El Dorado 49 Roadway Realignment

EL DORADO COUNTY, CALIFORNIA
DISTRICT 3-ED-49, KP 10.6/13.2 (PM 6.6/8.2)
4C0900

Initial Study and
Mitigated Negative Declaration

Prepared by the
State of California Department of Transportation

GENERAL INFORMATION ABOUT THIS DOCUMENT

What's in this document:
The Department of Transportation (Caltrans) has prepared this Initial Study, which examines the potential environmental impacts of the proposed project located in El Dorado County, California. This document describes why the project is being proposed, alternatives for the project, the existing environment that could be affected by the project, the potential impacts from each of the alternatives, and the proposed avoidance, minimization and/or mitigation measures.

This Initial Study was circulated for public review and comments from December 30, 2005 to January 30, 2006. The comments received during this review time and responses to those comments can be found in Chapter 4. Alterations to the body of the Initial Study with the exception of Chapter 4 are marked with a line in the left margin. Deleted text is shown with a strikethrough and new text is underlined.

What happens next:
Once the Negative Declaration has been signed, a Notice of Determination (NOD) will be sent to the State Clearinghouse. Caltrans may then design and construct all or part of the project.

For individuals with sensory disabilities, this document can be made available in Braille, large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to: Department of Transportation, Attn: Jennifer Heichel, 2389 Gateway Oaks Drive, Sacramento, CA 95833; (916) 274-0566 Voice or use the California Relay Service TTY number, (530) 741-4509.

03-ED-49-KP 10.6/13.2
(PM 6.6/8.2)
4C0900

Rehabilitate Roadway on State Route 49 from KP 10.6 (PM 6.6) to KP 13.2 (PM 8.2), just south of the town of El Dorado in El Dorado County

INITIAL STUDY with Proposed Mitigated Negative Declaration

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

THE STATE OF CALIFORNIA
Department of Transportation

12-28-05
Date of Approval

John D. Webb, Chief
North Region Environmental Services
California Department of Transportation

State of California
Department of Transportation

SCH Number: 2005122132
03-ED-49 KP 10.6/13.2 (PM 6.6/8.2)
EA: 03-4C090

MITIGATED NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

Project Description

The Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to realign curves and widen shoulders on State Route (SR) 49 just south of the town of El Dorado in El Dorado County from kilometer post (KP) 10.6 to 13.2/postmile (PM) 6.6 to 8.2. The purpose of this project is to improve safety.

Determination

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

The project would have no effect on coastal zones, wild and scenic rivers, timberlands, paleontology, parks and recreation, growth, community character and cohesion, Environmental Justice, pedestrian facilities, hydrology and floodplains, geology, seismology, or topography~~, or hazardous waste/materials.~~

In addition, the proposed project would have a less than significant effect on land use, farmland, community resources, hazardous waste/materials, utilities/emergency services, traffic and transportation, bicycle facilities, water quality and storm water run-off, soils, air quality, noise and oak woodlands. The proposed project will have less than significant cumulative impacts.

The proposed project would have less than significant impacts on cultural resources, wetlands, biological resources, and visual resources with mitigation incorporation. A Memorandum of Agreement and Data Recovery Plan will be prepared to mitigate the effects to cultural resources. Using Environmentally Sensitive Area (ESA) fencing and work windows will reduce impacts to wetlands and sensitive biological species. A revegetation plan will be prepared to reduce the impacts to visual resources. Waters and wetlands impacts will be mitigated through a combination of on-site wetland creation, restoration, revegetation, and enhancement, and the purchase of credits at an approved mitigation bank. Please see Appendix E for specific mitigation measures to be implemented.

John D. Webb, Chief
North Region Environmental Services
California Department of Transportation

19 December 2006
Date

SUMMARY

The proposed project would widen shoulders, adjust the vertical and horizontal curves and remove objects within the clear recovery zone. In order to construct this project, right of way acquisition will be required. Temporary construction easements will be needed to construct the project and relocate utilities. Widening of the shoulders and providing a clear recovery zone will result in the loss of farmland, vegetation, and waters of the U.S. Work within aquatic areas and vegetation removal ~~and~~ could indirectly impact sensitive biological species (please see Section 2.3 of this document for more information on biological resources within the project area). The following table quantifies impacts to farmlands, vegetation and waters of the U.S.:

Farmland	**Area**
Farmland needed to be acquired (approximate)	~~5.26~~ 5.87 ha (~~13.00~~ 14.50 ac)
Farmland of Local Importance	~~0.11~~ 0.20 ha (~~0.28~~ 0.50 ac)
Farmland that is enrolled in Williamson Act Contracts	~~2.88~~ 2.95 ha (~~7.12~~ 7.30 ac)
Vegetation	**Area**
Interior Live Oak Woodland	~~2.55~~ 2.32 ha (~~6.29~~ 5.73 ac)
Valley-Foothill Riparian Forest	~~0.50~~ 0.09 ha (~~1.24~~ 0.23 ac)
Waters of the U.S.	**Area**
Other Waters of the U.S. (permanent direct impact)	~~0.18~~ 0.14 ha (~~0.44~~ 0.35 ac)
Other Waters of the U.S. (indirect impact)	0.000 ha (0.000 ac)
Jurisdictional wetlands (permanent direct impact)	~~0.21~~ 0.32 ha (~~0.52~~ 0.78 ac)
Jurisdictional wetlands (indirect impact)	~~0.18~~ 0.16 ha (~~0.44~~ 0.38 ac)

Permits and consultation will be required for this project. Permits include a Regional State Water Quality Control Board Section 401 Certification, a Clean Water Act Section 404 permit from the United States Army Corps of Engineers (USACE) and a section 1602 Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). In addition, consultation with the United States Fish and Wildlife Service (USFWS) ~~is~~ was required for this project due to potential impacts to California red-legged frog (listed as "threatened" the USFWS and as a California "Species of Special Concern by the CDFG) habitat. A Biological Opinion prepared by the USFWS and dated September 12, 2006 concluded that this project is not likely to adversely affect this species and that no further action is necessary. A Categorical Exclusion will be prepared pursuant to the National Environmental Policy Act (NEPA). Please see Appendix E for specific mitigation measures to be implemented.

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LIST OF ABBREVIATED TERMS

ac	acres
ADI	Area of Direct Impact
ADL	Aerially deposited lead
APE	Area of Potential Effects
BMPs	Best Management Practices
Caltrans	California Department of Transportation
CDC	California Department of Conservation
CDFG	California Department of Fish and Game
CESA	California Endangered Species Act
CEQ	Council of Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	Carbon monoxide
CRLF	California red-legged frog
CRZ	Clear Recovery Zone
Dbh	Diameter at breast height
DWR	California Department of Water Resources
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmentally Sensitive Area
FAE	Finding of Adverse Effect
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FOE	Finding of Effect
FPPA	Farmland Protection Policy Act
ft	foot/feet
FYLF	Foothill yellow-legged frog
GIS	Graphic Information Services
GPS	Global Positioning System
ha	Hectares
HDM	Highway Design Manual
HPSR	Historic Property Survey Report
in	inch(es)
km	kilometer(s)
KP	kilometer post
LOS	Level of service
m	meter(s)
MBGR	Metal beam guard rail
mi	mile(s)
MOA	Memorandum of Agreement
NAAQS	National Ambient Air Quality Standards
NCIC	North Central Information Center
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act

NMFS	National Marine Fisheries Service
NOA	Naturally occurring asbestos
NO_2	Nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O_3	Ozone
PA	Programmatic Agreement
PM	post mile
PM_{10}	Particulate matter
PQS	Professionally Qualified Staff
RAP	Relocation Assistance Program
RWQCB	Regional Water Quality Control Board
RRR	Resurfacing, Restoration, and Rehabilitation
RSP	Rock Slope Protection
RTP	Regional Transportation Plan
R/W	Right of Way
SHPO	State Historic Preservation Officer
SHOPP	State Highway Operation and Protection Program
SR	State Route
SSP	Standard Specification Plans
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Plan
SWRQCB	State Water Resources Control Board
TRC	Transportation Concept Report
WPCP	Water Pollution Control Plan
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

CHAPTER 1. PROPOSED PROJECT

1.1. PURPOSE AND NEED

The project lies within the foothills of El Dorado County, an area characterized by rolling terrain. State Route (SR) 49 is classified as an undivided Minor Arterial within the project limits. The northern part of the project limits has flat terrain with a curvilinear alignment whereas the southern half has a 4-5% grade, also on a curvilinear alignment. Within the project limits SR 49 has 3.3 meter (m) (11 foot [ft]) lanes with minimal or no shoulders, along with ditches and other fixed objects adjacent to the traveled way.

The purpose of this project is to improve safety by reducing the number of collisions within the project limits. For the three-year period from ~~April 1, 2000 to March 31, 2003~~July 1, 2002 to June 30, 2005, there were ~~25~~ 29 reported collisions of which ~~15~~ 22 were run off road and ~~18~~ 14 resulted in injury (see table below). There were no reported fatalities for this three-year period, however the collision data shows that actual rates within the project limits are ~~3.5~~ 2.3 times higher than average rates for fatal plus injury collisions. ~~An effective countermeasure to reduce these types of run off road collisions is to provide~~ National studies and the experience of our traffic safety engineers have shown that signs, striping, and other such improvements are limited in reducing collisions and will not lead to a sustainable reduction in collisions on roadways that have this type of geometrics. Providing a wider recovery area by means of a wider traveled way and shoulders, improving horizontal and vertical curve alignments, flattening out the roadside and eliminating fixed objects within the recovery area is expected to reduce these types of run-off road collisions.

TABLE 1: ACCIDENT DATA

Location	**Total Number of Collisions**[1]		**Fatal**		**Fatal + Injury**
PM 6.7-8.2	~~25~~ 29		0		~~18~~ 14
Actual Rates (per million vehicle miles)			**Average Rates** (per million vehicle miles)		
Fatal	Fatal + Injury	Total	Fatal	Fatal + Injury	Total
0.0	~~3.23~~ 2.08	~~4.48~~ 4.32	0.037	~~.89~~ .88	~~1.77~~ 1.75

1.2. PROJECT DESCRIPTION

The Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose to realign curves and widen shoulders on SR (SR) 49 in El Dorado County south of El Dorado from just south of Ore Court to near China Hill Road, kilometer post (KP) 10.6 to 13.2 (postmile (PM) 6.6 to 8.2). The project will widen the roadway to accommodate 3.6 m (12 ft) lanes and 2.4 m (8 ft) shoulders. The radii of horizontal curves will be increased and vertical curves will be flattened to meet current Highway Design Manual (HDM) standards. Work will also include culvert replacement with rock slope protection (RSP) for some of the culverts. New right of way will be

[1] All "Totals" include fatal, injury, *and* property-damage only collisions.

needed. ~~It is proposed to fund this safety project from the State Highway Operation and Protection Program (SHOPP) under the 010 Safety Improvement Program.~~ See Figures 1 and 2 for Project Vicinity and Location Maps and Appendix F for Environmental Study Limit Mapping.

Work proposed for this project includes the following:

A. Construct full 3.6 m (12 ft) lanes and 2.4 m (8 ft) paved shoulders through the entire project limits.
B. Improve all horizontal curves to meet design standards.
C. Grade slopes to 1:4 or 1:2. Some areas will be graded to 1:1 in order to reduce impacts to properties.
D. Improve vertical cures to provide better sight distance.
E. Install guardrail.

One structure may need to be removed for this project. Fences may need to be relocated through the majority of the project. Driveways will need to be reconfigured and a cosmetic rock wall and gate near the north end of the project will need to be torn down and reconstructed.

1.3. ALTERNATIVES

Build
This project has one build alternative (preferred alternative) as described in the "Project Description" section above. New right of way (R/W) will be acquired for this alternative.

No-Build
The No-Build alternative would do nothing to improve safety.

Permits and Approvals Needed
Areas within the jurisdiction of Clean Water Act section 404 were delineated within the project study area and consultation with the United States Army Corps of Engineers (USACE) will be necessary in accordance with legal requirements set forth under section 404 of the Clean Water Act. A section 404 Permit is required for this project. As a result, this project will also require a section 401 certification from the California Regional Water Quality Control Board (Central Valley Region).

Areas within the jurisdiction of California Fish and Game Code section 1600 ~~- 1616~~et seq. were observed within the project study area and consultation with ~~state resource agencies~~the CDFG will be necessary in accordance with legal requirements set forth under sections 1600~~-1616~~ et seq. of the California Fish and Game Code. A section 1602 Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) is required for this project.

Because federally listed species may be affected by the proposed project, consultation with ~~federal resource agencies (United States Fish and Wildlife Service)~~the USFWS ~~is~~ was necessary for this project in accordance with legal requirements set forth under section 7 of the Endangered Species Act (19 U.S.C. 1536c). A Biological Opinion

prepared by the USFWS and dated September 12, 2006 concluded that this project is not likely to adversely affect this species and that no further action is necessary.

This project will be covered by the Caltrans National Pollutant Discharge Elimination System (NPDES) Permit (CAS # 000003, Order # 99-06-DWQ), issued by the State Water Resources Control Board.

FIGURE 1: PROJECT VICINITY MAP

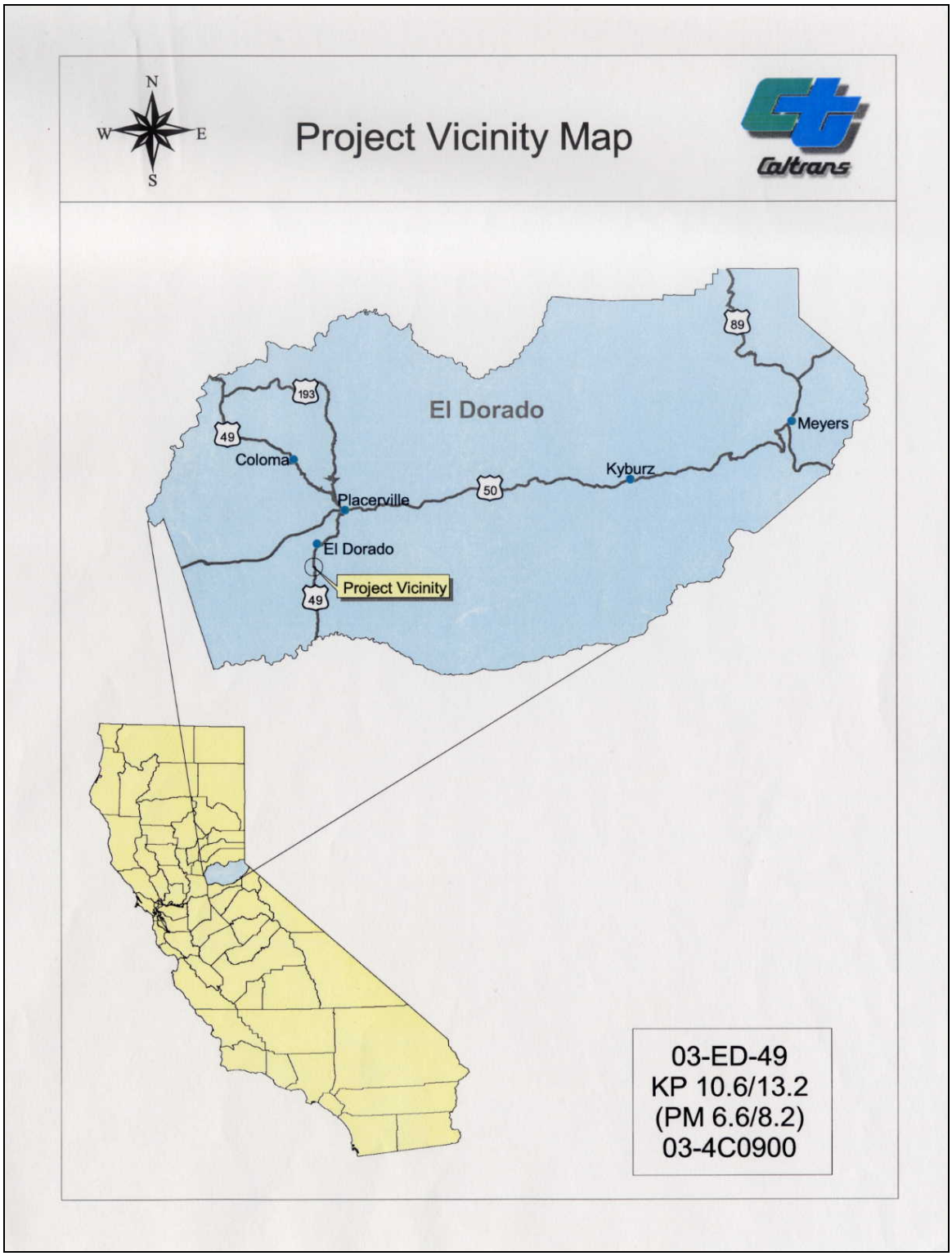
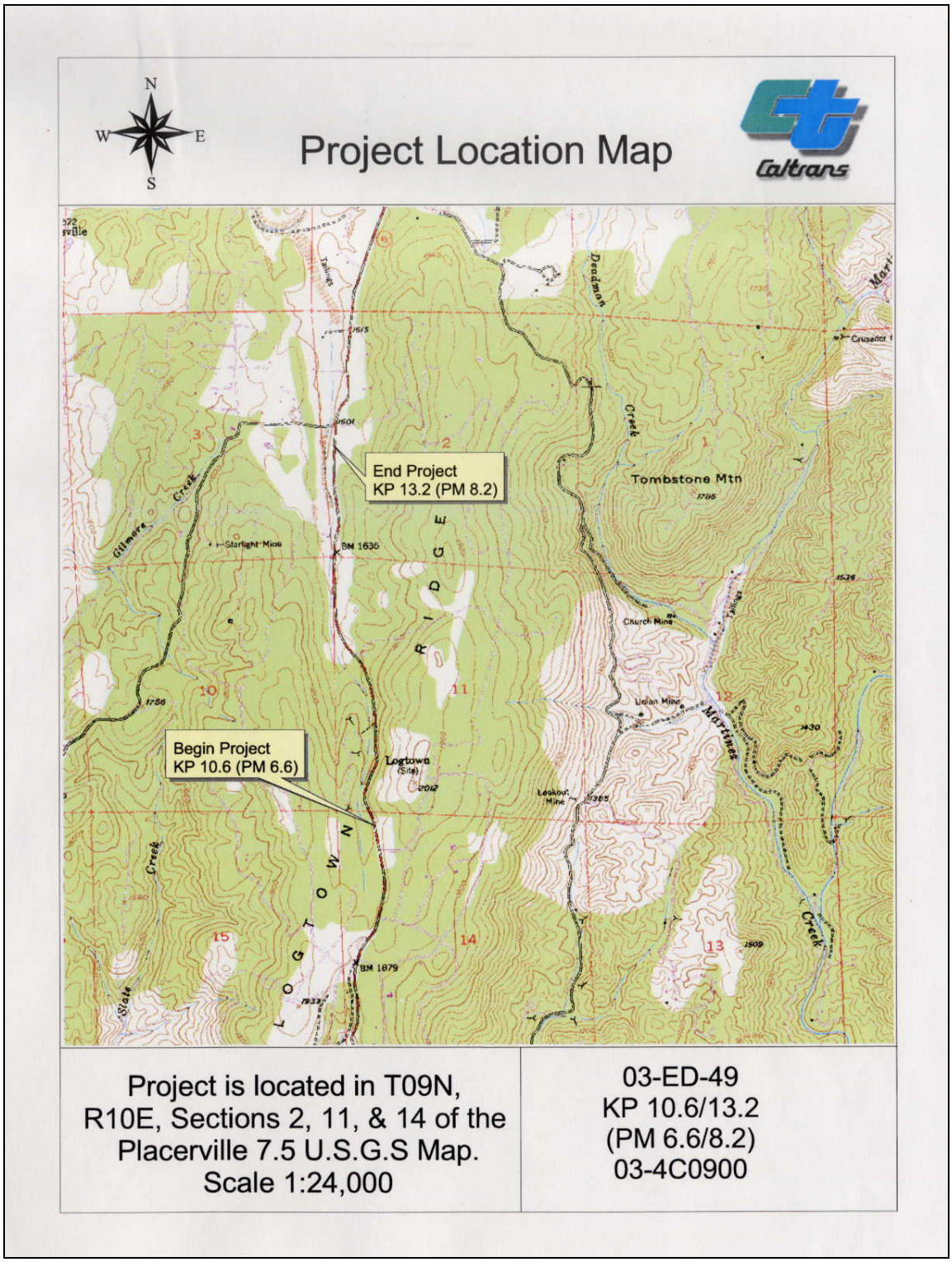


FIGURE 2: PROJECT LOCATION MAP



CHAPTER 2. AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND AVOIDANCE, MINIMIZATION &/OR MITIGATION MEASURES

2.1. HUMAN ENVIRONMENT

As part of the environmental analysis conducted for the project, the following environmental resources were considered:

Coastal Zone
Wild and Scenic Rivers
Timberlands
Paleontology

These resources are not present within project limits and will not be affected by the project. No potential for adverse impacts to these resources was identified. Consequently, there is no further discussion regarding these resources in this document.

