazardous waste, visual aesthetics, natural communities, wetlands and other waters, plant species, or animal species.

The proposed project will have no significant effect on agriculture, community, utilities, hydrology, water quality and storm water runoff, air quality and noise with the implementation of avoidance and minimization measures.

In addition, the proposed project will have no significantly adverse effect on threatened and endangered species because the following mitigation measures will reduce potential effects to insignificance:

Threatened and Endangered Species

Caltrans will schedule work activities between May 1 and October 31 to minimize potential impacts to California red-legged frogs and avoid the breeding season.

Environmentally sensitive area fencing will be erected around the agricultural pond and shown on field and layout sheets.

If red-legged frogs are found on the project site, they will be relocated to the Santa Maria River at Highway 1.

Only U. S. Fish and Wildlife Service-approved biologists will participate in activities the capture, handling, and monitoring of California red-legged frogs.

Ground disturbance will not begin until written approval is received from the U. S. Fish and Wildlife Service (the Service).

A Service-approved biologist will survey the project site 48 hours before work activities start.

Before any activities begin on the project, a biologist will conduct a training session for all construction personnel.

The biologist will be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of habitat has been completed.

Caltrans will monitor on-site compliance with all minimization measures.

The contractor will properly contain and dispose of all trash that may attract predators to the job site.

All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies.

Disturbed areas will be revegetated with native species.

Habitat contours will be returned to their original configuration at the end of project activities.

The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal.

Caltrans will attempt to schedule work activities for times of the year when impacts to the California red-legged frog will be minimal.

To control sedimentation during and after project implementation, Caltrans will implement best management practices.

Unless approved by the Service, water will not be impounded in a manner that may attract California red-legged frogs.

A biologist will permanently remove any individuals of exotic species.

The fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.

Caltrans will submit to the U.S. Fish and Wildlife Service (USFWS) a written request for approval of any biologist chosen to conduct activities.

If any California red-legged frog is found dead or injured, Caltrans will contact USFWS immediately.

Caltrans will conduct tests for Chytrid fungus from any captured California red-legged frog.

Caltrans will work with local agencies and governments toward the implementation of recovery plan for California red-legged frog.

Avoidance and Minimization Measures

Avoidance and minimization measures for agriculture, community, utilities, hydrology, water quality and storm water runoff, air quality and noise are as follow:

Farmland

Caltrans will relocate several utility poles and extend guardrail at the Bonita School Road intersection.

Local property owners/growers will be notified in advance of work beginning in the area.

Soil amendment, if used, will comply with the requirements in the California Food and Agricultural Code.

Community

All property acquisition activities for the proposed project will be done in accordance with the Real Property Acquisition Policies Act of 1970, as amended. The parcel owners will be fully informed of their rights. In addition, objective and fair property appraisals will be conducted, in which offers will be prepared based on appraised fair market values.

Utilities

Utility companies will be responsible for moving their respective lines, and will notify affected residents in advance of any disruption in service.

Table of Contents

Finding of No Significant Impact.....	v
Mitigated Negative Declaration	vii
Table of Contents	xi
List of Figures.....	xiii
List of Tables.....	xiii
List of Abbreviated Terms.....	xiii
Chapter 1 Proposed Project	1
1.1 Introduction.....	1
1.2 Purpose and Need	2
1.2.1 Purpose	2
1.2.2 Need.....	2
1.3 Alternatives.....	2
1.3.1 Build Alternative	2
1.3.2 No-Build Alternative	5
1.3.3 Comparison of Alternatives.....	5
1.3.4 Identification of a Preferred Alternative.....	5
1.3.5 Alternatives Considered but Eliminated from Further Discussion.....	5
1.4 Permits and Approvals Needed.....	6
Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures	9
2.1 Human Environment.....	11
2.1.1 Farmlands/Timberlands	11
2.1.2 Community Impacts	19
2.1.2.1 Relocations/Real Property Acquisition.....	19
2.1.3 Utilities/Emergency Services	21
2.2 Physical Environment	22
2.2.1 Hydrology and Floodplain.....	22
2.2.2 Water Quality and Storm Water Runoff.....	23
2.2.3 Paleontology	27
2.3 Biological Environment.....	28
2.3.1 Threatened and Endangered Species	28
2.4 Construction Impacts	34
2.5 Climate Change under the California Environmental Quality Act.....	35
Chapter 3 Comments and Coordination	47
Chapter 4 List of Preparers.....	51
Appendix A California Environmental Quality Act Checklist.....	53
Appendix B Title VI Policy Statement.....	63
Appendix C Minimization and/or Mitigation Summary	65
Appendix D NRCS-CPA-106 Form	73
Appendix E Biological Opinion	75
Appendix F Your Property Your Transportation Project.....	89
Appendix G Summary of Relocation Assistance Program.....	101

Appendix H Comments and Responses..... 105
Appendix I List of Technical Studies that are Bound Separately 153
Appendix J Project Location Map, Layouts, Cross-sections..... 155

List of Figures

Figure 1-1 Project Vicinity Map.....	3
Figure 1-2 Project Location Map.....	4
Figure 2-1 Farmland Impact Map (Location 1).....	15
Figure 2-2 Farmland Impact Map (Location 2).....	16
Figure 2-3 California Greenhouse Gas Inventory.....	39
Figure 2-4 Outcome of Strategic Growth Plan	41

List of Tables

Table 1.1 Permits Required.....	7
Table 2.1 Farmland Parcels Affected.....	14
Table 2.2 Farmland Conversion by Alternative.....	18
Table 2.3 Climate Change Strategies.....	43

List of Abbreviated Terms

Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CRZ	Clear Recovery Zone
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FPPM	Farmland Mapping and Monitoring Program
NEPA	National Environmental Policy Act
NOAA	National Ocean Atmospheric Administration
NRCS	Natural Resources Conservation Service
PDT	Project Development Team
PM	Post mile
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

This Page Intentionally Left Blank

Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) proposes safety improvements along State Route 166 between Guadalupe and Santa Maria in northern Santa Barbara County. The project proposes to relocate dirt drainage ditches along State Route 166 from post miles 0.9 to 2.4 (Location 1) and from post miles 3.8 to 4.8 (Location 2). See Figures 1-1 and 1-2, which show the project vicinity map and location map, respectively.

The existing drainage ditches are owned and maintained by Caltrans. The ditches run along both sides of the roadway, parallel with State Route 166. From the edge of travel way, the ditches are setback at distances that range from 10-feet to 19-feet. The ditches are not concrete-lined yet hold and convey highway runoff.

The project proposes to relocate these ditches to provide adequate area for a clear recovery zone. A clear recovery zone is an area free of fixed objects that allows errant vehicles more space to recover if they were to drive off the highway. The designated area will extend about 30 feet back from the edge of traveled roadway. The project will also relocate any fixed objects parallel to State Route 166 that sit in the established clear recovery zone. Culverts, driveways, property fences, utility poles and minor irrigation systems will be relocated outside the clear recovery zone. Affected driveways will be changed and adjusted to grade.

The project will require minor right-of-way acquisitions for placement of the relocated drainage ditches. A total of 9.1 acres will need to be acquired; of that total, 9.02 acres are identified as prime agricultural land. Partial acquisitions will consist of land slivers primarily at Location 1. These land slivers include narrow strips, about 25 feet wide, immediately adjacent to the existing Caltrans right-of-way.

The project is estimated to cost \$4,828,000. This project is programmed in the 2008 State Highway Operation and Protection Program under the 201.015 (HB1) Clean Up Roadside Environment (CURE)/Safety Enhancements program for delivery in fiscal year 2012/2013. Project construction is anticipated to take less than 6 months.

1.2 Purpose and Need

1.2.1 Purpose

The purpose of this project is to improve safety on State Route 166 by providing a 30-foot clear recovery zone for errant vehicles. The 30-foot clear recovery zone will allow errant vehicles more space to recover or stop safely if they were to drive off the highway.

1.2.2 Need

The need is based on traffic safety concerns. The collision rate within the project limits is higher than the statewide average for similar facilities. The statewide average is 0.94 collisions per million vehicles (MVM). Caltrans' Traffic Safety conducted a five year study of the project area between 1996 and 2000 and found the actual collision rate at Location 1 to be 1.69 collisions per MVM and Location 2 to have 1.46 collisions per MVM. In addition, a 33% of the collisions involve drivers traveling beyond the right shoulder and into the drainage ditches that closely parallel the highway on both sides of the road.

1.3 Alternatives

A build alternative and a no-build alternative were considered.

1.3.1 Build Alternative

Design Features of the Build Alternative

The proposed project will relocate existing drainage ditches outside the 30-foot clear recovery zone. Location 1 sits between post miles 0.9 to 2.4, and Location 2 sits between post miles 3.8 to 4.8. The ditches will be relocated 30 feet away from the edge of the travel way. They will run along both sides of the roadway, parallel with State Route 166 in the project limits.

The new ditches will be similar to the existing ditches, with a 6-foot flat bottom and a 2:1 side-slope ratio. They will be about 20 feet wide and vary from 3.5 to 6 feet deep.

In addition, the project will replace culverts, add rock slope protection at the drainage outlet near Bonita School, install fencing along the Caltrans right-of-way, relocate utility poles, remove unauthorized access points, and extend the existing guardrail near Bonita School Road.

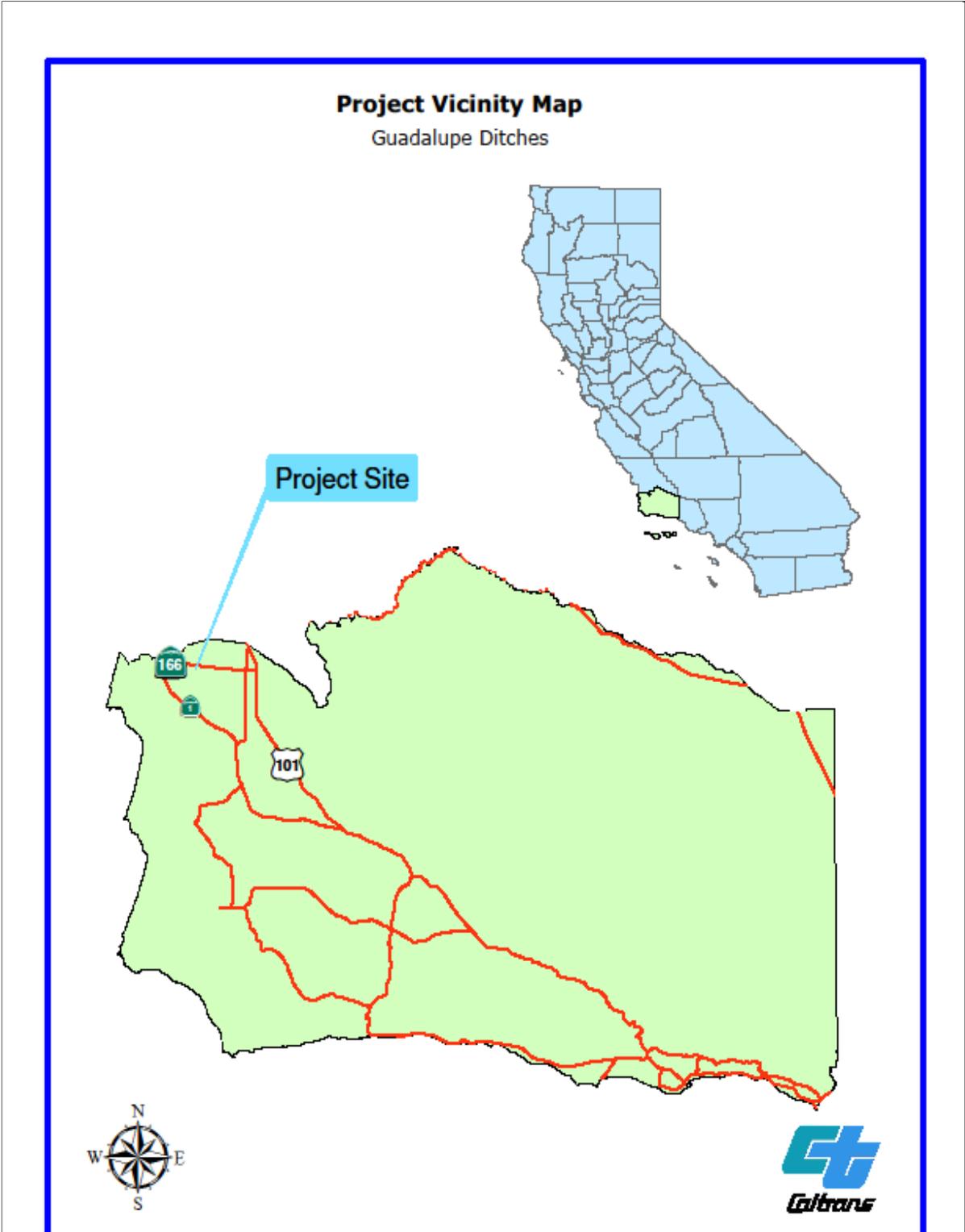


Figure 1-1 Project Vicinity Map

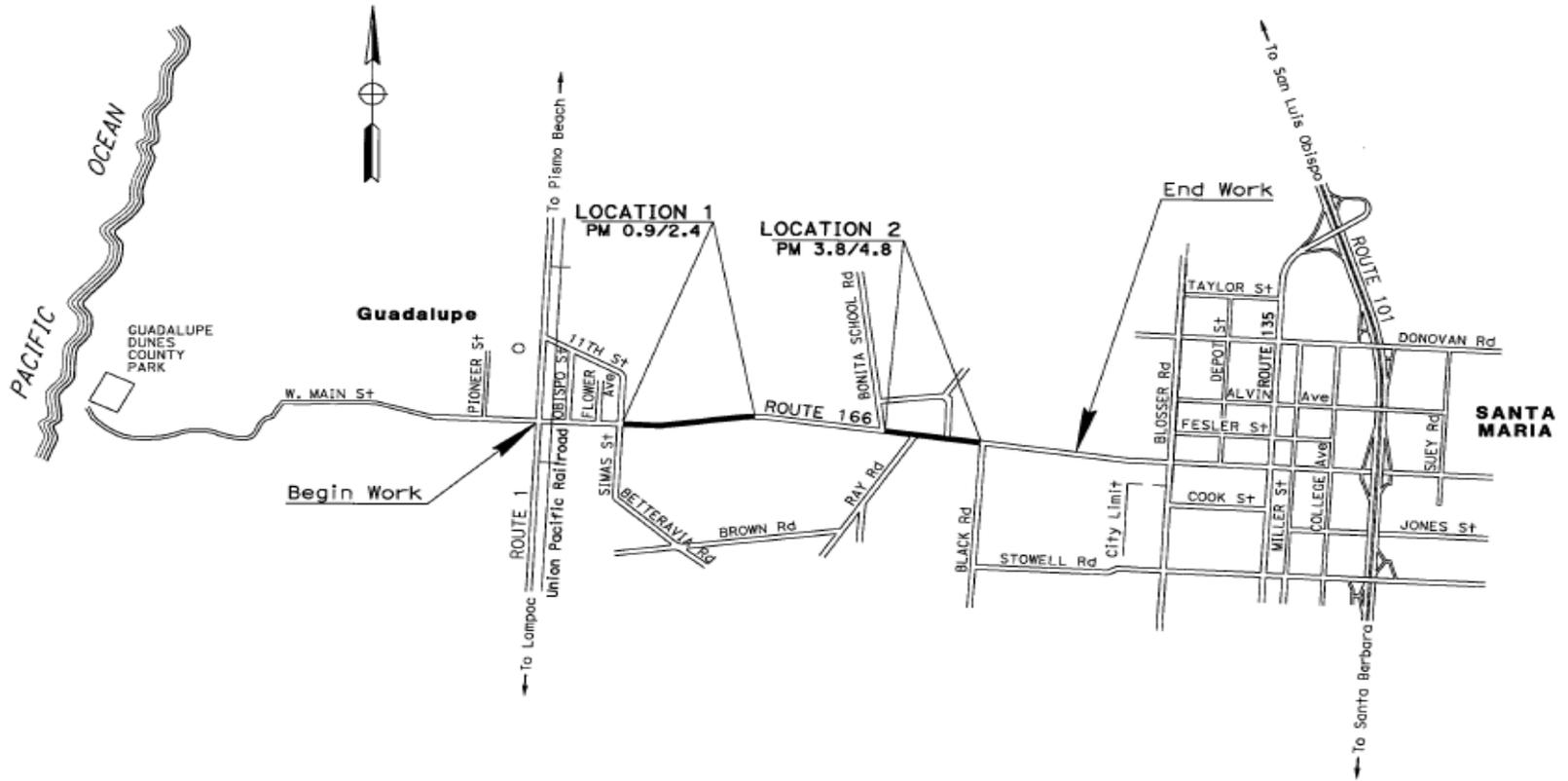


Figure 1-2 Project Location Map

1.3.2 No-Build Alternative

The no-build alternative will leave the existing drainage ditches and clear recovery zone as they currently are. The clear recovery zone will conflict with current Caltrans design standards, and safety issues will persist. No utilities will be relocated, and no right-of-way acquisitions will be made.

1.3.3 Comparison of Alternatives

The build alternative will relocate drainage ditches and fixed objects along the roadway to provide an adequate 30-foot clear recovery zone for errant vehicles; the no-build alternative would leave the existing ditches and fixed objects in place.

The build alternative will require a Take Permit from the U.S. Fish and Wildlife Service for potential impacts to California red-legged frogs.

The build alternative will acquire 9.2 acres of new right-of-way (farmland); the no-build alternative would allow the 9.2 acres of prime farmland to remain in production.

1.3.4 Identification of a Preferred Alternative

The Build Alternative and No-Build Alternative were considered for this project. After consideration of the comments received during the public circulation period and assessment of the environmental impacts, Caltrans has identified the Build Alternative as the preferred alternative. This alternative was selected because it meets the purpose and need of the project.

1.3.5 Alternatives Considered but Eliminated from Further Discussion

Ditches Along Future Expressway

This alternative proposed to relocate the new ditches along a future four-lane expressway that was envisioned in the 1970s but was never built. This alternative was rejected by the project development team because of the excessive cost and multiple other unknown engineering factors. It is difficult to forecast the future four-lane project limits, alignment, right-of-way, drainage, and storm water requirements. In addition, this alternative exceeds the project's scope for a clear recovery zone. For these reasons, this alternative was rejected.

Large Culvert

This alternative proposed to remove the ditches and install large culverts. This alternative was rejected due to maintenance problems and silting issues.

20-foot Clear Recovery Zone

This alternative proposed a 20-foot clear recovery zone at Location 1. Please refer to *Project Location Map: Figure 1-2* for locations. This alternative was rejected because Caltrans' Office of Traffic Safety recommends a 30-foot clear recovery zone. In addition, the space between the edge-of-travel way and existing right-of-way is confined at Location 1. Utility poles are approximately 32 feet from edge-of-travel way. In order to fit a 20-foot clear recovery zone and a 20-foot ditch, 86 utility poles would need to be moved about 12 feet back from their current location. This alternative would still require right-of-way from farmland. The proposed project maintains the poles in their current location, and places the drainage ditches on the backside of the poles.

Eliminate Ditches

This alternative proposed to fill in the existing ditches to create the clear recovery zone. The alternative was rejected because the drainage ditches are critical for collecting highway runoff.

Relocate Ditches Outside Caltrans' Right-of-Way

This alternative proposed to relocate the ditches outside of Caltrans' right-of-way. This was immediately rejected because the adjacent property owners would be required to operate and maintain the ditches, yet Caltrans would be liable for highway flooding if proper maintenance was neglected.

Dual Drainage Ditches

This alternative proposed building two separate drainage ditches for highway and irrigation runoff. However, this alternative was rejected because it would produce a larger footprint for the project, impact additional farmland, and have an additional right-of-way cost.

1.4 Permits and Approvals Needed

Section 7 consultation was initiated with the Ventura office of the U.S. Fish and Wildlife Service in February 2010 for potential impacts to the California red-legged frog. The Fish and Wildlife Service concurred with the determination that the project

is “not likely to jeopardize the continued existence of the California red-legged frog” and issued a Biological Opinion in June 2010.

The California Department of Fish and Game will be contacted for a 1600 Streambed Alteration Agreement for work done at Location 2, where about 60 linear feet of rock slope protection will be placed at a drainage outlet.

The following permits, reviews, and approvals will be required for project construction:

Table 1.1 Permits Required

Agency	Permit/Approval	Status
U.S. Fish and Wildlife Service	Section 7 Consultation for Threatened and Endangered Species Take Permit	Non-jeopardy Biological Opinion issued on June 23, 2010.
California Depart of Fish and Game	1600 Streambed Alteration Agreement for work done at Location 2	Will be done before start of construction.
Central Coast Regional Water Quality Control Board	401 Water Quality Certification Permit for work with drainage ditches	Agency implied that they will not claim jurisdiction. However, if a 401 Permit is required, this will be done before construction.
State Water Resources Control Board	National Pollutant Discharge Elimination System	Will be done before start of construction.

This Page Intentionally Left Blank

Chapter 2 **Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures**

This chapter explains the impacts that the project will have on the human, physical, and biological environments in the project area. It describes the existing environment that could be affected by the project, potential impacts from each of the alternatives, and proposed avoidance, minimization, and/or mitigation measures. Any indirect impacts are included in the general impacts analysis and discussions that follow.

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

- **Land Use**—The project site is zoned as a transportation corridor, and adjacent land uses are agricultural. There is no conflict with state, regional or local plans or zoning policies. The project limits are not in the coastal zone or near any wild or scenic rivers (Santa Barbara County Zoning Map).
- **Growth**—The project will not increase population growth. The safety project consists of relocating drainage ditches (project description 2010).
- **Traffic and Transportation/Pedestrian and Bicycle Facilities**—There will be no adverse impacts on traffic and transportation because traffic volumes are not expected to increase. There will be a beneficial impact by improving traffic safety. Errant vehicles will have a 30-foot clear recovery zone where drivers could regain control of the vehicle if they were to run off the highway (project description 2010).
- **Cultural Resources**—No cultural resources are present at the project site (Cultural Resources Review Memorandum; May 2009).
- **Geology/Soils/Seismic/Topography**—The project will not affect geology and soils. The project is not located in any fault zones as delineated by the California Department of Conservation (Fault Rupture Hazard Zones in California; Publication 42). The project area is considered prime agricultural land, which contains high quality soil and has been identified with a problem rating of “low” for expansive soil conditions (Santa Barbara County’s Compressible-Collapsible Soils Map).

- Hazardous Waste or Materials— There will be no impacts from hazardous waste. It is unlikely that the project will encounter any type of hazardous material (Initial Site Assessment; October 2009).
- Air Quality—The project will not violate any air quality standards. The project is in the South Central Coast Air Basin as defined by the California Air Resources Board. The Santa Barbara County Air Pollution Control District is charged with establishing regulations to accomplish attainment of state and federal air quality standards in Santa Barbara County. Santa Barbara County is considered to be in attainment for all federal air quality standards, the County is non-attainment for state ozone and for fine particulate (PM₁₀) standards. To meet these goals, the Santa Barbara County Air Pollution Control District has prepared a 2007 Clean Air Plan that details how the district will attain federal air quality standards for the 1-hour ozone standard. The Santa Barbara County Air Pollution is the applicable State Implementation Plan for Santa Barbara County. Short-term and temporary impacts will occur during construction (Air Quality, Noise, and Paleontology Reports; April 2009).
 - Noise and Vibration—There will be no long-term increase in ambient noise levels, only short-term and temporary increases will occur during construction (Air Quality, Noise, and Paleontology Reports; April 2009).
 - Visual Aesthetics—There will be no adverse impact to aesthetics (Visual Assessment; July 2010).
 - Natural Communities—There are no wildlife corridors or fish passages within the project limits (Natural Environment Study; March 2010).
 - Wetlands and other Waters—There will be no loss of Waters of the U.S. or any aquatic habitat with this project (Natural Environment Study; March 2010).
 - Plant Species—The project will not affect any listed plant species (Natural Environment Study; March 2010).
 - Animal Species—Except for the California red-legged frog potentially being affected, no sensitive animal species will be affected. The California red-legged frog is a federal Threatened species and a California State Species of Special Concern. The California red-legged frog is addressed in Section 2.3.1: Threatened and Endangered Species.

2.1 Human Environment

2.1.1 Farmlands/Timberlands

Regulatory Setting

The National Environmental Policy Act and the Farmland Protection Policy Act (FPPA, 7 USC 4201-4209; and its regulations, 7 CFR Part 658) require federal agencies, such as the Federal Highway Administration, to coordinate with the Natural Resources Conservation Service if their activities may irreversibly convert farmland (directly or indirectly) to nonagricultural use. For purposes of the Farmland Protection Policy Act, farmland includes prime farmland, unique farmland, and land of statewide or local importance.

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

Affected Environment

Applicable technical reports: Farmland Report, June 2010

The Guadalupe Ditches project runs along State Route 166 between the City of Santa Maria and Guadalupe in Santa Barbara County. The project limits fall within a productive agricultural corridor and adjacent to 21 farmland properties, one packing plant facility, and two homes. Several properties are owned and/or operated by the same individuals or companies. Currently, two adjacent property owners have a lease agreement with Caltrans that allows each to farm approximately three acres of State right-of-way. The total size of farmland properties within the project limits is approximately 2,858 acres, from parcels that range from 31 to 361 acres. Crops are planted and harvested continuously throughout the year, but the main crops are strawberries and leafy greens.

The California Department of Conservation's Farmland Mapping and Monitoring Program analyzes agricultural land uses and land use changes and their impacts to agricultural resources. There are various types of farmland classification. The most

critical types of farmland are identified as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance.

Prime Farmland is land that has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods. Prime Farmland must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use (excerpted from the California Department of Conservation's Office of Land Conservation, *A Guide to the Farmland Mapping and Monitoring Program*, 1992. Publication Number FM-92-01).

Unique Farmland is land that does not meet the criteria for Prime Farmland or Farmland of Statewide Importance, and that is currently used for the production of specific high economic value crops (as listed in the last three years of California Agriculture produced by the California Department of Food and Agriculture). It has the special combination of soil quality, location, growing season and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. Examples of such crops may include oranges, olives, avocados, rice, grapes, and cut flowers. It does not include publicly owned lands for which there is an adopted policy preventing agriculture use (excerpted from the California Department of Conservation's Office of Land Conservation, *A Guide to the Farmland Mapping and Monitoring Program*, 1992. Publication Number FM-92-01).

Farmland of Statewide Importance is land other than Prime Farmland that has a good combination of physical and chemical characteristics for the production of crops. It must have been used for the production of irrigated crops within the last three years. It does not include publicly owned lands for which there is an adopted policy preventing agricultural use (excerpted from the California Department of Conservation's Office of Land Conservation, *A Guide to the Farmland Mapping and Monitoring Program*, 1992. Publication Number FM-92-01).

The California Department of Conservation's Farmland Mapping and Monitoring Program identified all farmland properties within the project vicinity as being Prime Farmlands. The County of Santa Barbara Assessor's Office shows that all of these farmland properties, except for one property, are also subject to agricultural preserves

(Williamson Act contracts). An agricultural preserve defines the boundary of an area within which a city or county will enter into contracts with landowners. The boundary is designated by resolution of the Board of Supervisors or City Council having jurisdiction. Only land within an agricultural preserve is eligible for a Williamson Act contract. Please see the *Regulatory Setting* of this section for the definition of Williamson Act land.

According to California Environmental Quality Act Guidelines Section 15206, cancellation of Williamson Act contracts for parcels exceeding 100 acres is considered to be “of statewide, regional, or areawide significance,” and thus subject to additional noticing and review requirements under the California Environmental Quality Act.

Environmental Consequences

The project will require right-of-way acquisitions from 14 agricultural parcels to provide area for the relocated ditches. Within these farmland properties, 13 parcels are subject to the Williamson Act. The new right-of way will convert a total of 9.02 acres of productive agricultural land use to non-productive use. A total of 5 acres of productive land will be indirectly affected. This area is less than 0.5% of the available farmland in the vicinity and 0.012% of the available farmland in Santa Barbara County. The maximum take of any agricultural property will be about 1.7 acres from a 296 acres parcel. Refer to Table 2.1 and Figures 2-1 and 2-2.

It is anticipated that no Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions, due to the new right-of-way acquisitions. The remaining acreage from each parcel will continue to meet Santa Barbara County’s criteria for eligibility as Williamson Act contract parcels.

Government Code section 51295 states that when a project acquires only a portion of a parcel of land subject to a Williamson Act contract, the contract is deemed null and void only as to that portion of the contracted farmland taken. The remaining land continues to be subject to the contract unless it is adversely affected with property acquired by eminent domain or in lieu of eminent domain.

The project will directly convert approximately 9.02 acres of Prime Farmland. At the Location 1 site, 12 farmland properties will be affected by partial right-of-way acquisitions. About 8.84 acres of Prime Farmland from a total of 2179 acres will be acquired. At Location 2, one property will be affected by partial right-of-way acquisition. About 0.18 acre of Prime Farmland from a total of 687 acres will be acquired. Please refer to *Project Location Map: Figure 1-2* for location identification.

Table 2.1 Farmland Parcels Affected

ID	APN	Location	Size of Property (Acres) (* Residential property excluded from total farmland parcels affected)	Required Right-of-Way (Acres)	Land Use
1	113-040-003	1	105.57	0.07	Ag Preserve
2	113-040-006	1	214.07	0.97	Ag Preserve
3	113-040-007	1	183.06	0.63	Ag Preserve
4	113-040-009	1	89.58	0.61	Ag Preserve
5	113-040-011	1	208.14	0.92	Ag Preserve
6	113-050-003	1	52.30	0.56	Ag Preserve
7	113-050-028	1	1.50	0.00	Residential
8	113-050-027	1	1.00	0.12	Residential
9	113-050-029	1	49.72	0.36	Ag Preserve
10	113-050-050	1	361.18	0.19	Ag Preserve
11	113-080-006	1	295.99	1.74	Ag Preserve
12	113-080-023	1	250.25	1.47	Ag Preserve
13	113-090-001	1	185.07	1.13	Ag Preserve
14	113-090-002	1	181.16	0.19	Ag Preserve
15	113-050-051	2	42.43	0.00	Ag Preserve
16	113-050-064	2	82.62	0.00	Ag Preserve
17	113-090-020	2	131.24	0.00	Ag Preserve
18	113-120-024	2	31.18	0.18	Ag Preserve
19	113-120-032	2	105.63	0.00	Ag Preserve
20	117-160-038	2	4.99	0.00	Packing Plant
21	117-160-046	2	68.75	0.00	Ag Preserve
22	117-160-033	2	67.07	0.00	Ag Preserve
23	117-160-041	2	67.11	0.00	Ag Preserve
24	117-191-005	2	85.82	0.00	Agriculture but NOT Preserve
	Total Acreage		2857.94	*9.02	

Shaded rows indicate agricultural preserve land potentially affected by property acquisition.

