

MINUTE ITEM  
This Calendar Item No. C17  
was approved as Minute Item  
No. 17 by the State Lands  
Commission by a vote of 3  
to 0 at its 7/10/89  
meeting.

CALENDAR ITEM  
**C17**

A 34

S 25

07/10/89  
W 24366 PRC 7311  
Fong

AUTHORIZE THE EXECUTION OF A  
RIGHT-OF-ENTRY PERMIT

APPLICANT: California Department of Transportation,  
District 9  
Attn: Ed Callahan  
500 South Main Street  
P.O. Box 847  
Bishop, California 93514

AREA, TYPE LAND AND LOCATION:  
Approximately 23.12 acres of land located along  
Highway 395 near Bartlett, west of Owens Lake,  
Inyo County.

LAND USE: Highway purposes specifically to widen State  
Highway 395.

TERMS OF PROPOSED PERMIT:  
Effective Date: September 1, 1989

CONSIDERATION: To be determined by appraisal; interest to be  
paid from date of right of entry as set forth  
in Senate Bill 1782 (Chapter 1372, Statutes of  
1986), which became effective on January 1,  
1987.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.  
B. Cal. Code Regs.: Title 2, Div. 3;  
Title 14, Div. 6.

CALENDAR ITEM NO. C17 (CONT'D)

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The State Department of Transportation (DOT) requested a right-of-entry over State lands to widen Highway 395 from a two-lane undivided highway to a four-lane divided highway. The widening will improve the efficiency of the highway and enhance its safety.

The right-of-entry is required by DOT before September 1, 1989 to meet a deadline to obtain the certification for the highway. If the certification is not obtained, funding may be lost for the project for the current fiscal year.

2. The State lands requested by DOT are not sovereign or school lands but are lands donated to the State Lands Commission, and accepted by the Commission at its June 23, 1983, meeting.
3. The majority of the lands requested by DOT for the highway widening are currently under negotiation for a land exchange with the City of Los Angeles Department of Water and Power (LADWP).

LADWP has no objection to the issuance of a right-of-entry to DOT for the lands subject to the proposed land exchange.

4. A small parcel outside of the proposed land exchange with LADWP will require the issuance of an right-of-way easement at a later date. DOT will appraise the land interests and will compensate the State Lands Commission. DOT will pay interest from date of right-of-entry as set forth in Senate Bill 1782 (Chapter 1372, Statutes of 1986), which became effective January 1, 1987.

CALENDAR ITEM NO. C17 (CONT'D)

5. A Negative Declaration was prepared and adopted for this project by the California Department of Transportation. The State Lands Commission's staff has reviewed such document.

APPROVALS REQUIRED:

Department of Fish and Game, United States Army Corps of Engineers, Water Quality Control Board, and the Reclamation Board.

EXHIBITS:

- A. Legal Description.
- B. Location Map.
- C. Right-of-Entry.
- D. City of Los Angeles Letter of Non-objection.
- E. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
3. AUTHORIZE THE EXECUTION OF A RIGHT-OF-ENTRY TO CALIFORNIA DEPARTMENT OF TRANSPORTATION, EFFECTIVE SEPTEMBER 1, 1989, FOR HIGHWAY PURPOSES ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24366

LAND DESCRIPTION

Those portions of the west 1/2 of the fractional southwest 1/4 of Section 1, and of fractional Section 12, all in T17S, R36E, MDM also being portions of Parcels 2, 4 and 6 of the Corporation Grant Deed from PPG Industries Inc. to the State of California, recorded October 11, 1983, in the Official Records of Inyo County as document 834719, said portions are further described as follows:

Parcel 2391 Fee and Access Rights

That parcel of land bounded on the north by a portion of the north line of said fractional southwest 1/4 of Section 1, bounded on the east by a portion of the westerly line of that certain parcel of land conveyed to the State of California by Grant Deed from the Pittsburgh Plate Glass Company to the State of California, recorded July 16, 1952 in Volume 98, page 117 of said Records, and bounded on the west by the following described line:

COMMENCING at the southwest corner of said Section 1, marked by a 1983 BLM aluminum cap on a 2 1/2 inch O.D.I.P., said cap being a replacement of the rock mound and 2 inch I.P. shown on Parcel Map No. 70 filed in Book 1 of Parcel Maps at page 46 of Inyo County Records on November 30, 1972; thence S 10°56'22" E, 953.73 feet, to a point on said westerly line of the Grant Deed recorded July 16, 1952, said point also being the TRUE POINT OF BEGINNING; thence (1), N 58°38'47" W, 34.62 feet; thence (2), N 01°21'14"E, 30.00 feet; thence (3), N 61°21'14" E, 28.81 feet; thence (4), along a curve concave westerly, having a tangent bearing of N 01°11'03" E, a radius of 9925.02 feet, a central angle of 01°24'21", and an arc length of 240.51 feet; thence (5), N 00°13'18" W, 426.00 feet; thence (6), N 24°55'26" W, 55.90 feet; thence (7), N 00°13'18" W, 100.00 feet; thence (8), N 24°29'15" E, 55.90 feet; thence (9), N 00°13'18" W, 371.81 feet; thence (10), N 06°25'22" E, 1094.89 feet; thence (11), N 05°21'30" E, 314.39 feet; thence (12), N 54°38'30" W, 28.86 feet; thence (13), N 05°21'30" E, 30.00 feet; thence (14), N 65°21'30" E, 28.86 feet; thence (15), N 05°21'30" E, 821.97 feet, to a point on said north line of the fractional southwest 1/4 of Section 1.

TOGETHER WITH access rights along the described following line:

BEGINNING at the southeasterly terminus of said course 1; thence (A), along said westerly line of the Grant Deed recorded July 16, 1952, S 05°21'30" W, 1077.79 feet; thence (B), continuing along said westerly line, on a tangent curve, concave easterly, having a radius of 20,075.36 feet, a central angle of 01°51'17", and an arc length of 649.86 feet; thence (C), along said westerly line, S 03°30'13" W, 219.62 feet to the north corner of that parcel of land conveyed to the State of California by grant Deed from Columbia-Southern Chemical Corporation recorded October 31, 1956 in said Official Records at Volume 123, page 572; thence (D), along the northwesterly line of said parcel, S 14°27'18" W, 56.33 feet, to the west line of said fractional Section 12.

Parcel 2392-1 Fee and Access Rights

That parcel of land bounded on the north by a portion of the south line of the Excepting From portion of said document number 834719, bounded on the west by a portion of the easterly line of that certain parcel of land conveyed to the State of California by said (per Parcel 2391) Grant Deed recorded July 16, 1952, and bounded on the east by the following described line:

COMMENCING at said (per Parcel 2391) BLM aluminum cap marking the southwest corner of Section 1; thence S 21°31'29" E, 1217.68 feet, to a point on said south line of the Excepting From portion, said point also being the TRUE POINT OF BEGINNING; thence (1), S 35°34'43" E, 46.89 feet; thence (2), S 07°06'41" W, 40.00 feet; thence (3), S 07°06'41" W, 823.83 feet; thence (4), S 04°58'44" W, 870.56 feet; thence (5), S 55° 01'16" E, 28.86 feet; thence (6), S 04°58'44" W, 30.00 feet; thence (7), S 06°06'56" W, 389.19 feet, to a point on the westerly line of the 199.96 foot wide Southern Pacific Transportation Company right of way; thence (8), southerly along said westerly line on a non-tangent curve concave easterly having a tangent bearing of S 23°41'21" W, a radius of 3373.39 feet, a central angle of 09°46'13", and an arc length of 575.23 feet, to a point on said easterly line of the grant deed recorded July 16, 1952.

Parcel 2392-2 Fee and Access Rights

COMMENCING at the southwest corner of said Section 12 marked by the 2 1/2 inch O.D.I.P. tagged RCE 10467 depicted on the Record of Survey Map filed in Inyo County Records on January 24, 1978 in Record of Survey Map Book 10, page 71; thence along the south line of said Section 12, S 89°33'49" E, 237.06 feet, to a point on the easterly line of the 199.96 foot wide Southern Pacific Transportation Company right of way; thence along said easterly line, northerly on a non-tangent curve concave easterly having a tangent bearing of N 10°40'50" W, a radius of 3173.44 feet, a central angle of 05°44'05" an arc length of 317.63 feet to the TRUE POINT OF BEGINNING; thence (1), N 58°10'13" E, 49.75 feet; thence (2), N 01°41'09" W, 121.72 feet; thence (3), N 45°48'39" W, 69.12 feet, to said easterly line; thence (4), southerly along said easterly line on a non-tangent curve concave easterly, having a tangent of N 01°23'59" W, a radius of 3173.44 feet, a central angle of 03°32'47" an arc length of 196.42 feet, to the true point of beginning.