2.1.1. Land Use

Existing and Future Land Use

The project is in a rural, unincorporated area of El Dorado County, about six miles south of Placerville on SR 49. The nearest community is El Dorado, located at the intersection of Pleasant Valley Road and SR 49, about a mile north of the project area. There are several small businesses in El Dorado, as well as a post office and three public schools. SR 49 is the primary north-south route through the Sierra Nevada foothills and the California Gold Country. Cities along SR 49 to the north include Placerville, Auburn and Coloma. Cities to the south include Plymouth, Jackson, Angels Camp, and Sonora.

In the project area, SR 49 is a narrow, two-lane highway. There are no sidewalks and the shoulders are narrow or non-existent, providing little room for pedestrians or bicyclists. The project area is a mixture of rural residential and agricultural uses. The agricultural uses in the area are within Exclusive Agricultural (AE) districts. This zoning code is specific to properties that have been enrolled in contracts between the property owner and El Dorado County under the California Land Conservation Act of 1965 (the Williamson Act). The majority of the rural residential land in the area is within Estate Residential Five-Acre (RE-5) districts. This zoning provides for single-family residences on parcels no smaller than five acres. The residential land to the east of SR 49 at the southern end of the project is within a Single-Family Two-Acre Residential (R2-A) District. The zoning allows single-family homes on parcels of two or more acres. There are no planned developments within the project area.

Impacts
Portions of the parcels adjacent to the highway will need to be acquired to construct this project. The acquisition of this land is not expected to substantially affect existing or future land use. Impacts to Williamson Act Land are discussed under Farmlands.

CEQA Considerations
Less than significant impacts to land use pursuant to California Environmental Quality Act (CEQA) are anticipated.

Consistency with State, Regional and Local Plans
The El Dorado County General Plan referred to for the purposes of this report is the version adopted on July 14, 2004. This project would be consistent with local planning, specifically Goal TC-1, "To plan for and provide a unified, coordinated, and cost-efficient countywide road and highway system that ensures the safe, orderly, and efficient movement of people and goods," and Goal 6.9, "Provide highways within the County that provide for the safe movement of goods and people throughout the County." The purpose of this project is to improve safety along this section of SR 49. In addition, many avoidance, minimization and mitigation measures have been added to this project to protect the natural resources of El Dorado County.

Parks and Recreational Facilities
There are no parks or recreational facilities within the project's limits.

2.1.2. Growth

Regulatory Setting
CEQA requires the analysis of a project's potential to induce growth. CEQA guidelines, Section 15126.2(d), require that environmental documents "…discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment…"

The greatest obstacles to growth in the project area are government restrictions; much of the vacant land in the area is zoned for agricultural use and is under Williamson Act contracts.

The project would not alter zoning or alter conditions in the area in such a way as to make a change in zoning more likely. The project would not add capacity or urban features (such as sidewalks) to the roadway. The project would not affect commute times in this area in such a way as to make undeveloped areas of El Dorado County more accessible to regional job centers. No impacts on the local growth rate would occur.

2.1.3. Farmlands

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

importance. The land does not currently have to be used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban developed land.

The California Land Conservation Act of 1965 [Cal. Govt. Code Section 51200-~~51295~~51297.5], commonly known as the Williamson Act, provides incentives, through reduced property taxes, to deter the early conversion of agricultural and open space lands. Farmland need not be considered "prime" in order to be placed under provisions of the Williamson Act. The California Environmental Quality Act requires the review of projects that would convert Williamson Act contract land to non-agricultural uses.

The Williamson Act, administered by the Office of Land Conservation within the California Department of Conservation (CDC), offers use-value property tax benefits to farm and open-space landowners who voluntarily enter into contracts. These contracts specify that the owners will not convert their land to nonagricultural uses for at least a ten-year period. At the end of each year within the 10-year contract period, the contract is automatically renewed for an additional year, unless the landowner or the local government moves to terminate the contract. Termination can occur in one of four ways: 1) non-renewal, 2) cancellation, 3) eminent domain or 4) city annexation under certain circumstances.

According to California Government Code Section 51292:

No public agency shall locate a public improvement within an agricultural preserve unless the following findings are made:
(a) The location is not based primarily on a consideration of the lower cost or acquiring land in an agricultural preserve.
(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably ~~prudent~~ feasible to locate the public improvement.

However, Government Code Section 51293(g) states that the requirements of Section 51292 do not apply to “All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code….”

According to Government Code Section 51295, the Williamson Act contract is null and void only for the land actually being condemned, unless the remainder of the parcel is “adversely affected.”

Affected Environment
Within the project area, there is farmland of local importance, grazing land and Williamson Act land. The land within the project area is predominantly used for grazing. See Figure 3 for an overview of the existing farmland within the project area.

Impacts- Farmland
The project would require the acquisition of approximately ~~5.7~~ 5.87 hectares (ha) (~~13~~ 14.50 acres [ac]) of farmland, most of which is grazing land~~.~~ The acquisition of approximately ~~0.11~~ 0.20 ha (~~0.28~~ 0.50 ac) ~~would be~~of Farmland of Local Importance would also be required. Countywide, there are over 60,000 acres of Farmland of Local Importance. Acquisition numbers are based on estimates of land required from the existing fenceline to the proposed R/W line. Land between the existing fenceline and the road centerline was not included in the farmland or Williamson Act calculations as

this area is not considered to be farmable land. Actual R/W acquisition totals will be larger as Caltrans does not currently own R/W within the project limits.

The primary tool for determining the potential impacts of farmland conversion is Form AD-1006, provided in Appendix B. This form provides a system for rating farmland's characteristics and measuring the impacts of farmland conversion. The NRCS rates the land's quality on a scale of 0 to 100. The federal agency (or Caltrans as FHWA's designee in this case) rates the conversion's impact on a scale of 0 to 160. If the combination of these two scores exceeds 160 points, the guidelines require that the federal agency consider alternatives, such as using areas that have already been developed, that are not considered farmland, or that have inferior soils.

~~The proposed project scores below 60 points on Part VI, "Site Assessment Criteria" of the AD-1006 form. Because the highest possible score on the Land Evaluation portion of the assessment is 100 points, the project's combined land evaluation and site assessment scores would be lower than 160 points. Therefore, the project can be determined to have no substantial impact on farmland resources. Consultation with the NRCS is not required.~~

Based on the information received during circulation of the Draft Environmental Document, including discussions with the property owners and cattle ranchers in the project area, three of the scores on the Farmland Conversion Impact Rating Form (Form AD-1006, included in Appendix B) were increased as follows:

- Form AD-1006 Question 3 – Percent of Site Being Farmed: this score was raised from 0 to 1. The score is low because most of the area is not managed for a scheduled harvest of any kind, other than the Christmas tree farm.
- Form AD 1006 Question 9 – Availability of Farm Support Services: this score was raised from 2 to 5, to account for the availability of ranching support services in the area.
- Form AD 1006 Question 10 – On-farm Investments: this score was raised from 0 to 3, in light of the fences, gates, and livestock loading/unloading facilities on site.

Increases in these scores led to consultation with the NRCS. The result of this consultation was a total score for this project of 111 points. According to the federal regulations, a score above 160 indicates that the site in question should be considered for protection as farmland. A score below 160 indicates that a site need not be given further consideration for protection as farmland, and that no additional sites need to be evaluated.

CEQA Considerations

Less than significant impacts to farmlands pursuant to CEQA are anticipated.

Impacts-Williamson Act

The project would require approximately ~~2.88~~ 2.95 ha (~~7.12~~ 7.30 ac) of land under Williamson Act contracts, as shown in Table 2.

TABLE 2: WILLIAMSON ACT LAND IMPACTS

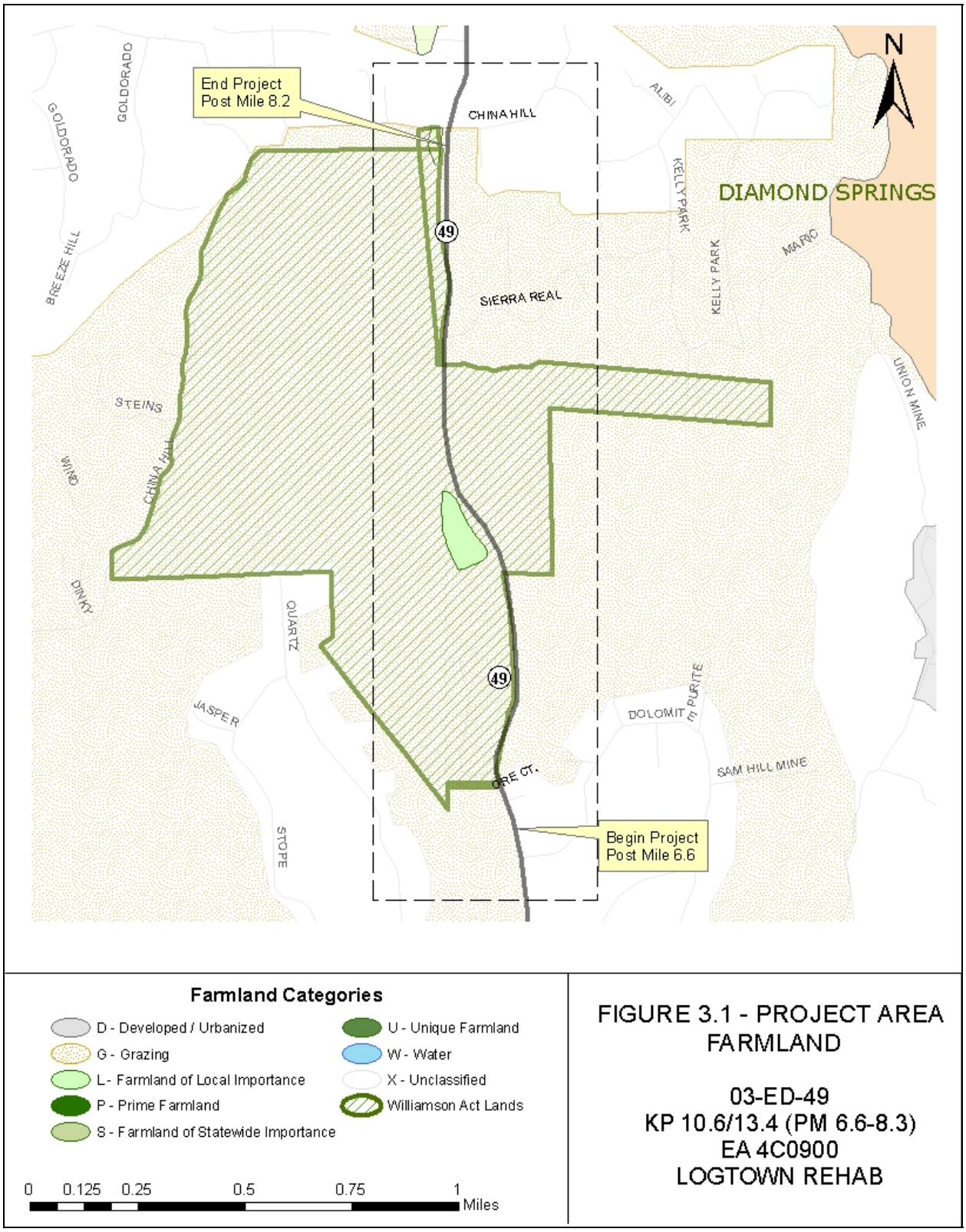
APN	Total Area	Required Area for Project	Percent of Parcel Affected
092-011-09	234.00 ha (579.00 ac)	2.78 ha (6.89 ac)	1.18%
092-011-10	3.00 ha (8.00 ac)	~~0.10~~ 0.16 ha (~~0.24~~ 0.40 ac)	~~3.00~~ 5.00%
092-560-01	0.30 ha (0.75 ac)	~~0.01~~ 0.04 ha (~~0.02~~ 0.01 ac)	~~2.67~~ 1.30%

Parcel 092-011-09 occupies both sides of State Route 49 in the project area; no roadway widening can take place without using some of this property. The two smaller parcels, 092-011-10 and 092-560-01, are situated adjacent to SR 49 in this area. The purpose of the project is to improve driver safety by reducing collisions. W~~w~~idening the roadway and straightening out curves, which will provide a larger clear recovery zone, ~~which~~ will require~~s~~ property acquisition on both sides of the highway. Acquisitions of Williamson Act parcels have been minimized to the greatest extent possible. Thus, the findings required by Government Code Sections 51292(a) and 51292(b) can be made. The use of Williamson Act land is not based primarily on cost; it is based on necessity and on the existing highway's condition.

CEQA Considerations

Less than significant impacts to Williamson Act Properties pursuant to CEQA are anticipated.

FIGURE 3: FARMLAND ANALYSIS



2.1.4. Community Impacts

Community Character and Cohesion

Regulatory Setting
Under CEQA, an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then social or economic change may be considered in determining whether the physical change is significant. Since this project would result in physical change to the environment, it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects.

Affected Environment
Most of the housing in the project area is on the eastern side of SR 49. The majority of the project area is farmland. There is a small neighborhood near Ore Court and a cluster of homes near China Hill Road.

Impacts
The proposed project would not be likely to alter the existing setting in an appreciable manner. No impacts to community character and cohesion are anticipated.

Relocations

Regulatory Setting
The Department's Relocation Assistance Program (RAP) 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 RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

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 U.S.C. 2000d, et seq.). Please see Appendix D for a copy of the Department's Title VI Policy Statement.

Impacts
Portions of parcels adjacent to the highway within the project limits will need to be acquired to construct this project. No businesses or residences would be acquired because of this project and no relocations will be required. There is one structure near Ore Court that may need to be removed. Driveways will need to be reconfigured and mailboxes relocated. Caltrans Right of Way Department will coordinate with affected property owners concerning compensation for loss of property.

CEQA Considerations
Less than significant community impacts pursuant to CEQA are anticipated.

Environmental Justice

Regulatory Setting
This project has been developed in accordance with the Civil Rights Act of 1964, as amended, and Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” The Executive Order requires each Federal agency (or its designee) to take the appropriate and necessary steps to identify and address "disproportionately high and adverse" effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

Impacts
No minority or low-income populations have been identified that would be adversely impacted by the proposed project as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

2.1.5. Utilities/Emergency Services

Affected Environment
This project will require utility relocation. Emergency services are provided by the El Dorado County Sheriff’s Office in Placerville and the Diamond Springs - El Dorado Fire Protection District.

Impacts
During construction, traffic will be delayed, causing potential for minor increases in emergency response times.

CEQA Considerations
Less than significant impacts to utilities and emergency services pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
A detailed Traffic Management Plan will be included as part of the Contractor's specification package in order to manage temporary construction delays.

2.1.6. Traffic and Transportation/Pedestrian and Bicycle Facilities

Affected Environment
El Dorado County Transit operates a bus route that serves El Dorado and Diamond Springs, providing connections between these communities and Placerville. No transit service runs along SR 49 within the project limits.

The El Dorado County Bicycle Transportation Plan adopted in 2005 does not propose bicycle facilities along SR 49 through the project area. The Plan’s emphasis for this part of the county is on making Union Mine Road, which runs parallel to SR 49 in this area, a Class III Bike Route. A Class III Bike Route provides a right-of-way designated by signs or permanent markings and shared with pedestrians and motorists. A Class II Bike Lane provides bicycles with an exclusive right-of-way on the roadway. A Class I Bike Path is

a completely separate facility for the use of bicycles and pedestrians. The project would improve accessibility for bicyclists and pedestrians by adding standard eight-foot shoulders to this portion of SR 49.

Impacts
No special signage or markings for bicycle facilities will be provided through this area, but the 2.4 m (8 ft) shoulder width will enhance bicycle travel.

Construction will require extensive excavation of a rocky hillside, which will require some blasting. The nature of this work is such that a detour along Union Mine Road, which can be accessed by way of China Hill Road, may be needed for several weeks during the construction period. Caltrans typically notifies highway users of proposed detours well in advance of their implementation by a combination of press releases and changeable message signs. If these tools were utilized in this case, through traffic would be minimally affected. The use of this detour would dramatically increase traffic levels on both China Hill Road and Union Mine Road, however impacts resulting from this increase would be temporary and not likely to have a serious adverse effect on residents. Distance traveled would increase by 2.9 kilometers (1.8 miles) during the detour period; this is a negligible distance for most travelers.

During construction, motorists and cyclists will experience delays. It is anticipated that lane closures will be required and one lane with reversible control will be used to manage traffic. Impacts to motorists and cyclists will be temporary.

CEQA Considerations
Less than significant impacts to traffic and transportation and bicycle facilities pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
A detailed Traffic Management Plan will be included as part of the Contractor's specification package in order to manage temporary construction delays.

2.1.7. Visual/Aesthetics

Regulatory Setting
CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state “with…enjoyment of *aesthetic*, natural, scenic and historic environmental qualities.” [CA Public Resources Code Section 21001(b)]

Affected Environment
Within the project area, the landscape is rural in character. The highway winds in and out of fenced fields and grassy, grazed hillsides with occasional rocky outcroppings. The corridor is partially lined with oaks, cottonwood, pine and black walnut. In some sections of the project, trees line one or both sides of the highway, creating the feeling of a corridor with an arching canopy overhead. Other sections are more open, and provide long views of surrounding hillsides. A riparian corridor follows the highway on the west, sometimes immediately adjacent to the roadway, sometimes farther away.

Impacts-Viewsheds

There are three viewsheds, or landscape units, within the project site. The visual quality of these viewsheds was evaluated using three characteristics, vividness, intactness, and unity. These can be rated with a value from 1 = very low quality to 7 = very high quality.

- **Vividness** is the memorability of a landscape as contrasting landscape elements combine to create a striking or distinctive visual pattern.
- **Intactness** refers to the integrity of the landscape, and freedom from visually encroaching elements.
- **Unity** refers to the visual coherence and compositional harmony of the landscape considered as a whole.

Viewshed 1: SR 49 from Ore Court, from KP 10.7 to 11.7 (PM 6.7 to 7.3)

Viewshed 1 is distinguished by mature trees on one or both sides of the road, interspersed with long views of grassy hillsides with scattered oaks. The drive is visually appealing, and consistently pleasant. *Intactness* and *unity* both rate a 5, as the overall feeling is of a rural landscape with few inappropriate built elements. *Vividness* rates a 4, because although the drive is very pleasant, there is not one distinctive or outstanding element that makes this section memorable.

The major impacts to this viewshed will result from tree removal, cut and fill, and road widening. Many of the oak trees that line one or both sides of the highway will be removed for the project, creating more long views, but decreasing the feeling of canopy over the roadway. The roadway will be somewhat more visible to houses in Ore Court. With mitigation measures incorporated, the visual quality ratings will not change.

Viewshed 2: SR 49 from KP 11.7 to 12.6 (PM 7.3 to 7.8)

Viewshed 2 is a much more open, sparsely treed section of ED 49. The views open up and give long views of grassy hillsides with rock outcroppings. The *vividness* of this viewshed rates a 6, since the long views and rocky outcrops provide an unusual, memorable landscape to motorists. The landscape has very few encroachments, so the *intactness* also rates a 6. The overall feeling for the motorist is of a rural landscape with little to no inappropriate built elements that encroach on the enjoyment of the landscape. The *unity* of this viewshed rates a 5, as the landscape elements combine to form a harmonious pattern.

The major visual impacts within this viewshed will be removal of trees immediately adjacent to the road, cut and fill, and road widening. In viewshed 2, far fewer trees line the roadway, and the long views are the most distinctive. Tree removal in this viewshed will have both positive and negative visual impacts. Trees will be lost immediately adjacent to the roadway, which leads to a change in the canopied, rural character of the drive. However, new long views of the surrounding hillsides will be created by new openings. Several houses will have a slightly increased view of the highway. With mitigation incorporated, the visual impacts of these changes balance out, and the visual quality ratings of the viewshed will not change.

Viewshed 3: SR 49 from KP 12.6 to 13.2 (PM 7.8 to 8.2)

Viewshed 3 is distinguished by a change in the long views for motorists. The hillside to the east of the project throughout this section is thickly forested. Two stone monuments mark the entry to the Sierra Vista housing development. This sign is urban in nature and is an indication that the north end of this viewshed is the beginning of the transition from the more rural and natural section of SR 49 to the outskirts of the town of El Dorado.

This viewshed rates a 5 for *vividness* and *intactness.* The forested backdrop to the east and the continuation of grassy hillside and riparian area to the west create an interesting visual pattern, and there are few encroaching elements. The rural character of the buildings and landscape are generally harmonious, giving a rating of 4 for *unity.*

The impacts in this viewshed differ from the other two viewsheds because of the thick forest to the east of the highway. Although trees will be removed from immediately adjacent to the road, there will be little effect from the tree removal, because the forested backdrop will remain. The entrance monument at Sierra Vista is within the new alignment, and will need to be replaced in kind. With mitigation incorporated, visual quality ratings for this viewshed will not change.