**The "total acreage" only includes agricultural preserve land permanently impacted.*

(Table 2-1 does not include 5 acres of indirect farmland conversion located within Caltrans right-of-way)



Guadalupe Ditches Project - Location 1
Santa Barbara County, California
05-SB-166- Post Mile 0.9/2.4 and 3.8/4.8
EA No. 05-0G1600



Figure 2-1 Farmland Impact Map (Location 1)

Red lines depict individual parcels that fall within the project limits.

Green lines depict individual parcels in vicinity of project



Guadalupe Ditches Project - Location 2
Santa Barbara County, California
05-SB-166- Post Mile 0.9/2.35 and 3.8/4.8
EA No. 05-0G160_



Figure 2-2 Farmland Impact Map (Location 2)

Red lines depict individual parcels that fall within the project limits.

Green lines depict individual parcels in vicinity of project

Unusual Farmland Circumstances

In the 1970s, Caltrans purchased an extended amount of right-of-way at Location 2 for a proposed expressway that was never built. The state right-of-way ranges from 10 to 300 feet from the edge of the travel way throughout Location 2; however, the property lines were never formally fenced off during the 1970's purchase. Crop productions have encroached past property lines into the state right-of-way. Roughly nine acres of crop production occurs within Caltrans' right-of-way without authorization.

Within the Caltrans right-of-way at Location 2, about 15 acres of farmland will be converted to highway purposes. This acreage is fully planted with crops. It could be inferred that the fertile soil at this location is Prime Farmland based on the adjacent land parcels and crop yields within this designated area. On the Natural Resources Conservation Service assessment form, Caltrans identified this farmland conversion as "indirect farmland converted," though according to the Natural Resources Conservation Service website "construction within an existing right-of way purchased on or before August 4, 1984" is not subject to Farmland Protection Policy Act rule. Please refer to Chapter 3: *Comments and Coordination* for discussion with Natural Resources Conservation Service regarding unauthorized farmland on Caltrans right-of-way.

Since Location 2 is designated as an expressway, for which access control rights were purchased, Caltrans' Design Standards mandate that fencing be placed along Location 2's right-of-way. Iron post and barbed wire will be installed to distinguish Caltrans' existing right-of-way. The fence will restrict unauthorized access to and from the highway and eliminate unauthorized farming on Caltrans property. This area will no longer be able to be farmed.

Agricultural

When farmland is affected, Caltrans consults with the U.S. Department of Agriculture's Natural Resources Conservation Service. Caltrans uses the U.S. Department of Agriculture's Farmland Conversion Impact Rating Form NRC-CPA-106 to determine impacts to farmland. The evaluation form is submitted to the U.S. Department of Agriculture's Natural Resources Conservation Service, which assigns a score for a site's relative value. The Natural Resources Conservation Service returns the evaluation form, and Caltrans completes a site assessment with the score assigned from the Natural Resources Conservation Service. A combined score under 160 indicates no further consideration for protection. Government Code Section 658.4 c (3) of the Farmland Protection Policy Act states that "sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection."

A Farmland Conversion Impact Rating Form was submitted to the Santa Barbara County Natural Resources Conservation Service on August 17, 2010. A combined score of 184.5 points was the overall outcome (refer to the NRCA-CPA-106 Form in Appendix D).

The Natural Resources Conservation Service requires agencies to consider protection if the conversion score falls between the ranges of 160 to 260 points. The score of 184.5 is found on the lower-end of this spectrum, over the 160-point criteria for considering protection. In compliance with Title 7 Code of Federal Regulation 658.4 (4) (ii), Caltrans has implemented avoidance measures to minimize farmland impacts.

Section 15206 of the California Environmental Act Guidelines identifies the cancellation of 100 acres or more of a Williamson Act contract by a project as a significant impact under the California Environmental Quality Act. Although most of the farmland that will be converted by this project is in Williamson Act contracts, the project only impacts 9.2 acres of farmland. As stated above, it is anticipated that no Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions due to the new right-of-way acquisitions.

Agricultural Preserves

Government Code Section 51291(b) requires an agency (Caltrans) to notify the Director of the California Department of Conservation and the local governing body responsible for the administration of the preserve (County of Santa Barbara Planning Department) of Williamson Act-contracted land proposed for acquisition for a public improvement project. On July 31, 2010, a letter was sent to the California Department of Conservation and the County of Santa Barbara Planning Department to notify them of the impact to the agricultural preserve.

Table 2.2 Farmland Conversion by Alternative

Alternatives	Land Converted (acres)	Prime and Unique Farmland (acres)	Percentage of Farmland in County to be Converted	Percentage of Farmland in State to be Converted	Farmland Conversion Impact Rating
Build	15	9.02	0.012	0.00009	184.5
No-Build	0	0			

Source: Form NRCS-CPA-106 (Farmland Conversion Impact Rating for Corridor-Type Projects)

Avoidance, Minimization, and/or Mitigation Measures

The project proposes to incorporate the following avoidance and minimization measures for impacts to preserved agricultural land:

- Caltrans will relocate several utility poles and extend guardrail at the Bonita School Road intersection to minimize acquisitions of farmland.
- Advance notification and coordination with local property owners/growers will be conducted to minimize short-term impacts related to construction activities. Before any work that could interfere with underground infrastructure is started, specifically water supplies, the work will be coordinated with appropriate property owners/growers.
- Soil amendment, if used, will comply with the requirements in the California Food and Agricultural Code. Soil amendment must not contain paint, petroleum products, pesticides or any other chemical residues harmful to animal life or plant growth.

2.1.2 Community Impacts

2.1.2.1 Relocations/Real Property Acquisition

Regulatory Setting

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

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

Affected Environment

The Guadalupe Ditches project is located along State Route 166 between the City of Santa Maria and Guadalupe in Santa Barbara County. The project limits fall within a productive agricultural corridor and adjacent to 21 farmland properties, one packing plant facility, and two homes. Several properties are owned and/or operated by the same

individuals or companies. Currently, two adjacent property owners have lease agreements with Caltrans.

Environmental Consequences

There will be no relocations with this project; however, the project will require partial right-of-way acquisitions from 14 parcels. A total of 9.2 acres of new right-of-way will be acquired. The maximum take of any property will be approximately 1.7 acres from a 296-acre parcel at Location 1. In addition, temporary construction easements will be required for the project from 17 parcels. A total of approximately 6 acres will be temporarily affected during construction activities. (Refer to Figures 2-1 and 2-2 for identification of the parcels affected).

At the Location 1 site, 13 properties will be affected by right-of-way acquisitions. About 8.9 acres from a total of 2,179 acres will be acquired. Sliver takes will occur on both sides of State Route 166 and run parallel with the roadway. These takes will be approximately 25 feet wide and 1.5 miles long. Also at this location, approximately four acres will be needed for temporary construction easements.

At Location 2, one property will be affected by a right-of-way acquisition. The total acreage of adjacent properties at this location is 687 acres, in which a total 0.18 acre will be acquired. The property acquisition at Location 2 will be in the form of a sliver-take. The land sliver will measure 8-foot wide and run the entire stretch of the property adjacent to State Route 166 (APN#113-120-024). Also at Location 2, approximately two acres will be needed for temporary construction easements. All other remaining areas needed for drainage ditches at Location 2 will occur within existing Caltrans' right-of-way.

Iron post and barbed-wire fencing will be placed along the Caltrans right-of-way at Location 2. Fencing will be installed to establish Caltrans' existing access denial lines. Any existing agricultural irrigation systems located on Caltrans' newly acquired property will be dismantled and relocated outside the clear recovery zone.

The project will not displace any existing homes or dwellings. All 17 parcels will be affected either by partial acquisitions or short-term construction easements.

Avoidance, Minimization, and/or Mitigation Measures

All property acquisition activities for the proposed project will be done in accordance with the Real Property Acquisition Policies Act of 1970, as amended. The parcel owners will be fully informed of their rights. In additions, objective and fair property

appraisals will be conducted, in which offers will be prepared based on appraised fair market values.

2.1.3 Utilities/Emergency Services

Affected Environment

Various utilities reside within the project limits. Three overhead utilities exist within the project limits. A PG&E overhead electrical line runs along the eastbound shoulder of State Route 166. Comcast also has a fiber optic cable on the PG&E poles. Verizon overhead telephone lines run on the westbound side of the highway.

There are four underground utilities within the project limits. AT&T and Sprint have buried fiber optic lines along the shoulders in the Caltrans right-of-way. Southern California Gas Company has a 6-inch gas line and two 2-inch laterals along the eastbound shoulder of State Route 166. A Central Coast Water Authority 42-inch high-pressure water line crosses State Route 166 at the end of Location 2.

Environmental Consequences

The project will affect two utility companies that have overhead lines. The utility poles in conflict with the construction of the drainage ditches will have to be relocated outside the clear recovery zone.

Verizon has three utility poles that will have to be relocated. The company has been contacted and has agreed with the relocations. PG&E has 11 utility poles that will have to be relocated outside the clear recovery zone. Caltrans proposes to place them on the back side of the new ditches.

All other utility companies' lines are buried and will not be affected.

Emergency services will not be impeded during construction.

Because there are no long-term impacts to utility or emergency services, there will be no substantial impact to the environment.

Avoidance, Minimization, and/or Mitigation Measures

Utility companies will be responsible for moving their respective lines. Utility companies will notify affected residents in advance of any disruption in service during utility relocation.

2.2 Physical Environment

2.2.1 Hydrology and Floodplain

Regulatory Setting

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. The Federal Highway Administration requirements for compliance are outlined in 23 CFR 650 Subpart A.

Affected Environment

Applicable technical reports: Hydraulics Design Memorandum, 2009; FEMA maps.

The project area consists of very flat terrain, with State Route 166 having a low elevation profile. The existing ditches are used to control flooding and reduce the risk of highway flooding. The ditches receive highway runoff during the rainy seasons and receive minor irrigation runoff throughout the year. Flooding often occurs near the Simas intersection (Location 1) during storms.

According to the Federal Emergency Management Agency's Flood Insurance Rate Maps, the project area is not located in a floodplain.

Environmental Consequences

The project will realign existing drainage ditches, but will not redirect flood flows. The project will keep the historical drainage patterns and will not substantially increase the rate or amount of surface runoff that could result in flooding.

The design of the new ditches is similar to the existing ditches. The flow profile grade is relatively flat due to the surrounding terrain. Low flow velocities are expected and may cause any silt in the runoff to drop out and build up in the ditches. The drainage ditches may need to be dredged in the same manner as the existing ditches. However, this impact from surrounding agricultural runoff will not be substantial.

Avoidance, Minimization, and/or Mitigation Measures

Caltrans Maintenance will remove silt from drainage channels and clean the culverts as needed.

2.2.2 Water Quality and Storm Water Runoff

Regulatory Setting

Federal Requirements: Clean Water Act

In 1972, the Federal Water Pollution Control Act was amended, making the discharge of pollutants to the waters of the United States from any point source unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The Federal Water Pollution Control Act was subsequently amended in 1977, and was renamed the Clean Water Act. The Clean Water Act, as amended in 1987, directed that storm water discharges are point source discharges. The 1987 Clean Water Act amendment established a framework for regulating municipal and industrial storm water discharges under the National Pollutant Discharge Elimination System program. Important Clean Water Act sections are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for any federal project that proposes an activity, which may result in a discharge to waters of the United States to obtain certification from the State that the discharge will comply with other provisions of the act.
- Section 402 establishes the National Pollutant Discharge Elimination System, a permitting system for the discharges (except for dredge or fill material) into waters of the United States. Regional Water Quality Control Boards administers this permitting program in California. Section 402(p) establishes addresses storm water and non-storm water discharges.
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. This permit program is administered by the U.S. Army Corps of Engineers.

The objective of the Clean Water Act is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

State Requirements: Porter-Cologne Water Quality Control Act (California Water Code)

California’s Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This act requires a “Report of Waste Discharge” for any discharge of waste (liquid, solid, or otherwise) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state.

The State Water Resources Control Board and regional water quality control boards are responsible for establishing the water quality standards (objectives) required by the Clean Water Act, and regulating discharges to ensure that the objectives are met. Details regarding water quality standards in a project area are contained in the applicable regional water quality control board basin plan. States designate beneficial uses for all water body segments, and then set criteria necessary to protect these uses. Consequently, the water quality standards developed for particular water segments are based on the designated use and vary depending on such use. In addition, each state identifies waters failing to meet standards for specific pollutants, which are state listed in accordance with Clean Water Act Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source controls, the Clean Water Act requires establishing total maximum daily loads. Total maximum daily loads establish allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The State Water Resources Control Board administers water rights, water pollution control, and water quality functions throughout the state. Regional water quality control boards are responsible for protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

National Pollutant Discharge Elimination System Program

The State Water Resources Control Board adopted Caltrans Statewide National Pollutant Discharge Elimination System Permit (Order No. 99-06-DWQ) on July 15, 1999. This permit covers all Caltrans rights-of-way, properties, facilities, and activities in California. National Pollutant Discharge Elimination System permits establish a 5-year permitting time frame. The permit requirements remain active until a new permit has been adopted.

In compliance with the permit, Caltrans developed the Statewide Storm Water Management Plan to address storm water pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The Statewide Storm Water Management Plan describes the minimum procedures and practices Caltrans uses to reduce pollutants in storm water and non-storm water discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of best management practices. The proposed

project will be programmed to follow the guidelines and procedures outlined in the 2003 Statewide Storm Water Management Plan to address storm water runoff or any subsequent Statewide Storm Water Management Plan version draft and approved.

Municipal Separate Storm Sewer System Program

The U.S. Environmental Protection Agency (EPA) defines a municipal separate storm sewer system as any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, country, or other public body having jurisdiction over storm water, that are designed or used for collecting or conveying storm water. As part of the National Pollutant Discharge Elimination System program, EPA initiated a program requiring that entities having separate storm sewers apply to their local regional water quality control boards for storm water discharge permits. The program proceeded through two phases. Under Phase I, the program initiated permit requirements for designated municipalities with populations of 100,000 or greater. Phase II expanded the program to municipalities with populations less than 100,000.

Construction Activity Permitting

Section H.2, Construction Program Management of Caltrans' National Pollutant Discharge Elimination System permit states: "The Construction Management Program shall be in compliance with requirement of the NPDES General Permit for Construction Activities (Construction General Permit)." Construction General Permit (Order No. 2009-009-DWQ, adopted on September 2, 2009, became effective on July 1, 2010. The permit regulates storm water discharges from construction sites that result in a disturbed soil area of 1 acre or greater, and/or are part of a common plan of development. By law, all storm water discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least 1 acre must comply with the provisions of the General Construction Permit.

The newly adopted permit separates projects into Risk Levels 1–3. Requirements apply according to the risk level determined. For example, a Risk Level 3 (highest risk) project will require compulsory storm water runoff pH and turbidity monitoring. Risk levels are determined during the design phase and are based on potential erosion and transport to receiving waters. Applicants are required to develop and implement an effective Storm Water Pollution Prevention Plan.

The Caltrans Statewide National Pollutant Discharge Elimination System Permit requires Caltrans to submit a Notice of Construction to the Regional Water Quality Control Board to obtain coverage under the Construction General Permit. On project completion, a Notice of Completion of Construction is required to suspend coverage. This process will continue to apply to Caltrans projects until a new Caltrans Statewide National Pollutant Discharge Elimination System Permit is adopted by the State Water Resources Control Board. A Notice of Construction or equivalent form will be submitted to the Regional Water Quality Control Board at least 30 days prior to construction if the associated disturbed soil area is 1 acre or more. In accordance with Caltrans' Standard Specifications, a Water Pollution Control Plan is used for projects with disturbed soil area that is less than 1 acre.

During the construction phase, compliance with the permit and Caltrans' Standard Special Conditions requires appropriate selection and deployment of both structural and non-structural best management practices. These best management practices must achieve performance standards of best available technology economically achievable/best conventional pollutant control technology (BAT/BCT) to reduce or eliminate storm water pollution.

Affected Environment

Applicable technical reports: Water Quality Assessment, 2010.

The project is in the Santa Maria Hydrologic Unit. This portion of State Route 166 parallels farmland on both sides, from Santa Maria to Guadalupe, with a network of irrigation and drainage channels that service the local agricultural fields. A major irrigation channel is the Main Street Channel that extends west from Santa Maria near the proposed project. The basin supplies surface irrigation and municipal use waters from groundwater to various cities, governments, and individuals throughout the valley.

Environmental Consequences

The project will not increase the rate or amount of surface runoff water.

Short-term surface water quality impacts may result from implementation of the project. The main impact to surface water is from the erosion and transport of loose soil created during excavation of the new drainage ditches, grading, and/or filling activities. Other potential surface water quality impacts include increased sediments, turbidity and total

dissolved solids, and toxicity due to chemical substances originating from construction activities.

Surface water quality impacts could potentially occur from agricultural runoff water. Impacts are influenced by agricultural runoff from the adjacent cultivated fields that may contain pesticides and herbicides. This runoff water may potentially be released into the ditches, unauthorized by Caltrans.

No groundwater impacts are expected.

Avoidance, Minimization, and/or Mitigation Measures

The drainage and physical factors affecting erosion and sedimentation are expected to be minimized with the application of Caltrans' Standard Specifications regarding Best Management Practices and Storm Water Pollution Prevention Plan (SWPPP). Standard Specifications, Section 7-1.01G, requires the construction contractor to implement pollution control practices related to construction projects in a Storm Water Pollution Prevention Plan. Typical Best Management Practices that could be incorporated into the Storm Water Pollution Prevention Plan include, but are not limited to, the following:

- Diversion of off-site runoff away from the construction site
- Drop inlet protection (such as filters and sandbags or straw wattles), with sand back check dams
- Regular watering of exposed soils to control dust during construction
- Contained equipment wash-out and vehicle maintenance areas

The disturbed soil areas from construction activities will be seeded with low-growing native grass to stabilize disturbed soil. This vegetated area includes the 30-foot clear recovery zone, the top half of the ditches' side slope, and berm.

2.2.3 Paleontology

Regulatory Setting

Paleontology is the study of life in past geologic time based on fossil plants and animals. A number of federal statutes specifically address paleontological resources, their treatment, and funding for mitigation as a part of federally authorized or funded projects (e.g., Antiquities Act of 1906 [16 USC 431-433], Federal-Aid Highway Act of 1956 [23 USC 305]). Under California law, paleontological resources are protected by the California Environmental Quality Act.

Affected Environment

Applicable technical reports: Paleontology Review Memorandum, October 2009.

The project lies in the Santa Maria Valley that is underlain by floodplain deposits of the Santa Maria River. Formations found within the project limits are alluvium deposits. Alluvium deposits are loose, unconsolidated soil and sediments reshaped by water that have been compressed to form a solid. These deposits, however, are very young in age on the geological time scale (Quaternary).

Environmental Consequences

The formation has a low potential to contain sensitive paleontological resources, and there appears to be very little probability of encountering paleontological resources with this project.

Avoidance, Minimization, and/or Mitigation Measures

If fossils or paleontology resources are found during construction operations, it is required that construction be halted in the immediate vicinity of the discovery until the District Archaeologist can review the site.

2.3 Biological Environment

2.3.1 Threatened and Endangered Species

Regulatory Setting

The main federal law protecting threatened and endangered species is the Federal Endangered Species Act: 16 United States Code (USC), Section 1531, et seq. See also 50 CFR Part 402. This act and subsequent amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of this act, federal agencies, such as the Federal Highway Administration, are required to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries) to ensure that they are not undertaking, funding, permitting or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species.

The outcome of consultation under Section 7 is a Biological Opinion or an incidental take permit. Section 3 of the Federal Endangered Species Act defines take as “harass,

harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or any attempt at such conduct.”

California has enacted a similar law at the state level, the California Endangered Species Act, California Fish and Game Code, Section 2050, et seq. The California Endangered Species Act emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate planning to offset project caused losses of listed species populations and their essential habitats.

The California Department of Fish and Game is the agency responsible for implementing the California Endangered Species Act. Section 2081 of the Fish and Game Code prohibits “take” of any species determined to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The California Endangered Species Act allows for take incidental to otherwise lawful development projects; for these actions, an incidental take permit is issued by the California Department of Fish and Game.

For projects requiring a Biological Opinion under Section 7 of the Federal Endangered Species Act, the California Department of Fish and Game may also authorize impacts to California Endangered Species Act species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

Affected Environment

Applicable technical reports: Natural Environment Study, March 2010; Biological Assessment, February 2010.

The Guadalupe Ditches project sits along State Route 166 between the City of Santa Maria and Guadalupe in Santa Barbara County. The project limits fall within a productive agricultural corridor composed of 21 adjacent farmland properties with a few residential homes scattered throughout. The topography of the area is flat and agricultural.

The project is within the geographic range for California red-legged frogs. California red-legged frogs (*Rana draytonii*) are listed by the U.S. Fish and Wildlife Service as federally Threatened and are a California State Species of Special Concern. The California Natural Diversity Database identified 21 occurrences within a 5-mile radius of the proposed project, including one observation of two of red-legged frogs within the biological study area.

The sighting for the California red-legged frogs within the biological study area occurred at post mile 3.8. An agricultural pond sits immediately adjacent to the proposed work area at this location of the project (Location 2). The triangular-shaped reservoir is about 6 feet deep and spans 200 feet across from bank to bank. The pond represents potential aquatic habitat for California red-legged frogs. Vegetation along the lower banks of the agricultural pond is a suitable environment for laying and protecting fertilized eggs. A minimum 20-foot dirt access road surrounds the outside perimeter of the pond. Beyond this dirt access road are rows of lettuce and strawberry; however, this vegetation is unsuitable upland habitat for California red-legged frogs.

Environmental Consequences

The project entails relocating roadside drainage ditches farther from the edge of traveled way to provide additional recovery area for straying vehicles. The existing drainages will be filled in, packed, and then graded to produce the extended linear footage for the 30-foot clear recovery zone. The project will entirely avoid the pond and will not affect any listed plant species or critical habitat for California red-legged frogs.

The project was determined to require Section 7 consultation with the U.S. Fish and Wildlife Service (the Service) for the California red-legged frog. Caltrans initiated consultation with a Biological Assessment to U.S. Fish and Wildlife Service in February 2010. The Service concurred with Caltrans' determination of Section 7 consultation and issued a Biological Opinion on June 23, 2010. The U.S. Fish and Wildlife Service concurred with the findings that the proposed project is "not likely to jeopardize the continued existence of the California red-legged frog." For additional information, refer to *Appendix E: Biological Opinion*.

Avoidance, Minimization, and/or Mitigation Measures

The project proposes to incorporate the following avoidance and minimization measures for California red-legged frogs from the Programmatic Biological Opinion for Projects Funded or Approved under the Federal Aid Program.

Caltrans will schedule work activities between May 1 and October 31 to avoid the breeding season of the frogs and minimize potential impacts to them.

Environmentally sensitive area fencing will be erected around the agricultural pond to avoid potential impacts to aquatic habitat, and will be shown on the field and layout sheets.

The proposed project may require the relocation of California red-legged frogs found in the work area. If adult or juvenile red-legged frogs are found on the project site, then they will be relocated to Santa Maria River at Highway 1, as described in the Biological Opinion issued on June 23, 2010.

The following additional avoidance and minimization measures will also be incorporated into the project:

Only Service-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.

Ground disturbance will not begin until written approval is received from the Service that the biologist is qualified to conduct the work.

A Service-approved biologist will survey aquatic and riparian areas at the project site 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin.

Before any activities begin on the project, a Service-approved biologist will conduct a training session for all construction personnel to identify key concerns associated with California red-legged frog and its habitat.

A Service-approved biologist will be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the state or local sponsoring agency will designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist will ensure that this monitor receives the training outlined in bullet # 4 located above, and in the identification of California red-legged frogs. If the monitor or the Service-approved biologist recommends that work be stopped because California red-legged frogs will be affected to a degree that exceeds the levels anticipated by the Federal Highway Administration and Service during review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation by eliminating the effect immediately or require that all actions which are causing these effects be halted. If work is stopped, the Service will be notified as soon as is reasonably possible.

During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.

All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and preferably, not in a location from where a spill will drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the Federal Highway Administration will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Disturbed areas will be revegetated with native species. Invasive, exotic plants will be controlled to the maximum extent practicable. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Federal Highway Administration determine that it is not feasible or practical. (For example, an area disturbed by construction that will be used for future activities need not be revegetated.)

Habitat contours will be returned to their original configuration at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Federal Highway Administration determine that it is not feasible.

The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally sensitive areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.

Caltrans, as delegated by Federal Highway Administration, will attempt to schedule work activities for times of the year when impacts to the California red-legged frog will be minimal. For example, work that will affect large pools that may support breeding will be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year will be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys,

and informal consultation between the Federal Highway Administration and Service during project planning should be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.

To control sedimentation during and after project implementation, the Federal Highway Administration and sponsoring agency will implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, the Federal Highway Administration will attempt to remedy the situation immediately, in consultation with the Service if a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. The methods and materials used in any dewatering will be determined by the Federal Highway Administration in consultation with the Service on site-specific basis. On completion of construction activities, any diversions or barriers to flow will be removed in a manner that will allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed will be minimized to the maximum extent possible; any imported material will be removed from the stream bed upon completion of the project.

Unless approved by the Service, water will not be impounded in a manner that may attract California red-legged frogs.

A Service-approved biologist will permanently remove any individuals of exotic species, such as bullfrogs (*Rana catesbeiana*), crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.

Caltrans will follow measures stipulated by the United State Fish and Wildlife Service's Biological Opinion (Appendix E).

2.4 Construction Impacts

Affected Environment

Applicable technical reports: Air Quality, Noise, and Paleontology Reports, April 2009.

Air Quality

Because the South Central Coast Air Basin is in attainment or unclassified for all national ambient air quality standards, an air quality conformity determination is not required for this project. Since the project will improve safety and not degrade local air quality, it is also deemed consistent with the Santa Barbara County Air Pollution Control District state air quality goals.

Noise

A Noise Report (2009) was prepared to evaluate the potential for adverse noise effects on noise-sensitive receivers. A few homes and Bonita Elementary School sit within the project limits.

Temporary Construction Easements

The project will require the use of temporary construction easements from adjacent property owners. In order to construct the backsides of the proposed drainage ditches, construction equipment will need access to the land on the far side of the proposed construction site.

Environmental Consequences

Air Quality

The proposed project is not expected to have any adverse impacts on long-term air quality because no additional lanes are being added to the highway. The project will cause a temporary and minimal increase in air emissions during the construction period.

Noise

There will be no long-term increase in ambient noise levels. There may be some temporary noise impacts to local residents and possibly to Bonita Elementary School from use of construction equipment during utility pole installation and grading.

Temporary Construction Easements

Temporary construction easements will be required from 17 parcels. A total of 4.60 acres will be temporarily affected during construction activities. Each easement consists of approximately 12-foot strips parallel to the newly acquired right-of way line.

These easements may temporarily remove agricultural land from production. However, with the implementation of minimization measures, the area for the temporary construction easements should be dormant during construction.

Avoidance, Minimization, and/or Mitigation Measures

Air Quality

Caltrans Standard Specification pertaining to dust control and dust palliative requirements will be implemented to reduce emission impacts during construction (SSP Section 14). These specifications require the contractor to comply with the Santa Barbara County Air Pollution Control Districts' rules, ordinances, and regulations.

Noise

All work will be done during the day, in accordance with Santa Barbara County's Noise Element. The local residences and Bonita Elementary School will be notified in advance of construction activity near their locations.

Temporary Construction Easements

- Since the impact is temporary, no mitigation is required
- Early notification and coordination with local property owners/growers is recommended to minimize short-term impacts related to construction activities. Before any work that could interfere with underground infrastructure, specifically features that supply or store water, is started the work must be coordinated with appropriate property owners/growers.
- Caltrans' policy is to pay the grantor compensation for the use of the temporary easement.

2.5 Climate Change under the California Environmental Quality Act

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change (IPCC), the efforts devoted to greenhouse gas emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of greenhouse gas related to human activity that include carbon dioxide (CO₂), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and proactive approach to dealing with greenhouse gas emissions and climate change at the state level. AB 1493 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; however, to enact the standards California needed a waiver from the U.S. Environmental Protection Agency. The waiver was denied by Environmental Protection Agency in December 2007 and efforts to overturn the decision had been unsuccessful (see *California v. Environmental Protection Agency*, 9th Cir. Jul. 25, 2008, No. 08-70011). However, on January 26, 2009, it was announced that U.S. Environmental Protection Agency will reconsider their decision regarding the denial of California's waiver.

On May 18, 2009, President Barack Obama announced the enactment of a 35.5-mpg fuel economy standard for automobiles and light duty trucks which will take effect in 2012. On June 30, 2009, the U.S. Environmental Protection Agency granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to implement even stronger standards in the future. The state is expected to start developing new standards for the post-2016 model years later this year.

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

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

Climate change and greenhouse gas reduction is also a concern at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing greenhouse gas emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S. Environmental Protection Agency to regulate greenhouse gas as a pollutant under the Clean Air Act (*Massachusetts vs. Environmental Protection Agency et al.*, 549 U.S. 497 (2007)). The court ruled that greenhouse gas does fit within the Clean Air Act's definition of a pollutant, and that the U.S. Environmental Protection Agency does have the authority to regulate greenhouse gas. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting greenhouse gas emissions.

