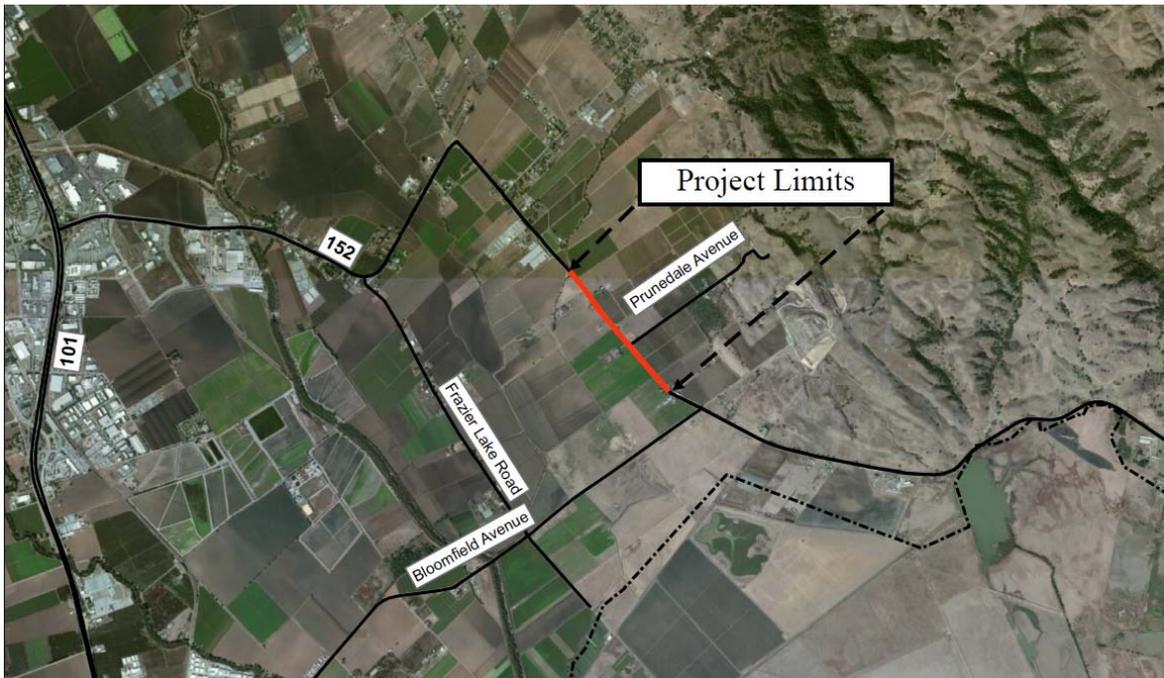


State Route 152 Shoulder Widening Project

SANTA CLARA COUNTY, CALIFORNIA
DISTRICT 4 – SCL – 152 (PM 13.9/14.7)
1G8700/0400020620

Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment



Prepared by the
State of California Department of Transportation

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



August 2014

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General Information about This Document

What's in this document:

The California Department of Transportation (Department), as assigned by the Federal Highway Administration (FHWA), has prepared this Initial Study/Environmental Assessment (IS/EA), which examines the potential environmental impacts of the alternatives being considered for the proposed project located in Santa Clara County, California. The Department is the lead agency under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The document tells you why the project is being proposed, what alternatives we have considered for the project, how the existing environment could be affected by the project, the potential impacts of each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures.

What you should do:

- Please read this document.
- Additional copies of this document and related technical studies are available for review at Caltrans District 4, 111 Grand Avenue, Oakland, CA 94612; at Gilroy Library, 350 West Sixth Street, Gilroy, CA 95020. This document may be downloaded at the following website <http://www.dot.ca.gov/dist4/envdocs.htm>.
- We'd like to hear what you think. If you have any comments about the proposed project, please attend the public meeting on October 9, 2014, from 6PM to 8PM, at Christopher High School, 850 Day Rd, Gilroy, CA 95020.
- Send your written comments to the Department by October 16.
- Send comments via postal mail to:
California Department of Transportation, District 4
Attn: Eric DeNardo
P.O. Box 23660, Oakland, CA 94612
- Send comments via email to: eric.denardo@dot.ca.gov

What happens next:

After comments are received from the public and reviewing agencies, the Department, as assigned by the Federal Highway Administration (FHWA), may: (1) give environmental approval to the proposed project, (2) do additional environmental studies, or (3) abandon the project. If the project is given environmental approval and funding is obtained, the Department could design and construct all or part of the project.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Department of Transportation, Attn: Cristin Hallissy, Office of Environmental Analysis, P.O. Box 23660, Oakland, CA 94623-0660; (510) 622-8717; cristin.hallissy@dot.ca.gov, or use the California Relay Service 1 (800) 735-2929 (TTY), 1 (800) 735-2929 (Voice) or 711.

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SCH# : TBD
04-SCL-152-PM 13.9/14.7
1G870
0400020620

Widen shoulders and improve existing ditch along State Route 152 from 0.6 miles west of Prunedale Avenue to 0.24 mile east of the Prunedale Avenue intersection in Santa Clara County near the City of Gilroy

Initial Study with Proposed Mitigated Negative Declaration/Environmental Assessment

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

THE STATE OF CALIFORNIA
Department of Transportation

August 5, 2014
Date of Approval


Bijan Sartipi
District Director
California Department of Transportation
NEPA and CEQA Lead Agency

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PROPOSED MITIGATED NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Department) proposes to improve roadway safety along State Route (SR) 152 from 0.6 miles west of Prunedale Avenue to 0.24 mile east of the Prunedale Avenue intersection by widening shoulders to standard 8-foot shoulders and improving the existing drainage ditch beyond the westbound shoulder of SR 152.

Determination

This proposed Mitigated Negative Declaration (MND) is included to give notice to interested agencies and the public that it is the Department's intent to adopt an MND for this project. This does not mean that the Department's decision regarding the project is final. This MND is subject to change based on comments received by interested agencies and the public.

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

The proposed project would have no effect on forest resources, air quality, land use and planning, noise, public services, recreation, and transportation/traffic.

In addition, the proposed project would have less than significant effects to aesthetics, agricultural resources, cultural resources, geology and soils, paleontology, hazards and hazardous materials, hydrology and floodplain, stormwater and water quality, plant species population and housing, and utilities.

With the following mitigation measures incorporated, the proposed project would have less than significant effects to biological resources:

- Wildlife Exclusion Fencing (WEF) will be installed around the perimeter of the construction area to prevent California tiger salamander (CTS) from entering the area.
- A Department-approved biological monitor will be present daily during construction activities that may result in the take of CTS.

Melanie Brent
Deputy District Director
Office of Environmental Planning and Engineering
District 4
California Department of Transportation

Date

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Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Department) proposes to improve roadway safety on a segment of State Route (SR) 152 in Santa Clara County from 0.6 miles west of Prunedale Avenue to 0.24 miles east of Prunedale Avenue. See Figures 1.1-1 and 1.1-2 for the project location and vicinity. The existing facility consists of 12-foot lanes in each direction of traffic, shoulder widths ranging from 1 to 8 feet, and a drainage ditch located beyond the westbound edge of shoulder.

SR 152 serves as an important interregional east-west link between the San Joaquin and Santa Clara Valleys. Within the project limits, SR 152 is a two-lane undivided highway set in a rural landscape.

This project is included in the Fiscal Year 2012 State Highway Operation and Protection Program (SHOPP). The Department is the lead agency for this project under the National Environmental Policy Act (NEPA) and under the California Environmental Quality Act (CEQA).

1.2 Purpose and Need

1.2.1 Project Purpose

The purpose of the project is to improve safety along SR 152 within the project limits by reducing the number of accidents caused by vehicles crossing the centerline and/or running off the road.

1.2.2 Project Need

A Project Study Report completed by the Department revealed there were a total of 71 accidents on SR 152 within the project limits between July 1, 2004, and June 30, 2012. Of the 71 accidents, 15 involved vehicles that collided with the existing drainage ditch on the westbound shoulder of SR 152. Motorists that drove into the drainage ditch were unable to regain control and drive back onto the roadway. Out of the 71 accidents, 19 involved vehicles that crossed the centerline.

Constructing the proposed improvements would upgrade the facility and mitigate future accidents by discouraging motorists from crossing the centerline and driving off the roadway. The improvements would allow motorists to regain control of their vehicles if they departed from the roadway and traveled into the drainage ditch.

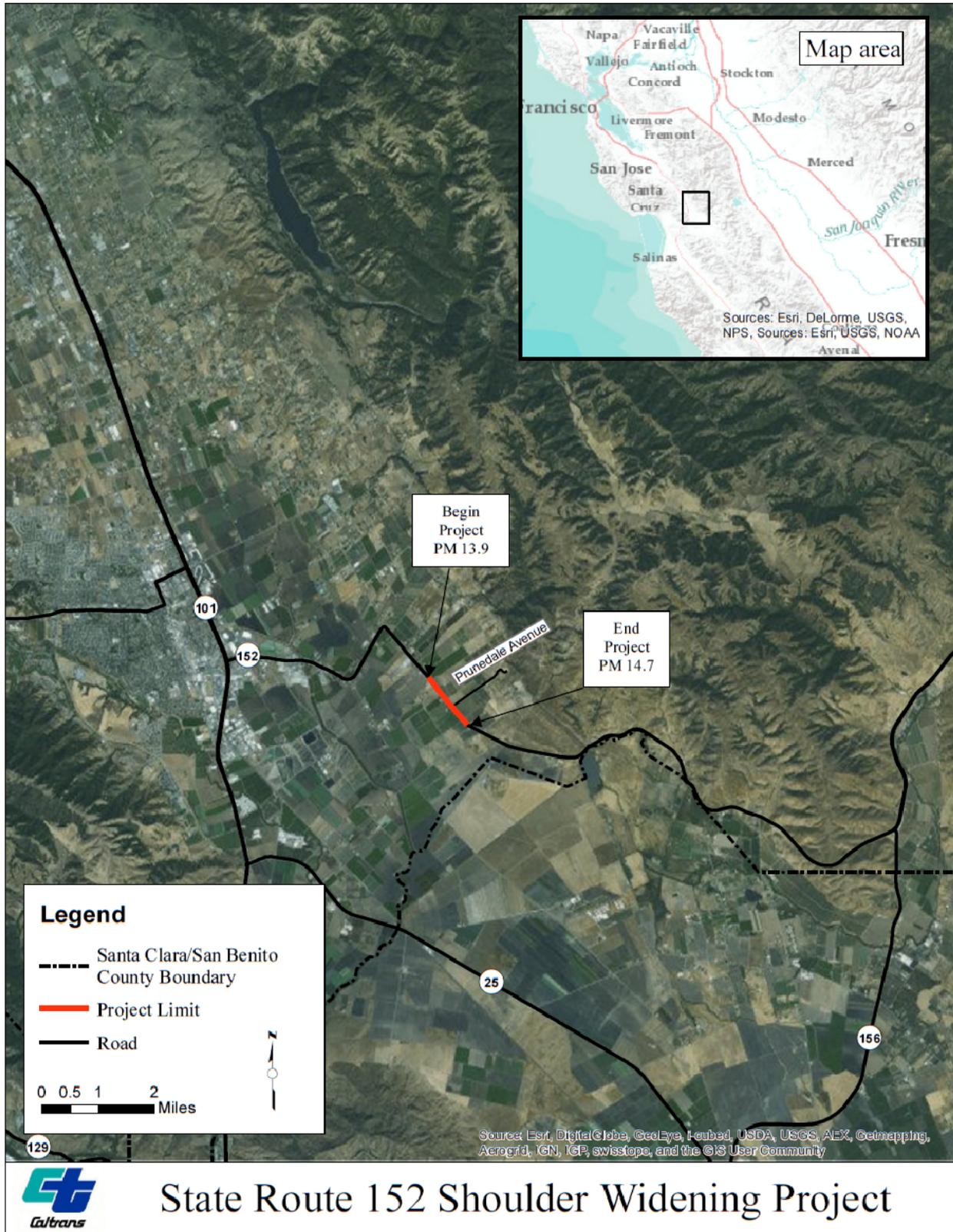


Figure 1.1-1: Project Location

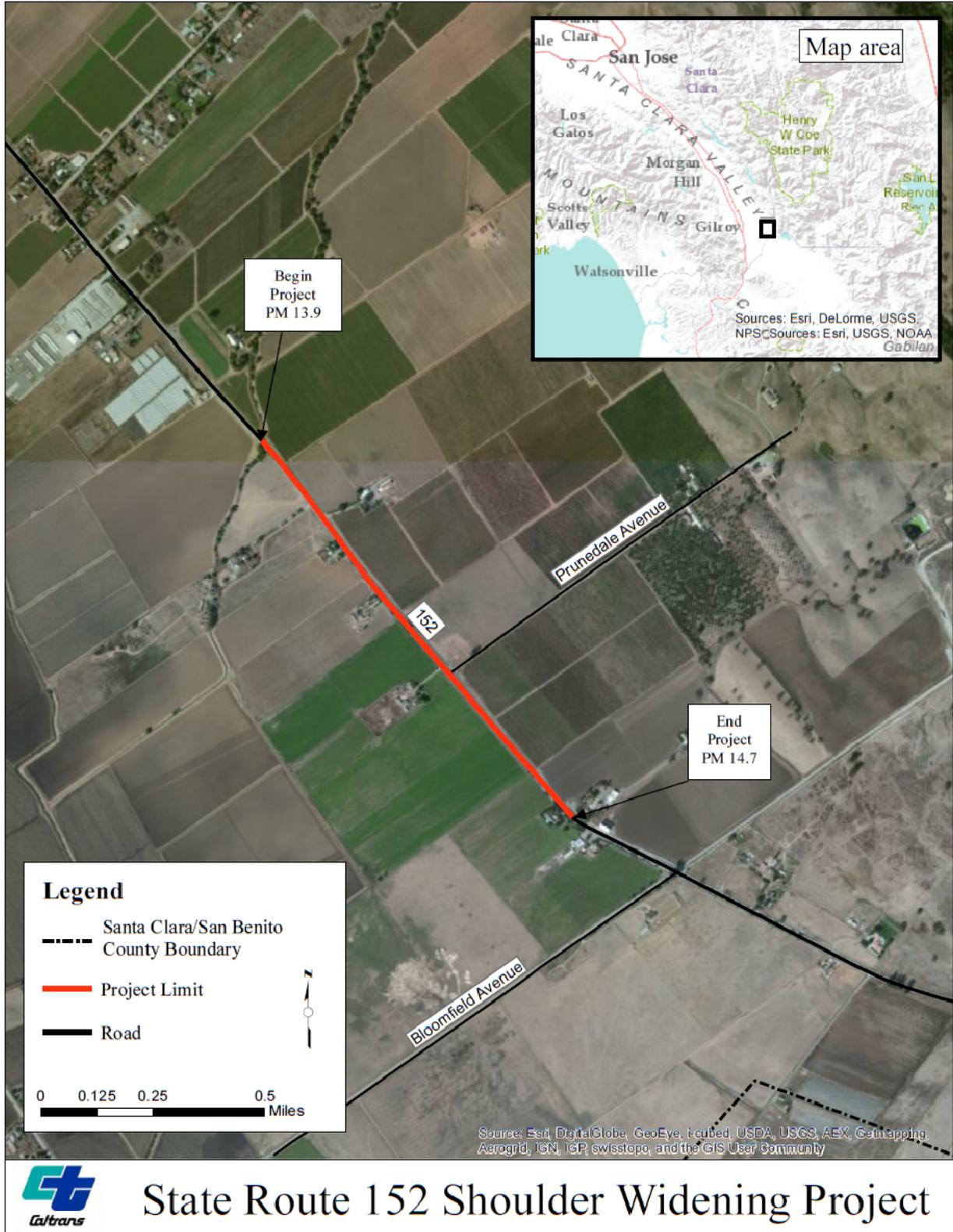


Figure 1.1-2: Project Vicinity

1.2.3 Independent Utility and Logical Termini

FHWA regulations require transportation projects meet the following criteria:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope. In other words, a project must have rational end points for a transportation improvement and rational end points for a review of environmental impacts.
- Have independent utility or independent significance (be usable and require a reasonable expenditure even if no additional transportation improvements in the area are made).
- Not restrict consideration of alternatives for other reasonable foreseeable transportation improvements.

The limits of this safety project were defined by an investigation that revealed a concentration of accidents within the corridor on SR 152. The project would not result in a need for future improvements to adjacent highway segments, and would not prevent consideration of similar improvements along other segments of the highway in the future.

1.3 Project Description

This section describes the proposed action and the project alternatives that were developed to meet the identified purpose and need of the project, while avoiding or minimizing environmental impacts. Two alternatives were considered in this document: a Build Alternative and the No Build Alternative.

The project is located in Santa Clara County on SR 152 from 0.6 miles west of Prunedale Avenue to 0.24 miles east of Prunedale Avenue. The total length of the project is 0.9 miles. Within the limits of the proposed project, SR 152 is a two-lane undivided, conventional highway with one 12-foot wide lane of traffic in each direction, 1 to 8-foot non-standard shoulders, and a non-recoverable drainage ditch along the westbound shoulder (Figure 1.3-1). The purpose of the project is to improve safety by reducing the number of cross-centerline and/or run-off-the-road accidents along this highway corridor. The project is needed because an eight-year investigation revealed that a total of 71 accidents had occurred within the project limits involving vehicles crossing the centerline and running off the road into the non-recoverable drainage ditch.

To construct the project, the Department will acquire new right of way (Figures 1.3-2 and 1.3-3) and temporary construction easements for construction throughout the project area.