Impacts-Corridor

Visual quality, or the relative excellence of views, is moderate to high throughout the corridor. Along the entire project, approximately 370 mature trees will be removed to provide space for wider shoulders and road realignment. To the extent feasible, t~~T~~hese trees will need to be replaced within the existing project right of way~~, or right of way will need to be purchased for mitigation planting.~~. The visual impacts of this project are potentially significant unless mitigation is incorporated. The photo simulation below gives an example of the effect of the project to the visual environment.

Viewshed 2: Existing Conditions

Viewshed 2: Post Project Simulation

There will be a short term, adverse visual impact from the extensive cut and fill on this project. In some cases, the cut and fill will be 1:1 slopes, and on other cases up to 1:4 slopes. The 1:1 slopes shall be left as exposed bedrock, rather than using retaining walls. This is in keeping with the visual character of the project area, reflecting both

existing cut slopes and the rocky outcroppings. In the case of the shallower cut slopes, the new cut slopes and exposed soil will be visible to drivers and in some cases adjacent homeowners. Mitigation includes contour grading cut slopes to blend into existing topography and revegetation on all exposed soil. After mitigation to restore the cut slopes has taken place and vegetation has obscured the new cut and fill, the visual quality should equal pre-project conditions.

There will be a minor adverse impact from the addition of shoulders to this roadway. Addition of shoulders will create a wider, less shady driving experience, as well as changing the rural "feeling" of the roadway.

CEQA Considerations

With mitigation, less than significant impacts to visual resources pursuant to CEQA are anticipated.

Avoidance and~~,~~ Minimization~~, and Mitigation~~ Measures

- Use local native rock for Rock Slope Protection (RSP) around culverts and at any slope instability areas.
- Develop a storm water treatment location that pre-treats runoff from the project area before discharge. The storm water treatment shall be designed with the Landscape Architecture branch so that the site visually enhances the surrounding natural wetland areas.
- The stone entrance monument at Sierra Road (KP 12.52/PM 7.8) shall be reconstructed with like materials.
- Trees that are not within the direct alignment of project facilities or which must be removed for safety reasons shall be avoided.
- All native oak trees that are to remain within and adjacent to the proposed project shall be designated as "environmentally sensitive areas" (ESAs) and shall be temporarily fenced with orange plastic construction (exclusion) fencing throughout all grading and construction activities. The exclusion fencing shall be installed 1.8 m (6 ft) outside the dripline of each specimen tree, and shall be staked a minimum of every 1.8 m (6 ft). The fencing is intended to prevent equipment operations in the proximity of protected trees from compacting soil, crushing roots, or colliding with tree trunks or overhanging branches.
- No construction equipment shall be parked, stored or operated within 1.8 m (6 ft) of any specimen tree dripline.
- Duff and topsoil containing native seed stock shall be removed and stockpiled separately from subsoils. The soil will be used during revegetation upon completion of construction activities.
- Temporary erosion control measures shall be used during construction. These measures may include Erosion Control (Type D), fiber rolls, and erosion control blankets or fabric.
- Implement appropriate temporary erosion and sediment control measures to minimize adverse effects to the adjacent wetlands and adjacent properties at the completion of each construction season with a final permanent treatment upon completion of the project.

Mitigation Measures

- A Revegetation and Restoration Plan shall be prepared by the project biologist, project landscape associate, and Caltrans revegetation specialist for the project. The revegetation plan shall address the following:

- The revegetation/restoration plan shall be designed to minimize soil loss immediately after construction and to revegetate disturbed areas with native plants for long-term erosion control. The revegetation/restoration plan shall be implemented to compensate for the loss and/or disturbance of vegetation on the project site, areas cleared for access and construction staging areas. The restoration plan elements will be graphically depicted on final construction plans, including the location and extent of the dripline for all trees, type and location of any fencing, and equipment storage and staging areas outside of dripline areas.
- Where road alignment has changed, the existing roadbed shall be obliterated, and asphalt and subgrade removed to expose native material.
- Revegetation and replacement planting shall take place within the existing project right of way to the extent feasible.
- Plants selected for revegetation will be native species appropriate for the project area and will not include any noxious or invasive weeds. To the extent feasible, sSeeds and container-grown plants shall be obtained from within the project area ~~when feasible~~ or from contract growers using locally occurring native plants. Advance notice shall be given to the suppliers or growers to ensure that the required species are ready at the proposed planting time.
- Protected trees that are removed or damaged (more than 25 percent of root zone disturbed) shall be replaced according to El Dorado County guidelines to the extent feasible.
- To the extent feasible, the Contractor will be encouraged to obtain s~~S~~eeds (acorns) and container grown plants ~~shall be obtained~~ from within the project area ~~when feasible~~ or alternatively from contract growers using locally occurring native plants. Advance notice shall be given to suppliers or growers to ensure that the required species are ready at the proposed planting time. To enhance survival rates, tree plantings should be from liners or cuttings. Plant material in containers larger than one gallon will be avoided, if possible.
- Planting shall take place in the fall and winter following the final construction season.
- A monitoring program will be implemented. All revegetation areas will be monitored weekly for the first two weeks; followed by monthly monitoring for three months; and then quarterly monitoring for the next 12 months unless success criteria are met earlier. After the first year, tree and shrub species will be monitored on an annual basis for a period of five years. Monitoring will continue until performance standards are met.

- Where feasible, cut slopes shall be 1:1 and shall leave underlying bedrock exposed.
- Where shallower cut slopes are used, the top of the cut shall be contour graded to blend into existing topography.
- Cut slopes of 1:2 to 1:4 shall be used for revegetation and/or restoration. Contour grading plans will be prepared by the project landscape associate for these areas. Duff and topsoil shall be removed and stockpiled separately from subsoils, and used during revegetation upon completion of construction activities. Duff should be examined for noxious weeds by project biologist before stockpiling.
- ~~Implement appropriate temporary erosion and sediment control measures to minimize adverse effects to the adjacent wetlands and adjacent properties at the completion of each construction season with a final permanent treatment upon completion of the project.~~

2.1.8. Cultural Resources

Regulatory Setting
The National Historic Preservation Act (NHPA), as amended, sets forth national policy and procedures regarding "historic properties" – that is, districts, sites, buildings, structures and objects included in or eligible for the National Register of Historic Places. Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on such properties, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800).

This project is federally funded which constitutes it as a "federal undertaking" and is, therefore, subject to the guidelines and procedures outlined in the January 2004 *Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer (SHPO), and the California Department of Transportation (Caltrans) Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA). The PA is the FHWA's approach for taking into account the effects of the Federal Aid Transportation Program on historic properties in California and for complying with Section 106 of the National Historic Preservation Act.

Under California law, cultural resources are protected by the CEQA as well as Public Resources Code Section 5024.1, which established the California Register of Historic Places. Section 5024.5 requires state agencies to provide notice to, and to confer with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historic resources.

Affected Environment
An Area of Potential Effects (APE) map was established for this project in order to outline the potential project effects on cultural resources. The APE delineates the limits of any construction impacts and includes both the existing and proposed right of way and all staging and disposal areas. The APE also includes the limits of fence relocation and placement of protective Environmentally Sensitive Area (ESA) fencing prior to the start of actual roadway construction. Where the APE met a cultural resource, it was drawn to include the entire resource. In addition, an Area of Direct Impact (ADI) was established. The ADI represents the extent of the proposed direct construction activities. The APE/ADI were delineated in consultation with Caltrans Construction, Design and natural sciences staff. The APE was approved by Kendall Schinke, Professionally Qualified Staff (PQS) Lead Archaeological Surveyor, and Murray Mullen, Project Manager, as required by Stipulation VI.B.7 of the PA, on May 26, 2005.

The following contacts were made in an attempt to identify any cultural resources within the project limits. Letters, emails, and phone calls regarding the proposed project were sent or made to El Dorado County museums, historical societies and local residents. Extensive Native American consultation was also conducted for this project and included a request to the Native American Heritage Commission regarding any sacred Native American sites that may be located within the project area, as well as a request for Native American contacts. Letters, phone calls and emails were sent or made to the 9 contacts provided by the NAHC. A literature and record search was conducted by the

North Central Information Center (NCIC) in September 2004 and Caltrans staff performed pedestrian surveys in 2005.

Two cultural resources were identified within the project's APE; neither had been previously evaluated for listing on the National Register of Historic Places (NRHP). Additional studies were performed by Caltrans staff and by archaeological consultants in order to evaluate the resources. Caltrans staff used information from their consultation efforts with local historical societies and museums, the Native American community, the NCIC, and archaeological investigations to prepare a Historic Property Survey Report (HPSR).

Impacts

Caltrans, on behalf of FHWA, has determined that CA-ELD-685H is eligible for the NRHP and ~~has~~ requested concurrence from SHPO on this finding. On February 1, 2006 the SHPO concurred with these findings. On April 26, 2006 the SHPO concurred with Caltrans Finding of Effect (FOE) that the project as described will adversely affect CA-ELD-685H and on November 1, 2006 the FHWA, the SHPO, and Caltrans signed a (Memorandum of Agreement) MOA. The MOA included measures to protect and mitigate impacts to cultural resources. ~~If SHPO concurs with Caltrans' findings, a Finding of Effect (FOE) will be prepared; outlining project effects on historic properties, and submitted to the SHPO for concurrence. If it is agreed that the project will have an Adverse Effect on CA-ELD-685H, a Memorandum of Agreement (MOA) will be written, stipulating mitigation measures. When FHWA and the SHPO have reached an agreement for avoiding, reducing, mitigating, or accepting adverse effects on historic properties, they will sign the MOA.~~

The second site, CA-ELD-851, is assumed eligible to the NRHP for the purposes of this project, however, archaeological investigations showed that the portion of the site within the ADI was sparse and highly disturbed and did not contribute to the site's eligibility. Caltrans requested concurrence that the portion of the site within the ADI is not eligible for the NRHP and on February 1, 2006 SHPO also concurred with this finding. The portion of the site assumed eligible for the NRHP will be protected during construction. An ESA action plan has been prepared as a part of the HPSR. The ESA Action plan documents the protocol that will be followed during construction to ensure protection of the site.

~~On February 1, 2006 the SHPO concurred with Caltrans findings that CA-ELD-685H, is eligible for the NRHP and that CA-ELD-851, is assumed eligible to the NRHP. On April 26, 2006 the SHPO concurred with Caltrans Finding of Effect (FOE) that the project as described will adversely affect CA-ELD-685H. On , 2006 the FHWA, the SHPO and Caltrans signed a (Memorandum of Agreement) MOA. The MOA included measures to protect and mitigate impacts to cultural resources.~~

CEQA Considerations

CA-ELD-685H was determined eligible for the NRHP, which qualifies it as a historic resource under CEQA. Four of the 91 features that make up the site will be destroyed as a result of this project, however; the remaining features will be left intact, and the site will remain eligible for the NRHP after project implementation. As this project will not impair the historical significance of the site, less than significant impacts to this resource under CEQA are anticipated. Mitigation measures will be undertaken for the destruction of contributing features as agreed upon in the MOA.

The portion of CA-ELD-851 within the ADI is neither a historical resource nor a unique historical resource under CEQA, and thus no significant impacts to this site under CEQA will occur. As noted above, the portion of the site assumed eligible for the NRHP, and thus assumed to be a historical resource under CEQA, will be protected during construction as agreed upon in the MOA.

Avoidance and, Minimization and Mitigation Measures

- A MOA will be written stipulating mitigation measures for CA-ELD-685H.
- An ESA action plan will behas been prepared to protect CA-ELD-851 during construction. No work within the protected site will be allowed during construction. During those times when work occurs adjacent to the site, a Caltrans archaeologist will be present to guide the work and monitor any excavation.
- An ESA action plan has been prepared to protect the features within CA-ELD-685H that are outside of the ADI during construction. No work within the protected site will be allowed during construction. During those times when work occurs adjacent to the site, a Caltrans archaeologist will be present to guide the work and monitor excavation.

Mitigation Measures

- A Data Recovery Plan for CA-ELD-685H has been finalized which provides measures for mitigation in the form of excavation, curation, and treatment of individual contributing features that will be destroyed by the implementation of this project. Additional treatments have been identified that will mitigate for the degradation of the overall integrity of the resource.

2.2. PHYSICAL ENVIRONMENT

2.2.1. Hydrology and Floodplain

A Floodplain Analysis was prepared using data from Caltrans' Graphic Information Services (GIS) Library. The GIS data was obtained from the Federal Emergency Management Agency (FEMA). The Floodplain Analysis found that the project limits are outside of the FEMA 100 Year Floodplain. This project will not affect a FEMA designated floodplain.

2.2.2. Water Quality and Storm Water Runoff

Regulatory Setting

The primary federal law regulating Water Quality is the Clean Water Act. To ensure compliance with Clean Water Act, the State Water Resources Control Board (SWRCB) has issued Caltrans their own National Pollutant Discharge Elimination System (NPDES) permit. This statewide permit regulates storm water discharges from Caltrans' properties, facilities, and activities.

Federal regulations (40 CFR 122.26) require discharges of storm water associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than 1 acre (0.4 hectares) of total land area

and which are not part of a common plan of development or sale) to obtain an NPDES Permit and to implement Best Management Practices (BMPs) that achieve the performance standards of Best Available Technology economically achievable/Best Conventional Pollutant control Technology (BAT/BAC) to reduce or eliminate storm water pollution.

Caltrans' NPDES permit meets the intent of the state's Construction General Permit (CGP) for construction activities and therefore Caltrans is not required to obtain coverage under the CGP for construction activities. With the exception of the Notice of Intent the Department's Construction Management Program shall be in compliance with the technical conditions of the CGP.

All projects that disturb 1 acre or more of soil are required to have a Caltrans approved Storm Water Pollution Prevention Plan (SWPPP). The SWPPP identifies construction activities that may cause pollutants in storm water and measures to minimize and avoid impacts to water quality. The SWPPP is prepared by the Contractor and is subject to approval from the Engineer. SWPPPs are prepared after award of contract and prior to the start of construction.

Affected Environment

The project resides in a foothill chaparral setting at an elevation range from 500 to 549 meters (1,640 to 1,800 feet) above mean sea level. Average annual precipitation ranges from 70.3 to 120.1 centimeters (cm) (27.7 to 47.3 inches [in]). ~~Within the project area, the two principal receiving waters are the North Fork of the Cosumnes River for most of the project and Big Canyon Creek for the last 2/10 mile of at the north end of the project. The Cosumnes River and Big Canyon Creek are not listed as impaired for sediment.~~ The project lies within hydrologic sub-areas 532.21 (Big Canyon Creek) and 532.23 (North Fork Cosumnes river); however, all waters within the project area are tributary to the South Fork of the American River. None of these water bodies (Big Canyon Creek, North fork Cosumnes, and South Fork American River) is a 303(d) listed water body.

Impacts

This project has little impact to water quality if avoidance and minimization practices are followed as mandated by the Department's statewide NPDES permit.

CEQA Considerations

Less than significant impacts to water quality pursuant to CEQA are anticipated.

Avoidance and Minimization Measures

In order to address Permit compliance, appropriate selection of both structural and non-structural control measures will be considered to reduce, to the extent practicable, the discharge of pollutants from the construction and operation of this project. Adherence to the following is recommended to ensure compliance with the terms of the NPDES Permit (Order No. 99-06-DWQ) and to prevent receiving water pollution as a result of construction activities and/or operation of this section of SR 49.

- The project shall adhere to the conditions of the Caltrans Statewide NPDES Permit CAS # 000003, (Order # 99-06-DWQ), issued by the State Water Resources Control Board.
- The contractor will be required to prepare a SWPPP containing effective erosion and sediment control measures. These measures must address soil stabilization

practices, sediment control practices, tracking control practices, and wind erosion control practices. In addition, the project plan must include non-storm water controls, waste management and material pollution controls. It is generally accepted that practices that perform well by themselves can be complemented by other practices to raise the collective level of erosion control effectiveness and sediment retention.

- Standard Special Provision (SSP) 07-345 is a set of specifications used for projects that disturb more than one acre of soil. SSP 07-345 will be included in the construction specifications for this project and will clearly outline the contractor's responsibilities with respect to preparation and implementation of the SWPPP.

2.2.3. Geology/Soils/Seismic/Topography

This project will require grading of soil to adhere to design standards. Erosion control methods will be used to avoid additional loss of topsoil. There will be no geology, seismic, or topography impacts from this project.

CEQA Considerations
Less than significant impacts to soils pursuant to CEQA are anticipated.

2.2.4. Hazardous Waste/Materials

Regulatory Setting
Many state and federal laws regulate hazardous materials and hazardous wastes. These include not only specific statutes governing hazardous waste, but also a variety of laws regulating air and water quality, human health and land use.

Affected Environment
Caltrans Office of Environmental Engineering-South conducted an Initial Site Assessment (ISA) to determine the potential for encountering hazardous materials. The ISA found that:

- Aerially Deposited Lead (ADL) may be present in the soils that will be disturbed during the construction of this project.

Impacts
With the following avoidance and minimization measures in place, no impacts due to hazardous waste are anticipated.

CEQA Considerations
Less than significant impacts to the environment resulting from hazardous waste/materials are anticipated.

Avoidance and Minimization Measures

- The contractor will prepare a Lead Compliance Plan.
- Lead awareness training will be provided to all personnel performing work in areas containing ADL.

- Excess material will be sampled and analyzed prior to exporting. If it is determined that surplus excavated material contains regulated or hazardous levels of lead, the material shall be handled and disposed of according to State and Federal laws.

2.2.5. Air Quality

Regulatory Setting

The Clean Air Act as amended in 1990 is the federal law that governs air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants that can be in the air. At the federal level, these standards are called National Ambient Air Quality Standards (NAAQS). Standards have been established for carbon monoxide (CO), nitrogen dioxide (NO_2), ozone (O_3) and particulate matter that is 10 microns in diameter or smaller (PM_{10}).

Under the 1990 Clean Air Act Amendments, the U.S. Department of Transportation cannot fund, authorize, or approve Federal actions to support programs or projects that are not first found to conform to the Clean Air Act requirements. Conformity with the Clean Air Act takes place on two levels—first, at the regional level and second, at the project level. The proposed project must conform at both levels to be approved.

Regional level conformity is concerned with how well the region is meeting the standards set for the pollutants listed above. At the regional level, Regional Transportation Plans (RTP) are developed that include all of the transportation projects planned for a region over a period of years, usually 20. Based on the projects included in the RTP, an air quality model is run to determine whether or not the implementation of those projects would result in a violation of the Clean Air Act. If no violations would occur, then the regional planning organization and the appropriate federal agencies make the determination that the RTP is in conformity with the Clean Air Act. Otherwise, the projects in the RTP must be modified until conformity is attained. If the design and scope of the proposed transportation project are the same as described in the RTP, then the proposed project is deemed to be in conformity at the regional level.

Conformity at the project-level is also required. Again the pollutants of concern are: CO, NO_2, O_3 and PM_{10}. If a region is meeting the standard for a given pollutant, then the region is said to be in “attainment” for that pollutant. If the region is not meeting the standard, then it is designated a “non-attainment” area for that pollutant. Areas that were previously designated as non-attainment areas but have recently met the standard are called “maintenance” areas. If a project is located in a non-attainment or maintenance area for a given pollutant, then additional air quality analysis and reduction measures in regard to that pollutant is required. This is most frequently done for CO and PM_{10}.

Impacts-Regional

This project is exempt from regional air quality conformity analysis requirements per Table 2 of 40 Code of Federal Regulations (CFR) Section 93.126, subsection, "Safety."

Impacts-Local

A local (project-level CO) analysis was performed using the Caltrans Transportation Project-Level Carbon Monoxide Protocol, UCD-ITS-RR-97-21, by the Institute of Transportation Studies, UC Davis.

From Figure 3, Local CO Analysis and Section 4.7.1 of the above mentioned Protocol, this project:

- Does not significantly increase vehicles operating in cold start mode,
- Does not significantly increase traffic volumes,
- Does not worsen traffic flow.

Therefore, the proposed project is not likely to worsen air quality and no local (project-level CO) impacts are anticipated.

Impacts-Construction

The proposed project may result in the generation of short-term construction-related air emissions, including fugitive dust and exhaust emissions from construction equipment. Fugitive dust, sometimes referred to as windblown dust or $PM_{10,}$ would be the primary short-term construction impact that may be generated during excavation, grading and hauling activities. However, both fugitive dust and construction equipment exhaust emissions would be temporary and transitory in nature. Caltrans Standard Specifications should effectively reduce and control emission impacts during construction.

Naturally occurring asbestos (NOA) is known to exist within serpentine, a greenish greasy-looking ultramafic rock. Based on the California Geologic Survey and National Resource Conservation Service (NRCS) soils map, some ultramafic rocks are found in the western part of El Dorado County. If NOA is found during construction, rules and regulation of the local air quality management district must be adhered to when handling this material.

CEQA Considerations

Less than significant impacts to air quality pursuant to CEQA are anticipated.

Avoidance and Minimization Measures

- Caltrans Standard Specifications contain Section 7-1.01F, "Air Pollution Control," and Section 10, "Dust Control." These specifications require the contractor to comply with all pertinent rules, regulations, ordinances, and statues of the local air district. These specifications, which are included in all construction contracts, should aid in reducing construction related air quality impacts.
- If NOA is found during construction, rules and regulation of the local air quality management district must be adhered to when handling this material.