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 finds that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)--in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds 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, 2009¹. On May 7, 2010 the final *Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards* was published in the Federal Register².

¹ <http://www.epa.gov/climatechange/endangerment.html>

²

<http://www.regulations.gov/search/Regs/contentStreamer?objectId=0900006480a5e7f1&disposition=attachment&contentType=pdf>

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

According to Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents (March 5, 2007), an individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of greenhouse gas. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(i)(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.

As part of its supporting documentation for the Draft Scoping Plan, the California Air Resources Board recently released an updated version of the greenhouse gas inventory for California (June 26, 2008). Below is a graph from that update that shows the total greenhouse gas emissions for California for 1990, 2002-2004 average, and 2020 projected if no action is taken.

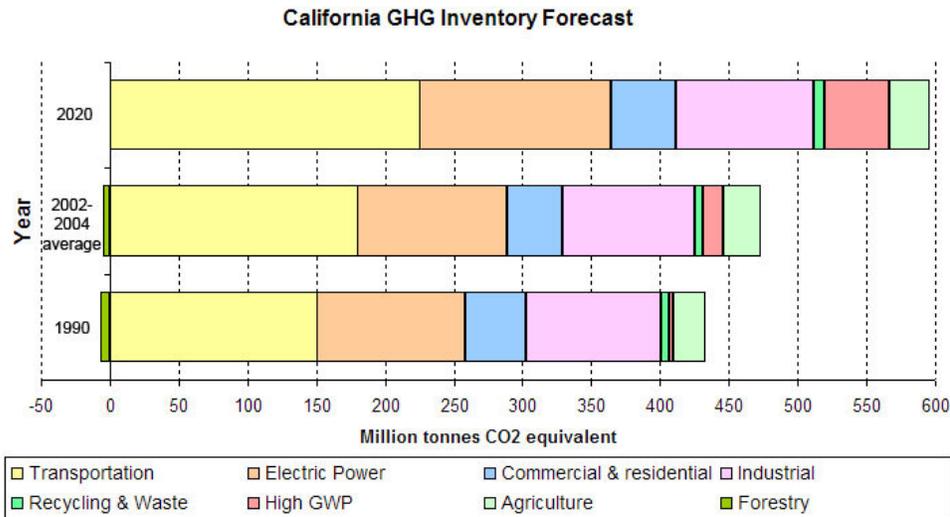


Figure 2-3 California Greenhouse Gas Inventory

Taken from: <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 are from the burning of fossil fuels and 40 percent of all human-made greenhouse gas emissions are from transportation (Caltrans, 2006b), Caltrans has created and is implementing the *Climate Action Program at Caltrans* that was published in December 2006.

Project Analysis

The proposed project consists of relocating drainage ditches, culverts, fencing, and utility poles to create a 30-foot clear recovery zone.

The proposed project is expected to improve safety and reduce the number of errant drivers traveling beyond the shoulder and into the drainage ditches that closely parallel the highway on both sides of the road. When accidents occur along this route, traffic backs up behind the accident on both sides of the route, leading to congestion and in the most severe cases stop-and-go conditions. To the extent that the project will help prevent accidents in this area and reduce related congestion, greenhouse gas emissions resulting from the backed-up traffic behind vehicular accidents on the two-lane road will be reduced.

Because the project will not increase capacity nor vehicle hours travelled, no increases in operational greenhouse gas emissions are anticipated. While construction emissions

of greenhouse gases are unavoidable, there will likely be long-term benefits with improved safety.

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 on-site 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 addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the greenhouse gas emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events.

AB 32 Compliance

Caltrans continues to be actively involved on the Governor's Climate Action Team as the California Air Resources Board works to implement the Governor's Executive Orders and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Governor Schwarzenegger's Strategic Growth Plan calls for a \$222 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including \$100.7 billion in transportation funding during the next decade. As shown in the next figure, the Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in greenhouse gas emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach of a variety of strategies: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.



Figure 2-4 Outcome of Strategic Growth Plan

As part of the Climate Action Program (December 2006, <http://www.dot.ca.gov/docs/ClimateReport.pdf>), Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans is working closely with local jurisdictions on planning activities; however, Caltrans does not have local land use planning authority.

Caltrans is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; Caltrans is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by the Environmental Protection Agency and the California Air Resources Board.

Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the University of California at Davis. Table 2-3 summarizes the Department and statewide efforts that Caltrans is implementing in order to reduce greenhouse gas emissions. For more detailed

information about each strategy, please see Climate Action Program at Caltrans (December 2006); it is available at <http://www.dot.ca.gov/docs/ClimateReport.pdf>.

Table 2.3 Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO ₂ Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Trans. System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	.007	2.17
Mainstream Energy & GHG into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, CARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated

Chapter 2 • Affected Environment, Environmental Consequences
and Avoidance, Minimization and/or Mitigation Measures

Strategy	Program	Partnership		Method/Process	Estimated CO ₂ Savings (MMT)	
		Lead	Agency		2010	2020
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.45 .0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 .36	3.6
Goods Movement	Office of Goods Movement	Cal EPA, CARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.67

Adaptation Strategies

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

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

Executive Order S-13-08 (signed by Governor Schwarzenegger in November 2008) directed the Business, Transportation, and Housing Agency to prepare a report to assess vulnerability of transportation systems to sea level rise affecting safety, maintenance and operational improvements of the system and economy of the state. The Department continues to work on assessing the transportation system vulnerability to climate change, including the effect of sea level rise.

Prior to the release of the final *Sea Level Rise Assessment Report* (due to be released in December 2010 from the National Academy of Sciences), 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. However, all projects that have filed a Notice of Preparation, and/or are programmed for construction funding from 2008 through 2013, or are routine maintenance projects as of the date of Executive Order S-13-08 may, but are not required to, consider these planning guidelines. 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. (Executive Order S-13-08 allows some exceptions to this planning requirement.)

This proposed project was programmed for construction funding in the 2008 SHOPP under the 201.015 (HB1) Clean Up Roadside Environment (CURE)/Safety Enhancement program, it is exempt at this time from the requirements to analyze the impacts of sea level rise as directed in Executive order S-13-08.

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

Chapter 3 **Comments and Coordination**

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including project development team meetings, interagency coordination meetings, and public meetings. This chapter summarizes the results of Caltrans' efforts to identify, address, and resolve project-related issues through early and continuing coordination.

Several project development team meetings have been held to date with representatives from various branches within Caltrans. Project development team meetings have occurred since the project's inception in 2001. Project development team meetings have been held on a quarterly basis over the last few years.

On June 24, 2008, a Farmland Conversion Impact Rating Form (NRCS-CPA-106) was submitted to the U.S. Department of Agriculture's Natural Resources Conservation Service. The form was signed by the Natural Resources Conservation Service and returned to Caltrans in July 2008. A revised CPA-106 Form was submitted to the Natural Resources Conservation Service on August 17, 2010 to reflect the 5 acres of Caltrans right-of-way currently being used for crop production. The form was signed by the Natural Resources Conservation Service and returned to Caltrans on August 20, 2010.

On January 28, 2009, Caltrans planner Samer Momani met with Santa Barbara County Agricultural Planning representatives Bill Gillette, Stephanie Stark and Mike Hays. The County provided its input and suggestions regarding the project's impact to farmland and provided contact names of the nearby farmland owners. Santa Barbara County does not have a simple quantitative threshold of significance for farmland impacts, but rather a point system that considers a number of factors. The County identified 30 acres as a suggested threshold of significance for this project, based upon analysis of multiple factors within the projects area. Lastly, Santa Barbara County Agricultural Planning staff attended and participated in the informational meeting with the local farmers that occurred on March 11, 2009.

On March 11, 2009, an information meeting took place from 2:30 p.m. to 4:30 p.m. at the County of Santa Barbara Department of Public Works office at 624 West Foster Road in Santa Maria. Several property owners near the proposed project as well as government representatives attended the public meeting. Caltrans staff introduced the proposed project, listened to public concerns, and answered questions.

On February 22, 2010, Caltrans initiated formal consultation with the U.S. Fish and Wildlife Service and submitted a Biological Assessment for effects to California red-legged frogs. On June 23, 2010, the U.S. Fish and Wildlife Service issued a Biological Opinion with its determination and concurrence.

On July 1, 2010, a letter was sent to the California Department of Conservation and County of Santa Barbara Planning Department to notify them of the impact to agricultural preserve. To date, no response has been received from either agency.

On August 18, 2010, Caltrans planner Kelso Vidal contacted Natural Resources Conservation Service's John Bechtold regarding unauthorized farm production on Caltrans' right-of-way. The discussion was to notify the agency that a revised NRCS-CPA-106 Form was submitted to account for 5 acres of Caltrans' right-of-way that will be affected by the project, and that this property was identified as "converted indirectly." Natural Resources Conservation Service explained that the Department of Conservation has Assessor Parcel Maps that depict the property as Caltrans' right-of-way, and since the property acquisitions took place prior to 1984, then Caltrans' property at this location was not subject to the Farmland Protection Policy Act rule. A project development team meeting was held on August 26, 2010 where it was agreed that all unauthorized farmland on Caltrans' right-of-way be identified in the Environmental Document. However, since the Natural Resources Conservation Service is aware of the unauthorized encroachment and property acquisitions prior to 1984 are not subject to Farmland Protection Policy Act rule, no revised NRCS-CPA-106 Form has been submitted because it will not affect the Relative Value.

Caltrans planner Karen Bewley consulted with the Army Corps of Engineers between the end of March 2010 and the first week of April 2010 regarding jurisdiction within the project limits and application of the 404 Permit. On April 6, 2010, a phone conversation with Caltrans and Army Corps of Engineers concluded that the Corps did not want claim jurisdiction of the ditches and no 404 Permit was required.

Caltrans planner Karen Bewley corresponded via email with the Central Coast Regional Water Quality Control Board between May 6, 2010 to May 18, 2010

regarding jurisdiction within the project limits and application of a 401 Permit. The outcome was that the Water Board felt it was “unlikely” that they will claim jurisdiction.

December 6, 2010, Caltrans planner Kelso Vidal submitted project documentation and Santa Barbara County Board of Supervisors Resolutions to the Department of Conservation regarding Williamson Act properties. January 3, 2011, Caltrans received a letter from the Department of Conservation that copies of Williamson Act contracts covering impacted parcels are required for submission.

On December 7, 2010, an Open Format Public Hearing was held at the Santa Barbara County Public Works Office, located at 620 W. Foster Road in Santa Maria. The meeting started at 5:00 pm and closed at 7:30 pm. A public notice for the hearing was published on November 23, 2010. The purpose of the meeting was to inform the public about the project, gather comments, and address the public’s questions or concerns. A Court Reporter was present to officially record comments, and comment cards were provided to attendees as another method for comment submittal. The primary concerns of the public involved right-of-way acquisitions and compensation. Also the public expressed interest for a fixed stoplight at the Black Road intersection.

December 10, 2010, Caltrans’ design engineer Mark Leichtfuss and right-of-way agent Nancy Johnson met with local property owner Mark Teixeira to discuss the project in further detail. Caltrans staff toured the Teixeira property that will be affected by property acquisitions. Mr. Teixeira expressed his concerns regarding driveway issues that are present with the current design.

December 21, 2010, Caltrans’ design engineer Mark Leichtfuss and environmental planner Kelso Vidal met with Bettervia Farms representative, Craig Reade. The proposed design and its impact to farmland were main topics of concern. Mr. Reade expressed concern for buried irrigation lines and the need for dual culverts at specific locations. Due to the public comment period ending in a few days on a holiday, Mr. Reade asked if he could provide late comments. Kelso Vidal clearly explained the project’s tight schedule, but was willing to address his late comment if requested in writing by a specified date.

This Page Intentionally Left Blank

Chapter 4 List of Preparers

This document was prepared by the following Caltrans Central Region staff:

- Carr, Robert. Associate Landscape Architect. B.S., Landscape Architecture, California Polytechnic State University, San Luis Obispo; 20 years of experience preparing Visual Impact Assessments. Contribution: Wrote the Visual Impact Assessment.
- Fowler, Matt. Senior Environmental Planner. B.A., Geographic Analysis, San Diego State University; 9 years of environmental planning experience. Contribution: Environmental Project Manager and final editing.
- Levulett, Valerie. Senior Environmental Planner. Ph.D., Anthropology, University of California Davis; 40 years of experience in cultural resource and environmental studies. Contribution: Technical studies oversight.
- Leyva, Isaac. Engineering Geologist. B.S., Geology, California State University, Bakersfield; A.S., Cuesta College, San Luis Obispo; 20 years of experience in petroleum geology, environmental, geotechnical engineering. Contribution: Initial Site Assessment and Paleontology review.
- MacDonald, Christina. Staff Archaeologist/Associate Environmental Planner. M.A., Cultural Resources Management, Sonoma State University; 10 years of experience in California Prehistoric and Historic Archaeology. Contribution: Cultural Resources Review.
- Mikel, Karl J, P.E. Transportation Engineer. B.S., Environmental Engineering, California Polytechnic State University-San Luis Obispo; M.S., Civil and Environmental Engineering, California Polytechnic State University-San Luis Obispo; 9 years of experience in environmental engineering. Contribution: Revised Air Quality and Noise Technical Reports.
- Momani, Samer. Associate Environmental Planner. M.S., Environmental Studies, California State University, Fullerton; B.S., Biological Sciences, The University of Jordan; 6 years of environmental studies experience including wildlife conservation and water quality testing and compliance. Contribution: Farmland Report.

Mills, Wayne. Transportation Engineer. B.A., Earth Science, California State University, Fullerton; B.A., Social Science, San Diego State University; 24 years of air quality, noise, water quality, and paleontology studies experience. Contribution: Air Quality and Noise Technical Reports.

Robertson, Morgan. Associate Environmental Planner (Natural Sciences). M.S., Wildlife Biology, University of Alaska, Fairbanks, Alaska; B.S., Zoology, University of California at Davis; 15 years of experience in wildlife ecology. Contribution: Natural Environment Study.

Vidal, Kelso. Associate Environmental Planner. M.A., Sociology, California State University, Sacramento; 4 years of experience in environmental planning. Contribution: Wrote the Initial Study/ Environmental Assessment and coordinated the environmental process for the project.

Appendix A California Environmental Quality Act Checklist

The following checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. The California Environmental Quality Act impact levels include “potentially significant impact,” “less than significant impact with mitigation,” “less than significant impact,” and “no impact.”

Supporting documentation of all California Environmental Quality Act checklist determinations is provided in Chapter 2 of this Initial Study/Environmental Assessment. Documentation of “No Impact” determinations is provided at the beginning of Chapter 2. Discussion of all impacts, avoidance, minimization, and/or mitigation measures is under the appropriate topic headings in Chapter 2.

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

I. AESTHETICS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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:

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural 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"/> |

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

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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? | An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included |
|---|---|

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

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

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 GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding 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 the body of the environmental document.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IX. HYDROLOGY AND WATER QUALITY: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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

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

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

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

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

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

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

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

f) Otherwise substantially degrade water quality?

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

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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

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

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

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

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

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

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

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?

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

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

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

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

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

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?

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

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

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

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

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. PUBLIC SERVICES:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |

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

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

XVI. TRANSPORTATION/TRAFFIC: Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- 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?
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 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?
- 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?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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

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

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

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

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially 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?

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)?

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

This Page Intentionally Left Blank

Appendix B Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
P.O. Box 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711



*Flex your power!
Be energy efficient!*

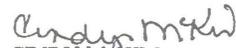
July 20, 2010

TITLE VI POLICY STATEMENT

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

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, disability, or age, please visit the following web page:
http://www.dot.ca.gov/hq/bep/title_vi/t6_violated.htm.

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact Charles Wahnnon, Manager, Title VI and Americans with Disabilities Act Program, California Department of Transportation, 1823 14th Street, MS-79, Sacramento, CA 95811. Phone: (916) 324-1353 or toll free 1-866-810-6346 (voice), TTY 711, fax (916) 324-1869, or via email: charles_wahnnon@dot.ca.gov.


CINDY MCKIM
Director

"Caltrans improves mobility across California"

This Page Intentionally Left Blank

Appendix C Minimization and/or Mitigation Summary

The project proposes to incorporate the following avoidance and minimization measures:

Section Number Reference & Resource	Avoidance, Minimization and Mitigation Commitments
<p>2.1.1 Farmlands/ Timberlands</p>	<p>Caltrans will relocate several utility poles and extend guardrail at the Bonita School Road intersection to minimize acquisitions of farmland.</p> <p>Advance notification and coordination with local property owners/growers will be conducted to minimize short-term impacts related to construction activities. Before any work that could interfere with underground infrastructure is started, specifically water supplies, the work will be coordinated with appropriate property owners/growers.</p> <p>Soil amendment, if used, will comply with the requirements in the California Food and Agricultural Code. Soil amendment must not contain paint, petroleum products, pesticides or any other chemical residues harmful to animal life or plant growth.</p>
<p>2.1.2.1 Relocations/ Real Property Acquisitions</p>	<p>All property acquisition activities for the proposed project will be done in accordance with the Real Property Acquisition Policies Act of 1970, as amended. The parcel owners will be fully informed of their rights. In additions, objective and fair property appraisals will be conducted, in which offers will be prepared based on appraised fair market values.</p>
<p>2.1.3 Utilities/ Emergency Services</p>	<p>Utility companies will be responsible for moving their respective lines. Utility companies will notify affected residents in advance of any disruption in service during utility relocation.</p>
<p>2.2.1 Hydrology and Floodplain</p>	<p>Caltrans maintenance will remove silt from drainage channels and clean the culverts as needed.</p>
	<p>The drainage and physical factors affecting erosion and sedimentation are expected to be minimized with the application of Caltrans' Standard</p>

<p>2.2.2 Water Quality and Storm Water Runoff</p>	<p>Specifications regarding Best Management Practices and Storm Water Pollution Prevention Plan (SWPPP). Standard Specifications, Section 7-1.01G, requires the construction contractor to implement pollution control practices related to construction projects in a storm water pollution prevention plan. Typical best management practices that could be incorporated into the Storm Water Pollution Prevention Plan include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Diversion of off-site runoff away from the construction site • Drop inlet protection (such as filters and sandbags or straw wattles), with sand back check dams • Regular watering of exposed soils to control dust during construction • Contained equipment wash-out and vehicle maintenances areas <p>The disturbed soil areas from construction activities will be seeded with low-growing native grass to stabilize disturbed soil. This vegetated area includes the 30-foot clear recovery zone, the top half of the ditches' side slope, and berm.</p>
<p>2.2.3 Paleontology</p>	<p>If fossils or paleontology resources are found during construction operations, it is required that construction be halted in the immediate vicinity of the discovery until the District Archaeologist can review the site.</p>
<p>2.3.1 Threatened and Endangered Species</p>	<p>The project proposes to incorporate the following avoidance and minimization measures for California red-legged frogs from the Programmatic Biological Opinion for Projects Funded or Approved under the Federal Aid Program.</p> <p>Caltrans will schedule work activities between May 1 and October 31 to minimize potential impacts to California red-legged frogs to avoid the breeding season.</p> <p>Environmentally sensitive area fencing will be erected around the agricultural pond to avoid potential impacts to aquatic habitat, and will be shown on the field and on layout sheets.</p> <p>The proposed project may require the relocation of California red-legged</p>

frogs found in the work area. If red-legged frogs are found on the project site, they will be relocated to the Santa Maria River at Highway 1, as described in the Biological Opinion issued on June 23, 2010.

The following additional avoidance and minimization measures will also be incorporated into the project:

- Only U. S. Fish and Wildlife Service-approved biologists will participate in the capture, handling, and monitoring of California red-legged frogs.
- Ground disturbance will not begin until written approval is received from the U. S. Fish and Wildlife Service (the Service) that the biologist is qualified to conduct the work.
- A Service-approved biologist will survey aquatic and riparian areas at the project site 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin.
- Before any activities begin on the project, a Service-approved biologist will conduct a training session for all construction personnel to identify key concerns associated with California red-legged frog and its habitat.
- A Service-approved biologist will be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the state or local sponsoring agency will designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist will ensure that this monitor receives the training outlined in bullet # 4 located above, and in the identification of California red-legged frogs. If the monitor or the Service-approved biologist recommends that work be stopped because California red-legged frogs would be affected to a degree that exceeds the levels anticipated by the Federal Highway Administration and Service

	<p>during review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation by eliminating the effect immediately or require that all actions which are causing these effects be halted. If work is stopped, the Service will be notified as soon as is reasonably possible.</p> <ul style="list-style-type: none">• During construction, the contractor will routinely contain and dispose of all trash that may attract predators to the work site. Following construction, all trash and construction debris will be removed from work areas.• All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and preferably, not in a location from where a spill would not drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the Federal Highway Administration will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.• Disturbed areas will be revegetated with native species. Invasive, exotic plants will be controlled to the maximum extent practicable. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Federal Highway Administration determine that it is not feasible or practical. (For example, an area disturbed by construction that will be used for future activities need not be revegetated.)• Habitat contours will be returned to their original configuration at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Federal Highway Administration
--	--

	<p>determine that it is not feasible.</p> <ul style="list-style-type: none">• The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally sensitive areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.• Caltrans, as delegated by Federal Highway Administration, will attempt to schedule work activities for times of the year when impacts to the California red-legged frog will be minimal. For example, work that will affect large pools that may support breeding will be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year will be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and informal consultation between the Federal Highway Administration and Service during project planning should be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.• To control sedimentation during and after project implementation, the Federal Highway Administration and sponsoring agency will implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, the Federal Highway Administration will attempt to remedy the situation immediately, in consultation with the Service if a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during
--	--

	<p>construction. The methods and materials used in any dewatering will be determined by the Federal Highway Administration in consultation with the Service on site-specific basis. On completion of construction activities, any diversions or barriers to flow will be removed in a manner that will allow flow to resume with the least disturbance to the substrate. Alteration of the stream bed will be minimized to the maximum extent possible; any imported material will be removed from the stream bed upon completion of the project.</p> <ul style="list-style-type: none"> • Unless approved by the Service, water will not be impounded in a manner that may attract California red-legged frogs. • A Service-approved biologist will permanently remove any individuals of exotic species, such as bullfrogs (<i>Rana catesbeiana</i>), crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code. • To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times. <p>Caltrans will follow measures stipulated by the United State Fish and Wildlife Service’s Biological Opinion (Appendix E).</p>
<p style="text-align: center;">2.4 Construction Impacts</p>	<p><i>Air Quality</i> Caltrans Standard Specification pertaining to dust control and dust palliative requirements will be implemented to reduce emission impacts during construction (Standard Specifications Section 14). These specifications require the contractor to comply with the Santa Barbara County Air Pollution Control Districts’ rules, ordinances, and regulations.</p> <p><i>Noise</i> All work will be done during the day, in accordance with Santa Barbara County’s Noise Element. The local residences and Bonita Elementary</p>

	<p>School will be notified in advance of construction activity near their locations.</p> <p><i>Temporary Construction Easements</i></p> <ul style="list-style-type: none">• Since the impact is temporary, no mitigation is required.• Notification and coordination, in advance, with local property owners/growers are recommended to minimize short-term impacts related to construction activities. Before any work that could interfere with underground infrastructure is started, specifically water supplies, the work must be coordinated with appropriate property owners/growers.• Caltrans' policy is to pay the grantor compensation for the use of the temporary easement.
--	--

This Page Intentionally Left Blank

Appendix D NRCS-CPA-106 Form

United States Department of Agriculture



Natural Resources Conservation Service
Santa Maria Service Center
920 E. Stowell Road
Santa Maria, CA 93454-7008

Telephone (805) 928-9269
Fax (805) 928-9644

August 19, 2010

To: Matt Fowler
Senior Environmental Planner
CA Department of Transportation
San Luis Obispo, CA

Subject: Farmland Conversion Impact Rating – Guadalupe Ditches

Dear Mr. Fowler:

Enclosed is a completed NRCS-CPA-106 for your Highway 166 right-of-way project. If you have any questions, you can call me at 805-928-9269, ext. 105.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Bechtold", written over a horizontal line.

John Bechtold
District Conservationist, USDA-NRCS

Enclosed: NRCS-CPA-106

Helping People Help the Land
An Equal Opportunity Provider and Employer

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request: 8/12/10	4. Sheet 1 of 1
1. Name of Project: Guadalupe Ditches (0500000056)		5. Federal Agency Involved: Caltrans as assigned by FHWA	
2. Type of Project: Highway Safety Improvement		6. County and State: Santa Barbara County	

PART II (To be completed by NRCS)		1. Date Request Received by NRCS: 8/18/10	2. Person Completing Form: John Bechtold
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated: 95091 Average Farm Size: 455 Ac	
5. Major Crop(s): cole crops, leafy greens, strawberries, grapes	6. Farmable Land in Government Jurisdiction: Acres: 124,965 % 7	7. Amount of Farmland As Defined in FPPA: Acres: 133,998 % 8	
8. Name Of Land Evaluation System Used: CA Storie System	9. Name of Local Site Assessment System: N/A	10. Date Land Evaluation Returned by NRCS:	

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	10			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	5			
C. Total Acres In Corridor	15	0	0	0

PART IV (To be completed by NRCS) Land Evaluation Information	
A. Total Acres Prime And Unique Farmland	15
B. Total Acres Statewide And Local Important Farmland	0
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.012
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	Data not available

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	94.5
--	------

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	20			
4. Protection Provided By State And Local Government	20	20			
5. Size of Present Farm Unit Compared To Average	10	0			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	5			
8. On-Farm Investments	20	20			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	90	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	94.5			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	90	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	184.5	0	0	0

1. Corridor Selected: A	2. Total Acres of Farmlands to be Converted by Project: 15	3. Date Of Selection: 8/24/10	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--------------------------------	---	--------------------------------------	--

5. Reason For Selection:
TO IMPLEMENT HIGHWAY SAFETY IMPROVEMENT, CORRIDOR A IS THE ONLY OPTION AVAILABLE

Signature of Person Completing this Part:	DATE: 8/24/2010
---	------------------------

NOTE: Complete a form for each segment with more than one Alternate Corridor

Appendix E Biological Opinion



United States Department of the Interior

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



IN REPLY REFER TO:
81-440-2010-F-0196

June 23, 2010

Chuck Cesena
Senior Environmental Planner
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401-5415

Subject: Biological Opinion for the Guadalupe Ditches Project, San Luis Obispo County, California (8-8-10-F-19) (EA 05-0G1600)

Dear Mr. Cesena:

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the proposed Guadalupe Ditches Project (project) and the associated effects on the federally threatened California red-legged frog (*Rana draytonii*). The California Department of Transportation (Caltrans) is acting as the lead federal agency, authorized under a Memorandum of Understanding with the Federal Highway Administration (FHWA), pursuant to section 6004 of the 2005 Safe Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. In your request, you determined that the proposed action meets the suitability criteria contained in the programmatic biological opinion for the California red-legged frog (1-8-02-F-68), dated April 24, 2003 (Service 2003). We concur with this determination. This biological opinion is issued in accordance with section 7 of the Endangered Species Act (Act) of 1973 as amended (16 U.S.C. 1531 et seq.).

This biological opinion was prepared using information contained in your request for consultation, dated February 22, 2010, and received on February 24, 2010, the programmatic biological opinion, the biological assessment (Caltrans 2010), communication between your staff and the Service (Robertson pers. comm. 2010), and information in our files. A complete administrative record for this biological opinion is on file at the Ventura Fish and Wildlife Office.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The proposed project is located on State Route 166, a two-lane rural highway in northern Santa Barbara County that serves commuter, local, agricultural, and recreational traffic between the city of Santa Maria and the town of Guadalupe. The purpose of the project is to improve safety



Chuck Cesena (8-8-10-F-19)

2

on State Route 166 between Guadalupe and Santa Maria by creating a 30 foot clear recovery zone (CRZ) next to the highway along two sections of the road. Location 1 is between post mile (PM) 0.9 and 2.35 and Location 2 is between PM 3.8 and 4.8.

The project would provide a 30 foot CRZ by relocating the agriculture drainage ditches adjacent to the highway. The drainage ditches would be relocated 30 feet away from the edge of the existing traveled way between Location 1 and Location 2. Any utility poles within the CRZ would be relocated outside the CRZ on both the north and south sides of State Route 166. Several culverts exist under the driveways of private property adjacent to Highway 166 to allow drainage ditches to flow past each property (Robertson pers. comm. 2010). The culverts and headwalls at each driveway would be relocated outside the CRZ. The culverts would either be relocated, or replaced by new culverts that are similar in size and capacity as the existing units. (Robertson pers. comm. 2010). Staging and storing sites have not been determined, but contractors will likely use agriculture areas directly adjacent to the CRZ (Robertson pers. comm. 2010).

The project would permanently disturb approximately 3.87 acres of agriculture land, and temporarily disturb approximately 5.17 acres of agriculture land, 21.12 acres of ruderal vegetation and road shoulders, and 3.42 acres of Waters of the U.S. (U.S. Army Corps of Engineers jurisdiction). All Waters of the U.S. would be replaced onsite. The new trapezoidal ditches would be 20 feet wide at the top, the width at the bottom would be 4 to 6 feet, and the sides would have a 2 to 1 slope ratio. Following construction, Caltrans would plant 4.9 linear miles of roadside banks with native seed mix to stabilize disturbed soils and decrease road runoff within the right of way.

At Location 2, a double-barreled culvert carries water under State Route 166 from ditches on the northern side of the road, connecting with ditches on the southern side of the road in a channel at PM 3.8. Currently, the channel banks are comprised of a mixture of concrete rip-rap, hard-packed earth, and sparse ruderal vegetation. The project would remove all concrete and non-native vegetation in the area where the roadside ditch and channel intersect. Banks would be graded according to Caltrans Best Management Practices and 60 feet of Rock Slope Protection (RSP) would be placed downstream of the culvert outlet to dissipate flow and prevent erosion. The surrounding slopes would be stabilized and re-vegetated with a mixture of native grasses and vegetation.