Parcel 2392-3

BEGINNING at the easterly terminus of the 237.06 foot long course described in said Parcel 2392-2; thence (1), northerly along the easterly line of the 199.96 foot wide Southern Pacific Transportation Company right of way on a non-tangent curve concave eastely having a tangent bearing of N 10°40'50" W, a radius of 3173.44 feet, a central angle of 19°28'58", and an arc length of 1079.10 feet; thence (2), leaving said easterly line, N 85°01'16" W, 46.02 feet; thence (3), N 06°06'56" E, 870.69 feet, to the westerly line of said right of way; thence (4), southerly along said westerly line on a non-tangent curve concave easterly having a tangent bearing of S 23°41'21" W, a radius of 3373.39 feet, a central angle of 09°39'59", and an arc length of 569.12 feet, to the northerly terminus of the 194.02 foot long course described in said (per Parcel 2391) Grant Deed recorded July 16, 1952; thence along the

easterly line of said Grant Deed for the following two courses (5), S 00°59'45" E, 193.98 feet; thence (6), southerly along a non-tangent curve concave easterly having tangent bearing of S 10°47'45" W, a radius of 3328.40 feet, a central angle of 20°57'10", and an arc length of 1217.18 feet to the south line of said fractional Section 12; thence (7), along said south line, S 89°33'49" E, 157.79 feet, to the point of beginning.

Parcel 2393 Fee and Access Rights

That parcel of land bounded on the north by a portion of the north line of said fractional southwest 1/4 of Section 1, bounded on the south by a portion of the north line of the Excepting From portion of said document number 834719, bounded on the west by a portion of the easterly line of that certain parcel of land conveyed to the State of California by said Grant Deed recorded July 16, 1952, and bounded on the east by the following described line:

COMMENCING at the northwest corner of said fractional southwest 1/4 of Section 1, marked by the 2 inch iron pipe in rock mound as depicted on said Parcel Map No. 70; thence, S 31°46'03" E, 1187.19 feet, to a point on said north line of the Excepting From portion, said point also being the TRUE POINT OF BEGINNING; thence (1), N 05°21'30" E, 122.06 feet; thence (2), N 05°21'30" E, 40.00 feet; thence (3), N 54°38'30" W, 40.40 feet; thence (4), N 05°21'30" E, 629.80 feet; thence (5), N 16°39'56" E, 101.98 feet; thence (6), N 05°21'30" E, 109.32 feet, to said north line of the fractional southwest 1/4 of Section 1.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property in and to said freeway.

RESERVING, however, to the grantor, his successors or assigns, the right of access to the freeway over and across the following described lines:

Parcel 2391, Courses 2 and 13.  
Parcel 2392-1, Courses 2 and 6.  
Parcel 2393, Course 2.

The basis of all bearings herein is the California Coordinate System (1927) Zone 4 bearing of N 00°42'18" W, between said BLM aluminum cap marking the southwest corner of said Section 1 and said 2 inch iron pipe in rock mound marking the northwest corner of the Fractional southwest 1/4 of Section 1.

All distances herein are grid distances on said coordinate System. To obtain a ground distance, divide the grid distance by the grid factor 0.9997689.

END OF DESCRIPTION

PREPARED JUNE 8, 1989 BY BIU 1.

CALENDAR PAGE	278
MINUTE PAGE	1924

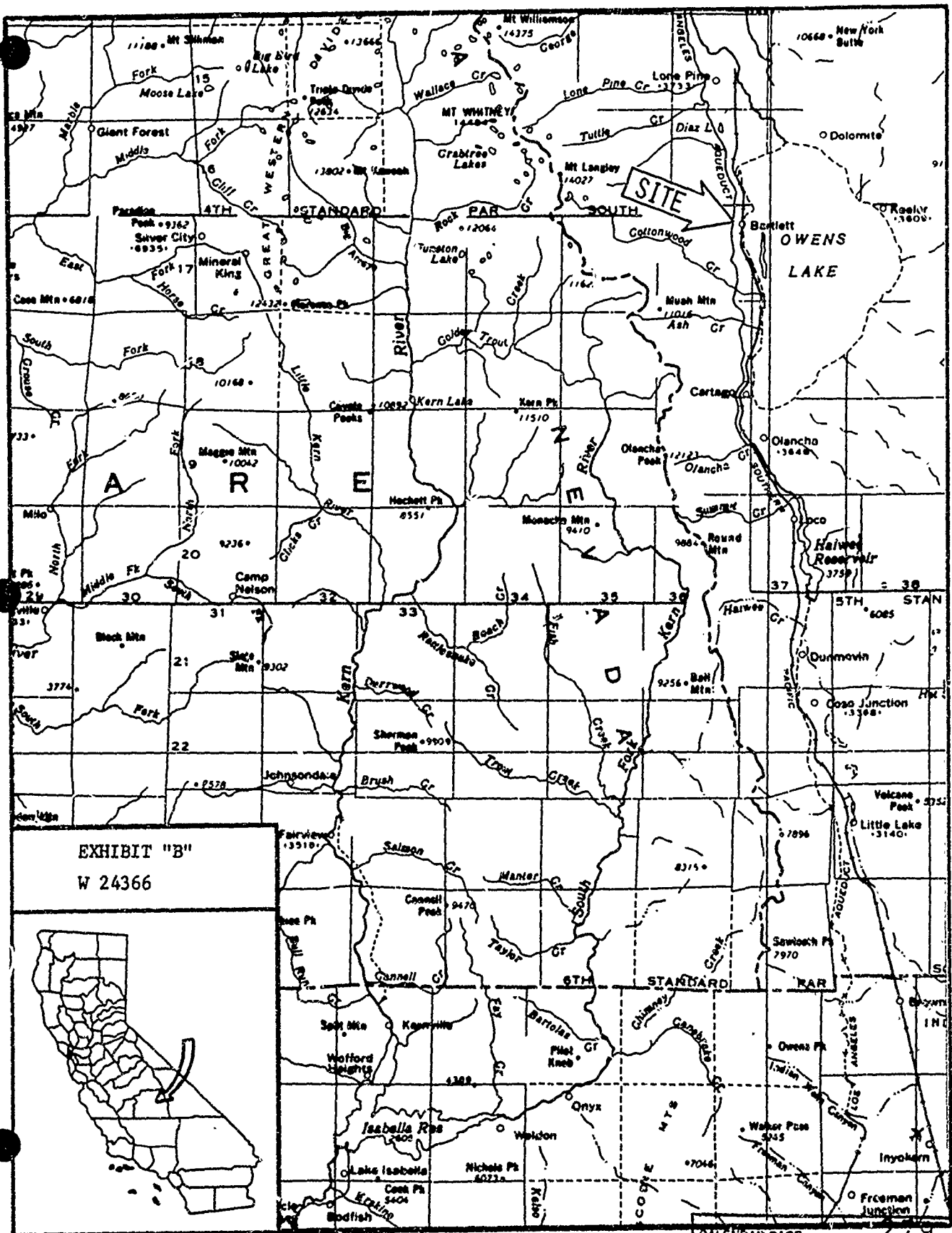


EXHIBIT "B"  
W 24366



RIGHT OF ENTRY

This is written to convey to the State of California, Department of Transportation, the right to enter and begin highway construction upon certain lands owned by the State Lands Commission located adjoining U.S. Highway 395, along State Highway 395, in the county of Inyo, as described on Exhibit "A" attached and by reference made a part hereof.

Permission is hereby given to enter upon said State Lands Commission-owned property in the same manner as though the Department of Transportation had commenced an action in eminent domain against the State Lands Commission to acquire the property needed for highway purposes, and had obtained immediate possession and use of said property by full compliance with Article 1, Section 14 of the Constitution, and had given the notice required by California C.C.P. 1255.450, with all rights and liabilities of the Department of Transportation and the State Lands Commission to be determined as of the date of this letter of permission and in subsequent negotiations or in any action hereafter filed, in the same manner as though an action were filed and possession taken as of said date.

It is understood and agreed that this permission shall not constitute a waiver of the rights of the State Lands Commission for full payment of just compensation for the taking and damaging of said property. The permission given herein shall not imply or confer any greater right or permission than the State Lands Commission has or can thereby lawfully give.

It is further understood that the Department of Transportation will pay interest from the date of this letter in accordance with Senate Bill 1782 of the State Legislature, which became effective January 1, 1987. This legislation provides that the rate of interest on eminent domain awards shall be the apportionment rate calculated by the controller at the rate of earnings by the Surplus Money Investment Fund for six-month periods.