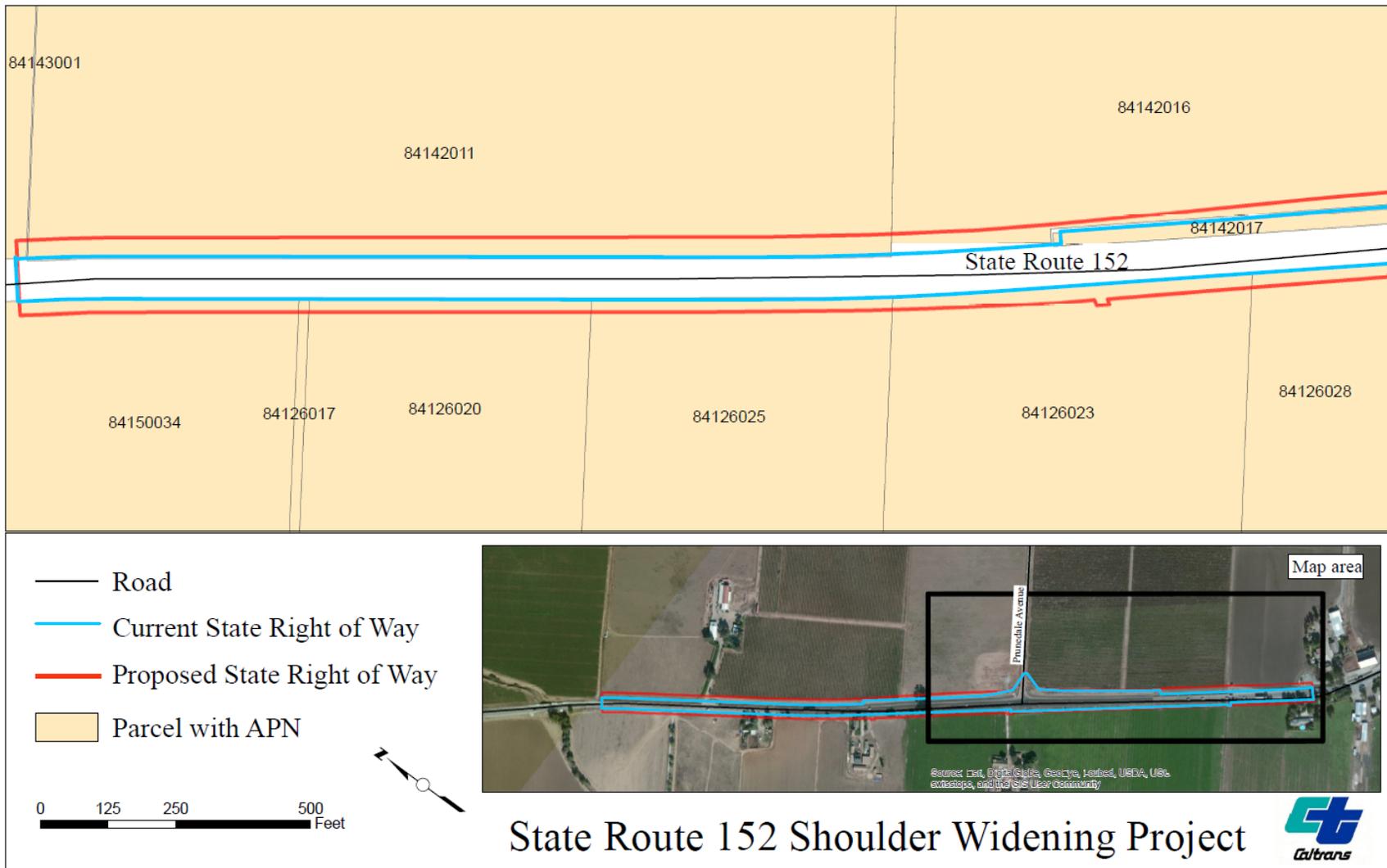


Figure 1.3-2: Proposed Right of Way Map – Detail 1

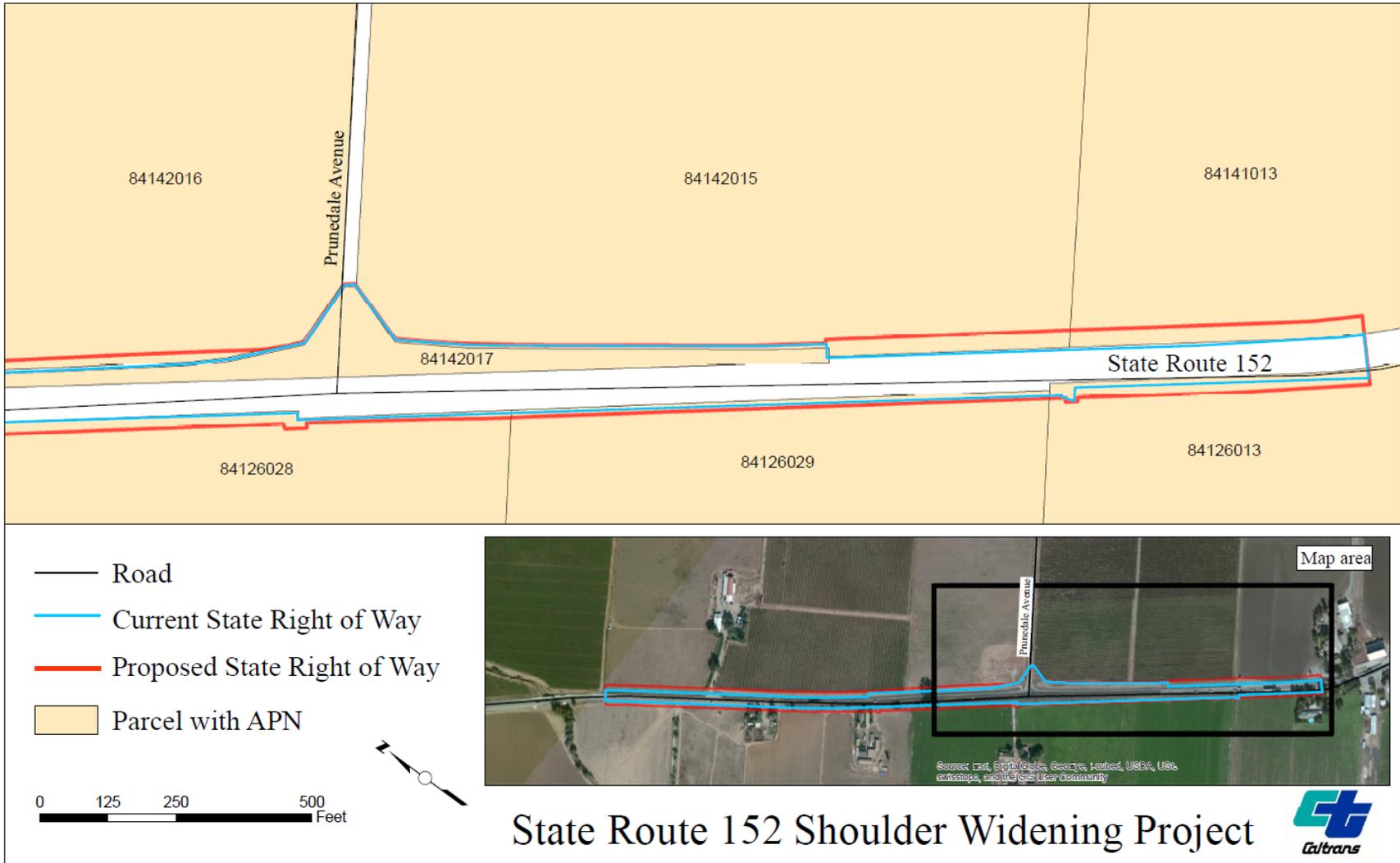


Figure 1.3-3: Proposed Right of Way Map – Detail 2

1.3.1 Proposed Build Alternative

The Build Alternative would widen the current shoulders to standard 8-foot paved shoulders on both sides of SR 152, place rumble strips within the widened shoulders, and construct a soft median barrier in the centerline within the project limits. An approximate 20-foot Clear Recovery Zone (CRZ) will be established by relocating existing utility poles. The existing roadway will also be repaved within the project limits. The Department is proposing to acquire a total of approximately 2.62 acres of right of way on both sides of SR 152.

1.3.1.1 Drainage Repairs

Within the project limits, there would be several drainage repairs and relocations. The existing unlined drainage ditch along the westbound side of SR 152 will be removed and replaced approximately 11 feet from the edge of the roadway. The new drainage ditch will be widened and have less steep slopes to allow motorists that drive into the ditch to recover back onto the roadway. Repairs to the existing drainage culverts will be made, include adding, extending, cleaning, and/or replacing concrete box culverts and pipes.

1.3.1.2 Equipment Staging

A proposed staging location has been identified approximately 1,200 feet east from Prunedale Avenue along the westbound shoulder of SR 152. The proposed staging location would extend approximately 400 feet along SR 152 and approximately 40 feet from the edge of the roadway.

1.3.2 No Build Alternative

The No Build Alternative would not construct any improvements to SR 152.

1.3.3 Permits and Approvals Needed

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

Agency	Permit/Approval	Status
United States Fish and Wildlife Service	Section 7 Consultation for Threatened and Endangered Species/Biological Opinion	The Department initiated formal Section 7 consultation with USFWS on July 1, 2014.
California Department of Fish and Wildlife	Incidental Take Permit for California tiger salamander	The permit application will be completed and submitted during the design phase of this project.

Table 1.3-1: Permits and Approvals Needed

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

As part of the scoping and environmental analysis carried out for the project, the following environmental issues were considered but no adverse impacts were identified. As a result, there is no further discussion about these issues in this document:

Existing and Future Land Use – The project does not affect existing or future land uses and will not alter community interaction patterns. The project would acquire 2.62 acres of farmland from several properties.

Consistency with State, Regional, and Local Plans and Programs – The project is consistent with state, regional and local plans, transportation plans and programs.

Coastal Zone – This project is not within the coastal zone.

Wild and Scenic Rivers – There are no National or California Designated Wild and Scenic Rivers in or adjacent to the project area.

Parks and Recreational Facilities – There are no parks or recreational facilities affected by the project. The project would not directly or indirectly affect a Section 4(f) public park, recreational area, or wildlife or waterfowl refuge. The project would not affect historic sites under Section 4(f).

Growth – This project is a safety project and will not add capacity to the highway, and therefore will not induce growth in the surrounding area.

Timberlands – There are no timberlands in or adjacent to the project area.

Community Character and Cohesion – Although this project proposes to acquire land, it will not displace or relocate residents, change existing community boundaries, physically divide an established community, or create a new barrier to movement within the project area.

Relocations and Real Property Acquisition – Although this project proposes to acquire land, it will not displace or relocate any residents.

Environmental Justice – This project will not cause disproportionately high and adverse effects on any minority or low-income populations because the nature of the project is to provide safety to all motorists along SR 152.

Hydrology and Floodplains – A Floodplain Encroachment Evaluation was completed March 17, 2014 which determined that the project is not within the Special Flood Hazard areas. The project will not encroach upon a 100-year floodplain and will not impact natural and beneficial floodplain values.

Geology/Soils/Seismic/Topography – This project does not include any structures or topographic and geologic features. There are no geology, soils, or seismic concerns as they relate to public safety and project design.

Paleontology – Based on an investigation done on April 22, 2014 there are no impacts on any sensitive paleontological resources because of the shallow nature of the proposed excavation and previous disturbance from other projects' excavation activities.

Air – This project is exempt from air quality conformity requirements per 40 CFR 93.126 because it is exempt under the shoulder improvements category.

Noise – This project does not qualify as a Type 1 project, therefore no further noise analysis is required.

Plant Species –Based on reconnaissance surveys conducted for the proposed project, no suitable habitat was determined to be present for listed plants. The project location is not located in or near suitable habitats for these species, and no incidental observations were noted during reconnaissance surveys; thus, no effects on special-status plant species will occur.

2.1 Human Environment

2.1.1 Farmlands/Timberlands

2.1.1.1 Regulatory Setting

The National Environmental Policy Act (NEPA) and the Farmland Protection Policy Act (FPPA, 7 United States Code [USC] 4201-4209; and its regulations, 7 Code of Federal Regulations [CFR] Part 658) require federal agencies, such as the Federal Highway Administration (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 California Environmental Quality Act (CEQA) requires the review of projects that would convert Williamson Act contract land to non-agricultural uses. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and

efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to discourage the early conversion of agricultural and open space lands to other uses.

2.1.1.2 Affected Environment

The proposed project location is located in an area with the following designations under the FPPA: prime, statewide important, locally important, and grazing farmland (See Figures 2.1-1 and 2.1-2). There are also several properties under Williamson Act contracts that are considered prime and non-prime farmland within the project area (See Figures 2.1-3 and 2.1-4)

2.1.1.3 Environmental Consequences

The Department proposes to acquire approximately 2.62 acres of land to accommodate the proposed work. See Table 2.1-1 for a breakdown of the 2.62 acres of land proposed to be converted to non-agricultural use. Within the 2.62 acres there are seven properties that are considered prime farmland under the Williamson Act, totaling approximately 1.39 acres.

Land Converted (Acres)	Prime and Unique Farmland (Acres)	Statewide and Local Important Farmland (Acres)	Percentage of Farmland in County	Farmland Conversion Impact Rating
2.62	1.6	1.02	0.001	174

Table 2.1-1: Farmland Conversion

The land acquired will be used to relocate and repair the existing drainage ditch on the westbound shoulder of SR 152 and to create a 20-foot Clear Recovery Zone. There will be ground disturbance, excavation, and vegetation removal on the land acquired.

Form AD-1006, maps, and a transmittal letter were completed and sent to the USDA on January 31, 2013. The Department received form AD-1006 from USDA on February 19, 2014. The form was completed February 21, 2014 with a Farmland Conversion Impact Rating of 174 out of 260. Although this score is relatively high, the project is a safety project for a specific segment of SR 152 and no other locations are sufficient to address the need of the project. See Appendix D for the completed Form AD-1006.

California Department of Conservation was notified of the proposed farmland acquisition on February 5, 2014 (Appendix F). On March 18, 2014 the Department received a letter from the California Department of Conservation with their comments and recommendations for the Department’s actions (Appendix E). The Department was recommended to provide notice to the Department of Conservation within 10 days of the property being acquired. The lower cost of the Williamson Act property was not the primary consideration to acquire the land.

