

Decision No. 34055

Service Date: November 7, 2003  
Comment Due Date: December 10, 2003

## **ENVIRONMENTAL ASSESSMENT**

STB Finance Docket No. 34305

The Burlington Northern and Santa Fe Railway Company

Construction and Operation Exemption  
in Merced County, California

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**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Economics, Environmental Analysis and Administration*

November 7, 2003

Re: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company – Construction and Operation Exemption – in Merced County, California; Availability of Environmental Assessment and Request for Comments

To All Interested Parties:

On January 14, 2003, The Burlington Northern and Santa Fe Railway (BNSF) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate a new rail line to Quebecor World Inc. (Quebecor) in Merced County, California. The project would involve the construction of a new rail line approximately 850-foot long, which would connect the existing BNSF main line to Quebecor's existing unloading docks.

Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) that evaluates the potential environmental impacts of the proposed project. SEA has reviewed the information available to date and conducted its independent analysis of the construction and operation of the proposed rail line, and included in this EA all the comments and mitigation requested by various Federal, state and local agencies, as well as other interested parties. Based on the information provided by all sources to date and its independent analysis, SEA preliminarily concludes that the construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and BNSF implements the recommended mitigation. Therefore, the Environmental Impact Statement (EIS) process under NEPA is unnecessary in this proceeding.

In response to requests made by various California state agencies, this EA addresses issues similar to those that would be addressed under the California Environmental Quality Act. This analysis may be of particular interest to reviewing agencies of the State of California and includes discussions of growth-inducing impacts (see Section 3.2) and mitigation measures (see Section 5.0).

SEA emphasizes that the recommended environmental mitigation measures in this EA are preliminary and it invites public and agency comments on these proposed environmental mitigation measures. In order for SEA to be as responsive to your concerns as we can be, please

be as specific as possible in your comments, including comments regarding desired mitigation and reasons for it.

This EA has been mailed to various Federal, state and local agencies and other interested parties for review. The entire document is also available on the Board's website (<http://www.stb.dot.gov>) under "Decisions & Notices" and by conducting a "Full Text Search" using the word "Quebecor." Instructions for filing comments on the EA are provided in the Executive Summary and Section 6.0 of the EA.

If you have any questions, please do not hesitate to contact Dave Navecky, SEA Project Manager, at 202-565-1593. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is written in a cursive style with a large initial "V".

Victoria Rutson  
Chief  
Section of Environmental Analysis

## **CONCLUSION**

The Surface Transportation Board's Section of Environmental Analysis (SEA) has prepared this Environmental Assessment (EA) in response to a petition filed by the Burlington Northern and Santa Fe Railway Company (BNSF). The petition seeks an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 for authority to construct and operate a rail line. The EA considers the potential environmental impacts of BNSF's proposed construction and operation of approximately 850 feet of rail line to serve Quebecor World, Inc. (Quebecor) in Merced County, California. This proposed rail line would provide a second rail carrier with access to Quebecor's facility.

Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and BNSF implements the recommended mitigation measures set forth in the EA. Therefore, an environmental impact statement process is unnecessary in this proceeding.

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## **EXECUTIVE SUMMARY**

### **Statement of Proposed Action**

On January 14, 2003, the Burlington Northern and Santa Fe Railway Company (BNSF) petitioned the Surface Transportation Board (Board) for an exemption from the prior approval requirements of 49 U.S.C. § 10901 for the construction and operation of approximately 850 feet of rail line to serve Quebecor World, Inc. (Quebecor) in Merced County, California (Figure ES-1). The proposed project would provide Quebecor with competitive rail service.

The project involves the construction of a new rail line approximately 850 feet long, which would connect the existing BNSF main line to Quebecor's existing unloading docks. The new rail line would extend southeasterly from the BNSF main line at a point approximately 60 feet south of Black Rascal Creek. It would cross Santa Fe Road at grade. Using a crossing diamond, the rail line also would cross, at-grade, the existing Union Pacific Railroad (UPRR or Union Pacific) rail line that currently provides service to the Quebecor facility (UPRR trackage). In addition to the 850 feet of new line, the proposed project would include a 365-foot tail track<sup>1</sup> adjacent to the existing BNSF rail line and three new storage tracks located adjacent to, and east of, the Quebecor unloading dock. The end of the tail track would be located approximately 15 feet from Black Rascal Creek.

The majority of inbound traffic would consist of paper rolls in boxcars. Outbound traffic would consist primarily of empty boxcars. The total traffic on the new rail line would be one inbound and one outbound train per day, consisting of approximately six to eight boxcars. Service would be provided to the Quebecor facility six days per week.

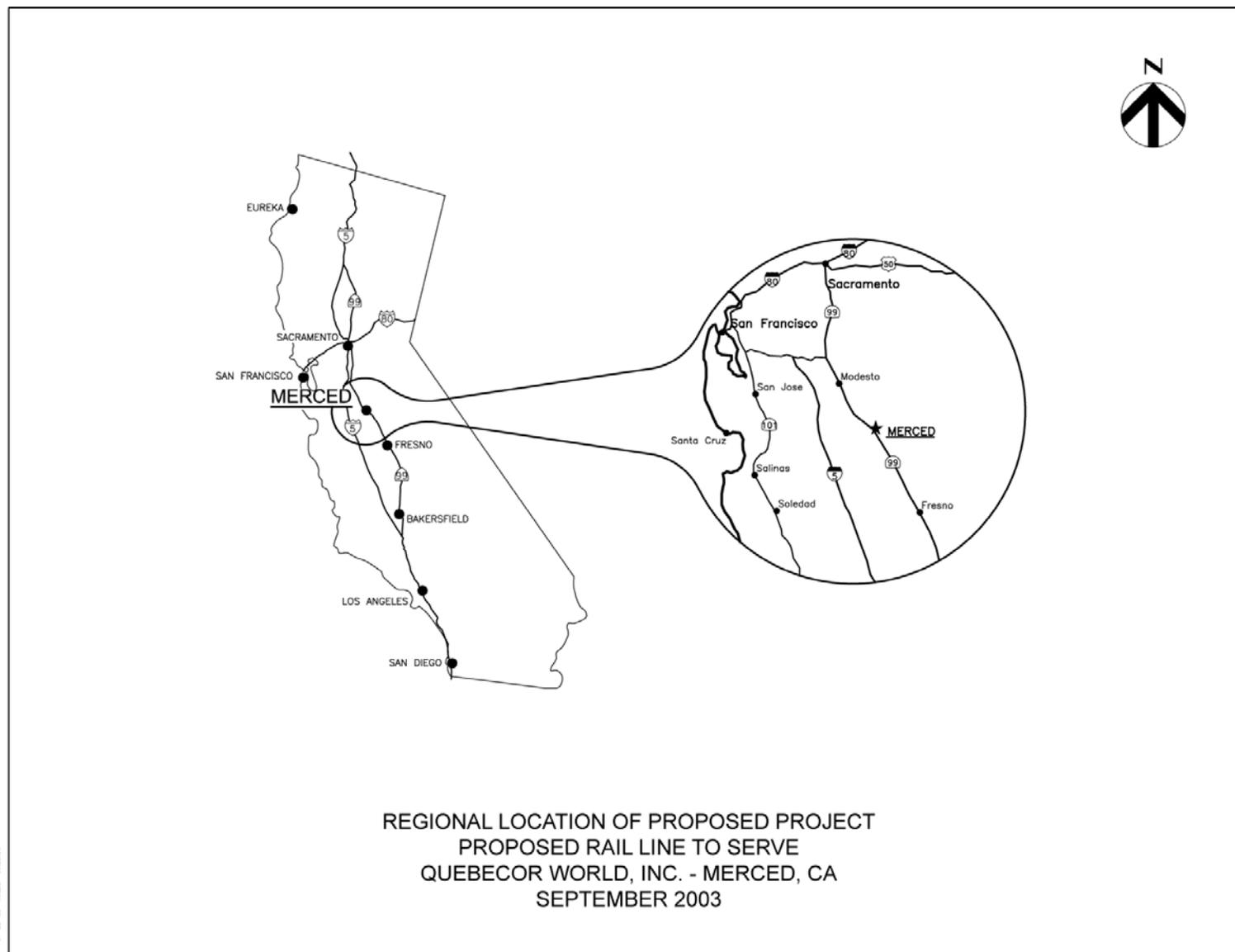
### **Description of the Affected Environment**

Following is an overview of the project area. Section 3.0 contains a detailed discussion of the affected environment.

The project area is located within an industrial section of the City of Merced; there are no residences in the vicinity. Quebecor and 84 Lumber are the two large industrial sites immediately adjacent to the proposed project. Highway 59, a major north/south transportation corridor through the City of Merced, is located east of the Quebecor facility. Santa Fe Drive, the mainline BNSF railroad, and Santa Fe Road all run from the

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<sup>1</sup>The switching tail track would be used by the BNSF switch crew after delivering cars to Quebecor and before retrieving the empty outbound cars. After making the delivery into Quebecor, the switch crew would transition to the tail track and allow accumulated traffic on Santa Fe Road to pass. Once the tracks were clear, the locomotive would return to Quebecor to pick up the empty cars and return to the BNSF mainline. The tail track would prevent switching operations from interfering with traffic on the BNSF mainline.



ES-2

Figure ES-1

northwest to the southeast, roughly north of the Quebecor site. Santa Fe Drive, a major four-lane divided highway, is located north of and parallel to the existing BNSF main line. Santa Fe Road, a two-lane lightly traveled rural road, is located south of and parallel to the existing BNSF main line. Black Rascal Creek flows east-west in this area and passes under Santa Fe Road, the BNSF main line, and Santa Fe Drive, all of which are carried over the creek on separate, existing structures.

### **Alternatives Considered**

Three alternatives have been considered in this EA for the proposed project: (1) the proposed alignment, (2) the no-build alternative, and (2) the no-action alternative. More detail regarding these alternatives is provided in Section 2.0. BNSF considered, but later rejected, an alternative alignment that had environmental impacts associated with a new bridge over Black Rascal Creek. This alignment would have also potentially needed trackage rights from UPRR.

### **Synopsis of Environmental Impacts of the Proposed Action**

The following is an overview of potential impacts resulting from the proposed action. Section 3.0 contains a detailed discussion of these potential impacts.

The proposed track would be approximately 850 feet long and would utilize existing UPRR, BNSF, City of Merced, and Merced Irrigation District rights-of-way. No significant impacts to land use are anticipated as a result of the proposed project because of the industrial setting that already exists in the project area.

BNSF estimates that an average of two approximately 550-foot trains would traverse the rail line per day. BNSF trains would essentially replace service by UPRR. This represents a rail-to-rail diversion of existing traffic, not an increase in the number of trains servicing Quebecor. This level of traffic is below the Board's threshold for air quality analysis of three trains per day in a nonattainment area (49 CFR 1105.7(e)(5)(ii)). Construction emissions are also expected to be far below the levels of ozone precursor emissions that would require mitigation under Federal, state, or local air quality rules.

The proposed alignment would also include a new at-grade crossing at Santa Fe Road. This crossing would be marked using railroad crossing signs (X-bucks), gates, and flashing lights. BNSF has informed the Board's Section of Environmental Analysis (SEA) that it is working with the California Public Utilities Commission to identify the appropriate level of crossing devices. Because of the length of the trains and the need to complete switching movements picking up and dropping off rail cars, the Santa Fe Road crossing could delay traffic by up to 10 minutes each time a train either approaches or leaves the Quebecor facility. Since there would only be one train in and one train out per day, these delays are not anticipated to exceed a total of 20 minutes per day. However, because of the low volume of traffic on Santa Fe Road, only 9.2 vehicles would be

delayed per day. The delay per vehicle per day for all vehicles using the crossing would average 0.09 minutes. No significant impacts to emergency vehicle access are anticipated as a result of the proposed project because access is available to Santa Fe Road on either side of the new BNSF rail line from the north and west, and distances to fire stations are short.

To reduce potential impacts on passing mainline trains, the new track itself is designed to allow for efficient switching. In addition to the new lead track, the proposed design includes a 365-foot switching tail track that would parallel BNSF's main line, and three additional storage tracks inside of the Quebecor facility. Together, these tracks would allow switch crews to move back and forth within and near the Quebecor facility without interfering with passing trains on the main line.

No significant noise impact is anticipated as a result of the proposed project. Based on BNSF's initial traffic projections, train volumes (two trains per day) would not exceed the Board's threshold for noise analysis (eight trains per day) (49 CFR 1105.7(e)(6)). The proposed project represents a rail-to-rail diversion, where BNSF train services would replace the Union Pacific trains that already serve Quebecor. Union Pacific train movements would not typically be expected to occur on the same days as BNSF movements.

Much of the project area is highly disturbed due to grading and vegetation control. Wildlife species within the project area are limited due to the extent of industrial development and the presence of multiple transportation corridors. Based upon a review of the U.S. Fish and Wildlife Service's list of special-status species and the California Natural Diversity Database for Merced County, as well as field reviews by SEA's consultant biologists, no threatened or endangered species, species of concern or any critical habitats are known to occur within or near the proposed alignment.

No significant impacts to surface water and wetlands are expected to result from the proposed project. Black Rascal Creek is located approximately 60 feet west and north of where the proposed track would tie into the BNSF main line. Construction of the track where it ties into the BNSF main line and construction of the new tail track would require creating embankments to support both tracks. These embankments could bring the new tail track to within approximately 15 feet of Black Rascal Creek. However, the project as proposed would not disturb the existing BNSF bridge structure or the bed and bank of Black Rascal Creek, including vegetation along the bank.

### **Agency Consultation, Mitigation and Conclusions**

Based on the information available to date, consultations with appropriate agencies, and extensive environmental analysis, SEA developed preliminary environmental mitigation measures to address the environmental impacts of the proposed construction and operation of the rail line in Merced County.

SEA emphasizes that the recommended environmental mitigation measures in the EA are preliminary and it invites public and agency comments on these proposed environmental mitigation measures. In order for SEA to effectively assess the comments, it is helpful if the public is specific in its comments, including comments regarding desired mitigation and the reasons for it.

SEA has reviewed all information available to date and conducted its independent analysis of the construction and operation of the proposed rail line, and included in this EA all the comments and mitigation requested by various Federal, state, and local agencies, as well as other concerned parties. Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and BNSF implements the recommended mitigation. Therefore, the Environmental Impact Statement (EIS) process is unnecessary in this proceeding.

### **Public Comments**

SEA specifically invites comments on all aspects of this EA, including suggestions for additional mitigation measures. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's final recommendations, including final recommended mitigation measures, and the environmental comments in making its final decision in this proceeding.

Comments (an original and 10 copies) should be sent to:

Surface Transportation Board  
Case Control Unit, 1925 K Street NW, Suite 500  
Washington, D.C. 20423

The lower left-hand corner of the envelope should be marked:  
Attention: Mr. David Navecky, Environmental Concerns, Finance Docket No. 34305

Questions may also be directed to Mr. David Navecky at this address or by telephoning (202) 565-1593 or email [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date Made Available to the Public: November 7, 2003  
Comment Due Date: December 10, 2003

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## **1.0 PURPOSE AND NEED**

### **1.1 BACKGROUND**

Pursuant to 49 U.S.C. § 10502, on January 14, 2003, the Burlington Northern and Santa Fe Railway Company (BNSF) petitioned the Surface Transportation Board (Board), requesting an exemption from the prior approval requirements of 49 U.S.C. § 10901 for the construction and operation of approximately 850 feet of rail line to serve Quebecor World, Inc. (Quebecor) in Merced County, California. If approved, the proposed line would provide Quebecor with rail service by a second rail carrier.

In a decision served March 28, 2003, the Board found, subject to completion of the environmental review, that BNSF had met the transportation-related standards of 49 U.S.C. § 10502 to construct the proposed action. However, in its decision, the Board explained that BNSF could not receive final approval until the environmental review process required under the National Environmental Policy Act and related laws is completed and the Board has the opportunity to fully assess the potential environmental effects of the project. The Board made clear in its decision that it would issue a final decision on the entire proposed project following completion of the environmental review process and that no construction could begin until a final decision approving the construction is issued and has become effective.

### **1.2 PURPOSE OF THE PROPOSED PROJECT**

The purpose of the proposed construction and operation of a new rail line into Quebecor is to provide competitive rail service to Quebecor. Only one rail carrier, Union Pacific Railroad Company (UPRR), currently serves Quebecor. The proposed new line would provide Quebecor with access to BNSF's rail service network, creating rail service options, and would provide Quebecor with flexibility and alternative transportation routes.

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## **2.0 PROPOSED ACTION AND ALTERNATIVES**

### **2.1 PROPOSED ACTION**

Pursuant to 49 U.S.C. § 10502, BNSF petitioned the Surface Transportation Board (Board) for an exemption from the prior approval requirements of 49 U.S.C. § 10901 for the construction and operation of approximately 850 feet of rail line to serve Quebecor (Figures 1, 2, and 3). The proposed project would provide Quebecor with access to a second rail carrier.