The Department of Transportation hereby acknowledges and represents that it has inspected the property, knows the condition thereof and insofar as it may legally do so, assumes full responsibility for any injury to persons or damage or destruction to property proximately caused by reasons of the uses authorized under this Right of Entry, and undertakes and agrees to release and hold harmless and indemnify the State Lands Commission and all its officers and employees from and against all suits, causes of action, claims, loss, demands, expense, damage, or liability of any nature whatsoever for the death or injury to any person, including



the California Department of Transportation, its employees or agents, or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident to the uses authorized by this Right of Entry.

The conveyance of the real property rights to the Department of Transportation shall be subject to all existing uses and all matters of record. The permission herein given is further subject to the following conditions:

1. All work in connection with the above-mentioned construction shall be done without cost or liability to State Lands Commission, its officers, employees, or agents.
2. The State of California, Department of Transportation, will, at all times, exercise the permission herein given in such manner as will not interfere with State Lands Commission use of the property for the purpose for which it is held, not inconsistent with the right herein granted to the State of California, Department of Transportation.
3. Reserving unto State Lands Commission all water and water rights, whether surface, subsurface, or of any other kind, and all water and water rights appurtenant or in anywise incident to the real property therein described, or used thereon, or in connection therewith, together with the right to develop, take, transport, control, regulate and use all such water, and reserving unto State Lands Commission all minerals and mineral deposits to a depth of 2000 feet beneath the surface, including, but not limited to, oil and gas, other gases, including, but not limited to nonhydrocarbon and geothermal gases, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals, and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources, together with the right of the State or persons authorized by the State to prospect for, drill for, extract, mine and remove such deposits or resources, and to occupy and use so much of the surface of the lands as may be necessary therefore.

4. Department of Transportation acknowledges that State Lands Commission is negotiating the sale of this property to the City of Los Angeles, Department of Water and Power. If the sale is consummated prior to Department of Transportation completing its acquisition of the property, Department of Transportation agrees that the rights and benefits of this Right of Entry shall pass to the City of Los Angeles, Department of Water and Power.

RECOMMENDED FOR APPROVAL:

By \_\_\_\_\_  
Michael E. Lahodny  
Deputy District Director  
Right of Way

STATE OF CALIFORNIA  
STATE LANDS COMMISSION

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

ACCEPTED:  
State of California  
Department of Transportation

The issuance of this right  
of entry was authorized by  
the State Lands Commission  
on \_\_\_\_\_  
(Month Day Year)

By \_\_\_\_\_  
Lewis K. Wood  
District Director  
of Transportation

0182f

# Department of Water and Power the City of Los Angeles

TOM BRADLEY  
Mayor

Commission  
RICK J. CARINO, *President*  
JACK W. LEENEY, *Vice President*  
ARON M. ECHEVARRIA  
CAROL WHEELER  
WALTER A. ZELMAN  
JUDITH K. DAVISON, *Secretary*

NORMAN E. NICHOLS, *General Manager and Chief Engineer*  
FREDON A. COLTON, *Assistant General Manager - Power*  
DUANE L. GEORGESON, *Assistant General Manager - Water*  
DANIEL W. WATERS, *Assistant General Manager - External Affairs*  
NORMAN J. POWERS, *Chief Financial Officer*

April 26, 1989

State of California  
Department of Transportation  
P. O. Box 847  
Bishop, California 93514

Attention: Mr. Ed Callahan

Gentlemen:

Your File R/W 9-Iny-395-45.0/55.1  
EA 204201 Parcels 2391, 2392, 2393

This is in response to your letter of February 27, 1989 concerning the acceptability of the Right of Entry form for the subject right-of-way work.

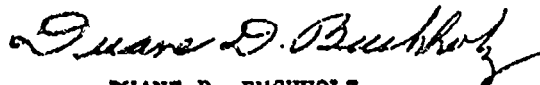
Since the land affected by the future widening of U.S. Highway 395, west of Owens Dry Lake, is now owned by the State of California and under the jurisdiction of the State Lands Commission and is involved in a proposed exchange with the City of Los Angeles, we appreciate your submitting the proposed Right of Entry for our review.

It is our understanding that the State of California, Department of Transportation, will appraise and acquire title to the subject land required for the right of way after the City of Los Angeles owns it; however, the Right of Entry is needed now for purposes of certifying the right of way.

We have reviewed the Right of Entry form to be executed by the State Lands Commission and have no objections to it.

If you have any questions regarding this matter, please write to our office at 873 N. Main Street, Suite 227, Bishop, CA 93514, attention Real Estate Section, or you may telephone (619) 873-6361 and speak with someone in our Real Estate Section Office.

Sincerely,



DUANE D. BUCHROLZ  
Assistant Engineer in Charge  
Los Angeles Aqueduct Division

cc: Real Estate Section

ROUTE 395  
SOUTH OF ROUTE 136 JUNCTION IN INYO COUNTY  
CONSTRUCT FOUR LANE EXPRESSWAY

NEGATIVE DECLARATION/  
FINDING OF NO SIGNIFICANT IMPACT

SCH NO. 87051106

AUGUST 1987

09-INY-395  
P.M. 45.0/50.8; 53.0/55.1  
09200 - 204200

State of California  
Department of Transportation (Caltrans)  
District 09  
500 S. Main Street  
Bishop, CA 93514

and

U. S. Department of Transportation  
Federal Highway Administration (FHWA)

CALENDAR PAGE	284
MINUTE PAGE	1930

NEGATIVE DECLARATION (CEQA)

Pursuant to: Division 13, Public Resources Code

Description


South of Lone Pine in Inyo County, convert 2 segments of the existing 2-lane highway 395 to 4 lanes with a 100 foot median and 10 foot paved shoulders. The northerly segment will extend 2.3 miles north from the north end of an existing 68 foot all-paved 4-lane section of the highway. The southerly segment will extend 5.8 miles south from the south end of this section. The proposed project will relieve congestion and provide needed passing opportunity.

The project site crosses the flats and washes of an active alluvial fan complex with a cover of saltbush scrub, transitioning at the north end, into alkali scrub, playa and saltgrass on the dry edge of the Owens Valley floor seat of Diaz Lake. Except for a recreational area and a small trailer park, the land is undeveloped and used only for grazing, under agency management. A potential impact on archaeological resources will be mitigated by excavation and data recovery.

Determination

An Environmental Assessment has been prepared by the California Department of Transportation (Caltrans). On the basis of this study it is determined that the proposed action will not have a significant effect upon the environment for the following reasons:

1. The project will not affect land use; growth; neighborhoods; living units; business displacement; social, cultural, recreational or educational facilities; Section 4(f) lands; prime agricultural lands; the economy of the area or any rare, endangered or sensitive species.
2. There will be no significant impact on air or water quality; any population of plants or animals; any habitat or important element of a habitat; aesthetics; wetlands; floodplains or a property of sites of historic or cultural significance. A potentially significant negative impact on archaeological resources will be eliminated before construction by excavation and data recovery. The project will improve traffic flow.

  
\_\_\_\_\_  
E. W. Blackmer, Chief  
Environmental Analysis  
California Department of  
Transportation

9-17-87  
\_\_\_\_\_  
Date

CALENDAR PAGE	285
MINUTE PAGE	1931

FEDERAL HIGHWAY ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT  
FOR  
CONVERTING ROUTE 395 SOUTH OF LONE PINE  
TO A FOUR-LANE EXPRESSWAY

The FHWA has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached environmental assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached environmental assessment.

9/28/87

Date

*Michael A. Cook*  
for Bruce E. Cannon, Division Administrator

CALENDAR PAGE

286

MINUTE PAGE

1932

CONSTRUCT FOUR LANE EXPRESSWAY  
on State Route 395 from Post Mile 45.0 to 50.8  
and from Post Mile 53.0 to 55.1 South of Lone Pine in Inyo County

INITIAL STUDY/  
ENVIRONMENTAL ASSESSMENT

State of California  
Department of Transportation

and

U. S. Department of Transportation  
Federal Highway Administration

Pursuant to: 42 U.S.C. 4332(2)(C)

*E. W. Blockmer*  
E. W. Blockmer, Chief  
Environmental Analysis  
California Department of Transportation

*May 6, 1987*  
Date

*Michael A. Cannon*  
for BRUCE E. CANNON  
Division of Administrator  
Federal Highway Administration

*3/17/87*  
Date

### Purpose and Need for Project

Millions of people each year travel north through the project site from the Los Angeles basin to summer and winter recreation areas. Highways 14 and 395 provide their only access east of the Sierra Nevada. In 1984, an average of 5,300 vehicles used the existing 2-lane facility each day. In the design year (2006), this daily traffic volume is projected to be about 11,600. About 21% of these vehicles are designed for recreation purposes (trailers, motor homes, etc.) and 12% are trucks. These percentages are not expected to change. During prime recreation periods (good skiing in Mammoth, opening day of fishing or deer season, the end of the school year, etc.) traffic volumes are much greater than the average and there is a larger component of recreation vehicles.