2.2.6. Noise

Regulatory Setting

CEQA provides a broad basis for analyzing and abating highway traffic noise effects. The intent of these laws is to promote the general welfare and to foster a healthy environment.

Affected Environment

From Title 23, Part 772 of the Code of Federal Regulations, “Procedures for Abatement of Highway Traffic Noise”, and Caltrans’ noise analysis policy described in Construction

Noise and Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects (Protocol) (California Department of Transportation 1998a), noise mitigation/abatement must be considered for Type I projects.

A Type I project is defined by 23 CFR 772 as follows: A proposed Federal or Federal-aid highway project for the construction of a highway on a new location, or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment, or increases the number of through-traffic lanes. A Memorandum issued October 20, 1998 by FHWA offers some guidance in defining Type I projects. In regards to the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment it offers that a small change in alignment in a densely developed urban area may be deemed to be significant, whereas a much greater change in alignment in a suburban or rural area may be deemed not to be significant. The use of judgment must be made on whether or not an alignment change is deemed to be significant.

The proposed project traverses a rural area. The scope includes no through-traffic lane additions, however it does include some moderate realignment. Based upon the project's scope, context, and setting, the project is not considered a Type I project. No further noise analysis is required.

Impacts-Construction

During the construction phases of the proposed project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Construction noise is regulated by Caltrans standard specifications Section 7-1.01I, "Sound Control Requirements." These requirements state that noise levels generated during construction shall comply with applicable local, state, and federal regulations, and that all equipment shall be fitted with adequate mufflers according to the manufacturers' specifications.

CEQA Considerations

Less than significant impacts to noise pursuant to CEQA are anticipated.

Avoidance and Minimization Measures

- Caltrans Standard Specifications contain Section 7-1.01I, "Sound Control Requirements." These specifications require the contractor to comply with all local sound control and noise level rules, regulations and ordinances that apply to any work performed pursuant to the contract. Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler. These specifications, which are included in all construction contracts, should aid in reducing construction related noise impacts.

2.3. BIOLOGICAL ENVIRONMENT

2.3.1. Biological Setting

The dominant vegetation communities within the project area are blue oak woodland and valley-foothill grassland. The blue oak woodland is dominated by blue oaks, interior live oaks, scattered black oaks, foothill pines, with understory shrubs including toyon, buckeye, and tree of heaven. The valley-foothill grassland comprises most of the open areas within the project area and is composed primarily of annual grasses such as wild oat, soft chess, Italian ryegrass, rattail fescue, dogtail grass, medusa head grass, ripgut brome, and ruderal forbs such as Queen Anne's lace, Centuary, Spanish trefoil, bindweed, goatsbeard, and vetch.

An intermittent stream course parallels the project area on the west side of SR 49, referred to as "Logtown Creek" for the purposes of this document. Logtown Creek supports riparian vegetation and adjacent wetland vegetation. Woody vegetation along streamcourses in the project area is comprised primarily of Fremont cottonwood, California black walnut, and willows, with frequent blackberry shrubs. Rushes, pennyroyal, curly dock, clustered field sedge, prickly-fruit buttercup, water plantain, rabbitfoot grass, manna-grass, and willowherb dominate the slow water areas and wetlands adjacent to streamcourses. A number of small seep-supported wetland areas are located on the east side of SR 49. These areas are dominated by Baltic rush, clustered field sedge, and curly dock.

A list of species and habitats potentially occurring within the project vicinity was developed based on information compiled from the California Department of Fish and Game's (CDFG) Natural Diversity Data Base (CNDDB Rarefind Database, 2003, Fiddletown, Placerville, Shingle Springs, Latrobe, Camino, and Aukum7.5-minute USGS quads), the California Native Plant Society (CNPS), and from the current literature. A list of all sensitive species considered as part of this evaluation is included in Table 3. An expanded discussion is provided for species that could potentially occur in habitat within the project area, or that were detected within the project limits during field surveys.

Field surveys of the project site were conducted to assess existing natural resources and potential impacts. Emphasis was placed on the special status species that may occur. The project site was field reviewed to 1) identify habitat types; 2) identify potential wetlands; 3) identify factors indicating the potential for rare species; 4) identify rare species present; and 5) identify potential problems for the study.

TABLE 3: REGIONAL SENSITIVE SPECIES

Scientific Name	Common Name	Status	General Habitat Description	Potential to be Adversely Affected by Project
Accipiter genitilis	Northern Goshawk	FSC, SSC	Mature coniferous forests.	Low. Suitable nesting habitat not detected within project area.
Acipenser medirostrus	Green Sturgeon	FC, SSC	Anadromous. Spawning takes place in deep, fast water. Preferred spawning substrate is large cobble.	None. Appropriate aquatic habitat not available in project area. Outside of known range for species.
Agelaius tricolor	Tricolored Blackbird	FSC, SSC	Colonial nester. Breeding sites require open accessible water, a protected nesting substrate, and a suitable foraging space providing adequate insect prey.	Low. Suitable nesting habitat not detected within project area.
Amphispiza belli belli	Bell's Sage Sparrow	FSC, SSC	Breeds in chamise or sagebrush dominated chaparral.	Low. Suitable nesting habitat not detected within project area.
Arctostaphylos nissenana	Nissenan Manzanita	FSC, CNPS 1B	Closed-cone coniferous forest, chaparral.	None. Appropriate habitat not available within project area. Not detected during surveys.
Athene cincularia hypugea	Western Burrowing Owl	FSC, SSC	Burrow sites are in open dry grasslands, scrublands and deserts. Burrows in vacated mammal burrows.	Low. No suitable burrows or other sign of species detected in project area.
Baeolophus inornatus	Oak Titmouse	FSLC	Montane hardwood-conifer, montane hardwood, blue, valley, and coastal oak woodlands, and montane and valley foothill riparian habitats in cismontane California.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Calochortus clavatus avius	Pleasant Valley Mariposa Lily	FSC, CNPS 1B	Lower montane coniferous forests, on Josephine silt loam and volcanic soils ELD, AMA, MAR counties.	None. Appropriate habitat and soils not available at project site. Not detected during surveys.
Calystegia stebbinsii	Stebbin's Morning Glory	FE, SE	Chaparral and woodland habitats on serpentine and gabbro soils in El Dorado and Nevada County.	None. Appropriate gabbro and serpentine soils not available at project site. Not detected during surveys.
Carduelis lawrencei	Lawrence's Goldfinch	FSC, SSC	Closely associated with oaks. Breeds in open oak or other arid woodland and chaparral, near water. Typical habitats include valley foothill hardwood, valley foothill, and hardwood-conifer.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Ceanothus roderickii	Pine Hill Ceanothus	FE, SR, CNPS 1B	Chaparral and woodland habitats on serpentine and gabbro soils in El Dorado County.	None. Appropriate gabbro and serpentine soils not available at project site. Not detected during surveys.
Chaetura vauxi	Vaux's Swift	FSC, SSC	Breeds usually in forested habitat including, coastal redwood, and Douglas fir in inland sites in the north coast ranges. Nests in redwood, Douglas-fir, and occasionally other coniferous forests. Occasionally nests in chimneys and buildings.	Low. Suitable nesting habitat not detected within project area.
Chlorogalum grandiflorum	Red Hills Soaproot	FSC, CNPS 1B	Chaparral, cismontane woodland, lower montane coniferous forest, ultramafic soils, AMA, ELD, PLA, and TUO counties.	None, appropriate soils not available within project area, not detected during surveys.
Cinclus mexicanus	American dipper	FSC	Mountain streams.	Low. Suitable nesting habitat not detected within project area.
Clemmys marmorata marmorata	Northwestern Pond Turtle	FSC, SSC	Permanent or semi-permanent waters with available basking sites.	Moderate. Habitat available in project area. Species detected adjacent to project area

Cyplosoides niger	Black Swift	FSC, SSC	Breeds very locally in Sierra/Cascades and coast ranges. Nests on cliffs adjacent to surf or waterfall.	Low. Suitable nesting habitat not detected within project area.
Cyprepedium fasiculatum	Clustered Lady's Slipper	FSC, CNPS 1B	Lower montane coniferous forests, seeps and stream-banks, ultramafic soils.	None. Appropriate habitat and soils not available at project site. Not detected during surveys.
Desmocerus californicus dimorphus	Valley Elderberry Longhorn Beetle	FT	Occurs only in Central Valley of CA, in association with blue elderberry (Sambucus mexicana).	None. No elderberry bushes detected within project vicinity.
Elanus leucurus	White Tailed Kite	FSC, SSC	Breed in lowland grasslands, agriculture, wetlands, oak-woodland and savanna habitats, and riparian areas associated with open areas for foraging.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Empidonax tralii brewsteri	Little Willow Flycatcher	FSC, SE	Meadows and woodlands with extensive willow thickets.	Low. Suitable nesting habitat not detected within project area.
Euderma maculatum	Spotted Bat	FSC, SSC	Day roosts primarily in crevices in cliff faces, primarily near winter.	Low. Areas appropriate for day or night roosts for cave, crevice, or structure roosting bats are not likely to be affected by the proposed project.
Eumops perotis californicus	Greater Western Mastiff Bat	FSC, SSC	Day roosts primarily crevices in cliff faces, and cracks in boulders, occasionally buildings.	Low. Areas appropriate for day or night roosts for cave, crevice, or structure roosting bats are not likely to be affected by the proposed project.
Falco peregrinus anatum	American Peregrine Falcon	FSC	Breed in woodland, forest, and coastal habitats. Nesting sites are typically a scrape or a depression on ledges of large cliff faces.	Low. Suitable nesting habitat not detected within project area.
Fremontodendron californicum decumbens	Pine Hill Flannelbush	FE, SR, CNPS 1B	Rocky chaparral and woodland habitats on serpentine and gabbro soils in El Dorado and Nevada County	None. Appropriate gabbro and serpentine soils not available at project site. Not detected during surveys.
Galium californicum sierrae	El Dorado Bedstraw	FE, SR, CNPS 1B	Chaparral and woodland habitats on serpentine and gabbro soils in El Dorado County.	None. Appropriate gabbro and serpentine soils not available at project site. Not detected during surveys.
Haliaeetus leucocephala	Bald Eagle	FT	Coniferous forests near water.	Low. Suitable nesting habitat not detected within project area.
Helianthemum suffrutescens	Bisbee Peak Rush Rose	FSC, CNPS List 3	Chaparral, ultramafic or Ione soils.	None. Appropriate soils not available at project site. Not detected during surveys.
Horkelia parryi	Parry's Horkelia	FSLC, CNPS 1B	Chaparral, woodlands (Ione Formationsoils).	None. Appropriate soils not available at project site. Not detected during surveys.
Hypomesus transpacificus	Delta Smelt	FT	Range from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano and Yolo counties. Spawn in tidally influenced backwater sloughs and channel edge-waters.	None. Appropriate aquatic habitat not available in project area. Outside of known range for species.
Lanius ludovicianus	Loggerhead Shrike	FSC, SSC	Prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Nests in dense trees or shrubs.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Martes pennanti pacifica	Pacific Fisher	FC, SSC	Mature coniferous forests.	None. Appropriate habitat not available within project area.

Melanerpes lewisii	Lewis' Woodpecker	FSC	Occurs in deciduous and conifer habitats with brushy understory, and scattered snags and live trees for nesting and perching. Breeds along eastern slopes of the Coast Ranges, and in the Sierra Nevada, Warner Mts., Klamath Mts., and in the Cascade Range. Winters in the Central Valley, Modoc Plateau, and in southern California.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Myotis ciliolabrum	Small Footed Myotis	FSC	Associated with forests, woodlands, and shrublands. Roosts have been found in cavities, such as mines and trees.	Moderate. Tree roosting bat species may be adversely affected by vegetation removal.
Myotis evotis	Long Eared Myotis	FSC	Associated with coniferous forests. Roosts in caves, mines, trees, crevices, buildings, and bridges.	Moderate. Tree roosting bat species may be adversely affected by vegetation removal.
Myotis thysanodes	Fringed Myotis	FSC	Day and night roosts in caves, mines, trees, buildings and rock crevices.	Moderate. Tree roosting bat species may be adversely affected by vegetation removal.
Myotis volans	Long Legged Myotis	FSC	Associated with woodlands. Day roosts primarily in hollow trees, particularly large diameter snags or live trees with lightning scars. Also uses rock crevices, mines, and buildings. Caves and mines may be used for night roosts.	Moderate. Tree roosting bat species may be adversely affected by vegetation removal.
Myotis yumanensis	Yuma Myotis	FSC	Associated with open forests near water. Day roosts in buildings, trees, mines, caves, bridges, and rock crevices. Night roosts usually associated with buildings, bridges, or other man-made structures.	Moderate. Tree roosting bat species may be adversely affected by vegetation removal.
Nebria darlingtoni	South Forks Ground Beetle	FSC	Rocky banks along cool streams in El Dorado County.	Low. Lack of suitable habitat on project site. Habitat available within 1 mile of project area.
Numenius americanus	Long Billed Curlew	FSC, SSC	Habitats include large coastal estuaries, upland herbaceous areas, and croplands. Breed on grazed, mixed-grass and shortgrass prairies.	Low. Suitable nesting habitat not detected within project area.
Oncorhynchus tshawytscha	Winter Run Chinook Salmon	FE	Sacramento River with clean, cold water, and gravel beds	None. Outside of known range for species due to downstream impoundments.
Onochorychus tshawytscha	Chinook Salmon (Central Valley Spring Run ESU; Winter Run ESU; Central Valley fall/late fall ESU)	FT/FT/ FC	Anadromous. Spawning generally occurs in mainstream or lower tributary channels in swift, relatively shallow riffles or along the edges of fast runs at depths greater than 24 cm in stream areas with suitable gravel composition.	None. Outside of known range for species due to downstream impoundments.
Onochorynchus mykiss	Steelhead (Central Valley ESU)	FT	Anadromous. Spawn in cool, clear streams featuring suitable water depth, gravel size, and current velocity. Intermittent streams may be used for spawning.	None. Outside of known range for species due to downstream impoundments.
Otus flammuleus	Flammulated Owl	FSC	Montane coniferous forest, yellow pine belt. Breeds in available cavities	Low. Suitable nesting habitat not detected within project area.
Phrynosoma coronatum frontale	California horned Lizard	FSC, SSC	Lowlands along sandy washes, with scattered low shrubs, woodland chaparral.	Low. Appropriate habitat is available within project vicinity. Project activity is unlikely to adversely impact species habitat.
Picioides albolarvatus	White Headed Woodpecker	FSC	Montane coniferous forests. Pine and fir belts 4,000 –9,000 ft elevation.	Low. Suitable nesting habitat not detected within project area.

Picoides nutallii	Nutall's Woodpecker	FSLC	A common, permanent resident of low-elevation riparian deciduous and oak habitats.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Pogonicthys macrolepidotus	Sacramento Splittail	FSC	Species now largely confined to the Delta, Suisun Bay, Suisun Marsh, Napa River, Petaluma River, and other parts of the Sacramento-San Joaquin estuary. Require flooded vegetation for spawning and as foraging areas for young.	None. Appropriate aquatic habitat not available in project area. Outside of known range for species.
Rana boylii	Foothill Yellow Legged Frog	FSC, SSC	Requires shallow, flowing water, preferentially in small to moderate-sized streams situations with at least some cobble-sized substrate.	Moderate. Appropriate habitat located adjacent to project area. Project measures to minimize impacts to aquatic areas.
Ranan aurora draytoni	California Red-Legged Frog	FT	Permanent and semi permanent ponds and streams below 4,000 feet.	Low. Appropriate habitat located in project vicinity. Project measures to minimize impacts to aquatic areas.
Riparia riparia	Bank Swallow	FSC, ST	Nests in bluffs or banks, usually adjacent to water, where the soil consists of sand or sandy loam.	Low. Suitable nesting habitat not detected within project area.
Selasphorus rufus	Rufus Hummingbird	FSC	Valley foothill hardwood, valley foothill hardwood-conifer, riparian, chaparral, montane riparian, aspen, and high mountain meadows.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Senecio laynae	Layne's Ragwort	FT, SR, CNPS 1B	Chaparral and cismontane woodland on ultramafic soils.	None. Appropriate gabbro and serpentine soils not available at project site. Not detected during surveys.
Spea hammondii	Western Spadefoot Toad	FSC, SSC	Breeds in seasonal wetlands.	Moderate. Appropriate aquatic habitat available in project area.
Spirinchus thaleicthys	Longfin Smelt	FSC, SSC	Occupy the middle or bottom of the water column in the salt or brackish water portions of estuaries. Present in the Sacramento-San Joaquin estuary, Humboldt Bay, the Eel River estuary, and the Klamath River estuary.	None. Appropriate aquatic habitat not available in project area. Outside of known range for species.
Strix occidentalis occidentalis	California Spotted Owl	FSC, SSC	Mature coniferous forests. Nests in available cavities.	Low. Suitable nesting habitat not detected within project area.
Toxostoma redivivum	California Thrasher	FSC	A common resident of foothills and lowlands in cismontane California. Occupies moderate to dense chaparral habitats and, less commonly, extensive thickets in young or open valley foothill riparian habitat. Avoids dense tree canopy.	Moderate. Suitable nesting habitat in project vicinity will be affected. Project measures to comply with MBTA.
Wyethia reticulata	El Dorado Mule's Ears	FSC, CNPS 1B	Chaparral, cismontane woodland, lower coniferous forest, clay or ultramafic soils.	None. Appropriate soils not available at project site. Not detected during surveys.

FC, FE, FT: Federal Candidate, Federal Endangered, Federal Threatened
FP, FPE, FPT: Federal Proposed, Federal Proposed Endangered, Federal Proposed Threatened
FSC: Federal Species of Concern
FSLC: Federal Species of Local Concern
SE: State Endangered
SR: State Rare
SSC: State Species of Special Concern
ST: State Threatened
CNPS: California Native Plant Society, 1B: Rare, threatened and endangered in California and elsewhere List 3: Plants about which we need more information/a review list. List 4: Plants of limited distribution/a watch list.

2.3.2. Wetlands and Other Waters

Regulatory Setting

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

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

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

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

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

Affected Environment
Portions of Logtown Creek and its associated tributaries and adjacent wetlands will be affected by the construction of the proposed project.

Impacts
Direct impacts to waters of the U.S. are expected to occur as a result of fill used for grading for the curve realignment, shoulder widening, culvert extension/replacement and drainage realignment. Direct impacts to jurisdictional wetlands and other special aquatic sites are expected to occur as a result of fill used for grading for the curve realignment, and shoulder widening. Indirect impacts to jurisdictional wetlands and other aquatic sites are expected to occur as a result of flooding, excavation, or drainage. Table 4 below summarizes the extent of impacts to Waters of the United States, including wetlands.

TABLE 4: IMPACTS TO WATERS OF THE UNITED STATES

Resource	**Area of Permanent Direct Impact**	**Permanent Fill Below OHWM**	**Area of Indirect Impact**
Other Waters of the U.S.	~~0.177 ha (0.438 acre)~~ 0.142 ha (0.350 acre)	~~147.00 m^3 (192.28 yd^3)~~ 41.06 m^3 (53.71 yd^3)	0.000 ha (0.000 acre)
Jurisdictional Wetlands and Other Special Aquatic Sites	~~0.208 ha (0.515 acre)~~ 0.316 ha (0.781 acre)	0.00 m^3 (0.00 yd^3)	~~0.180 ha (0.444 acre)~~ 0.155 ha (0.382 acre)
TOTAL JURISDICTIONAL WATERS	**~~0.386 ha (0.953 acre)~~ 0.458 ha (1.131 acre)**	**~~147.00 ha (192.28 yd^3)~~ 41.06 m^3 (53.71 yd^3)**	**~~0.180 ha (0.444 acre)~~ 0.155 ha (0.382 acre)**

CEQA Considerations
With mitigation, less than significant impacts to waters of the U.S. pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
To minimize impacts to waters and wetlands as a result of project construction, Caltrans and its contractors will implement the following measures:

- Project construction activities within aquatic features will not take place until there is a no-flow or no-surface water condition in all aquatic features in the project area.
- All waters and wetlands adjacent to the construction zone that will not be filled as a result of the project will designated as environmentally sensitive areas (ESAs), and shall be fenced and signed to assure no inadvertent damage to these resources. Best management practices will be followed to minimize erosion and reduce sediments from entering channels and wetlands. All disturbed areas will be replanted upon completion of construction to stabilize soils. The Caltrans biologist will consult with the Caltrans archaeologist, Caltrans architectural historian and appropriate resource agencies to determine the final placement of ESA exclusion fencing.
- The proposed project will impact jurisdictional waters of the United States and as such will require the a Clean Water Act section 404 permit from the Army Corps of Engineers and a section 401 Water Quality Certification from the California Regional Water Quality Control Board. Because the work will take place below the top of the streambank, a 1602 Streambed Alteration Agreement will be required from CDFG. Conditions of these permits will include timing restrictions (work during no-flow

periods, typically a June 15th to October 1st) to avoid water quality and species related impacts, and the restoration of native riparian vegetation impacted by project construction.