The proposed project involves the construction, operation, and maintenance of a new rail line approximately 850 feet long, which would connect the existing BNSF main line to Quebecor's existing unloading docks. In addition to the 850 feet of new line, the proposed project would include a 365-foot switching tail<sup>2</sup> adjacent to the existing BNSF rail line and three new storage tracks located adjacent to the Quebecor unloading dock. The new line would cross Santa Fe Road at grade. This road is a rural, two-lane light-density road maintained by the City of Merced. Using a crossing diamond, the line also would cross, at-grade, the existing UPRR rail line that currently provides service to Quebecor (UPRR trackage). The UPRR trackage ends approximately 1,000 feet southeast of the turnout for Quebecor at the last shipper on the track, 84 Lumber. Figure 4 shows construction details of the proposed project.

#### **2.1.1 Construction**

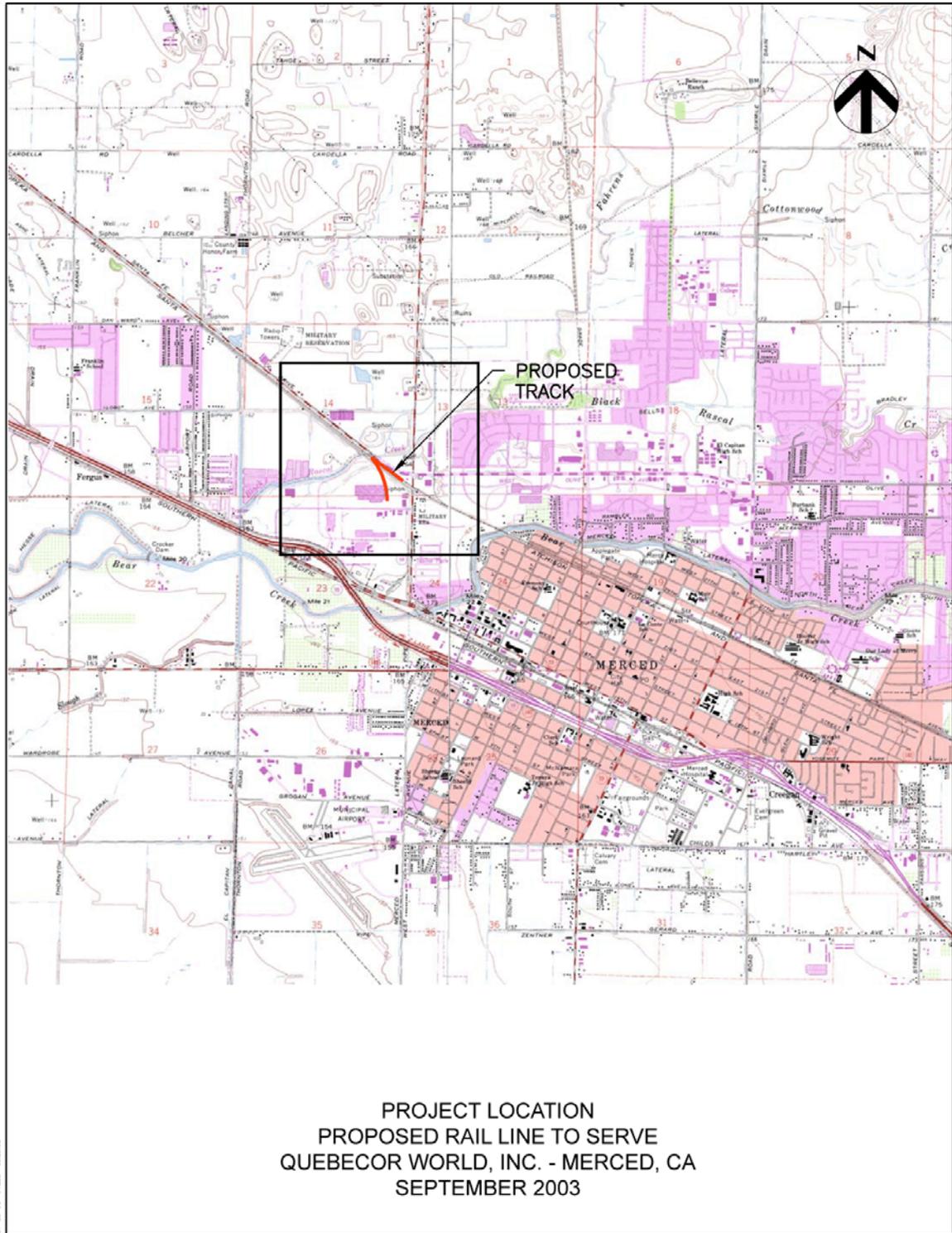
If the Board approves the exemption in its final decision, the new rail line would take approximately 90 days to construct and would require the use of both track-mounted equipment and earth-moving equipment. The work would involve clearing and grading of right-of-way, constructing a new earthen roadbed, placing the sub-ballast, laying the ties and rail, placing the ballast, and adjusting the track. A switch would be placed to tie the new line into the existing BNSF main line at MP 1058.0 (see Figure 3). The crossing of UPRR trackage would be coordinated with UPRR personnel to minimize the amount of time that their track is out of service.

A new at-grade crossing of Santa Fe Road would be constructed in coordination with local and state officials. A short section of Santa Fe Road would be raised approximately one foot and resurfaced to bring Santa Fe Road up to the same elevation as the new line.

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<sup>2</sup> The switching tail track would be used by the BNSF switch crew after delivering cars to Quebecor and before retrieving the empty outbound cars. After making the delivery into Quebecor, the switch crew would transition to the tail track and allow accumulated traffic on Santa Fe Road to pass. Once the tracks were clear, the locomotive would return to Quebecor to pick up the empty cars and return to the BNSF mainline. The tail track would prevent switching operations from interfering with traffic on the BNSF mainline.





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Figure 2

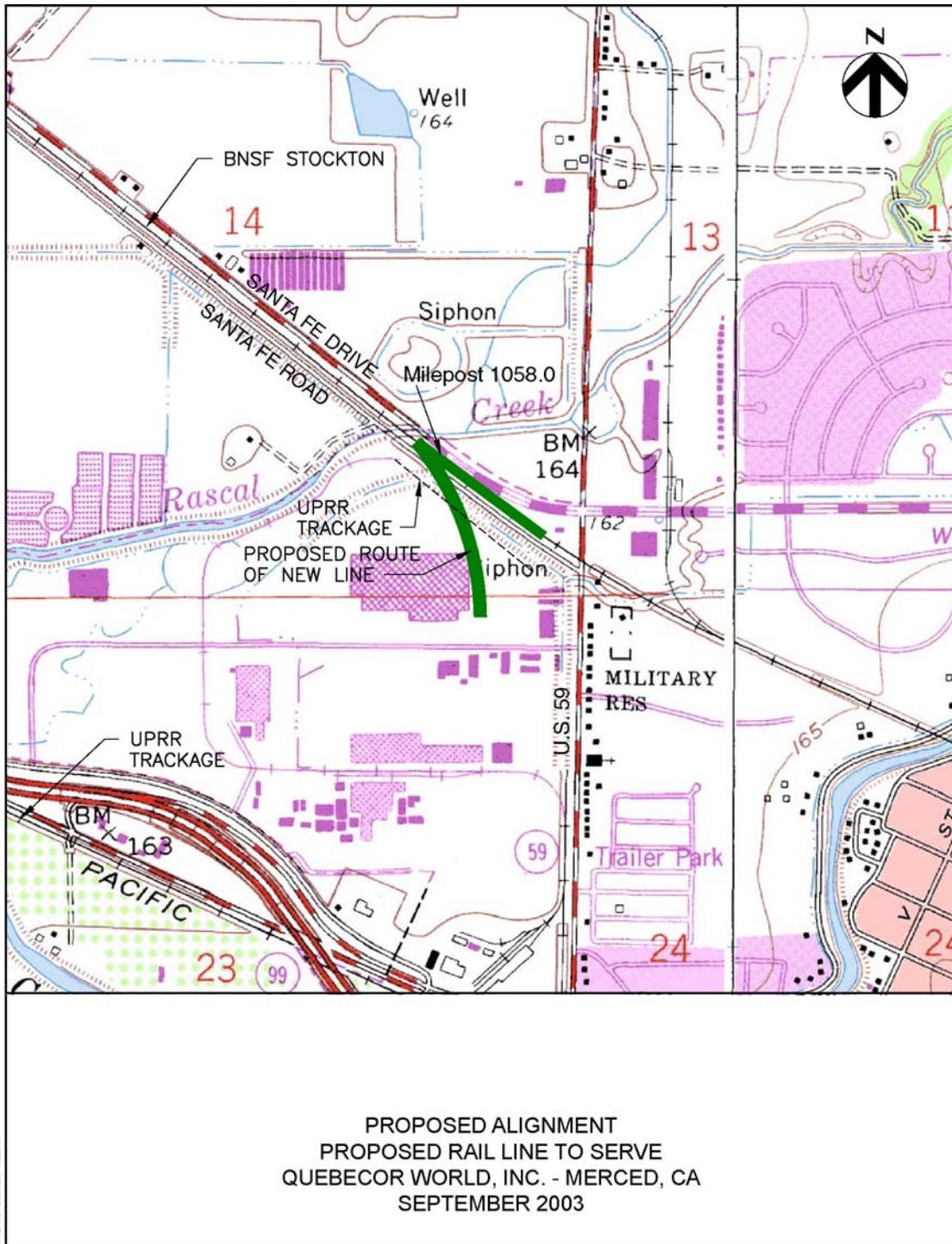


Figure 3

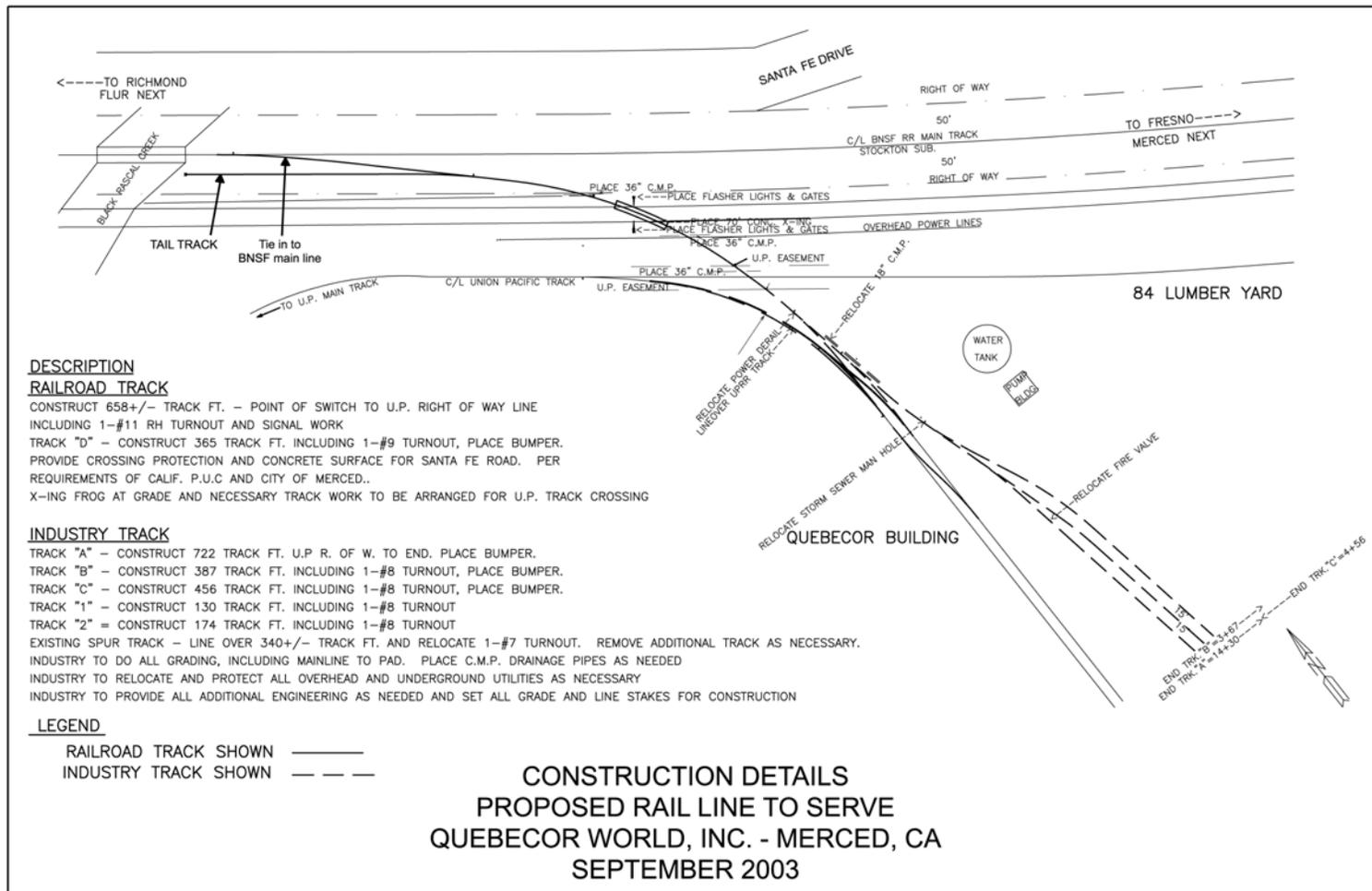


Figure 4

Railroad crossing warning devices (gates, flashing lights, X-bucks) would be installed as required. The construction of the new grade crossing would require a temporary closure of Santa Fe Road; however, traffic could be routed around the work site on Santa Fe Drive.

### **2.1.2 Operation**

The proposed turnout for the new rail line would be located on the BNSF main line (Stockton Subdivision) at Milepost (MP) 1058.0 (see Figure 3). The BNSF line currently averages approximately 25 freight and 12 Amtrak trains per day, for a total traffic level of 37 trains per day. Traffic to and from the Quebecor facility would be blocked<sup>3</sup> and switched at the Calwa Yard near Fresno, California at MP 994.0 and added to the existing local train that operates from Calwa Yard to Riverbank Yard in Riverbank, California. Each day, the local train would be blocked with loaded railcars destined for Quebecor, as well as cars billed to other customers in the vicinity along the BNSF main line.

Depending on the need for the main line by through trains, the local train would either park at the Merced siding (approximately 2 miles southeast of the project site at MP 1056.1), or on the main line, and then proceed to Quebecor with just the six to eight loaded cars intended for Quebecor. The local would spot the loaded cars at the Quebecor facility, pick up the empty railcars, then proceed back to the parked train, pick up the rest of the train, and proceed to deliver railcars to the remaining customers. If parked on the main line, the local train would be parked in a location that does not block road crossings in the City of Merced.

The majority of inbound traffic would consist of shipments of nonhazardous paper rolls in boxcars. In addition, one outbound load of waste paper potentially could be shipped each week. Outbound traffic would consist primarily of empty boxcars. BNSF expects the traffic to consist of one inbound train per day consisting of one switch engine and six to eight loaded boxcars. The switch engine would leave the loaded boxcars, pick up approximately six to eight empty boxcars, and depart. Thus, the total traffic projected for the new line would be one inbound and one outbound train per day consisting of one switch engine and approximately six to eight boxcars. Since this service would replace existing UPRR service to Quebecor (i.e., it is a diversion of service from one provider to another), the total number of freight movements in the vicinity of the plant is not expected to increase. Service is planned to be provided to the Quebecor facility six days per week. Rail service to 84 Lumber would continue to be provided by UPRR. Existing UPRR rail traffic to 84 Lumber is believed to be infrequent and may be limited to as few as three railcars per month.

To further reduce potential impacts on passing mainline trains, the new track itself is designed to allow for efficient switching. In addition to the new lead track, the proposed design includes a 365-foot switching tail track that would parallel BNSF's main line, and three additional storage tracks inside of the Quebecor facility. Together, these tracks

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<sup>3</sup> Blocking means grouping the cars loaded for Quebecor in one group to facilitate switching.

would allow switch crews to move back and forth within and near the Quebecor facility without interfering with passing trains on the main line. See Figure 4 for construction details of the proposed track.

### **2.1.3 Maintenance**

BNSF would inspect the mainline switch three times a week and the remaining track to UPRR right-of-way once a month. The track inside Quebecor property would be inspected by Quebecor or by contract with BNSF.

## **2.2 ALTERNATIVES**

Three alternatives have been considered in the EA for the proposed project: (1) the proposed alignment, as described above under Section 2.1; (2) the no-build alternative; and (3) the no-action alternative.

Proposed Alignment – This 850-foot long alignment is preferred because it would provide Quebecor with competitive rail service. It has minimal impacts to the natural and human environment and is located within transportation rights-of-way that do not require significant changes in land use.

No-Build Alternative – The no-build alternative requires no new rail construction. It would involve BNSF using the UPRR trackage to access the Quebecor facility. This alternative would require BNSF to obtain trackage rights from UPRR, which cannot occur without UPRR consent and compensation. SEA analyzed this alternative in response to comments made by the California Public Utilities Commission during scoping. Also, despite the fact that the Board does not have the authority to force UPRR to permit BNSF to operate over its trackage, or force UPRR and BNSF to negotiate trackage rights, Council on Environmental Quality regulations (40 CFR 1502.14(c)) indicate that agencies should consider alternatives outside the agency's jurisdiction in their analyses.