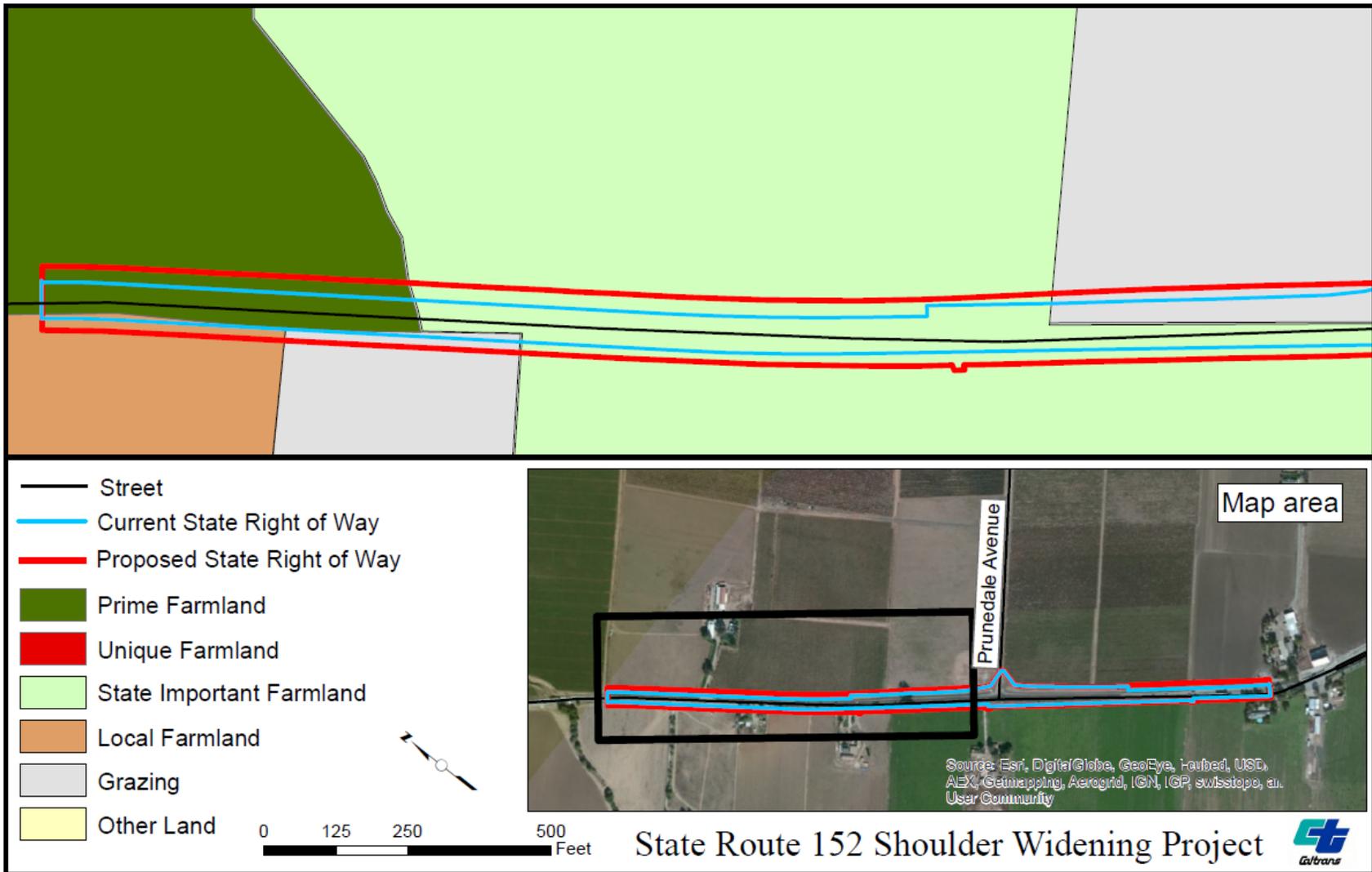


Figure 2.1-1: FPPA Farmland Map – Detail 1

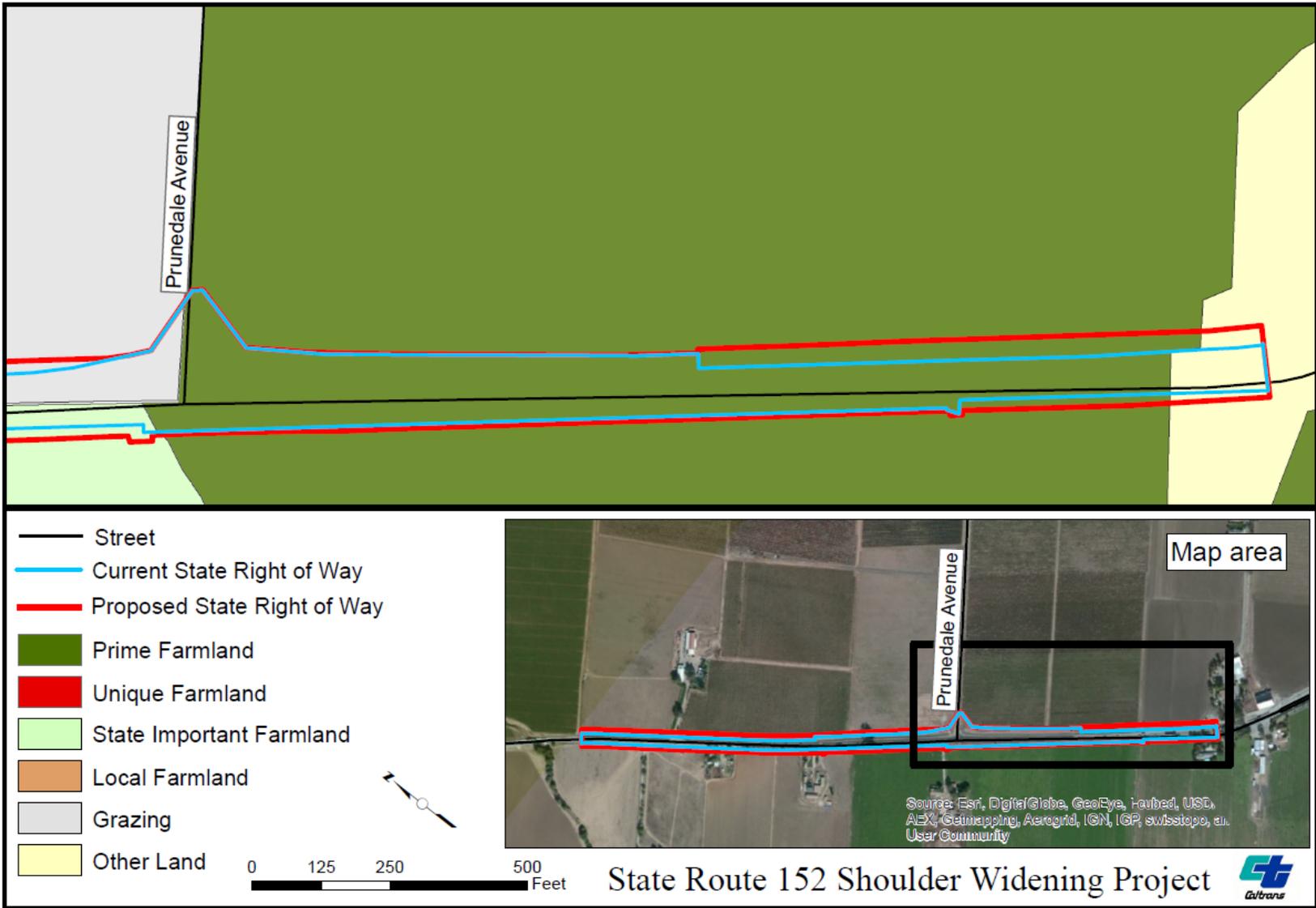


Figure 2.1-2: FPPA Farmland Map – Detail 2

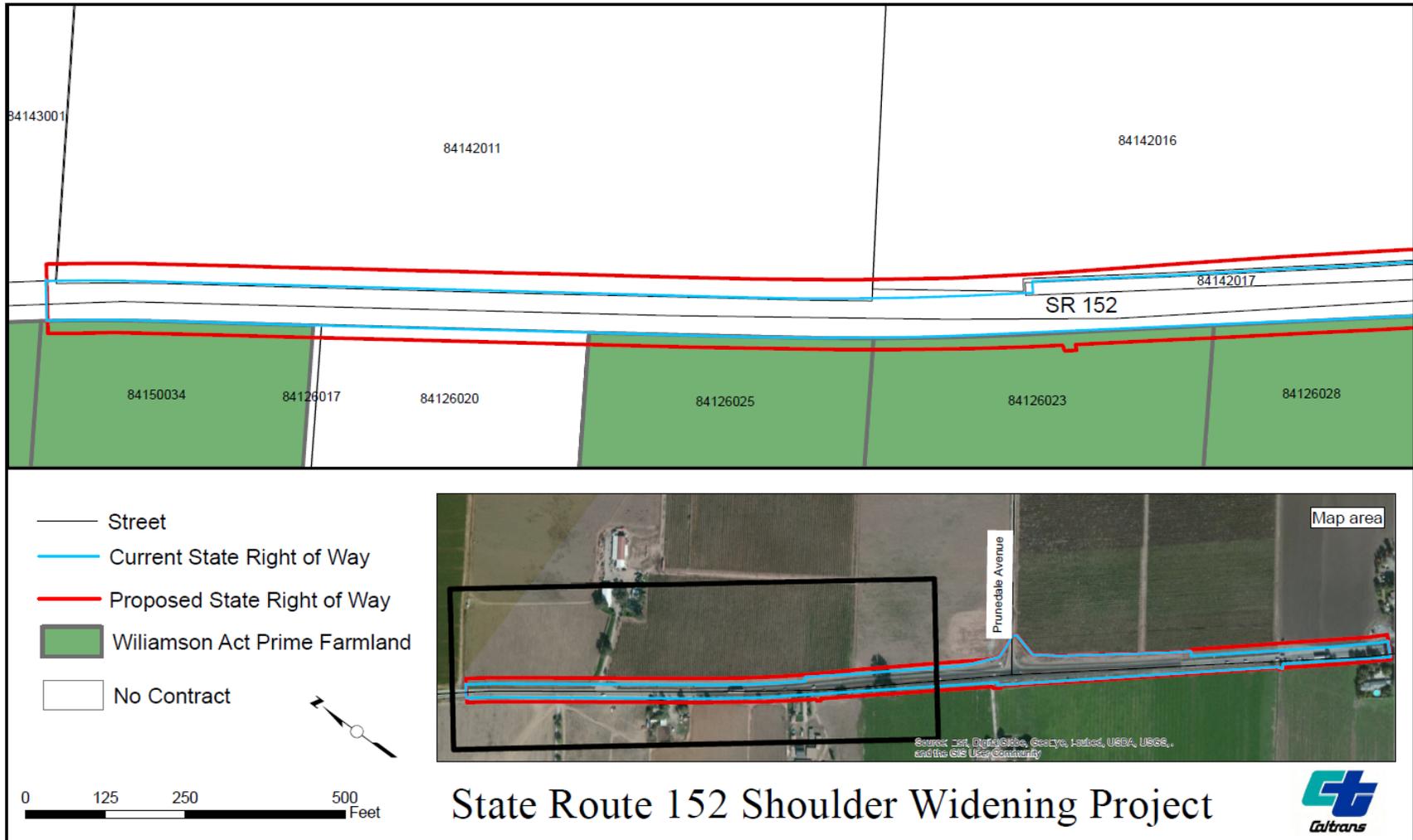


Figure 2.1-3: Williamson Act Farmland Map – Detail 1

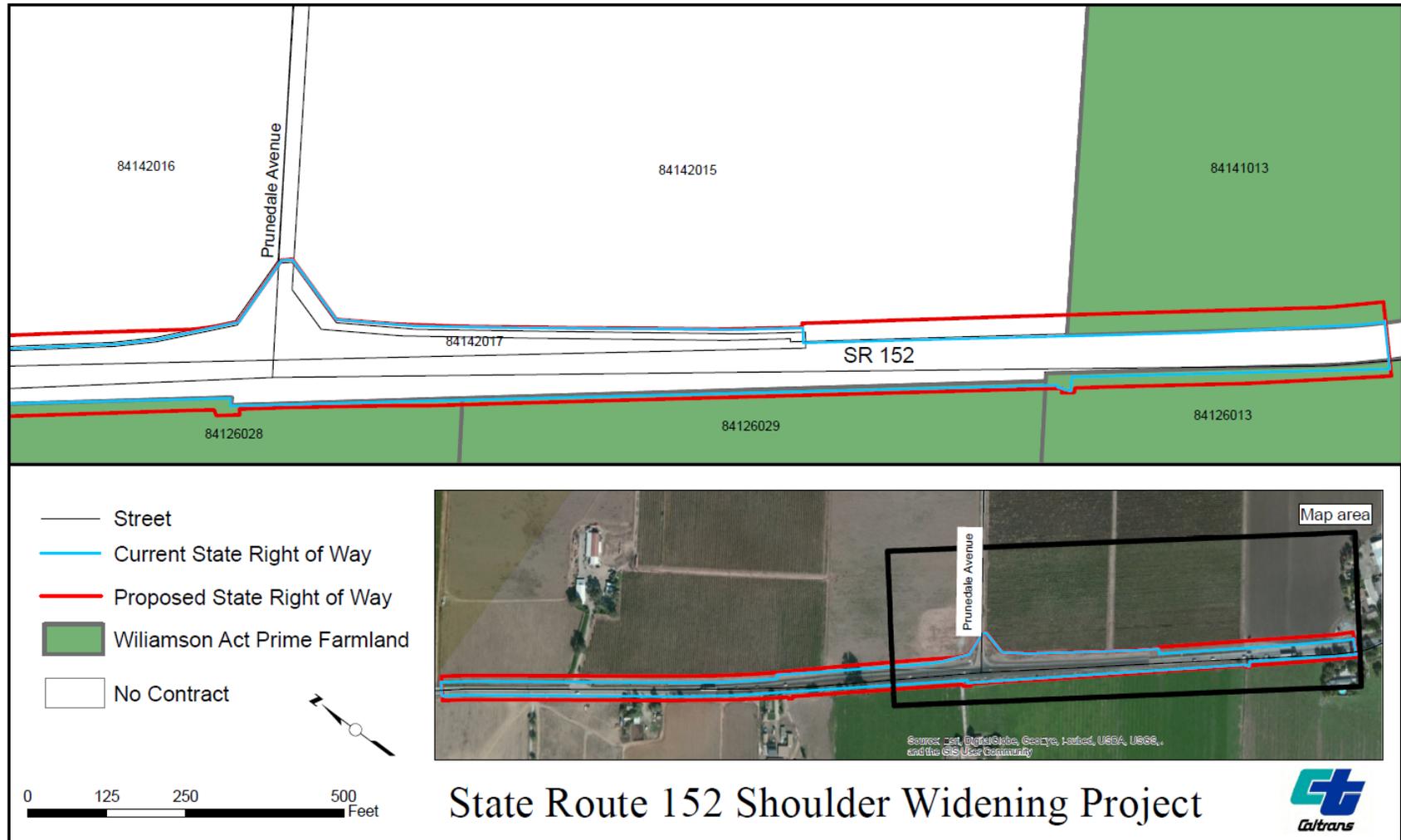


Figure 2.1-4: Williamson Act Farmland Map – Detail 2

No other locations were reasonably feasible for the safety improvement project. The proposed design of the project is based on construction needs and safety requirements, not on cost.

The No Build alternative would not acquire any farmland and therefore would not have impacts

2.1.1.4 Avoidance, Minimization, or Mitigation Measures

Since this project is not expected to result in adverse farmland impacts, avoidance, minimization, or mitigation measures are not required.

2.1.2 Utilities/Emergency Services

2.1.2.1 Affected Environment

There are approximately four electrical poles within the project area along the eastbound shoulder of SR 152. These poles are owned by Pacific Gas and Electric (PG&E) poles and have both electric and AT&T telecommunication lines attached to the poles.

2.1.2.2 Environmental Consequences

The build alternative would relocate the existing utility poles at the edge of the new proposed right of way, approximately 20 feet from the edge of travel way to establish a 20-foot Clear Recovery Zone (CRZ). There are no associated impacts to the utility pole relocations.

Access to the roadway by emergency services, such as law enforcement and fire departments, may be temporarily affected during construction of the project. The project will be constructed during the night and one-way traffic control will be implemented during construction activities. This may temporarily limit access to emergency services. A Traffic Management Plan will be completed during the design phase. There will be no long-term impacts to the utilities and emergency services. All utility relocation will be within the Department's right of way.

The no build alternative would not relocate existing utility poles.

2.1.2.3 Avoidance, Minimization, and/or Mitigation Measures

None required.

2.1.3 Visual/Aesthetics

2.1.3.1 Regulatory Settings

The National Environmental Policy Act of 1969 as amended (NEPA) establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings (42 United States Code

[USC] 4331[b][2]). To further emphasize this point, the Federal Highway Administration (FHWA) in its implementation of NEPA (23 USC 109[h]) directs that final decisions on projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

The California Environmental Quality Act (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 [PRC] Section 21001[b]).

2.1.3.2 Affected Environment

The portion of SR 152 where the project is located is not part of the State Scenic Highway system and is not listed as a scenic road in the Santa Clara County General Plan. The land in the vicinity of the proposed project is flat and not heavily developed. It features primarily agricultural land uses, characterized by open pastures or cultivated crop fields. Consequently, few trees are present. These trees vary in size but are mostly small, widely spaced, and have no significant visual features. There are approximately five private residences along SR 152 within the project limits. The homes are widely spaced with some being set back from the highway. The residential lots typically feature landscaping that includes trees and shrubs, sometimes extending to the property line along the highway. There is no Department landscaping in the project limits. Overhead utility lines, strung on wood poles, run parallel to the eastbound side of the highway within the project area.

2.1.3.3 Environmental Consequences

Scenic resources such as unique or outstanding trees, rock outcrops, historic buildings, or other structures would not be adversely affected by the proposed project. The project would not block or disrupt existing views or vistas, adversely affect visual quality or visual character of the project site or surrounding area in substantial way, or result in a substantial permanent increase in light and glare. As seen from the highway and roadside area, the project would result in minor recognizable changes. These changes would not degrade the appearance of the project setting or create unsightly conditions. Therefore, the project, once completed, would not result in a negative effect to the visual quality of the project area.

During the three to four month construction period, equipment and materials stored in the staging area near the roadway would be visible to the public. Similarly, temporary K-rail and wildlife exclusion fencing would be seen, as would ongoing shoulder widening and ditch relocation operations. Portable flood lighting and changeable message signs would appear along the roadside. The presence of these features would have a short-term, visual impact lasting the duration of the construction period.

The no build alternative would not make improvements to SR 152 and therefore would not impact visual resources.

2.1.3.4 Avoidance, Minimization, and/or Mitigation Measures

1. Flood lighting for night work should be placed and adjusted such that light is cast downward and confined to the immediate work area. Lights should be shielded to prevent stray light.

2.1.4 Cultural Resources

2.1.4.1 Regulatory Setting

The term “cultural resources” as used in this document refers to all “built environment” resources (structures, bridges, railroads, water conveyance systems, etc.), culturally important resources, and archaeological resources (both prehistoric and historic), regardless of significance. Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures for historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for listing in the National Register of Historic Places. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation [36 Code of Federal Regulations (CFR) 800]. On January 1, 2014, an amended Section 106 Programmatic Agreement (PA) between the Advisory Council, the Federal Highway Administration (FHWA), State Historic Preservation Officer (SHPO), and the Department went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the Advisory Council’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Program (23 United States Code [USC] 327).

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

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

further specifically requires the Department to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer (SHPO) before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

2.1.4.2 Affected Environment

For the purposes of the cultural resource analysis, a Historic Property Survey Report (HPSR), an Archaeological Survey Report (ASR), and an Environmentally Sensitive Area (ESA) Action plan were completed on June 10, 2014. Field surveys were completed on May 8, 2014. A records search was conducted at the Northwest Information Center at Sonoma State University on June 2, 2014. The National Register of Historic Places, California Register of Historic Places, California Inventory of Historic Resources, California Historical Landmarks, California Points of Historical Interest, California Historical Resources Information System, Caltrans Historic Highway Bridge Inventory, and the Caltrans Cultural Resources Database were also searched. The City of Gilroy, Santa Clara County, The California Pioneers' Society of Santa Clara County, Santa Clara County Historical and Genealogical Society, Heritage Council of Santa Clara County, History San Jose, and the Gilroy Historical Museum were contacted in March 2014 for potential built resource identification. None of the above organizations responded with comments.

The Department contacted the Native American Heritage Commission (NAHC) on February 19, 2014, requesting a review of their Sacred Lands file to determine if there were known historically significant sites within or near the APE of the proposed project. The NAHC responded on February 27, 2014 and reported no Native American cultural resources in the project area. A list of individuals was also provided by the NAHC and they were contacted by letter and phone. No comments were received by these individuals.

Area of Potential Effects

The archaeological Area of Potential Effects (APE) for the project includes any locations where construction and ground disturbing activities will take place, including staging areas, and utility pole relocation (Figure 2.1-5). All construction areas are included in both the archaeological and architectural history APEs. The vertical APE includes areas where grading, vegetation removal, shoulder backing, ditch excavation, and utility pole relocation will occur. Most of the project area will have a vertical APE of three feet. However, in areas where utility poles, guardrails, and the ditch will be constructed, the project area will have a vertical APE of five to six feet below ground surface. The architectural APE includes 13 parcels where project activities could directly or indirectly cause impacts to built resources.

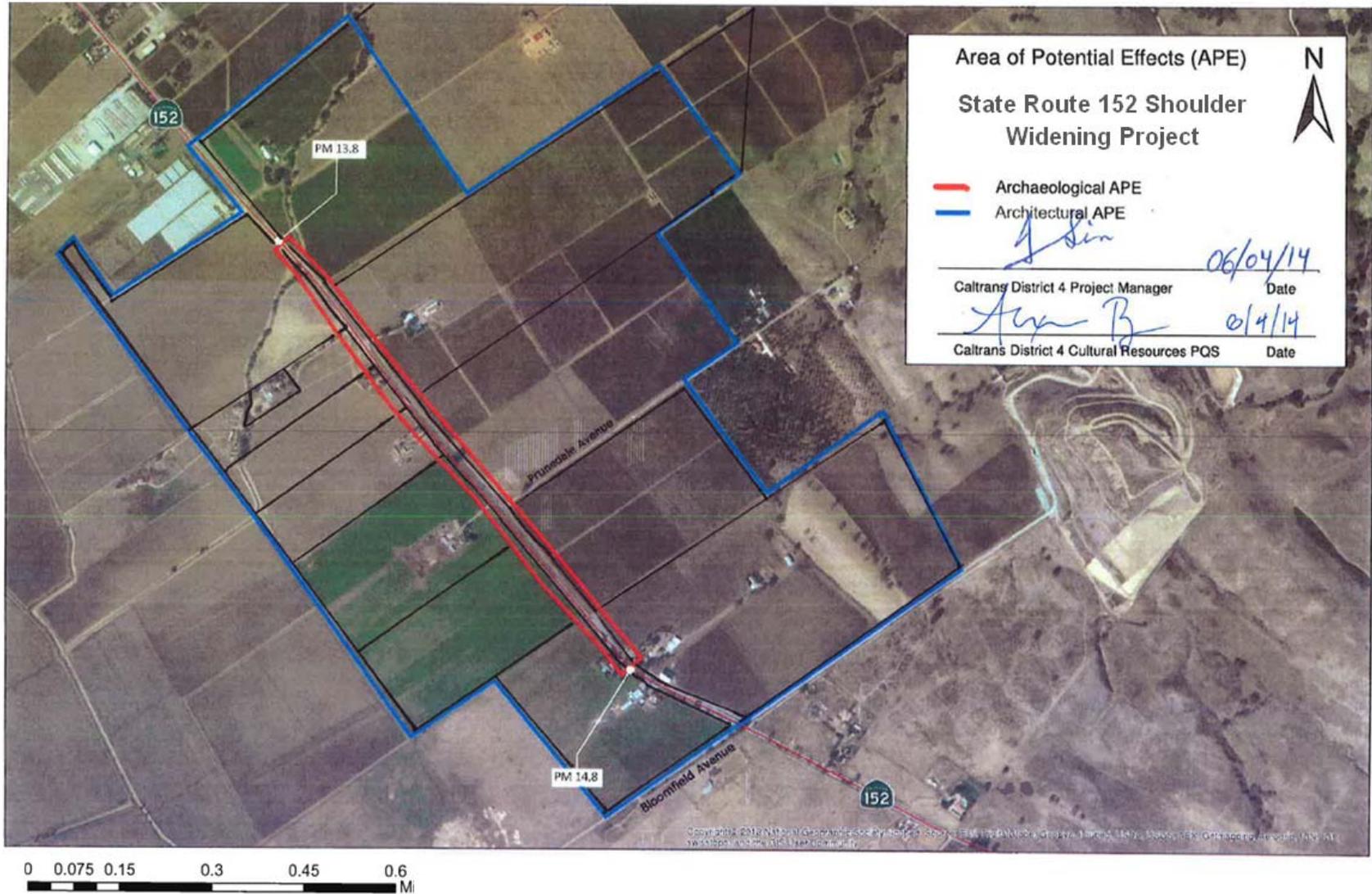


Figure 2.1-5: Area of Potential Effects (APE)

Affected parcels are those that contain right of way acquisitions, construction activities and staging areas, relocation of utilities, Temporary Construction Easements (TCE), and parcels impacted by indirect visual impacts

Eligible Historic Property - Eschenburg-Silva Barn

The Eschenburg-Silva Barn at 3665 Pacheco Pass Highway (APN 841-41-013) was determined by the Department as eligible for the National Register of Historic Places in 1992. The property is locally significant under Criterion A for its association with the dairy industry in the Gilroy-San Felipe vicinity. It may additionally be eligible under Criterion C, as a “distinguished example of type and method of construction of an early heavy-timber barn in California.” In 1992, the barn was the only contributing feature while the house and outbuildings were found to be non-contributing features. The State Historic Preservation Officer concurred with this finding in June 1994. The barn is also identified as a historical resource for the purposes of CEQA because it meets the California Register of Historical Resources criteria.

The Department visited the property to document its current condition and found it in a similar state as when originally recorded in 1992. Two additional buildings, a secondary residence and a barn, have been constructed at the far rear of the property since the previous evaluation in 1992. The barn remains in good condition and continues to retain its integrity of design and the feeling from the period of significance despite the changes to surrounding structures on the property. The barn remains to be the only existing structure dating from the period of significance (1853 to 1890), and is therefore the only element contributing to the eligible property.

2.1.4.3 Environmental Consequences

The Department has determined that there will be No Adverse Effect to the eligible historic property (Eschenburg-Silva Barn) because potential effects will be avoided by designation and enforcement of Environmentally Sensitive Areas (ESA), per the Section 106 PA. Therefore, consultation with the State Historic Preservation Officer is not required.

The barn is considered a Section 4(f) resource because of its eligibility as a historic resource, however there will be no use of the resource. See Appendix B for more information on the findings of the Section 4(f) resource.

The no build alternative would not make improvements to SR 152 and therefore would not impact cultural resources.

2.1.4.4 Avoidance, Minimization, and/or Mitigation Measures

1. The Eschenburg-Silva Barn shall be protected by an ESA delineation. No project-related activities (maintenance, equipment parking, construction staging, etc.) shall take place within the designated ESA (Figure 2.1-6).