Though the accident rate on the existing highway within the project limits is well below the expected statewide average for such a facility, the horizontal and vertical alignment are more deficient than on any other stretch of highways 14/395 between Los Angeles and Bishop. There is little opportunity for passing and, during periods of peak traffic, long slow-moving vehicles tend to set the pace for a long line of frustrated drivers who have no chance to pass. Compounding the problem is the fact that the shoulders of the existing highway are neither wide enough nor stable enough to accommodate the driver of a slow moving vehicle who is willing to pull off the highway and let traffic through or the driver with a flat tire or other emergency. The proposed project would relieve the congestion and frustration and provide adequate paved shoulders.

### Description of Proposed Project

Proposed Project: Using the existing 2-lane highway as the southbound lanes, construct 3.4 miles of 4-lane divided highway with a 100 foot median north from the south end of the project (Post Mile 45.0) to the abandoned Pittsburg Plate Glass facility (Post Mile 48.4). Continue north from this point 2.4 miles using the same 4-lane section and 100 foot median, but with the existing highway as the northbound lanes, to the south end of an existing 68 foot all-paved segment of the highway (Post Mile 50.8). From the north end of the existing 68 foot all-paved segment (Post Mile 53.0), construct a 4-lane divided highway with a 100 foot median north 2.1 miles to a point east of Diaz Lake (Post Mile 55.1) using the existing 2-lane highway as the southbound lanes. The proposed facility will have 10 foot paved shoulders adjacent to the outside lanes and will be fenced. See Vicinity and Location Maps, pages 4 and 5. The project Map with typical sections and a plan for a sound barrier to be considered, between the highway and a trailer court west of the south end of the north segment of the proposed project are at the end of this report.

The proposed project will be funded from the HE14 Program, as included in the 1986 STIP, for construction in the 1988-89 fiscal year. Construction costs are estimated at \$7,630,000 while right-of-way costs are estimated at \$235,000. There are no other projects proposed for construction in the immediate vicinity of this project.



Alternatives Dropped from Consideration: Three alternatives to the proposed action were considered. It became readily apparent that only a 4-lane facility could satisfy the identified project needs. Consequently, they were dropped for reasons identified below.

Transportation Systems Management (TSM): It was readily apparent that this approach was not appropriate in this rural, high-desert setting. The various TSM options would do nothing to address the project needs identified above.

72 Foot all-paved Section: This 4-lane alternative was considered, but rejected for several reasons. Traffic control is easier and less expensive if the existing highway can be left functional while new lanes are constructed 100 feet away. The 100 foot median allows more flexibility in establishing grades. A 100 foot median with its natural cover left untouched should reduce road kill by making it easier for animals to cross the highway. It is believed that a median with a natural ground cover is more attractive than 72 feet of pavement. There should be a reduction in the likelihood of head-on collisions and glare from on-coming headlights would be much reduced. Crossing an all-paved highway and merging with traffic on the other side can be a difficult maneuver. This can be easily done using a 100 foot median crossover. Existing culverts have minimum cover. Because of crown slope, they could not simply be extended in a roadbed widened to accommodate 72 feet of pavement. They would have to be removed and lowered or the grade would have to be raised to allow for the required cover. The difference in cost between the two alternatives is not considerable.

No Project: The no-build alternative was dropped from consideration because it would fail to satisfy the needs identified. The facility would continue to provide inadequate passing opportunity and shoulders. Congestion and driver frustration would intensify as traffic volumes increase each year. The accident rate would probably increase as the level of service continued to decline.

Affected Environment

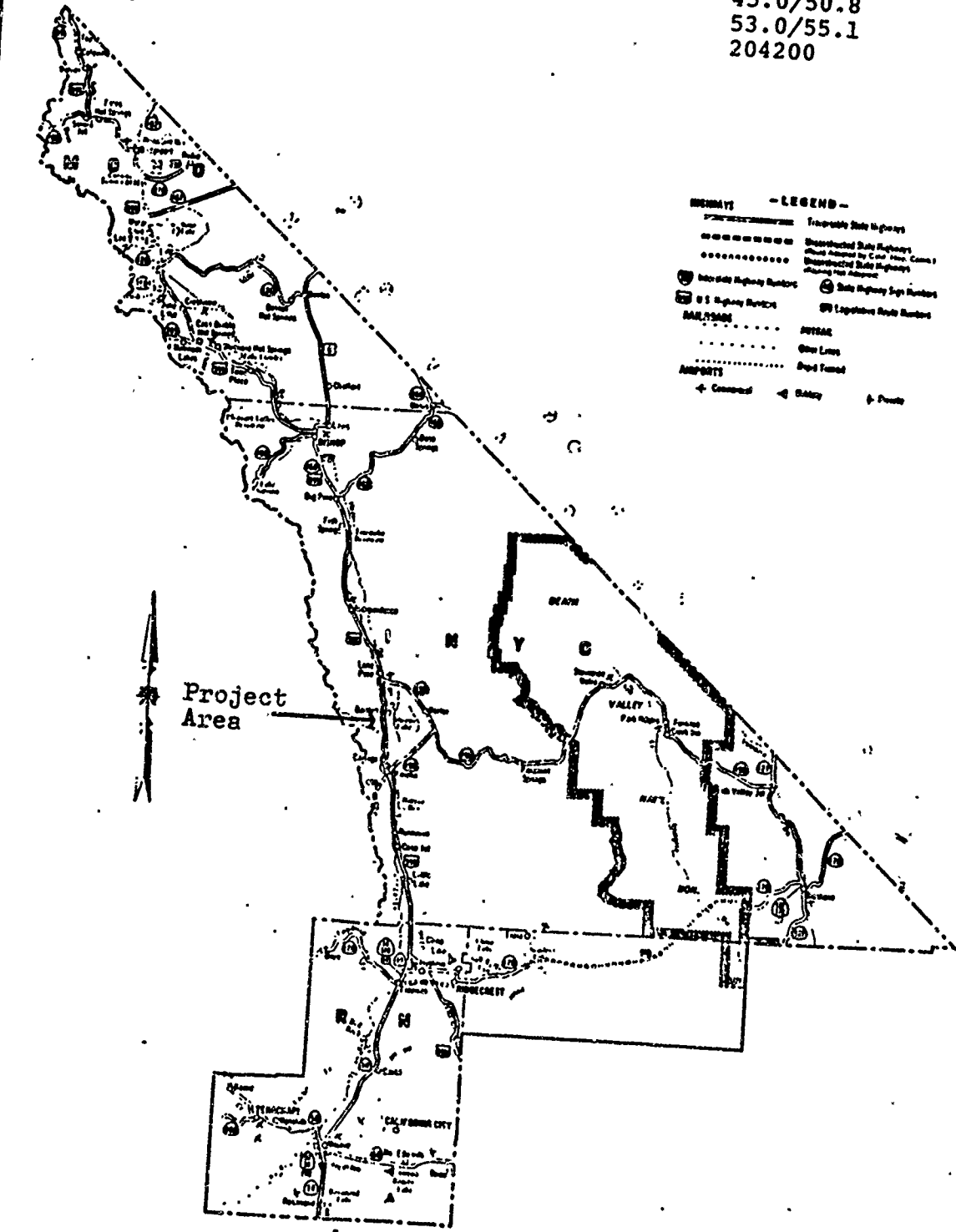
The southerly 5.8 mile segment of the proposed project crosses a mixture of glacial debris and alluvium from the Sierra Nevada mountain range. The project area includes several dry washes. Two of these are the dry beds of perennial streams that are now intercepted west of the project by the Los Angeles aqueduct. The ground cover is shadscale scrub dominated by saltbush, spiny hop-sage, rabbitbrush, buckwheat, Indian ricegrass and white burrobrush. The northerly 2.1 miles of the proposed project is shielded from the Sierra by a low range of hills (the Alabama Hills). There is more sedimentary, metamorphic and volcanic material on the ground, but, except for some greasewood and desert almond, no real change in ground cover throughout most of this segment. The northerly quarter of a mile of project crosses low revegetated sand dunes and alkali playas to the dry edge of the Owens Valley floor. The shrub cover grades from sparse with an understory of saltgrass to saltgrass only.