No-Action Alternative – The no-action alternative would not result in construction of track and would not provide Quebecor with competitive rail services.

BNSF evaluated another alternative to the proposed plan, known as the Black Rascal Creek Alternative (Figure 5). Under this alternative, the turnout would be located near MP 1058.4, approximately 2,000 feet northwest of the proposed turnout at MP 1058.0, discussed above. The new line would run generally southeast and would cross Santa Fe Road at grade. The line would cross Black Rascal Creek south of Santa Fe Road on a new bridge. This route would tie into the existing UPRR trackage west of the Quebecor facility. This alternative would require a new bridge crossing of Black Rascal Creek, with associated disruption to the streambed and side slopes. Access to Quebecor would also require trackage rights over the UPRR. Because of the potential adverse impacts of building the new bridge structure over Black Rascal Creek, this alternative was not considered a reasonable and feasible alternative by BNSF and was rejected from further consideration.

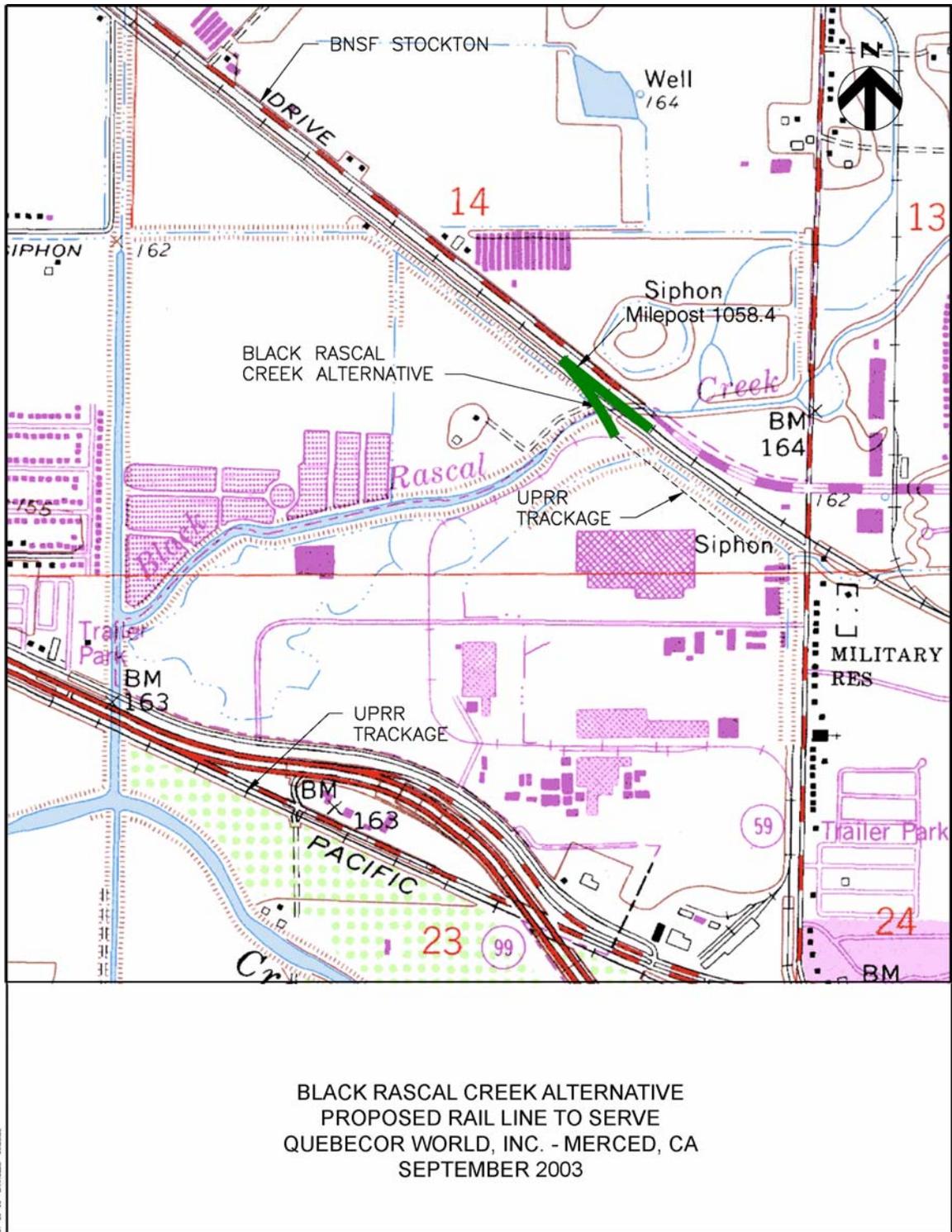


Figure 5

## **3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL IMPACTS OF PROPOSED PROJECT**

The following sections describe the existing site conditions and potential environmental impacts resulting from the construction and operation of the proposed project. Potential impacts of the no-build and no-action alternatives are addressed in Sections 3.13 and 3.14, respectively.

### **3.1 TRANSPORTATION SYSTEMS**

The proposed project would primarily involve rail-to-rail diversion of traffic. BNSF trains would replace the UPRR trains that currently serve Quebecor. UPRR train movements would not typically be expected to occur on the same days as BNSF movements. The proposed alignment would cross one publicly owned road (Santa Fe Road, owned by the City of Merced) and one existing rail line (the UPRR trackage), and would tie into the existing BNSF main line.

As more fully described below, no significant impacts are anticipated to local and regional transportation systems if the project were to be built.

#### **3.1.1 Roadways**

- **Setting**

The BNSF mainline runs northwest-southeast approximately 300 feet north of the Quebecor facility. Adjacent and parallel to the tracks are Santa Fe Drive to the north and Santa Fe Road to the south. Santa Fe Road is a two-lane paved roadway maintained by the City of Merced with an estimated average daily traffic (ADT) of 660 vehicles per day.<sup>4</sup> Highway 59 runs north-south in the City of Merced, and intersects the BNSF mainline approximately 1,600 feet southeast of the proposed turnout. The local street system in the vicinity of the proposed project is shown on Figure 6.

- **Impacts and Mitigation**

The proposed alignment would include a new at-grade crossing with Santa Fe Road. This crossing would be marked using railroad crossing signs (X-bucks), gates, and flashing lights. BNSF has informed the Board's Section of Environmental Analysis (SEA) that it is working with the California Public Utilities Commission (CPUC) to identify the appropriate level of crossing devices. BNSF also stated that project construction would be closely coordinated with the City of Merced to minimize temporary impacts to motorists during construction.

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<sup>4</sup> HDR Engineering, Inc. Survey conducted between 6-27-03 and 7-3-03.

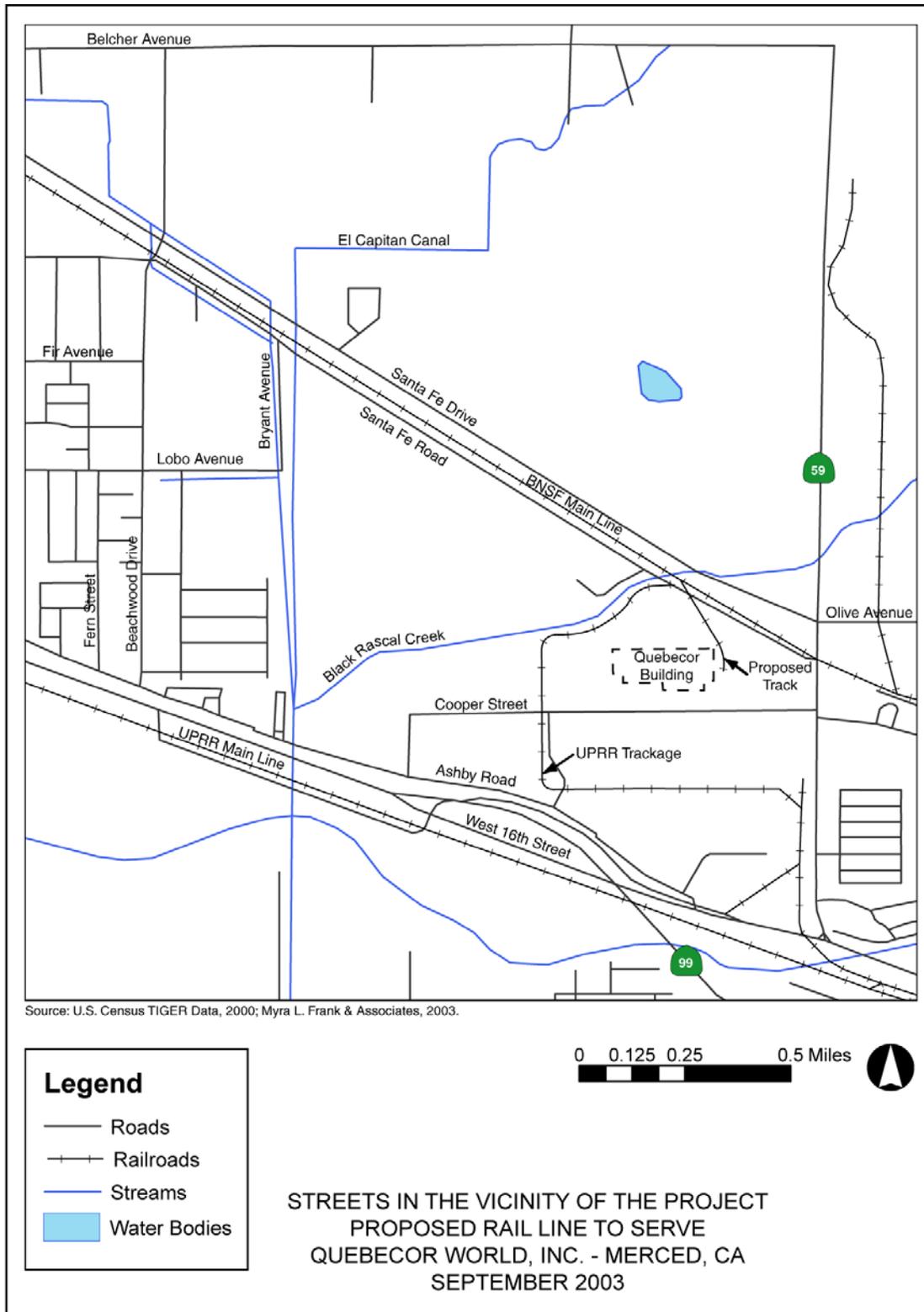


Figure 6

An estimated two trains per day would cross Santa Fe Road on the new rail line; one inbound with the loaded cars and one outbound with the empty cars. The new train would be comprised of one locomotive and approximately six to eight boxcars, for a total length of approximately 550 feet. The locomotive would approach Quebecor and would first hook on to the empty cars located on the tracks closest to the Quebecor facility. The entire train would back up so that the empty cars attached to the train could be shifted to the proposed outside storage tracks at Quebecor and unhooked. The train would then pull out with the loaded cars still hooked, and then push them onto the tracks where the empty cars had been. After dropping the loaded cars, the locomotive would move back onto the switching tail track so that automobile traffic that had accumulated at the crossing could cross the tracks. Once the tracks were clear, the locomotive would then return to Quebecor to pick up the empty cars and return to the BNSF mainline. Because these are switching operations and because Santa Fe Road is very close to the Quebecor facility, the train would be traveling slowly on the new rail line at the Santa Fe Road crossing.

The estimated time that vehicles may be delayed along Santa Fe Road by the proposed rail line to Quebecor is approximately 20 minutes per day (up to 10 minutes for inbound and up to 10 minutes for outbound). However, because of the low volume of traffic on Santa Fe Road, only 9.2 vehicles would be delayed per day. The delay per vehicle per day for all vehicles using the crossing would average 0.09 minutes (see Attachment A, Grade Crossing Analysis).

The existing BNSF railroad at-grade crossing of Highway 59, just southeast of the new turn-out, would experience an increase of the same two trains per day because the local would either park the train at the Merced siding (MP 1056.1), or on the main line, and then proceed to Quebecor with just the six to eight loaded cars intended for Quebecor, as described above in Section 2.1.2. When northbound on the existing BNSF mainline, the train would be slowing down in order to stop at the switch approximately 1,600 feet northwest of Highway 59. While traveling south with the empty cars, the train would be accelerating at the Highway 59 crossing. Because a switching tail is incorporated into the design of the proposed project, all of the switching activities can take place at the Quebecor facility without blocking or interfering with rail traffic on the BNSF main line. Therefore, the only impact to Highway 59 traffic would be from the increase of two trains per day.

The Highway 59 at-grade crossing currently averages 37 trains per day (25 freight and 12 Amtrak), and vehicles on Highway 59 currently experience an average delay of 0.039 minutes per vehicle. With the addition of the two trains per day the average delay per vehicle would increase to 0.042 minutes per day. The level of service for the crossing would remain unchanged at Level of Service A. Therefore, the proposed project would not have a significant impact on grade crossing delay. See Attachment A, Grade Crossing Analysis, for further information regarding traffic.

The City of Merced indicated that emergency vehicles need access to the undeveloped property along Santa Fe Road due to the potential for brush fires. Figure 6 shows the street system in the vicinity of the project and indicates a number of alternative routes available to reach various sections of Santa Fe Road. The closest City of Merced fire station is the Central Station at 99 E. 16th Street, about 2.6 miles southeast of the project site. The County of Merced also maintains fire stations at 735 Martin Luther King Way (about 2.9 miles southeast), 3360 N. McKee Road (about 3.7 miles east), as well as in Atwater and Winton, about 5 to 6 miles to the west. If Santa Fe Road were closed because of train movements, fire personnel could reach the area north of Black Rascal Creek by driving north on Santa Fe Drive, crossing the BNSF mainline at Beachwood Drive, and then proceeding southeast on Santa Fe Road. Fire engines from the west could use Beachwood Drive or Bryant Avenue to reach Santa Fe Road and continue south to Black Rascal Creek. No significant impacts to emergency vehicle access are anticipated as a result of the proposed project because access is available to Santa Fe Road on either side of the new BNSF rail line from the north and west as described above, and distances to fire stations are short.

### **3.1.2 Rail Crossings**

- **Setting**

There is an existing UPRR track which currently provides service to Quebecor and 84 Lumber.

- **Impacts and Mitigation**

The proposed alignment would extend from the existing BNSF main line and cross the UPRR trackage near Quebecor.<sup>5</sup> This crossing diamond would be designed in accordance with industry standards, custom, and practice. Rail service to 84 Lumber would continue to be provided by UPRR. Because the existing UPRR rail traffic to 84 Lumber is believed to be infrequent, and may be limited to as few as three railcars per month, BNSF rail service through this crossing would be expected to have minimal impacts on UPRR operations.

## **3.2 LAND USE**

- **Setting**

Merced County is within the San Joaquin Valley of California bordered by the Sierra Nevada foothills to the east, the Coast Ranges to the west and the Chowchilla River to the south. The project area would be located in the western edge of the City of Merced, in an area where the land use is primarily industrial and agricultural (Figure 7). The project

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<sup>5</sup> BNSF has indicated it would discuss with UPRR the proposed crossing of the UPRR trackage. Should BNSF be unsuccessful in reaching an agreement with UPRR concerning the terms and conditions for the crossing of the UPRR trackage, BNSF has also indicated it would seek authority from the Board to cross such track pursuant to 49 U.S.C. §10901(d).