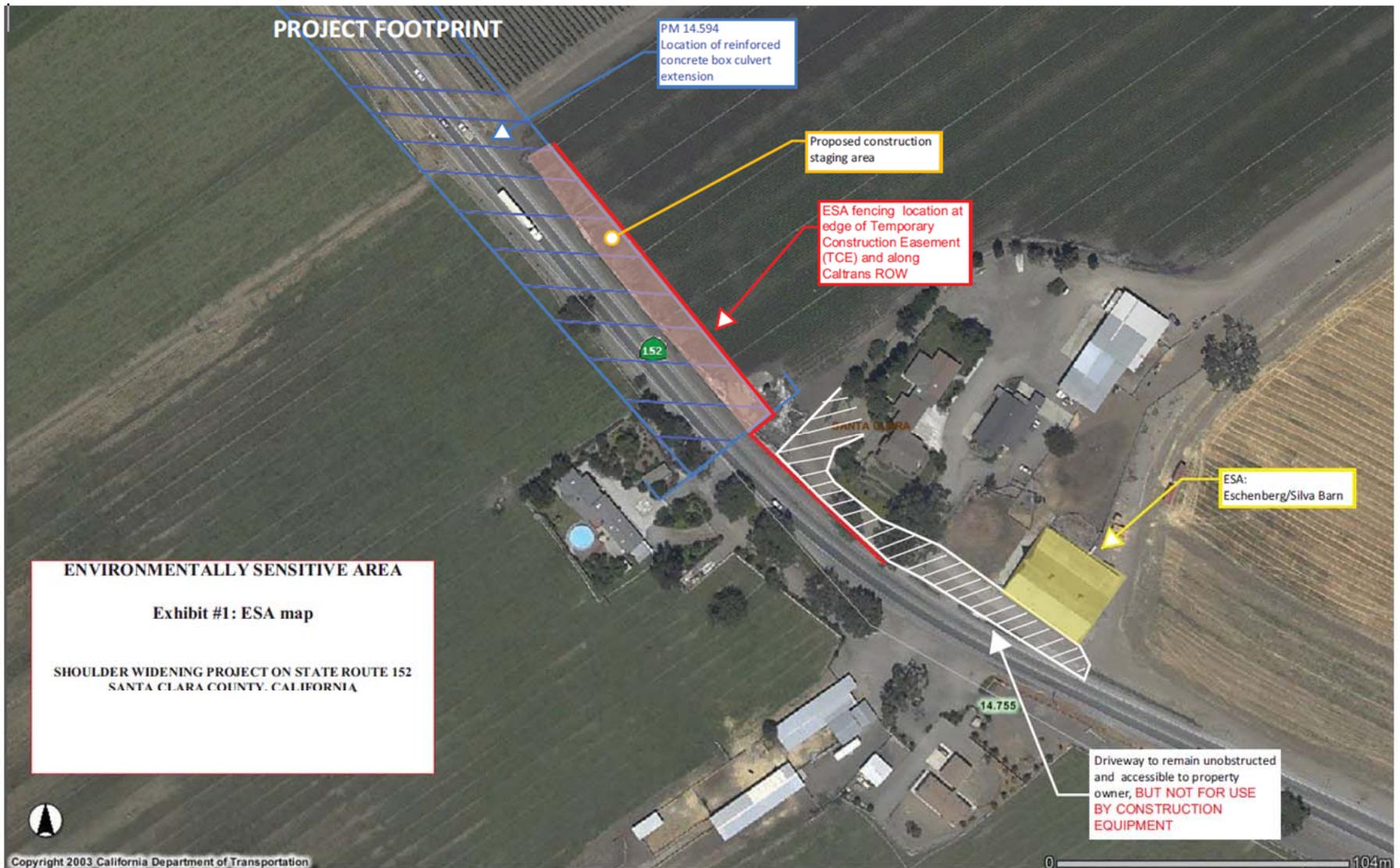


Figure 2.1-6: Environmental Sensitive Area (ESA) Action Plan

2. Prior to construction, the ESA will be established with Temporary Fencing (Type ESA) along the boundary of the TCE proposed at the northwest end of the 3665 Pacheco Pass Highway property. The Temporary Fence will continue east along the Department's right of way to the edge of the property owner's driveway entrance.
3. The ESA shall not block the driveway, located immediately north of SR 152, used by the property owners at 3665 Pacheco Pass Highway. The ESA will surround the entire staging area to prevent contact between construction equipment and the area containing the historic barn.
4. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to CA Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC), which will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the Department's District Archaeological Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.
5. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

2.2 Physical Environment

2.2.1 Water Quality and Storm Water Runoff

2.2.1.1 Regulatory Setting

Federal Requirements: Clean Water Act

In 1972, Congress amended the Federal Water Pollution Control Act, making the addition of pollutants to the waters of the United States (U.S.) from any point source¹ unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. This act and its amendments are known today as the Clean Water Act (CWA). Congress has amended the act several times. In the 1987 amendments, Congress directed dischargers of storm water from municipal and industrial/construction point sources to comply with the NPDES permit scheme. The following are important CWA sections:

¹ A point source is any discrete conveyance such as a pipe or a man-made ditch.

- Sections 303 and 304 require states to issue water quality standards, criteria, and guidelines.
- Section 401 requires an applicant for a federal license or permit to conduct any activity that may result in a discharge to waters of the U.S. to obtain certification from the state that the discharge will comply with other provisions of the act. This is most frequently required in tandem with a Section 404 permit request (see below).
- Section 402 establishes the NPDES, a permitting system for the discharges (except for dredge or fill material) of any pollutant into waters of the U.S. Regional Water Quality Control Boards (RWQCB) administer this permitting program in California. Section 402(p) requires permits for discharges of storm water from industrial/construction and municipal separate storm sewer systems (MS4s).
- Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States. This permit program is administered by the U.S. Army Corps of Engineers (USACE).

The goal of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”

The USACE issues two types of 404 permits: General and Standard permits. There are two types of General permits: Regional permits and Nationwide permits. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Nationwide Permit may be permitted under one of the USACE’s Standard permits. There are two types of Standard permits: Individual permits and Letters of Permission. For Standard permits, the USACE decision to approve is based on compliance with U.S. Environmental Protection Agency’s Section 404 (b)(1) Guidelines (U.S. EPA Code of Federal Regulations [CFR] 40 Part 230), and whether the permit approval is in the public interest. The Section 404(b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S. and not have any other significant adverse environmental consequences. According to the Guidelines, documentation is needed that a sequence of avoidance, minimization, and compensation measures has been

followed, in that order. The Guidelines also restrict permitting activities that violate water quality or toxic effluent² standards, jeopardize the continued existence of listed species, violate marine sanctuary protections, or cause “significant degradation” to waters of the U.S. In addition, every permit from the USACE, even if not subject to the Section 404(b)(1) Guidelines, must meet general requirements. See 33 CFR 320.4. A discussion of the LEDPA determination, if any, for the document is included in the Wetlands and Other Waters section.

State Requirements: Porter-Cologne Water Quality Control Act

California’s Porter-Cologne Act, enacted in 1969, provides the legal basis for water quality regulation within California. This act requires a “Report of Waste Discharge” for any discharge of waste (liquid, solid, or gaseous) to land or surface waters that may impair beneficial uses for surface and/or groundwater of the state. It predates the CWA and regulates discharges to waters of the state. Waters of the state include more than just waters of the U.S., like groundwater and surface waters not considered waters of the U.S. Additionally, it prohibits discharges of “waste” as defined, and this definition is broader than the CWA definition of “pollutant.” Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA.

The State Water Resources Control Board (SWRCB) and RWQCBs are responsible for establishing the water quality standards (objectives and beneficial uses) required by the CWA and regulating discharges to ensure compliance with the water quality standards. Details about water quality standards in a project area are included in the applicable RWQCB Basin Plan. In California, Regional Boards designate beneficial uses for all water body segments in their jurisdictions and then set criteria necessary to protect these uses. As a result, the water quality standards developed for particular water segments are based on the designated use and vary depending on that use. In addition, the SWRCB identifies waters failing to meet standards for specific pollutants. These waters are then state-listed in accordance with CWA Section 303(d). If a state determines that waters are impaired for one or more constituents and the standards cannot be met through point source or non-point source controls (NPDES permits or WDRs), the CWA requires the establishment of Total Maximum Daily Loads (TMDLs). TMDLs specify allowable pollutant loads from all sources (point, non-point, and natural) for a given watershed.

State Water Resources Control Board and Regional Water Quality Control Boards

The SWRCB administers water rights, sets water pollution control policy, and issues water board orders on matters of statewide application, and oversees water quality functions throughout the state by approving Basin Plans, TMDLs, and NPDES permits. RWCQB are responsible for

² The U.S. EPA defines “effluent” as “wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall.”

protecting beneficial uses of water resources within their regional jurisdiction using planning, permitting, and enforcement authorities to meet this responsibility.

National Pollutant Discharge Elimination System (NPDES) Program

Municipal Separate Storm Sewer Systems (MS4)

Section 402(p) of the CWA requires the issuance of NPDES permits for five categories of storm water discharges, including Municipal Separate Storm Sewer Systems (MS4s). An MS4 is defined as “any conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, and storm drains) owned or operated by a state, city, town, county, or other public body having jurisdiction over storm water, that is designed or used for collecting or conveying storm water.” The SWRCB has identified the Department as an owner/operator of an MS4 under federal regulations. The Department’s MS4 permit covers all Department rights-of-way, properties, facilities, and activities in the state. The SWRCB or the RWQCB issues NPDES permits for five years, and permit requirements remain active until a new permit has been adopted.

The Department’s MS4 Permit (Order No. 2012-0011-DWQ) was adopted on September 19, 2012 and became effective on July 1, 2013. The permit has three basic requirements:

1. The Department must comply with the requirements of the Construction General Permit (see below);
2. The Department must implement a year-round program in all parts of the State to effectively control storm water and non-storm water discharges; and
3. The Department storm water discharges must meet water quality standards through implementation of permanent and temporary (construction) Best Management Practices (BMPs), to the Maximum Extent Practicable, and other measures as the SWRCB determines to be necessary to meet the water quality standards.

To comply with the permit, the Department developed the Statewide Storm Water Management Plan (SWMP) to address storm water pollution controls related to highway planning, design, construction, and maintenance activities throughout California. The SWMP assigns responsibilities within the Department for implementing storm water management procedures and practices as well as training, public education and participation, monitoring and research, program evaluation, and reporting activities. The SWMP describes the minimum procedures and practices the Department uses to reduce pollutants in storm water and non-storm water discharges. It outlines procedures and responsibilities for protecting water quality, including the selection and implementation of Best Management Practices (BMPs). The proposed project will

be programmed to follow the guidelines and procedures outlined in the latest SWMP to address storm water runoff.

Construction General Permit

Construction General Permit (Order No. 2009-009-DWQ), adopted on September 2, 2009, became effective on July 1, 2010. The permit regulates storm water discharges from construction sites that result in a Disturbed Soil Area (DSA) of one acre or greater, and/or are smaller sites that are part of a larger common plan of development. By law, all storm water discharges associated with construction activity where clearing, grading, and excavation result in soil disturbance of at least one acre must comply with the provisions of the General Construction Permit. Construction activity that results in soil disturbances of less than one acre is subject to this Construction General Permit if there is potential for significant water quality impairment resulting from the activity as determined by the RWQCB. Operators of regulated construction sites are required to develop storm water pollution prevention plans; to implement sediment, erosion, and pollution prevention control measures; and to obtain coverage under the Construction General Permit.

The 2009 Construction General Permit separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases, and are based on potential erosion and transport to receiving waters. Requirements apply according to the Risk Level determined. For example, a Risk Level 3 (highest risk) project would require compulsory storm water runoff pH and turbidity monitoring, and before construction and after construction aquatic biological assessments during specified seasonal windows. For all projects subject to the permit, applicants are required to develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP). In accordance with the Department's Standard Specifications, a Water Pollution Control Plan (WPCP) is necessary for projects with DSA less than one acre.

Section 401 Permitting

Under Section 401 of the CWA, any project requiring a federal license or permit that may result in a discharge to a water of the United States must obtain a 401 Certification, which certifies that the project will be in compliance with state water quality standards. The most common federal permits triggering 401 Certification are CWA Section 404 permits issued by the USACE. The 401 permit certifications are obtained from the appropriate RWQCB, dependent on the project location, and are required before the USACE issues a 404 permit.

In some cases, the RWQCB may have specific concerns with discharges associated with a project. As a result, the RWQCB may issue a set of requirements known as Waste Discharge Requirements (WDRs) under the State Water Code (Porter-Cologne Act) that define activities, such as the inclusion of specific features, effluent limitations, monitoring, and plan submittals

that are to be implemented for protecting or benefiting water quality. WDRs can be issued to address both permanent and temporary discharges of a project.

2.2.1.2 Affected Environment

A Water Quality Study was completed on June 5, 2014.

The project is within the Pajaro River Hydrologic Unit, South Santa Clara Valley Hydrologic Area, and Guerneville Hydrologic Sub-Area. The project is within the Pajaro River watershed and Upper Pajaro River sub-watershed.

Storm water runoff from the project area drains to the existing drainage ditch on the westbound shoulder of SR 152. It eventually discharges to Furlong (Jones) Creek about 0.57 miles southwest of the project area. Furlong Creek is listed in the 2010 TMDLs and Section 303(d) as an impaired water body. The pollutants of concern are chlorpyrifos, Escherichia coli, Fecal Coliform, Nitrate, and Turbidity. The ultimate receiving water bodies are Llagas Creek and Pajaro River.

The project area is located in the Hollister Area groundwater sub-basin 3-3.03 in the Central Coast Hydrologic Region (WQ study 2014). Storm water in the northern portion of the project area drains toward Monterey Bay via the Pajaro River and its tributaries. The groundwater level is expected to be deeper than 6.5 feet below the natural ground level (WQ Study 2014).

2.2.1.3 Environmental Consequences

It is anticipated that the project will have more than one acre of Disturbed Soil Area (DSA), less than one acre of the new added impervious area, and no rework area. The project will have temporary impacts occurring during construction activities. Waters of the U.S. are not present within the project footprint, and therefore will not be impacted.

Since the project will add less than one acre of impervious area, it is not susceptible to hydro-modification impacts.

The no build alternative would not make improvements to SR 152 and therefore would not impact water quality.

2.2.1.4 Avoidance, Minimization, and/or Mitigation Measures

1. A Construction General Permit (CGP) and the Department's National Pollutant Discharge Elimination System (NPDES) permit will be issued to avoid and/or minimize the project's temporary impacts from construction activities. Best Management Practices (BMPs) will be incorporated to reduce the discharge of pollutants during construction to the Maximum Extent Practicable (MEP).

2. Construction Site BMPs will be implemented to reduce the pollutants from storm water discharge. Construction Site BMPs include, but are not limited to soil stabilization, sediment control, tracking controls, wind erosion control, waste management and materials pollution control, and job site management.
3. Given that the anticipated soil disturbance is more than one acre, a Stormwater Pollution Prevention Plan (SWPPP) will be developed during construction. This document addresses the deployment of various erosion and water pollution control measures that are required commensurate to changing construction activities. The exact locations for the BMPs will be determined during the design phase.

2.2.2 Hazardous Waste/Materials

2.2.2.1 Regulatory Setting

Hazardous materials, including hazardous substances and wastes, are regulated by many state and federal laws. Statutes govern the generation, treatment, storage and disposal of hazardous materials, substances, and waste, and also the investigation and mitigation of waste releases, air and water quality, human health and land use.

The primary federal laws regulating hazardous wastes/materials are the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and the Resource Conservation and Recovery Act of 1976 (RCRA). The purpose of CERCLA, often referred to as “Superfund,” is to identify and clean up abandoned contaminated sites so that public health and welfare are not compromised. The RCRA provides for “cradle to grave” regulation of hazardous waste generated by operating entities. Other federal laws include:

- Community Environmental Response Facilitation Act (CERFA) of 1992
- Clean Water Act
- Clean Air Act
- Safe Drinking Water Act
- Occupational Safety and Health Act (OSHA)
- Atomic Energy Act
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

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

California regulates hazardous materials, waste, and substances under the authority of the CA Health and Safety Code and is also authorized by the federal government to implement RCRA in the state. California law also addresses specific handling, storage, transportation, disposal, treatment, reduction, cleanup and emergency planning of hazardous waste. The Porter-Cologne Water Quality Control Act also restricts disposal of wastes and requires clean up of wastes that are below hazardous waste concentrations but could impact ground and surface water quality. California regulations that address waste management and prevention and clean up contamination include Title 22 Division 4.5 Environmental Health Standards for the Management of Hazardous Waste, Title 23 Waters, and Title 27 Environmental Protection.

Worker and public health and safety are key issues when addressing hazardous materials that may affect human health and the environment. Proper management and disposal of hazardous material is vital if it is found, disturbed, or generated during project construction.

2.2.2.2 Affected Environment

Initial Site Assessments (ISA) conducted in previous projects have found Aerial Deposited Lead (ADL), hydrocarbons, and other potential contaminants within the project's study limits.

2.2.2.3 Environmental Consequences

The Office of Environmental Engineering will conduct soil testing during the Design phase in areas where excavation occurs to test the concentration of contaminants, and the level and extent of contamination in relationship to the project.

The no build alternative would not make improvements to the project and therefore would not conduct soil testing in the project area.

2.2.2.4 Avoidance, Minimization, and/or Mitigation Measures

1. Contaminated soil will either be re-used within the project limits if allowed or disposed of at a permitted landfill.

2.3 Biological Environment

2.3.1 Natural Communities

This section of the document discusses natural communities of concern. The focus of this section is on biological communities, not individual plant or animal species. This section also includes

information on wildlife corridors and habitat fragmentation. Wildlife corridors are areas of habitat used by wildlife for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value.

Habitat areas that have been designated as critical habitat under the Federal Endangered Species Act are discussed below in the Threatened and Endangered Species Section 2.3.4. Wetlands and other waters are also discussed below in Section 2.3.2.

2.3.1.1 Affected Environment

A Natural Environmental Study (NES) was completed on July 14, 2014. Within the Biological Study Area (BSA) (Figures 2.3-1, 2.3-2, 2.3-3), there are four land cover types: Mediterranean California naturalized annual and perennial grassland, ruderal-agricultural, remnant mixed oak woodland/California walnut groves, and riparian.

Mediterranean California Naturalized Annual and Perennial Grassland

Approximately 3.5 acres of Mediterranean California naturalized annual and perennial grassland occur within the BSA. This vegetation community makes up most of the BSA on the north side of SR 152 and is dominated by wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), Italian wildrye (*Lolium multiflorum*), wall barley (*Hordeum murinum*), and exotic filarees (*Erodium cicutarium*, *E. moschatum*). Along the road are black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), poison hemlock, milk thistle (*Silybum marianum*), Harding grass (*Phalaris aquatica*), California sagebrush, and mugwort.

Ruderal-agricultural

Ruderal-agricultural vegetation occupies approximately 2.2 acres of land within the BSA. This vegetation type is confined to agricultural fields consisting mainly of grape vineyards and alfalfa (*Medicago sativa*). These areas are heavily disturbed by agricultural operations.

Remnant Mixed Oak Woodland/California Walnut Groves

Approximately 0.42 acre of remnant mixed oak woodland/California walnut groves occurs within the BSA. Three very small scattered patches can be found on the south side of SR 152 and are dominated by Coast live oak (*Quercus agrifolia*), valley oak (*Q. lobata*), and California black walnut (*Juglans californica*).