Antelope ground squirrels and other small rodents, black-tailed jackrabbits, cottontails, snakes and lizards, coyotes, roadrunners, ravens, sparrows and magpies have been seen within or in the vicinity of the project impact area. Evidence was found that the area is being used by a nearby herd of Tule Elk. The area of impact has some forage value for cattle and provides food and/or shelter for the animals seen and others.

In the rain shadow of the Sierra, the project area (and the Owens Valley in general) is high desert with an average annual precipitation of about 5.5 inches, summer temperatures exceeding 100°F and winter temperatures below freezing. Except for a brief period when the valley floor was farmed to produce food for the many nearby mining towns - now ghost towns, the valley has been used primarily as a transportation corridor. It contains a highway, railroad (recently abandoned), stock trails, power transmission lines and an aqueduct. The only improvements in the vicinity of the project are a recreational development at Diaz Lake west of the north end of the northerly segment and a trailer court west of the south end of this segment.

9-Iny-395  
 45.0/50.8  
 53.0/55.1  
 204200

- ROADWAYS - LEGEND -**
- Through State Highways
  - State Highways
  - State Highways (Road Adopted by Cal. High. Comm.)
  - State Highways (Sharing with adjacent)
  - Interstate Highway Number
  - State Highway Sign Number
  - U.S. Highway Number
  - Legislative Route Number
  - AIRWAYS
  - Other Lines
  - Road Tunnel
- AIRPORTS**
- Commercial
  - Military
  - Private



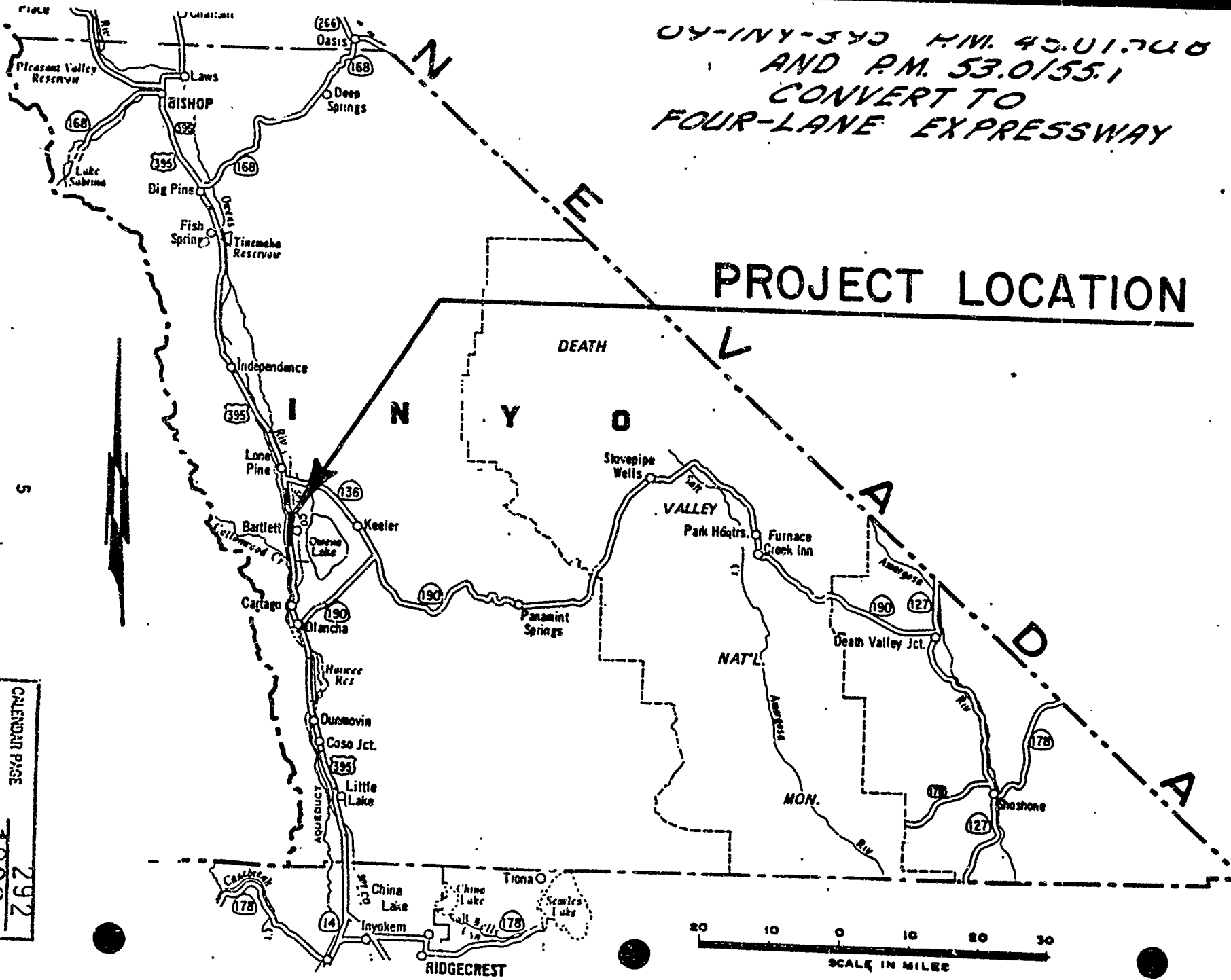
STATE OF CALIFORNIA  
 DIVISION OF TRANSPORTATION AND  
 HIGHWAYS  
 DEPARTMENT OF TRANSPORTATION  
**DISTRICT 9**

CALENDAR PAGE 291 D.F.  
 MINUTE PAGE 1937

These highway maps are available on 8 1/2 x 11 inch sheets and folders.  
 In quantities, Office Engineer, P. O. Box 1000, Sacramento, CA 95833

09-INY-395 P.M. 43.01.70.0  
 AND P.M. 53.01.55.1  
 CONVERT TO  
 FOUR-LANE EXPRESSWAY

# PROJECT LOCATION



CALENDAR PAGE  
 MINUTE PAGE  
 292  
 1938

Discussion of Environmental Evaluation and Mitigation Measures

Several technical studies were made and used in the environmental evaluation of this project. The following studies are incorporated by reference into this Environmental Assessment and reports on these studies are available from the Caltrans District 9 office in Bishop.

Archaeological Survey  
Air, Noise, Water Quality and Energy Studies  
Historic Property Survey  
Biological Survey  
Location Hydraulic Study  
Summary of Floodplain Encroachment  
Geological Hazards Study  
Farmland Conversion Impact Study  
Hazardous Wastes Survey  
Wetlands Classification Study & Functional Assessment

**ENVIRONMENTAL SIGNIFICANCE CHECKLIST (Cont.)**

**SOCIAL AND ECONOMIC. Will the proposal directly or indirectly:**

	YES	NO	IF YES, IS IT SIGNIFICANT?	
			YES	NO
30. Cause disruption of orderly planned development? _____		NO		
31. Be inconsistent with any elements of adopted community plans, policies or goals, or the California Urban Strategy? _____		NO		
32. Be inconsistent with a Coastal Zone Management Plan? _____		NO		
33. Affect the location, distribution, density, or growth rate of the human population of an area? _____		NO		
34. Affect life-styles, or neighborhood character or stability? _____		NO		
35. Affect minority, elderly, handicapped, transit-dependent, or other specific interest groups? _____		NO		
36. Divide or disrupt an established community? _____		NO		
37. Affect existing housing, require the acquisition of residential improvements or the displacement of people or create a demand for additional housing? _____		NO		
38. Affect employment, industry or commerce, or require the displacement of businesses or farms? _____		NO		
39. Affect property values or the local tax base? _____		NO		
40. Affect any community facilities (including medical, educational, scientific, recreational, or religious institutions, ceremonial sites or sacred shrines)? _____		NO		
41. Affect public utilities, or police, fire, emergency or other public services? _____		NO		
42. Have substantial impact on existing transportation systems or alter present patterns of circulation or movement of people and/or goods? _____		NO		
43. Generate additional traffic? _____		NO		
44. Affect or be affected by existing parking facilities or result in demand for new parking? _____		NO		
45. Involve a substantial risk of an explosion or the release of hazardous substances in the event of an accident or otherwise adversely affect overall public safety? _____		NO		
46. Result in alterations to waterborne, rail or air traffic? _____		NO		
47. Support large commercial or residential development? _____		NO		
48. Affect a significant archaeological or historic site, structure, object, or building? _____	YES			NO*
49. Affect wild or scenic rivers or natural landmarks? _____		NO		
50. Affect any scenic resources or result in the obstruction of any scenic vista or view open to the public, or creation of an aesthetically offensive site open to public view? _____		NO		
51. Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)? _____		NO		*
52. Result in the use of any publicly-owned land from a park, recreation area, or wildlife and waterfowl refuge? _____		NO		