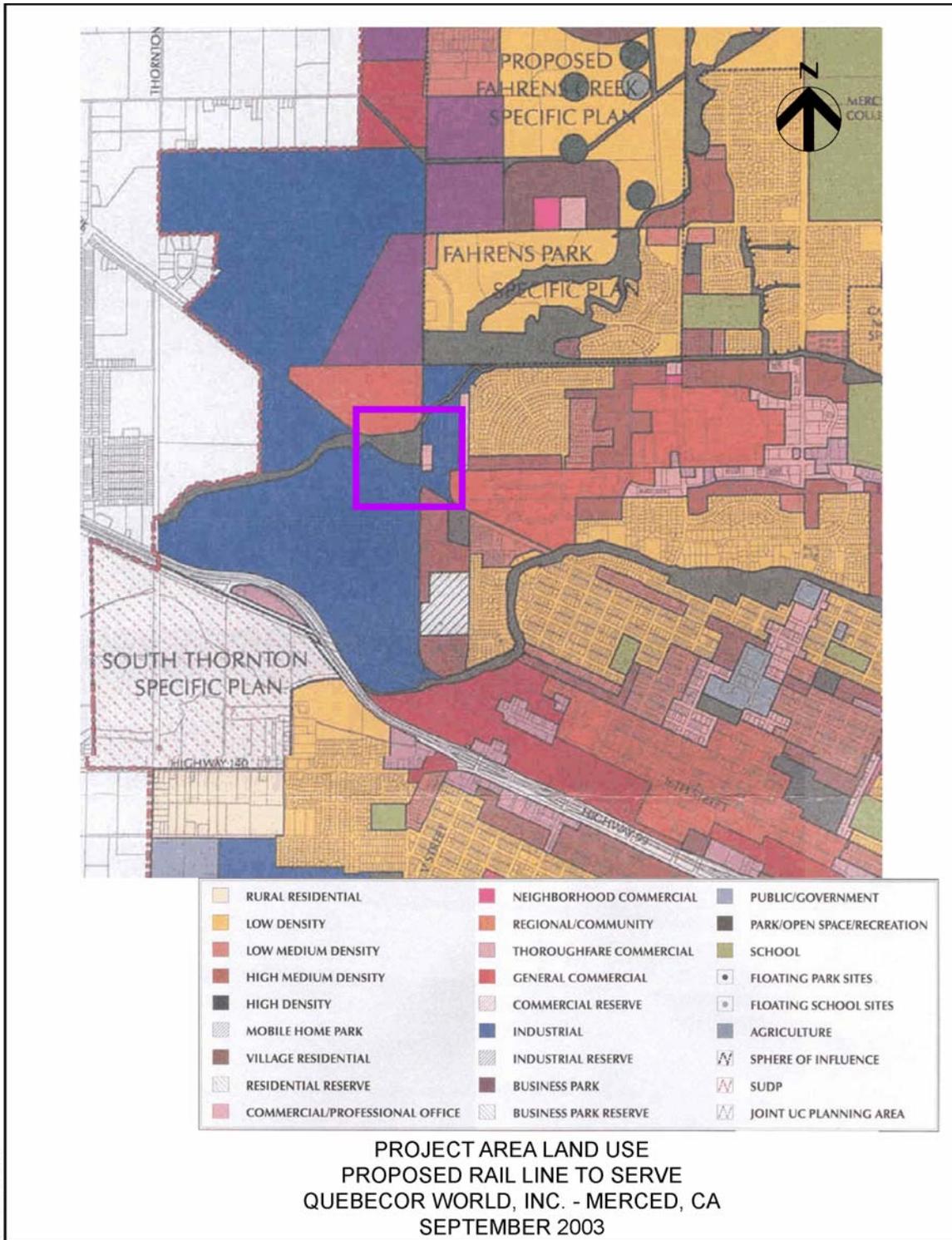


Figure 7

area is designated as Light Industrial by the City of Merced in its 2015 General Plan (City of Merced, 1997). Existing land uses in the project area are either industrial or vacant land. There are no residences or recreational lands in the vicinity. (Please see Attachment B for photos of the project site and the area around it). Quebecor and 84 Lumber are located south of the proposed alignment. Black Rascal Creek is located approximately 60 feet north and west of the proposed rail line, and approximately 15 feet from the end of the proposed tail track. An underground water pipeline is located between Santa Fe Road and the BNSF main line. The Merced Irrigation District owns a 40-foot wide strip between the BNSF mainline and Quebecor, which was previously known as the Merced Lateral "A-2." There are currently no physical remnants of the lateral which once occupied this 40-foot strip. Overhead telephone lines are located south of Santa Fe Road.

- **Impacts and Mitigation**

The proposed track would be approximately 850 feet long and would utilize existing BNSF, UPRR, City of Merced, and Merced Irrigation District (MID) rights-of-way. East of Santa Fe Road, construction of the rail line and switching tail would occur within the existing BNSF 50-foot right-of way. After crossing Santa Fe Road, the rail line would cross the Merced Irrigation District property before entering Quebecor property. Consequently, the amount of land converted to railroad use is minimal, and some of that land would consist of the crossing at Santa Fe Road, already in transportation use.

Because the proposed project is serving an existing facility and no adjacent parcels, it would not be growth-inducing in terms of converting adjoining land uses.

The existing water pipeline would not be disturbed by this project because this project would not require excavation. The overhead telephone lines would have to be raised or relocated to accommodate this project.

No significant impacts to land use are anticipated as a result of the proposed project.

### **3.3 ENERGY**

- **Setting**

The Quebecor facility is currently served by UPRR on essentially the same schedule of deliveries as is proposed by the project. The proposed BNSF service may also include the collection of approximately one outbound carload of waste paper per week.

- **Impacts and Mitigation**

Since the proposed project would result in rail-to-rail diversion of traffic, and the number of railroad trips is not expected to increase, there should be no net change in energy use within the project area. The proposed project would not involve the transportation of energy resources. There would be a shift from transporting recyclable waste paper by truck to shipping it out by rail car up to once a week. Rail cars can normally carry the capacity of up to four trucks, so a one-railcar-per-week shipment would have minimal energy savings over the existing truck movements.

### **3.4 AIR QUALITY**

- **Setting**

Merced County is located in the San Joaquin Valley Air Basin (Basin). Currently, the Basin is designated as being a severe nonattainment area (i.e., not in compliance or exceeding standards) for ozone. In general terms, ozone is formed when oxygen, volatile organic compounds and oxides of nitrogen in the atmosphere are exposed to sunlight.

Merced County is in attainment (i.e, compliance or below standards) for the other five criteria pollutants for which National Ambient Air Quality Standards (NAAQS) have been established. These five pollutants are carbon monoxide, nitrogen oxide, lead, particulate matter, and sulfur. Although the Basin is currently designated as being a serious nonattainment area for particulate matter (PM 10), Merced County is not included in the nonattainment area.

- **Impacts and Mitigation**

It is anticipated that implementation of the proposed project would entail two trains traversing the line per day. This level of traffic is below the Board's threshold of air quality analysis of at least three trains per day in a nonattainment area (49 CFR 1105.7(e)(5)(ii)). Project implementation would involve predominantly rail-to-rail diversions of traffic and therefore would not appreciably increase rail traffic, nor would it substantially increase or reduce existing truck traffic.

Construction of the new rail line would cause temporary increases in emissions of fugitive dust, as well as particulate matter and pollutants from construction equipment exhaust. Because of the limited nature of the project construction activities, emissions from construction would not exceed the threshold of 25 tons of nitrogen oxides/year for severe ozone nonattainment area; therefore, the proposed project is not subject to general conformity requirements (40 CFR 93, Subpart B).

Given the small and temporary increase in construction-related emissions, and the little or no change in project operation emissions, the proposed project would have an insignificant impact on air quality.

### **3.5 NOISE**

- **Setting**

Noise sources in the vicinity of the project are primarily transportation related, i.e. the railroads (both BNSF and UPRR) and the existing traffic on Santa Fe Road, Santa Fe Drive, and Highway 59. Because the existing land use does not include any residences, schools, churches or recreation areas, there are no sensitive receptors in the immediate vicinity. Quebecor and 84 Lumber are the nearest industrial facilities.

- **Impacts and Mitigation**

The proposed traffic level of two trains per day on the new rail line is below the Board's threshold of analysis for noise of eight trains per day under the Board's environmental regulations at 49 CFR 1105.7(e)(6). In addition, the increase of two trains per day on the existing BNSF main line would not exceed either the threshold of an increase of eight trains per day or the threshold of an increase of 100 percent annual gross ton miles at 49 CFR 1105.7(e)(6). The location of the new at-grade crossing of Santa Fe Road is located in an industrial area and no noise sensitive receptors are located in proximity to the crossing. Finally, project implementation would involve predominantly rail-to-rail diversions of traffic and would not appreciably increase rail traffic, nor would it substantially increase or reduce existing truck traffic. Therefore, noise impacts are not anticipated, and a noise analysis was not conducted.

### **3.6 SAFETY**

#### **3.6.1 Road Crossings**

- **Setting**

The existing Highway 59 at-grade crossing is equipped with flashing lights and gates, and currently is crossed by approximately 37 high-speed trains per day. The proposed project would add two short, slower moving trains per day. The trains would sound their horns at the crossing and would be traveling at less than 20 mph.

Santa Fe Road is a low-volume, two-lane paved roadway maintained by the City of Merced. The proposed alignment would include a new at-grade crossing with Santa Fe Road. Trains would sound their horns at this crossing also, and the crossing would be equipped with railroad crossing signs (X-bucks), gates, and flashing lights. As discussed above in Section 3.1.1, trains would be moving very slowly across Santa Fe Road as they completed their switching activities at the Quebecor facility.

- **Impacts and Mitigation**

The addition of two trains per day to the existing 37 trains per day at the Highway 59 crossing would not significantly affect the safety of the crossing. All of the existing safety devices would continue to function in place.

The creation of a new at-grade crossing on Santa Fe Road could create some potential impacts during both construction and operation. BNSF has informed SEA that project construction would be closely coordinated with the City of Merced and CPUC to minimize temporary impacts to motorists during construction. During operation, there would be no significant impact on safety because of the slow speed of the trains at this crossing, the low traffic levels on Santa Fe Road (660 ADT, as discussed in Section 3.1.1), and the level of crossing warning devices to be installed.

### **3.6.2 Hazardous Materials**

- **Setting**

Environmental Data Resources, Inc. completed a database search of Federal and state environmental records of the project area. The database searches revealed that there are Federal Resource Conservation and Recovery Act (RCRA) Large Quantity Generator (RCRIS-LQG) sites; RCRIS-Small Quantity Generator (SQG) sites; Cal-Sites; Cortese sites; California Facility Inventory Database sites; Historic Underground Storage Tank sites; HAZNET sites; and Leaking Underground Storage Tank sites within the recommended ASTM E 1527-00 search databases and one-mile radius of the proposed rail line (see Attachment C, Environmental Database Records Search, for a detailed report).

- **Impacts and Mitigation**

Anticipated Rail Shipments – No significant impact resulting from the shipment of hazardous materials is anticipated. Shipments would consist of non-hazardous materials (paper rolls).

Route Conditions – Merced Color Press, located adjacent to the project area, is a recorded RCRIS-LQG and HAZNET site, which is a site that generates, stores, treats, or disposes of hazardous waste. Violations for this site exist; however, the potential to affect the proposed project site is considered low risk because the Merced Color Press site is located downgradient from the project site. All other recorded sites are 1/8 of a mile to one mile from the proposed project site and also pose low potential risk to the site because most of the recorded sites are downgradient and there is no evidence of hazardous waste violations at upgradient sites. The proposed rail line is not expected to alter existing conditions at the proposed site.

## **3.7 BIOLOGICAL RESOURCES**

### **3.7.1 Plant Communities**

- **Setting**

Merced County is located within the San Joaquin Valley of California bordered by the Sierra Nevada foothills to the east, the Coast Ranges to the west and the Chowchilla River to the south. Plant composition has changed dramatically in Merced County, due to the increase of agricultural and urban development.

Much of the project area is highly disturbed by grading and vegetation control. Plant species found within the project area are primarily non-native and include locust trees (*Robinia* sp.), gum trees (*Eucalyptus* sp.), milk thistle (*Silybum* sp.), star thistle (*Centaurea* sp.), sunflower (*Asteraceae* sp.), and brome grass (*Bromus* sp.).

- **Impacts and Mitigation**

Some of these species would be disturbed or destroyed because of construction of the 850-foot long proposed alignment. However, because of the limited scope of the disturbance, the prevalence of non-native plant species, and the absence of threatened or endangered plant species, potential impacts are not considered significant and no mitigation is required.

### **3.7.2 Wildlife Species**

- **Setting**

Merced County is within the Pacific Flyway for migrating waterfowl. Wetlands and grasslands are important resources for supporting wildlife in the county; however, these areas in general have become increasingly rare due to extensive agricultural and urban development. These habitats are not present within the immediate project vicinity.

Wildlife species within the project area are limited due to the extent of industrial development and transportation corridors. Wildlife species observed within the project area include ground squirrels (*Spermophilus beecheyi*), jackrabbits (*Lepus californicus*), common crows (*Corvus brachyrhynchos*), turkey vultures (*Cathartes aura*), great egret (*Casmerodius albus*), and mockingbirds (*Mimus polyglottos*).

- **Impacts and Mitigation**

Because there are no habitats for migrating waterfowl in the project area, there would be no impacts on these species. The project would result in the loss of some low-quality habitat for common wildlife species. This low quality habitat is abundant in the area and higher quality habitat exists nearby, therefore, potential impacts to wildlife species in general are considered to be less-than-significant, and no mitigation is required.

### **3.7.3 Threatened and Endangered Species**

- **Setting**

Based upon a review of the U.S. Fish and Wildlife Service (USFWS) list of special-status species and the California Natural Diversity Database for Merced County, no threatened or endangered species or species of concern or any critical habitats are known to occur in the immediate project vicinity. Based on a preliminary review of the project area during three field visits (October 2001, February 2003, and June 2003)<sup>6</sup> and general knowledge of the area, the species listed in Table 1 below could potentially occur within the project area due to the presence of potentially, albeit highly modified and disturbed, suitable habitat. However, those species listed below have not been identified within the

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<sup>6</sup> The October field visit was made by BNSF and HDR (a railroad consultant) personnel. The February, 2003 field visit was made by the Board's Section of Environmental Analysis (SEA)'s third-party consultants, BNSF and HDR personnel. The June, 2003 field visit was made by a representative of SEA, SEA's third-party consultant, U.S. Fish and Wildlife Service, California Department of Fish and Game, BNSF and HDR.

proposed alignment. A complete list of Federal and state special-status species, with a brief discussion of why they were not further considered, as described in the comments column, is provided in Attachment D, Special-Status Species List.

● **Impacts and Mitigation**

Impacts to special status, threatened and endangered species, species of concern or critical habitats are not anticipated due to extensive development and disturbance in the area. However, according to USFWS and the California Department of Fish and Game (CDFG) during the June 2003 site visit, a eucalyptus tree located south of Santa Fe Road and beyond Black Rascal Creek should be observed for the potential presence of Swainson's hawk (*Buteo swainsoni*) 30 days prior to construction. USFWS and CDFG also stated that the project alignment should also be surveyed for burrowing owls (*Athene cunicularia*) prior to construction activities commencing. A qualified raptor biologist should conduct a pre-construction survey to determine if any Swainson's hawk or burrowing owl nests occur within 0.25 miles of the project area; if construction begins outside of the Swainson's hawk and burrowing owl breeding season (early February through mid-September) no further surveys are required. A map showing the locations of active nests shall be prepared for CDFG; if any are located within 0.25 mile, CDFG would need to be contacted to determine if additional mitigation measures are required. No disturbance shall occur within 250 feet of an active raptor nest during breeding season, and a minimum 250-foot buffer shall be established around active nest trees or burrows with caution tape or temporary fencing.

In addition to survey requirements for Swainson's hawk and burrowing owl, USFWS and CDFG recommend measures be taken to protect against potential impacts to giant garter snakes (*Thamnophis gigas*), which may be present within and adjacent to Black Rascal Creek. Although the proposed project would not directly affect Black Rascal Creek, giant garter snakes do inhabit upland areas adjacent to waterways and therefore could be present in the project area. The following measures would be implemented to reduce potential impacts to giant garter snakes:

- Preconstruction surveys for giant garter snakes would be performed by a qualified biologist 24 hours prior to construction activities (surveys of the project area should be repeated if a lapse in construction activity of two weeks or greater occurs);
- Construction would, as possible, avoid and otherwise minimize activities within 200 feet of the banks of giant garter snake aquatic habitat (i.e., Black Rascal Creek);
- Clearing would be confined to the minimal area necessary to facilitate construction activities within 200 feet of the banks of potential habitat; and
- Giant garter snake habitat would be flagged by a qualified biologist within or adjacent to the project area as Environmentally Sensitive Areas, that is, areas to be avoided as much as possible by all construction personnel.

<b>Table 1. Special-Status Species Potentially Affected by the Proposed Project</b>					
<b>COMMON NAME</b>	<b>SCIENTIFIC NAME</b>	<b>STAUS<sup>1</sup> (FED/CA)</b>	<b>SEASON<sup>2</sup></b>	<b>PRESENT ON SITE</b>	<b>COMMENTS</b>
<b>Reptiles</b>					
Giant garter snake	<i>Thamnophis gigas</i>	T/T	Resident	Potential, but not likely due to disturbance	Upland habitat adjacent to Black Rascal Creek along tracks may provide suitable upland habitat; however, habitat highly disturbed and presence not likely.
<b>Birds</b>					
Burrowing owl	<i>Athene cunicularia</i>	SC/SC	February-August	Potential, but not likely due to disturbance	Railroad berms may provide suitable nesting and foraging habitat; however, habitat highly disturbed and presence not likely.
Swainson's hawk	<i>Buteo swainsoni</i>	-/SC	May-October	Potential, but not likely due to disturbance	Eucalyptus tree near Black Rascal Creek (outside project area) may provide suitable nesting habitat.
<sup>1</sup> Status = Status of species relative to the Federal (Fed) and California (CA) State Endangered Species Acts and Fish and Game Code of California <sup>2</sup> Season = Breeding season for birds, blooming period during which species may occur on project site for plants. (E) Endangered - Listed (in the Federal Register) as being in danger of extinction. (T) Threatened - Listed as likely to become endangered within the foreseeable future. (SC) Species of Concern - Other species of concern to USFWS and/or CDFG.					
SOURCE(s): California Department of Fish and Game, Natural Diversity Database, 2001. U.S. Fish and Wildlife Service, Federal Endangered and Threatened Species that may be Affected by Projects in the Merced and Atwater 7 ½ Quad Databases, 2001. California Department of Fish and Game, California's Plants and Animals, 2001.					