Figure 2.3-1: Biological Study Area and Footprint Map – Detail 1

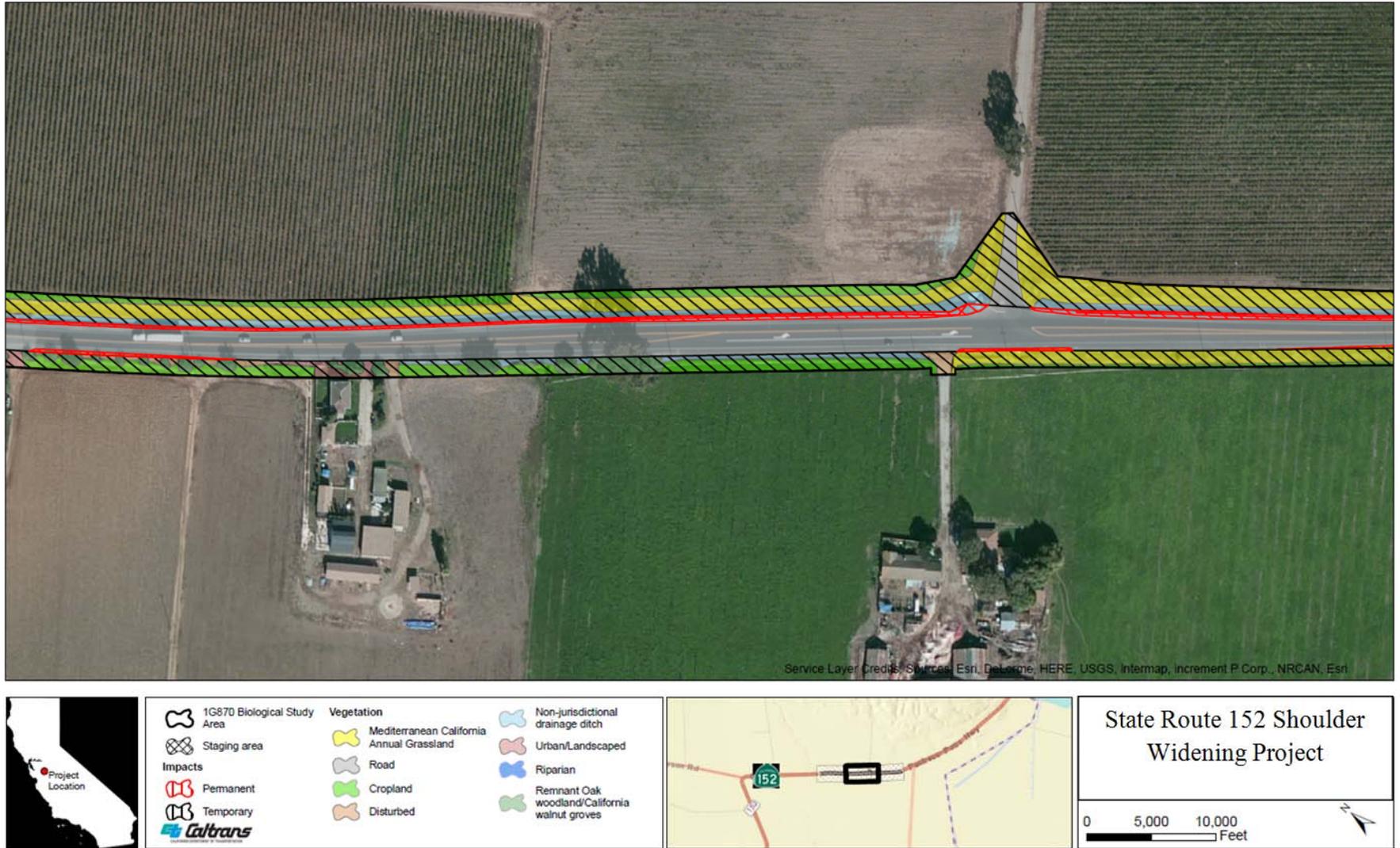


Figure 2.3-2: Biological Study Area and Footprint Map – Detail 2



Service Layer Credits: Sources: Esri, DeLorme, HERE, USGS, Intermap, increment P Corp., NRCAN, Esri



Figure 2.3-3: Biological Study Area and Footprint Map – Detail 3

Riparian

A small patch of riparian vegetation occurs at the west end of the BSA (0.1 acre), at San Ysidro Creek. Arroyo willow (*Salix lasiolepis*), red willow, and California black walnut are the dominant species in the riparian habitat. This area is outside the proposed project footprint but is within the 250-foot buffer at the end of the project alignment, and is thus considered part of the BSA. Other major water features with riparian habitat occur throughout the project vicinity and make up the Pajaro River watershed. They include Llagas Creek, San Felipe Lake, Alamas Creek, Dexter Creek, Miller Slough, and the Pajaro River. These riparian areas are entirely outside of the BSA.

2.3.1.2 Environmental Consequences

Table 2.3-1 lists the potential temporary and permanent effects on habitats from roadway construction. Temporary effects on habitat are those that can be restored and revegetated after completion of construction to pre-construction conditions. Permanent effects on habitat include those areas that will be lost because of changes such as increased paved surface, which will remain after construction is completed.

Land Cover Type	Total Within BSA (acres)	Project Footprint		Total Effects (acres)
		Permanent Effects (acres)	Temporary Effects (acres)	
Mediterranean California naturalized annual and perennial grassland	3.5	0	3.71	3.71
Cropland	2.2	0.06	1.37	1.43
Remnant mixed oak woodland/California walnut groves	0.4	0.02	0.40	0.42
Riparian	0.1	0	0	0.00
Total	6.2	0.08	5.48	5.56

Table 2.3-1: Potential Effects on Habitats

The no build alternative would not make any improvements to SR 152 and therefore would not impact natural communities.

2.3.1.3 Avoidance, Minimization, and/or Mitigation Measures

1. Immediately prior to any construction activities, a USFWS-approved biological monitor will conduct preconstruction surveys within and adjacent to the BSA and in any adjacent environmentally sensitive areas. The biological monitor will survey suitable aquatic and upland habitats and locations subject to disturbance. The biological monitor also will inspect any open holes, pipes, and equipment in designated staging areas. Daily clearance surveys will occur before initial ground disturbing activities occur in an environmentally

sensitive area. No clearing and grubbing will be permitted beyond paved surfaces until the area has been surveyed and cleared by the approved biological monitor.

2. Before beginning construction, a USFWS-approved biologist will conduct a mandatory employee training session that will include the biology and ecology of sensitive species and habitats with the potential to occur in or near the BSA. The training will be provided to all construction workers before they begin any work at the construction site.

2.3.2 Wetlands and Other Waters

2.3.2.1 Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Federal Water Pollution Control Act, more commonly referred to as the Clean Water Act (CWA) (33 United States Code [USC] 1344), is the primary law regulating wetlands and surface waters. One purpose of the CWA is to regulate the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. 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 CWA, a three-parameter approach is used that includes the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils formed during saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the CWA.

Section 404 of the CWA establishes a regulatory program that provides that discharge of dredged or fill material cannot 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 United States Environmental Protection Agency (U.S. EPA).

The USACE issues two types of 404 permits: General and Standard permits. There are two types of General permits: Regional permits and Nationwide permits. Regional permits are issued for a general category of activities when they are similar in nature and cause minimal environmental effect. Nationwide permits are issued to allow a variety of minor project activities with no more than minimal effects.

Ordinarily, projects that do not meet the criteria for a Nationwide Permit may be permitted under one of USACE's Standard permits. There are two types of Standard permits: Individual permits and Letters of Permission. For Standard permits, the USACE decision to approve is based on compliance with U.S. EPA's Section 404(b)(1) Guidelines (U.S. EPA 40 Code of Federal Regulations [CFR] Part 230), and whether permit approval is in the public interest. The Section

404 (b)(1) Guidelines (Guidelines) were developed by the U.S. EPA in conjunction with the USACE, and allow the discharge of dredged or fill material into the aquatic system (waters of the U.S.) only if there is no practicable alternative which would have less adverse effects. The Guidelines state that the USACE may not issue a permit if there is a least environmentally damaging practicable alternative (LEDPA) to the proposed discharge that would have lesser effects on waters of the U.S., and not have any other significant adverse environmental consequences.

The Executive Order for the Protection of Wetlands (EO 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this EO states that a federal agency, such as the FHWA and/or Caltrans, as assigned, 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 State Water Resources Control Board (SWRCB), the Regional Water Quality Control Boards (RWQCB) and the California Department of Fish and Wildlife (CDFW). In certain circumstances, the Coastal Commission (or Bay Conservation and Development Commission or Tahoe Regional Planning Agency) may also be involved. Sections 1600-1607 of the California Fish and Game Code require any agency that proposes a project that will substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify CDFW before beginning construction. If CDFW determines that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement will be required. CDFW 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 CDFW.

The RWQCBs were established under the Porter-Cologne Water Quality Control Act to oversee water quality. Discharges under the Porter-Cologne Act are permitted by Waste Discharge Requirements (WDRs) and may be required even when the discharge is already permitted or exempt under the CWA. In compliance with Section 401 of the CWA, the RWQCBs also issue water quality certifications for activities which may result in a discharge to waters of the U.S. This is most frequently required in tandem with a Section 404 permit request. Please see the [Water Quality section](#) for additional details.

2.3.2.2 Affected Environment

The BSA is within the Pajaro River Watershed, which drains portions of the Diablo and Gabilan Ranges. The main hydrological feature in the BSA is the San Ysidro Creek. The creek is a

seasonal drainage that passes under SR 152 and becomes a channelized agricultural drainage ditch that flows into Llagas Creek.

A wetland delineation was conducted on February 25, 2014, by Department biologists Robert Vogt and Rosalie Wilson to determine the presence of potential wetlands and other waters of the United States within the BSA. Before field surveys were conducted, reference materials were reviewed, including aerial photographs of the project area and vicinity, and standard biological references and field guides. The wetland delineation will be sent to USACE for their concurrence of the Department's findings. The results may be subject to change based on USACE review.

2.3.2.3 Environmental Consequences

The wetland delineation determined that there are no potential wetlands or other waters of the United States within the project area. The San Ysidro creek was delineated as "other waters" and is located within the BSA, but is located outside the proposed project footprint (Figures 2.3-1, 2.3-2, and 2.3-3). Further, this creek does not have a hydraulic connection to any drainage within the BSA. Therefore, there are no waters of the U.S. that will be impacted.

The no build alternative would not make improvements to SR 152 and therefore would not impact wetlands and other waters.

2.3.2.4 Avoidance, Minimization, and/or Mitigation Measures

1. In compliance with the requirements of the Central Coast Regional Water Quality Control Board, a storm water pollution prevention plan (SWPPP) and erosion control BMPs will be developed and implemented to minimize any wind- or water-related material discharges. The SWPPP will provide guidance for design staff, to include provisions in construction contracts for measures to protect environmentally sensitive areas and to prevent and minimize storm water and non-storm water discharges.

2.3.3 Animal Species

2.3.3.1 Regulatory Setting

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service (USFWS), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) and the California Department of Fish and Wildlife (CDFW) are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with animals not listed or proposed for listing under the federal or state Endangered Species Act. Species listed or proposed for listing as threatened or endangered are

discussed in Section 2.3.5 below. All other special-status animal species are discussed here, including CDFW fully protected species and species of special concern, and USFWS or NOAA Fisheries Service candidate species.

Federal laws and regulations relevant to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act

State laws and regulations relevant to wildlife include the following:

- California Environmental Quality Act
- Sections 1600 – 1603 of the California Fish and Game Code
- Sections 4150 and 4152 of the California Fish and Game Code

2.3.3.2 Affected Environment

Department biologists conducted a reconnaissance-level habitat assessment on April 29, 2014, to assess existing conditions, biological resources, and special-status terrestrial wildlife potentially present within the BSA.

The habitats adjacent to the BSA provide habitat for mammals, birds, reptiles, and amphibians. The most common wildlife associated with the nearby habitats include black-tailed deer (*Odocoileus hemionus*), California ground squirrel (*Spermophilus beecheyi*), pocket gopher (*Thomomys bottae*), mourning dove (*Zenaida macroura*), chestnut-backed chickadee (*Poecile rufescens*), Western scrub-jay (*Aphelocoma coerulescens*), red-tailed hawk (*Buteo jamaicensis*), Western fence lizard (*Sceloporus occidentalis*), and Pacific treefrog (*Pseudacris regilla*).

A review of the California Natural Diversity Database (CNDDDB) revealed a single historical occurrence of the Pallid bat located within five miles of the proposed project footprint. This historical observation was in 1938, and no detailed description of the location is available. Preferred roosting sites (e.g., caves, bridges, and old, decaying trees) are generally absent from the project vicinity. However, decaying trees and large trees within and near the BSA may provide marginally suitable roosting habitat. If the species is present, it most likely uses the areas within and around the BSA for foraging or temporary occupancy.

A review of the CNDDDB found five Burrowing Owl (BUOW) occurrences reported within five miles of the BSA and no recorded occurrence within 1.5 miles. No protocol-level surveys for

BUOW have been conducted in the proposed project footprint. However, no signs of BUOW use—such as pellets, whitewash, or feathers—were observed during reconnaissance field surveys. The Mediterranean California naturalized annual and perennial grassland surrounding and within the BSA could potentially provide marginally suitable sheltering and breeding habitat for this species. Impacts to burrowing owl would be avoided through preconstruction surveys for nesting birds.

2.3.3.3 Environmental Consequences

SR 152 itself may present a partial barrier to wildlife movement. Because the BSA is limited to a narrow, low-quality habitat area bordering the existing highway, wildlife species likely do not reside within it. Instead wildlife uses the BSA during dispersal between each side of the highway. The majority of the BSA has been previously disturbed and lacks natural vegetation.

Construction of the proposed project has the potential to temporarily disrupt roosting or foraging activities of the Pallid bat. These effects would occur during nighttime foraging periods when adult bats leave the roost to feed.

The proposed project has the potential to temporarily disrupt BUOW breeding and foraging activities during construction. However, nighttime project work will not overlap with the active time of day of the species.

The no build alternative would not make improvements to SR 152 and therefore would not impact animal species.

2.3.3.4 Avoidance, Minimization, and/or Mitigation Measures

1. Before beginning construction, a Department approved biologist will conduct an employee training session to all construction workers that will include the biology and ecology of sensitive species and habitats with the potential to occur in or near the BSA.
2. The nesting season for migratory birds is anticipated to occur between February 15 and August 31. If occupied nests—nests with birds or eggs—are observed to be present within or adjacent to the BSA, the approved biological monitor will notify the Resident Engineer to stop work and notify the Department biologist. No work buffers would be established (within 50 feet of a non-game bird nest or within 300 feet of a raptor nest) and USFWS and CDFW will be notified.
3. A biologist will conduct pre-construction surveys for pallid bat in the project vicinity. If any maternity roosts of special-status bats are discovered in the project vicinity, these areas will be identified as environmentally sensitive areas and appropriate buffers and work windows will be applied during project construction.

4. For burrowing owl, pre-construction surveys will be completed if construction activities occur during the breeding season (February 15 through August 1). No disturbance will occur within approximately 164 feet (50 meters) of occupied BUOW burrows during non-breeding periods (October 16 through March 31), or within approximately 656 feet (200 meters) during the breeding/fledging period (April 1 through October 15). If construction activities are intended to occur within these limits while burrows are active, a site-specific work plan will be prepared and construction will only be allowed to take place if a biological monitor is present.

2.3.4 Threatened and Endangered Species

2.3.4.1 Regulatory Setting

The primary federal law protecting threatened and endangered species is the Federal Endangered Species Act (FESA): 16 United States Code (USC) Section 1531, et seq. See also 50 Code of Federal Regulations (CFR) Part 402. This act and later amendments provide for the conservation of endangered and threatened species and the ecosystems upon which they depend. Under Section 7 of this act, federal agencies, such as the Federal Highway Administration (FHWA), are required to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) 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 may include a Biological Opinion with an Incidental Take statement, a Letter of Concurrence and/or documentation of a No Effect finding. 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 California Department of Fish and Wildlife (CDFW) 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 the CDFW. For species listed under both the FESA and CESA requiring a Biological Opinion under Section 7 of

the FESA, the CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the California Fish and Game Code.

Another federal law, the Magnuson-Stevens Fishery Conservation and Management Act of 1976, was established to conserve and manage fishery resources found off the coast, as well as anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species, Continental Shelf fishery resources, and fishery resources in special areas.

2.3.4.2 Affected Environment

On February 6, 2014, the Department's biologist conducted a field visit with Jerry Roe of USFWS at the project site. USFWS was provided with project plans, a description of the proposed build alternative, and a map of CNDDDB occurrences within the project area. The Department initiated Section 7 formal consultation with the USFWS on July 1, 2014 by submitting a Biological Assessment (BA). The BA addressed the potential project effects on the California red-legged frog and the California tiger salamander. An updated USFWS species list was obtained on July 10, 2014.

California Tiger Salamander

No California tiger salamander (CTS) were observed during the field surveys related to the development of the NES. A review of the CNDDDB revealed that a total of two adult and larval (breeding) CTS occurrences have been reported within 1.25 miles of the BSA, and that 11 additional occurrences have been reported within five miles.

San Ysidro creek does not remain sufficiently ponded throughout the year to support breeding populations of CTS. The riparian habitat near the creek lacks small mammal burrows, is likely a predator feeding area, and is patrolled heavily by land-based predators, such as skunks and raccoons. Therefore, the riparian area does not provide suitable upland or dispersal habitat for CTS.

Agricultural fields on the north side of SR 152 may provide dispersal habitat for CTS traveling between aquatic features and upland sites in the project vicinity. Burrowing activity in this area is limited by small mammal control and heavy agricultural disturbance. Grasslands adjacent to the vineyards on the north side of SR 152 contain some small mammal burrows. However, they are not likely to be active because of small mammal control, and therefore are not likely to be suitable habitat for CTS. The soil on top of the culvert along the south side of SR 152 currently does not contain suitable habitat that would support CTS. Grasslands on the south side of SR 152

may contain gopher burrows that could be used by CTS, but based on the tall height of the grass in the pastureland, none were detected during surveys.

Suitable aquatic habitat occurs within 1.24 miles of the BSA in the project vicinity; however, because of the high traffic volume on SR 152, this species is not likely to successfully move through the BSA to get to ponds located on either side of the highway. Because of the heavy traffic loads on the roadway, lack of suitable burrowing habitat, small mammal control, and presence of predators in the BSA, CTS are not expected to occur in this area outside the wet season (June 1 and October 15).

California Red-Legged Frog

No CRLF were observed during the field surveys. Because of the poor quality and lack of suitable habitat in the BSA, no protocol-level surveys for CRLF were conducted. A review of the CNDDDB indicates that nine CRLF occurrences have been reported within five miles of the BSA, and that the nearest occurrence was reported approximately 3.2 miles from the BSA.

Mediterranean California naturalized annual and perennial grasslands may provide dispersal and refugia habitat for CRLF. Grasslands adjacent to the vineyards on the north side of SR 152, next to Prunedale Road, contain some small mammal burrows that could provide refuge for migrating CRLF. However, these burrows are likely inactive because of small mammal control and heavy agricultural activity. Grasslands on the south side of SR 152 may provide habitat for pocket gophers, but none were detected, based on the tall height of the grass in the pastureland. The riparian area of San Ysidro Creek may provide suitable aquatic and upland habitat during the wet season, but because of its temporary nature, the riparian habitat in and near San Ysidro Creek does not provide suitable aquatic breeding or aquatic nonbreeding habitat for CRLF.

Suitable aquatic habitat occurs within one mile of the BSA in the project vicinity and CRLF potentially disperse through the BSA during wet weather months or seek refuge in underground culverts within the BSA. However, because of the high traffic volume on SR 152, lack of suitable refuge habitat, small mammal control, and high presence of predators, this species is not likely to utilize habitats in the BSA. Additionally, CRLF are not expected to occur in the BSA outside the wet season (June 1 and October 15).

San Joaquin Kit Fox

The BSA is within the northern portion of the historic range of the San Joaquin Kit Fox (SJKF). No presumed existing populations are within southern Santa Clara County. No protocol-level surveys for SJKF have been conducted in the project vicinity, and no SJKF were observed during the field surveys related to the development of this document.

Two SJKF occurrences were reported within a 10-mile radius around the BSA. The first occurrence was road kill observed before 1972 and is located approximately 6.53 miles northeast of the BSA. The second occurrence was observed approximately nine miles east of the BSA, sometime between 1972 and 1975. Because of very few recent occurrences recorded within a 10-mile radius of the BSA, it is unlikely that SJKF currently make regular use of the project vicinity.

Least Bell's Vireo

The proposed project footprint is located on the northern edge of the historical range of Least Bell's Vireo (LBV). No protocol-level surveys for LBV have been conducted in the project vicinity, and no LBV were observed during field surveys. Two LBV occurrences are recorded in the CNDDDB within five miles of the BSA.

An isolated patch of riparian habitat, in the BSA along San Ysidro Creek, provides very marginally suitable LBV breeding habitat. The riparian vegetation lacks a well-developed, multistory, structured canopy. In addition, the riparian corridor of San Ysidro Creek is very narrow, about 40 feet wide, and is bordered by agricultural fields to the south and California annual grassland to the north, neither of which provides suitable foraging habitat for this species.

2.3.4.3 Environmental Consequences

California Tiger Salamander

All existing culverts that may allow CTS to pass under SR 152 would be retained. No new effects on CTS passage across SR 152 are expected to occur with the future operation of the proposed project.

If CTS are present in the BSA during construction, take may occur in the form of capture, harm, harassment, injury, and mortality to adult CTS from habitat loss and degradation, construction-related disturbance, and capture and relocation. The Department will apply for a CDFW Incidental Take Permit in the design phase of the project.

The proposed project would result in the temporary disturbance of an estimated 3.71 acres of poor quality upland and dispersal habitat. Temporary effects would include disturbance from trampling during vegetation clearing and equipment access during construction. Therefore, the proposed action may affect, and would be likely to adversely affect CTS.

California Red-Legged Frog

All of the existing culverts that may allow CRLF to pass under SR 152 would be retained. No new effects on CRLF passage across SR 152 are expected to occur with the future operation of the proposed project.

No major potential effects on CRLF are expected to occur as a result of the proposed project. Most dispersal and aestivation habitat in the proposed project footprint is already disturbed. It is unlikely for CRLF to use these areas regularly, particularly the road, non-jurisdictional drainage ditch, cropland, and urban/landscaped communities.