**MANDATORY FINDINGS OF SIGNIFICANCE**

	YES	NO
53. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____		NO
54. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) _____		NO
55. Does the project have environmental effects which are individually limited, but cumulatively considerable? Cumulatively considerable means that the incremental effects of an individual 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. It includes the effects of other projects which interact with this project and, together, are considerable. _____		NO
56. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? _____		NO

**ENVIRONMENTAL SIGNIFICANCE CHECKLIST (Cont.)**

**SOCIAL AND ECONOMIC. Will the proposal directly or indirectly:**

	YES	NO	IF YES, IS IT SIGNIFICANT?	
			YES	NO
30. Cause disruption of orderly planned development? _____		NO		
31. Be inconsistent with any elements of adopted community plans, policies or goals, or the California Urban Strategy? _____		NO		
32. Be inconsistent with a Coastal Zone Management Plan? _____		NO		
33. Affect the location, distribution, density, or growth rate of the human population of an area? _____		NO		
34. Affect life-styles, or neighborhood character or stability? _____		NO		
35. Affect minority, elderly, handicapped, transit-dependent, or other specific interest groups? _____		NO		
36. Divide or disrupt an established community? _____		NO		
37. Affect existing housing, require the acquisition of residential improvements or the displacement of people or create a demand for additional housing? _____		NO		
38. Affect employment, industry or commerce, or require the displacement of businesses or farms? _____		NO		
39. Affect property values or the local tax base? _____		NO		
40. Affect any community facilities (including medical, educational, scientific, recreational, or religious institutions, ceremonial sites or sacred shrines)? _____		NO		
41. Affect public utilities, or police, fire, emergency or other public services? _____		NO		
42. Have substantial impact on existing transportation systems or alter present patterns of circulation or movement of people and/or goods? _____		NO		
43. Generate additional traffic? _____		NO		
44. Affect or be affected by existing parking facilities or result in demand for new parking? _____		NO		
45. Involve a substantial risk of an explosion or the release of hazardous substances in the event of an accident or otherwise adversely affect overall public safety? _____		NO		
46. Result in alterations to waterborne, rail or air traffic? _____		NO		
47. Support large commercial or residential development? _____		NO		
48. Affect a significant archaeological or historic site, structure, object, or building? _____	YES			NO*
49. Affect wild or scenic rivers or natural landmarks? _____		NO		
50. Affect any scenic resources or result in the obstruction of any scenic vista or view open to the public, or creation of an aesthetically offensive site open to public view? _____		NO		
51. Result in substantial impacts associated with construction activities (e.g., noise, dust, temporary drainage, traffic detours and temporary access, etc.)? _____		NO		*
52. Result in the use of any publicly-owned land from a park, recreation area, or wildlife and waterfowl refuge? _____		NO		

**MANDATORY FINDINGS OF SIGNIFICANCE**

	YES	NO
53. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____		NO
54. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) _____		NO
55. Does the project have environmental effects which are individually limited, but cumulatively considerable? Cumulatively considerable means that the incremental effects of an individual 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. It includes the effects of other projects which interact with this project and, together, are considerable. _____		NO
56. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? _____		NO

### Discussion of Environmental Evaluation

Each of the following discussions is a response to an item or items on the checklist where the need for further discussion has been indicated.

3 & 4: Unstable Surfaces, Geologic and Seismic Hazards:

Typical of desert areas, the area of impact receives little rain and the ground cover is sparse. Winds are common and unrestricted and ground surfaces are easily eroded by wind or water. To mitigate this problem, construction slopes will be flattened and kept to the minimum height required to balance earthwork quantities. The vegetation and top 4 inches of soil (duff) from excavation areas will be set aside during construction and later used to cover the finished highway slopes. A mixture of straw and native shrub seed will then be punched into these slopes. This approach to erosion control and slope revegetation has been used with considerable success on other highway projects in desert areas.

In a geological hazards study made by Geologists from the Caltrans Transportation Laboratory in Sacramento, the project area was found to be in a Seismic Special Studies Zone established by the California Division of Mines and Geology and subject to severe seismic risk. The study also revealed that the proposed new lanes cross an alkali playa (a geological hazard) at the north end of the project.

As suggested in the Geological Hazards Report, the unsuitable material in the bed of the playa will be removed and replaced as required to insure structural stability. There are no structures included in the proposed project. The new facility will be exposed to seismic forces in the same manner and to the same extent as the existing highway. There will, however, be more roadbed available to serve traffic in an emergency and plans, specifications and special provisions will respond to the precautions required by the Geological Hazards Report.

10: Floodplain Encroachment:

A Caltrans engineer has completed a Location Hydraulic Study of the project. See Exhibit A pages 15 and 16 for his Summary of Floodplain Encroachment.



13:

Wetlands:

At the northerly end of the project area, Highway 395 passes between Diaz Lake on the west and an alkali playa on the east. The playa area consists of a basin fashioned by the Los Angeles Department of Water and Power to hold overflow water from Diaz Lake which lies to the west of the highway. In consultation with the Federal Highway Administration (FHWA) and the Bureau of Land Management, Caltrans has determined that the alkali playa meets Fish and Wildlife Service classification criteria as a palustrine emergent wetland. During wet years this 36 acre playa is flooded by overflow waters from Diaz Lake. Functional values of this wetland have been evaluated using a methodology adopted by the FHWA. Significance ratings of the eleven different functions varied from very low to moderate. On an overall basis, this playa does not possess significant wetland values.

The proposed northbound lanes require placement of fill material in approximately 0.3 acre of the wetland area. There may be additional impacts of short-term consequence due to operation of equipment during placement of the highway fill. This impact on wetlands is not significant for the following reasons:

- \* - the wetland floods very infrequently and consequently offers only marginal wetlands values,
- \* - the proposed project will cause a permanent loss of less than 1% of the wetland area, and
- \* - the impact area is on the extreme westerly edge of the wetland, several hundred feet away from the flow channel which feeds the playa basin. The highway construction will not interrupt flow patterns within the wetland and 99% of the wetland will remain intact and contiguous.

A Tentative Wetlands Finding is attached as Exhibit B.

19 & 20: Noise Levels:

A Caltrans specialist studied the probable effect this project would have on noise levels at adjacent properties. The trailer court west of the existing highway, just north of Lubken Canyon Road, is the only receptor that could be impacted by noise. By moving 2 lanes of highway traffic easterly (away from the development) the proposed project would reduce the level of highway noise in the trailer court

by about 3 dBA. However, highway noise levels within the court will exceed Federal Noise Abatement Criteria in the 2006 design year by 1 to 2 dBA, even with the 3 dBA reduction. In view of the minor impact that will occur at some point in the future, and, the rural setting of the project area, the advisability of constructing noise attenuation barriers at this time is questionable.

Noise walls will be considered when noise levels approach or exceed abatement criteria.

22, 26  
& 27:

Loss of Plant and Animal species and Habitat:

All plants and animals will be removed from approximately 80 acres of land. This area is habitat for the animals removed and others. Some of the animals might be destroyed while others move into and over-populate adjacent habitats. Over population will occur if the carrying capacity of the adjacent habitat has been met at the time of impact and could lead to the loss of more animals. Adjacent populations of the same plant and animal species and acres of similar habitat are so extensive the impact will not be significant. Forty-two acres of this land will become new highway slopes that will revegetate and become available habitat. Every effort will be made to encourage revegetation-in-kind. Experience in other desert areas indicates that there is good seed from existing plants on and in the ground beside them. This seed should germinate well on new highway slopes and tend to reestablish the original ground cover. The vegetation and top 4 inches of soil from excavation areas will be set aside and used later to cover new highway slopes. About thirty-eight acres of habitat will be permanently lost under new pavement.

23 & 28: Threatened or Endangered Plant or Animal Species:

From the California Native Plant Society Inventory, the California Natural Diversity Data Base (CNDDB) maps (California Department of Fish and Game) and contacts with agency botanists and biologists, it was determined that four sensitive plant species might possibly exist within the project area of impact. They are Calochortus excavatus (a Federal candidate species), Sclerocactus polyancistrus (a State and Federal candidate species), Sidalcea covillei (Listed by the State as endangered) and Loeflingia squarrosa ssp. artemisiarum (in the Native Plant Society inventory). A qualified botanist surveyed the project area and found none of these plants and no other sensitive plant species.