### 3.8 WATER RESOURCES

#### 3.8.1 Groundwater

- **Setting**

The project area is situated over a large underground aquifer with groundwater depths ranging from within five feet of the surface to over 1,200 feet deep.

- **Impacts and Mitigation**

The only excavation that may occur for the project would be to create the foundations for the crossing gates at Santa Fe Road. Typically, such excavation extends 5 to 10 feet below the surface immediately adjacent to the road, which is already raised above the surrounding ground surface. Consequently, it is very unlikely that the proposed project

would penetrate into the groundwater system in the area. The project would not involve the use or transport of hazardous materials that could seep into the groundwater.

### **3.8.2 Surface Water and Wetlands**

- **Setting**

Black Rascal Creek is located approximately 50 to 60 feet north and west of where the proposed track would tie into the BNSF main line (Figure 8). An area exhibiting wetland characteristics is located outside of the project area, approximately 100 feet east of the tie-in to Quebecor.<sup>7</sup> During the site visit in October 2001 by HDR personnel, consultants to BNSF, water was present at this site and cattails and willows were growing within and adjacent to the water. The water source for this area was apparently a leaking water tank located south of the project area. The U.S. Army Corps of Engineers has reviewed the proposed project and determined that there would be no impacts to waters of the U.S., and that a Section 404 permit is not required.

A letter was received from the Merced Irrigation District (MID) indicating that MID holds a 40-foot wide fee strip known as the Merced Lateral "A-2" located between Quebecor and the BNSF main line. The proposed project would have to cross over this fee strip, although there are currently no physical remnants of the lateral that once occupied this area.

- **Impacts and Mitigation**

No significant impacts to surface water and wetlands are expected to result from the proposed project. The project as proposed would not disturb the existing BNSF bridge structure itself or the bed and bank of Black Rascal Creek, including vegetation along the bank. According to CDFG during the June 2003 site visit, construction activities should be kept at least 10 feet from the top of the bank of Black Rascal Creek, and orange construction fencing should be placed such that construction debris does not fall into the creek.

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<sup>7</sup> A wetland delineation was not conducted at the time of the site visit because the proposed project is not expected to affect this area.

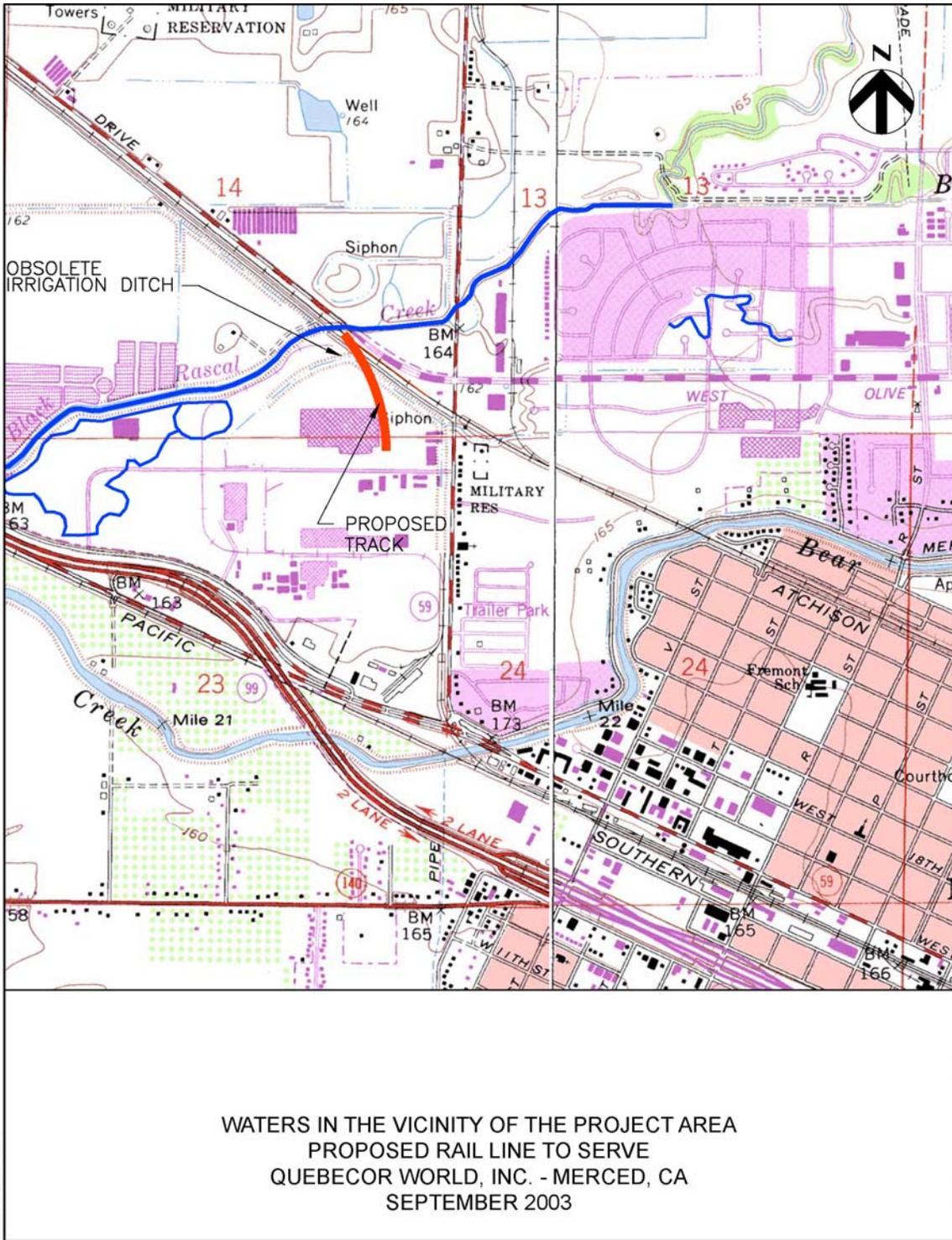


Figure 8

### **3.9 CULTURAL RESOURCES**

- **Setting**

In accordance with the National Historic Preservation Act, SEA's third-party archaeological consultants performed the following tasks to determine whether prehistoric or historic resources were present within the project area. The tasks included: (1) a formal records search to identify the locations of any known archaeological resources within 0.5 miles of the study area; (2) consultation with Native Americans to ascertain any concerns with respect to cultural resources in the study locale; and (3) a field survey to locate and document prehistoric and historic archaeological resources within the study area. SEA's third-party consultant has prepared a cultural resources report, which is provided as Attachment E, and which has been transmitted to the Central California Information Center at California State University at Stanislaus.

No archaeological or historical resources have been recorded within or adjacent to the current survey area as the result of eight previous cultural resource investigations within a 0.5 mile radius. None of three recorded historic bridges within a 0.5 mile radius is considered eligible for the National Register of Historic places. Additionally, historical maps examined during the records search showed no cultural references within the project area or search radius.

No surface-visible prehistoric or historic sites or features were encountered during field work and the project area shows signs of disturbance related to previous development.

- **Impacts and Mitigation**

Based on the results of the records search and field survey, it is unlikely that historic properties would be affected by project activities. No further cultural resource studies are necessary within the project area; however, if cultural materials are discovered during construction, project activities should cease until a qualified archaeologist can evaluate the materials. SEA is recommending a condition to this effect to be imposed by the Board, should the Board decide to approve this proposal.

### **3.10 SOCIO-ECONOMICS**

- **Setting**

Quebecor's facility is the largest printing operation on the West Coast and with 850 employees, is one of the largest employers in Merced County. According to the City of Merced Economic Development Office, Merced County has a civilian labor force of 85,200. The Merced County Economic Development Corporation reports that the manufacturing industry had a 17.8% share of total employment in the county in 1999.

- **Impacts and Mitigation**

Temporary positive impacts may occur during construction due to the creation of construction jobs. These impacts would likely be short term due to the short duration of proposed construction—approximately 90 days. In the long-term, the proposed project should result in improved competitiveness for the Quebecor facility and, accordingly, permanent economic improvement, particularly for the rail shipping community.

### **3.11 ENVIRONMENTAL JUSTICE**

- **Setting**

Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs Federal agencies to “promote nondiscrimination in Federal programs substantially affecting human health and the environment, and provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.”

- **Impacts and Mitigation**

There are no residential areas within or adjacent to the project area that could be affected. Therefore, no impacts are anticipated to minority or low-income populations as a result of the proposed project.

### **3.12 CUMULATIVE EFFECTS**

There are currently no projects underway in the project area. The City and County of Merced have both indicated that the Santa Fe Road bridge over Black Rascal Creek may need repairs in the future, at an as-of-yet undetermined date. In addition, the City of Merced is considering closing Santa Fe Road in the future. Any impacts associated with these future projects are far too speculative to be evaluated at this time.

### **3.13 IMPACTS OF THE NO-BUILD ALTERNATIVE**

The no-build alternative assumes that BNSF would connect to UPRR trackage without constructing new track and that the sharing of trackage could be successfully negotiated. The closest connections between BNSF and UPRR rail lines are approximately 60 miles southeast in Calwa, California, and approximately 70 miles northwest in Stockton, California. BNSF trains would replace the UPRR trains that currently serve Quebecor, using the same trackage that is currently used. Under this alternative there would be no impacts to the environment, as there would be no new construction and no net change in train traffic.

### **3.14 IMPACTS OF THE NO-ACTION ALTERNATIVE**

The no-action alternative would retain existing conditions, causing no significant impacts to the environment. There would be no impacts to roadways or rail crossings, and no usage of UPRR trackage by BNSF. Temporary impacts to motorists on Santa Fe Road related to construction would be nonexistent, and emergency vehicle access would be unaffected. The no-action alternative would also preclude potential impacts to endangered species that may live in the project vicinity. The no-action alternative would neither improve the economic competitiveness of the Quebecor facility nor create permanent economic improvement for the rail shipping community.

## **4.0 AGENCY CONSULTATION AND COORDINATION**

Agency consultation activities were undertaken with Federal, regional, state, and local agencies to inform them about the proposed construction and operation, to identify issues of concern, and to obtain information about environmental resources within the project study area. Specifically, on March 4, 2003, SEA sent consultation letters to Federal, state and local agencies describing the proposed project, showing the proposed alignment, and requesting that any concerns be identified. Early consultation was to provide the agencies and officials with an opportunity to provide input at an early stage in the environmental process, prior to preparation of the EA. Each consultation letter included a map of the study area. The agencies consulted are listed below:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- California Department of Fish and Game
- California Office of Historic Preservation
- California Public Utilities Commission
- Central Valley Regional Water Quality Control Board
- San Joaquin Valley Unified Air Pollution Control District
- County of Merced
- City of Merced
- Merced Irrigation District

Copies of the agency response letters are included as Attachment F, Agency Correspondence.

An agency site meeting was also conducted on June 4, 2003, and was attended by representatives of BNSF; Quebecor; BNSF's consultant, HDR; the Board's Section of Environmental Analysis (SEA); SEA's third-party consultant, Myra L. Frank & Associates, Inc.; the California Department of Fish and Game; and the U.S. Fish and Wildlife Service.

This early notification and coordination allowed for timely identification, evaluation, and resolution of environmental and regulatory issues during preparation of the EA. Although most of the responding agencies did not have any comments or concerns about the scope of the project, some agencies requested that specific issues be discussed in the EA. The following is a summary of specific comments received in correspondence during the consultation process.

The City of Merced expressed concern that the new rail line to Quebecor would affect traffic at the heavily traveled intersection of Highway 59 and Santa Fe Drive/Olive Avenue, located west of the proposed project area. The City requested that BNSF agree that spur activity would not hold up other BNSF trains on the main line such that they block Highway 59 or other major arterials within the Merced urban area. A letter was received from the Merced Irrigation District (MID) indicating that MID holds a 40-foot

wide fee strip known as the Merced Lateral "A-2" located between Quebecor and the BNSF main line. The proposed project would have to cross over this fee strip, although there are currently no physical remnants of the lateral that once occupied this area. As a result, MID requested that BNSF enter into a "Crossing Agreement" with MID to allow the proposed project to cross this fee strip. The U.S. Army Corps of Engineers reviewed the proposed project and identified no impacts to the waters of the U.S. The California Public Utilities Commission, a responsible agency under CEQA with authority over all highway-rail crossings in California, will review the project in order to determine the type of warning devices required at the proposed crossing at Santa Fe Road.

In addition, as part of the National Historic Preservation Act consultation, the Native American Heritage Commission (NAHC) in Sacramento was contacted by SEA's third-party cultural resources subconsultant, Applied Earthworks (AEW). NAHC supplied AEW with two individuals to be contacted that may have knowledge of cultural resources in the project area. AEW contacted Ms. Katherine Perez and Mr. Edward Ketchum by phone on July 24, 2003. Ms. Perez requested additional information regarding the project, which was supplied by AEW. Mr. Ketchum did not respond to AEW's inquiries, and neither Mr. Ketchum nor Ms. Perez has communicated further on the project. Ms. Perez and Mr. Ketchum were provided with copies of this Environmental Assessment.

## **5.0 MITIGATION MEASURES**

This chapter presents the Board's Section of Environmental Analysis's (SEA) preliminary recommendations for environmental mitigation, which includes mitigation measures voluntarily proposed by BNSF. These mitigation measures were developed after SEA reviewed all information available to date and completed its independent analysis of the construction and operation of the proposed rail line, all the comments and mitigation requested by various Federal, state, and local agencies, as well as other concerned parties. SEA recommends to the Board that it impose SEA's recommended measures and all of BNSF's voluntary mitigation measures in the Board's final decision, if the Board gives final approval for the project.

### **5.1 APPLICANT'S VOLUNTARY MITIGATION MEASURES**

Burlington Northern and Santa Fe Railway Company voluntarily proposes to incorporate the following mitigation measures for the proposed project.

#### **PHYSICAL RESOURCES – Geology and Soils, Surface and Groundwater, and Air Quality**

1. Burlington Northern and Santa Fe Railway Company shall limit construction activities and vegetation clearing to the railroad right-of-way.
2. Burlington Northern and Santa Fe Railway Company shall ensure that all construction debris is removed and disposed of in a proper and legal manner consistent with state and local disposal procedures.
3. Burlington Northern and Santa Fe Railway Company will employ Best Management Practices to prevent erosion within the project area.

#### **BIOLOGICAL RESOURCES – Vegetation and Wetlands, Wildlife, and Visual Resources**

4. Burlington Northern and Santa Fe Railway Company shall reseed the right-of-way outside the subgrade slope with grasses and other appropriate vegetation.
5. Prior to construction, Burlington Northern and Santa Fe Railway Company shall survey the construction area for burrowing owls, Swainson's hawks and giant garter snakes. See Section 3.7.3 for further detail regarding required surveys for these species.

#### **NOISE**

6. Burlington Northern and Santa Fe Railway Company shall maintain construction and maintenance vehicles in good working order with properly functioning mufflers to control emissions and noise.

#### **CULTURAL RESOURCES**

7. Burlington Northern and Santa Fe Railway Company shall notify the California state historic preservation officer if any cultural or archaeological resources are discovered during construction.

## **HAZARDOUS MATERIALS/WASTE SITES**

8. Should a spill occur, Burlington Northern and Santa Fe Railway Company shall follow the appropriate emergency response procedures outlined in its Emergency Response Plan and ensure the spill is cleaned up according to all applicable Federal, state, and local regulations.

## **WATER RESOURCES**

9. During construction, Burlington Northern and Santa Fe Railway Company shall place temporary fences ten feet from the top of the bank at Black Rascal Creek.

## **5.2 SEA'S ADDITIONAL MITIGATION MEASURES**

### **TRANSPORTATION**

10. The Burlington Northern and Santa Fe Railway Company shall coordinate at-grade crossing construction with the California Public Utilities Commission and the City of Merced in order to minimize traffic delay during crossing construction. BNSF shall use appropriate signs and barricades to control traffic during construction.
11. The Burlington Northern and Santa Fe Railway Company shall install, at its sole cost, active rail/highway grade warning devices consisting of pole and cantilever mast mounted flashing lights and gates at Santa Fe Road, subject to the approval and permitting by the California Public Utilities Commission.

### **LAND USE**

12. The Burlington Northern and Santa Fe Railway Company shall coordinate the removal or raising of the telephone lines at the Santa Fe Road crossing with the local telephone company.

### **PHYSICAL RESOURCES - Air Quality**

13. The Burlington Northern and Santa Fe Railway Company shall comply with all applicable Federal, state, and local regulations regarding the control of fugitive dust. Fugitive dust emissions created during construction shall be minimized by using such control methods as water spraying, installation of wind barriers, and chemical treatment as appropriate.