Because of the localized nature of the proposed project to improve the existing roadway, the proposed project would not influence or affect the potential long-term viability of existing CLRF populations and reestablishment of populations within the species' historic range. However, the proposed project footprint is located within CRLF dispersal distance of a number of drainages and ponds that could provide suitable aquatic habitat. If CRLF are present in the project vicinity during construction, take in the form of capture, harm, harassment, injury, and mortality to adult CRLF from habitat loss and degradation, construction-related disturbance, and capture and relocation may occur.

Construction activities would result in temporary effects on 3.71 acres of potential CRLF upland and dispersal habitat. Temporary effects would include disturbance from trampling during vegetation clearing and equipment access. Therefore, the proposed project may affect, and would be likely to adversely affect CRLF.

San Jacquin Kit Fox

The proposed project would not substantially reduce the quality or availability of land within the BSA for dispersing SJKF. Based on the lack of historical records in the project vicinity, SJKF are unlikely to use the BSA. The proposed project would not alter the ability of SJKF to cross SR 152. All culverts and bridges that provide potential roadway undercrossings would be retained. Therefore, the proposed project may affect, but would not likely to adversely affect SJKF.

Least Bell's Vireo

The patch of riparian habitat that occurs in the BSA may provide marginally suitable habitat for LBV. However, no evidence exists that San Ysidro Creek was ever historically occupied by LBV. Despite recent occurrences north of the species' primary southern California range, this species is still extremely rare anywhere in central California. Therefore, the proposed project may affect, but would not likely to adversely affect LBV.

The no build alternative would not make improvements to SR 152 and therefore would not impact threatened and endangered species.

2.3.4.4 Avoidance, Minimization, and/or Mitigation Measures

1. All work for the proposed project will be scheduled to occur between June 1 and October 15, to avoid effects on species active during the wet weather months, when amphibian

species are most active. Vegetation that is to be removed for project construction will be removed before March 1 to avoid the migratory bird-nesting season.

2. Before beginning construction, a qualified biologist will conduct a mandatory employee training session to all construction workers that will include the biology and ecology of sensitive species and habitats with the potential to occur in or near the BSA.
3. Preconstruction surveys will be conducted by a Department approved biological monitor immediately before beginning any ground-disturbing activities and vegetation clearing that may result in take of CTS and/or CRLF. All suitable aquatic and upland habitats and mammal burrows will be thoroughly inspected for salamanders and/or frogs. If it is determined that a burrow may be occupied by CTS and/or CRLF, the burrow will be excavated by hand, if possible, and the individual(s) will be relocated.
4. To ensure that no LBV are in the project vicinity or nesting close enough to be disturbed by construction activities, preconstruction surveys for LBV will be conducted by an USFWS-approved biological monitor. The surveys will be no more than two weeks before construction begins, for construction activities intended to occur during the breeding season. If work is suspended for more than 15 days during the breeding season, surveys will be conducted again before construction resumes.
5. Before construction activities begin, the contractor will clearly delineate environmentally sensitive areas with WEF in accordance with permit requirements. The Wildlife Exclusion Fencing (WEF) will serve to exclude CTS and CRLF. WEF will be installed along the perimeter of all environmentally sensitive areas, will remain in place throughout the duration of construction, and will be inspected regularly and fully maintained. Repairs to the WEF will be made within 24 hours of discovery. After construction is completed, the WEF will be completely removed.
6. To prevent inadvertent entrapment of CLRF, CTS, SJKF, and/or other animals during construction, all excavated holes or trenches more than two feet deep will be covered with plywood or similar materials at the end of each working day. The holes or trenches can also contain one or more escape ramps, constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If trapped wildlife is discovered at any time, USFWS will be contacted within one working day by telephone and e-mail for guidance.
7. All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods will be either securely capped before storage. Additionally they will be thoroughly inspected for

SJKF before being subsequently buried, capped, or otherwise used or moved in any way. Any SJKF found in a pipe or culvert will be allowed to escape unimpeded.

8. A 500-foot buffer will be established around the location of any LBV individual or any active nests within or near the proposed project footprint. The Department will not begin or continue construction activities until the individual leaves the area on its own or the birds have fledged from the nest.

2.3.5 Invasive Species

2.3.5.1 Regulatory Setting

On February 3, 1999, President William J. Clinton signed Executive Order (EO) 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Federal Highway Administration (FHWA) guidance issued August 10, 1999 directs the use of the State’s invasive species list maintained by the California Invasive Species Council to define the invasive species that must be considered as part of the National Environmental Policy Act (NEPA) analysis for a proposed project.

2.3.5.2 Affected Environment

Invasive plant species, listed by the California Invasive Plant Council (Cal-IPC), occur in the ruderal habitats in and adjacent to the BSA. The Mediterranean California naturalized annual and perennial grassland habitat also is very likely to be dominated by invasive plant species. Cal-IPC defines high priority invasive species as those species that “have severe ecological impacts on physical processes, plant and animal communities, and vegetation structure” (NES). High priority invasive plant species that occur within or near the BSA include fennel (*Foeniculum vulgare*), foxtail chess (*Bromus madritensis* ssp. *rubens*), bristly ox tongue (*Picris echioides*), wild oats (*Avena* sp.), Russian thistle (*Salsola* sp.), and yellow star thistle (*Centaurea solstitialis*) (NES).

2.3.5.3 Environmental Consequences

None of the species on the California List of Invasive Species is used by the Department for erosion control or landscaping.

The no build alternative would not make improvements to SR 152 and therefore would not introduce or spread invasive species.

2.3.5.4 Avoidance, Minimization, and/or Mitigation Measures

1. The Department's standard Best Management Practices would be followed to limit the spread of invasive species in the BSA.

2.4 Cumulative Impacts

2.4.1 Regulatory Setting

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

Cumulative impacts to resources in the project area may result from residential, commercial, industrial, and highway development, as well as from agricultural development and the conversion to more intensive 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.

California Environmental Quality Act (CEQA) Guidelines Section 15130 describes when a cumulative impact analysis is necessary 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. A definition of cumulative impacts under the National Environmental Policy Act (NEPA) can be found in 40 Code of Federal Regulations (CFR), Section 1508.7 of the Council on Environmental Quality (CEQ) Regulations.

2.4.1.1 Resources Analyzed

The Guidance for Preparers of Cumulative Impact Analysis describes how the cumulative impact analysis should focus on (1) resources substantially impacted by the proposed project or (2) resources currently in poor or declining health. The only resource discussed in this document that meets this criteria is the California tiger salamander (CTS).

2.4.1.2 Resource Study Area

CTS current population distribution boundary was based on a 1.3 mile buffer around known CTS occurrences from the California Department of Fish and Wildlife's (CDFW) California Natural

Diversity Database (CNDDDB). This approach was chosen because CTS have been documented at a maximum distance of 1.3 miles from the nearest breeding pond. This approach may result in an overestimate of habitat, but is not significant since additional unsurveyed or unreported CTS breeding locations may exist within the 1.3 mile boundary.

A 1.3 mile buffer around the project study limit was implemented to adequately analyze any potential direct or indirect cumulative effects to CTS. These effects were considered from the proposed project to CTS dispersal sites and from potential suitable habitat. Any population distribution area overlapping the project's 1.3 mile buffer will be assumed to be affected by the project. The Resource Study Area (RSA) was established by combining both the 1.3 mile buffer around the project area and the population distribution area of CTS (Figure 2.4-1).

2.4.1.3 Historical Context/Current Status

Historical as well as current knowledge of CTS abundance in California is limited. Since CTS spend most of their life underground and only a fraction of the population emerges during the breeding season, determining accurate population size is not practical. Therefore, distinguishing past and current population abundance is problematic. As an alternative, the size, density, and health of breeding pools and upland habitat can be used to estimate population size. The timeframe chosen for the historical analysis begins when the species was federally listed as threatened in 2004. This timeframe will allow the analysis to examine whether the health of the species has declined, stabilized, or improved since its federal listing.

CTS have disappeared from a significant portion of their range due to habitat loss and fragmentation from land use changes (e.g. grazing land to agriculture conversions, urbanization, suburban housing development, or converting grazing land to irrigated pasture).

Habitat isolation and fragmentation between or within watersheds have deterred the movement among adjacent breeding sites across intact terrestrial habitat. Aquatic and terrestrial habitat integrity and connectivity among populations are key elements for long-term CTS survival.

Historically, agriculture, rather than urban development, has contributed to the species' original decline within the RSA. Part of the RSA is within the San Ysidro Valley. This area has been developed agriculturally since the early 20th century. In the Santa Clara County's current General Plan, the area within the RSA is designated as agricultural, hillside, and open space reserve. San Benito's General Plan classifies the area within the RSA as agricultural. Field surveys were completed and found the area to have little urban development with mostly agricultural and grazing land.

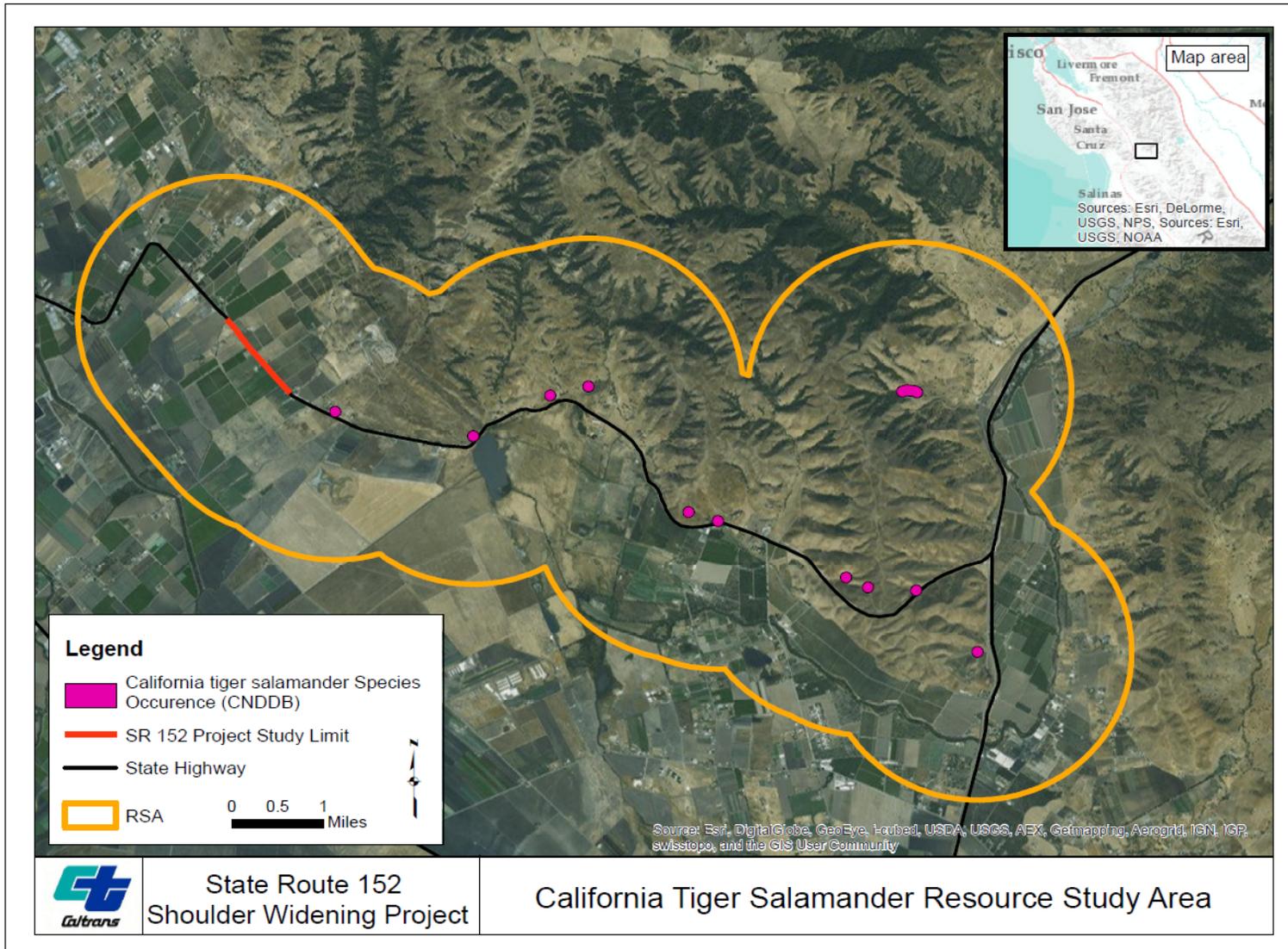


Figure 2.4-1: California Tiger Salamander Resource Study Area

The Intergovernmental Review (IGR) Branch in District 4 and 5 were consulted to gather information on past developments within the RSA. The following projects were identified as having the potential to affect CTS: Pacheco Pass Transfer Station and Casa De Fruta Enhancement Project. The Pacheco Transfer Station will use seven acres within the existing inactive Pacheco Pass Landfill. No suitable habitat for CTS exists within this area, therefore it is assumed the project will not impact CTS. The Casa De Fruta enhancement project proposes to remove 19 trees near Pacheco creek to enhance visibility of the existing Casa de Fruta billboard. This project may potentially affect CTS through tree cutting activities. Trees will be replaced within Pacheco Creek.

Although there has been little urban or agricultural development in the past decade, a number of transportation improvement projects have been constructed along the SR 152 corridor. Roads and barriers impede CTS dispersal between breeding ponds and upland habitat and a significant number of migrating CTS have been killed by automobiles. Several current and past transportation projects within the RSA were identified to have the potential to impact the health of CTS. These include Lovers Lane, Prunedale intersection improvements, 152 Truck Climbing Lane, 152/Ferguson Road Intersection Realignment and Signalization, 152/156 Intersection Improvement Project, SR 152 Improvement Project “B”, and San Felipe Left-hand Turn Pocket.

The Lovers Lane project activities are expected to result in the incidental take of CTS individuals. The project is expected to cause permanent loss of 6.19 acres of upland/dispersal/foraging habitat. The project will compensate for the habitat loss by purchasing 19.05 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank. Construction is expected to be completed in 2017.

The other projects did not individually result in any incremental impacts to CTS or the CTS-designated critical habitat that would jeopardize the continued existence of the species because they were designed to avoid impacts to CTS or were small-scale projects. The nature of the transportation projects and the limited urban and agricultural development within the past decade has resulted in the health of the resource to remain stable.

2.4.1.4 Proposed Project Impacts

The project limits are within dispersal distance of several drainages and ponds capable of supporting CTS. If CTS are present in the project limits during construction, take may occur in the form of capture, harm, harassment, injury, and mortality to adult CTS from habitat loss degradation, construction-related disturbance, and capture and relocation. The proposed project would result in temporary disturbance of 3.71 acres of poor quality upland and dispersal habitat. No new effects on CTS passage across SR 152 are expected with the future operation of the proposed action. All existing culverts that may allow CTS to pass under SR 152 would be retained. Suitable aquatic habitat occurs within 1.24 miles of the project limits; however, because

of the high traffic volume on SR 152, this species is not likely to move successfully through the project area to get to ponds located on either side of the highway. Because of heavy traffic loads on the roadway, lack of suitable burrowing habitat, small mammal control, and presence of predators within the project footprint, CTS are not expected to occur in this area outside the wet season.

The no build alternative would not make improvements to SR 152 and therefore would not have a cumulative impact on CTS.

2.4.1.5 Reasonably Foreseeable Projects

Several transportation projects were identified as reasonably foreseeable to occur in the future within the RSA. They include Frazier Lake Road Interchange, Interchange flyover, Pacheco Station, SR 152 CAPM, North 156 Widening, Construct Passing Lanes, Hollister Route 156. These projects are reasonably foreseeable because they are either in the environmental or design phase of the Department's project process and are assumed to be constructed in the future.

Most projects are not within suitable CTS habitat. Therefore, they are not anticipated to have direct impacts to CTS. However, the Annual Average Daily Traffic (AADT) is expected to increase from 23,300 in 2009 to 31,000 vehicles by year 2029 within the project limits. More traffic on SR 152 can result in higher fatality rates of CTS migrating across the road to different breeding sites and upland habitat; traffic can therefore act as a barrier to species migration. These projects may have an indirect effect to the species by accommodating more motorists on the highway.

The North 156 Widening will not remain on pavement and has the potential to have impacts to CTS habitat. The project will be widening Route 156 from two lanes to four, and could potentially have considerable impacts to CTS.

2.4.1.6 Cumulative Impacts

Current and reasonably foreseeable projects would result in a cumulative total of 6.19 acres of permanent impacts to suitable CTS habitat. Most projects have committed to compensatory mitigation to lessen or offset the damage to species' habitat or have incorporated avoidance and minimization measures to reduce impacts to CTS. As described in Section 2.3.1.3, these projects will not inhibit the health of CTS and will not contribute to the cumulative impact of the species. Agricultural and urban development is limited within the RSA and therefore does not impact the health of the species. As described in Section 2.4.1.4, the proposed project is not expected to have an adverse effect on CTS because and CTS are not expected to occur in the project area outside of the wet season due to lack of suitable habitat. Based on this analysis and review, under

CEQA, no considerable contributions to cumulative impacts to CTS would result from the proposed SR 152 Shoulder Widening Project.

2.4.1.7 Avoidance and Minimization Measures for California Tiger Salamander

1. The proposed project would implement avoidance and minimization species-specific measures to avoid and minimize effects on CTS as stated in Section 2.3.4 (Threatened and Endangered Species).

2.5 Climate Change

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

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization in 1988 has led to increased efforts devoted to GHG emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of GHGs generated by human activity including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF₆), HFC-23 (fluoroform), HFC-134a (s, s, s, 2-tetrafluoroethane), and HFC-152a (difluoroethane).

In the U.S., the main source of GHG emissions is electricity generation, followed by transportation. In California, however, transportation sources (including passenger cars, light-duty trucks, other trucks, buses, and motorcycles make up the largest source of GHG-emitting sources. The dominant GHG emitted is CO₂, mostly from fossil fuel combustion.

There are typically two terms used when discussing the impacts of climate change: "Greenhouse Gas Mitigation" and "Adaptation." "Greenhouse Gas Mitigation" is a term for reducing GHG emissions to reduce or "mitigate" the impacts of climate change. "Adaptation" refers to the effort of planning for and adapting to impacts resulting from climate change (such as adjusting transportation design standards to withstand more intense storms and higher sea levels)³.

There are four primary strategies for reducing GHG emissions from transportation sources: 1) improving the transportation system and operational efficiencies, 2) reducing travel activity, 3)

³ http://climatechange.transportation.org/ghg_mitigation/

transitioning to lower GHG-emitting fuels, and 4) improving vehicle technologies/efficiency. To be most effective, all four strategies should be pursued cooperatively⁴.

2.5.1 Regulatory Setting

State

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

Assembly Bill 1493 (AB 1493), Pavley, Vehicular Emissions: Greenhouse Gases, 2002: This bill requires the California Air Resources Board (ARB) to develop and implement regulations to reduce automobile and light truck GHG emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year.

Executive Order (EO) S-3-05 (June 1, 2005): The goal of this EO is to reduce California's GHG emissions to 1) year 2000 levels by 2010, 2) year 1990 levels by 2020, and 3) 80 percent below the year 1990 levels by 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

Assembly Bill 32 (AB 32), Núñez and Pavley, The Global Warming Solutions Act of 2006: AB 32 sets the same overall GHG emissions reduction goals as outlined in EO S-3-05, while further mandating that ARB create a scoping plan and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases."

Executive Order S-20-06 (October 18, 2006): This order establishes the responsibilities and roles of the Secretary of the California Environmental Protection Agency (Cal/EPA) and state agencies with regard to climate change.

Executive Order S-01-07 (January 18, 2007): This order set forth the low carbon fuel standard for California. Under this EO, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020.

Senate Bill 97 (SB 97) Chapter 185, 2007, Greenhouse Gas Emissions: This bill required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the California Environmental Quality Act (CEQA) Guidelines for addressing GHG emissions. The amendments became effective on March 18, 2010.

⁴ http://www.fhwa.dot.gov/environment/climate_change/mitigation/

Senate Bill 375 (SB 375), Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill requires the California Air Resources Board (CARB) to set regional emissions reduction targets from passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land-use, and housing policies to plan for the achievement of the emissions target for their region.