Temporary effects to water quality from increased erosion on new cut and fill slopes would be avoided by implementing the best management practices from Caltrans' National Pollution Discharge Elimination System permit. Work would not be performed in an actively flowing channel. Water diversions would be established as necessary.

A 0.41 acre agriculture pond is located immediately adjacent to the proposed work area at PM 3.8. The project would avoid the pond, which would be designated on project plans as an environmentally sensitive area (ESA) to exclude construction activity and equipment.

Chuck Cesena (8-8-10-F-19)

3

Construction is scheduled for 2012. The number of working days has not been established, but construction is expected to take less than 6 months. Caltrans would schedule work activities between May 1 and October 31, to minimize potential impacts to California red-legged frogs.

The proposed project may require the relocation of California red-legged frogs found in the work area. If adult or juvenile California red-legged frogs are found on the project site, they would be relocated to the nearest suitable habitat, which Caltrans has identified to occur at the Santa Maria River at Highway 1 approximately 1.5 to 5.5 miles northwest of the proposed project.

Caltrans would avoid or reduce the effects to California red-legged frogs and their habitat. Caltrans proposes to implement protective measures for the California red-legged frog that are contained in the programmatic biological opinion (Caltrans 2010).

ANALYTICAL FRAMEWORK FOR JEOPARDY DETERMINATIONS

Jeopardy Determination

The jeopardy analysis in this biological and conference opinion relies on four components: (1) the *Status of the Species*, which evaluates the range-wide conditions of the California red-legged frog, the factors responsible for those conditions, and its survival and recovery needs; (2) the *Environmental Baseline*, which evaluates the conditions of the California red-legged frog in the action area, the factors responsible for those conditions, and the relationship of the action area to the survival and recovery of this species; (3) the *Effects of the Action*, which determines the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the California red-legged frog; and (4) the *Cumulative Effects*, which evaluates the effects of future, non-Federal activities in the action area on the California red-legged frog.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the current status of the California red-legged frog, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the California red-legged frog in the wild.

The jeopardy analysis in this biological opinion places an emphasis on consideration of the range-wide survival and recovery needs of the California red-legged frog and the role of the action area in the survival and recovery of this species as the context for evaluation the significance of the effects of the proposed federal action, taken together with cumulative effects, for purposes of making the jeopardy determination.

STATUS OF THE SPECIES

The programmatic biological opinion for the California red-legged frog (Service 2003) describes the basic ecology of the subspecies and the reasons for its listing. The California red-legged frog

Chuck Cesena (8-8-10-F-19)

4

was federally listed as threatened on May 23, 1996 (61 FR 25813). We designated critical habitat for the California red-legged frog in a final rule, dated March 13, 2001 (66 FR 14625). On November 6, 2002, the U.S. District Court for the District of Columbia set aside the designation and ordered the Service to publish a new final rule with respect to the designation of critical habitat for the California red-legged frog (Home Builders Association of Northern California et al. versus Gale A. Norton, Secretary of the Department of Interior et al. Civil Action No. 01-1291 (RJM) U.S. District Court, District of Columbia). Critical habitat was designated for the California red-legged frog on April 13, 2006 (71 FR 19243). On September 16, 2008, the Service proposed a new rule to designate 1.8 million acres as critical habitat for the California red-legged frog, an area that is 300 percent larger than the 2006 designation for the subspecies (73 FR 53492). The new proposal was developed “without using the previous final designation as a base from which to make changes due to the involvement of Department of Interior personnel which may have inappropriately influenced the extent and locations of critical habitat (FR p. 53500).” The new proposal was based on improved criteria, beginning with the 2002 Recovery Plan for the subspecies. On March 17, 2010, the Service published a revised critical habitat designation for California red-legged frog (75 FR 12816). More than three times larger than the 2006 rule it replaces, the 2010 rule designates 50 critical habitat units in 27 California counties. The subject project site is not within designated critical habitat for the California red-legged frog and it will not be discussed further in this biological opinion. The Service completed a recovery plan for the subspecies in 2002 (Service 2002).

Currently California red-legged frogs are only known from 3 disjunct regions in 26 California counties, and one disjunct region that is still present in Baja California, Mexico (Grismer 2002; Fidenci 2004; R. Smith and D. Krofta, in litt. 2005). Current threats to the California red-legged frog include direct habitat loss due to stream alteration and disturbance to wetland areas, indirect effects of expanding urbanization, and competition or predation from non-native species, and Chytrid fungus (*Batrachochytrium dendrobatidis*), a waterborne fungus that can decimate amphibian populations.

ENVIRONMENTAL BASELINE

The implementing regulations for section 7(a)(2) of the Act define the “action area” as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 *Code of Federal Regulations* 402.02). For the purposes of this biological opinion, we consider the action area to include the entire length of the CRZ along State Route 166 at Location 1 and Location 2, including the existing drainage ditches and where they would be relocated; the Santa Maria River at Highway 1; and an area extending 500 feet in all directions of each of these areas to account for the indirect effects of construction, and staging and storing of equipment on the California red-legged frog.

Currently, the roadside drainage ditches provide potential foraging, dispersal and breeding habitat for California red-legged frogs within the action area. No surveys were conducted for the California red-legged frog because the species was already known to occur within the action area.

Chuck Cesena (8-8-10-F-19)

5

The biological assessment (Caltrans 2010) included the following California red-legged frog sightings within a 5-mile radius of the proposed project, as described in the California Natural Diversity Database (CNDDB):

1. North side of State Route 166 (PM 3.8), just East of Bonita School, about 4 miles west of Santa Maria (2004). Two adults observed in pond.
2. Drainage canal just west of State Route 166 (PM 5.2), 0.45 mile east of Blackie Road (2000). Three adults.
3. Drainage canal just west of State Route 166 (PM 5.6), 0.25 mile west of Santa Maria (2003).
4. Drainage Canal just west of State Route 166 (PM 6), 0.25 mile west of Hanson Way (2000).
5. West side of Highway 1, 0.6 mile south of Guadalupe (2005). Two adults observed
6. East side of Bonita School Road, 0.6 mile south of the San Luis Obispo-Santa Barbara County line (2003). 14 adults (2003).
7. Two miles northwest of the intersection of Blosser Road and Donovan Road, northwest of Santa Maria (2003)
8. West side of Blosser Road, 0.3 mile north of Donovan Road, northwest edge of Santa Maria (2000).
9. Santa Maria River, approximately 3 miles downstream of the Highway 101 Bridge (2005, 2007).
10. Hobbs Basin, 0.9 mile northwest of Blosser Road and Betteravia Road, southwest of Santa Maria (2003)
11. North side of Betteravia Road, 0.5 mile east of Blackie Road, northwest of the Santa Maria Airport
12. Green Canyon where it intersects with Blackie Road, 0.5 mile north of Mahoney Road, southwest of Santa Maria (1995)
13. Drainage intersecting Black Road, just south of the Black Road/Mahoney Road intersection, southwest of Santa Maria (1995)
14. Abex Ditch. Around the edge of Sunset Ridge Golf Course. North of Santa Maria Airport (2003)

Chuck Cesena (8-8-10-F-19)

6

15. A North side of Mahoney Road, 0.4 mile northeast of Black Road, northwest of Santa Maria Airport (2001)
16. One half of a mile north of the Santa Maria River and 1.7 miles east of the mouth of the Santa Maria River, in the Guadalupe Oil Field (1995)
17. Oso Flaco Creek, 3.5 miles north of Guadalupe (2008). Twenty eight adults, 15 juveniles
18. West side of Blosser Road, 0.3 mile north of Donovan Road, northwest edge of Santa Maria (2000)
19. West side and near the north end of North Blosser Road, just south of the Santa Maria River, Santa Maria (2007)
20. Six tenths of a mile southwest of the intersection of Hutton Road and Moss Lane, on Nipomo Mesa just north of the Santa Maria River (2006)
21. One half of a mile north of the Santa Maria River channel and 2.7 miles west of Highway 101, northwest of Santa Maria (1995)

The roadside banks next to the highway are currently bare earth. The closest CNDDDB record is located at the agriculture pond, located at PM 3.8 and within the action area, where two adults were observed on September 15, 2004 (CNDDDB 2010). The triangular-shaped pond is approximately 6 feet deep in the center and its banks are about 200 feet across. Row crops surround the pond (primarily lettuce and strawberries), which is unsuitable upland habitat for California red-legged frogs, but may be suitable for dispersal. Although suitable uplands do not occur in the surrounding area, the agriculture pond represents potential aquatic habitat. Patches of bulrush (family Cyperaceae) along the lower banks are potential oviposition sites for California red-legged frogs. Several mature koi fish (*Cyprinus carpio*) were observed in the agriculture pond in July 2008. The presence of predatory fish may impair breeding success of California red-legged frogs at this site; however, adult frogs may attempt to breed in the pond, and the pond may serve as aquatic habitat for individuals traveling through the area.

No California red-legged frogs were observed in the action area during general wildlife surveys conducted by Caltrans in 2008 (Caltrans 2010). The agriculture ditches in the action area have limited water and do not normally contain deep, ponded water (Robertson pers. comm. 2010); however, other potential aquatic habitats within 1-mile of the project area consist of man-made ponds and agriculture ditches (Caltrans 2010). Because 21 California red-legged frog locations are known within 5 miles suggests that California red-legged frogs could occur in other local aquatic sites that have not been surveyed. They may occur anywhere in the action area where there is freshwater.

The Santa Maria River relocation site which is located on the south bank of the Santa Maria River at Highway 1 has pooled water during much of the year. Willow-riparian habitat lines the

Chuck Cesena (8-8-10-F-19)

7

north and south banks. Uplands are agricultural fields to the north and willow riparian, woodlands, and coastal scrub to the south and west. The Santa Maria River provides habitat for dispersal, offering barrier free upland and riparian habitat within three miles of the dune swale wetlands in the Guadalupe Oil Field and Oso Flaco Creek, where multiple California red-legged frogs have been discovered.

The agriculture drainage ditches are directly adjacent to the State Route 166 and active agriculture fields. Factors currently affecting California red-legged frogs in the action area likely include noise, dust, road runoff, trash, lighting, and human activity due its proximity to the State Route 166 road shoulder. In addition, vehicle and human disturbance, sedimentation, and pollution from pesticides and fertilizer likely impact the quality of the habitat within the action area.

EFFECTS OF THE ACTION

The programmatic biological opinion for the California red-legged frog (Service 2003) generally describes how the subspecies could be affected by actions such as the improvement of the safety and operation of highways. For this reason, use of the programmatic biological opinion is appropriate and we will not repeat that analysis herein. The following paragraphs describe affects to the California red-legged frog a result of the proposed project that are in addition to those described in the programmatic biological opinion (Service 2003).

The potential exists for California red-legged frogs to occur at the project site, or move through the area during construction where they are likely to be adversely affected by reconfiguring the road side ditches. Juvenile and adult California red-legged frogs may be killed or harmed when drainage ditches are filled, when they are captured and relocated to the Santa Maria River, when water within drainage ditches is diverted to facilitate construction work, or if California red-legged frogs attempt to return to the project site after being relocated to the Santa Maria River. Equipment may crush individual California red-legged frogs if they disperse through the action area during construction. Individual California red-legged frogs attempting to return to the project site following relocation efforts may be exposed to increased predation, exhaustion, starvation, desiccation, or barriers to dispersal. In addition, California red-legged frogs have been documented to travel as far as 2.2 miles from non-breeding to breeding habitats (Bulger et al. 2003). Because a portion of the proposed project is greater than 2.2 miles from the Santa Maria River, some relocated frogs may be unable to make the journey back to the project site, if attempted. However, adverse effects to suitable habitat are expected to be temporary in nature, and permanent impacts are not likely to occur. The project is not likely to permanently affect dispersal, or block or degrade links between aquatic sites. After reviewing our records and information from the CNDDDB, we believe the number of individual California red-legged frog encountered during the proposed project is likely to be low due to the poor quality of habitat provided by the agriculture ditches. Additionally, Caltrans has proposed to implement the protective measures contained in the programmatic biological opinion (Service 2003).

Chuck Cesena (8-8-10-F-19)

8

All proposed Waters of the U.S., which include the agriculture ditches, would be replaced in-kind within the project limits. An ESA would be established to avoid the agriculture pond at PM 3.8, and no permanent loss of aquatic habitat is expected to occur; however, work near the pond may cause the indirect effects of construction, including human activity and noise to adversely affect California red-legged frogs. While these indirect effects are likely to occur, the observation of California red-legged frogs in the pond indicates that the species has already habituated to disturbance in and around the pond. The pond located directly adjacent to State Route 166, is utilized by water trucks, and heavily trafficked agriculture roads occur along all sides of the pond (Robertson pers. comm. 2010). The proposed project is not likely to exacerbate the disturbance of the area to such an extent that California red-legged frogs would discontinue utilizing the site.

Although the agriculture pond is the closest known potential relocation site for California red-legged frogs to the proposed project site, it currently contains non-native predators, particularly koi fish. Introduced fish species can threaten the diversity or abundance of native amphibians through competition for resources or by directly preying upon eggs, tadpoles, and adults. Predation by nonnative fish can contribute to declines of red-legged frogs in freshwater systems (Kiesecker and Blaustein 1998). Therefore, the agriculture pond would be unsuitable for the relocation of California red-legged frogs found within the action area. If adult or juvenile California red-legged frogs are found on the project site, they would be relocated to the nearest suitable habitat, which Caltrans has identified as the Santa Maria River at Highway 1. Because few California red-legged frogs are expected to occur at the project site, we expect that few California red-legged frogs would be relocated to the Santa Maria River.

Chytrid fungus is a water-borne fungus that can be spread through direct contact between aquatic animals and by a spore that can move short distances through the water. The fungus only attacks the parts of a frog's skin that have keratin (thickened skin), such as the mouthparts of tadpoles and the tougher parts of adults' skin, such as the toes. The fungus can decimate amphibian populations, causing fungal dermatitis which usually results in death in one to two weeks, but not before infected animals may have spread the fungal spores to other ponds and streams. Once a pond or waterway has become infected with Chytrid fungus, the fungus stays in the water for an undetermined amount of time. Chytrid fungus could be spread if infected California red-legged frogs are relocated and introduced into areas with healthy California red-legged frogs or vice versa. It is also possible that infected equipment or clothing could introduce Chytrid fungus into areas where it did not previously occur. Caltrans proposes to follow the fieldwork code of practice developed by the Declining Amphibian Populations Task Force, to minimize the potential for Chytrid fungus to be conveyed between work sites.

While the staging and storage locations have not been identified, it is unlikely that the staging and storing of equipment would have an adverse effect to the California red-legged frog. Caltrans has proposed to implement the protective measures contained in the programmatic biological opinion (Service 2003), which includes a measure which states that all refueling, maintenance, and staging of equipment and vehicles would not occur at least 60 feet from

Chuck Cesena (8-8-10-F-19)

9

riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat.

Several negative factors currently affecting the species in the action area are likely to be reduced as a result of the proposed project. The roadside banks of the ditches are currently bare earth. Caltrans would plant roadside banks and the banks of the channelized canal with a native grass mix along 4.9 linear miles of the action area to decrease run-off and sedimentation into the ditches. In addition, moving the ditches 30 feet away from regular State Route 166 traffic may reduce the risk of roadside contamination and disturbance. Therefore, the proposed project may result in beneficial effects to California red-legged frog habitat in the action area.

CUMMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. We are not aware of any non-federal actions that are reasonably certain to occur in the action area.

CONCLUSION

After reviewing the current status of the California red-legged frog, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects; it is the Service's biological opinion that Caltrans' proposed Guadalupe Ditches Project located at two locations on State Route 166, as proposed, is not likely to jeopardize the continued existence of the California red-legged frog. We have reached this conclusion for the following reasons:

1. California red-legged frogs appear to occur in low numbers in the action area; the proposed action is likely to adversely affect only a small number of California red-legged frogs.
2. A relatively small amount of habitat would be temporarily disturbed or lost in comparison with the amount of habitat available to the California red-legged frog throughout its range.
3. Caltrans has proposed numerous measures to reduce the adverse effects of the proposed work on the California red-legged frog (Service 2003).

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is

Chuck Cesena (8-8-10-F-19)

10

defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary and FHWA must include them as binding conditions of its authorization to Caltrans, for the exemption in section 7(o)(2) to apply. FHWA has a continuing duty to regulate the activity covered by this incidental take statement. If the FHWA fails to require Caltrans to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to its authorization, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, FHWA must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement [50 CFR §402.14(i)(3)].

Incidental take of California red-legged frogs will be difficult to detect because of their small body size and finding a dead or injured specimen is unlikely. Finding carcasses and assigning a cause of death are problematic, especially in the presence of numerous scavengers that are likely to find dead animals soon after they die. California red-legged frogs may be taken only within the defined boundaries of the work area. Given the avoidance and minimization proposed by Caltrans, we anticipate that take of the California red-legged frog will be limited to: harm or harassment due to work activities including noise, vibration, traffic, and temporary disturbance of habitat; injury or death of individuals by construction equipment if undetected in the project area, or spread of pathogens (e.g., chytrid fungus). All California red-legged frogs relocated from the project area are considered taken as a result of their capture. A subset of these captured individuals may be killed or injured as a result of their handling and relocation to other habitats, or if they attempt to return to the project site after they have been relocated to the Santa Maria River.

This biological opinion provides an exemption from the prohibition against the taking of listed species, contained in section 9 of the Act, only for the activities described in the Description of the Proposed Action section of this biological opinion.

REASONABLE AND PRUDENT MEASURES

The Service believes the following reasonable and prudent measures are necessary and appropriate to minimize take of California red-legged frogs:

1. FHWA and Caltrans must ensure that the level of incidental take during project implementation is commensurate with the analysis contained in this biological opinion, and further reduced with the cooperation of a Service-approved biologist.

Chuck Cesena (8-8-10-F-19)

11

2. FHWA and Caltrans must avoid transferring disease or pathogens between aquatic habitats during surveys and relocation activities.

The Service's evaluation of the effects of the proposed action includes consideration of the measures to minimize the adverse effects of the proposed action on the California red-legged frog that were developed by FHWA and the Service and are included in the programmatic biological opinion for the California red-legged frog (Service 2003). Any subsequent changes in these measures may constitute a modification of the proposed action and may warrant re-initiation of formal consultation, as specified at 50 CFR 402.16. The above reasonable and prudent measures are intended to supplement the protective measures that were proposed by FHWA and Caltrans as part of the proposed action.

TERMS AND CONDITIONS

To be exempted from the prohibitions of section 9 of the Act, FHWA must ensure that the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

1. The following term and condition implements reasonable and prudent measure 1:
 - a. FHWA or Caltrans must request our approval of any additional biologists they wish to conduct activities pursuant to this biological opinion. Such requests must be in writing, and be received by the Ventura Fish and Wildlife Office at least 30 days prior to any such activities being conducted.
 - b. If one California red-legged frog (adult, sub-adult, juvenile, or egg mass) is found dead or injured, FHWA or Caltrans must contact our office immediately so we can review the project activities to determine if additional protective measures are needed. Project activities may continue during this review period, provided that all protective measures proposed by the FHWA and Caltrans and the terms and conditions of this biological opinion have been and continue to be implemented.
2. The following term and condition implements reasonable and prudent measure 2:

To avoid transferring disease or pathogens between aquatic habitats during the course of California red-legged frog surveys, the Service-approved biologist(s) must follow the Declining Amphibian Population Task Force's Code of Practice. A copy of this Code of Practice is enclosed. You may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

REPORTING REQUIREMENTS

Chuck Cesena (8-8-10-F-19)

12

FHWA or Caltrans must provide a written report to the Service within 90 days following completion of the proposed project. The report must document the number and size of California red-legged frogs relocated from the action area, the date and time of relocation, and a description of the relocation site. The report must also state the number of California red-legged frogs killed or injured and describe the circumstances of the mortalities or injuries if possible. The report must contain a brief discussion of any problems encountered in implementing minimization measures, results of biological surveys and sighting records, and any other pertinent information. We encourage you to submit recommendations regarding modification of or additional measures that would improve or maintain protection of the California red-legged frogs while simplifying compliance with the Act.

DISPOSITION OF DEAD OR INJURED SPECIMENS

Upon locating a dead or injured California red-legged frog, initial notification must be made by telephone and writing to the Ventura Fish and Wildlife Office in Ventura, California, (2493 Portola Road, Suite B, Ventura, California 93003, (805) 644-1766) within 3 working days of the finding. The report must include the date, time, location of the carcass, a photograph, cause of death if known, and any other pertinent information.

Care must be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. Should any injured California red-legged frogs survive, the Service must be contacted regarding their final disposition. The remains of California red-legged frogs must be placed with the Santa Barbara Natural History Museum (Contact: Paul Collins, Santa Barbara Natural History Museum, Vertebrate Zoology Department, 2559 Puesta Del Sol, Santa Barbara, California 93460, (805) 682-4711, extension 321.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend that Caltrans conduct tests for Chytrid fungus from any captured California red-legged frog. Caltrans should coordinate this effort with Dr. Robert Fisher's lab at the U.S. Geological Survey in San Diego, California. This will help the Service understand the extent of chytrid fungus in the Guadalupe area. Dr. Fisher can be reached at (619) 225-6422.
2. We recommend that Caltrans participate in any regional planning efforts for the California red-legged frog to attempt to recognize, at an early stage of planning, where conflicts between conservation of the species and future projects may arise.

Chuck Cesena (8-8-10-F-19)

13

3. Caltrans should work with local agencies and governments towards the implementation of recovery actions identified in the California red-legged frog recovery plan.

The Service requests notification of the implementation of any conservation recommendations so we may be kept informed of actions that minimize or avoid adverse effects or that benefit listed species and their habitats.

REINITIATION NOTICE

This concludes formal consultation on the Guadalupe Ditches Project in San Luis Obispo County, California. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take is exceeded; 2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this biological opinion; 3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this biological opinion; or 4) a new species is listed or critical habitat is designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

If you have any questions regarding this consultation, please contact Colleen Mehlberg of my staff at (805) 644-1766, extension 221.

Sincerely,

/s/: Diane K. Noda

Diane K. Noda
Field Supervisor

Enclosure

cc:

Dominic Hoang, Federal Highway Administration
Joseph Vaughn, Federal Highway Administration
Lisa Schicker, California Department of Transportation
Deb Hillyard, California Department of Fish and Game

REFERENCES CITED

- California Department of Transportation (Caltrans). 2010. Biological Assessment for the Guadalupe Ditches Project, Santa Barbara County, California.
- [CNDDDB] California Department of Fish and Game, Natural Diversity Data Base. 2010. Element Occurrence Reports for *Rana aurora draytonii*. Unpublished cumulative data current to April 2010.
- Fidenci, P. 2004. The California red-legged frog, *Rana aurora draytonii*, along the Arroyo Santo Domingo, Northern Baja California, Mexico. *The Herpetological Journal*. V. 88. London, England.
- Grismer, L. 2002. *Reptiles and Amphibians of Baja California, Including its Pacific Island and the Islands in the Sea of Cortez*. University of California Press, Berkeley and Los Angeles, California.
- Kiesecker, J.M., and A.R. Blaustein. 1998. Effects of introduced bullfrogs and small mouth bass on microhabitat use, growth, and survival of native red-legged frogs (*Rana aurora*). *Conservation Biology* 12:776-787.
- Smith, R. and D. Krofta. 2005. Field notes documenting the occurrence of California red-legged frogs in Baja California, Mexico. In litt.
- U.S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). Portland, Oregon.
- U.S. Fish and Wildlife Service. 2003. Programmatic Biological Opinion for Projects Funded or Approved under the Federal Aid Program (HDA-CA, File #: Section 7 with Ventura USFWS, Document #: S38192) (1-8-02-F-68). Ventura, California.

PERSONAL COMMUNICATIONS

- Robertson, Morgan. 2010. Associate Environmental Planner (Natural Sciences). California Department of Transportation, San Luis Obispo, California. Telephone conversation with Colleen Mehlberg, U.S. Fish and Wildlife Service, Ventura Field Office, April 1, 2010.

Appendix F Your Property Your
Transportation Project

**Your Property
Your
Transportation
Project**



INTRODUCTION

This booklet was prepared for you as a person who may potentially be affected by a proposed public transportation project. If it is your property that is affected, you may have wondered what will happen. Who will contact you? What will you be paid for your property? Who will pay your moving costs? Will the State Department of Transportation (Department) help you find a new place to live? Important questions like these require specific answers.

We hope this booklet will answer some of your questions and present a better picture of our overall procedures.

WHY DOES A PUBLIC AGENCY HAVE THE RIGHT TO BUY MY PROPERTY?

Our State and federal constitutions recognize the need for public agencies to purchase private property for public use, and provide appropriate safeguards to accomplish this purpose. State and federal constitutions and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, authorize the purchase of private property for public use and assure full protection of the rights of each citizen. The responsibility for studying potential sites for a transportation project rests with a team of specially trained individuals selected to do this important job. Many months or even years are spent in preliminary study and investigation to consider possible locations for a project.

Consideration of the environmental and social impacts are as much a part of location determination as engineering and cost. Participation by private citizens and public agencies is actively sought so that various views can be considered in the study process. The process may include public hearings and/or workshops, which give persons an opportunity to express their views on the locations being considered.

The California Department of Transportation is composed of many specialists. Among these are:

Transportation Planners

These individuals determine methods and routes for the traveling public. This includes studies of existing traffic patterns, "origin-destination" surveys and user benefits. They also determine whether the proposed project location is economically sound. They research and analyze the effects produced by similar projects upon other communities.

Environmental Planners

These individuals evaluate the socio-economic and/or environmental impacts, including traffic, noise and visual impacts of the proposed project

Design Engineers

These individuals recommend the type of transportation project which will be of the most benefit to the public. They prepare design plans which determine the properties needed for the project.

Relocation Specialists

These individuals perform early studies of the general needs of persons who may need to be relocated and the kind of replacement properties which may be required. A relocation impact analysis will be completed before the Department requires anyone to move from their property.

As a result of this team effort, the best possible location for a transportation facility is selected after thorough social, economic, engineering, and environmental analyses, as well as consideration of expressed public concerns and desires. The goal is that the project provide the greatest public good and the least private injury or inconvenience while rendering the best possible service.

Transportation Surveyors

These individuals perform field surveys and monument property lines to delineate and map the Department's right of way needs. They are also authorized by law to enter real property to perform such tasks. It is the Department's policy that owners and tenants of property will be notified prior to such surveys.

WHO WILL CONTACT ME?

One of the first persons you will meet is a Right of Way Agent performing the staff appraisal. You will be afforded the opportunity to accompany the appraiser on the inspection of your property. At the time of the inspection the appraiser will also provide you with general project information. The appraiser will analyze your property and examine all of the features which contribute to its market value. Information about improvements you have made and any other special features that you believe may affect the market value of your property should be given to the appraiser to ensure he/she has all the information you feel is relevant.

It is the duty of the Department to ensure that you receive fair market value as if you sold your property privately in the open market. The Department cannot buy your property for more than it is worth, but it **can** and **will** assure you that you do not have to sell your property for less than its fair market value. California law provides that the owner shall receive a copy of the appraisal or a summary of the valuation upon which the Department's offer is based.

At the time the offer is made to purchase your property, you may obtain your own appraisal and the Department will reimburse you up to \$5,000 for the actual, reasonable costs of obtaining an independent appraisal. A licensed State appraiser must perform your appraisal. Your Right of Way Agent will provide more information concerning this reimbursement at the time of the offer.

WHAT ADVANTAGE IS THERE IN SELLING YOUR PROPERTY TO THE DEPARTMENT?

A real estate purchase by the Department of Transportation is handled in the same way as any private sale of property. However, there can be financial advantages in selling to the Department.

The Department will pay fair market value for your property. The Department will also pay for the preparation of all documents, all title and escrow fees, a policy of title insurance, recording fees and such other fees as may be required for the conveyance of title to the Department. Since this is a direct conveyance of real property from the property owner to the Department, there are no real estate commissions involved, and the Department will not recognize or pay any such real estate commissions.

A private sale will usually cost thousands of dollars in sales expenses. There are no seller's expenses in a purchase by the Department.

Additionally, depending on your specific circumstances, you may be eligible for relocation payments and benefits when you move. These benefits are described in supplemental booklets which will be provided to you, should the Department's acquisition actually cause you to be displaced from your property.

WILL I BE PAID FOR LOSS IN VALUE TO MY REMAINING PROPERTY?

When only a part of your property is needed for a project, every reasonable effort is made to ensure that you do not suffer damages to the remainder of your property. The total payment by the Department will be for the property the Department actually purchases and for any loss in market value to your remaining property.

The determination of any loss in market value is an appraisal problem involving many variables. When this situation occurs, the Right of Way Agent will explain the effect of a partial acquisition on your remaining property.

MAY I RETAIN AND MOVE MY HOME, BUSINESS BUILDING, MACHINERY, OR EQUIPMENT?

If your house is movable and you wish to make such an arrangement, the Department will pay you on the basis of the market value of your present lot including landscaping, plus the reasonable cost of moving the building. There are cases where, because of age, size or condition of the house, the cost of moving it would exceed its present market value, less its salvage value. In such a case, payment of moving costs would, of course, be an unwise expenditure of public funds.

If you operate a farm or business, you may wish to keep and move fixed machinery and equipment. Additionally, as an owner of a business conducted on the property to be purchased, you may be entitled to compensation for a loss of business goodwill. Your specific circumstances will need to be analyzed on a case-by-case basis.

If any of these concepts are applicable to your situation, they will be explained by the Right of Way Agent assigned to purchase your property.

WILL I HAVE TIME TO SELECT ANOTHER HOME AFTER THE DEPARTMENT MAKES ITS PURCHASE?

The Department starts to appraise properties early enough so that you will have ample time to move prior to project construction. Like any other real estate transaction, it requires time to close an escrow after a right of way contract and deed have been signed. You will not be required to move until reasonable, decent, safe and sanitary replacement housing is available.

Once you have received the written offer to purchase your property from the Department, it is in your best interest to look for a new place to live as soon as possible. Finding a home early that best suits your needs before you are required to move will minimize your personal inconvenience and will avoid having to make a choice of housing under pressure. In some instances you may be able to sell your property to the Department and rent back temporarily pending construction.