Mitigation Measures

- Waters and wetlands impacts will be mitigated through a combination of on-site wetland creation, restoration, revegetation, and enhancement, and the purchase of credits at an approved mitigation bank~~, subject to review and approval by the USACE, USFWS, CDFG, and the Central Valley RWQCB during project permit application review and approval~~. Based on a projected combined direct and indirect loss of approximately 0.612 ha (1.513 ac) of waters and wetlands and an assumed replacement-to-loss compensation ratio of 3:1, Caltrans will be required to provide 1.84 ha (4.54 ac) of restoration, revegetation, enhancement, on-site creation, and/or mitigation credits.

2.3.3. Plant Species

Regulatory Setting

The USFWS and CDFG share regulatory responsibility for the protection of special-status plant species. "Special-status" species are selected for protection because they are rare and/or subject to population and habitat declines. Special status is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act (FESA) and/or the California Endangered Species Act (CESA). Please see the Threatened and Endangered Species Section in this document for detailed information regarding these species.

This section of the document discusses all other special-status plant species, including CDFG fully protected species and species of special concern, USFWS candidate species, and non-listed California Native Plant Society (CNPS) rare and endangered plants.

The regulatory requirements for FESA can be found at United States Code 16 (USC), Section 1531, et seq. See also 50 CFR Part 402. The regulatory requirements for CESA can be found at California Fish and Game Code, Section 2050, et seq. Caltrans projects are also subject to the Native Plant Protection Act, found at Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act, Public Resources Code, Sections 2100-21177.

Affected Environment

Nissenan Manzanita (*Arctostaphylos nissenana*) FSC, CNPS 1B
Pleasant Valley Mariposa Lily (*Calochortus clavatus avius*) FSC, CNPS 1B
Stebbin's Morning Glory (*Calystegia stebbinsii*) FE, SE, CNPS 1B
Pine Hill Ceanothus (*Ceanothus roderickii*) FE, SR, CNPS 1B
Red Hills Soaproot (*Chlorogalum grandiflorum*) FSC, CNPS 1B
Clustered Lady's Slipper Orchid (*Cyprepedium fasiculatum*) FSC, CNPS 1B

Pine Hill Flannel Bush (*Fremontodendron californicum decumbens*) FE, SR, CNPS 1B
El Dorado County Bedstraw (*Galium californicum sierrae*) FE, SR, CNPS 1B
Bisbee Peak Rush Rose (*Helianthemum suffrutescens*) FSC, CNPS List 3
Parry's Horkelia (*Horkelia parryi*) FSLC, CNPS 1B
Layne's Ragwort (*Senecio laynae*) FT, SR, CNPS 1B
El Dorado County Mule's Ears (*Wyethia reticulata*) FSC, CNPS 1B
None of the State or Federally listed or rare plant species that were assessed for the project was detected during botanical surveys conducted in the 2005 season. Specific soil or habitat types that support these species were also not detected, and therefore the rare plant species listed above are not expected to occur within or adjacent project area.

2.3.4. Animal Species

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

Federal laws and regulations pertaining to wildlife include the following:
- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act

State laws and regulations pertaining to wildlife include the following:
- California Environmental Quality Act
- Sections ~~1601 – 1603~~1600 et seq. of the Fish and Game Code
- Section 4150 and 4152 of the Fish and Game Code

Affected Environment

INSECTS
South Forks Ground Beetle (*Nebria darlingtoni*) FSC
Due to the lack of suitable habitat, the proposed project will have no affect on this species.

FISHES
Sacramento Splittail (*Pogonicthys macrolepidotus*) FSC
Longfin Smelt (*Spirinchus thaleicthys*) FSC, SSC
Due to the project area being outside the range of the species and the lack of suitable habitat, the proposed project will have no affect on these species.

BIRDS
Northern Goshawk (*Accipiter genitilis*) FSC, SSC

Tricolored Blackbird (*Agelaius tricolor*) FSC, SSC
Bell's Sage Sparrow (*Amphispiza belli belli*) FSC, SSC
Western Burrowing Owl (*Athene cincularia hypugea*) FSC, SSC
Vaux's Swift (*Chaetura vauxi*) FSC, SSC
American Dipper (*Cinclus mexicanus*) FSC
Black Swift (*Cyplosoides niger*) FSC, SSC
Little Willow Flycatcher (*Empidonax tralii brewsteri*) FSC, SE
American Peregrine Falcon (*Falco peregrinus anatum*) FSC
Long Billed Curlew (*Numenius americanus*) FSC, SSC
Flammulated Owl (*Otus flammuleus*) FSC
White Headed Woodpecker (*Picioides albolarvatus*) FSC
Bank Swallow (*Riparia riparia*) FSC, ST
California Spotted Owl (*Strix occidentalis occidentalis*) FSC, SSC
Due to the project area being outside the range of the species, the lack of suitable habitat, the lack of detection during recent surveys or because the project would not harm individuals or alter the species' habitat, the proposed project will have no affect on these species.

Oak Titmouse (*Baeolophus inornatus*) FSLC
Lawrence's Goldfinch (*Carduelis lawrencei*) FSC, SSC
White Tailed Kite (*Elanus leucurus*) FSC, SSC
Loggerhead Shrike (*Lanius ludovicianus*) FSC, SSC
Lewis' Woodpecker (*Melanerpes lewisii*) FSC
Nuttall'sWoodpecker (*Picoides nutallii*) FSLC
Rufous Hummingbird (*Selasphorus rufus*) FSC
California Thrasher (*Toxostoma redivivum*) FSC
Suitable nesting for the above species is present within the project area. These species are protected by the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711).

Impacts
The removal of ~~3.05~~ 2.41 ha (~~7.53~~ 5.96 ac) of mature woody vegetation is required for the construction of the proposed project. This vegetation is likely to support reproducing migratory birds during the nesting season (March 1st to September 1st). The removal of woody vegetation could affect nesting birds, however, the restriction of the timing of vegetation removal and protective buffers around known nest sites are expected to avoid adverse affects to populations of nesting birds. Construction noise and activities within the project area may also temporarily disrupt normal foraging or movement patterns of migratory birds within the project vicinity, but is unlikely due to the proximity of the project site to the highway system. If possible, woody vegetation removal will be conducted outside of the expected nesting season for migratory birds in this area, between September 1st and March 1st prior to the construction season.

CEQA Considerations
Less than significant impacts to birds pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
The following measures are recommended to reduce project impacts on bird species:
- Minimize removal of native vegetation by locating staging areas and access routes in previously disturbed areas;

- Removal of vegetation should be conducted in the fall and winter (between September 15 and March 1) after fledging and before the initiation of breeding activities;
- If vegetation removal during non-nesting season is determined unfeasible, then pre-construction bird surveys shall be performed in spring to determine the location of nest sites within the project area. A 92 m (300 ft) buffer zone shall be established between active passerine nests and any project construction activity, and a 150 m (500 ft) buffer zone between active raptor nests and any project construction activity, unless CDFG permits a reduced buffer zone based on nesting phenology and recommendation(s) of a biological monitor.
- A revegetation/habitat restoration plan shall be implemented to address short-term disturbance and long-term losses of potential nesting areas.

BATS
Spotted Bat (*Euderma maculatum*) FSC, SSC
Greater Western Mastiff Bat (*Eumops perotis californicus*) FSC, SSC
Due to the project area being outside the range of the species, the lack of suitable habitat, the lack of detection during recent surveys or because the project would not harm individuals or alter the species' habitat, the proposed project will have no affect on these species.

Small Footed Myotis (*Myotis ciliolabrum*) FSC
Long Eared Myotis (*Myotis evotis*) FSC
Fringed Myotis (*Myotis thysanodes*) FSC
Long Legged Myotis (*Myotis volans*) FSC
Yuma Myotis (*Myotis yumanensis*) FSC
In addition to bat species listed as sensitive by the resource agencies, state laws protect bats and their occupied roosts from harassment and destruction. Protection under California Law is found in the Fish Game code Section 2000, 2002, 2014 and 4150, and under California Code of Regulations section 251.1.

Several species of bats require trees as daytime roosts, and several other species day roost in trees occasionally or use trees as important night roosts. It is anticipated that tree roosting bats may use the forested areas within the project area.

Impacts
The removal of ~~3.05~~ 2.41 ha (~~7.53~~ 5.96 ac) of mature woody vegetation is required for the construction of the proposed project. This vegetation is likely to possess appropriate structures for use as a bat day roost (exfoliating bark, cavities, or fissures) for tree roosting bats, and may also be used as a temporary night roosts. The removal of woody vegetation is likely to adversely affect tree roosting bats, however, the restriction of the timing of vegetation removal and protective buffers around known roost sites are expected to avoid adverse affects to populations of tree roosting bats. Populations of tree roosting bats in the project area are also likely to experience additional "temporal" impacts to potential roost sites until post-construction revegetation activities have produced trees large enough to provide appropriate roosting structures for bats. Construction noise and activities within the project area may also temporarily disrupt normal foraging or movement patterns within the project vicinity, but is unlikely due to the proximity of the project site to the highway system. If possible, woody vegetation removal will occur prior to the construction season between September 1st and March

1st, when many bat species are less likely to be within the project area due to migration or seasonal movements. This will minimize adverse impacts to tree roosting bats.

CEQA Considerations
Less than significant impacts to bats pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
- Minimize removal of native vegetation by locating staging areas and access routes in previously disturbed areas;
- Removal of vegetation should be conducted in the fall and winter (between September 15 and March 1).

MAMMALS
Pacific Fisher (*Martes pennanti pacifica*) FC, SSC
Due to the lack of suitable habitat, the proposed project will have no affect on this species.

AMPHIBIANS
Foothill Yellow Legged Frog (*Rana boylii*) FSC, SSC
In California, the foothill yellow-legged frog (FYLF) was historically distributed throughout the foothill portions of most drainage from the Oregon border to the San Gabriel River. The FYLF requires shallow, flowing water, preferring small to moderate-sized streams. Foothill yellow-legged frogs are infrequent or absent in habitats where introduced aquatic predators (i.e., various fishes and bullfrogs) are present, probably because their aquatic developmental stages are susceptible to such predators.

Impacts
Direct impacts to foothill yellow legged frogs (FYLF) are not expected to occur. The FYLF may be indirectly affected by work within aquatic features in the project area. Approximately ~~0.386~~ 0.458 ha (~~0.953~~ 1.131 acre) of "waters of the United States" and wetlands (as defined by the USACE) will be directly impacted as a result of the proposed project. Although aquatic features capable of supporting breeding FYLFs occur within and adjacent to the project area (Logtown Creek), no occurrences for FYLFs have been recorded within one mile of the project area, and no FYLF adults, eggs, or larvae were detected during surveys conducted during the 2005 season. Furthermore, project construction activities within aquatic features will not take place until there is a no-flow or no-surface water condition. Best Management Practices (BMPs) and habitat restoration will reduce impacts to the FYLF.

CEQA Considerations
Less than significant impacts to foothill yellow legged frogs pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
- Work within aquatic features shall not take place until there is a no-flow or no-surface water condition.

Western Spadefoot Toad (*Spea hammondii*) FSC, SSC
Although seasonal aquatic features capable of supporting breeding western spadefoot toads occur within and adjacent to the project area, no occurrences for western

spadefoot toad have been recorded in El Dorado County, and no western spadefoot toad adults, eggs, or larvae were detected during surveys conducted during the 2005 season. No impacts to the western spadefoot toad are expected to occur.

REPTILES

Northwestern Pond Turtle (*Clemmys marmorata marmorata*) FSC, SSC

In California, the northwestern pond turtle was historically present in most Pacific slope drainages between the Oregon and Mexican borders. The northwestern pond turtle is an aquatic turtle that usually leaves the aquatic site to reproduce, to aestivate, and to overwinter. Northwestern pond turtles require some slack- or slow-water aquatic habitat. They are uncommon in high gradient streams probably because water temperatures, current velocity, food resources, or any combination thereof may limit their local distribution. Habitat quality seems to vary with the availability of aerial and aquatic basking sites.

Impacts

Direct impacts to the northwestern pond turtle are not expected to occur. The northwestern pond turtle may be indirectly affected by work within aquatic features in the project area. Approximately ~~0.386~~ 0.458 ha (~~0.953~~ 1.131 acre) of "waters of the United States" and wetlands (as defined by the USACE) will be directly impacted as a result of the proposed project. Aquatic features capable of supporting northwestern pond turtle occur within and adjacent to project area (Logtown Creek), and northwestern pond turtles were detected at several locations within 2.01 kilometers (1.25 miles) of the project area during the 2005 season. Project construction activities within aquatic features will not take place until there is a no-flow or no-surface water condition. Best Management Practices (BMPs) and habitat restoration will reduce impacts to the northwestern pond turtle.

CEQA Considerations

Less than significant impacts to northwestern pond turtles pursuant to CEQA are anticipated.

Avoidance and Minimization Measures

- Work within aquatic features shall not take place until there is a no-flow or no-surface water condition.

California Horned Lizard (*Phrynosoma coronatum frontale*) FSC, SSC

The California horned lizard has a spotty distribution from Kennett (now under Lake Shasta, Shasta County) southward along the edges of the Sacramento Valley into much of the South Coast Ranges, San Joaquin Valley, and Sierra Nevada foothills to northern Los Angeles, Santa Barbara and Ventura counties, California. The California horned lizard seems to occur in several habitat types, including areas with an exposed gravelly-sandy substrate containing scattered shrubs, floodplains and dry lake beds, clearings in riparian woodlands, dry uniform chamise chaparral to annual grassland with scattered perennial seepweed or saltbush.

Impacts

Direct impacts to the California horned lizard are not expected to occur. The California horned lizard may be indirectly affected by earthwork during the construction of the proposed project. Although some landscape features capable of supporting breeding California horned lizards occurs within and adjacent to the project area (basking sites,

openings in woodland, mammal burrows, etc.), the project area generally lacks areas of loose, sandy soils that are preferred for foraging and for constructing “egg nests." No occurrences of California horned lizards been recorded within four miles of the project area, and no California horned lizards were detected during surveys conducted during the 2005 season. BMPs and habitat restoration will reduce impacts to the California Horned lizard.

CEQA Considerations
Less than significant impacts to the California horned lizard pursuant to CEQA are anticipated.

2.3.5. Threatened and Endangered Species

Regulatory Setting
The primary federal law protecting threatened and endangered species is the Federal Endangered Species Act (FESA): 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 FHWA, are required to consult with the USFWS 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 FESA 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 (CESA), California Fish and Game Code, Section 2050, et seq. CESA 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 CDFG is the agency responsible for implementing CESA. 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." CESA allows for take incidental to otherwise lawful development projects; for these actions an incidental take permit is issued by CDFG. For projects requiring a Biological Opinion under Section 7 of the FESA, CDFG may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

AMPHIBIANS
California Red Legged Frog (*Rana aurora draytonni*) FT
The historic range of the California red-legged frog (CRLF) extended along the coast from the vicinity of Point Reyes National Seashore, Marin County, California and inland from the vicinity of Redding, Shasta County, California, southward to northwestern Baja California, Mexico. This range encompassed 46 counties, but the species has been extirpated from 24 of those counties. CRLF now exists within isolated and fragmented

populations, and are mostly restricted to the central coastal area of California. The species is locally abundant within portions of the San Francisco Bay area (including Marin County) and the central coast. Within the Sierra Nevada Range, there are currently four extant populations of CRLF. These include populations in Butte, Yuba, Placer, and El Dorado counties. CRLF are known to occur approximately 15 miles from the project area.

CRLFs use a variety of habitat types, including various aquatic, riparian, and upland habitats. They include, but are not limited to, ephemeral ponds, intermittent streams, seasonal wetlands, springs, seeps, permanent ponds, perennial creeks, manmade aquatic features, marshes, dune ponds, lagoons, riparian corridors, blackberry thickets, nonnative annual grasslands, and oak savannas. Among the variety of habitats where California red-legged frogs have been found, the only common factor is association with a permanent or semi-permanent water source. CRLF can use virtually any aquatic system, provided a permanent water source, ideally free of nonnative predators, is nearby. CRLF also occur in dense growths of riparian woodland or marshland dominated by willow, cattail, and bulrush.

Impacts

Direct and indirect impacts to CRLF are possible, but are unlikely to occur. Approximately ~~0.386~~ 0.458 ha (~~0.953~~ 1.131 acre) of "waters of the United States" and wetlands (as defined by the USACE) will be directly impacted as a result of the proposed project. CRLF were not detected within the project area, and no CRLF were detected in accessible areas within 2.01 kilometers (1.25 miles) of the project area during surveys conducted in the 2005 season. Within the project area, aquatic features capable of maintaining water throughout the entire CRLF tadpole-rearing season are not available. Upland shelter and foraging habitats within 300 feet of potential breeding ponds are also absent. No records of breeding CRLF exist within 5 miles of the project area and no records of individual CRLF have been recorded within 5 miles of the project area since 1961. Recent protocol surveys conducted for the U.S. Highway 50/Missouri Flat Road Interchange, Placerville Home Depot Project, Hangtown Creek Bridge and Sewer Project, and the Western Placerville Interchange Project (all within 9.7 kilometers [6.0 miles] of the project area) did not detect CRLF. Additional protocol-level surveys of habitats near the project site that were completed between March and May, 2006, failed to reveal the presence of California red-legged frogs in the project area.

The proposed project has been designed to avoid as much of Logtown Creek as feasible. Project construction activities within all aquatic features will not take place until there is a no-flow or no-surface water condition. No new barriers to CRLF dispersal (additional roads, removal of culverts, placement of additional structures) will be implemented as part of this project (short retaining walls may be implemented along the steepest cut slopes, but are proposed in areas that are currently steep cut slopes). BMPs and habitat restoration will reduce impacts to the CRLF. Due to the potential to affect the CRLF, a federally listed species, consultation with the USFWS is necessary in accordance with legal requirements set forth under section 7 of the Federal Endangered Species Act (FESA; 19 U.S.C. 1536c). A Biological Assessment (BA) was submitted to the USFWS and Caltrans is consulting with USFWS to determine the level of impact to the CRLF. A Biological Opinion prepared by the USFWS and dated September 12, 2006 concluded that this project is not likely to adversely affect this species and that no further action is necessary.

CEQA Considerations
Less than significant impacts to the California red-legged frog pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
- Work within aquatic features shall not take place until there is a no-flow or no-surface water condition.

INSECTS
Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) FT
Due to the lack of detection during recent surveys, the proposed project will have no affect on this species.

FISHES
Delta Smelt (*Hypomesus transpacificus*) FT
Central Valley Steelhead (*Onochorynchus mykiss*) FT
Central Valley Spring-Run Chinook Salmon (*Onochorychus tshawytscha*) FT
Winter-Run Chinook Salmon (*Oncorhynchus tshawytscha*) FE
Green Sturgeon (*Acipenser medirostrus*) FC, SSC
Due to the project area being outside the range of the species and the lack of suitable habitat, the proposed project will have no affect on these species.

BIRDS
Bald Eagle (*Haliaeetus leucocephala*) FT
Due to the lack of suitable habitat, the proposed project will have no affect of this species.

MAMMALS
Pacific Fisher (*Martes pennanti pacifica*) FC, SSC
Due to the lack of suitable habitat, the proposed project will have no affect on this species.

2.3.6. Invasive Species

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

Affected Environment
Based on botanical surveys and review of these reports, the following invasive species occur within the project area: yellow star-thistle (*Centaurea solstitialis*), field bindweed (*Convolvulus arvensis*), Himalayan blackberry (*Rubus discolor*), and medusa-head (*Taeniatherum caput-medusae*).

Impacts
There is the potential for invasive species to be spread. The use of avoidance and minimization measures will reduce the risk of introducing additional non-native species to the area.

CEQA Considerations
Less than significant impacts due to invasive species pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
- No dry-farmed straw will be used and certified weed-free straw shall be required where erosion control straw is to be used.
- Hydro-seed mulch or any other erosion control application must also be certified weed-free.
- If a revegetation seed mix is to be used, the mix shall also be certified weed-free and contain native species appropriate for the project area.
- All off-road equipment shall be cleaned of potential noxious weed sources (mud, vegetation) before entry into the project area, to help ensure noxious weeds are not introduced into the project area.
- The contractor shall employ whatever cleaning methods (typically with the use of a high-pressure water hose) are necessary to ensure that equipment is free of noxious weeds.
- Equipment shall be considered free of soil, seeds, and other such debris when a visual inspection does not disclose such material.

2.3.7. Vegetation/Oak Woodlands

Regulatory Setting
Senate Concurrent Resolution #17 (SCR #17) requests all state agencies having land use planning duties and responsibilities to undertake to assess and determine the effects of their land use decisions or actions within any oak woodlands, that may be affected by their decisions or actions. The measure requests those state agencies to undertake, in the performance of their duties and responsibilities, measures to preserve and protect native oak woodlands to the maximum extent or provide for replacement plantings where designated oak species (Blue, Engleman, Valley, and Coast Live Oaks) are removed from oak woodlands (a five-acre circular area containing five or more oak trees per acre).