The CNDDB maps and a biologist with the local office of the U. S. Bureau of Land Management indicated the strong possibility that the project area of impact would serve a population of the Owens Valley Vole (Microtus californicus vallicola), a Federal Category 2 Candidate species.

CALENDAR PAGE	298
MINUTE PAGE	1944

Available literature was reviewed to determine the habitat requirements of this species. A field survey was made of the small area within the project limits that is a wetland. A biologist with the California Department of Fish and Game was consulted and the determination made that we have no reason to believe there is a vole population within the project limits and a trapping effort is not warranted.

In response to the requirements of the Endangered Species Act, contact was made with the California Department of Fish and Game. By phone on July 11, 1985, the biologist responsible for the project area stated his opinion that the proposed project would not jeopardize any threatened or endangered species of plant or animal or any critical habitat.

29. Barrier to the Movement of Animals:

No documentation was found correlating an increase or decrease in road kill of animals with the change from 2 lanes to 4 lanes of pavement. Animals now cross 2 lanes of pavement with the current volume of traffic moving in both directions. Crossing the proposed facility would require these animals to cross the same 2 lanes of pavement but with only half the traffic all going in the same direction and then the two new lanes under the same conditions.

Doubling the amount of pavement should increase the likelihood that an animal would be hit by a vehicle while trying to cross. Reducing the traffic volume to half should reduce that risk. Some or all of the animals in question might be able to take advantage of one way traffic (especially at night when headlight glare is a factor). The risk also should be reduced some by the fact that drivers will have more room to take evasive action. The proposed project offers the additional advantage of a 100 foot median with its cover of native vegetation.

A highway is not a barrier to the movement of animals. The traffic on a highway is a threat to any animal that tries to cross. It is not known whether the proposed project will increase or decrease this threat. The project will include a fence east of the highway across land leased from the Bureau of Land Management for grazing. This fence is intended to be a barrier against the movement of cattle.

48. Affect a Significant Archaeological Site:

Literature, background and field surveys, summarized in the Historic Properties Survey Report of May, 1984, resulted in the identification of thirteen prehistoric archaeological sites within or immediately adjacent to the project's APEI.

No structures, bridges or historic resources were identified. Of the prehistoric sites, six will be avoided by the project and protected by establishing Environmentally Sensitive Areas (ESAs). Six sites were assessed as lacking significance under the criteria of the National Register of Historic Places. One site, CA-Iny-30, unavoidable by the project, was evaluated and determined eligible for the National Register on November 12, 1985. Survey and evaluation of prehistoric resources included consultation with the State Historic Preservation Officer and with the local Native American community: the Lone Pine Band of the Owens Valley Paiute-Shoshone Indians. No sacred, ceremonial or cultural values have been identified for any of the archaeological sites or other project areas.

Site CA-Iny-30, is presently bisected by Highway 395. Engineering considerations were made in project development to minimize project impacts to the site. A Data Recovery Plan was developed to mitigate the adverse effect of the unavoidable project impacts on the site. A Request for Determination of Effect/No Adverse Effect and Data Recovery Plan was approved on May 16, 1986 by the Advisory Council on Historic Preservation, after concurrence by the FHWA and State Historic Preservation Officer.

Concurrence by the ACHP on the determination of No Adverse Effect with Data Recovery accomplishes consultation with the FHWA, SHPO and the ACHP and completion of data recovery prior to construction constitutes compliance with Section 106 of the National Historic Preservation Act as codified in 36 CFR 800. See Exhibit D, Page 18A.

51. Construction Impacts:

Construction activities will cause temporary impacts from dust, noise and delays. The 100 foot median will minimize these impacts by separating most of the construction from the traffic. Compliance with the Standard Specifications and Special Provisions will reduce the remaining impacts to a level of no significance.

Consultation and Coordination

The design of this project and the assessment of its environmental impacts were developed by an interdisciplinary team. Early public and agency contact was made with a Notice of Initiation of Studies mailed November 23, 1983. The following people and agencies were consulted:

U.S.D.I. Bureau of Land Management  
U.S.D.I. Bureau of Indian Affairs  
U.S.D.A. Soil Conservation Service  
U.S. Corps of Engineers  
U.S. Environmental Protection Agency  
State Lands Commission  
California Native Plant Society  
California Department of Fish and Game

CALENDAR PAGE	300
MINUTE PAGE	1946

California Highway Patrol  
Inyo County Department of Public Works  
Inyo County Planning Department  
Los Angeles Department of Water & Power  
Lone Pine Chamber of Commerce  
Southern Pacific Transportation Co.  
Mary DeDecker, Botanist

Project Development and Environmental Personnel

George Nash	Chief, Project Development
Joe Stapley	Chief, Project Development
Joe Stapley	PDT Leader/Proj. Engineer
Luis Elias	PDT Leader/Proj. Engineer
Craig Holste	PDT Leader/Proj. Engineer
Jack Edell	Environmental Planning/ND
Joanne Kerbavaz	Environmental Planning/Botanist
Martha Proctor	Environmental Planning/Archaeologist
Cynthia Adams	Environmental Planning/Archaeologist
Alan Garfinkel	Environmental Planning/Archaeologist
Jim Kemp	Environmental Testing
Dick Kizer	Hydraulics Engineer
Tom Dayak	Env. Plng./Wetlands, Farmland
Dan Young	Right of Way
Mike Lahodny	Right of Way
Gregg Albright	Landscape Architect
John Haynes	Landscape Architect
Mary DeDecker	Botanist
Jim Pursell	California Highway Patrol
Karen Weaver	USDI, BLM
Terry Russi	USDI, BLM/Wildlife Biologist
Larry Primosch	USDI, BLM/Range Conservationist
Tom Blankenship	California Department of Fish and Game

Determination

On the basis of this Environmental Assessment, it is determined that the appropriate environmental document for the proposal is:

A Negative Declaration. The implementation of the proposed project will not have a significant adverse impact on the environment.

John A. Edell  
John A. Edell, Chief  
Environmental Branch

4-13-87  
Date

Craig Holste  
Craig Holste, Leader  
Project Development Team

April 13, 1987  
Date

BARTLETT  
204200

SUMMARY OF FLOODPLAIN ENCROACHMENT

File 9 INY 395 P.M. 45.1/55.1  
Dist. Co. Rte. Etc.

Fed. Proj. No. \_\_\_\_\_

Bridge Number \_\_\_\_\_

Road CONVERT TO 4 LANES

Limits FROM 1.1 MI. S. COTTONWOOD RD. TO 0.7  
MI. S. OF JCT. RTE. 136 (PDR)

This form will be utilized to document consideration of base floodplain encroachment when it is agreed that the level of risk is low and the proposed action is expected to be processed with a Categorical Exclusion.

Note: The FHWA Area Engineer, in consultation with the FHWA Bridge Engineer and Caltrans, will request that a further documentation be prepared to determine the risks associated with implementation of the proposed action when it is not obvious that the risk of flooding associated with implementation of the proposed action is low.

Floodplain Description THE ENTIRE PROJECT IS ON  
AN ALLUVIAL FAN.

	<u>Yes</u>	<u>Not Deter- mined</u>	<u>No</u>
1. Is the proposed action a longitudinal encroachment of the base floodplain?	---	---	X
2. Are the risks associated with the implementation of the proposed action significant?	---	---	X
3. Will the proposed action support probable incompatible floodplain development?	---	---	X
4. Are there any significant impacts on natural and beneficial floodplain values?	---	---	X

CALENDAR PAGE 302  
MINUTE PAGE 1948

	<u>Yes</u>	<u>Not Deter- mined</u>	<u>No</u>
5. Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial floodplain values? If yes, explain.	—	—	X
6. Does the proposed action constitute a significant floodplain encroachment as defined in FHPM 6-7-3-2, paragraph 4q?	—	—	X
7. Are Location Hydraulic Studies that document the above answers on file in agency's office? If not, explain.	X	—	—

Prepared by:

John a. Edell  
Signature - Environmental

12-16-85  
Date

Richard L. Kujir  
Signature - Hydraulics

12-16-85  
Date

I Concur:

[Signature]  
Signature - FHWA

12/30/85  
Date

## WETLANDS FINDING

Pursuant to: Executive Order 11990 - Protection of Wetlands

### ALTERNATIVES:

Highway 395 experiences high traffic volumes, particularly during prime recreational periods. The existing two lane facility cannot adequately handle the current or anticipated traffic volumes. There are no feasible alternate highways or transportation modes available. The following alternatives have been considered:

No Project - This alternative has been rejected because it would fail to address the identified transportation needs.

Four Lane All Paved Section - This alternative would satisfy the traffic capacity problem. However, it has several traffic safety disadvantages (see below) when compared to a four lane facility separated with a median.