The Department also offers to provide you with assistance in finding a new place in which to live. The Department will give you at least 90 days notice in writing before you are required to move.

WHAT HAPPENS TO THE LOAN ON MY PROPERTY?

After you and the Department have agreed upon a price, a Right of Way Agent and/or a title company will contact all other parties having an interest in the property. Payment to satisfy outstanding loans or liens will be made through a title company escrow as in the case in any real estate transaction.

WHAT WILL HAPPEN TO MY GI OR CAL-VET LOAN?

The Veterans Administration and the California Department of Veterans Affairs allow your veteran loan privileges to be transferred and to become available for coverage on another property.

Your Right of Way Agent will assist you in the transfer. However, it is to your benefit and your responsibility to check with the Veterans Administration or the California Department of Veterans Affairs for procedural instructions.

IF THE VALUE OF MY PROPERTY IS HIGHER TODAY THAN WHEN I PURCHASED IT, DO I HAVE TO PAY INCOME OR CAPITAL GAINS TAX ON THIS DIFFERENCE WHEN I SELL/CONVEY TO THE DEPARTMENT?

According to the Internal Revenue Service, the sale of property to a governmental agency for public purposes comes under the definition of an “involuntary conversion”. In these cases, it is not necessary to pay income tax or capital gains tax if the money you receive is used to buy a similar property within a limited period of time. In every case, however, you should check with your local Internal Revenue Service office and/or accountant.

WILL I LOSE THE FAVORABLE PROPERTY TAX BASIS THAT I NOW HAVE UNDER THE PROVISIONS OF PROPOSITION 13?

Section 2(d) of Article XIII-A of the California Constitution and Section 68, Rule 462.5 of the Revenue and Taxation Code generally provide that property tax relief shall be granted to any real property owner who acquires comparable replacement property after having been displaced by governmental acquisition or eminent domain proceedings.

You will be given a copy of Rule 462.5 with an attached page showing examples of how to calculate estimates of the tax relief you may be eligible for. These are only approximations. You must see your county Tax Assessor for a final determination.

Note: Revenue and Taxation Code Section 68, Rule 462.5, G. 1 through G.4, set forth time limits that may affect your eligibility to retain your favorable current real property tax status.

THE DEPARTMENT'S RIGHT OF EMINENT DOMAIN.

An owner's rights are guaranteed by the federal and State constitutions and applicable federal and State laws. The principal right is that "Just Compensation" must be paid.

The vast majority of our transactions are settled by contract. However, if the owner and the Department cannot agree on the terms of sale, the Department may resort to the eminent domain process to avoid delaying the project, and will ultimately initiate condemnation proceedings.

The Department will request authority from the California Transportation Commission (Commission) to file a condemnation action in court. You will be given an opportunity to appear before the Commission to question whether public interest, necessity, planning and location require the proposed project and your property. The Commission does not hear arguments regarding valuation or just compensation.

Condemnation lawsuit documents are prepared by the Department and filed with the court in the county where the property is located. The Summons and Complaint will then be served on all persons having a property interest in the parcel. The persons served must Answer the lawsuit within 30 days.

Counsel for the parties will then prepare for trial, and the court will set dates for preliminary motions and the trial.

WHAT HAPPENS IN A CONDEMNATION TRIAL?

The purpose of the trial is to determine the amount of Just Compensation. Usually the trial is conducted before a judge and jury. Both the property owner and Department will have the opportunity to present evidence of value. The jury will determine the amount of compensation after being instructed as to the law by the judge. In those cases where the parties choose not to have a jury, the judge will decide the amount of compensation.

The Judgment is then prepared by counsel and signed by the judge. It will state that, upon payment of the amount of the verdict for the benefit of the property owner, title will be transferred to public ownership.

When the Department makes the payment as required by the Judgment, the Final Order of Condemnation is signed by the judge and recorded with the County Recorder's office. This finalizes the actual transfer of title.

WHO PAYS THE CONDEMNATION TRIAL COSTS?

The Department pays the costs of its attorney and its engineering and appraisal witnesses. It will also pay the jury fees and your recoverable costs allowed by law. The fee for filing your Answer with the court is an example of such costs.

If the judge determines that the Department's offer of settlement was unreasonable, while the demand of the property owner was reasonable as viewed in light of the evidence admitted at trial and the verdict, the property owner may receive litigation expenses such as their attorney's fees. The Judgment is then prepared by counsel and signed by the judge.

IF I WANT A TRIAL, MUST I HAVE AN ATTORNEY AND EXPERT WITNESSES?

Most property owners will be represented by an attorney, although they have the right to represent themselves.

You may wish to consult your family attorney. If you do not have one, in many communities the yellow pages of the telephone directory will refer you to an attorney reference service. The local bar association may also provide a list of attorneys who may offer services in eminent domain proceedings.

You and your attorney must decide what type of case you will present and what witnesses will be needed.

WILL I BE PAID ANY RELOCATION ASSISTANCE BENEFITS EVEN THOUGH I GO TO COURT?

A decision to go to court has no effect on your right to relocation benefits. Payment of relocation benefits is administered separately from the condemnation action. You will be provided details of additional assistance to help displaced persons, businesses, farms or nonprofit organizations in finding, purchasing or renting, and moving to a new location. These are explained in various booklets prepared for homeowners, tenants, and business and farm operators and are made available by the Department of Transportation.

HOW LONG CAN I KEEP MY PROPERTY?

Continued use of your property usually depends on when construction must begin, including utility relocations, and the demolition and/or clearance of buildings. If construction must begin before the trial, the Department will seek a court order for early possession of your property.

In this regard the Department will be required to deposit with the State Treasurer, the probable amount of just compensation, as determined by an appraisal as security for the value of the property rights it is seeking. The court will determine if the amount of money deposited is adequate. Once the deposit is made the owner may withdraw all or a portion of it at any time during the condemnation proceedings.

The court may then grant to the Department an order for early possession allowing the Department to use the property for construction of the project.

To obtain an Order for Possession, the Department will file a motion with the court and schedule a hearing 90 days after you and all occupants of the property are served with the motion papers (60 days if the property is unoccupied). You and the occupants, if any, will have 30 days to oppose the motion. Once the court grants an Order for Possession of the property, the Department may obtain possession of the property 30 days after the owner and any occupants are served with the Order.

Subject to the rights of any other persons having an interest in the property, you may withdraw all or part of the pre-Judgment deposit. If you do not make a withdrawal, the Department will pay interest on the eventual court award, or agreed settlement sum from the time it legally occupied your property until the date of final payment to you. Interest will accrue at the applicable statutory rate until paid at the time of final settlement.

The Department's Right of Way Agent assigned to purchase your property will assist you in the transaction and will be available to answer any additional questions you may have.

DEFINITIONS

The language used in relation to eminent domain proceedings may be new to you. These are some terms you may hear and their general meaning.

Acquire - To purchase

Answer - The property owner's written reply, in appropriate legal form, filed with the court in response to the eminent domain complaint and as requested by the summons.

Compensation - The amount of money to which a property owner is entitled under the law for the purchase of their property and any related damages.

Complaint - The document filed with the court by the Department which initiates an eminent domain proceeding.

Condemnation - The legal process by which a proceeding in eminent domain is accomplished.

Counsel - An attorney or attorneys.

Department - The State of California acting through the Department of Transportation.

Eminent Domain - The right of government to purchase private property for public use.

Fair Market value - The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

Final Order of Condemnation - The instrument which, when recorded, transfers title to public ownership.

Judgment - The court's formal decision based on applicable law and the verdict.

Just Compensation - The measure of Just Compensation is Fair Market Value.

Loss of business goodwill - A loss in the value of a business caused by the Department's acquisition of property that cannot be reasonably prevented by relocation of the business or the owner adopting prudent or reasonable steps that preserve the value of the business goodwill.

Parcel - Usually means the property that is being acquired.

Plaintiff - The public agency that desires to purchase the property.

Possession - Legal control; to have the right to use.

Property - The right or interest which an individual has in land, including the rights to use or possess. Property is ownership; the exclusive right to use, possess or dispose of a thing.

Right of Entry - An agreement between an owner and the Department which allows the Department to utilize the property while continuing to negotiate the terms of settlement. Interest, calculated at the statutory rate, is included in the settlement upon conclusion of the transaction.

Summons - Notification of filing of a lawsuit in eminent domain and of the necessity to file answer or other responsive pleading.

Title - Legal ownership.

Trial - The hearing of the facts from a plaintiff and defendant in court of law, either with or without a jury.

Verdict - The amount of just compensation to be paid for a property including any damages to the remainder, if applicable.

**STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF TRANSPORTATION
DIVISION OF RIGHT OF WAY AND LAND SURVEYS**

JULY 2008



This is an informational pamphlet only. It is not intended to give a complete statement of all State or federal laws and regulations pertaining to the purchase of your property for a public use, the Relocation Assistance Program, technical legal definitions, or any form of legal advice.

ADA Notice

For individuals with disabilities, this document is available in alternate formats.
For information contact:

Division of Right of Way and Land Surveys
(916) 654-5896
CRS: (800) 735-2929
or write:
1120 N Street, MS 37
Sacramento, CA 95814

Appendix G Summary of Relocation Assistance Program

California Department of Transportation Relocation Assistance Program Relocation Assistance Advisory Services

The California Department of Transportation (Caltrans) will provide relocation advisory assistance to any person, business, farm or non-profit organization displaced as a result of the Department's acquisition of real property for public use. Caltrans will assist residential displacees in obtaining comparable decent, safe and sanitary replacement housing by providing current and continuing information on sales price and rental rates of available housing. Non-residential displacees will receive information on comparable properties for lease or purchase.

Residential replacement dwellings will be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, displacees will be offered comparable replacement dwellings that are open to all persons regardless of race, color, religion, sex or national origin, and are consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include supplying information concerning federal and state assisted housing programs, and any other known services being offered by public and private agencies in the area.

Residential Relocation Payments Program

For more information or a brochure on the residential relocation program, please contact Kelso Vidal at (805) 542-4671 or 50 Higuera Street, San Luis Obispo, CA 92401.

The brochure on the residential relocation program is also available in English at http://www.dot.ca.gov/hq/row/pubs/residential_english.pdf and in Spanish at http://www.dot.ca.gov/hq/row/pubs/residential_spanish.pdf.

If you own or rent a mobile home that may be moved or acquired by Caltrans a relocation brochure is available in English at http://www.dot.ca.gov/hq/row/pubs/mobile_eng.pdf and in Spanish at http://www.dot.ca.gov/hq/row/pubs/mobile_sp.pdf.

Business and Farm Relocation Assistance Program

For more information or a brochure on the relocation of a business or farm, please contact Kelso Vidal at (805) 542-4671, or the Caltrans office at 50 Higuera Street, San Luis Obispo, CA 92401.

The brochure on the business relocation program is also available in English at http://www.dot.ca.gov/hq/row/pubs/business_farm.pdf and in Spanish at http://www.dot.ca.gov/hq/row/pubs/business_sp.pdf.

Additional Information

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law (except for any federal law providing low-income housing assistance).

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without being given at least 90 days advance notice, in writing. Occupants of any type of dwelling eligible for relocation payments will not be required to move unless at least one comparable “decent, safe and sanitary” replacement residence, open to all persons regardless of race, color, religion, sex or national origin, is available or has been made available to them by the state.

Any person, business, farm, or non-profit organization, which has been refused a relocation payment by Caltrans, or believes that the payments are inadequate, may appeal for a hearing before a hearing officer or Caltrans’ Relocation Assistance Appeals Board. No legal assistance is required; however, the displacee may choose to obtain legal counsel at his/her expense. Information about the appeal procedure is available from Caltrans’ Relocation Advisors.

The information above is not intended to be a complete statement of all of Caltrans’ laws and regulations. At the time of the first written offer to purchase, owner-occupants are given a more detailed explanation of the state’s relocation services. Tenant occupants of properties to be acquired are contacted immediately after the first written offer to purchase, and also given a more detailed explanation of Caltrans’ relocation programs.

Important Notice

To avoid loss of possible benefits, no individual, family, business, farm, or non-profit organization should commit to purchase or rent a replacement property without first contacting a Department of Transportation relocation advisor at:

State of California
Department of Transportation, District 5
50 Higuera Street
San Luis Obispo, CA 93401

This Page Intentionally Left Blank

Appendix H Comments and Responses

This appendix contains the comments received during the public circulation and comment period from November 23, 2010 to December 24, 2010.

A letter from the Governor's Office of Planning and Research State Clearinghouse and Planning Unit, dated December 22, 2010, appears first in this appendix, acknowledging this document's compliance with the State Clearinghouse requirements for environmental documents.

Public Comments

Public Hearing

Comment Set #1- Michael Hays

Comment Set #2- Roland Lanini & Eloise Lanini

Comment Set #3- Richard Quandt- Comment

Comment Set #4- Larry Silva

Comment Set #5- Dick Donati

Comment Set #6- Mark J. Teixeira (Teixeira Farms)

Comment Set #7- Olivia Gonzales, (Growers Shippers Association)

Comment Set #8- Karen Gjerdrum Fothergill (Andre, Morris & Buttery)

Public Agency Comments

Comment Set #9- Santa Barbara County Air Pollution Control District

Comment Set #10- Santa Barbara County Planning and Development

Comment Set #11- Santa Barbara County Fire Department

Comment Set #12- California Department of Water Resources

This Page Intentionally Left Blank



Arnold Schwarzenegger
Governor

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



Cathleen Cox
Acting Director

December 22, 2010

Kelso Vidal
California Department of Transportation, District 5
50 Higuera Street
San Luis Obispo, CA 92110

Subject: Guadalupe Ditches Relocation Project
SCH#: 2010111089

Dear Kelso Vidal:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on December 21, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

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

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

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

***Response to Governor's Office of Planning and Research State
Clearinghouse and Planning Unit:***

Thank you for your comments. The Clearinghouse letter states that Caltrans has complied with its review requirements under CEQA.

ORIGINAL

CALIFORNIA DEPARTMENT OF TRANSPORTATION

GUADALUPE DITCHES PROJECT

ON STATE ROUTE 166

TRANSCRIPT OF PROCEEDINGS

TUESDAY, DECEMBER 7, 2010

620 W. Foster Road

Santa Maria, California

5:00 p.m. – 7:30 p.m.

Reported by: Jeri Cain, CSR No. 2460, RMR, CCRR, CRR
File No. 210600



Jeri Cain, CSRs, Inc.
A Professional Corporation

Earning Your Trust Since 1974

San Luis Obispo · Santa Maria · Santa Barbara

Court Reporters · Conference rooms · Videoconferencing
Videotape · Depositions · Hearings · Realtime · Electronic transcripts
1151 Leff Street · San Luis Obispo, CA 93401
801 South Broadway, Suite 3 · Santa Maria, CA 93454
805-541-0333 · 800-549-3376 · 805-928-7554
FAX 805-541-2136 · E-mail: info@MeritReporting.com

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1 PUBLIC MEETING AND PUBLIC COMMENTS were held
2 at the County of Santa Barbara Public Works Department,
3 620 W. Foster Road, Santa Maria, California, 93455,
4 reported by Jeri Cain, Certified Shorthand Reporter,
5 holding CSR License Number 2460, RMR, CCRR, CRR, on
6 Tuesday, December 7, 2010, commencing at the hour of
7 5:00 p.m., regarding the Guadalupe Ditches Project on
8 State Route 166.

9 I N D E X

10

11 CALTRANS MEETING ORGANIZERS:

12 DAVID EWING & JANICE BOWMAN

13 2015 E. SHIELDS, SUITE 100

14 FRESNO, CALIFORNIA 93726-5428

15

16 CALTRANS:

17 DAVID BEARD

18 NANCY JOHNSON

19

20 PUBLIC COMMENTS MADE BY:

21 MICHAEL HAYS

22 ROLAND LANINI & ELOISE LANINI

23 RICHARD QUANDT

24

25

MERIT COURT REPORTING & VIDEO 805-541-0333
info@meritreporting.com

1 SANTA MARIA, CALIFORNIA

2 TUESDAY, DECEMBER 7, 2010

3 -000-

4 DAVID BEARD: It's a little after 5:00, and I
5 would officially like to call a start to this public
6 hearing for the Guadalupe Ditches Project.

7 MICHAEL HAYS: My name is Mike Hays. I
8 represent Santa Barbara County Planning and Development,
9 and I'm the Agricultural Planner for the County.

10 The County has reviewed the draft
11 environmental document and we find it appears to be
12 satisfactory in all areas. One point of comment
13 regarding the agricultural preserve issue, please note
14 that all affected agricultural preserve properties will
15 need to have a replacement contract process approved by
16 the Board of Supervisors. The property owner or
17 Caltrans will be responsible for making application to
18 the County for processing the replacement contracts. I
19 think that's pretty much it. I can be reached at
20 805-934-6923 if you have any questions.

21 ROLAND LANINI: You're going to Santa Maria, to
22 Guadalupe, to Simas Road, and now they want to extend
23 Simas Road onto Guadalupe and take some of our property,
24 cut off some of my property that's been farmed since
25 1913. That was my grandfather's place. Okay. And I

MERIT COURT REPORTING & VIDEO 805-541-0333
info@meritreporting.com

Page 3

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1 feel if they are going to go from Santa Maria to
2 Guadalupe, before Simas Road, that's when they ought to
3 make the change into your two-lane highway.

2-1

4 MRS. LANINI: East side.

5 MR. LANINI: Either east side or west side
6 before Simas Road. Because the thing is that Guadalupe
7 is going downhill, really. The Far Western is leaving.
8 They have been there for 50 years. And why do it when
9 Guadalupe does not want to extend it and pay for it.
10 And I feel if they are going to bring it to Santa Maria
11 from Guadalupe, they ought to do that before Simas
12 Road. That ought to be enough. And it's for sale if
13 they want to buy it. Now, I'm not denying it, but if
14 they want to pay for it, they are going to pay for it
15 because it's taking part of our frontage road. And
16 they're farming it. And the thing is, later on, if they
17 are going to build Guadalupe up, I'll have frontage road
18 right there. Or, otherwise, the frontage road here,
19 it's right in front of the new property. They are going
20 to put this road here and be right in front of the
21 property.

2-2

22 Twenty years from now, they want to build up
23 that road. If they want to build up the road, then they
24 ruined part of the property by moving this extended 25
25 feet in and 100 or 200 feet down the road. They are

2-3

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1 taking part of your property away and that's where you
2 get your money.

3 MRS. LANINI: What does 20 years have to do
4 with it?

5 MR. LANINI: In 20 years maybe we'll have to
6 sell it. Okay.

7 MRS. LANINI: Or maybe less. Not now.

8 MR. LANINI: Not now. Down the road. Doesn't
9 make any difference down the road.

10 MRS. LANINI: I don't understand what you're
11 saying. I don't know how you expect her to understand
12 what you mean.

13 MR. LANINI: Okay.

14 MRS. LANINI: We want you to be heard, hear
15 what you have to say.

16 MR. LANINI: I've told her.

17 MRS. LANINI: It may be needed but not now.

18 MR. LANINI: You're taking part of the -- when
19 they are coming off the road into Guadalupe, that's 100
20 or 200 feet, 25 feet, and 200 feet off of the road
21 there. So when we want to sell the property, if we
22 could, they are digging part of our frontage road.

23 MRS. LANINI: They are decreasing the value of
24 our property.

25 MR. LANINI: Yes. And it's been in the family

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1 since 1913. I just found out about this about two days
2 ago.

3 MRS. LANINI: You've done a good job. Thank
4 you for that.

5 Is that all we need to do?

6 THE COURT REPORTER: Yes. If you think of
7 anything else, don't hesitate to come back and I will
8 append your statement to the back of this one.

9 MRS. LANINI: Thank you.

10 NANCY JOHNSON: Mrs. Lanini stated that the
11 drainage facility is too large for the area, and it's
12 excessive, so they don't want the project, period.
13 Mrs. Lanini asked how do we stop the project? She
14 wanted to make sure that got put into the record.

15 RICHARD QUANDT: I am president of the Grower-
16 Shipper Vegetable Association, and our organization
17 represents most of the farmers, the vegetable farmers
18 that farm along Highway 166 between Santa Maria and
19 Guadalupe. And those farmers generally don't support
20 this project. And they feel that this project would
21 encroach into their farm fields and take about nine -- a
22 total of nine acres of prime farmland out of
23 production. And they would also have to go back in and
24 get ag preserve replacement contracts.

25 I think all but two of the properties are in

2-4

3-1

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1 agricultural preserve contracts, and so they -- they are
2 not supportive of the state spending this amount of
3 money merely to widen the shoulder by 30 feet. I think
4 they feel that traffic safety could be improved on
5 Highway 166 by better controlling the flow of traffic
6 such as installing a signal or a stop sign at Black Road
7 to slow traffic down and installing a left-turn lane at
8 the entrance to the Main Street produce cooler, and
9 those types of improvements would cost the state less
10 money, it would improve traffic safety, and it would --
11 it would be less burdensome on the farmers in terms of
12 them losing a portion of their property and the
13 disruption that would be caused by all the construction
14 that would be taking place. So they wanted me to convey
15 those concerns on the record.

16 DAVID BEARD: Okay. It's 7:30. This concludes
17 the public hearing. Thank you, everyone.

18 (Proceedings concluded at 7:30 p.m.)

19 -o0o-
20
21
22
23
24
25

3-2

TRANSCRIPT OF PROCEEDINGS-12/7/2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I, JERI CAIN, Certified Shorthand Reporter,
RMR, CCRR, CRR, holding California License No. 2460, do
hereby certify:

The said hearing was reported by me by the use
of computer shorthand at the time and place herein
stated and thereafter transcribed into writing under my
direction.

I further certify that I am not of counsel or
related to any of the parties hereto, nor am I in any
way interested in the financial outcome of this action.

In compliance with Section 8016 of the Business
and Professions Code, I certify under penalty of perjury
that I am a Certified Shorthand Reporter with California
state License No. 2460 in full force and effect.

WITNESS my hand this 17th day of December,
2010.



JERI CAIN, CSR #2460, RMR, CCRR, CRR

Response to Comments from December 7, 2010 Public Hearing

Response to Comment #1: Thank you for your comment. We expect that no Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions due to the new right-of-way acquisitions. The remaining acreage from each parcel will continue to meet Santa Barbara County's criteria for eligibility as Williamson Act contract parcels. Government Code section 51295 states that when a project acquires only a portion of a parcel of land subject to a Williamson Act contract, the contract is deemed null and void only as to that portion of the contracted farmland taken. The remaining land continues to be subject to the contract unless it is adversely affected with property acquired by eminent domain or in lieu of eminent domain.

Caltrans' Office of Right-of-way will assist property owners with the Williamson Act contract modifications at the appropriate time during the project's property acquisition stage and pay for any cost associated with this process.

Response to Comment #2-1: Simas Road will not be extended as part of this project. This project will require a 0.07 acre sliver of the property for the proposed drainage ditch. The culverts across Simas Road will be relocated away from the highway. Tapers are needed to connect the new ditch to the existing ditch.

Response to Comment #2-2: This is a safety project that will create a 30-foot clear recovery zone adjacent to the highway. Approximately .07 acres of your property, specifically the corner of your property, will be required to taper the new ditch into the existing drainage ditch.

Please refer to the Environmental Document Section 2.1.2, *Avoidance, Minimization, and Mitigation*. Any property acquisitions will be conducted in accordance with the Real Property Acquisitions Policies Act of 1970. Property owners receive fair market value as if they sold the property privately in the open market. For additional details about Caltrans' policy on acquisitions, please view the booklet in Appendix F: *Your Property Your Transportation Project* and Appendix G: *Relocation Assistance*.

Response to Comment #2-3: Please refer to response #2-2

Response to Comment #2-4: The proposed drainage profile is similar to the existing drainage ditches, only set back to provide room for the 30-foot clear recovery zone. A clear recovery zone is required by Caltrans policy for the safety of the traveling

public. However, the comment has been noted, and will be considered by the project's decision makers.

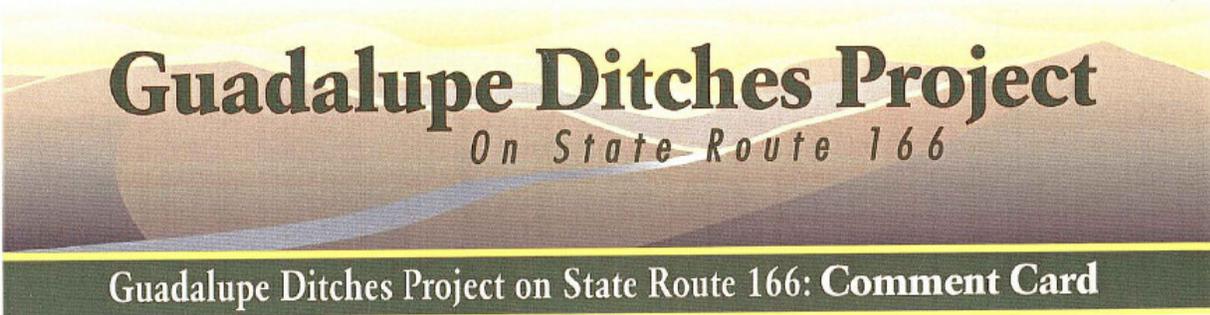
Response to Comment #3-1: Please refer to response to comment #1 regarding modification or potential replacement Williamson Act contracts.

Response to Comment #3-2: The existing 8-foot asphalt concrete shoulders will not be widened or expanded. This project proposes to add an additional 22 feet of flat earth surface next to the 8-foot-wide shoulder to provide for the 30-foot clear recovery zone.

Adding a traffic signal to the Black Road intersection is not within the scope of this project and will not meet the project's purpose and need (see Section 1.2: *Purpose and Need*). The Guadalupe Ditch project is funded by the Highway Safety Improvement program. This project will reduce the number and severity of collisions involving vehicles that leave the paved roadway and crash into the ditch.

The Guadalupe Ditches relocation project is designated as a safety project for funding purposes. To qualify as a safety project, a proposed project must meet specific safety requirements. The Guadalupe Ditches safety project, identified under a safety subprogram known as CURE (Clean-up Roadside Environment), stands on its own and does not prevent a separate operational improvement project. By the same reasoning, a qualified operational improvement project, for example, adding traffic signals or stop signs, will not be a substitute for the ditch project. They are complimentary, not exclusionary, and they will accomplish different goals. Currently, the Black Road intersection does not meet the criteria to install a traffic signal as a safety project. However, the intersection does meet several operational criteria necessary for a traffic signal as an operational improvement, and there is currently discussion about possibly funding such a signal through some combination of local, regional, and state sources.

Comments 4-1 – 4-4, Larry Silva



NAME: LARRY SILVA
 ADDRESS: 3569 W. MAIN ST. CITY: SANTA MARIA ZIP: 93458
 REPRESENTING: PARCEL #113-050-27-00

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

Please drop comments in the Comment Box or

Mail to:

Matt Fowler
 California Department of Transportation
 Senior Environmental Planner
 50 Higuera Street
 San Luis Obispo, CA 93401

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

My home at 3569 W. MAIN ST. (State Route 166) is the closest fixed object to the location of project. One of my concerns is that the length of the proposed culverts will be too long in the front of the property. I believe it will leave my home vulnerable to the traffic on State Route 166 and also be very difficult to clean out if the culverts were to fill with debris. Hence flooding would occur. After speaking with Mark Leichtfuss he indicated that other possible options could be used at this location. My hope is that we may strike a balance that the options being used in the front of my home will keep me and my home out of harms way.

- 4-1
- 4-2
- 4-3
- 4-4

Please respond by December 23, 2010

How Did You Hear About This Meeting? newspaper newsletter someone told me other: _____



Response to Comments from Larry Silva

Response to Comment #4-1: At this stage of the project, the design is preliminary. After environmental clearance is complete, the project moves into the design phase. In Final Design, the design engineer will review the specifics of the replacement culvert located in front of your home and determine the appropriate culvert length. The design engineer must follow Caltrans' Design Standards, but may have the option to reduce the size of the replacement culvert if applicable.

Response to Comment #4-2: Safety is a goal and priority for Caltrans; we have specific design standards that will be implemented for the safety of all. The edge of the traffic lane will not be relocated, but remain in its current location.

If applicable, Caltrans will apply Santa Barbara County's development standards for agricultural zones which require setbacks for a dwelling to be 50 feet away from the road centerline and 20 feet from the property's lot-line (Land Use and Development Code; Section 35.30.150). Caltrans, as a State agency, is exempt from local building ordinances that involve the location or construction of facilities that store or provide transmission of water (Government Code Section 53090).

Response to Comment #4-3: Once the project is constructed, Caltrans will maintain and regularly clean debris from the culvert.

Response to Comment #4-4: Please refer to our response to comment #4-1. If applicable, the designer may potentially implement variations such as single or dual culverts, or modify the length of culvert and diameter size of corrugated pipe installed.

Comments 5-1 – 5-2, Dick Donati



Dick Donati
<Dick@pacfresh.com>
12/13/2010 03:38 PM

To 'Matt C Fowler' <matt_c_fowler@dot.ca.gov>
cc
Subject RE: Guadalupe Ditches Relocation project

The Guadalupe Ditches Relocation Project would be an unnecessary expense to the State of California and the money should be spent somewhere else. Much more important than this project is establishing some means of traffic control at the intersection roads that lead into West Main Street and the most critical one is Black Road. Something as simple as a three-way stop, not unlike the 4-way that is at Simas and West Main, would eliminate an element of danger to everybody who travels through that intersection. There is too much traffic at that intersection not to have some traffic control measures put in place. It is one of the last and most heavily traveled roads that leads into West Main...the other is Ray Road...that does not have a stop sign or stop light controlling the traffic flow on West Main Street.