### **CULTURAL RESOURCES**

14. If cultural materials are encountered during construction, project activities shall cease until a qualified archaeologist can evaluate the materials.

## **6.0 CONCLUSION AND REQUEST FOR COMMENTS**

Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that construction and operation of the proposed rail line would have no significant environmental impacts if the Board imposes and the Burlington Northern and Santa Fe Railway Company implements the mitigation measures outlined in Section 5.0. Therefore, the environmental impact statement (EIS) process is unnecessary in this proceeding.

SEA specifically invites comments on all aspects of this EA, including suggestions for additional mitigation measures. SEA will consider all comments received in response to the EA in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's final recommendations, including final recommended mitigation measures, and the environmental comments in making its final decision in this proceeding.

Comments (an original and 10 copies) should be sent to:

Surface Transportation Board  
Case Control Unit, 1925 K Street NW, Suite 500  
Washington, D.C. 20423

The lower left-hand corner of the envelope should be marked:  
Attention: Mr. David Navecky, Environmental Concerns, Finance Docket No. 34305

Questions may also be directed to Mr. David Navecky at this address or by telephoning (202) 565-1593 or email [naveckyd@stb.dot.gov](mailto:naveckyd@stb.dot.gov).

Date Made Available to the Public: November 7, 2003  
Comment Due Date: December 10, 2003

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**ATTACHMENT A**  
***GRADE CROSSING ANALYSIS***

## Quebecor Grade Crossing Analysis

Trains Per Day (Trains)	Train Speed (MPH)	Train Length (Feet)	Blocked Crossing Time Per Train (Minutes)	Blocked Crossing Time Per Day (Minutes)	Existing Annual Average Daily Traffic Volume (Vehicles)	Number of Vehicles Delayed Per Day (Vehicles)	Average Delay Per Vehicle (Delayed Vehicles Only) (Minutes)	Total Delay Per Day (Minutes)	Average Delay Per Vehicle For All Vehicles (Minutes)	Level of Service For All Vehicles (LOS)	Number of Vehicles in Queue at the End of Blocked Crossing Time (Vehicles)
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### Santa Fe Road

Existing	(No Existing Crossing)	NA											
Total		NA											
Proposed	Inbound to Quebecor	1			10.000	10.000	664	4.61	6.500	29.97	0.090	A	6.64
	Outbound from Quebecor	1			10.000	10.000	664	4.61	6.500	29.97	0.090	A	6.64
	<b>Total</b>	<b>2</b>			<b>20.000</b>	<b>20.000</b>	<b>664</b>	<b>9.22</b>	<b>6.500</b>	<b>59.94</b>	<b>0.090</b>	<b>A</b>	

### Highway 59

Existing	Freight Trains	25	55	3,648	1,254	31,343	15,900	346.08	0.815	282.03	0.035	A	19.93
	AMTRAK Trains	12	70	409	0.586	6,797	15,900	75.05	0.368	27.83	0.003	A	9.01
	<b>Total</b>	<b>37</b>				<b>38,140</b>	<b>15,900</b>	<b>421.13</b>	<b>0.735</b>	<b>309.65</b>	<b>0.039</b>	<b>A</b>	
Proposed	Freight Trains	25	55	3,648	1,254	31,343	15,900	346.08	0.815	282.03	0.035	A	19.93
	AMTRAK Trains	12	70	409	0.586	6,797	15,900	75.05	0.368	27.83	0.003	A	9.01
	Inbound to Quebecor (WB)	1	5	550	1.750	1,750	15,900	19.32	1.138	21.98	0.003	A	27.83
	Outbound from Quebecor (EB)	1	20	550	0.813	0.813	15,900	8.97	0.528	4.74	0.001	A	12.92
	<b>Total</b>	<b>39</b>				<b>40,702</b>	<b>15,900</b>	<b>449.42</b>	<b>0.748</b>	<b>336.37</b>	<b>0.042</b>	<b>A</b>	

### Key Assumptions

Freight trains - 3.2 locomotives (90 feet each) and 56 cars (60 feet each) per train.  
 AMTRAK trains - 1 locomotive (69 feet each) and 4 cars (85 feet each) per train.  
 Quebecor trains - 1 locomotive (70 feet each) and 8 cars (60 feet each) per train.  
 Freight train speed based on maximum speed for trains of 100 tons per operative brake and over.  
 AMTRAK train speed based on speed restriction between MP 1057.2 and MP 1057.7  
 AADT for Highway 59 provided by Merced County Association of Governments.  
 AADT for Santa Fe Road estimated by HDR based on traffic counts conducted between 6-27-03 and 7-3-03  
 Train traffic and vehicular traffic assumed to be distributed evenly throughout the day for analysis purposes.

**ATTACHMENT B**

***SITE PHOTOS***



Photo 1. Looking northwest toward BNSF mainline (from Santa Fe Road).



Photo 2. Looking southwest toward Quebecor (from Santa Fe Road).

## **PROJECT PHOTOGRAPHS**

Proposed Rail Line to Serve Quebecor World, Inc. - Merced, CA Date: November 2001

Figure B-1



Photo 3. Quebecor printing facility (from Santa Fe Road).



Photo 4. Looking northwest toward BNSF mainline (from southern side of Santa Fe Road).

**PROJECT PHOTOGRAPHS**

Proposed Rail Line to Serve Quebecor World, Inc. - Merced, CA Date: November 2001

Figure B-2



Photo 5. Quebecor warehouse and the rail spur serving Quebecor.



Photo 6. Looking southeast toward rail spur serving Quebecor.

**PROJECT PHOTOGRAPHS**

Proposed Rail Line to Serve Quebecor World, Inc. - Merced, CA Date: November 2001

Figure B-3



Photo 7. Looking northwest toward BNSF mainline (from Quebecor rail spur).



Photo 8. Looking west along BNSF mainline toward bridge.

## **PROJECT PHOTOGRAPHS**

Proposed Rail Line to Serve Quebecor World, Inc. - Merced, CA Date: November 2001

Figure B-4



Photo 9. Slough beneath BNSF mainline bridge (west of proposed project).



Photo 10. Looking southeast toward Santa Fe Road (from BNSF mainline).

## PROJECT PHOTOGRAPHS

Proposed Rail Line to Serve Quebecor World, Inc. - Merced, CA Date: November 2001

Figure B-5

**ATTACHMENT C**

***ENVIRONMENTAL DATABASE RECORDS SEARCH***

HDR Engineering, Inc. (HDR) used Environmental Data Resources, Inc. (EDR) to complete a database search of Federal and state environmental records of the BNSF Quebecor project area, located near the intersection of State Highway 59 and Santa Fe Road in City of Merced, California. Databases were searched within the recommended ASTM E 1527-00 search distances shown below:

#### Federal ASTM Records

- Federal National Priority List (NPL) site list – 1.0 mile
- Proposed NPL – 1.0 mile
- Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) – 0.5 mile
- Federal CERCLIS No Further Remedial Action Planned (NFRAP) site list – property and adjoining properties
- Federal Resource Conservation and Recovery Act (RCRA) Corrective Action (CORRACTS) facilities list – 1.0 mile
- Federal RCRA non-CORRACTS Treatment, Storage, and Disposal (TSD) facilities list – 0.5 mile
- Federal RCRA Small Quantity Generators (SQG) – property and adjoining properties
- Federal RCRA Large Quantity Generators (LQG) – property and adjoining properties
- Federal Emergency Response Notification System (ERNS) – property only

#### Federal ASTM Supplemental Records

- Biennial Reporting System (BRS)
- Superfund (CERCLA) Consent Decrees (CONSENT) – 1.0 mile
- Records of Decision (ROD) – 1.0 mile
- Delisted NPL – 1.0 mile
- Facility Index System (FINDS) – property only
- Hazardous Materials Information Reporting System (HMIRS) – property only
- Material Licensing Tracking System (MLTS) – property only
- Mines Master Index File (MINES) – property and adjoining properties
- Federal Superfund Liens (NPL LIENS) – property only
- PCB Activity Database System (PADS) – property only
- RCRA Administrative Action Tracking System (RAATS) – property only
- Toxic Chemical Release Inventory System (TRIS) – property only
- Toxic Substances Control Act (TSCA) – property only
- Federal Insecticide, Fungicide, & Rodenticide Act/Toxic Substances Control Act Tracking System (FTTS) – property only
- FTTS INSP – property only

#### State of California ASTM Records

- Cal-Sites Annual Workplan (AWP) – 1.0 mile
- Cal-Sites (ASPIS) – 1.0 mile
- California Hazardous Materials Incident Report System (CHMIRS) – 1.0 mile
- Cortese Hazardous Waste and Substances Site List – 1.0 mile
- Notify 65 – 1.0 mile
- Toxic Pits Cleanup Act Sites (TOXIC PITS) – 1.0 mile
- Solid Waste Information System (SWF/LF SWIS) – 0.5 mile
- Waste Management Unit Database (WMUD/SWAT) – 0.5 mile
- Leaking Underground Storage Tank (LUST) – 0.5 mile
- Registered Underground Storage Tank (UST) – 0.25 mile
- California Bond Expenditure Plan – 1.0 mile
- California Facility Inventory Database UST (CA FID UST) – 0.25 mile

#### State of California Non-ASTM Records

- Aboveground Petroleum Storage Tank Data (AST) – property only
- Drycleaner Facilities – 0.25 mile
- California Waste Discharge System (WDS) – 0.5 mile
- Hazardous Waste Information System (HAZNET) – 0.25 mile

#### Historical and other databases searched consisted of the following:

- Former Manufactured Gas (Coal Gas) sites – 1.0 mile
- Oil/Gas Pipelines/Electrical Transmission Lines
- Sensitive Receptors
- USGS Water Wells
- Flood Zone Data
- National Wetlands Inventory (NWI)

The database searches revealed that there are RCRIS-LQG, RCRIS-SQG, Cal-Sites, Cortese, CA FID, HIST UST, HAZNET, and LUST sites within the recommended ASTM E 1527-00 search distances. The results of each of these searches are presented below preceded by a description of the purpose of each database. The presumed groundwater flow direction, as stated in the EDR report, is to the south. An overview of the results is shown in Figure 1.

#### **RCRIS-LQG Sites**

The Resource Conservation and Recovery Act database includes selected information on sites that generate, store, treat, or dispose of hazardous waste as identified by the Act. The source of this database is the U.S. EPA. A review of the RCRIS-LQG list, as provided by EDR and dated June 21, 2000, has revealed that there is one RCRIS-LQG site within approximately one mile of the project area.

Table 1			
<b>RCRIS-LQG Site</b>			
<b>Facility/Address</b>	<b>Facility/Address</b>	<b>Potential Impact to Subject Property</b>	<b>Relative Position</b>
Merced Color Press 2201 Cooper Ave	Violations exist, including two Compliance Evaluation Inspection violations.	Medium	Adjacent to Subject Property (southwest)

Source: EDR Report No. 703898.1s (November 14, 2001).

### **RCRIS-SQG Sites**

The Resource Conservation and Recovery Act database includes selected information on sites that generate, store, treat, or dispose of hazardous waste as identified by the Act. The source of this database is the U.S. EPA. A review of the RCRIS-SQG list, as provided by EDR and dated June 21, 2000, has revealed that there are four RCRIS-SQG sites within approximately one mile of the project area.

Table 2			
<b>RCRIS-SQG Sites</b>			
<b>Facility/Address</b>	<b>Facility/Address</b>	<b>Potential Impact to Subject Property</b>	<b>Relative Position</b>
Ragu Foods 1785 Ashby Rd	No violations found.	Low	Approx. ½ - 1 mile west-southwest
Merced Chrysler Plymouth 1600 W Main Street	No violations found.	Low	Approx. ½ - 1 mile south-southeast
Merced Honda 1775 V Street	No violations found.	Low	Approx. ½ - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	No violations found.	Low	Approx. ½ - 1 mile southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

### **Cal-Sites**

Formerly known as ASPIS, this database contains both known and potential hazardous substance sites. The source is the California Department of Toxic Substance Control (DTSC). A review of the Cal-Sites list, as provided by EDR, has revealed that there are three Cal-Sites within approximately one mile of the project area.

Table 3			
Cal-Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
Ragu Food Inc 1785 N. Ashby Rd	Does not require DTSC Action or oversight activity.	Low	Approx. ½ - 1 mile west-southwest
Merced Chrome Plating Company 1460 West 18 <sup>th</sup>	Does not require DTSC Action or oversight activity.	Low	Approx. ½ - 1 mile south-southeast
Condell Radiator (1) 1640 W 13 <sup>th</sup> Street	Preliminary Endangerment Assessment (PEA) required	Low	Approx. ½ - 1 mile south

Source: EDR Report No. 703898.1s (November 14, 2001).

### Cortese Sites

The Cortese database identifies public drinking water wells with detectable levels of contamination, hazardous substances sites selected for remedial action, sites with known toxic material identified through the abandoned site assessment program, sites with USTs having a reportable release, and all solid waste disposal facilities from which there is known migration. The source is the California Environmental Protection Agency/Office of Emergency Information. A review of the Cortese list, as provided by EDR, has revealed that there are twelve Cortese sites within approximately one mile of the project area.

Table 4			
Cortese Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
RBJ Trucking 1735 Ashby	LUST	Low	Approx. ½ - 1 mile southwest
Chevron Abandoned S/S #9 2060 16 <sup>th</sup> Street	LUST	Low	Approx. ½ - 1 mile south-southwest
Concrete Pipe 1775 Ashby	LUST	Low	Approx. ½ - 1 mile west-southwest
Sierra Beverage Company 2651 Cooper	LUST	Low	Approx. ½ - 1 mile west
Ragu Foods 1785 Ashby Rd	LUST	Low	Approx. ½ - 1 mile west-southwest
Merced Chrysler Plymouth 1600 W Main Street	LUST	Low	Approx. ½ - 1 mile south-southeast

Table 4			
<b>Cortese Sites</b>			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
Unocal Bulk Plant #0420 1590 16 <sup>th</sup>	LUST	Low	Approx. ½ - 1 mile south-southeast
Merced Honda 1775 V Street	LUST	Low	Approx. ½ - 1 mile south-southeast
Shell Service Station 1480 16 <sup>th</sup>	LUST	Low	Approx. ½ - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	LUST	Low	Approx. ½ - 1 mile southeast
Texaco 1107 Olive	LUST	Low	Approx. ½ - 1 mile east
Quick Lube & Oil 1440 V	LUST	Low	Approx. ½ - 1 mile south-southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

#### **CA FID Sites**

The Facility Inventory Database (CA FID) contains active and inactive UST locations. The source is the State Water Resources Control Board. A review of the CA FID list, as provided by EDR, has revealed that there are six CA FID sites within approximately one mile of the project area.

Table 5			
<b>CA FID Sites</b>			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
Bianchi & Sons 1975 W. Olive Ave	Not reported	Medium (upgradient)	Approx. 1/8 mile north-northwest
Stuart Auto Products 2777 N. Hwy 59	Not reported	Low	Approx. 1/8– 1/4 mile south-southwest
Ragu Foods 1785 Ashby Rd	Active underground storage tank location	Low	Approx. ½ - 1 mile west-southwest
Merced Chrysler Plymouth 1600 W Main Street	Inactive underground storage tank location	Low	Approx. ½ - 1 mile south-southeast
Merced Honda 1775 V Street	Inactive underground storage tank location	Low	Approx. ½ - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	Inactive underground storage tank location	Low	Approx. ½ - 1 mile southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

**HIST UST Sites**

The Historic Underground Storage Tank (HIST UST) database contains registered USTs. USTs are regulated under Subtitle I of RCRA. The data come from the State Water Resources Control Board’s Hazardous Substance Storage Container Database. A review of the UST list, as provided by EDR and dated October 15, 1990, has revealed that there are six HIST UST site within approximately one mile of the project area.

Table 6			
HIST UST Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
Genstar WSP-Merced Plant 3371 N. State Hwy 59	Two 10,000-gallon diesel tanks, one 10,000-gallon gasoline tank, and one 1,000-gallon gasoline tank	Medium (upgradient)	Approx. 1/8 mile north
Bianchi & Sons 1985 W. Olive Ave	One 1,000-gallon waste oil tank	Medium (upgradient)	Approx. 1/8 – 1/4 mile northeast
Stuart Auto Products 2777 N. Hwy 59	One tank containing waste (capacity not reported), one 1,000-gallon tank containing waste, and one 10,000-gallon diesel tank	Low	Approx. 1/8 – 1/4 mile south
Ragu Foods 1785 Ashby Rd	One 33,569-gallon diesel tank, two 33,569-gallon waste oil tanks, three 14,256-gallon waste oil tanks, one 14,256-gallon diesel tank	Low	Approx. ½ - 1 mile west-southwest
Merced Honda 1775 V Street	Two 550-gallon gasoline tanks and one 250-gallon waste oil tank	Low	Approx. ½ - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	One 550-gallon gasoline tank and one 225-gallon waste oil tank	Low	Approx. ½ - 1 mile southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

### HAZNET Sites

The HAZNET data are extracted from the copies of hazardous waste manifests received each year by the Department of Toxic Substance Control (DTSC). The annual volume of manifests is typically 700,000-1,000,000 annually, representing approximately 350,000-500,000 shipments. Data from non-California manifests and continuation sheets are not included. Data are from the manifests without correction and therefore may contain some invalid values for data elements. The source is the DTSC. A review of the HAZNET list, as provided by EDR, has revealed that there are eight HAZNET sites within approximately one mile of the project area.