Affected Environment
Direct effects to native woody vegetation were quantified from aerial photography (and confirmed in the field) by measuring the area of canopy coverage provided by each tree/shrub or stand of trees/shrubs that are proposed to be removed during project construction. Indirect effects to native trees and shrubs adjacent to proposed cut and fill slopes are also possible. A number of trees and shrubs are located very close to the proposed limits of cut and fill. Damage to the root systems of this vegetation may occur due to soil compaction during fill activities or due to direct root damage during cut activities. Trees and shrubs that may be indirectly impacted were considered to be directly impacted for the purposes of this analysis and for determining revegetation amounts.

Impacts
Approximately 3.92 ha (9.69 ac) of interior live oak woodland and 0.71 ha (1.76 ac) of valley-foothill riparian woodland occur within the project area. The loss of interior live oak woodland and valley foothill riparian woodland habitat is summarized in Table 5. Construction activities and the requirement for a "Clear Recovery Zone (CRZ)" within the new right of way would necessitate removal and loss of portions of the interior live oak and valley-foothill riparian woodland habitat within the project area.

TABLE 5: VEGETATION REMOVAL IMPACTS

Resource	Amount in Project Area	Area of Adverse Impact
Interior Live Oak Woodland	3.92 ha (9.69 ac)	~~2.55 ha (6.29 ac)~~ 2.32 ha (5.73 ac)
Valley-Foothill Riparian Forest	0.71 ha (1.76 ac)	~~0.50 ha (1.24 ac)~~ 0.09 ha (0.23 ac)
TOTAL VEGETATION REMOVAL		**~~3.05 ha (7.53 ac)~~** **2.41 ha (5.96 ac)**

CEQA Considerations
Less than significant impacts to vegetation and oak woodlands pursuant to CEQA are anticipated.

Avoidance and Minimization Measures
Caltrans will comply with the intent of SCR #17. Only a small percentage of the vegetation to be removed consists of the species designated under SCR 17,however; T~~T~~he measures outlined in Section 2.1.7, "Visual/Aesthetics-Avoidance, Minimization and Mitigation Measures" will reduce the impacts to vegetation and oak woodlands and provide mitigation for the visual impact resulting from the removal of mature trees.

2.4. CUMULATIVE IMPACTS

Regulatory Setting

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

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

CEQA Guidelines, Section 15130 describes when a cumulative impact analysis is warranted and what elements are necessary for an adequate discussion of cumulative impacts. The definition of cumulative impacts, under CEQA, can be found in Section 15355 of the CEQA Guidelines.

Affected Environment

Caltrans internal files were reviewed for information about recent and current projects within and adjacent to the proposed project. Additionally, Caltrans "State Route Transportation Concept Reports (TCRs)" were reviewed for information regarding future plans for state routes within the project vicinity. Caltrans' TCRs document the planning strategies of the long range plans identified by the regional transportation agencies and metropolitan transportation organizations within a given state highway corridor, and establishes a 20-year planning concept. As state highway routes often pass through several regional planning agency jurisdictions, the TCR assimilates the regional strategies into one corridor specific planning document.

Caltrans' "State Route 49 Transportation Concept Report (Caltrans, 1990)" breaks SR 49 into 12 segments, two of which occur within the project vicinity. Segment 1 is currently a two lane conventional highway extending 9.8 miles from the Amador/El Dorado County line to the town of El Dorado. Future route concept improvements identified for this segment in Caltrans' TCR include rehabilitation as necessary to repair storm damage and to achieve minor operational and safety improvements providing level of service (LOS) "D", such as widened shoulders, left turn lanes, and passing lanes, as necessary.

Segment 2 is currently a two lane conventional highway extending 4.7 miles from the town of El Dorado to the town of Placerville. Near-future route concept improvements identified for this segment in Caltrans' TCR include rehabilitation as necessary to repair storm damage and to achieve minor operational and safety improvements, as in segment 1. Due to population growth along this segment, the future "concept facility" for

this segment is a re-aligned 4-lane expressway. As of this document no "Route Adoption Study" or any other planning efforts have been made to implement the future concept facility, and this concept facility is not likely to be implemented before the current SR 49 TCR is outdated (2010).

The proposed project is being constructed to address safety concerns and the high rate of vehicle accidents along this stretch of SR 49. The project does not incorporate features that will increase the level of service or capacity of the highway. There are no plans for new facilities or capacity increasing operational improvement projects for SR 49 within the project area. In addition, the project area has been disturbed by rural development including public and private roads and residences. These developments are likely to be retained in the future.

Impacts-Farmland

According to the California Department of Conservation's Farmland Mapping and Monitoring Program, El Dorado County lost 335 ha (828 ac) of "important farmland" (Prime, Unique, or Farmland of Statewide or Local Importance) between 2002 and 2004. This represents a loss of 1.3 percent of the County's total supply of "important farmland." While this is a perceptible impact to the supply of farmlands, the data do not suggest that farmland as a resource is in jeopardy: grazing land and important farmland represent nearly half of the land in the county. No cumulative impacts to farmland are expected.

Impacts-Biological Resources

The proposed project is not expected to result in significant cumulative impacts to biological resources because project related impacts are expected to be minor in scale. Avoidance and minimization measures, such as work windows, shall be implemented to reduce impacts and therefore will reduce cumulative impacts.

The removal of oak woodland and riparian vegetation adjacent to SR 49 may significantly contribute to adverse cumulative impacts to wildlife species, including migratory birds and special status species, however losses of oak woodland and riparian vegetation will be temporary, and the avoidance, minimization, and mitigation measures found in Section 2.1.7 of this document shall be implemented to reduce impacts and therefore cumulative impacts. Onsite revegetation is planned for this project. By observing these measures, the cumulative loss of woody vegetation caused by this project, in combination with the losses incurred from other past, present, and potential future projects, is not expected to result in significant permanent cumulative impacts to wildlife.

CEQA Considerations

Less than significant cumulative impacts pursuant to CEQA are anticipated.

CHAPTER 3. LIST OF PREPARERS AND TECHNICAL STUDIES

The following people assisted in preparing and evaluating this Initial Study/ Environmental Assessment and coordinating documents:

Jennifer Clark	Associate Environmental Planner
Joan Fine	Associate Environmental Planner, Architectural History
Jennifer Heichel	Associate Environmental Planner
John Holder	Transportation Engineer, Water Quality
Jeremy Ketchum	Senior Environmental Planner, S1 Branch Chief
Jason Meigs	Associate Environmental Planner, Biology
Mark Melani	Environmental Engineer, Hazardous Waste
Aaron McKeon	Associate Environmental Planner, Community Resources
Christine Ottaway	Landscape Associate
Kendall Schinke	Associate Environmental Planner, Archaeology
Ben Tam	Transportation Engineer, Air and Noise
Sharon Tang	Transportation Engineer, Air and Noise
Judy Tordoff	Associate Environmental Planner, Archaeology

The following technical reports were prepared in order to analyze the potential affects this project may have on the environment and to assist in preparing this Initial Study/ Environmental Assessment. These documents are available for review Caltrans North Region Office of Environmental Management, 2389 Gateway Oaks Drive, Sacramento, CA 95833.

Floodplain Analysis
Historic Property Survey Report
Initial Site Assessment for Hazardous Waste
Natural Environment Study
Air Quality, Noise and Energy Evaluation
Water Quality Assessment
Visual Impact Assessment
Community Impact Assessment

CHAPTER 4. PUBLIC REVIEW

A Public Workshop was held on October 26, 2005 at the El Dorado Union High School District Boardroom in Placerville. Project mapping and information were displayed and Caltrans staff were available for questions.

On December 30, 2005, Caltrans submitted the Highway 49 Realignment and Widening Initial Study (IS) and proposed Negative Declaration (ND) for public review. The public review period extended from December 30, 2005 to January 30, 2006. Caltrans sent a copy of the Initial Study to the following parties for review and comments:

Affected Property Owners and Businesses
Department of Conservation
El Dorado County Agricultural Commissioner
El Dorado County Board of Supervisors
El Dorado County Clerk Recorder
El Dorado County Department of Transportation
El Dorado County Main Library in Placerville and the Oak Ridge High School Library (to make available for public review)
El Dorado County Planning Services
El Dorado County Transportation Commission
State Clearinghouse (to be distributed to various state agencies)
Public workshop attendees
Miwok Tribe of the El Dorado Rancheria
Ione Band of Miwok Indians
El Dorado County Museum
El Dorado County Pioneer Cemeteries Commission
Susie Mickus
Don Douglas

A public notice describing the proposed project and Intent to Adopt a Negative Declaration appeared in the Mountain Democrat newspaper on December 30, 2005.

During the public review period Caltrans received several letters and emails about the proposed project. All comments made during the circulation period are contained in this chapter. Since many of letters and emails contained like comments on particular areas of concern, the comments are being grouped together under specific topics instead of being addressed individually. On the right side of each substantive comment, a vertical line and number appear. Responses to the comment letters and emails are located at the end of this chapter.

In addition, Caltrans personnel met with concerned property owners to discuss the project's impacts to cattle operations.

COUNTY OF EL DORADO

AGRICULTURAL COMMISSION

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Howard Neilsen, Chair – Livestock Industry
Greg Boeger, Vice-chair – Agricultural Processing Industry
Edio Delfino – Fruit and Nut Farming Industry
David Pratt – Fruit and Nut Farming Industry
Lloyd Walker – Other Agricultural Interests
Gary Ward – Livestock Industry
John Winner – Forestry/Related Industries

January 20, 2006

SENT U.S. POSTAL MAIL AND VIA E-MAIL (Jennifer_S_Clark@dot.ca.gov)

Jeremy Ketchum, Branch Chief, Environmental Management S1
Attention: Jennifer S. Clark, Environmental Coordinator
2389 Gateway Oaks Drive
Sacramento, CA 95833

SUBJECT: RESPONSE COMMENTS CONCERNING THE *EL DORADO 49 ROADWAY REALIGNMENT INITIAL STUDY WITH PROPOSED MITIGATED NEGATIVE DECLARATION*

Dear Mr. Ketchum:

At the El Dorado County Agricultural Commission's meeting held on January 11, 2006, discussion took place on the Initial Study of CalTrans' proposed El Dorado 49 Roadway Realignment Project. The Commission's main goal and duty is to protect agricultural lands for current and future generations. Listed below is a summary of the various concerns the Commission has expressed with the Initial Study of the El Dorado 49 Roadway Realignment Project.

1. **Identified Alternatives**: CEQA requires a reasonable range of alternatives to be reviewed and analyzed. The Initial Study only identifies one (1) alternative, which is the "no build". The Commission finds the lack of alternatives unacceptable since the affected agricultural land is part of a vital and productive agricultural operation. **1**

2. **Accident Location Identifiers**: Although the Initial Study reported that 25 non-fatal accidents occurred in this project area within a three (3) year period, the exact locations of the accidents were not indicated nor were specific causes identified, thus, not distinguishing if one particular area of the road was less safe than the others or if alcohol played a role in the overall danger. This information would greatly assist in helping the public to ascertain if all of the requested amount of agricultural land would be needed in order to reduce the number of accidents on that stretch of road. **2**

3. **Project Size**: Many of the accidents that have occurred in the project area appear to be due to the cars going off the edge of the paved portion of the road which then may cause the driver to over-correct. This identified stretch of road has not been properly maintained for many years (brush clearing, ditches, road shoulder erosion, etc.). Perhaps regular maintenance of the road could decrease accidents instead of implementing this massive and expensive overhaul.

4. **No Mitigation Measures are Included for the Loss of Agricultural Lands**: The affected agricultural land is currently being leased for cattle grazing and contains a gate where the land is level enough to transfer cattle. It also contains a winter spring which is used to provide drinking water for the cattle. Many of the identified agricultural lands produce an abundant crop of forage for cattle grazing. If the 7-13 acres of agricultural land are removed from grazing land production, it may have a significant impact to the amount of cattle that can graze that particular parcel. If too many areas of good forage production are removed, it will no longer make economic sense to expend the energy, time and expense to place cattle on this land. No mitigation measures for these issues were identified in the Initial Study. **3**

5. **Retaining Walls**: In order to preserve some of the vital agricultural land that contains the spring, retaining walls should be utilized. However, CalTrans has indicated that although that had been a possibility, individuals from surrounding **residential** neighborhoods did not consider them aesthetically pleasing, so that option was not included. This Commission was disappointed that CalTrans placed a higher priority on the aesthetic viewpoints of non-agricultural residents rather than the vitality and productivity of agricultural lands and the existing agricultural operation on that land. Additionally, the individuals that were consulted regarding the retaining walls do not have to give up the loss of their property. When questions such as this occur, they typically are in favor of proposals that have no impacts to them. **4**

6. **General Plan Requirement for Agricultural Land Compensation**: El Dorado County's General Plan requires that agricultural lands that are taken out of production are to be replaced. The Initial Study does not address this requirement. **3**

Although the Agricultural Commission understands and supports making public safety a top priority, it is our duty and responsibility to also protect agricultural lands to the best of our ability. As this project currently stands, this Commission feels that it could have a very significant impact to the affected agricultural land based on the amount of agricultural land desired by CalTrans and the acquisition locations on those grazing lands.

If you have any questions, please contact the Agriculture Department at (530) 621-5520.

Sincerely,

For Howard Neilsen, Chair
El Dorado County Agricultural Commission

HN:cmt

cc: Board of Supervisors
Greg Fuz, Director, Development Services
Richard Shepard, Director, DOT

El Dorado County Farm Bureau
2460 Headington Road • Placerville, CA 95667
(530) 622-7773 • Fax (530) 622-7839 • edcfb@d-web.com

January 30, 2006

Sent via U.S. Post and e-mail

California Department of Transportation
Jeremy Ketchum, Branch Chief, Environmental Management S1
Attention: Jennifer S. Clark, Environmental Coordinator
2389 Gateway Oaks Drive
Sacramento, CA 95833

Subject: El Dorado 49 Roadway Realignment Initial Study with Proposed Mitigated Negative Declaration

Dear Mr. Ketchum,

The El Dorado County Farm Bureau represents over 1750 members in the county. Our mission is to preserve and promote agriculture in the county and to ensure its continued economic viability. We have reviewed the subject document and provide the following comments on the proposed project:

1. **Agricultural Commission comments incorporated.** We participated in the workshops conducted at the Agricultural Commission this past fall and in January 2006. We concur with the comments expressed in the Agricultural Commission letter dated January 20, 2006, and they are hereby incorporated in their entirety in our comments by reference.

2. **General Plan objectives not met.** The General Plan states that it is the goal of the county to protect agricultural land. This is accomplished by means of zoning, agricultural districts, Williamson Act contracts, and loss threshold protections. Objective 8.1.3.4 states that there will be a 1:1 ratio for the significant loss of agricultural lands. Caltrans has not identified how they will meet this requirement by replacing 13 acres of grazing land that will be taken out of production by this project.

3. **Farmland impacts understated.** The loss of this excellent grazing land will have a more significant impact on local agricultural use than stated in the project analysis. Due to the wide swath of land being proposed to straighten the road, cattle loading/unloading access will be impacted. The springs which feed the pastureland will also be negatively impacted which will degrade the quality of this land's use as grazing land. Further, the number of head that can be grazed on the diminished parcel could make it economically infeasible for movement of cattle for grazing. Therefore, this will result in a change to the land use. The Farmland Conversion Impact Rating should be amended to reflect the creation of nonfarmable land, the percent of site being farmed, and the impact to existing **3**

Protecting the productive, economic and social viability of El Dorado County agriculture and farmers

agricultural use that will be the result. Based on these factors, we believe the NRCS should be requested to perform an analysis of the relative value of the farmland (Section V on Form AD-1006).

4. **Loss of land from tax rolls.** Although the land generates a reduced property tax value based on Williamson Act calculations, the state's subventions provide a source of revenue to El Dorado County. By taking 13 acres out of productive agricultural use, there will be a reduced amount of revenue to the county's tax rolls. **12**

5. **No agricultural impacts identified or mitigated.** CEQA requires the identification and mitigation of impacts to the land use based on project analysis. The staff analysis is incomplete as no project impacts were identified, including the ones stated in Item 3 above. As a result, no mitigations for the impact to the agricultural land have been identified. Providing no mitigation for true impacts is inadequate and does not meet the requirements of state law. **3**

6. **Project design does not consider agricultural use.** It appears that the project design is overkill for the intended purpose of road safety. While we support projects that improve public safety, we believe that this project fails to consider the negative effect on existing agricultural operations. A lot of weight seems to have been given to the aesthetic value of the road design for passers by resulting in the taking of agricultural land for gradual sloping instead of using retaining walls. We assert that productive grazing land is aesthetically pleasing and that this project should seek to minimize impacts to that grazing. **2**

More care should have been taken to identify and mitigate the impacts to the affected agricultural lands. We request that Caltrans review this project to determine alternative design features that will provide the safety benefits without cutting such a large path through ideal grazing land.

We hope that Caltrans will review other project alternatives based on these and other public comments. We request to be included on the contact list for all future meeting notices and public releases of documents related to this project. We appreciate the opportunity to comment on this proposal.

Sincerely,

Carlan V Meyer

Carlan V. Meyer, President

cc: El Dorado County Board of Supervisors
Greg Fuz, El Dorado County Development Services
Richard Shepard, El Dorado County Department of Transportation
Bill Stephans, El Dorado County Agricultural Commission
Kathryn Mathews, El Dorado County Transportation Commission
John Gamper, California Farm Bureau Federation

Jeremy Ketchum, Branch Chief
Attn: Jennifer Clark, Environmental Coordinator
2389 Gateway Oaks Drive
Sacramento, CA 95833

RE: Highway 49 Widening south of El Dorado,
APN # 092-011-0910 & 092-011-1010

Dear Mr. Ketchum:

Thank you for the opportunity to comment on the proposed Highway 49 widening and realignment project initial study. The majority of the projects land acquisitions and impacts would occur on the Bidstrup Ranch lands and we are concerned over the scope and the project and potential impacts to quality of life on the Ranch, impacts to Ranch operations, loss of mature oak trees, and other issues as noted below. Although the potential impacts and general proposed mitigation are acknowledged in the study, site specific mitigation is lacking for Ranch.

Specific Comments are as follows.

1. Pg. 2, paragraph above Alternatives. Include construction of driveways to access gates that are essential for ranch operations. Fences will need to be reconstructed prior to the start of construction to contain livestock. **5**

2. Pg 2. Section 1.3, Alternatives. Build or no build are not a range of alternatives that meet CEQA requirements for viable alternatives to the proposed action. It is requested that alternatives be identified that would reduce impacts to trees and the amount of cut and fill. Some possible alternatives include moving the proposed project farther from Logtown Creek to reduce impacts to wetlands and trees or not building the project and using resources to improve Union Mine road that is identified for bike lanes and may be a more suitable route. **1**

3. Pg 2. Section 1.4, Permits. No documentation of consultation with USF&W has been included with the study report. Impacts to migratory birds and other wildlife due to the loss of about 370 trees including many matures oak trees along Logtown Creek is not mitigated by planting seedlings. We are interested in reviewing USF&W's assessment of these long term significant impacts to an important wildlife corridor. **6**

4. Pgs. 7 and 8, Section 2.1.3. Impacts to Farmlands and Williamson Act Lands. We strenuously object to both the conclusion that less than significant impacts would occur to farmlands and Williamson Act lands and the method used to quantify impacts. Bidstrup Ranch lands comprise 100% of the Williamson Act farmlands and about 80% of all private lands that would be impacted/acquired for the project. Without a site specific analysis of impacts to the Bidstrup Ranch and specific mitigation plan, as has been done for other resources, it cannot be concluded that there would be less than significant impacts at this time. Just because the percent of land impacted within a subject parcel is small doesn't mean that the impact is insignificant. Significant potential impacts to the Bidstrup Ranch include loss of access from Highway 49 essential for ongoing ranch operations and fencing issues. **3**

We also disagree with many of ratings used to quantify impacts to farmlands in appendix B, however since changing the ratings to significant would only result in consultation with NRCS we will defer specific comments pending adequate resolution of issues related to the subject Bidstrup Ranch parcels.

5. Section 2.1.7. Visual/Aesthetics. We are especially concerned that the removal of any large trees in the vicinity of the ranch house at 5300 Hwy 49 south (viewshed 3) would reduce the visual and aesthetic value of the land and improvements. The conclusion that the visual and aesthetics are adequately addressed by the proposed mitigation is not supported in the study report as there is no site specific analysis or mitigation proposed for this area. **7**

6. Section 2.3.2 Wetlands, pg 34 last bullet under a Avoidance, Minimization and Measures.

This section contains only vague assurances that mitigation would be completed and is inadequate to conclude that less than significant impacts would occur. A site specific mitigation plan is necessary prior to any decision document.

7. Pg 36, Section 2.3.4 Animal Species, Impacts. The proposed optional mitigation states "if possible, woody vegetation removal will be conducted outside of the expected nesting season for migratory birds in this area" is not a required mitigation and doesn't support a conclusion that less than significant impacts would occur. **6**

Section 2.3.7 Vegetation/Oak Woodlands

Senate Resolution # 17 is acknowledged, however there is no effort what so ever to develop mitigation or alternatives that would reduce impacts to oak woodlands. Concluding that planting seedlings would mitigate the loss of hundreds of mature trees is especially specious. The loss of hundreds of mature trees is a long term significant impact in that not mitigated and as such requires a higher level of analysis such as an Environmental Analysis or Environmental Impact Statement.