— 5-1

The main causes for the reckless driving all along the area between Santa Maria and Guadalupe is frustration from getting caught in the confusion of a traffic jam at an intersection like Black and Main and the plain fact that there are just too many people breaking the traffic laws that the State of California has in place. Widening the shoulders is a pitiful solution for improving the situation. If Cal Trans is really interested in improving the safety out on West Main Street then stop signs or a traffic light need to be installed at Black Road and more surveillance by the CHP will be needed between 6am and 8am and from 4pm to 6pm. Those are the critical times when the traffic is heavy and most of the accidents occur and these 2 measures would cost a fraction of what this project will cost. So, the decision makers at the State level need to be thinking straight and responsibly and take a leadership role in establishing the fact that this project is a horrible waste of taxpayers' money and in the end it will not control traffic or stop the offenders from breaking the law.

— 5-2

Dick Donati
805.310.3530

Response to Comments from Dick Donati

Response to Comment #5-1: Based on accident history data, this safety project is justified and it is also currently funded. Caltrans division of Traffic Safety has determined that moving the ditches and headwalls away from the highway will improve safety along the highway.

Adding a traffic signal to the Black Road intersection is not within the scope of this project and will not meet the project's purpose and need (see Section 1.2: *Purpose and Need*). This project is funded by the Highway Safety Improvement program. The ditch project will reduce the number and severity of collisions involving vehicles that leave the paved roadway and crash into the ditch.

The Guadalupe Ditches relocation project is designated as a safety project for funding purposes. To qualify as a safety project, a proposed project must meet specific safety requirements. The Guadalupe Ditches safety project, identified under a safety subprogram known as CURE (Clean-up Roadside Environment), stands on its own and does not prevent a separate operational improvement project. By the same reasoning, a qualified operational improvement project, for example, adding traffic signals or stop signs, will not be a substitute for the ditch project. They are complimentary, not exclusionary, and they will accomplish different goals. Currently, the Black Road intersection does not meet the criteria to install a traffic signal as a safety project. However, the intersection does meet several operational criteria necessary for a traffic signal as an operational improvement, and there is currently discussion about possibly funding such a signal through some combination of local, regional, and state sources.

Response to Comment #5-2: Please refer to the response above (#5-1).

The existing 8-foot asphalt concrete shoulders will not be widened or expanded. This project proposes to add an additional 22 feet of flat earth surface next to the 8-foot-wide shoulder to provide for the 30-foot clear recovery zone. Increasing California Highway Patrol surveillance and enforcement is outside of Caltrans jurisdiction.

Comments 6-1 – 6-6, Mark Teixeira



2600 Bonita Lateral Road • Santa Maria, CA 93458
805.928.3801 • Fax 805.928.9405
www.teixeirafarms.com

12/22/10

Mr. Matt Fowler
Senior Environmental Planner, Environmental Central Coast Branch
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

Matt,

Thank you for the opportunity to submit our view on CalTrans project 05-0G160 for Hwy 166 West. I have reviewed the Initial Study and have some concerns. Below, I have outlined two options for your consideration, the first addresses the No-Build Alternative and the second submits for discussion slight changes to the proposed project.

Option 1 – 1.3.2 No-Build Alternative

We have reviewed the proposed project and found that it does not address many of the traffic concerns on Hwy 166. The Black Road intersection has not been addressed. In the months of April through October between the hours of 5:45 AM and 6:30 AM and again between 2:00 PM and 6:00 PM during the week, vehicles attempting a left turn from Black Road onto Hwy 166 West bound can wait up to 45 minutes looking for an opening in 55 MPH East bound traffic. Also, due to the turning delays during these times, motorists will drive along the right shoulder of Black road posing a right turn. Both vehicles will then parallel turn together to the left which is obviously unsafe and illegal. The Initial Study did not address these problems.

6-1

The Initial Study cited a collision rate above the statewide average in these areas. It is our opinion that the higher collision rate is due to reckless driving and increased traffic, not the road conditions that this project addresses. Adding a Clear Recovery Zone will only provide an illegal right-side passing lane for drivers intent on passing. Another negative effect of the wider Clear Recovery Zone is proximity of the utility poles at the outside edge of the CRZ. Vehicles would have high speed access to the utility poles which could lead to more serious injury.

6-2

The proposed project does not alleviate traffic or control traffic in any way. No additional traffic control measures are included in this project. The construction itself would create greater problems in the areas with no improvement in control at the end of construction.

6-3

The losses of productive farmland in addition to the above concerns are good reasons to dismiss the project until these problems can be addressed. If the State of California is to spend over \$4.8m on a road improvement project, we believe the public should benefit more than simply 2.5 miles of wider shoulder.

6-4

Option 2 – Changes to proposed project

The following items we believe are necessary for safety and/ or property access rights. First, the yard entrance on parcel 113-050-051 directly across Hwy 166 from Ray Road is shown relocated approximately 35 feet West from its current location and narrowed from 40 feet to 30 feet. This driveway is used for receiving of farming support materials delivered on long line truck with up to 53 foot trailers. Offsetting the driveway would cause trucks approaching the farmyard via Ray Road to maneuver while crossing Hwy 166 which would increase the traffic hazard. Trucks approaching from the west bound lane of Hwy 166 would have to veer into East bound lanes in order to make the turn without losing their trailer tires into the ditch. Furthermore, the driveway access point is shown relocated onto the adjacent parcel 113-050-064 and drainage from between parcel 113-050-064 and 113-050-051 is shown running under the new driveway twice. These changes are unnecessary if the driveway access point is not relocated. We propose the driveway access point be left where it is and remain 40 feet wide.

6-5

Second, the driveway access point to the residence on parcel 117-160-046 we propose be left separate from the commercial access point on parcel 113-050-051 mentioned above. The Initial Study shows the driveway access point being eliminated. The house on this parcel has existed for almost 100 years and access to Main Street from the residence has always been allowed. The 30 foot Clear Recovery Zone would provide more than enough area to enter and exit Hwy 166 safely for the occupants of the residence while keeping them separated from the commercial traffic on the adjacent property.

6-6

If these requests are unclear or need further discussion, please feel free to call us. Or if necessary, we are available to meet with you at your convenience. Thank you for your consideration of these concerns and we look forward to working with you.



Mark J. Teixeira
General Manager
Teixeira Farms, Inc.
2600 Bonita Lateral Rd.
Santa Maria, CA 93458
805-928-3801
Mark@Teixeirafarms.com

Response to Comments from Mark Teixeira

Response to Comment #6-1: Thank you for your comments. Please note that this is a safety project designed to reduce run-off the road collisions and was not designed for traffic operational improvements.

Adding a traffic signal to the Black Road intersection is not within the scope of this project and will not meet the project's purpose and need (see Section 1.2: *Purpose and Need*). This project is funded by the Highway Safety Improvement program. The ditch project will reduce the number and severity of collisions involving vehicles that leave the paved roadway and crash into the ditch.

The Guadalupe Ditches relocation project is designated as a safety project for funding purposes. To qualify as a safety project, a proposed project must meet specific safety requirements. The Guadalupe Ditches safety project, identified under a safety subprogram known as CURE (Clean-up Roadside Environment), stands on its own and does not prevent a separate operational improvement project. By the same reasoning, a qualified operational improvement project, for example, adding traffic signals or stop signs, will not be a substitute for the ditch project. They are complimentary, not exclusionary, and they will accomplish different goals. Currently, the Black Road intersection does not meet the criteria to install a traffic signal as a safety project. However, the intersection does meet several operational criteria necessary for a traffic signal as an operational improvement, and there is currently discussion about possibly funding such a signal through some combination of local, regional, and state sources.

Response to Comment #6-2: The data from Caltrans' Traffic Safety division indicates that providing a 30-foot-wide clear recovery zone next to the highway will improve safety and reduce the severity of traffic accidents that involve errant vehicles driving off the highway. Moving the ditches and headwalls away from the highway is needed to improve safety and create the clear recovery area. A clear recovery zone will allow wandering vehicles more space to recover and return to the highway when they veer off the travel-way. The utility poles will be moved outside the clear recovery zone. Regarding illegal passing activity, Caltrans is not an enforcement agency. California Highway Patrol should be contacted for law enforcement if illegal activity is witnessed.

Response to Comment #6-3: Please refer to Response to Comment #6-1.

The primary purpose of this project is to improve safety; however, the project does have some features that will improve operations. For instance, the project proposes to reduce access points and private driveways opening onto the roadway. At Location 2, there are multiple driveways that will be consolidated into one access point. With the removal of these access points onto the highway, safety and traffic operations will improve.

Response to Comment #6-4: The purpose of this project is to improve safety; it was not designed to provide operational improvements. The existing 8-foot asphalt concrete shoulders will not be widened or expanded. This project proposes to add an additional 22 feet of flat earth surface next to the 8-foot-wide shoulder to provide for the 30-foot clear recovery zone.

Response to Comment #6-5: The suggested changes will be considered in the final design of the project.

Response to Comment #6-6: The design engineer must follow Caltrans' Design Standards. For safety reasons, unauthorized access points are not permitted. The referenced house has no legal opening from State Route 166 that leads to the residential home. However, the home will be accessible through the consolidated driveway located on the parcel.

Comments 7-1 – 7-8, Olivia Gonzales, Vice President Grower-Shipper Association



December 23, 2010

Mr. Matt Fowler
Senior Environmental Planner, Environmental Central Coast Branch
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

Dear Mr. Fowler:

The Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties represents more than 160 farming operations on the Central Coast. Many of our members traverse State Route 166 on a regular basis, often with farming equipment and implements.

It has come to our attention that several of our members will be directly affected by the Guadalupe Ditches Project on State Route 166. After reviewing the Project’s Initial Study with Proposed Mitigated Negative Declaration document, our organization notes that the document fails to adequately explore and discuss alternative solutions to the recognized goal of improving safety along State Route 166/Main Street. Additionally, the document’s attempts to mitigate detrimental impacts to agriculture are understated, inadequately described and insufficient. We offer the following comments and suggestions for alternatives.

7-1

As the Initial Study currently states, 9.02 acres of prime agricultural soils will be acquired and removed from production for the purposes of this project. The Initial Study classifies the acquisition of these prime soils along the corridor as having “less than significant impact”. While 9.02 acres may appear to be a marginal amount of land, our membership would argue that the production value, or potential crop acres, of these soils is significant and irreplaceable. According to Santa Barbara County’s latest crop report information, the permanent removal of this land from production would result in an annual loss of revenue totaling approximately \$250,000. We emphasize that the loss of prime soils, a finite and precious resource for the public good, is significant in any amount and should be persistently avoided.

7-2

The Initial Study indicated that these prime soils received a score of 184.5 after evaluation through the U.S. Department of Agriculture’s Farmland Conversion Impact Rating Form. As the Initial Study notes, the Farmland Protection Policy Act states that “sites receiving scores totaling 160 or more [should] be given increasingly higher levels of consideration for protection”. The proposed mitigation measures of relocating several utility poles and extending guardrail at the Bonita School Road intersection are hardly remarkable or well-defined propositions.

7-3

The Initial Study also notes that the majority of properties affected by this project are enrolled in the Williamson Act agriculture preserve program. Any change in acreage of parcels enrolled in an agriculture preserve program would require landowners rescind their existing contracts and acquire replacement contracts with revised boundaries. We strongly recommend that a more appropriate and constructive mitigation would be for Caltrans to assist these landowners with the replacement of their contracts and pay for any costs associated with those procedures.

7-4

245 Obispo Street • P.O. Box 10 • Guadalupe, CA 93434 • (805) 343-2215
GROWER-SHIPPER ASSOCIATION OF SANTA BARBARA AND SAN LUIS OBISPO COUNTIES

Mr. Matt Fowler
December 23, 2010
Page 2

In addition to mitigation comments, our membership has expressed concern that providing 30-foot clear zones will create an unsafe opportunity for motorists to use this unpaved segment as a substitute passing lane when encountering slower-moving or turning vehicles. This concern is further amplified by our members' observation of the lack of roadway shoulder maintenance, due to insufficient funding, in nearby areas. A similar lack of maintenance along State Route 166 could create unsafe erosion scarring, negating the beneficial impacts of a clear zone.

7-5

It is the opinion of this association that traffic control improvements, not ditch relocation, are an environmentally superior alternative to the plan within the Initial Study. Two roadway inlets along the highway, namely Black Road and Ray Road, are responsible for the majority of congestion along the corridor. A simple three-way stop, or even stoplight, would help stabilize the flow of traffic and decrease the likelihood of drivers making poor decisions due to frustrating traffic conditions. We also suggest that more vigilant patrolling of this corridor by law enforcement officers during peak traffic hours would help to dissuade drivers from unsafe maneuvers.

7-6

Additionally, left-hand turn pockets into frequently accessed facilities would lessen the danger of drivers passing on the right-hand side of the roadway next to drainage channels. There are previously acquired easements along this corridor that are ideal for such road alterations. In fact, several of our individual members have lobbied for these safety improvements in the past with no success. We fully encourage Caltrans to revisit these preexisting easements as a much more effective and economically responsible means of improving the highway's safety.

7-7

These alternatives would not only spare some of the state's most valuable and irreplaceable soils, but would be much more practical and cost effective to mitigate in terms of endangered species impacts. As the Initial Study acknowledges, current drainage channels provide potential foraging, dispersal and breeding habitat for the California red-legged frog. Modifying preexisting easements or intersections would greatly decrease the project's affected area, allotting more funding for actual roadway safety improvements rather than environmental mitigation measures.

7-8

The proposed creation of a clear zone focuses on minimizing damage to drivers of errant vehicles instead of addressing the causes of errant vehicles. Rather than attempting to completely redesign the State Route 166 roadway, causing disturbance to both agricultural resources and endangered species, we encourage Caltrans to further explore increasing the overall safety of the corridor through road improved traffic management.

Sincerely,

Olivia Gonzales
Vice President

Cc:	2010 GSA Board of Directors	Paul Allen	Joe Leonard
	George Adam	Dick Donati	Dan Peister
	Kerry Adam	Donna France	Larry Silva
		Greg France	

Response to Comments from Olivia Gonzales

Response to Comment #7-1: Thank you for taking the time to comment. Other alternatives were reviewed internally within Caltrans. There were six alternatives considered but eliminated mainly because they were found not to be feasible or prudent (see *Section 1.3.4 Alternatives Considered but Eliminated from Further Discussion* in the Environmental Document).

Response to Comment #7-2: Caltrans recognizes the importance of farmland and explored several variations to minimize impacts to farmland. The current proposed design reduces those impacts while still meeting the project objectives.

Please refer to Section 2.1.1: *Environmental Consequences*. Section 15206 of the California Environmental Act Guidelines identifies the cancellation of 100 acres or more of a Williamson Act contract by a project as a significant impact under the California Environmental Quality Act. Although most of the farmland that will be converted by this project is in Williamson Act contracts, the project only impacts 9.2 acres of farmland. As stated in Section 2.1.1, it is anticipated that no Williamson Act contracts will be terminated, although parcels currently under contract will require modification due to the new right-of-way acquisitions.

In addition, during the farmland conversion assessment, the Natural Resources Conservation Service and Santa Barbara County's Department of Agricultural, both regulatory agencies, were consulted in regard to acquisition of prime agricultural land, and agreed with the less than significant determination.

All property acquisitions will be conducted in accordance with the Real Property Acquisitions Policies Act of 1970. For additional details about Caltrans' policy on acquisitions, please view the booklet in Appendix F: *Your Property Your Transportation Project* and Appendix G: *Relocation Assistance Program*.

Response to Comment #7-3: The Natural Resources Conservation Service score of 184.5 is on the lower end of the score spectrum. Scores can range from 160 up to a maximum of 260. During the preliminary planning phase, Caltrans was able to minimize farmland acquisition through constructive design. Without implementation of guardrail or relocation of specific utility poles, about one additional acre of farmland will have been affected.

Response to Comment #7-4: We do not expect any Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions due to the new right-of-way acquisitions. The remaining acreage from each parcel will continue to meet Santa Barbara County's criteria for eligibility as Williamson Act contract parcels. Government Code section 51295 states that when a project acquires only a portion of a parcel of land subject to a Williamson Act contract, the contract is deemed null and void only as to that portion of the contracted farmland taken. The remaining land continues to be subject to the contract unless it is adversely affected with property acquired by eminent domain or in lieu of eminent domain.

Caltrans' Office of Right-of-way will assist property owners with the Williamson Act contract modifications at the appropriate time during the project's property acquisition stage and pay for any cost associated with this process.

Response to Comment #7-5: The purpose of the clear recovery zone is to allow errant vehicles more space to recover when they veer from the travel-way. Caltrans does not promote driving on the asphalt shoulder to pass slow moving vehicles or turning vehicles. If engage in this behavior, the additional clear recovery zone provides more space for motorists to regain control if they drive off the shoulder accidentally. As a result, severe accidents involving the headwalls and ditches will be reduced. In regard to illegal passing, Caltrans is not an enforcement agency. California Highway Patrol should be contacted for law enforcement if illegal activity is witnessed.

There has been no indication that the current shoulder within the project limits has been poorly maintained. When the proposed project is constructed, Caltrans will maintain the paved shoulder and the unpaved area.

Response to Comment #7-6: Adding a traffic signal to the Black Road intersection is not within the scope of this project and will not meet the project's purpose and need (see Section 1.2: *Purpose and Need*). The Guadalupe Ditch project is funded by the Highway Safety Improvement program. The ditch project will reduce the number and severity of collisions involving vehicles that leave the paved roadway and crash into the ditch.

The Guadalupe Ditches relocation project is designated as a safety project for funding purposes. To qualify as a safety project, a proposed project must meet specific safety requirements. The Guadalupe Ditches safety project, identified under a safety subprogram known as CURE (Clean-up Roadside Environment), stands on its own

and does not prevent a separate operational improvement project. By the same reasoning, a qualified operational improvement project, for example, adding traffic signals or stop signs, will not be a substitute for the ditch project. They are complimentary, not exclusionary, and they will accomplish different goals. Currently, the Black Road intersection does not meet the criteria to install a traffic signal as a safety project. However, the intersection does meet several operational criteria necessary for a traffic signal as an operational improvement, and there is currently discussion about possibly funding such a signal through some combination of local, regional, and state sources.

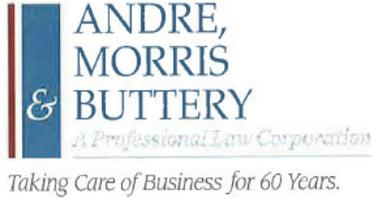
Response to Comment #7-7: Please refer to response above (Response #7-6).

The left turn pocket alternative was considered and studied in the 2001 4-lane expressway project. However, the 30-foot-wide clear recovery zone will still be required. Adding a 12-foot-long left turn pocket and a 30-foot-wide clear recovery zone on each side will further increase the project foot print and add to the amount of right-of-way that will be required.

Response to Comment #7-8: The project cost for environmental measures is minimal in comparison to any roadway safety improvement project.

Potential foraging, dispersal and breeding habitat for the California red-legged frog was not identified within the drainage ditches, but rather associated with a reservoir located outside the area of construction but within the project limits. In addition, please refer to page 7 of the U.S. Fish and Wildlife Services' letter that states "adverse effects to suitable habitat are expected to be temporary in nature and permanent impacts are not likely to occur. The project is not likely to permanently affect dispersal, or block or degrade links between aquatic sites."

Comments 8-1 – 8-2, Andre, Morris, Buttery, Karen Gjerdrum Fothergill



Peter R. Andre (1918 - 2000)
Michael J. Morris
James C. Buttery
Dennis D. Law
J. Todd Mirolla
Scott W. Wall
Kathryn M. Eppright
Kevin D. Morris
William V. Douglass
Lisa LaBarbera Toke
Jean A. St. Martin
Beth A. Marino
Melissa McGann Babu
Karen Gjerdrum Fothergill
Collette A. Hillier

December 23, 2010

Via Email and U.S. Mail

Matt Fowler
Senior Environmental Planner, Caltrans District 5
50 Higuera Street
San Luis Obispo, CA 93401

**Re: Guadalupe Ditches Relocation Project
ID # 05000000560**

Dear Mr. Fowler:

I am an attorney representing the Moretti Family, owners of A.P.N. 113-080-006 (the "Property"), a property affected by the proposed Guadalupe Ditches Relocation Project identified above (the "Project"). I am writing to provide you with our comments on the Initial Study provided by your office on November 22, 2010. The Moretti Family owns the Property as tenants in common with Grubstake Investments, LLC ("Grubstake").

We had anticipated on preparing a coordinated response between the Moretti Family and Grubstake to provide a detailed description of the issues raised by the Initial Study. It was relayed to me by Mr. Craig Reade, manager of Grubstake, that Kelso Vidal from the Department of Transportation verbally informed him that the public comment period would be extended for an additional two weeks. During a meeting between Mr. Reade and Mr. Vidal on the Property, Mr. Vidal informed Mr. Reade that he had the authority to grant an extension and to simply send him a confirmatory letter. I sent a letter to Mr. Vidal on December 21, 2010 confirming this extension. I received a call from you this morning indicating that no extension had been granted and that Mr. Vidal did not have the authority to grant this extension. We are therefore submitting these general comments in order to preserve the Moretti Family's rights under the public comment period. It is my understanding that Mr. Reade will attempt to provide his written comments to you today as well.

The Project raises several issues that negatively impact operations on the Property. Unfortunately, due to time constraints, we cannot at this time provide you with a comprehensive description of these negative impacts. On a broad level, however, the comments below reflect the Moretti Family's general objection to any unnecessary acquisition of their Property.

230213.doc

2739 Santa Maria Way, 3rd Floor
P.O. Box 1430
Santa Maria, CA 93456-1430
ph 805/937-1400 fx 805/937-1444

1102 Laurel Lane
P.O. Box 730
San Luis Obispo, CA 93406-0730
ph 805/543-4171 fx 805/543-0752

1337 Vine Street
P.O. Box 5300
Paso Robles, CA 93447-5300
ph 805/591-3000 fx 805/591-3001

www.amblaw.com

Alternatives to Project

Prime farmland in the Santa Maria valley is rapidly diminishing and any project that proposes to further reduce available farmland should be engineered in such a way as to minimize such a taking. In reviewing Table 2.1 of the Initial Study, the acreage required to be taken from the Property for the right of way is the largest of all of the other affected parcels. This places the Moretti Family in the unique position of suffering the greatest impact from this Project. To this end, the Moretti Family would like to see the Department of Transportation develop alternative plans that minimize or eliminate the taking of their prime farmland. Although the Initial Study reviews some of the alternatives that have been rejected, it does not appear that all alternatives have been reviewed. For example, constructing barriers that prevent vehicles from travelling into the drainage ditches, or constructing an underground system or enclosed pipeline to handle the drainage, would permit both an additional recovery area for errant vehicles as well as avoid any issues related to vehicles travelling into the ditches.

8-1

The Moretti Family therefore requests that the Department of Transportation take additional time to review alternatives to the Project that would accomplish the goals of increasing highway safety without removing prime farmland from production.

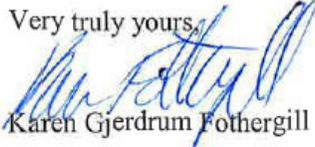
Adequate Compensation

An additional factor that is not addressed in the Initial Study is the proposed compensation for the acquired rights of way. The property proposed to be acquired under this Project is prime farmland and the owners must be adequately compensated for any loss experienced as a result of the Project. Any compensation must reflect that the land acquired is high quality, valuable prime farmland.

8-2

Conclusion

Although the right of way acquisitions of the Project may seem minimal in that they represent less than 0.5% of the available farmland in the vicinity, any taking of such a limited resource should be carefully evaluated. If an alternative is available that would not subject owners to a loss of their property, the Department of Transportation should fully investigate such an alternative and reduce its negative impact on property owners. Should the opportunity arise to provide further comment, we would welcome the opportunity.

Very truly yours,

Karen Gjerdrum Fothergill

Response to Comments from Karen Gjerdrum Fothergill

Response to Comment #8-1: Thank you for your comment and suggestions. Several alternatives were evaluated for this project including the two suggested in the letter. Please refer to the Environmental Document Section 1.3.4, *Alternatives Considered but Eliminated from Further Discussion- Large Culvert* which is comparable to the underground system you have suggested.

Although the underground system will be expensive, this was not the primary reason why it was rejected. The main reason the underground pipe was rejected was because it will be prone to collecting sediment and failing. The area is very flat and it is unlikely that water passing through the culvert will attain sufficient velocity to prevent the build-up of sediment from upstream sources. The system will require extensive, costly long-term maintenance.

The use of a barrier to shield the ditches was considered and rejected. Any type of fixed object, such as guardrail or concrete wall, will have to be placed closer to the travelled way of the highway than the object being shielded, thus making the barrier more likely to be struck by a vehicle leaving the roadway. These barriers are designed to absorb some of the energy of a collision and/or redirect a vehicle back on to the roadway, thus, in most cases, reducing the severity of collisions. However, they do not reduce the quantity of collisions and in many cases increase the collision rate. That will most likely be the case on these segments of Route 166. Also, a barrier system on these highway segments will force farm equipment to be operated in the traffic lane when moving along the highway, as the barrier system will be located eight to ten feet from the edge of travelled way. This will create additional safety concerns that are not associated with providing a clear recovery zone.

Response to Comment #8-2: Any property acquisitions will be conducted in accordance with the Real Property Acquisitions Policies Act of 1970. Property owners receive fair market value as if they sold the property privately in the open market. For additional details about Caltrans' policy on acquisitions, please view the booklet in Appendix F: *Your Property Your Transportation Project* and Appendix G: *Relocation Assistance Program*.

**Comments 9-1 – 9-5, Santa Barbara County Air Pollution Control District,
Carly Wilburton**



December 8, 2010

Matt Fowler
California Department of Transportation District 5
50 Higuera Street
San Luis Obispo, CA 93401

Re: APCD Comments on Guadalupe Ditches Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant Impact, ID #0500000560 (05-0G160)

Dear Mr. Fowler:

The Air Pollution Control District (APCD) has reviewed the Mitigated Negative Declaration /Environmental Assessment (MND/EA) with Finding of No Significant Impact (FONSI) for the referenced case, which proposes to relocate drainage ditches along State Route 166 between Guadalupe and Santa Maria in Northern Santa Barbara County in order to improve safety on Route 166 between post mile 0.9 to 2.4 (Location 1) and 3.8 to 4.8 (Location 2). The proposed project consists of relocating drainage ditches, culverts, fencing, and utility poles to create a 30-foot Clear Recovery Zone from the edge of the roadway. Currently, the drainage ditches are setback at various distances ranging from 10 to 19-feet. The project construction is anticipated to take less than 6 months. A total of 9.02 acres of productive agricultural land would be converted into non-productive land and a total of 5 acres would be indirectly affected. Twenty-four farmland parcels are to be affected along Route 166; the northeastern most parcel is APN 113-040-003 and the southwestern most parcel is APN 117-191-005.

Air Pollution Control District staff offers the following comments on the MND:

1. **Initial Study, Chapter 2, Page 10:** The last sentence of the second bullet point on Page 10 states, *"...it is also deemed consistent with the local Santa Barbara Air Pollution Control District for ozone and PM10 fine particulate matter..."* Regarding this statement:
 - a. Please revise the statement to reflect the correct name for the agency, which is *Santa Barbara County Air Pollution Control District*.
 - b. It is not clear what the project is being deemed consistent with. APCD adopts Clean Air Plans, and consistency with the current adopted Clean Air Plan (in this case, the 2007 Clean Air Plan, which plans for attainment of the California 1-hour ozone standard and maintenance of the federal 8-hour ozone standard) is required pursuant to the California Environmental Quality Act (CEQA). The MND/EA should be revised to clearly indicate whether the project is consistent with APCD's Clean Air Plan. If consistency with APCD's Clean Air Plan was not the topic of this sentence, the sentence should be revised to clearly indicate what the project is being deemed consistent with.

2. **Initial Study, Section 2.4, Page 33:** The attainment status of Santa Barbara County for ozone and PM₁₀ is incorrectly referenced. Please correct the language to reflect the current attainment status for these pollutants. Santa Barbara County is designated as a federal ozone attainment

9-1

9-2

APCD Comments on Guadalupe Ditches Mitigated Negative Declaration/Environmental Assessment, ID #05000000560 (05-0G160)
December 8, 2010
Page 2

area for the 8-hour ozone National Ambient Air Quality Standard (the 1-hour federal ozone standard was revoked for Santa Barbara County). The County is also considered in attainment for the state 1-hour standard for ozone as of June, 2007. The California 8-hour ozone standard was implemented in May, 2006. The County violates the state 8-hour ozone standard and the state standard for PM₁₀. For additional information, please refer to APCD's website at www.sbcapcd.org/sbc/attainment.htm.

3. **Initial Study, Section 2.4, Page 34:** The first paragraph references the 2001 Clean Air Plan; please reference the most up-to-date Clean Air Plan, the 2007 Clean Air Plan, which describes how the District will maintain the federal 8-hour standard and state 1-hour ozone standard. For additional information, please refer to APCD's website at www.sbcapcd.org/cap.htm. 9-3

4. **Initial Study, Section 2.4, Page 34:** Although quantitative emissions thresholds for short-term activities, such as construction projects, are not in place, standard dust control measures must be implemented for discretionary projects involving grading activities. Since Santa Barbara County violates the state standard for PM₁₀, dust mitigation measures are required for all discretionary construction activities regardless of the CEQA significance determination for those impacts. It should also be noted that APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*, is in effect. 9-4

Air Pollution Control District staff offers the following suggested conditions: 9-5

1. Standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the APCD prior to issuance of land use clearance.
2. APCD Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*, became effective on July 21, 2010 and establishes new limits on the generation of visible fugitive dust emissions at demolition and construction sites. The rule includes measures for minimizing fugitive dust from on-site activities and from trucks moving on- and off-site. The text of the rule can be viewed on the APCD website at www.sbcapcd.org/rules/download/rule345.pdf.
3. Fine particulate emissions from diesel equipment exhaust are classified as carcinogenic by the State of California. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of ozone precursors and fine particulate emissions from diesel exhaust.
4. Asphalt paving activities shall comply with APCD Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.

If you have any questions regarding these comments, please feel free to contact me at (805) 961-8890 or via email at cvw@sbcapcd.org.

APCD Comments on Guadalupe Ditches Mitigated Negative Declaration/Environmental Assessment, ID #05000000560 (05-0G160)

December 8, 2010

Page 3

Sincerely,

A handwritten signature in blue ink that reads "Carly Wilburton". The signature is written in a cursive, flowing style.