Table 7			
HAZNET Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
World Color Merced	Medium (adjacent)	Adjacent to subject	
Bianchi & Sons 1975 W. Olive Ave	Aqueous solution with less than 10% total	Approx. 1/8 mile north-northwest	
Modine Aftermarket Holdings, Inc. 2777 N. Hwy 59	Aqueous solution with metals; other inorganic solid waste	Low	Approx. 1/8 – 1/4 mile south
The John & Joanna Kline Crt 2260 Cooper Ave, Suite A	Off-specification, aged, or surplus organics; laboratory waste chemicals; aqueous solution with less than 10% total organic residues; unspecified organic liquid mixture	Low	Approx. 1/8 – 1/4 mile west-southwest
Merced Chrysler Plymouth 1600 W Main Street	Aqueous solution with less than 10% total organic residues; unspecified solvent mixture waste	Low	Approx. 1/2 - 1 mile south-southeast
Merced Honda 1775 V Street	Aqueous solution with less than 10% total organic residues	Low	Approx. 1/2 - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	Aqueous solution with less than 10% total organic residues; oil/water separation sludge; oxygenated solvents	Low	Approx. 1/2 - 1 mile southeast
Quick Lube & Oil 1440 V	Other organic solids	Low	Approx. 1/2 - 1 mile south-southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

## LUST Sites

The Leaking Underground Storage Tank (LUST) Incident Reports contain an inventory of LUST incidents. The data come from the State Water Resources Control Board LUST Information System. A review of the LUST list, as provided by EDR and dated March 3, 2001, has revealed that there are twelve LUST sites within approximately one mile of the project area.

Table 8			
LUST Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
RBJ Trucking 1735 Ashby	Diesel tank leak discovered during tank closure. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile southwest
Chevron Abandoned S/S #9 2060 16 <sup>th</sup> Street	Gasoline tank leak. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile south-southwest
Concrete Pipe 1775 Ashby	Gasoline tank leak discovered during tank closure. Contaminated soil removed and treated. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile west-southwest
Sierra Beverage Company 2651 Cooper	Gasoline tank leak discovered during tank closure. Contaminated soil removed and treated. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile west
Ragu Foods 1785 Ashby Rd	Diesel tank leak. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile west-southwest
Merced Chrysler Plymouth 1600 W Main Street	Gasoline tank leak discovered during tank closure. Contaminated soil removed and treated. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile south-southeast

Table 8			
LUST Sites			
Facility/Address	Facility/Address	Potential Impact to Subject Property	Relative Position
Unocal Bulk Plant #0420 1590 16 <sup>th</sup>	Gasoline tank leak discovered during tank test. Monitoring wells installed. Status: Pollution characterization	Low	Approx. ½ - 1 mile south-southeast
Merced Honda 1775 V Street	Gasoline tank leak discovered during tank test. Status: Preliminary Site Assessment Underway.	Low	Approx. ½ - 1 mile south-southeast
Shell Service Station 1480 16 <sup>th</sup>	Gasoline tank leak. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile south-southeast
Ron Smith Buick 1330 W. 18 <sup>th</sup> St	Gasoline tank leak discovered during tank closure. Contaminated soil removed and treated. Status: Remediation plan developed.	Low	Approx. ½ - 1 mile southeast
Texaco 1107 Olive	Gasoline tank leak discovered during tank closure. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile east
Quick Lube & Oil 1440 V	Waste oil tank leak discovered during tank closure. Contaminated soil removed and treated. Status: Signed off, remedial action completed or deemed unnecessary.	Low	Approx. ½ - 1 mile south-southeast

Source: EDR Report No. 703898.1s (November 14, 2001).

### Summary

The database searches revealed that there are RCRIS-LQG, RCRIS-SQG, Cal-Sites, Cortese, CA FID, HIST UST, HAZNET, and LUST sites within the recommended ASTM E 1527-00 search distances. Of all the sites listed, four sites have the potential to impact the property, based on their location and the presumed groundwater flow direction to the south.

These sites include:

- C Genstar WSP-Merced Plant, 3371 N. Highway 59 (1/8 mile upgradient), HIST UST
- C Bianchi & Sons, 1975 W. Olive (1/8 mile upgradient), CA FID
- C Bianchi & Sons Packing Company, 1985 W. Olive (1/8 mile upgradient), HIST UST
- C World Color Merced/Merced Color Press, 2201 Cooper (adjacent to the southwest), RCRIS-LQG & HAZNET

There is no evidence that USTs at the Genstar or Bianchi & Sons facilities are leaking or have formerly leaked. The World Color Merced/Merced Color Press Facility is located downgradient from the Subject Property and groundwater contamination resulting from facility operations would not likely migrate to the Subject Property. The only concern here would be if this facility dumped waste directly onto the Subject Property.

**ATTACHMENT D**

***SPECIAL-STATUS SPECIES LIST***

### Special-Status Species List for Merced and Atwater Quads

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup> (FED/CA)	SEASON <sup>2</sup>	PRESENT ON SITE	COMMENTS
<b>Invertebrates</b>					
California Linderiella fairy shrimp	<i>Linderiella occidentalis</i>	SC/--	Resident	No	No vernal pool present
Conservancy fairy shrimp	<i>Branchinecta conservation</i>	E/--	Resident	No	No vernal pool present
Longhorn fairy Shrimp	<i>Branchinecta longiantenna</i>	T/--	Resident	No	No vernal pool present
Midvalley fairy Shrimp	<i>Branchinecta mesovallensis</i>	SC/--	Resident	No	No vernal pool present
Molestan blister beetle	<i>Lytta molesta</i>	SC/--	Resident	No	No vernal pools present
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T/--	Resident	No	No elderberry shrubs present
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T/--	Resident	No	No vernal pool present
Vernal pool tadpole shrimp	<i>Lepidurus packardi</i>	E/--	Resident	No	No vernal pool present
<b>Fish</b>					
Central Valley fall/late fall-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	C/--	Jan-Mar	No	Project would not impact any waterways
Central Valley spring-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	T/--	Aug-Oct	No	Project would not impact any waterways
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	T/--	Dec-June	No	Project would not impact any waterways
Delta smelt	<i>Hypomesus transpacificus</i>	T/T	Mar-Jul	No	Project would not impact any waterways
Green sturgeon	<i>Acipenser medirostris</i>	SC/SC	Apr-May	No	Project would not impact any waterways
Longfin smelt	<i>Spirinchus thaleichthys</i>	SC/SC	Feb-Apr	No	Project would not impact any waterways
Pacific lamprey	<i>Lampetra tridentata</i>	SC/--	Apr-May	No	Project would not impact any waterways
River lamprey	<i>Lampetra ayresi</i>	SC/SC	Apr-May	No	Project would not impact any waterways
Sacramento splittail	<i>Pogonichthys macrolepidotus</i>	T/SC	Feb-Mar	No	Project would not impact any waterways

### Special-Status Species List for Merced and Atwater Quads

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup> (FED/CA)	SEASON <sup>2</sup>	PRESENT ON SITE	COMMENTS
Winter-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>	E/E	May-Aug	No	Project would not impact any waterways
<b>Amphibians</b>					
California red-legged frog	<i>Rana aurora draytonii</i>	T/SC	Resident	No	No suitable habitat is present (i.e., ponds)
Western spadefoot toad	<i>Scaphiopus hammondi</i>	SC/SC	Resident	No	No suitable habitat is present (i.e., grasslands/ ponds)
California tiger salamander	<i>Ambystoma californiense</i>	C/SC	Resident	No	No suitable habitat is present (i.e., ponds)
<b>Reptiles</b>					
Blunt-nosed leopard lizard	<i>Gambelia (=Crotaphytus) sila</i>	E/--	Resident	No	No suitable habitat (alkali flats, grasslands, arroyos)
California horned lizard	<i>Phrynosoma coronatum frontale</i>	SC/SC	Resident	No	No shrubs, riparian woodlands, or grasslands
Giant garter snake	<i>Thamnophis gigas</i>	T/T	Resident	Potential, but not likely due to disturbance	Black Rascal Creek and adjacent upland habitat may provide suitable habitat
Northwestern pond turtle	<i>Clemmys marmorata marmorata</i>	SC/SC	Resident	Potential but not likely	Potential habitat along Black Rascal Creek adjacent to project site
Silvery legless lizard	<i>Anniella pulchra pulchra</i>	SC/--	Resident	No	No suitable habitat (loose soils associated with drainages/valley bottoms)
Southwestern pond turtle	<i>Clemmys marmorata pallida</i>	SC/SC	Resident	Potential but not likely	Potential habitat along Black Rascal Creek adjacent to project site

### Special-Status Species List for Merced and Atwater Quads

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup> (FED/CA)	SEASON <sup>2</sup>	PRESENT ON SITE	COMMENTS
<b>Birds</b>					
Bald eagle	<i>Haliaeetus leucocephalus</i>	T/E	Jan-Aug	No	No suitable habitat (large waterbodies for foraging)
Burrowing owl	<i>Athene cunicularia</i>	SC/SC	Feb-Aug	Potential, but not likely due to disturbance	Railroad berms may provide suitable nesting and foraging habitat
Costa's hummingbird	<i>Calypte costae</i>	SC/--	Mar-May	No	No desert-like habitat
Ferruginous hawk	<i>Buteo regalis</i>	SC/SC	Apr-Aug	No	No open fields and large trees present for foraging/resting
Grasshopper sparrow	<i>Ammodramus savannarum</i>	SC/--	Apr-Jul	No	No grassland habitats
Greater sandhill crane	<i>Grus _anadensis tabida</i>	--/SC	Oct-Mar	No	No wet meadows
Lawrence's goldfinch	<i>Carduelis lawrencei</i>	SC/--	Mar-Apr	No	No oak, conifer woodlands
Lewis' woodpecker	<i>Melanerpes lewis</i>	SC/--	May-Jul	No	No woodlands present for foraging/nesting
Little willow flycatcher	<i>Empidonax traillii brewsteri</i>	--/SC	May-Jun	No	No riparian woodlands
Loggerhead shrike	<i>Lanius ludovicianus</i>	--/SC	Resident	No	No hardwood, conifer, or riparian habitat
Long-billed curlew	<i>Numenius americanus</i>	--/SC	Apr-Sep	No	No wet meadows, lakes or marshes
Mountain plover	<i>Charadrius montanus</i>	PT/SC	Apr-Jun	No	No open fields present for foraging/nesting
Rufous hummingbird	<i>Selasphorus rufus</i>	SC/--	Apr-Jul	No	No woodlands present for foraging/nesting
Short-eared owl	<i>Asio flammeus</i>	SC/--	Resident	No	No marsh/tall grasslands
Swainson's hawk	<i>Buteo swainsoni</i>	--/SC	May-Oct	Potential, but not likely	Eucalyptus tree north of project area may provide suitable nesting habitat
Tricolored blackbird	<i>Agelaius tricolor</i>	SC/SC	Apr - Jul	No	No suitable habitat

### Special-Status Species List for Merced and Atwater Quads

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup> (FED/CA)	SEASON <sup>2</sup>	PRESENT ON SITE	COMMENTS
Vaux's swift	<i>Chaetura vauxi</i>	SC/--	May-Aug	No	No redwood/fir habitats
White-faced ibis	<i>Plegadis chihi</i>	SC/SC	May - Jul	No	No suitable habitat (wetlands)
White-tailed (=black shouldered) kite	<i>Elanus leucurus</i>	SC/FP	Feb - Jul	Potential but not likely	Eucalyptus tree north of project area may provide suitable nesting habitat
<b>Mammals</b>					
Fringed Myotis Bat	<i>Myotis thysanodes</i>	SC/--	Resident	No	No potential roosting/foraging habitat
Greater western mastiff bat	<i>Eumops perotis californicus</i>	SC/--	Resident	No	No potential roosting/foraging habitat
Long-legged myotis bat	<i>Myotis volans</i>	SC/--	Resident	No	No potential roosting/foraging habitat
Merced kangaroo rat	<i>Dipodomys heermanni dixonii</i>	SC/--	Resident	No	No grassland/shrub habitat
Pacific western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>	SC/--	Resident	No	No potential roosting/foraging habitat
Riparian (San Joaquin Valley) woodrat	<i>Neotoma fuscipes riparia</i>	E/--	Resident	No	No riparian habitat
San Joaquin antelope squirrel	<i>Ammospermophilus nelsoni</i>	-/SC	Resident	No	No grassland/shrub habitat
San Joaquin kit fox	<i>Vulpes macrotis</i>	E/--	Resident	No	Area highly disturbed and no burrows found on project site
San Joaquin pocket mouse	<i>Perognathus inornatus</i>	SC/SC	Resident	No	Occurs in grasslands/open areas
Small-footed myotis bat	<i>Myotis ciliolabrum</i>	SC/--	Resident	No	No potential roosting/foraging habitat
Yuma myotis bat	<i>Myotis yumanensis</i>	SC/--	Resident	No	No potential roosting/foraging habitat

### Special-Status Species List for Merced and Atwater Quads

COMMON NAME	SCIENTIFIC NAME	STATUS <sup>1</sup> (FED/CA)	SEASON <sup>2</sup>	PRESENT ON SITE	COMMENTS
<b>Plants</b>					
Colusa grass	<i>Neostapfia colusana</i>	T/--	May-Aug	No	No vernal pools present
Dwarf downingia	<i>Downingia pusilla</i>	CNPS 2 <sup>3</sup>	Mar-May	No	No vernal pool/grassland habitat
Fleshy (succulent) owl's clover	<i>Castilleja campestris ssp. succulenta</i>	T/E	Apr-May	No	No vernal pools present
Hairy Orcutt grass	<i>Orcuttia pilosa</i>	E/--	May-Sep	No	No vernal pools present
Merced monardella	<i>Monardella leucocephala</i>	SC/--	May-Aug	No	No grassland habitat
Merced phacelia	<i>Phacelia ciliata var. opaca</i>	SC/--	Feb-May	No	No vernal pool/grassland habitat
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	CNPS 1B <sup>4</sup>	Apr-Sep	No	No vernal pools present
Valley sagittaria	<i>Sagittaria sanfordii</i>	SC/--	May-Oct	No	No marshes/swamps present
Vernal pool smallscale	<i>Atriplex persistens</i>	CNPS 1B <sup>4</sup>	Jun-Oct	No	No vernal pools on site
Shining navarretia	<i>Navarretia nigelliformis ssp. radians</i>	CNPS 1B <sup>4</sup>	May-Jul	No	No woodland/grassland, vernal pool habitats present

<sup>1</sup>Status = Status of species relative to the Federal (Fed) and California (CA) State Endangered Species Acts and Fish and Game Code of California.

<sup>2</sup>Season = Breeding season for birds, blooming period for plants.

<sup>3</sup>CNPS List 2 = California Native Plant Society Rare or Endangered in California; more common elsewhere.

<sup>4</sup>CNPS List 1B = California Native Plant Society Rare or Endangered in California and elsewhere.

(E) Endangered - Listed (in the Federal Register) as being in danger of extinction.

(FP) Fully Protected – Fully protected against take pursuant to the Fish and Game Code Section 3503.5.

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

(SC) Species of Concern - Other species of concern to the Sacramento Fish & Wildlife Office.

**SOURCES:**

California Department of Fish and Game, Natural Diversity Database, 2001.

U.S. Fish and Wildlife Service, Federal Endangered and Threatened Species that may be Affected by Projects in the Lodi South 7 ½ Quad Database, 2001.

California Department of Fish and Game, California's Plants and Animals, 2001.

**ATTACHMENT E**

***CULTURAL RESOURCES REPORT***

**Cultural Resources Survey  
for the  
BNSF/Quebecor Rail Line Extension Project  
Merced County, California**

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final

## ABSTRACT/MANAGEMENT SUMMARY

Burlington Northern and Santa Fe Railway Company (BNSF) proposes to construct an 850-foot railroad line, switching tail, and storage tracks to connect the existing BNSF route to the Quebecor World, Inc. printing plant near the junction of Highway 59 and Santa Fe Road in western Merced County, California. The project involves the authorization of the Surface Transportation Board and is therefore subject to Section 106 of the National Historic Preservation Act (NHPA), which requires federal agencies to consider the effects of their undertakings on historic properties (per 36 CFR 800.16[y]). In accordance with the NHPA, Applied EarthWorks, Inc. conducted an archaeological survey on 30 July 2003 to determine whether prehistoric or historical archaeological resources are present within the project area.