Conclusions

The project exceeds the scope provided for in a categorical exclusion due to the potential for significant impacts. An environmental analysis should be prepared that contains site specific mitigation for the Bidstrup Ranch. Written responses to comments are requested. We are willing to meet with a Caltrans representative to identify Bidstrup Ranch issues and mitigation. We will also require an opportunity to review and comment on project design drawings and specifications to ensure that Ranch operations are not hindered. **11**

Proper notice of appeal rights are requested prior to any decision document.

Please be aware that Walter Bidstrup passed away on 8/6/2005 and that Ronda Brooks is the executrix for the Bidstrup trust. The contact information is as follows:

Ronda Brooks
Executrix Bidstrup Ranch Trust
Steven Brooks
U.S. Forest Service On-Scene-Coordinator (retired)
14968 Berkshire Cir.
Truckee, Ca 96161

(530) 587-6034

Sincerely,

Ronda Brooks

Ronda M. Brooks

1/26/06

Cc:
Howard Neilson
Chairman, El Dorado County Ag Commission

Kelley Carroll
Attorney, Porter Simon P.C.

Forni Ranch
P.O. Box 173, El Dorado, CA 95623 530-622-3797

January 26, 2006

Jeremy Ketchum, Branch Chief
Environmental Management S1
2389 Gateway Oaks Drive
Sacramento, CA 95833

ATTN: Jennifer S. Clark, Environmental Coordinator

Dear Ms. Clark:

Following are comments regarding the El Dorado 49 Roadway Realignment and its effect on our property:

We agree that the referenced area of Highway 49 needs to be improved, however, we also believe Caltrans has proposed a taking of private property larger then the project warrants. It is our belief that Highway 49 can be made safer within the current road boundaries in certain areas. For example, the stretch of road in the area of Sierra Real Road currently part of the existing right of way, and the stretch of road bordering Forni property toward the south end of the project, also part of the current right of way, appears to be wide and sufficient. The proposal to purchase even more land in the above referenced areas, so much so that a rock wall would need to be replaced, seems extreme. **2**

With regard to Forni property, by moving the road uphill to the east of the existing lanes of travel means encroaching into an area of historical value. It would also create an area of Forni and Bidstrup grazing land that would become isolated from use. I refer specifically to Layouts 3 and 4. **8**

This *Initial Study* document indicates that 370 mature trees would be removed. By paring down the project, and staying closer to the existing boundaries, Caltrans can:

1. Save money.
2. Lessen the environmental impacts on nesting birds and bats.
3. No land would be left isolated as referenced above.
4. The road could still be made safer, but not become the *racetrack* your proposal would create.

Some matters were not discussed in the study. Therefore, we have the following questions:

1. Is Caltrans prepared to pay not only for the value of the property they will seize, but also for the yearly loss of the grazing value? Forni Ranch is an active cattle ranch, grazing land equates to feed for our cattle. **8**
2. Will Caltrans buy the land referred to in Layouts 3 and 4 and also pay for the land that becomes isolated between the current and proposed realignment?

3. What type of fencing will Caltrans use to replace existing fencing? This needs to be specifically stated in your documentation. **5**
4. Your Layouts do not indicate how far outside the *edge of shoulder* line the proposed right of way is going to be. This, too, needs to be stated in your documentation for accurate commenting. **8**

In closing, we would like to point out that we were never notified of the October 2005 workshop—a meeting we certainly would have attended. Please make certain that we are notified of such meetings in the future.

We look forward to your reply.

Sincerely,

George Forni

George Forni
APN #092-490-0410

January 13, 2006

Mr. Jeremy Ketchum, Branch Chief
Environmental Management S1
2389 Gateway Oaks Drive
Sacramento, CA 95833

Attention: Jennifer S. Clark, Environmental Coordinator

Dear Mr. Jeremy Ketchum:

I want to share some of my comments and observation with you. First, let me thank you for sending me the latest project study booklet. I have been following this particular project of Caltrans from early in its study, when I first noticed the surveyors in the area. I think this is evident from my letter to our Governor, dated December 3, 2004, which I have enclosed a copy.

I feel Caltrans has performed poorly on this 1.7 mile section of Highway 49, by not keeping it maintained in a safer condition. For example, there are deep shoulder drop offs, drain ditches that are not kept clear, road side brush is also not kept clear, which is an obstruction for clear vision, reflector markers are not adequate, road striping and reduced speed for curve signs are not adequately maintained. In my opinion, these are a few things, that should be properly maintained in order to insure the safety of the motorists using this section of Highway 49.

It appears that Caltrans relies solely upon computer models, rather than common sense. If you ever have had to leave the paved roadway on the shoulder, where there is a 2 to 6 inch drop off, you would find it hard to steer left to come back on the main roadway and would more than likely end up on the other side of the road and in the ditch. I strongly believe this project will open up that 1.7 mile section of Highway 49 to 70+ mph traffic, although the speed limit is 55 mph. In checking with the California Highway Patrol, I find at this time, there have been no fatalities due to vehicles running off the road. I think it's not hard to understand with much higher speeds we will see a new picture of highway deaths on this section of Highway 49. **2**

Last but not least, it is the concern of some people, that Caltrans will destroy forever the old historic 49 trail, which is the basis of this road. In addition, the destroying of at least 100 old oak trees which will have to be removed to straighten this 1.7 mile road. **9**

I would appreciate receiving a reply to my letter and thank you for taking your time to consider my comments and observations.

Don W. Douglas

East China Hill Community Services District

James A. Koltun, President
East China Hill CSD
5230 Tioga Lane
El Dorado, CA 95623

Phone: 530 642-9834
Fax: 530 642-0443

January 23, 2006

Jeremy Ketchum
Branch Chief, Environmental Management S1
2389 Gateway Oaks Drive
Sacramento, Ca 95833

RE: Cal Trans proposed project
El Dorado County from (KP) 10.6 to 13.2, postmile (PM) 6.6 to 8.2

Mr Ketchum,

The East China Hill CSD has reviewed the above mentioned project and has the following comments regarding the impact to the community in regard to this proposed project. The CSD provides road maintenance on East China Hill Road from its intersection of Highway 49 east to the intersection of Union Mine Road.

East China Hill Road is private road that is privately maintained through funds collected from residents within the CSD. The East China Hill Board of Directors objects to the proposed use of East China Hill Road as a detour route for this proposed project for the following reasons:

- East China Hill Road is a private road and permission for the use of the road for the purpose of a detour would require approval from the board and residents.
- East China Hill Road was constructed to support only the traffic from the residences within the community. The road has no shoulders and in some areas is only one lane wide. The board has serious safety concerns that the increased volumes of traffic will likely result in automobile accidents. We also would like to note that high volumes of traffic on this road are likely to cause severe damage to the road and private property. **10**
- The road serves a turnaround point for the School buses at both the Highway 49 and Union Mine intersections. Subjecting the road to increased traffic flow is a safety concern for the residents whose children are aboard these buses.
- Since the pickup and drop off points for the school buses are at the Highway 49 and Union Mine Intersections children walk to and from the bus stops on the roadway as there are no shoulders on the road. The board has grave concern for the safety of the children with the increased traffic flow from a proposed detour.

Mr. Ketchum, we believe that the proposed project could be executed without the use of East China Hill Road as a detour. There have been many previous improvements done on Highway 49 in the past, between El Dorado and Plymouth that have not involved detours. The board fails to see why the project necessitates the use of East China Hill road as a detour.

Sincerely,

Printed Name	*Signature*	*Title*
ED AUGUSTA	Ed Augusta	General Manager
JIM KOLTUN	Jim Koltun	President - Chairman
JOHN REINER	John Reiner	Board Member
STUART MACY	Stuart Macy	Board Member
Karen Kelly	Karen Kelly	Board Member
RICHARD PARSONS	Richard Parsons	Board Member

"Joseph E. Grossman"
<grossmanje@mlusd.net>
01/30/2006 01:56 PM

To "Jennifer S" <Clark@dot.ca.gov>
cc "Shanda G. Hahn" <Hahnsg@mlusd.net>
bcc
Subject El Dorado 49 Roadway Realignment

Jennifer,

Mother union School District runs 8 buses daily through this project. First viewing this project I was not concern except for the delays that it would bring to my routes and students.

It has come to me attention that East China Hill Road may be used as a detour route.
My first question is why this would be necessary?
Secondly, 40 foot busses on east China is not a good idea at all. Plus, there are buses from the High School that would be involved in this also.

The issue of our buses on this narrow road is a big safety concern of mine and this District.
Please contact me about these concerns.
Sincerely,
Joe Grossman
Mother Lode Union School District
Director of Maintenance/Operation/Transportation
530-622-6464ext233

10

"Joseph E. Grossman"
<grossmanje@mlusd.net>
01/31/2006 07:32 AM

To <Jennifer_S_Clark@dot.ca.gov>
cc "Shanda G. Hahn" <Hahnsg@mlusd.net>
bcc
Subject El Dorado 49 Roadway Realignment

Jennifer
It dawned on me at 2:00 O'clock this morning what your detour is doing.
The detour dose not help our bus routes at all. 5 different routes go through that area a day. That does not count the high school routes.

We must go through your construction area to serve some of the following areas.
East China road/49 plus we turn around at west china/union mine road.
We must go through the construction area for the following stops.
Gold Beach turnaround.
Sandridge
Union Mine
Crystal Blvd. and (what about Bobs)
Galena
Dolomite
5137 Hwy 49
These are some of the streets that we service plus the high school system.
As I understand the detour, it would be China Hill and south on Union Mine road, This dose not work for us.
Thank you very much,
Please contact me or correct me if I am not under standing this detour correctly.

Joe Grossman
M.O.T. director
Mother Lode Union School Dist.

msmeltzer@co.el-dorado.ca.us
01/31/2006 11:19 AM

To Jennifer_S_Clark@dot.ca.gov
cc ldiamond@co.el-dorado.ca.us
bcc
Subject El Dorado 49 Roadway Realignment

Jennifer Clark
Environmental Coordinator
Caltrans

The following are comments for the El Dorado 49 Roadway Realignment Project Initial Study with Proposed Mitigated Negative Declaration. This project proposes to realign curves and widen shoulders to improve safety on State Rte 49 south of El Dorado in El Dorado County.

The County is concerned about the proposed traffic detour to Union Mine Rd. by way of China Hill Rd. East China Hill Rd is a private road and not a County owned or maintained road. This is a narrow residential roadway with bus stops and children at play. Potential detour impacts to this roadway should be in agreement with the East China Hill Community Service District, 5101 East China Hill Rd., El Dorado, CA 95623. Contact person for this Special District is Karen Kelly at (530) 295-1041. **10**

The County is also concerned with proposed traffic detour volumes on Union Mine Rd. The County looks forward to working with Caltrans for an agreement for detours on Union Mine Rd and other potential County roads.

Sincerely,
Matt Smeltzer
Supervising Civil Engineer
El Dorado County
Department of Transportation
2850 Fairlane Ct.
Placerville, CA 95667

(530) 621-5916 phn.
(530) 626-0387 fax

"Noelent"
<noelent@internet49.com>
01/22/2006 03:36 PM

To <jennifer_s_clark@dot.ca.gov>
cc
bcc
Subject hwy 49

The idea of "fixing 49" is rediculous. To maintain hwy 49 is one thing, but to put so much money to "improve" it is just plain silly. I have lived in Placerville all of my life and have lived on hwy 49 for 20 years and have never had an accident on hwy 49. The problem isn't the road, it is the drivers. I have seen so many close calls caused by people being idiots. Many try to pass on bad corners, there is alot of tailgateing, and just plain rude and bad behavior. Many people think that hwy 49 is an autoban. We need more highway patrols out here to make people behave and I bet the accidents will decrease. Wether or not the road is "fixed" the attitudes of the drivers will stay the same. **13**

richard lamparter
<r_lamparter@yahoo.com>
01/23/2006 08:26 AM

To jennifer_s_clark@dot.ca.gov
cc
bcc
Subject Hwy#49 El Dorado

I drive Hwy49 between Ore Ct. and China Hill and it needs your presented up-grade. I'm also a retired Deputy Sheriff/Coroner and I no first hand the dangers. Bicycle riders touring though on Hwy49 have only the "fog line" to keep from being hit. Do you have any stats of how many deer have been hit by cars. My wife did and it cost $800 for her Honda. Don't listen to our Eg Dept as they are bias. They are anti-everything in this county. Let's play it safe and upgrade this section of Hwy49. Sincerely, R. Lamparter **13**

"grover greeves "
<grovergreeves @hotmail.com>
01/26/2006 01:15 PM

To jennifer_s_clark@dot.ca.gov
cc
bcc
Subject Highway 49 Project

Leave Hwy 49 alone, its safe enough for responsible drivers. Also, sections of road like you wish to 'improve' play an important role for society. They weed out the drunks and punks who would endanger the public on busier thoroughfares. **13**

RESPONSES TO COMMENTS

1. Range of alternatives

CEQA requires agencies to consider a reasonable range of alternatives when preparing an EIR. There are no such requirements for the preparation of an Initial Study. However, during project development and after the circulation of the Initial Study several different design options were considered to reduce impacts to environmental resources. The build alternative is considered the most effective alternative at reducing environmental impacts and improving safety.

2. Need for project

The accidents within the project limits are concentrated at the curve just north of Ore Court, in the middle of the project limits, and at the northern end of the project just south of the tree farm. 75% of the accidents are run off the road type accidents. Past experience from our traffic safety engineers as well as national studies have shown that signs, striping, etc, are limited in reducing collisions and will not lead to reducing collisions that are sustainable over the long or short on roadways that have this type of geometrics. Increased maintenance activities would not provide the safety benefits that will be gained by increasing lane width, providing shoulders, improving the horizontal and vertical curve alignments, flattening out the roadside, and eliminating fixed objects within the recovery area.

3. Farmland

Mitigation measures for agricultural lands and impacts to spring and gate

This project will not result in a potentially significant impact or significant impact to agricultural lands and therefore mitigation is not required.

Caltrans has attempted to modify the proposed project to result in minimal impacts to agricultural lands while still meeting the purpose and need of the project. There are numerous other resources in the area, including cultural resources, riparian habitat, and wetlands that also have to be taken into consideration. Further consultation with the NRCS indicates that impacts to grazing land in this area would not be considered significant. The proposed project would require approximately 7.3 acres of productive grazing land from the 620 acre Bidstrup Ranch and approximately 2.9 acres from the adjacent 118 acres of grazing land owned by Mr. Forni. It is unlikely that these losses would necessitate the conversion of these parcels to non-agricultural uses.

The spring in question would not be affected by the project. The gate between the Bidstrup and Forni properties will be replaced in a suitable location, in cooperation with these property owners, before removal of the existing gate.

General Plan requirements

The county's general plan states a 1:1 ratio for the significant loss of agricultural lands. The majority of the farmland to be acquired by the proposed project is not classified by the county or the NRCS as high-quality agricultural land. Impacts to agricultural land would not be significant.

Ratings used to quantify impacts to farmlands

Based on the information received during circulation of the Draft Environmental Document, including discussions with the property owners and cattle ranchers in the

project area, three of the scores on the Farmland Conversion Impact Rating Form were increased, as follows:

- Form AD 1006 Question 3 Form – Percent of Site Being Farmed: this score was raised from 0 to 1. The score is low because most of the area is not managed for a scheduled harvest of any kind, other than the Christmas tree farm.
- Form AD 1006 Question 9 – Availability of Farm Support Services: this score was raised from 2 to 5, to account for the availability of ranching support services in the area.
- Form AD 1006 Question 10 – On-farm Investments: this score was raised from 0 to 3, in light of the fences, gates, and livestock loading/unloading facilities on site.

For further information on the scale included in the federal statute for these questions, see USC 4201 – 4209 and its implementing regulations, 7 CFR Ch. VI Part 658. Increases in these scores led to consultation with the NRCS. The result of this consultation was a total score for this project of 111 points. According to the federal regulations, a score above 160 indicates that the site in question should be considered for protection as farmland. A score below 160 indicates that a site need not be given further consideration for protection as farmland, and that no additional sites need to be evaluated.

Impacts to farmlands and Williamson Act lands

As a project funded in part by the Federal Highway Administration, the proposed project is subject to the Farmland Preservation Policy Act (FPPA). This requires consultation with the Natural Resources Conservation Service (NRCS) and the completion of a Farmland Conversion Impact Rating Form, which provides a means of gauging a project's impacts on farmland resources. In this case, the proposed project's "score" on the impact rating form is well below the thresholds for a significant impact to farmland, as defined in the federal regulations; the proposed project would not remove a large amount of high-quality land from agricultural production. The project would perpetuate existing access and would be unlikely to alter agricultural uses on this 620-acre ranch to non-agricultural use. The project would not affect the Bidstrup's ranch Williamson Act status. Only the land incorporated into the transportation facility would be removed from the existing Williamson Act contract. While State law discourages the conversion of Williamson Act land through eminent domain, in this case the State highway passes through a Williamson Act parcel. The highway cannot be widened in this area without affecting this parcel. According to *The California Land Conservation (Williamson) Act 2006 Status Report* (California Department of Conservation, May 2006), there was a total of 35,153 acres under Williamson Act contracts in El Dorado County in 2004. The acquisition of 7.30 acres for this project would therefore represent a loss of approximately .0002 percent of the county's Williamson Act lands. This project will not result in a potentially significant impact or significant impact to Williamson Act lands.

4. Retaining walls

Short retaining walls are being used on the west side of the highway to avoid impacts to wetlands and the creek. These retaining walls will not be visible from the highway. The use of retaining walls on the east side of the highway was considered but withdrawn due to the high cost of the walls and because the walls would have to be as high as 8m (26.2ft) and would only save minimal amounts of land.

5. Fences and driveways

If fencing is affected by the project, it will be replaced with new fencing equivalent to the existing fencing. Where fencing is required for livestock containment, replacement fencing will be installed prior to the removal of existing fencing. Driveways affected by the project will be replaced during construction, as necessary, according to Caltrans design standards.

6. Biology

Caltrans has been in consultation with the USFWS regarding this project's potential impacts (see section 2.3.5). The federal Migratory Bird Treaty Act (MBTA) states that it is unlawful to "pursue, hunt, take, capture, kill, attempt to take, capture, or kill...any migratory bird." Measures as listed in section 2.3.4 will be implemented to protect migratory birds during their nesting season. This project was designed to avoid impacts to oak woodlands and other vegetation to the maximum extent possible, and impacts to habitat will be temporary as vegetation re-establishes. Detailed wetland mitigation and revegetation plans will be prepared once design plans have been finalized.

7. Visual resources

Based on existing plants, trees will not be removed in front of the ranch house at 5300 Hwy 49. A detailed revegetation plan will be prepared after final design that will include plantings throughout the project. To the extent possible, mature trees will be left in place.

8. Right of way (R/W)

The project will not result in isolated areas of land. The old road will be ground up and revegetated. After final environmental approval, Caltrans Right of Way Department will coordinate with affected property owners concerning compensation for loss of property in compliance with all applicable state and federal laws. The new ESL maps in Appendix F show the proposed R/W lines.

9. Historic trail

As discussed in section 2.1.8 of this document, the project area was evaluated for cultural resources in accordance with all applicable federal and state laws. Two cultural resources were identified within the project's APE. The California State Historic Preservation Officer (SHPO) reviewed and concurred with Caltrans findings of eligibility for these resources and on November 1, 2006 the FHWA, the SHPO, and Caltrans signed a Memorandum of Agreement (MOA) that includes measures to protect and mitigate impacts to cultural resources.

10. Detour

Exact construction operations are not known at this time. It is anticipated that 2-way traffic control will be used during construction and clean up operations. Blasting work may necessitate the use of a detour. If a detour is necessary, it is anticipated that Union Mine Road will be used, rather than East China Hill Road, and blasting will be limited so as not to interfere with school bus routes. We look forward to working with interested parties to reach an agreement on detours during construction.

11. NEPA Document

Please note that this document was prepared to meet the requirements of the California Environmental Policy Act only. Questions or comments regarding the National Environmental Policy Act should be directed to the California Division of the Federal Highway Administration.

12. Loss of land from tax rolls

Caltrans is required to follow all state laws and regulations governing the conversion of Williamson Act lands. As noted in Section 2.1.3 of this document, of the approximately 14.50 acres of farmland acquisition required for this project, just 7.3 acres are under Williamson Act contracts. The payment of subventions would continue on the Williamson Act land not incorporated into the proposed project. The per acre value of State subvention payments depends on the quality of the soil in question and the land's proximity to urbanized areas. Given the relatively poor soil quality in the project area, the subventions being paid are most likely quite low.

13. General Comments

Caltrans thanks the public for their comments regarding this project. Please see the various other sections in this chapter regarding the overall environmental impacts of this project.