Carly Wilburton,
Air Quality Specialist
Technology and Environmental Assessment Division

Attachments: Fugitive Dust Control Measures
Diesel Particulate and NO_x Emission Measures

cc: TEA Chron File



**ATTACHMENT A
FUGITIVE DUST CONTROL MEASURES**

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
 - Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
-
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Plan Requirements: All requirements shall be shown on grading and building plans and as a note on a separate information sheet to be recorded with map. **Timing:** Requirements shall be shown on plans or maps prior to land use clearance or map recordation. Condition shall be adhered to throughout all grading and construction periods.

MONITORING: Lead Agency shall ensure measures are on project plans and maps to be recorded. Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



**ATTACHMENT B
DIESEL PARTICULATE AND NO_x EMISSION MEASURES**

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is an updated list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.

The following measures are recommended:

- Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible.
- If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

Plan Requirements: Measures shall be shown on grading and building plans. **Timing:** Measures shall be adhered to throughout grading, hauling and construction activities.

MONITORING: Lead Agency staff shall perform periodic site inspections to ensure compliance with approved plans. APCD inspectors shall respond to nuisance complaints.

Response to Comments from SBCAPCD

Response to comment #9-1: Thank you for your comments. The word “County” has been inserted into the agency’s name, which now reads Santa Barbara County Air Pollution Control District throughout the document.

The project is consistent with the 2007 Santa Barbara County Air Pollution Control District Clean Air Plan.

Response to comment #9-2: The attainment status of Santa Barbara County for ozone and PM10 has been revised.

Response to comment #9-3: The 2007 Clean Air Plan has been referenced and the paragraph has been revised.

Response to comment #9-4: Thank you for the attached references. Section 2.4, Air Quality: Environmental Consequences has been revised to address short-term related dust control emissions. Caltrans has Standard Provisions that encompass fugitive dust control, and diesel particulate and NOx emission measures. Please refer to the Environmental Document, Section 2.4, Avoidance, Minimization, and/or Mitigation Measures section which states the contractor will comply with the Santa Barbara County Air Pollution Control District’s rules, ordinances, and regulations. The Standard Provision details, that reflect the measures found in Santa Barbara County Air Pollution Control District’s provided attachments, will be included in the contract to bid package.

Response to comment #9-5: Thank you for the comments. As stated in the Environmental Document, Section 2.4, Avoidance, Minimization, and/or Mitigation Measures section, the contractor will comply with the Santa Barbara County Air Pollution Control District’s rules, ordinances, and regulations. The Standard Provision details, that reflect the measures found in Santa Barbara County Air Pollution Control District’s provided attachments, will be included in the contract to bid package.

Comment 10-1 – 10-7. County of Santa Barbara Planning and Development Department, Glenn S. Russell, Ph.D.



**County of Santa Barbara
Planning and Development**

Glenn S. Russell, Ph.D., Director
Dianne Black, Director of Development Services
Jeff Hunt, Director of Long Range Planning

December 14, 2010

Matt Fowler
Environmental Planner
California Department of Transportation, Environmental Central Coast Branch
50 Higuera Street
San Luis Obispo, CA 93401

Re: Guadalupe Ditches- Proposed Mitigated Negative Declaration/Environmental Assessment

Dear Mr. Fowler:

Thank you for the opportunity to comment on the Guadalupe Ditches Proposed Mitigated Negative Declaration/Environmental Assessment. The Planning and Development Department offers the following comments for your consideration:

General Comments

The County Comprehensive General Plan generally contains policies that promote agriculture and protect agricultural land, especially prime farm land. The document should include address the proposed project’s consistency with County of Santa Barbara Comprehensive General Plan policies, zoning and Uniform Rules for Williamson Act contracts. Additionally, a discussion of the applicability of Government Code §53090 et seq. (pertaining to intergovernmental immunity) and Government Code §65402 (government land acquisitions) should be included, as well as an Agricultural Resources section corresponding to the CEQA Guidelines checklist (Appendix G). Currently, a majority of the discussion of agriculture resources is contained within Section 2.1 Human Environment. Finally, the document should indicate whether any agricultural infrastructure (barns, pump houses, wells, etc.) will be affected by the changes in property lines associated with the proposed project.

10-1

2.1.1 Farmlands/Timberlands

Avoidance, Minimization, and/or Mitigation Measures

The mitigation measures discussed in this section should be expanded to include a discussion of the potential impacts that these proposed measures will mitigate.¹

10-2

¹Caltrans, Guadalupe Ditches Proposed Mitigated Negative Declaration/Environmental Assessment, November 2010, at 18.

123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

Environmental Consequences

The direct conversion of 9 acres of prime agricultural land to a non-agricultural use is not clearly addressed in the document nor is the “less than significant” determination included in the CEQA checklist adequately discussed.² The document should analyze, disclose and mitigate for the conversion of 9 acres of prime agricultural land to non-agricultural uses.

10-3

The document should provide discussion and analysis concerning the parcels under Williamson Act contract affected by this proposal and whether these parcels will continue to meet eligibility requirements for the County of Santa Barbara Uniform Rules for Williamson Act contracts. The document indicates that no Williamson Act contracts would be terminated, although parcels currently under contract would require minor revisions due to the new right-of-way acquisitions. The document should clarify and define “acquisition” and “termination” pursuant to Government Code and County of Santa Barbara Uniform Rules. Additionally, the method for acquisition (i.e., eminent domain), and whether parcels under Williamson Act contract will require partial or whole replacement should be included.³ Any required Williamson Act replacement contracts should also be discussed.⁴

10-4

Table 2.1 *Farmland Parcels Affected* should provide a legend explaining the significance of the shaded rows.

Figure 2-1 *Farmland Impact Map* (Location 1) and Figure 2-2 *Farmland Impact Map* (Location 2) should provide a legend explaining the significance of the green and brown/red colored lines.

2.1.2.1 Relocations/Real Property Acquisition

Agriculture

The proposed project received a score of 184.5 points on the U.S. Department of Agriculture’s Farmland Conversion Impact Rating Form NRC-CPA-106. The document should discuss how this score is interpreted and its effect on agricultural resources. It is unclear whether effects on agricultural resources are significant, less than significant or less than significant with mitigation.⁵

10-5

Environmental Consequences

Temporary construction easements would be required for 17 parcels (4.60 acres) in the proposed project area. The document should clarify if these easements will remove agricultural land out of production (temporary or otherwise) and disclose and mitigate for impacts.⁶

10-6

Chapter 3 Comments and Coordination

This section describes a January 28, 2009 meeting between Caltrans and Santa Barbara County Agricultural Planning representatives. The document incorrectly identifies a threshold for farmland impact significance to be approximately 30 acres. The document should be corrected to indicate that Santa Barbara County does not have a simple quantitative (i.e., number of acres)

² Id at 13.

³ Id.

⁴ Id.

⁵ Id. at 17.

⁶ Id. at 19.

CALTRANS Guadalupe Ditches Proposed MND/EA
December 14, 2010
Page 3

threshold of significance for farmland impacts, but rather a point system that considers a number of factors.⁷

The County looks forward to continued dialogue on the Guadalupe Ditches project. If you should have further questions, please do not hesitate to contact my office directly, or Jeff Hunt, Director of Long Range Planning Division, at (805) 568-2072.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Russell". The signature is fluid and cursive, with a large initial "G" and "R".

Glenn Russell, Ph.D.
Director of Planning and Development

⁷ Id. at 47.

Response to Comments from County of Santa Barbara Planning and Development

Response to Comment #10-1: Thank you for your comments. Caltrans conducted an ample review of the Santa Barbara Comprehensive General Plan’s Agricultural Element and Land Use Element, agricultural zone standards, and Uniform Rules #1 and #2. Caltrans concluded the public safety improvement project had no conflict with County policies. The no-impact CEQA determination is identified in Appendix A, *California Environmental Quality Act Checklist*, Item X: Land Use and Planning, Section b. Moreover, the project was found to have a less than significant impact on prime agricultural land. Please refer to Chapter 2.11 *Farmlands* for discussion of farmland impact.

With regard to agricultural infrastructure, please refer to Section 1.1, *Introduction of the Environmental Document*, which does indicate “minor irrigation systems will be relocated” as part of the proposed project. Also, the Environmental Consequences under Section 2.1.2.1 *Relocations/ Real Property Acquisitions* has been updated to reflect irrigation system relocation.

Response to Comment #10-2: Section 15206 of the California Environmental Act Guidelines identifies the cancellation of 100 acres or more of a Williamson Act contract by a project as a significant impact under the California Environmental Quality Act. Although most of the farmland that will be converted by this project is in Williamson Act contracts, the project only impacts 9.2 acres of farmland. Mitigation measures are not required for less than significant impacts. However, the avoidance and minimization measures presented to minimize farmland impacts through design modifications were implemented during the preliminary planning phase since additional acreage of prime agricultural land was originally anticipated to be impacted. Caltrans also determined the measures presented were sufficient pursuant to 7 Code of Federal Regulation 658.4 (4) (ii).

Response to Comment 10-3: The conversion of the 9 acres of prime agricultural land is addressed in Section 2.1.1. Additional assessment is included on the Natural Resources Conservation Service’s evaluation conversion form NRCS-CPA-106 found in Appendix D. Please refer to response #10-3 for discussion on why mitigation was not warranted.

Response to Comment 10-4: The second paragraph under Section 2.1.1: *Environmental Consequences* has been revised to the following:

It is anticipated that no Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions, due to the new right-of-way acquisitions. The remaining acreage from each parcel will continue to meet Santa Barbara County's criteria for eligibility as Williamson Act contract parcels. Government Code section 51295 states that when a project acquires only a portion of a parcel of land subject to a Williamson Act contract, the contract is deemed null and void only as to that portion of the contracted farmland taken. The remaining land continues to be subject to the contract unless it is adversely affected with property acquired by eminent domain or in lieu of eminent domain.

Caltrans' Office of Right-of-way will assist property owners with the Williamson Act contract modifications at the appropriate time during the project's property acquisition stage and pay for any cost associated with this process.

Table 2.1 *Farmlands Parcels Affected*, has been revised to define shaded rows.

Figure 2-1 *Farmland Impact Map*, has been revised to include a legend to define colored lines.

Response to Comment 10-5: Thank you for your comment. The CEQA significance findings for farmland were made in the CEQA checklist, under Section II: *Agriculture and Forest Resources*; the impact was shown as being less than significant.

Section 2.1.1: *Agricultural* has been supplied with the following additional paragraph:

The Natural Resources Conservation Service requires agencies to consider protection if the conversion score falls between the ranges of 160 to 260 points. The score of 184.5 is found on the lower-end of this spectrum, over the 160-point criteria for considering protection. In compliance with Title 7 Code of Federal Regulation 658.4 (4) (ii), Caltrans has implemented avoidance measures to minimize farmland impacts.

Section 15206 of the California Environmental Act Guidelines identifies the cancellation of 100 acres or more of a Williamson Act contract by a project as a significant impact under the California Environmental Quality Act. Although most of the farmland that will be converted by this project is in Williamson Act contracts, the project only impacts 9.2 acres of farmland. As stated above, we do not expect any

Williamson Act contracts will be terminated, although parcels currently under contract will require minor revisions due to the new right-of-way acquisitions.

Response to Comment 10-6: Temporary construction easements will be required and may temporarily halt crop production on these areas for the duration of construction. Since the impact is temporary, no mitigation is required. However, measures are included to minimize impacts on property owners, as Caltrans will notify and coordinate with local property owners/ growers to minimize short-term impacts related to construction activities, as described under Section 2.1.1, *Avoidance, Minimization and/or Mitigation Measures*. In addition, Caltrans' policy is to pay the grantor compensation for the use of the temporary easement. Section 2.4, *Construction Impacts* has been revised to add clarification to this impact and the minimization measures applicable.

Response to Comment 10-7: Thank you for your comment. Chapter 3, *Comments and Coordination*, regarding the County's suggested threshold of significance has been revised. Caltrans does not use the County's system of thresholds, however, it should be noted that the County's system supports Caltrans' finding of a less-than-significant impact.

Comment #11, Santa Barbara County Fire Department, Richard Todd



Fire Department
"Serving the community since 1926"

HEADQUARTERS
4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX: (805) 681-5563

Michael W. Dryer
Fire Chief
County Fire Warden

Christian J. Hahn
Deputy Fire Chief

December 9, 2010

Mr. Matt Fowler
Environmental Central Coast Branch
California Department of Transportation
50 Higuera Street
San Luis Obispo, CA 93401

Dear Mr. Fowler:

SUBJECT: CALTRANS Guadalupe Ditches Relocation Project ND

The above project is located within the jurisdiction of the Santa Barbara County Fire Department. To comply with the established standards, we submit the following with the understanding that the Fire Protection Certificate application may involve modifications, which may determine additional conditions.

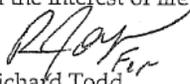
GENERAL NOTICE

1. Stop work immediately and contact the County Fire Department, Hazardous Materials Unit if visual contamination or chemical odors are detected while implementing the approved work at this site. Resumption of work requires approval of the HMU, 805-686-8170.

Please notify the Fire Prevention Division of any changes to the project proposal. Further intensification of use or change in the project description may require additional review.

As always, if you have any questions or require further information, please call 805-681-5523 or 805-681-5500.

In the interest of life and fire safety,


Richard Todd
Division Chief/Fire Marshal

RJ: mkb

Response to Comments from County of Fire Department

Response to Comment 11: Thank you for your comment. Caltrans will stop work immediately if hazardous materials are detected during construction, and contact the County Fire Department.

Comments 12-1 – 12-4, State Department of Water Resources, David Samson

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

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



DEC 16 2010

California Department of Transportation
Attn: Kelso Vidal
50 Higuera Street
San Luis Obispo, CA 93401

Initial Study/Mitigated Negative Declaration for the Proposed Guadalupe Ditches Relocation Project, City of Santa Maria, Santa Barbara County, San Joaquin Field Division, Coastal Aqueduct Milepost 105.0, SCH2010111089

Dear Mr. Vidal:

Thank you for the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration for the proposed Guadalupe Ditches Relocation Project within Santa Barbara County. The document describes a proposal by California Department of Transportation (Caltrans) to relocate existing drainage ditches located on both sides of State Route 166 (West Main Street) to a minimum distance of 30 feet from the highway. Location No. 2 of the project would relocate the ditches along SR 166, between Black Road and Bonita School Road.

It appears that the eastern edge of the proposed ditch relocation work extends into Department of Water Resources (DWR) right of way over the Coastal Aqueduct (Aqueduct), a part of the State Water Project (SWP). The Aqueduct, which is buried 42-inch pipeline in this location, crosses the Santa Maria River approximately 0.25 mile east of Black Road, runs south to SR-166, where it turns west and runs on the north side of, and parallel to, SR-166 to Black Road. It there crosses under SR-166 and heads south parallel to Black Road. In addition to the Aqueduct pipeline, there are cathodic protection test stations and buried fiber optic cable associated with the Aqueduct, located within DWR right of way and in the project area.

DWR has reviewed the Initial Study/ Mitigated Negative Declaration and has the following comments regarding the proposed project:

1. DWR has the Coastal Aqueduct pipeline and buried fiber optic cable within the proposed Ditch Relocation Project Location No. 2 project area. Caltrans shall take measures to protect in place all DWR facilities and appurtenances during construction.
2. Advance notice to DWR San Joaquin Field Division and Headquarters is required prior to any work within DWR right of way. Contact Mohammed Mohammed of DWR San Joaquin Field Division at (661) 858-5517 to coordinate a site visit.

12-1

12-2

Mr. Kelso Vidal
DEC 16 2010
Page 2

The operator of the Aqueduct in this area, Central Coast Water Authority (CCWA), should be contacted simultaneously at (805) 688-2292.

3. Any construction work within DWR right of way will require an Encroachment Permit, which would be issued by DWR.
4. DWR's ongoing operations and maintenance activities shall not be disrupted during construction.

12-3

12-4

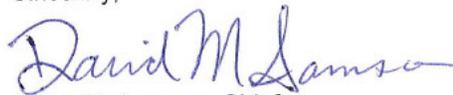
Information regarding forms and guidelines for submitting an application for an Encroachment Permit can be found at DWR web address:

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review.

If you have any questions, please contact Scott Williams at (916) 653-5746, or Leroy Ellinghouse of my staff at (916) 653-7168.

Sincerely,



David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

Response to Comments from the Department of Water Resources

Response to Comment 12-1: Caltrans is aware of the pipeline and buried fiber optic cable at Location #2. The project will not excavate any deeper than the current ditch depths, and does not anticipate any impacts to these utilities. The proposed ditches will cross over the pipeline in the same manner as the existing ditches.

Response to Comment 12-2: Caltrans will provide advance notice to the Department of Water Resource. Caltrans' Right of Way and Design divisions will schedule a meeting with Mohammed Mohammed to discuss the project.

Response to Comment 12-3: Caltrans will acquire an encroachment permit if construction occurs within the Department of Water Resource's right-of-way. At this time, construction work in the Water Resource's right-of-way is not anticipated.

Response to Comment 12-4: Caltrans Design division has the as-build plans and does not anticipate any disruption to the Department of Water Resources' operation during project construction.

This Page Intentionally Left Blank

Appendix I List of Technical Studies that are Bound Separately

Air Quality, Noise, and Paleontology Reports

Cultural Resources Review

Farmland Report

Hazardous Waste Report:

Initial Site Assessment

Hydraulic Memorandum

Initial Paleontology Review Memorandum

Natural Environment Study

Biological Assessment

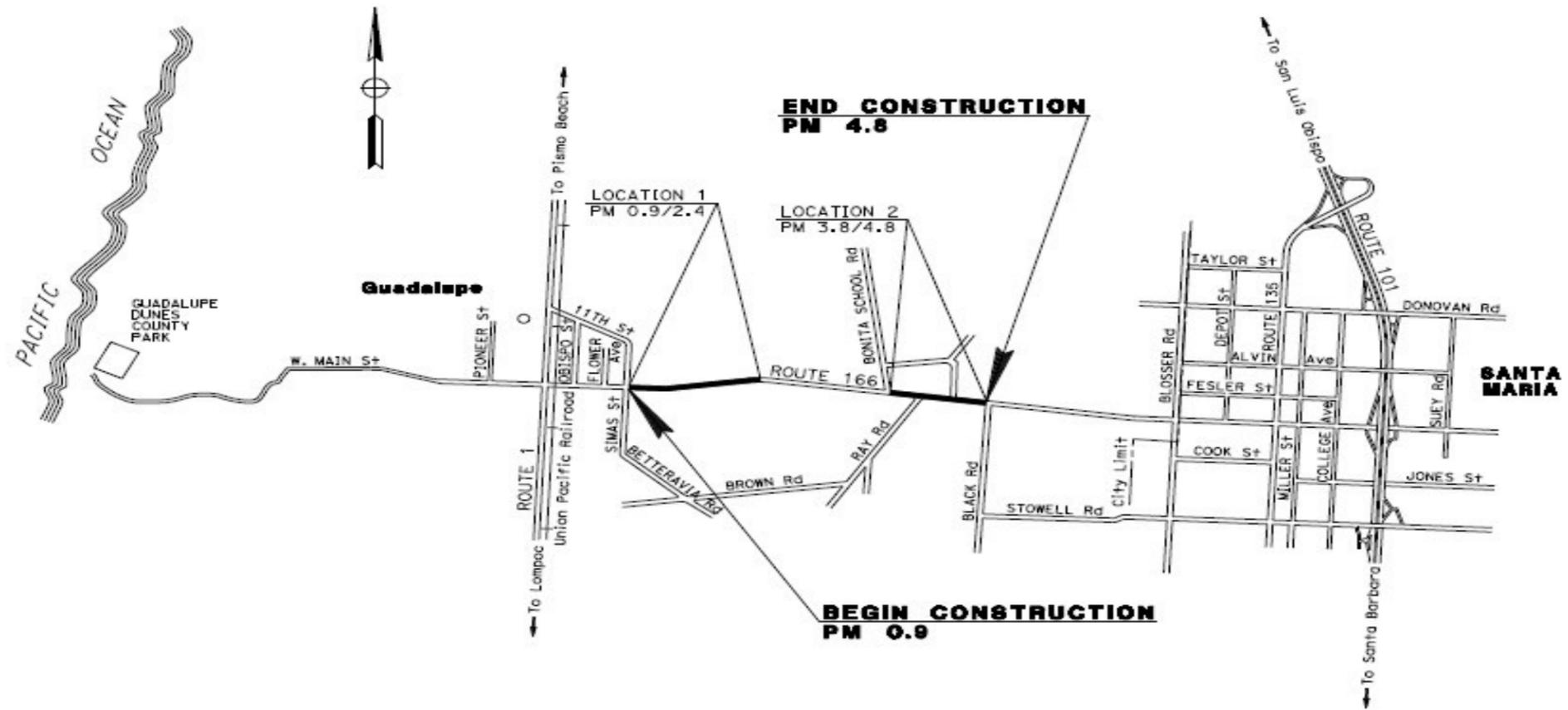
Scenic Resource Evaluation and Visual Assessment

Water Quality Assessment Memorandum

This Page Intentionally Left Blank

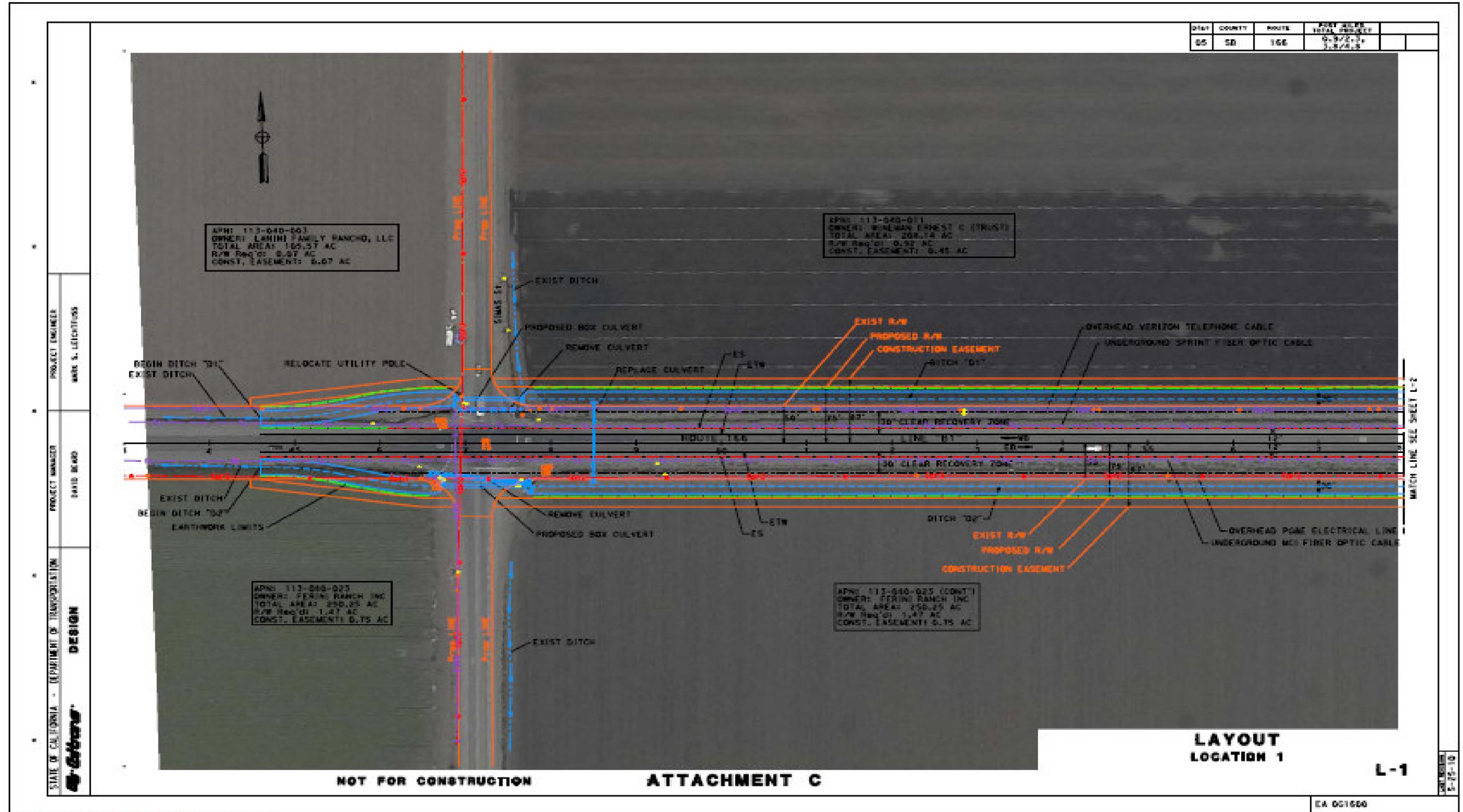
Appendix J Project Location Map,
Layouts, Cross-sections

This Page Intentionally Left Blank



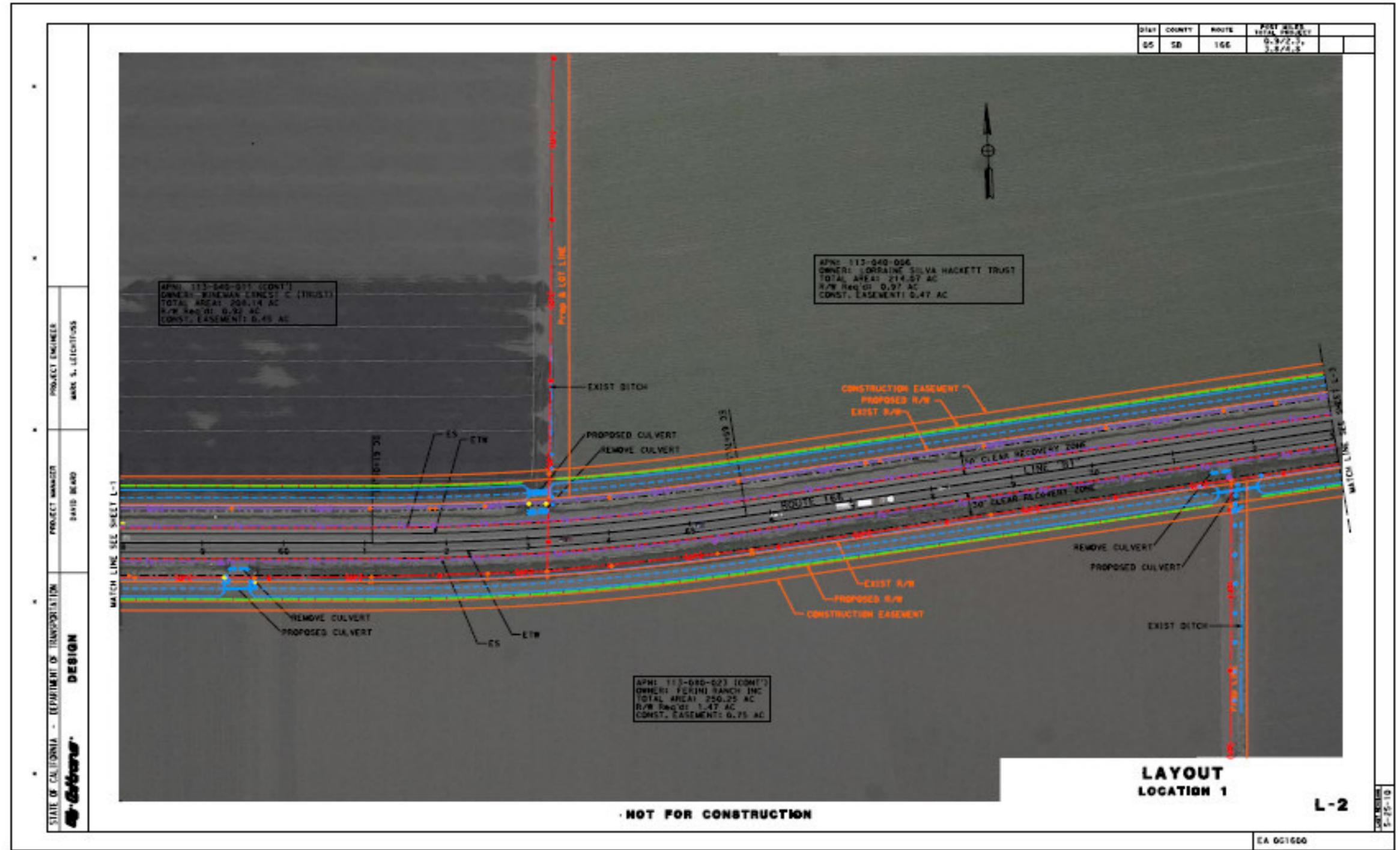
J-1 Project Location Map

This Page Intentionally Left Blank



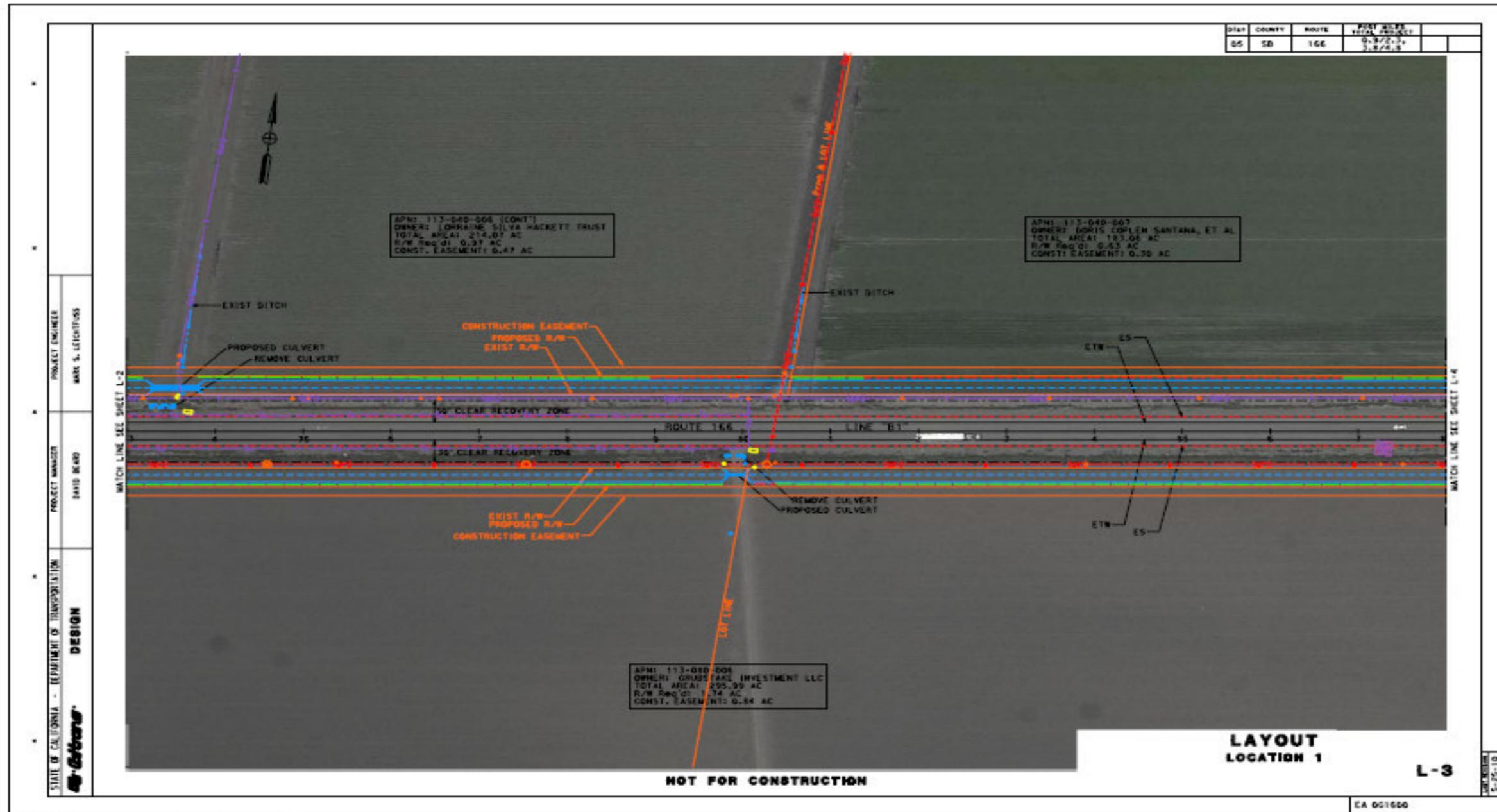
Attachment C LD1.dgn 11/12/2010 11:24:36 AM