Senate Bill 391 (SB 391) Chapter 585, 2009 California Transportation Plan: This bill requires the State's long-range transportation plan to meet California's climate change goals under AB 32.

Federal

Although climate change and GHG reduction are a concern at the federal level, currently no regulations or legislation have been enacted specifically addressing GHG emissions reductions and climate change at the project level. Neither the United States Environmental Protection Agency (U.S. EPA) nor the Federal Highway Administration (FHWA) has issued explicit guidance or methods to conduct project-level GHG analysis.⁵ FHWA supports the approach that climate change considerations should be integrated throughout the transportation decision-making process—from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will assist in decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project-level decision-making. Climate change considerations can be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies outlined by FHWA to lessen climate change impacts correlate with efforts that the state is undertaking to deal with transportation and climate change; these strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and a reduction in travel activity.

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

⁵ To date, no national standards have been established regarding mobile source GHGs, nor has U.S. EPA established any ambient standards, criteria or thresholds for GHGs resulting from mobile sources.

Executive Order 13514 (October 5, 2009): This order is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also directs federal agencies to participate in the Interagency Climate Change Adaptation Task Force, which is engaged in developing a national strategy for adaptation to climate change.

U.S. EPA's authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, U.S. EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six greenhouse gases constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and EPA's assessment of the scientific evidence that form the basis for EPA's regulatory actions. U.S. EPA in conjunction with NHTSA issued the first of a series of GHG emission standards for new cars and light-duty vehicles in April 2010.⁶

The U.S. EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced GHG emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever GHG regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle GHG regulations.

The final combined standards that made up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards implemented by this program are expected to reduce GHG emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

On August 28, 2012, U.S. EPA and NHTSA issued a joint Final Rulemaking to extend the National Program for fuel economy standards to model year 2017 through 2025 passenger vehicles. Over the lifetime of the model year 2017-2025 standards this program is projected to save approximately four billion barrels of oil and two billion metric tons of GHG emissions.

The complementary U.S. EPA and NHTSA standards that make up the Heavy-Duty National Program apply to combination tractors (semi trucks), heavy-duty pickup trucks and vans, and vocational vehicles (including buses and refuse or utility trucks). Together, these standards will cut greenhouse gas emissions and domestic oil use significantly. This program responds to President Barack Obama's 2010 request to jointly establish greenhouse gas emissions and fuel

⁶ <http://www.c2es.org/federal/executive/epa/greenhouse-gas-regulation-faq>

efficiency standards for the medium- and heavy-duty highway vehicle sector. The agencies estimate that the combined standards will reduce CO2 emissions by about 270 million metric tons and save about 530 million barrels of oil over the life of model year 2014 to 2018 heavy duty vehicles.

2.5.2 Project Analysis

An individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may contribute to a potential impact through its *incremental* change in emissions when combined with the contributions of all other sources of GHG.⁷ In assessing cumulative impacts, it must be determined if a project’s incremental effect is “cumulatively considerable” (CEQA Guidelines Sections 15064(h)(1) and 15130). To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects to make this determination is a difficult, if not impossible, task.

The AB 32 Scoping Plan mandated by AB 32 includes the main strategies California will use to reduce GHG emissions. As part of its supporting documentation for the Draft Scoping Plan, the ARB released the GHG inventory for California (forecast last updated: October 28, 2010). The forecast is an estimate of the emissions expected to occur in 2020 if none of the foreseeable measures included in the Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the GHG inventory for 2006, 2007, and 2008.

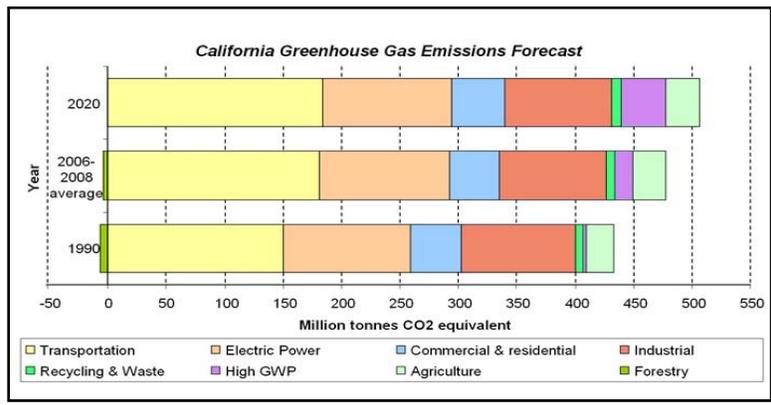


Figure 2.5-1: California Greenhouse Gas Forecast

⁷ This approach is supported by the AEP: *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents* (March 5, 2007), as well as the South Coast Air Quality Management District (Chapter 6: The CEQA Guide, April 2011) and the U.S. Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

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

The Department and its parent agency, the Transportation Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and 40 percent of all human made GHG emissions are from transportation, the Department has created and is implementing the Climate Action Program at Caltrans that was published in December 2006.⁸

The purpose of the proposed project is to improve safety for the traveling public along State Route 152 in Santa Clara County. The project proposes to widen the shoulder in both directions, install ground-in rumble strips within the widened shoulders, and construct a soft median barrier in the centerline. These activities will not increase or change traffic volumes and is not expected to result in an overall increase of operational GHG emissions.

Construction Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction GHG emissions include emissions produced as a result of material processing, emissions produced by on-site construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events. The project will comply with the 2010 Standard Specifications relating to air quality and dust control. The project must comply with air pollution control rules, regulations, ordinances, and statutes.

CEQA Conclusion

While the project will result in a slight increase in GHG emissions during construction, it is anticipated that the project will not result in any increase in operational GHG emissions. While it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct impact and its contribution on the cumulative scale

⁸ Caltrans Climate Action Program is located at the following web address:
http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf

to climate change, Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

2.5.3 Greenhouse Gas Reduction Strategies

The Department continues to be involved on the Governor’s Climate Action Team as the ARB works to implement Executive Orders S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. Many of the strategies the Department is using to help meet the targets in AB 32 come from then-Governor Arnold Schwarzenegger’s Strategic Growth Plan for California. The Strategic Growth Plan targeted a significant decrease in traffic congestion below 2008 levels and a corresponding reduction in GHG emissions, while accommodating growth in population and the economy. The Strategic Growth Plan relies on a complete systems approach to attain CO₂ reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements as shown in Figure 2-5.2: The Mobility Pyramid.

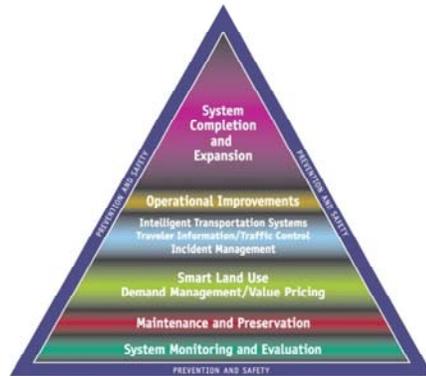


Figure 2.5-2: Mobility Pyramid

The Department is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high-density housing along transit corridors. The Department works closely with local jurisdictions on planning activities, but does not have local land use planning authority. The Department assists efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; the Department is doing this by supporting ongoing research efforts at universities, by supporting legislative efforts to increase fuel economy, and by participating on the Climate Action Team. It is important to note, however, that control of fuel economy standards is held by the U.S. EPA and ARB.

The Department is also working towards enhancing the State's transportation planning process to respond to future challenges. Similar to requirements for regional transportation plans under Senate Bill (SB) 375 (Steinberg 2008), SB 391(Liu 2009) requires the State's long-range transportation plan to meet California's climate change goals under Assembly Bill (AB) 32.

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce greenhouse gas (GHG) emissions. The CTP defines performance-based goals, policies, and strategies to achieve our collective vision for California's future, statewide, integrated, multimodal transportation system.

The purpose of the CTP is to provide a common policy framework that will guide transportation investments and decisions by all levels of government, the private sector, and other transportation stakeholders. Through this policy framework, the CTP 2040 will identify the statewide transportation system needed to achieve maximum feasible GHG emission reductions while meeting the State's transportation needs.

Table 2.5-1 summarizes the Departmental and statewide efforts that the Department is implementing to reduce GHG emissions. More detailed information about each strategy is included in the Climate Action Program at Caltrans (December 2006).

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012): is intended to establish a Department policy that will ensure coordinated efforts to incorporate climate change into Departmental decisions and activities.

Caltrans Activities to Address Climate Change (April 2013)⁹ provides a comprehensive overview of activities undertaken by Caltrans statewide to reduce greenhouse gas emissions resulting from agency operations.

⁹ http://www.dot.ca.gov/hq/tpp/offices/orip/climate_change/projects_and_studies.shtml

Strategy	Program	Partnership		Method/Process	Estimated CO ₂ Savings Million Metric Tons (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Transportation System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	0.07	2.17
Mainstream Energy & GHG into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, CalEPA, ARB, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.045 0.0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	0.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix	1.2	4.2
				25% fly ash cement mix > 50% fly ash/slag mix	0.36	3.6
Goods Movement	Office of Goods Movement	Cal EPA, ARB, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.18

Table 2.5-1: Climate Change/CO₂ Reduction Strategies

2.5.4 Adaptation Strategies

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

At the federal level, the Climate Change Adaptation Task Force, co-chaired by the White House Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA), released its interagency task force progress report on October 28, 2011¹⁰, outlining the federal government's progress in expanding and strengthening the Nation's capacity to better understand, prepare for, and respond to extreme events and other climate change impacts. The report provides an update on actions in key areas of federal adaptation, including: building resilience in local communities, safeguarding critical natural resources such as freshwater, and providing accessible climate information and tools to help decision-makers manage climate risks. Climate change adaptation must also involve the natural environment as well. Efforts are underway on a statewide-level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

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

In addition to addressing projected sea level rise, the California Natural Resources Agency (Resources Agency) was directed to coordinate with local, regional, state and federal public and private entities to develop The California Climate Adaptation Strategy (Dec 2009)¹¹, which summarizes the best-known science on climate change impacts to California, assesses

¹⁰ <http://www.whitehouse.gov/administration/eop/ceq/initiatives/adaptation>

¹¹ <http://www.energy.ca.gov/2009publications/CNRA-1000-2009-027/CNRA-1000-2009-027-F.PDF>

California's vulnerability to the identified impacts, and then outlines solutions that can be implemented within and across state agencies to promote resiliency.

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

The National Academy of Science was directed to prepare a Sea Level Rise Assessment Report¹² to recommend how California should plan for future sea level rise. The report was released in June 2012 and included:

- Relative sea level rise projections for California, Oregon and Washington taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates.
- The range of uncertainty in selected sea level rise projections.
- A synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads, public facilities and beaches), natural areas, and coastal and marine ecosystems.
- A discussion of future research needs regarding sea level rise.

In 2010, interim guidance was released by The Coastal Ocean Climate Action Team (CO-CAT) as well as Caltrans as a method to initiate action and discussion of potential risks to the state's infrastructure due to projected sea level rise. Subsequently, CO-CAT updated the Sea Level Rise guidance to include information presented in the National Academies Study.

All state agencies that are planning to construct projects in areas vulnerable to future sea level rise are directed to consider a range of sea level rise scenarios for the years 2050 and 2100 to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with

¹² *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* (2012) is available at http://www.nap.edu/catalog.php?record_id=13389.

information on local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data

All projects that have filed a Notice of Preparation as of the date of EO S-13-08, and/or are programmed for construction funding from 2008 through 2013, or are routine maintenance projects may, but are not required to, consider these planning guidelines. The proposed project is outside the coastal zone and direct impacts to transportation facilities due to projected sea level rise are not expected.

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

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

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from increased precipitation and flooding; the increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. The Department is an active participant in the efforts being conducted in response to EO S-13-08 and is mobilizing to be able to respond to the National Academy of Science Sea Level Rise Assessment Report.

Chapter 3 Comments and Coordination

Early and continuing coordination with the general public and public agencies is an essential part of the environmental process. It helps planners determine the necessary scope of environmental documentation and the level of analysis required, and identify potential impacts and avoidance, minimization and/or mitigation measures and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including Project Development Team (PDT) meetings, interagency coordination meetings, and public outreach. This chapter summarizes the results of the Department's efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

A public meeting will be held to inform the public of the project and its potential impacts. The meeting will be held at Christopher High School, 850 Day Rd, Gilroy, CA 95020 from 6pm to 8pm on October 9, 2014. Comments on this document will be accepted through October 16, 2014.

A field review with the Department's USFWS liaison was conducted on February 7, 2014. On July 1, 2014, the Department submitted a Biological Assessment to USFWS to assess potential project effects on the California tiger salamander and California red-legged frog. A USFWS species list was obtained on July 10, 2014.

Consultation with the US Department of agriculture was conducted on January 31, 2013 by providing form AD-1006 (Appendix D), maps, and a transmittal letter to notify USDA of potential impacts to farmlands. The form was completed, and submitted to USDA on February 21, 2014. The California Department of Conservation was notified of the proposed Williamson Act farmland acquisition on February 5, 2014. On March 18, 2014 the Department received a letter from the California Department of Conservation with their comments and recommendations for the Department's actions. The Department will provide notice to the Department of Conservation within 10 days of the property being acquired.

The Department contacted the Native American Heritage Commission (NAHC) on February 19, 2014, requesting a review of their Sacred Lands file to determine if there were known historically significant sites within or near the APE of the proposed project. The NAHC responded on February 27, 2014 and reported no Native American cultural resources in the project area. A list of individuals was also provided by the NAHC and they were contacted by letter and phone. No comments were received by these individuals.

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Appendix A CEQA Checklist

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

CEQA Environmental Checklist

04-SCL-152

13.9/14.7

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E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.			
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES:

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. TRANSPORTATION/TRAFFIC: Would the project:

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

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Appendix B Resources Evaluated Relative to the Requirements of Section 4(f)

This section of the document discusses parks, recreational facilities, wildlife refuges and historic properties found within or next to the project area that do not trigger Section 4(f) protection because either: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, 4) the project does not permanently use the property and does not hinder the preservation of the property, or 5) the proximity impacts do not result in constructive use.

While there will be a partial right of way take at the 3665 Pacheco Pass Highway property, the historic boundary of the barn eligible for being listed on the National Register of Historic Places is confined to the footprint of the barn itself and not the parcel as a whole. This boundary was concurred by the SHPO in 1992. As such, there is no property acquired from the historic resource. While the project will impact the parcel the barn is located in, the project is not impacting the historic resource or its defined boundaries, thus not having a use of a section 4(f) resource.

Appendix C Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
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*Flex your power!
Be energy efficient!*

March 2013

NON-DISCRIMINATION 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, religion, sexual orientation, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

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

Additionally, if you need this information in an alternate format, such as in Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, 1823 14th Street, MS-79, Sacramento, CA 95811. Telephone: (916) 324-0449, TTY: 711, or via Fax: (916) 324-1949.

A handwritten signature in blue ink, appearing to read "Malcolm Dougherty".

MALCOLM DOUGHERTY
Director

"Caltrans improves mobility across California"

Appendix D 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 1/30/2014		
Name of Project SR 152 Shoulder Widening			Federal Agency Involved CA DOT (Assigned by FHWA)		
Proposed Land Use Highway Safety Improvement			County and State Santa Clara, California		
PART II (To be completed by NRCS)			Date Request Received By NRCS 1/30/2014		Person Completing Form: Ken Oster
Does the site contain Prime, Unique, Statewide or Local Important Farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>			YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
			Acreage Irrigated	Average Farm Size	
			22,245	281	
Major Crop(s) Vegetables, Wine Grapes, Cherries		Farmable Land In Govt. Jurisdiction Acres: 33,302 % 4.0		Amount of Farmland As Defined in FPPA Acres: 4.1 % 33,791	
Name of Land Evaluation System Used CA Revised Storie Index		Name of State or Local Site Assessment System None		Date Land Evaluation Returned by NRCS 2/19/2014	
PART III (To be completed by Federal Agency)			Alternative Site Rating		
A. Total Acres To Be Converted Directly			Site A	Site B	Site C
B. Total Acres To Be Converted Indirectly			2.62		
C. Total Acres In Site			0		
			2.62		
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland			1.6		
B. Total Acres Statewide Important or Local Important Farmland			1.02		
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted			0.001		
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value			NA		
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)			85		
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>			Maximum Points	Site A	Site B
1. Area In Non-urban Use			(15)	14	
2. Perimeter In Non-urban Use			(10)	10	
3. Percent Of Site Being Farmed			(20)	20	
4. Protection Provided By State and Local Government			(20)	20	
5. Distance From Urban Built-up Area			(15)	0	
6. Distance To Urban Support Services			(15)	0	
7. Size Of Present Farm Unit Compared To Average			(10)	0	
8. Creation Of Non-farmable Farmland			(10)	0	
9. Availability Of Farm Support Services			(5)	5	
10. On-Farm Investments			(20)	20	
11. Effects Of Conversion On Farm Support Services			(10)	0	
12. Compatibility With Existing Agricultural Use			(10)	0	
TOTAL SITE ASSESSMENT POINTS			160	89	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)			100	85	0
Total Site Assessment (From Part VI above or local site assessment)			160	89	0
TOTAL POINTS (Total of above 2 lines)			260	174	0
Site Selected: Site A			Date Of Selection: 2/21/2014	Was A Local Site Assessment Used?	
				YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Reason For Selection: The Corridor Type Assessment was used to calculate the points in Part VI of this form. The points in Part VII totaled 174. Because the nature of this project is intended to improve safety at specific locations on State Route 152, other locations are insufficient.					
Name of Federal agency representative completing this form: Caltrans-as-delegated-by-FHWA					Date: 2/21/2014

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(See Instructions on reverse side)

Form AD-1006 (03-02)

Appendix E Department's Letter to DOC

NOTIFICATION OF PUBLIC ACQUISITION OF WILLIAMSON ACT LAND

Date of Notification: February 5, 2014
Name of Public Agency: California Department of Transportation (Caltrans)
Address: 111 Grand Ave., Oakland, CA
Contact Person, Title: Eric DeNardo, Environmental Planner
Phone: (510) 286-5645
Fax: (510) 286-5600

TO:
Mark Nechodom, Director
Department of Conservation
c/o Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814

Subject: STATE ROUTE 152 SHOULDER WIDENING PROJECT

Dear Director Nechodom:

1. *What is the total number of acres of Williamson Act contracted land and/or agricultural preserve land being considered for acquisition?*

Caltrans proposes to acquire 2.62 acres of land, which 1.39 acres of land are under Williamson Act contracts for the State Route (SR) 152 Shoulder Widening Project.

Table 1 – Proposed Williamson Act Contracted Parcel Acquisitions

Assessor Parcel Number (APN)	Parcel Size (Acres)	Proposed Acquisition (Acres)
841-50-034	82	.26
841-26-025	26	.17
841-26-023	31	.24
841-26-028	59	.26
841-26-029	57	.08
841-26-013	52	.16
841-41-013	150	.22
Total	457	1.39

2. *Is the land considered prime or nonprime agricultural land according to Government Code §51201?*

According to the Santa Clara County Office of the Clerk of the Board of Supervisors, the land is considered prime agricultural land. The total number of acres of Williamson Act prime farmland being considered for acquisition is 1.39 acres. There is no proposed acquisition for Williamson act nonprime farmland.

3. *What is the purpose of the acquisition?*

The purpose of the SR 152 Shoulder Widening Project is to address cross-centerline and run-off-the-road accidents along SR 152 from post mile (PM) 13.9 to PM 14.7, east of Gilroy in Santa Clara County. The project would construct standard outside paved 8 foot shoulders on both sides of SR 152, place ground-in rumble strips within newly widened shoulders, install a soft median barrier between the opposing traffic lanes, remove existing drainage ditch beyond the westbound edge of shoulder, and construct a new drainage ditch beyond the new westbound edge of shoulder. The new drainage ditch would allow vehicles that drive off the road into the drainage ditch to safely drive out of the ditch and recover back onto the roadway.

4. *Where is the land located?*

The land proposed to be acquired is located approximately 4 miles from U.S. 101 near Prunedale Avenue, east of the city of Gilroy in Santa Clara County. (Vicinity Map) The proposed Williamson Act contracted land to be acquired is along SR 152, where Caltrans proposes to widen shoulders and relocate existing utility poles. (Location Map)

5. *What are the characteristics of the adjacent land?*

The majority of the adjacent land is agricultural. There is a combination of noncontracted agricultural land, Williamson Act contracted land (prime and nonprime), urban development, and grazing land. Approximately one mile to the east of SR 152, land in the rolling hills is mostly grazing land (Williamson Act nonprime). Continuing westbound along SR 152 there is additional Williamson act prime farmland.