APPENDIX A. CEQA CHECKLIST

The following checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. The CEQA impact levels include potentially significant impact, less the significant impact with mitigation incorporation, less than significant impact, and no impact. Please refer to the following for detailed discussions regarding impacts:

CEQA:

- Guidance: Title 14, Chapter 3, California Code of Regulation, Sections 15000 et seq. (http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines/)
- Statutes: Division 13, California Public Resource Code, Sections 21000-21178.1 (http://www.ceres.ca.gov/topic/env_law/ceqa/stat/)

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	✓	☐	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	✓
AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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?	☐	☐	✓	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	✓	☐
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	✓
AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	✓

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
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)?	☐	☐	☐	✓
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	✓
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	✓
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?	☐	☐	✓	☐
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?	☐	☐	✓	☐
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?	☐	✓	☐	☐
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?	☐	☐	☐	✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	✓
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?	☐	☐	☐	✓

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	✓	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	✓
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	✓
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.	☐	☐	☐	✓
ii. Strong seismic ground shaking?	☐	☐	☐	✓
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	✓
iv. Landslides?	☐	☐	☐	✓
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	✓	☐
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?	☐	☐	☐	✓
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?	☐	☐	☐	✓

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d) Be located on a site 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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
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?	☐	☐	☐	☑

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☑
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)?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☑
f) Otherwise substantially degrade water quality?	☐	☐	☑	☐
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?	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☑
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?	☐	☐	☐	☑
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	☐	☐	☐	✓
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?	☐	☐	☐	✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	✓
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?	☐	☐	☐	✓
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?	☐	☐	☐	✓
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?	☐	☐	☐	✓
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	✓	☐
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?	☐	☐	☐	✓

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☑
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)?	☐	☐	☐	☑
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
PUBLIC SERVICES - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☐	☑
b) Police protection?	☐	☐	☐	☑
c) Schools?	☐	☐	☐	☑
d) Parks?	☐	☐	☐	☑
e) Other public facilities?	☐	☐	☐	☑
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?	☐	☐	☐	☑

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	✓
TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	✓
b) Exceed, either individually or cumulatively, a level of service standard 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) Result in inadequate parking capacity?	☐	☐	☐	✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	✓
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?	☐	☐	☐	✓

	CEQA			
	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☑
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?	☐	☐	☐	☑

MANDATORY FINDINGS OF SIGNIFICANCE -

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

APPENDIX B. FORM AD-1006

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request
Name Of Project: El Dorado 49 (Logtown)	Federal Agency Involved: FHWA
Proposed Land Use: Highway	County And State: El Dorado, CA
PART II *(To be completed by NRCS)*	Date Request Received By NRCS

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).*	Yes ☑	No ☐	Acres Irrigated: 0 / Average Farm Size: 116 acres
Major Crop(s): Grazing	Farmable Land In Govt. Jurisdiction Acres: 117,000 %		Amount Of Farmland As Defined in FPPA Acres: %
Name Of Land Evaluation System Used	Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	13.0			
B. Total Acres To Be Converted Indirectly	0.0			
C. Total Acres In Site	13.0	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	0.0			
B. Total Acres Statewide And Local Important Farmland	0.3			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.0			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	0	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use	15	15			
2. Perimeter In Nonurban Use	10	10			
3. Percent Of Site Being Farmed	20	0			
4. Protection Provided By State And Local Government	20	20			
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average	10	10			
8. Creation Of Nonfarmable Farmland	25	0			
9. Availability Of Farm Support Services	5	2			
10. On-Farm Investments	20	0			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	57	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	57	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	57	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

(See Instructions on reverse side)

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Clear Form

Form AD-1006 (10-83)

FORM AD-1006 (Revised)

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 2/3/06
Name Of Project El Dorado 49 (Logtown)	Federal Agency Involved FHWA
Proposed Land Use Highway	County And State El Dorado, CA
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 02-22-06

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).* Yes [X] No [ ]

Acres Irrigated 0 4738 | Average Farm Size 135

Major Crop(s)	Farmable Land In Govt. Jurisdiction	Amount Of Farmland As Defined in FPPA
Timber, Fruit & Nut, Livestock	Acres: 12,646 1.1%	Acres: Data NA %
Name Of Land Evaluation System Used: California Storie System	Name Of Local Site Assessment System: None	Date Land Evaluation Returned By NRCS: 2-27-06

PART III *(To be completed by Federal Agency)*	Alternative Site Rating: Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	13.0			
B. Total Acres To Be Converted Indirectly	0.0			
C. Total Acres In Site	13.0	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	0.0			
B. Total Acres Statewide And Local Important Farmland	~~0.0~~ 0.46			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	~~0.0~~ .0000363			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	Data Not Avail.			
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	~~0~~ 47	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Nonurban Use	15	15			
2. Perimeter In Nonurban Use	10	10			
3. Percent Of Site Being Farmed	20	1			
4. Protection Provided By State And Local Government	20	20			
5. Distance From Urban Builtup Area					
6. Distance To Urban Support Services					
7. Size Of Present Farm Unit Compared To Average	10	10			
8. Creation Of Nonfarmable Farmland	25	0			
9. Availability Of Farm Support Services	5	5			
10. On-Farm Investments	20	3			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	0			
TOTAL SITE ASSESSMENT POINTS	160	64	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	64	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	64	0	0	0

Site Selected: | Date Of Selection | Was A Local Site Assessment Used? Yes [ ] No [ ]

Reason For Selection:

(See Instructions on reverse side) Form AD-1006 (10-83)

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APPENDIX C. DEPARTMENT OF CONSERVATION CORRESPONDENCE

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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

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

September 12, 2005

Mr. Jeremy Ketchum, Chief
Department of Transportation
Office of Environmental Management
2389 Gateway Oaks Drive, 1st Floor
Sacramento, CA 95833

Subject: Public Agency Acquisition of Land Enrolled in Williamson Act Contract, State Route 49, Department of Transportation, El Dorado County

Dear Mr. Ketchum:

Thank you for your letter of August 8, 2005, notifying the Department of Conservation (Department) of the possible acquisition of land enforceably restricted by Williamson Act contract by the Department of Transportation (Caltrans). The purpose of the acquisition is to improve driver safety by widening and making curve corrections along State Route (SR) 49 south of the community of El Dorado in El Dorado County (County). The project will require acquisition of 7.12 acres from three parcels under contract with the same landowner.

Required Findings

The Williamson Act requires that a public agency shall not locate a public improvement within an agricultural preserve unless the following findings are made:

- *The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (Government Code section 51292(a)).*
- *If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (Government Code section 51292(b)).*

The letter states that the largest parcel, of which 6.86 acres will be required, lies contiguous to both sides of SR 49 in the project area. The other two parcels are contiguous to the western side of SR 49. The project cannot be completed without taking a portion from either side of the largest parcel. In addition, according to the letter, the taking of Williamson Act land is not based primarily on cost but rather on necessity

The Department of Conservation's mission is to protect Californians and their environment by: Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling; Conserving California's farmland; and Saving energy and resources through recycling.

and the condition of the existing highway. The Department concludes, therefore, that this explanation and accompanying map appears to support making the required findings.

Eminent Domain

A Williamson Act contract is an enforceable restriction pursuant to Article XIII, section 8 of the California Constitution and Government Code section 51252. Assuming other necessary requirements are met, acquisition of Williamson Act land must meet requirements of eminent domain law for acquisition by eminent domain or in lieu of eminent domain (e.g., Code of Civil Procedure section 1230.010 et seq. and Government Code section 7260 et seq.) in order to void the contract pursuant to section 51295. If the acquisition does not void the contract, Caltrans' uses of contracted property will be affected and limited by the terms of the contract and provisions of the Act.

Although the letter does not address this matter, at least one Caltrans district has informed the Department that its acquisition process follows the policies and procedures described in Chapter 8 of the Caltrans Right of Way Manual, including Exhibit 8-EX-1, Article 6. Acquisition Policies. In the subject acquisition, if Caltrans were to follow these policies and procedures, it may meet the intent of section 51295 regarding voiding the subject contract with respect to the land so acquired. Please understand, however, that the Department does not provide counsel regarding eminent domain law but encourages Caltrans to obtain legal counsel for this purpose. To assist our review, we request that Caltrans describe its process for acquiring the subject property.

CEQA

The Department requests explanation and documentation, if available, of Caltrans' completion of CEQA requirements for this project.

Recommended County Consideration

Total acres for two of the three parcels are listed as 8 acres and 0.75 acres (APN 092-011-10 and 092-560-01 respectively). If accurate, these parcel sizes would be below the minimum pursuant to Government Code section 51222. The Department recommends that the County consider placing these parcels in nonrenewal or merging them with the third parcel (APN 092-011-09). Use of section 51257 for a lot line adjustment may be an option.

Additional Notification

Please be advised that pursuant to Government Code §51291(d), the Department and local governing entity must be notified of any proposed, significant changes to the

project. The Department must also be notified within 10 days when the property is actually acquired (Government Code §51291(c)). If Caltrans determines not to locate the proposed public improvement on the subject property or any part thereof, before returning the land to private ownership, it must notify the Department and local governing entity. The land must be reenrolled in a new contract or encumbered by an enforceable restriction at least as restrictive as that provided by the Williamson Act (Government Code §51295) and subject contract. If you have any questions, please contact Bob Blanford, Research Analyst, at (916) 327-2145.

Sincerely,

Dennis J. O'Bryant
Acting Assistant Director

cc: The Honorable Tim Holcomb
El Dorado County Assessor
360 Fair Lane
Placerville, CA 95667-4103

Board of Supervisors
El Dorado County
330 Fair Lane
Placerville, CA 95667

APPENDIX D. TITLE VI POLICY STATEMENT

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY (916) 653-4086

Flex your power!
Be energy efficient!

January 14, 2005

TITLE VI
POLICY STATEMENT

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

WILL KEMPTON
Director

"Caltrans improves mobility across California"

APPENDIX E. AVOIDANCE, MINIMIZATION, AND MITIGATION SUMMARY

UTILITIES/EMERGENCY SERVICES

TRAFFIC AND TRANSPORTATION/PEDESTRIAN AND BICYCLE FACILITIES

Avoidance and Minimization

- A detailed Traffic Management Plan will be included as part of the Contractor's specification package in order to manage temporary construction delays.

VISUAL/AESTHETICS and VEGETATION AND OAK WOODLANDS

Avoidance and Minimization Measures

- Use local native rock for Rock Slope Protection (RSP) around culverts and at any slope instability areas.
- Develop a storm water treatment location that pre-treats runoff from the project area before discharge. The storm water treatment shall be designed with the Landscape Architecture branch so that the site visually enhances the surrounding natural wetland areas.
- The stone entrance monument at Sierra Road (KP 12.52/PM 7.8) shall be reconstructed with like materials.
- Trees that are not within the direct alignment of project facilities or which must be removed for safety reasons shall be avoided.
- All native oak trees that are to remain within and adjacent to the proposed project shall be designated as “environmentally sensitive areas” (ESAs) and shall be temporarily fenced with orange plastic construction (exclusion) fencing throughout all grading and construction activities. The exclusion fencing shall be installed 1.8 m (6 ft) outside the dripline of each specimen tree, and shall be staked a minimum of every 1.8 m (6 ft). The fencing is intended to prevent equipment operations in the proximity of protected trees from compacting soil, crushing roots, or colliding with tree trunks or overhanging branches.
- No construction equipment shall be parked, stored or operated within 1.8 m (6 ft) of any specimen tree dripline.
- Duff and topsoil containing native seed stock shall be removed and stockpiled separately from subsoils. The soil will be used during revegetation upon completion of construction activities.
- Temporary erosion control measures shall be used during construction. These measures may include Erosion Control (Type D), fiber rolls, and erosion control blankets or fabric.
- Implement appropriate temporary erosion and sediment control measures to minimize adverse effects to the adjacent wetlands and adjacent properties at the completion of each construction season with a final permanent treatment upon completion of the project.

Mitigation Measures

- A Revegetation and Restoration Plan shall be prepared by the project biologist, project landscape associate, and Caltrans revegetation specialist for the project. The revegetation plan shall address the following:

- The revegetation/restoration plan shall be designed to minimize soil loss immediately after construction and to revegetate disturbed areas with native plants for long-term erosion control. The revegetation/restoration plan shall be implemented to compensate for the loss and/or disturbance of vegetation on the project site, areas cleared for access and construction staging areas. The restoration plan elements will be graphically depicted on final construction plans, including the location and extent of the dripline for all trees, type and location of any fencing, and equipment storage and staging areas outside of dripline areas.
- Where road alignment has changed, the existing roadbed shall be obliterated, and asphalt and subgrade removed to expose native material.
- Revegetation and replacement planting shall take place within the existing project right of way to the extent feasible.
- Plants selected for revegetation will be native species appropriate for the project area and will not include any noxious or invasive weeds. To the extent feasible, s~~S~~eeds and container-grown plants shall be obtained from within the project area ~~when feasible~~ or from contract growers using locally occurring native plants. Advance notice shall be given to the suppliers or growers to ensure that the required species are ready at the proposed planting time.
- Protected trees that are removed or damaged (more than 25 percent of root zone disturbed) shall be replaced according to El Dorado County guidelines to the extent feasible.
- To the extent feasible, The Contractor will be encouraged to obtain s~~S~~eeds (acorns) and container grown plants shall be obtained from within the project area ~~when feasible~~ or alternatively from contract growers using locally occurring native plants. Advance notice shall be given to suppliers or growers to ensure that the required species are ready at the proposed planting time. To enhance survival rates, tree plantings should be from liners or cuttings. Plant material in containers larger than one gallon will be avoided, if possible.
- Planting shall take place in the fall and winter following the final construction season.
- A monitoring program will be implemented. All revegetation areas will be monitored weekly for the first two weeks; followed by monthly monitoring for three months; and then quarterly monitoring for the next 12 months unless success criteria are met earlier. After the first year, tree and shrub species will be monitored on an annual basis for a period of five years. Monitoring will continue until performance standards are met.

- Where feasible, cut slopes shall be 1:1 and shall leave underlying bedrock exposed.
- Where shallower cut slopes are used, the top of the cut shall be contour graded to blend into existing topography.
- Cut slopes of 1:2 to 1:4 shall be used for revegetation and/or restoration. Contour grading plans will be prepared by the project landscape associate for these areas. Duff and topsoil shall be removed and stockpiled separately from subsoils, and used during revegetation upon completion of construction activities. Duff should be examined for noxious weeds by project biologist before stockpiling.
- ~~Implement appropriate temporary erosion and sediment control measures to minimize adverse effects to the adjacent wetlands and adjacent properties at the completion of each construction season with a final permanent treatment upon completion of the project.~~

CULTURAL RESOURCES

Avoidance and Minimization Meausures

- ~~A MOA will be written stipulating mitigation measures for CA-ELD-685H.~~
- An ESA action plan ~~will~~ has been be prepared to protect CA-ELD-851 during construction. No work within the protected site will be allowed during construction. During those times when work occurs adjacent to the site, a Caltrans archaeologist will be present to guide the work and monitor any excavation.
- An ESA action plan has been prepared to protect the features within CA-ELD-685H that are outside of the ADI during construction. No work within the protected site will be allowed during construction. During those times when work occurs adjacent to the site, a Caltrans archaeologist will be present to guide the work and monitor excavation.

Mitigation Measures

A Data Recovery Plan for CA-ELD-685H has been finalized which provides measures for mitigation in the form of excavation, curation, and treatment of individual contributing features that will be destroyed by the implementation of this project. Additional treatments have been identified that will mitigate for the degradation of the overall integrity of the resource.

WATER QUALITY AND STORM WATER RUNOFF

Avoidance and Minimization Meaures

- The project shall adhere to the conditions of the Caltrans Statewide NPDES Permit CAS # 000003, (Order # 99-06-DWQ), issued by the State Water Resources Control Board.
- The contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) containing effective erosion and sediment control measures. These measures must address soil stabilization practices, sediment control practices, tracking control practices, and wind erosion control practices. In addition, the project plan must include non-storm water controls, waste management and material pollution controls. It is generally accepted that practices that perform well by themselves can be complemented by other practices to raise the collective level of erosion control effectiveness and sediment retention.
- Standard Special Provision (SSP) 07-345 is a set of specifications used for projects that disturb more than one acre of soil. SSP 07-345 will be included in the construction specifications for this project and will clearly outline the contractor's responsibilities with respect to preparation and implementation of the SWPPP.

HAZARDOUS WASTE

Avoidance and Minimization Measures

- The contractor will prepare a Lead Compliance Plan.
- Lead awareness training will be provided to all personnel performing work in areas containing ADL.
- Excess material will be sampled and analyzed prior to exporting. If it is determined that surplus excavated material contains regulated or hazardous levels of lead, the material shall be handled and disposed of according to State and Federal laws.

AIR QUALITY

Avoidance and Minimization Measures

- Caltrans Standard Specifications contain Section 7-1.01F, "Air Pollution Control," and Section 10, "Dust Control." These specifications require the contractor to comply with all pertinent rules, regulations, ordinances, and statues of the local air district. These specifications, which are included in all construction contracts, should aid in reducing construction related air quality impacts.
- If NOA is found during construction, rules and regulation of the local air quality management district must be adhered to when handling this material.

NOISE

Avoidance and Minimization Measures

- Caltrans Standard Specifications contain Section 7-1.01I, "Sound Control Requirements." These specifications require the contractor to comply with all local sound control and noise level rules, regulations and ordinances that apply to any work performed pursuant to the contract. Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler. These specifications, which are included in all construction contracts, should aid in reducing construction related noise impacts.

BIOLOGICAL RESOURCES

Waters of the U.S.

Avoidance and Minimization Measures

- Project construction activities within aquatic features will not take place until there is a no-flow or no-surface water condition in all aquatic features in the project area.
- All waters and wetlands adjacent to the construction zone that will not be filled as a result of the project will designated as environmentally sensitive areas (ESAs), and shall be fenced and signed to assure no inadvertent damage to these resources. Best management practices will be followed to minimize erosion and reduce sediments from entering channels and wetlands. All disturbed areas will be replanted upon completion of construction to stabilize soils. The Caltrans biologist will consult with the Caltrans archaeologist, Caltrans architectural historian and appropriate resource agencies to determine the final placement of ESA exclusion fencing.
- The proposed project will impact jurisdictional waters of the United States and as such will require the a Clean Water Act section 404 permit from the Army Corps of Engineers and a section 401 Water Quality Certification from the California Regional Water Quality Control Board. Because the work will take place below the top of the streambank, a 1601 Streambed Alteration Agreement will be required from CDFG. Conditions of these permits will include timing restrictions (work during no-flow periods, typically a June 15th to October 1st) to avoid water quality and species related impacts, and the restoration of native riparian vegetation impacted by project construction.

Mitigation Measures

- Waters and wetlands impacts will be mitigated through a combination of on-site wetland creation, restoration, revegetation, and enhancement, and the purchase of

credits at an approved mitigation bank~~, subject to review and approval by the USACE, USFWS, CDFG, and the Central Valley RWQCB during project permit application review and approval~~. Based on a projected combined direct and indirect loss of approximately 0.612 ha (1.513 ac) of waters and wetlands and an assumed replacement-to-loss compensation ratio of 3:1, Caltrans will be required to provide 1.84 ha (4.54 ac) of restoration, revegetation, enhancement, on-site creation, and/or mitigation credits.

Birds and Bats

Avoidance and Minimization Measures

- Minimize removal of native vegetation by locating staging areas and access routes in previously disturbed areas;
- Removal of vegetation shall be conducted in the fall and winter (between September 15 and March 1) after fledging and before the initiation of breeding activities;
- If vegetation removal during non-nesting season is determined unfeasible, then pre-construction bird surveys shall be performed in spring to determine the location of nest sites within the project area. A 92 m (300 ft) buffer zone shall be established between active passerine nests and any project construction activity, and a 150 m (500 ft) buffer zone between active raptor nests and any project construction activity, unless CDFG permits a reduced buffer zone based on nesting phenology and recommendation(s) of a biological monitor.
- A revegetation/habitat restoration plan shall be implemented to address short-term disturbance and long-term losses of potential nesting areas.

California yellow-legged frog and red-legged frog and Northwestern pond turtle

Avoidance and Minimization Measures

- Work within aquatic features shall not take place until there is a no-flow or no-surface water condition.

Invasive Species

Avoidance and Minimization Measures

- No dry-farmed straw will be used and certified weed-free straw shall be required where erosion control straw is to be used.
- Hydro-seed mulch or any other erosion control application must also be certified weed-free.
- If a revegetation seed mix is to be used, the mix shall also be certified weed-free and contain native species appropriate for the project area.
- All off-road equipment shall be cleaned of potential noxious weed sources (mud, vegetation) before entry into the project area, to help ensure noxious weeds are not introduced into the project area.
- The contractor shall employ whatever cleaning methods (typically with the use of a high-pressure water hose) are necessary to ensure that equipment is free of noxious weeds.
- Equipment shall be considered free of soil, seeds, and other such debris when a visual inspection does not disclose such material.

APPENDIX F. ENVIRONMENTAL STUDY LIMIT MAPPING

The mapping on the following pages represents preliminary mapping used for studying the environmental resources within and next to the project limits.