This Page Intentionally Left Blank



Attachment C-L02.dgn 11/12/2010 11:27:02 AM

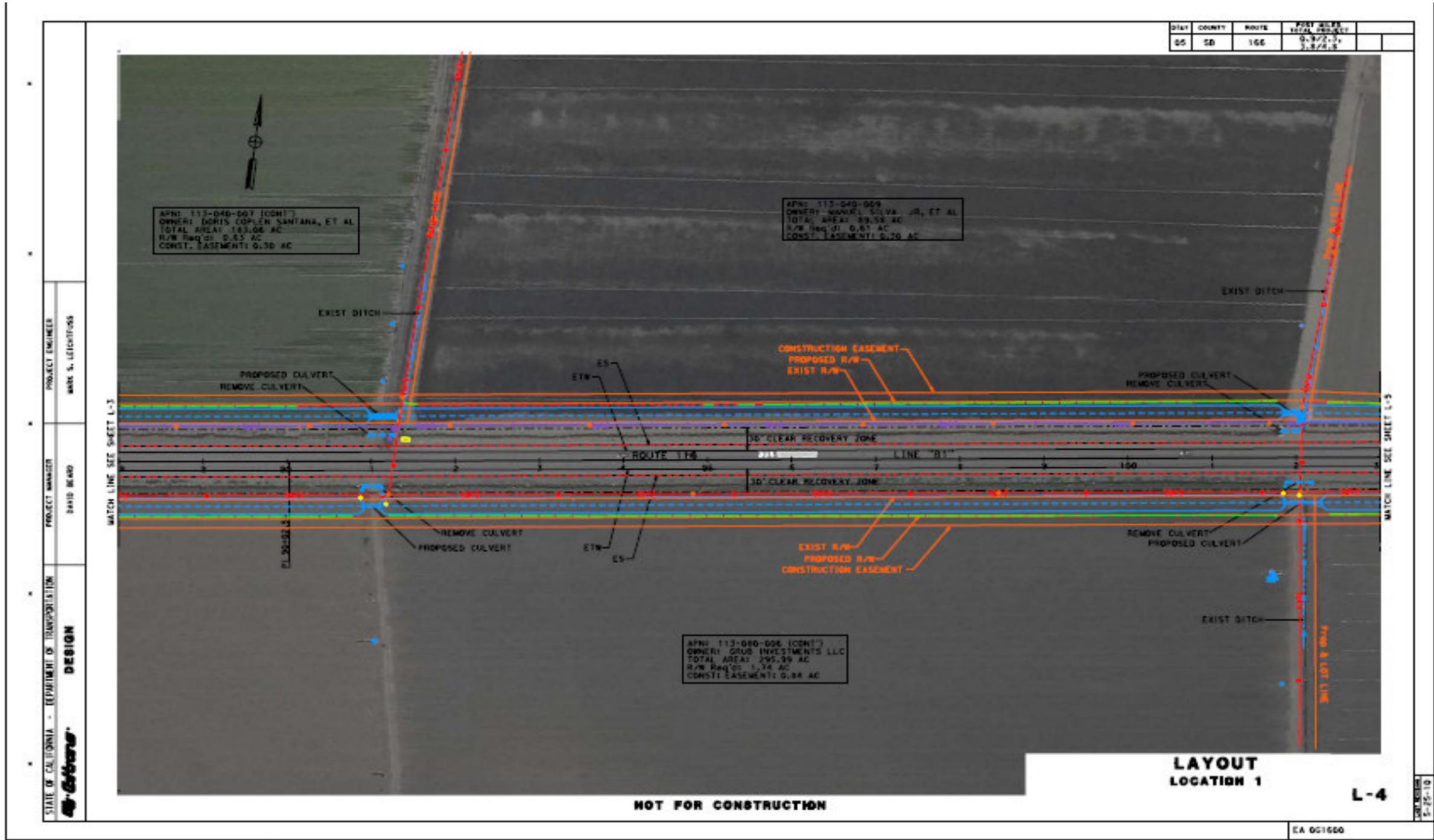
This Page Intentionally Left Blank



Attachment C L03.dgn 11/12/20 10:11:28:22 AM

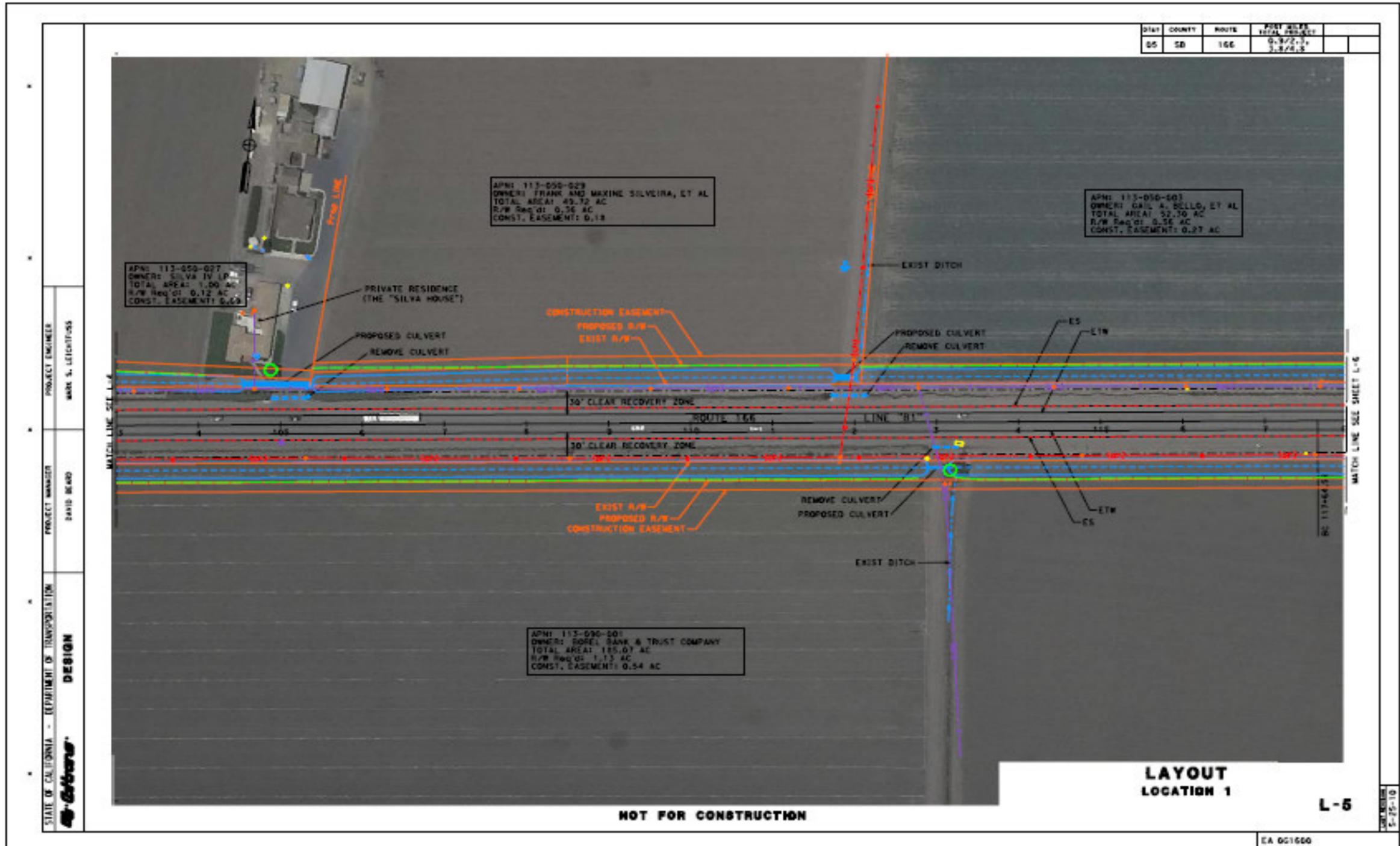
CA 001600

This Page Intentionally Left Blank



Attachment C LD4.dgn 11/12/2010 11:29:18 AM

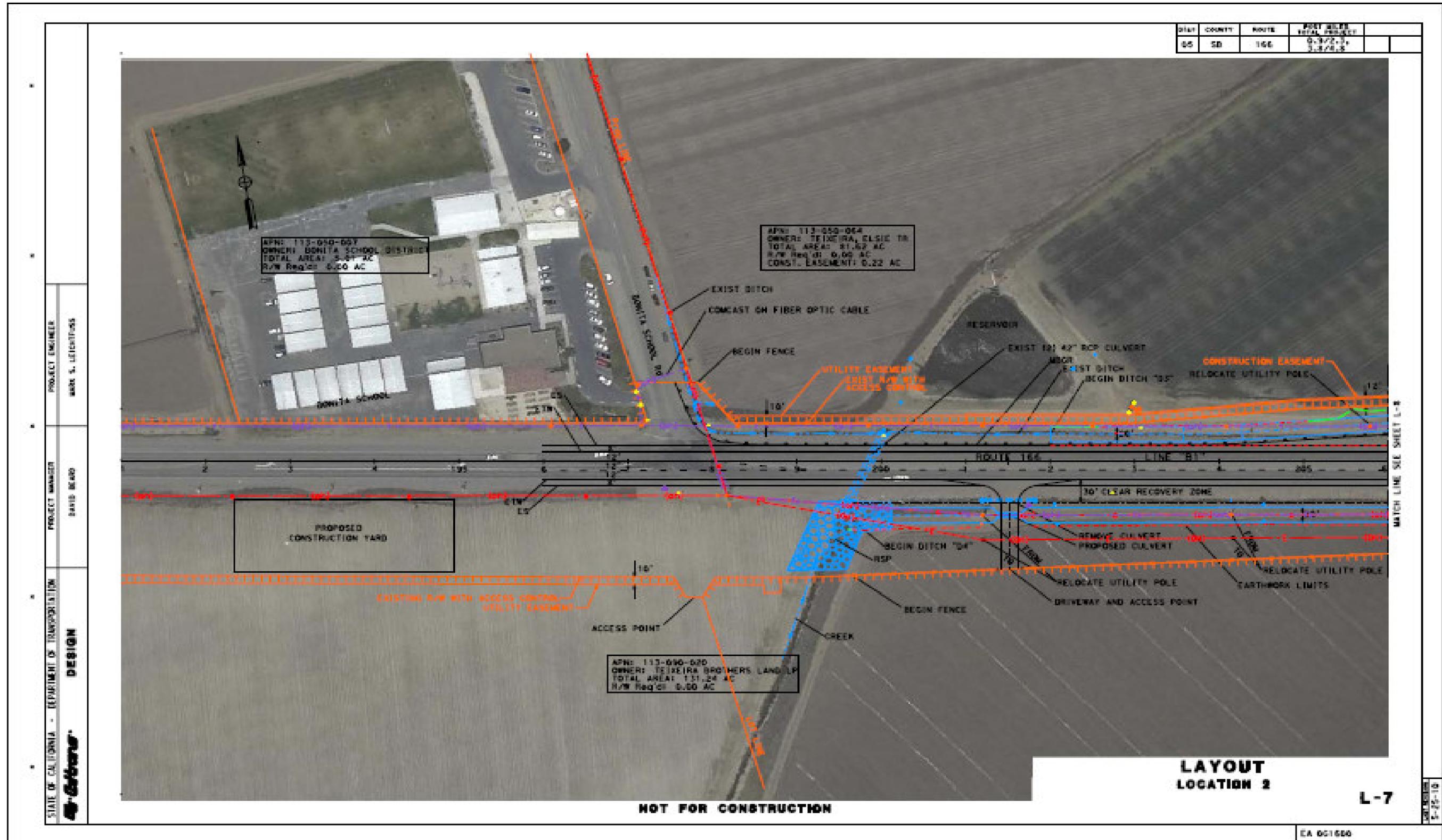
This Page Intentionally Left Blank



This Page Intentionally Left Blank

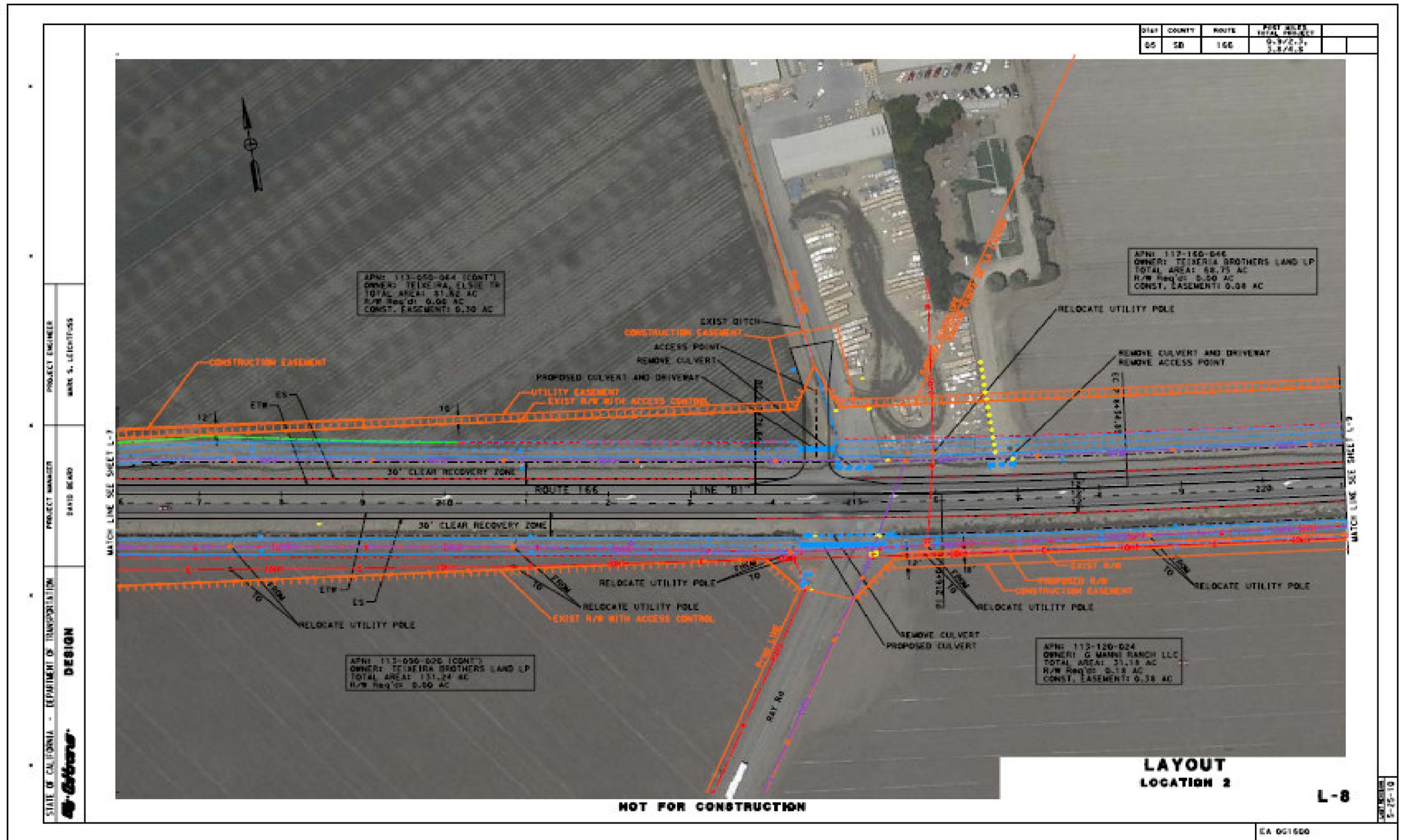


This Page Intentionally Left Blank



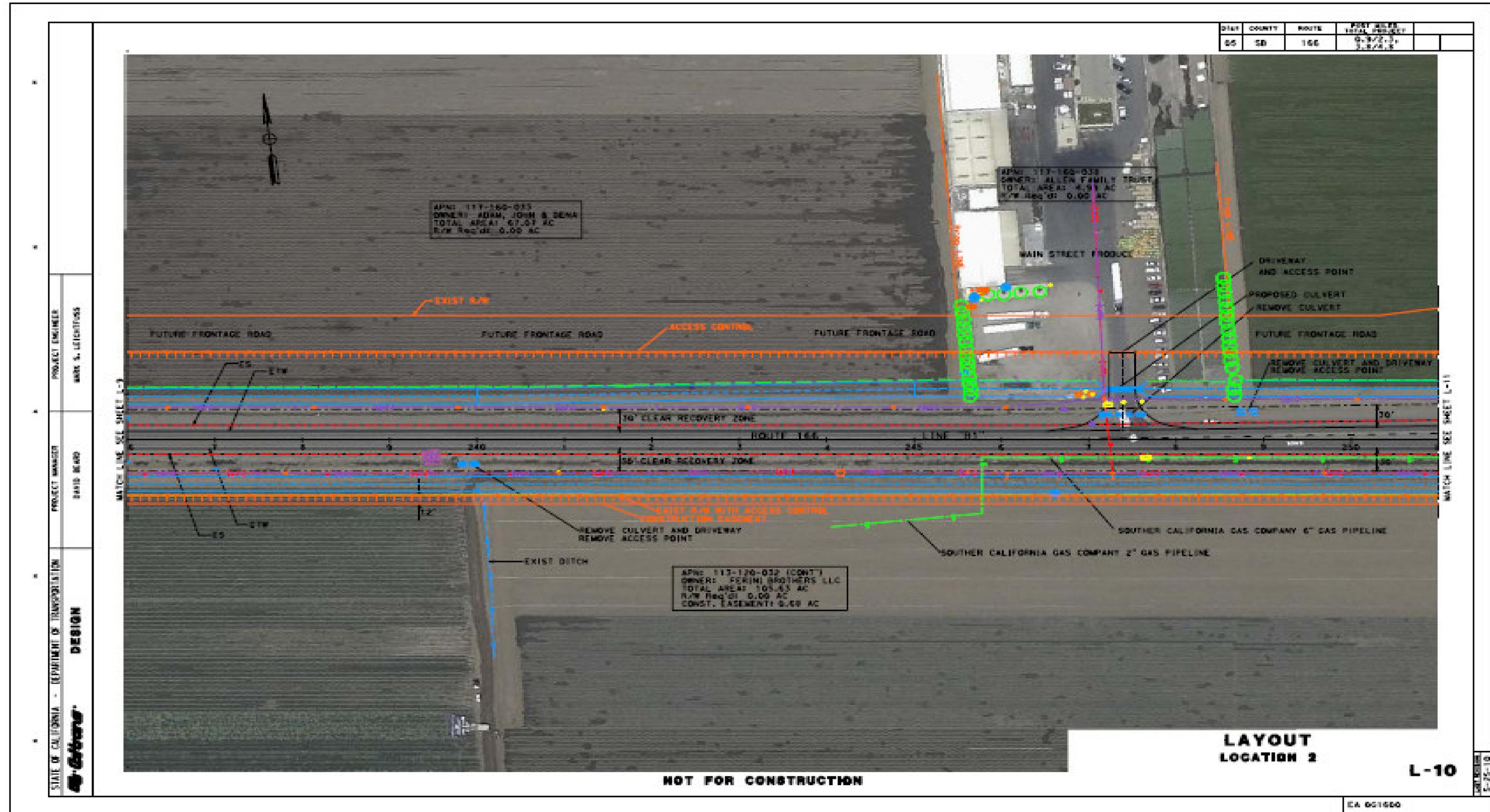
Attachment C.I.07.dwg 11/13/2010 11:33:22 AM

This Page Intentionally Left Blank

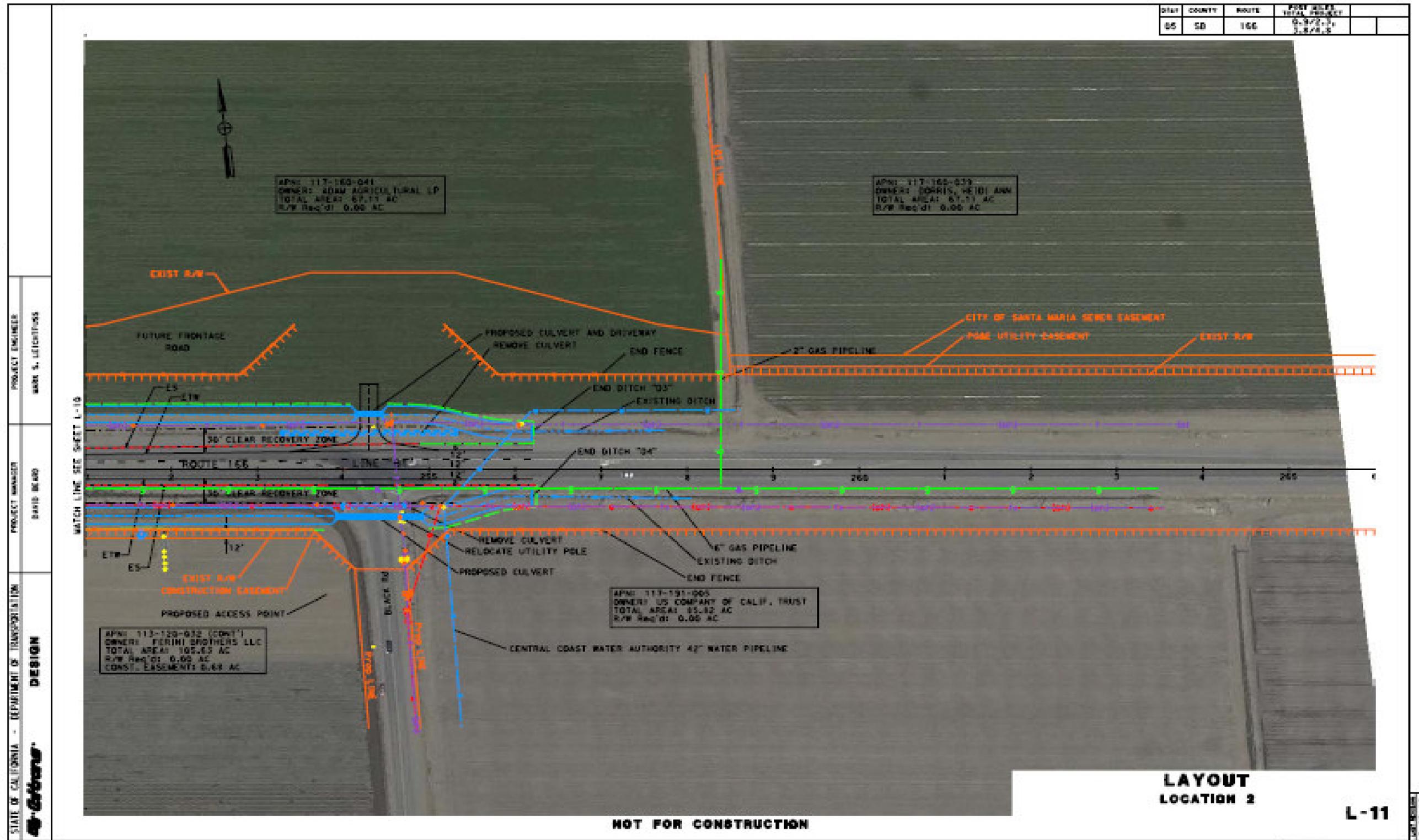


This Page Intentionally Left Blank

This Page Intentionally Left Blank

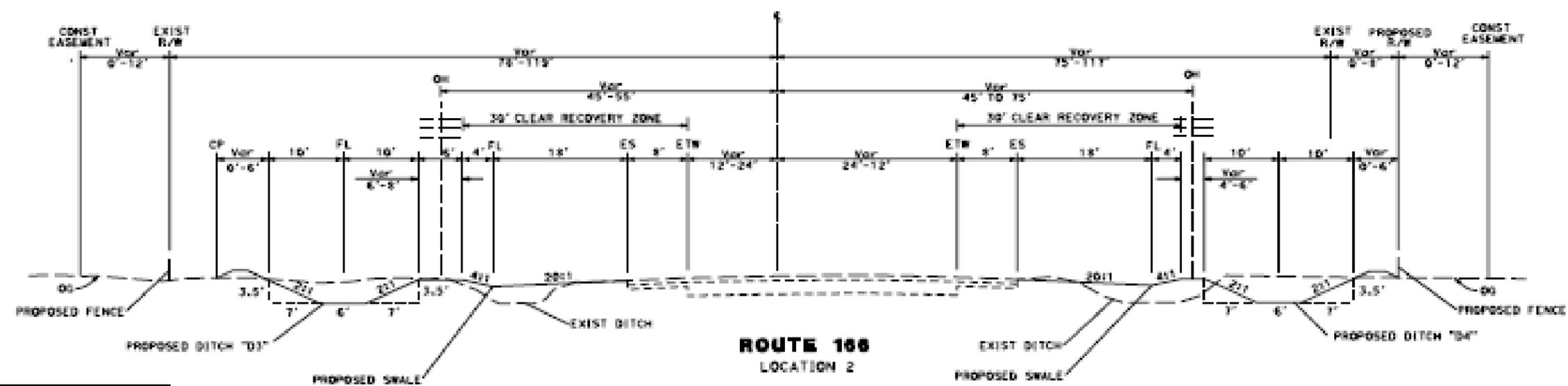
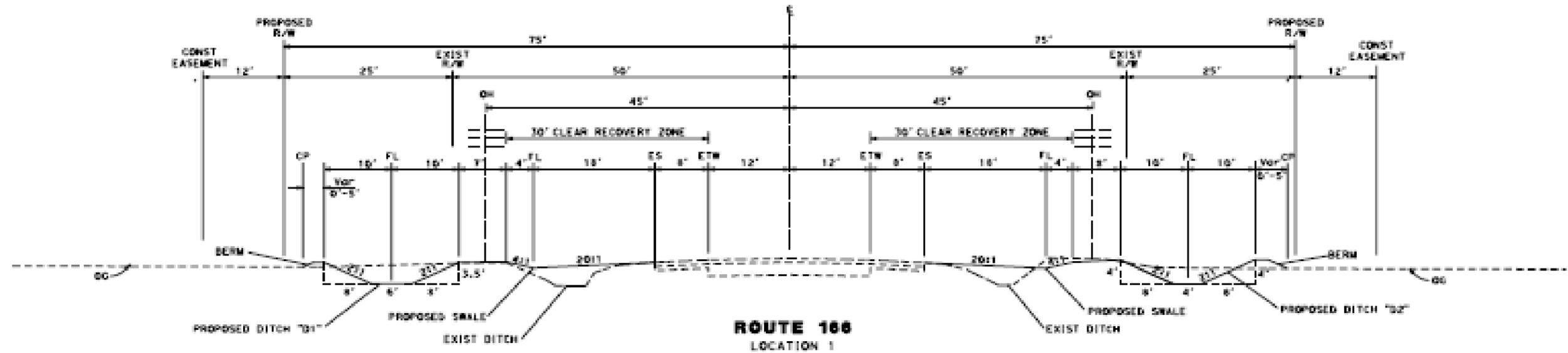


This Page Intentionally Left Blank



This Page Intentionally Left Blank

DIST	COUNTY	ROUTE	POST MILE TOTAL PROJECT	
05	SB	166	0+000.00 3+240.00	



DESIGN DESIGNATIONS	
DESIGN SPEED =	55 MPH
AASHTO (2008) =	3,600
T ₂₀ =	10.5
T =	TX

TYPICAL CROSS SECTIONS
NO SCALE X-1

ATTACHMENT D

PROJECT ENGINEER: MARK S. LEICHTUSS
 PROJECT MANAGER: DAVID BEARD
 DESIGN: STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

3-25-10
 EA 001000