Four Lane Divided Highway - This alternative will meet the transportation need. The divided facility will be easier to build due to fewer traffic control problems and more flexibility in dealing with uneven terrain. A divided facility also offers safety benefits over an all-paved highway. Head-on collisions would be considerably less likely to occur; problems associated with headlight glare would be practically eliminated; and, vehicular and wildlife crossings would be much safer since confronting opposing traffic would not be necessary and the wide median area would provide a safe haven while waiting for breaks in single direction traffic.

Construction to the west of the existing highway is not considered feasible because of constraints posed by Diaz Lake.

### Measures to Minimize Harms

Construction of the northbound lanes to the east of the existing facility will require the placement of fill material resulting in the permanent loss of 0.3 acre of a 36 acre palustrine emergent wetland. Operation of equipment to place the fill material may cause short-term impacts to an additional 0.6 acre.

Project impacts on wetlands are not considered to be significant for several reasons: The wetland floods very infrequently and consequently offers only marginal wetlands values; the impact area is on the extreme westerly edge of the wetland and construction will not interrupt flow patterns within the wetland; and, permanent loss amounts to only about 1% of the wetland area.

EXHIBIT B

CALENDAR PAGE	304
MINUTE PAGE	1950



Measures to minimize harm to the resource include: Grade line designed to keep fill to a minimum commensurate with providing a safe, dry roadbed during high water periods; new roadbed slopes will be treated for erosion control to protect the integrity of the wetland area; work in the wetland area will be done only when the area is dry; and, as a first order of work, fencing will be placed to designate the remaining wetlands as an Environmentally Sensitive Area (ESA). This is intended to confine operation of construction equipment to the minimum area necessary for placement of fill and roadway materials.

**Finding:**

Based upon the above considerations, it is determined that there is no practicable alternative to the proposed new construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
REGION NINE

ARIZONA  
CALIFORNIA  
NEVADA  
HAWAII  
GUAM  
AMERICAN SAMOA

RECEIVED  
JUN 6 1986

CALIFORNIA DIVISION  
P. O. Box 1915  
Sacramento, California 95809

June 3, 1986

IN REPLY REFER TO  
HC-CA

ENVIRONMENTAL ANALYSIS

Mr. Leo J. Trombatore, Director  
CALTRANS, 1120 N Street  
Sacramento, California 95814

File: FAP-395( ),  
09-395-45.0.55.1,  
09-204200

Attention: Federal-aid Branch, Room 3309  
for Mr. Blackmer

Dear Mr. Trombatore:

Recently we had transmitted an effect package for the prehistoric archaeological site CA-Iny-30 to the Advisory Council on Historic Preservation (ACHP). The ACHP has concurred with our determination that the proposal will have a "No Adverse Effect with Data Recovery" for the CA-Iny-30 site.

Upon satisfactory completion of the Data Recovery, this will complete the requirements of 36 CFR 800 for this project.

Sincerely yours,

For  
Bruce E. Cannon  
Division Administrator

Enclosure

*Exhibit D*

18-A

CALENDAR PAGE	306
INSUTE PAGE	1952

Pages 19 - 21 inclusive  
consists of route maps too large to be reproduced and are  
on file at the office of the State Lands Commission

CALENDAR PAGE	307
MINUTE PAGE	1953

## COMMENTS AND RESPONSES

The following comments were received during the circulation of the document for public and agency review. The document in its final form consists of the document as circulated, revisions of the document in response to comments (indicated by a vertical line in the margin of the page revised), these comments and our responses to them. The first two comments do not require a response.

## OFFICE OF PLANNING AND RESEARCH

10 TENTH STREET  
SACRAMENTO, CA 95814

June 12, 1987

John A. Edell  
CALTRANS  
500 S. Main Street  
Bishop, CA 93514

95 301 28 NT 91

-60 1516 JOD-

Subject: Four Lane Expressway on State Route 395  
SCH# 87051106

Dear Mr. Edell:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Peggy Osborn at 916/445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

David C. Nunenkamp  
Chief  
Office of Permit Assistance

CALENDAR PAGE	309
MINUTE PAGE	1955



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
CALIFORNIA STATE OFFICE  
2800 Cottage Way  
Sacramento, California 95825

IN REPLY REFER TO:

1791  
CA-930.12

MAY 22 1987

John A. Edell, Chief  
Environmental Branch  
Caltrans District 9  
Department of Transportation  
P.O. Box 847  
Bishop, CA 93514

Dear Mr. Edell:

We have reviewed the negative declaration for highway improvement on State Route 395 south of Lone Pine and have no comments from this office. Our Bishop Resource Area informs us they will provide any comments concerning the project directly to you.

The opportunity to review the proposal is appreciated.

Sincerely,

Richard F. Johnson  
Deputy State Director  
Lands & Renewable Resources

cc:  
DM, Bakersfield  
AM, Bishop



PLANNING DEPARTMENT

County of  
INYO

DRAWER L • INDEPENDENCE • CALIFORNIA 93526

(619) 878-2411 (Ext. 2263)

Roger DeHart  
~~PLANNING DIRECTOR~~  
Planning Director

June 9, 1987

John A. Edell, Chief  
Environmental Branch  
CALTRANS  
500 South Main Street  
Bishop, California 93514

Re: Negative Declaration - Bartlett 4-Laning Project

Dear Mr. Edell:

The Inyo County Planning Commission, acting as the Environmental Review Board for the County, has reviewed the subject Negative Declaration. The Commission had no specific comments to make on the Negative Declaration however, it was questioned as to why the four-laning project was not extended northerly to the intersection of Highway 136? In addition, the Commission wondered if any bottle-neck or other traffic problems will result in the merging back into two lanes so near Highway 136 and the visitors' center?

Thank you for the opportunity to review and comment on the Negative Declaration.

Sincerely,

Roger De Hart  
Planning Director

RDH/rdh

Dist. 09

<input type="checkbox"/>	DDT
<input type="checkbox"/>	DDD ADMIN
<input type="checkbox"/>	BUS. SVS.
<input type="checkbox"/>	ACCTG
<input type="checkbox"/>	RES. MGT/AA
<input type="checkbox"/>	COMP. SYS
<input type="checkbox"/>	PERS. MGT/L. REL
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<input type="checkbox"/>	SAF. & CI.
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<input type="checkbox"/>	PRCM. MGMT
<input type="checkbox"/>	DDD R/W
<input type="checkbox"/>	DDD PROJ. DEV
<input type="checkbox"/>	LAB
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<input type="checkbox"/>	SUEV
<input type="checkbox"/>	DDD MICE
<input type="checkbox"/>	TRAFFIC
<input type="checkbox"/>	SHOP 9
<input type="checkbox"/>	PAO

CALENDAR PAGE	311
MINUTE PAGE	1957

## DEPARTMENT OF TRANSPORTATION

800 South Main Street  
P.O. Box 847  
Dixon, California 95814  
(916) 879-8411

RESPONSE SENT TO MR. DeHART



June 25, 1987

9-Iny-395-45.0/55.1  
Bartlett 204201

Roger DeHart  
Planning Director  
County of Inyo  
Drawer L  
Independence, CA

Dear Mr. DeHart:

Thank you for your comments on the Negative Declaration for the Bartlett four-laning project.

This project was not extended to the north of junction with Route 136 because of limited funds available.

A project is included in the Caltrans District 9 Candidate List to four-lane Route 395 from the north end of the Bartlett project to just north of Lone Pine.

The Bartlett project ends 0.7 mile south of the intersection with Route 136. Caltrans does not anticipate any traffic problems resulting from northbound traffic merging from two lanes to one lane 0.7 mile from the intersection of Route 136.

Please do not hesitate to contact me if you have any further questions or comments.

Sincerely,

Craig A. Holste  
Project Engineer

CAH:ml

CALENDAR PAGE	312
MINUTE PAGE	1958



Memo to: Jack Edell - 09  
Chief, Environmental Branch

June 25, 1987

From: Cindy Adams, (Acting) DEA  
District Reviewer

09-Iny-395  
45.0/55.1  
09201 - 204200

Attached is a memo from the CTC outlining their concern about the consideration of soundwalls in the draft environmental document for the above-referenced project. We agree with the CTC on the soundwall issue. Please change the final document to indicate that the soundwall would be constructed at a future date, when traffic levels and noise measurements show that it is warranted. If a public hearing is held for the project, please take that opportunity also to clarify when the soundwall mitigation would be implemented.

The memo from the CTC is not to appear in the environmental document.

RESPONSE TO CINDY ADAMS

The construction of soundwall will not be included in the proposed project. The construction will be considered when warranted.