6. *Why was this land identified as necessary for the public improvement?*

This land is necessary because of the nature of the project. It is a safety project along SR 152, where the land is located. Therefore, there are no alternative locations to make the improvements. The location for the improvement was chosen based on accident data. The properties being acquired are in the project area and cannot be avoided.

7. *How does this acquisition meet the findings required under Government Code §51292(a) and 51292(b)?*

The cost of the Williamson Act property being acquired was not a consideration. Portions of several other properties in the same area that are not under a Williamson Act contract are also being acquired. Because of design standards on the length of the required shoulders, Caltrans will need to acquire portions of the parcels. The design standards are based on construction needs and safety requirements, not on cost.

No other locations not under Williamson Act contract are reasonably feasible for the safety improvement project. Other properties in the area include small vineyards (agricultural) and rural residential. However, the project is already acquiring strips of these parcels to build the project. No other parcels in the project area are under Williamson Act contract.

The area needed to construct the project is restricted to very limited boundaries because of the nature of the project. This is a safety project to prevent cross-over and run-off-the-road accidents in a specific area on SR 152. The location and limits of the project are based on accident data. Therefore, no other alternatives are available to acquiring the specified acreage of the Williamson Act contracted parcels.

This project is exempt under Government Code §51293 under section (g) because it is a state highway listed under Section 301 to 622 of the Streets and Highways Code.

8. *Submit a vicinity map and location map.*

Please see attached documents: vicinity map and location map.

9. *Submit a copy of the contract(s) covering the land.*

Contract Numbers 70-151 (APN 841-50-034), 67-020 (APN 841-26-025), 70-053 (APN 841-26-023), 70-061 (APN's 841-26-028 and 841-26-029), and 70-032 (APN's 841-26-013 and 841-41-013) are attached.

10. *Submit copies of all related Environmental Impact Reviews pursuant to the CEQA process.*

A draft initial study is planned to be completed by 08/20/14 and a final initial study is planned to be completed by 2/02/15.

11. *Submit copies of all related Eminent Domain (or in Lieu of Eminent Domain) documents pursuant to Government Code*

Caltrans will attempt to purchase the property in lieu of eminent domain by offering fair market value based on an appraisal. If this is not possible, Caltrans will take the necessary legal steps to purchase the property by eminent domain. The property cannot be purchased until the environmental process is completed.

Notification submitted by:

Eric DeNardo
Environmental Planner
Caltrans District 4
111 Grand Avenue
Oakland, CA 94612

Phone: 510-286-5645
Email: eric.denardo@dot.ca.gov

cc: County of Santa Clara
Office of the Clerk – Board of Supervisors
Attn: Melissa Miller
70 West Hedding Street, 10th Floor, East Wing
San Jose, CA 95110

Appendix F DOC Letter to the Department

NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

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

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

March 17, 2014

VIA EMAIL: eric.denardo@dot.ca.gov

Mr. Eric DeNardo, Environmental Planner
Department of Transportation (Caltrans)
District 4
111 Grand Avenue
Oakland, CA 94612

Dear Mr. DeNardo:

PUBLIC ACQUISITION NOTIFICATION FOR STATE ROUTE (SR) 152, SHOULDER WIDENING ROJECT, SANTA CLARA COUNTY

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed your letter for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed acquisition.

Project Description

The project as proposed is for the acquisition of 1.39 acres of prime agricultural land from seven parcels, noted below, which are under Williamson Act contract to address cross-centerline and run-off-the-road accidents along SR 152. Caltrans will need to acquire portions of the seven parcels, because the design standards require shoulder-widening on the length of the project for safety improvement along the route. Caltrans proposes to relocate existing utility poles along the route of the project.

Table of Proposed Land Conservation Act Parcel Acquisitions

APNs	Parcel Size (Acres)	Proposed Acquisition (Acres)
841-50-034	82	.26
841-26-025	26	.17
841-26-023	31	.24
841-26-028	59	.26
841-26-029	57	.08
841-26-013	52	.16
841-41-013	150	.22
		TOTAL 1.39 ACRES

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

Mr. Eric DeNardo, Environmental Planner
March 17, 2014
Page 2 of 3

Project Location

The land proposed to be acquired is located approximately 4 miles from U.S. 101 near Prunedale Avenue, east of the City of Gilroy in Santa Clara County.

Required Findings

With some limited exceptions, the Williamson Act prohibits public agencies from locating public improvements in agricultural preserves, unless the following specific findings are made by the public agency (Government Code §51292.):

- (a) The location is not based primarily on a consideration of the lower cost of 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 feasible to locate the public improvement.

Your letter states that there is an urgent need for the road widening project at the chosen site to address accidents at that location which is the basis for determining that no suitable alternative location exists within or outside of the preserve on which it is more reasonably feasible to locate the project. This explanation, in conjunction with the documentation provided in Caltrans' notice, support the findings required under Government Code §51292 (a)(b)).

Eminent Domain

A Williamson Act contract is an enforceable restriction pursuant to Article XIII, §8 of the California Constitution. Public agency acquisition of Williamson Act land must meet the requirements of acquisition by eminent domain or in lieu of eminent domain (e.g., Code of Civil Procedure 1230.010 et seq. and Government Code §7260 et seq.) in order to void the contract pursuant to Government Code §51295. If the contract is not terminated in accordance with the procedures prescribed by the Act, the property remains under contract and its management must be consistent with the terms of the contract.

Potential Future Additional Notification

In accordance with Williamson Act statute, please notify the Department within ten days of when the property is actually acquired (GC §51291, subd. (c)). The Department and Santa Clara County must also be notified of any proposed, significant changes to the project (GC 51291, subdivision (d)). If Caltrans determines not to locate the public improvement on the subject properties, the Department and Santa Clara County must be notified, and the properties will be reenrolled into Williamson Act contracts before returning the land to private ownership.

Thank you for the opportunity to comment on this project. If you have questions on our comments or require technical assistance or information on agricultural land

Mr. Eric DeNardo, Environmental Planner
March 17, 2014
Page 3 of 3

conservation, please contact Jacquelyn Ramsey, Associate Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 323-2379.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: Santa Clara County Board of Supervisors
Santa Clara Farm Bureau

Appendix G Avoidance, Minimization and/or Mitigation Summary

Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

EP: Eric DeNardo

510-286-5645

SCL-152-13.9/14.7

CL:

Current Project Phase: 0,2,K

RE:

Permits							
Permit	Agency	Date Submitted	Date Received	Expiration	Requirements Completed Name	Requirements Completed Date	Comments
2081 - Incidental Take Permit	California Department of Fish & Wildlife						
BO (FWS)	US Fish and Wildlife	7/1/14					

Commitments							
Task and Brief Description	Source	SSP/ N SSP	Responsible Staff	Action to Comply	Task Completed Name	Task Completed Date	Remarks/Due Date
PS&E/Before RTL							
Cultural Resources							
Establishment of Environmentally Sensitive Area (ESA) in plans, specifications, and estimates	SSP	SSP	Cultural, PM, PE				All responsible parties will review the PS&E package and ensure that standard special provisions for the ESA are included in the PS&E
Pre-Construction							
Biology							
A biologist will conduct pre-construction surveys for pallid bat in the project vicinity. If any maternity roosts of special-status bats are discovered in the project vicinity, these areas will be identified as environmentally sensitive areas and appropriate buffers and work windows will be applied during project construction.			Biology/RE				
Preconstruction surveys will be conducted by a qualified biological monitor immediately before beginning any ground-disturbing activities and vegetation clearing that may result in take of CTS and/or CRLF as determined by USFWS. All suitable aquatic and upland habitats, including refugia habitat such as dense vegetation, small woody debris, refuse, and burrows, will be thoroughly inspected. A qualified biological monitor will conduct clearance surveys at the		NES					

Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
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beginning of each daily work period and regularly throughout the workday when construction activities are occurring that may result in take of CTS and/or CRLF.

To ensure that no Least Bells Vireo are in the project vicinity or nesting close enough to it to be disturbed by construction activities, preconstruction surveys for LBV will be conducted by a qualified biological monitor, knowledgeable about LBV, inside the proposed project footprint no more than 2 weeks before construction begins, for construction activities occurring during the breeding season. If work is suspended for more than 15 days during the breeding season, surveys will be conducted again before construction recommences. During any activities that may result in take of special-status bird species, the biological monitor will clear the construction zone before work begins and throughout the workday as necessary.

NES

Cultural Resources

Field Review for ESA fencing

SSP

SSP

Cultural, ECL,
RE, Contractor

All responsible parties perform field review of the ESA location at least one calendar week prior to construction activities

Construction

Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
Biology						
A qualified biological monitor will be present during all activities that may result in the take of listed species. Following the completion of the vegetation clearing and initial ground disturbance, the monitor will either continue to be present on a daily basis or Caltrans will transfer the compliance responsibility to a qualified construction inspector. Should a qualified construction inspector assume this roll, the qualified biologist would continue to perform the following: a. Weekly compliance inspections; b. Site inspections prior to a forecast rain event; c. Clearance inspections for listed species after a rain event; d. Relocation or handling of listed species; and e. Clearance surveys after an extended suspension of work or prior to new ground disturbance.	NES					
All construction equipment will be restricted to operating within the existing Caltrans ROW and the temporary construction easement. The qualified biological monitor will conduct a preconstruction clearance survey of the project footprint before construction.	BA					
All material stockpiling, vehicle parking, and equipment staging areas for the proposed project will be permitted only in areas cleared by a qualified biologist. The limits of the designated staging area will be clearly marked before beginning construction. Staging areas will be located within the Caltrans ROW, in non-sensitive locations at designated disturbed/developed areas outside construction zones. No staging will be allowed outside the pre-designated staging areas. No equipment storage or staging may occur in or adjacent to designated critical habitat areas before the establishment of an environmentally sensitive area.	BA					
All work for the proposed project will be scheduled to occur between June 1 and October 15, to avoid effects on species active during the wet weather months, when amphibian species are most active.	NES					
Before any cleaning activities, all culverts in the project footprint will be inspected for the presence of listed species	BA					

Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
by a qualified biologist on foot, using a flashlight. All woody debris and refuse will be inspected for the presence of listed species.						
Before beginning construction, a qualified biologist will conduct an employee training session that will include the biology and ecology of sensitive species and habitats with the potential to occur in or near the BSA. The training will be provided to all construction workers before they begin any work at the construction site. A log will be maintained to track which employees have received the training.	NES					
Before construction activities begin, the contractor, in consultation with the USFWS-approved biologist and in accordance with the project plans, will clearly distinguish environmentally sensitive areas in accordance with permit requirements. WEF will be installed along the perimeter of all environmentally sensitive areas, will remain in place throughout the duration of construction, and will be inspected regularly and fully maintained. The fencing will serve to exclude CTS and CRLF. Repairs to the WEF will be made within 24 hours of discovery. After construction is completed, the WEF will be completely removed; construction sites will be cleaned of debris and trash, and will be returned to pre-project conditions.	NES		Contractor/Biology/RE			
If construction activities occur between February 15 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting birds no more than one week prior to construction. Surveys shall consist of multiple days of observations. If nesting birds are found, a buffer shall be established around the nest, at the discretion of the qualified biologist. Once buffer areas are established, the area within the buffer shall be avoided. The qualified biologist shall have authority, through the resident engineer, to order the cessation of all construction activities within the buffer area if birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors, which may cause reproductive changes include, but are not limited to: defensive flights/vocalizations directed towards construction personnel, standing up from a brooding position, and flying away from the nest. Construction activities within the buffer	NES		Contractor/Biology/RE			

Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
areas shall not resume until the qualified biologist has determined that the bird's behavior has normalized or the young have left the nest.						
In compliance with the requirements of the Central Coast Regional Water Quality Control Board, a storm water pollution prevention plan (SWPPP) and erosion control BMPs will be developed and implemented to minimize any wind- or water-related material discharges. The SWPPP will provide guidance for measures to protect environmentally sensitive areas and to prevent and minimize stormwater and non-stormwater discharges.	NES		RE/Biology			
No firearms will be permitted on construction sites at any time.	BA		RE			
No pets will be allowed on construction sites at any time.	BA		RE			
Pre-construction surveys will be completed if construction activities occur during the breeding season (February 15 through August 1). No disturbance will occur within approximately 164 feet (50 meters) of occupied BUOW burrows during non-breeding periods (October 16 through March 31), or within approximately 656 feet (200 meters) during the breeding/fledging period (April 1 through October 15). If construction activities occur within these limits while burrows are active, a site-specific work plan will be prepared and construction will take place only in the presence of the biological monitor.	NES		Biology/RE			
Project-related vehicles will observe a speed limit of 15 miles per hour in all staging areas and within the proposed project footprint. Construction workers will follow posted speed limits when traveling on public roadways.	BA		RE			
The biological monitor will observe 48-hour weather forecasts and will notify the resident engineer of the potential for any storm events. No construction activities will be allowed to occur during predicted rain events when the chance of precipitation is greater than 40 percent. Following any precipitation event, work will not resume until runoff ceases and a 30 percent or lesser chance of precipitation exists for the following 24-hour period, according to the National Oceanic and Atmospheric Administration (NOAA)	BA		Biology			

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Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
Weather Report for Gilroy (C4787).						
To eliminate an attraction by predators of protected species, all food-related trash items—such as wrappers, cans, bottles, and food scraps—will be disposed in solid, closed containers (trash cans) and will be completely removed from the BSA at the end of each work day.	BA		RE			
To prevent CLRF and/or CTS from becoming entangled, trapped, or injured, erosion control materials that use plastic or synthetic monofilament netting will not be used within the BSA. This will include products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials will include hydroseeding compounds and string with a wide-opening mesh.	BA		RE			
To prevent inadvertent entrapment of CLRF, CTS, SJKF, and/or other animals during construction, all excavated holes or trenches more than 2 feet deep will be covered with plywood or similar materials at the end of each working day, or the holes or trenches will contain one or more escape ramps, constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If a trapped CLRF (or other wildlife) is discovered at any time, USFWS will be contacted for guidance. USFWS will be notified within 1 working day by telephone and e-mail.	NES		RE			
Vegetation that is to be removed for project construction will be removed before March 1 to avoid the migratory bird-nesting season.	NES		RE			
Cultural Resources						
If previously unidentified cultural materials are unearthed during construction, it is Caltrans' policy that work be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.	Env Doc					
Installation of ESA Fencing	SSP	SSP	Cultural, RE, Contractor	Contractor will install Temporary Fencing (Type		

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Environmental Commitments Record for EA 04-1G870_ / ID 0400020620

Last updated 7/22/2014

Route 152-Shoulder widening

SCL-152-13.9/14.7

Current Project Phase: 0,2,K

EP: Eric DeNardo

510-286-5645

CL:

RE:

Task and Brief Description	Source	SSP/ NSSP	Responsible Staff	Action to Comply	Task Completed Name Date	Remarks/Due Date
				<p>ESA) along the boundary of the Temporary Construction Easement (TCE) proposed for construction staging located at the northwest end of the 3665 Pacheco Pass Highway (approximate PM 14.6 through end of project at 14.7). The Temporary Fence will continue east along the Caltrans ROW to the edge of the property owners driveway entrance (approximate PM 14.711). Note that ESA barriers shall not block the access drive located immediately north of State Route 152 used by the property owners at 3665 Pacheco Pass Highway, and will surround the entirety of the staging area to prevent contact between construction equipment and the area containing the historic barn. The fencing will be installed at least one calendar week prior to initiating any work in those areas. The Caltrans architectural historian will be present to monitor fence installation.</p>		

Visual Resources

Flood lighting for night work should be placed and adjusted such that light is cast downward and confined to the immediate work area. Lights should be shielded to prevent stray light. VIA

Appendix H USFWS Species List

7/10/2014

Sacramento Fish & Wildlife Office Species List

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested
Document Number: 140710085835
Current as of: July 10, 2014

Quad Lists

Listed Species

Invertebrates

Euphydryas editha bayensis
bay checkerspot butterfly (T)

Fish

Oncorhynchus mykiss
South Central California steelhead (T) (NMFS)

Amphibians

Ambystoma californiense
California tiger salamander, central population (T)
Rana draytonii
California red-legged frog (T)

Birds

Brachyramphus marmoratus
marbled murrelet (T)
Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)
Vireo bellii pusillus
Least Bell's vireo (E)

Mammals

Vulpes macrotis mutica
San Joaquin kit fox (E)

Quads Containing Listed, Proposed or Candidate Species:

CHITTENDEN (386A)

County Lists

Santa Clara County

Listed Species

Invertebrates

Branchinecta conservatio
Conservancy fairy shrimp (E)

Branchinecta lynchi
vernal pool fairy shrimp (T)

Desmocerus californicus dimorphus
valley elderberry longhorn beetle (T)

http://www.fws.gov/sacramento/es_species/Lists/es_species_lists.cfm

1/6

Euphydryas editha bayensis
 bay checkerspot butterfly (T)
 Critical habitat, bay checkerspot butterfly (X)

Lepidurus packardii
 Critical habitat, vernal pool tadpole shrimp (X)
 vernal pool tadpole shrimp (E)

Fish

Acipenser medirostris
 green sturgeon (T) (NMFS)

Eucyclogobius newberryi
 tidewater goby (E)

Hypomesus transpacificus
 delta smelt (T)

Oncorhynchus kisutch
 coho salmon - central CA coast (E) (NMFS)
 Critical habitat, coho salmon - central CA coast (X) (NMFS)

Oncorhynchus mykiss
 Central California Coastal steelhead (T) (NMFS)
 Central Valley steelhead (T) (NMFS)
 Critical habitat, Central California coastal steelhead (X) (NMFS)
 South Central California steelhead (T) (NMFS)

Oncorhynchus tshawytscha
 Central Valley spring-run chinook salmon (T) (NMFS)
 winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

Ambystoma californiense
 California tiger salamander, central population (T)
 Critical habitat, CA tiger salamander, central population (X)

Rana draytonii
 California red-legged frog (T)
 Critical habitat, California red-legged frog (X)

Reptiles

Gambelia (=Crotaphytus) sila
 blunt-nosed leopard lizard (E)

Masticophis lateralis euryxanthus
 Alameda whipsnake [=striped racer] (T)
 Critical habitat, Alameda whipsnake (X)

Thamnophis gigas
 giant garter snake (T)

Thamnophis sirtalis tetrataenia
San Francisco garter snake (E)

Birds

Brachyramphus marmoratus
Critical habitat, marbled murrelet (X)
marbled murrelet (T)

Charadrius alexandrinus nivosus
western snowy plover (T)

Pelecanus occidentalis californicus
California brown pelican (E)

Rallus longirostris obsoletus
California clapper rail (E)

Sternula antillarum (=Sterna, =albifrons) browni
California least tern (E)

Vireo bellii pusillus
Least Bell's vireo (E)

Mammals

Reithrodontomys raviventris
salt marsh harvest mouse (E)

Vulpes macrotis mutica
San Joaquin kit fox (E)

Plants

Acanthomintha duttonii
San Mateo thormmint (E)

Castilleja affinis ssp. *neglecta*
Tburon paintbrush (E)

Ceanothus ferrisiae
Coyote ceanothus (E)

Chorizanthe robusta var. *robusta*
robust spineflower (E)

Cirsium fontinale var. *fontinale*
fountain thistle (E)

Dudleya setchellii
Santa Clara Valley dudleya (E)

Eriophyllum latilobum

San Mateo woolly sunflower (E)

Hesperolinon congestum

Marin dwarf-flax (=western flax) (T)

Holocarpha macradenia

Critical habitat, Santa Cruz tarplant (X)

Santa Cruz tarplant (T)

Lasthenia conjugens

Contra Costa goldfields (E)

Critical habitat, Contra Costa goldfields (X)

Streptanthus albidus ssp. albidus

Metcalf Canyon jewelflower (E)

Suaeda californica

California sea blite (E)

Trifolium amoenum

showy Indian clover (E)

Proposed Species

Amphibians

Rana draytonii

Critical habitat, California red-legged frog (PX)

Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the [National Oceanic & Atmospheric Administration Fisheries Service](#). Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) *Vacated* by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species