No archaeological or historical resources have been recorded within or adjacent to the current survey area as the result of eight previous cultural resources investigations within a 0.5-mile radius. None of the three recorded historical bridges within a 0.5 mile radius is considered eligible for the National Register of Historic Places. Additionally, historical maps examined during the records search showed no cultural references within the project area or search radius.

No surface-visible prehistoric or historical sites or features were encountered during field work and the project area shows signs of disturbance related to previous development. Therefore, it is unlikely that historic properties will be affected by project activities. No further cultural resources studies are necessary within the project area; however, if cultural materials are discovered during construction, project activities should cease until a qualified archaeologist can evaluate the materials.

Field notes and photographs relating to this survey are on file at Æ's offices in Fresno, California. A copy of this report will be transmitted to the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus.

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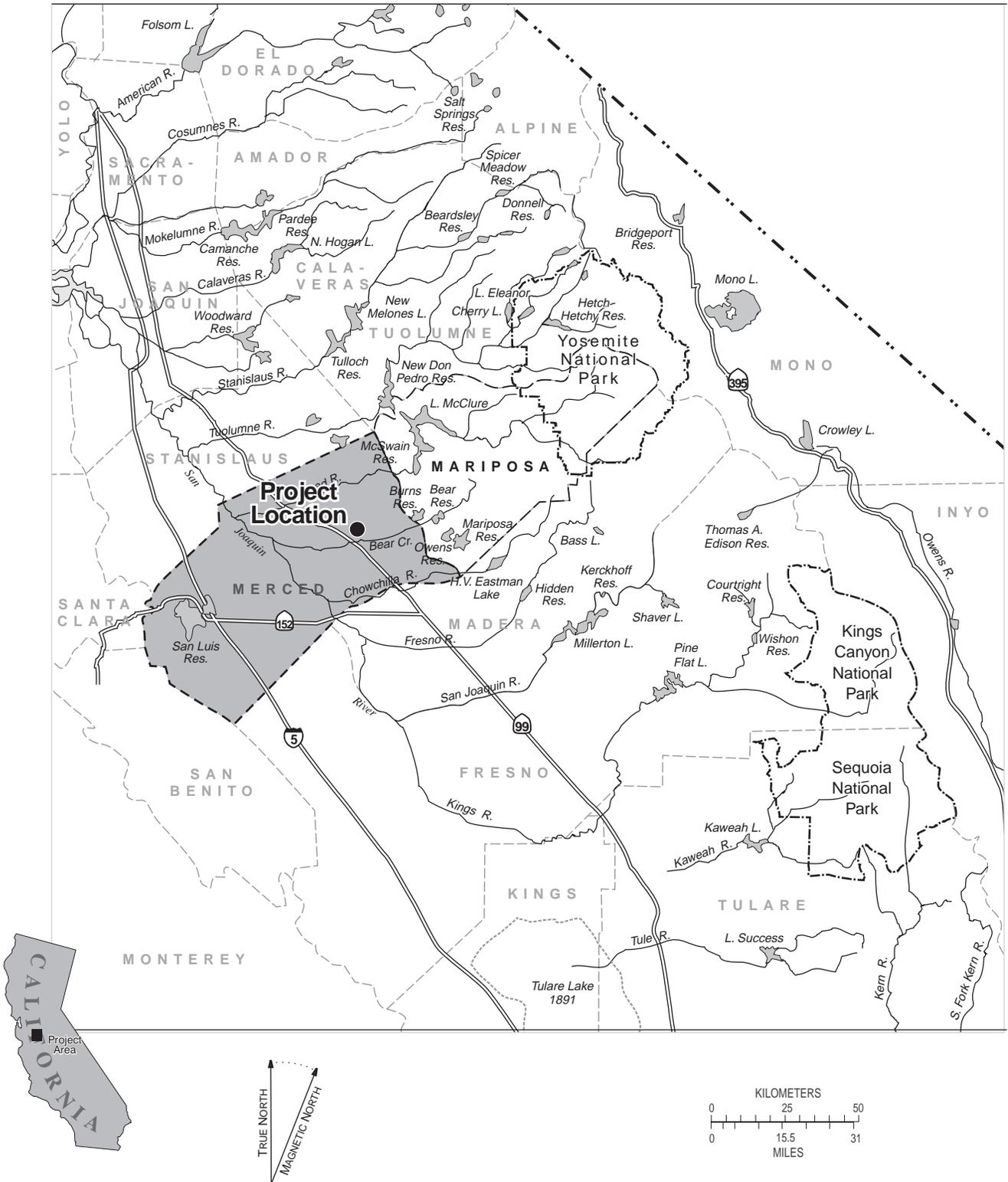
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## INTRODUCTION AND PROJECT DESCRIPTION

The Burlington Northern and Santa Fe Railway Company (BNSF) proposes to construct a rail line to serve Quebecor World, Inc. (Quebecor) in Merced County, California (Figure 1). The proposed 850-foot line would extend off the BNSF Stockton Subdivision main line at Milepost 1058.0, cross Santa Fe Road and an existing Union Pacific Railroad Company loop track that currently provides service to the Quebecor facility, and connect to Quebecor's existing loading docks (Figure 2). In addition to the 850 feet of new line, the proposed project would include a 365-foot switching tail adjacent to the existing BNSF rail line and three new storage tracks adjacent to the loading docks. The new line would be constructed at grade.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations found in 36 CFR 800, Applied EarthWorks, Inc. (Æ) performed several tasks including: (1) a formal records search to identify the locations of any known archaeological resource within 0.5 mile of the study area; (2) consultation with Native Americans to ascertain any concerns with respect to cultural resources in the study locale; (3) a field survey to locate and document prehistoric and historical archaeological resources within the proposed study area; and (4) preparation of this cultural resources report.

Mary Clark Baloian served as Project Manager, conducted the archaeological survey, and prepared the technical report. Barry Price was the Contract Administrator. Personnel qualifications are provided in Appendix A.



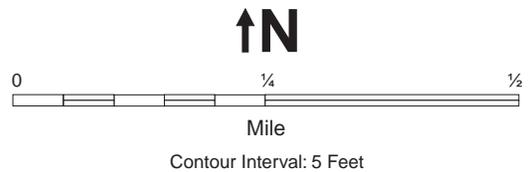
**Figure 1 Project vicinity.**



Confidential: Not for Public Distribution

Prepared by Applied EarthWorks, Inc.

U.S.G.S. 7.5 Minute Topographic Quadrangles  
**Atwater and Merced, CA**  
 T 7 S - R 13 E  
 Atwater 1960, Photorevised 1987  
 Merced 1961, Photorevised 1987



**Figure 2** Survey location.

## SETTING

### NATURAL SETTING

The project area is within the San Joaquin Valley, the southern half of the physiographic province known as the Great Valley. The Sacramento Valley makes up the northern portion of this region. The Great Valley is an elongated trough measuring approximately 400 miles long and 50 miles across (Norris and Webb 1990:412). Between the Mesozoic and Cenozoic eras it served as a shallow marine embayment containing numerous lakes located primarily within the San Joaquin Valley (Norris and Webb 1990:412). As a result, the upper levels of the Great Valley floor are composed of alluvium and flood materials. These waters began to diminish around 10 million years ago, eventually dwindling to the drainages, tributaries, and small lakes that exist today (Hill 1984:28). Playas throughout the San Joaquin Valley are remnants of the extinct lakes and are currently used for agricultural activities (Norris and Webb 1990:431).

The San Joaquin River, approximately 15 miles west of the project area, is the dominant hydrologic feature found within the San Joaquin Valley. Smaller east-west trending rivers, like Black Rascal Creek in the project vicinity, drain the Sierra Nevada range before converging on the San Joaquin River. The annual rainfall for this area averages about 6–14 inches. Winters are cooler and drier than those in the Sacramento Valley and snow is uncommon (Hill 1984:29). Summers are generally hot and dry, with temperatures often exceeding 100° F.

Geologically, the San Joaquin Valley is structured by a series of faults and folds including the Buena Vista Thrust, Kern Front, and White Wolf faults. Marine formations of the Cretaceous and Miocene overlie either chert or granite. Marine rocks include shale, clay, and sandstone. This stratum is topped by nonmarine formations of basalt and andesite, which were deposited between the Eocene and Pleistocene. Alluvium and sand deposited during the Holocene form the upper strata of the San Joaquin Valley floor (Norris and Webb 1990:419–420) and constitute the primary sediments found within the project area.

The development of agriculture within the San Joaquin Valley has resulted in the replacement of native plants and animals by domesticated species. According to Preston (1981), native plants common to the valley included white, blue, and live oaks; walnut; cottonwood; salix; and tule. Also prominent were bulrush and cattail as well as various grasses, flowers, and saltbrush. The previously swampy valley floor provided a lush habitat for a variety of animals. Large herds of mule deer, tule elk, and pronghorn once roamed the valley. Historic accounts indicate that, due to their vast numbers, the tule elk and pronghorn were a major food source for the Yokuts Indians, explorers, trappers, and others (Clough and Secrest 1984:27–28; Wallace 1978a:449). Grizzly and black bears, wolves, and mountain lions were also once prominent valley species (Preston 1981:245–247). Other mammals noted are the valley coyote, bobcat, gray and kit foxes, and rabbits. The marshy valley waterways and lakes provided habitat for a variety of birds that included American Osprey, Redwing Blackbird, Marsh Hawk, Willow and Nuttall Woodpeckers, Western Meadowlark, quail, geese, and ducks. Water sources such as the San

Joaquin River supported anadromous and freshwater fish species that include salmon, golden trout, river lamprey eel, and white sturgeon.

## **CULTURAL SETTING**

### **Prehistory**

Archaeological studies in the San Joaquin Valley began in the early 1900s with a series of investigations primarily in the Stockton and Kern County areas (Gifford and Schenck 1926; Schenck and Dawson 1929). By the late 1930s efforts were made to link the more well-known southern and northern valley areas through an exploration of the central San Joaquin Valley. University of California Berkeley's G. Hewes surveyed the central valley region and discovered 107 sites, most near streams and marshes on the east side of the valley (Moratto 1984:186).

Archaeological investigations in the San Joaquin Valley intensified during the 1960s with the advent of cultural resources management work (Olsen and Payen 1968, 1969; Riddell and Olsen 1969; Treganza 1960). Studies conducted along the eastern Diablo Mountain Range resulted in the identification of a cultural sequence similar to, but distinct from, that identified for the Sacramento Delta region. Excavations conducted for the construction of several reservoirs, including San Luis (Olsen and Payen 1969), Los Banos (Pritchard 1967, 1970), and Little Panoche Reservoir (Olsen and Payen 1968), revealed a series of four cultural complexes focused on the exploitation of the foothill-valley biotic zone. This sequence indicates that prehistoric people occupied the region for a period extending from circa 3000 B.C. to A.D. 1850, with a 500-year hiatus between circa A.D. 1000 and 1500. The earliest complex identified is the Positas Complex (circa 3300–2600 B.C.), followed by the Pacheco Complex (circa 2600 B.C.–A.D. 300), the Gonzaga Complex (circa A.D. 300–1000), and the Panoche Complex (circa A.D. 1500–1850) (Moratto 1984:191–192). The latest occupation, the Panoche Creek Complex (A.D. 1500–1850), is associated with the time when the ethnographic Yokuts inhabited the valley. Based on these and other archaeological investigations conducted throughout the valley (Latta 1977; Price 1992), the Yokuts occupied most of the San Joaquin Valley over a period extending as long as 2,000 years (Spier 1978; Wallace 1978a, 1978b).

Prehistoric sequences developed from these excavations provide a fairly clear understanding of culture change during the last 2,000–3,000 years; however, archaeological investigations in the Tulare Lake and Buena Vista Lake localities south of the project vicinity suggest that people occupied the San Joaquin Valley as early as 11,000–12,000 years ago (Fredrickson and Grossman 1977; Riddell and Olson 1969). Because there has been very little archaeological excavation in the immediate project vicinity, it is unclear whether the cultural phases identified in the adjacent foothills or southern valley extend to this area. However, after several decades of study and numerous excavations throughout the south-central Sierra Nevada and foothills, there is strong evidence for three broad patterns of cultural adaptation (Wallace 1978a, 1978b).

Archaeological evidence suggests that the valley's initial occupants settled in lakeshore and streamside environments utilizing the foothills periodically for seasonally available resources. These early Paleoindian sites are typified by fluted points, stemmed dart points, scrapers, and crescents. As compared with their predecessors, the Archaic groups in the middle and late Holocene utilized a broader resource base, supplementing their subsistence with small game and

hard seeds. Manos, milling slabs, mortars, and pestles are common in Archaic assemblages, as are atlatl dart points. Favorable climatic conditions between 3000 and 3500 years ago instigated widespread settlement along the western Sierran slopes. The late Holocene witnessed various technological and social changes, including the adoption of the bow and arrow, expansion of trade, increasing use of acorns, and improved food storage techniques. As populations grew, social relations became more complex. Violence among many Sierran and foothill groups was common as economic stress and social instability became more pronounced during a period of xeric climates between circa A.D. 450 and 1250. Thereafter, new levels of population growth were achieved resulting in part from movement of new Sierran groups. By circa 1600–1700 A.D., most groups claimed the territories that would identify them ethnographically.

Until more archaeological work has been completed in the area, interpretations regarding prehistoric land use in the project vicinity are speculative.

### **Ethnography**

The study area may have been occupied by the Chawchila, one of the many autonomous tribes that made up the Northern Valley Yokuts, whose language is one of five members that compose the Penutian linguistic family (Silverstein 1978). The Northern Valley Yokuts inhabited the marshy regions of the upper half of the San Joaquin Valley (Wallace 1978b). Their linguistically-related brethren the Southern Valley Yokuts lived to the south, and the Miwok occupied areas to the north and east.

The San Joaquin River and its tributaries provided food (fish and water fowl), building material (tule stalks), and avenues of travel for small watercraft. Not surprisingly, Yokuts villages were situated near major waterways and built on low mounds to prevent spring flooding. The Northern Valley Yokuts were defined by individual, autonomous villages (Latta 1949:3) composed of single-family structures (Moratto 1988:174; Wallace 1978b:451). The structures were small and usually built from woven tule mats. Other structures included sweathouses and ceremonial chambers. Most stone artifacts were fashioned from local cherts, and obsidian was imported from other locations (Wallace 1978a:465). Mortars and pestles were the dominant ground stone tools; bone was used to manufacture awls for making coiled baskets. Ceramic items do not appear to have been manufactured by the Northern Valley Yokuts.

As with other Indian groups in California, the lifeway of the Northern Valley Yokuts was dramatically altered as a result of contact with Spanish explorers and missionaries, miners, ranchers, and other European immigrants who entered the San Joaquin Valley after 1700. The introduction of European culture and new diseases proved devastating to the native population. Traditional lifestyles were diminished and numerous people died from disease (Moratto 1988:174).

### **History**

The first Europeans known to have entered the San Joaquin Valley were Spanish soldiers led by Pedro Fages, who entered the valley through Tejon Pass in 1772 (Wallace 1978a:459). Other Europeans followed in 1806 when Lieutenant Gabriel Moraga led a group of Spanish explorers into the San Joaquin Valley to locate new lands for missions (Clough and Secrest 1984:25–27).

It was on this expedition that Moraga gave the Merced River its official name (*El Rio de Nuestra Senora de la Mercedes* [River of Our Lady of Mercy]) when he and his troops reached its bank after a long hot trek over the valley. The expansion of missions in California had ceased by the early 1820s as a result of Mexico's independence from Spain (Clough and Secrest 1984:26). Fur trappers discovered the California interior soon after and began their forays into the San Joaquin Valley. Jedediah S. Smith may have been the first to enter the area during a fur trapping expedition in 1827. Smith's adventures included friendly encounters with the Yokuts while trapping and camping along the San Joaquin River (Clough and Secrest 1984:27). After Smith's visit, other trappers followed until about 1837 when fur-bearing animals were nearly gone from the valley. These trappers included Kit Carson, Peter Skene Ogden of the Hudson's Bay Company, and Joseph Reddeford Walker.

During the mid to late 1830s, the area experienced an increase in population as settlers began establishing themselves on various Mexican land grants. At least 30 land grants were issued in the area. The earliest was the San Luis Gonzaga Grant established in 1834, which extended 48,712 acres over the Pacheco Pass and into the San Joaquin Valley. Following the end of the Mexican War in 1848, more settlers came to the valley, particularly with the discovery of gold in the Sierra Nevada. Mining claims were established along the San Joaquin River and at various other localities throughout the foothills, and businesses were soon founded to profit from the miners needs for services and supplies. Ferries (such as Firebaugh's Ferry on the San Joaquin River) were established on the major rivers, hotels and trading posts were constructed, and stage lines began carrying mail and passengers. It was also during the 1850s that sheep and cattle were herded by the thousands into the valley for grazing before being rounded up and herded to San Francisco or the mines for slaughter (Merced Chamber of Commerce 2003). One of the largest cattle and sheep ranches in the west was established near Dos Palos by two German immigrants, Henry Miller and Charles Lux.

By 1872 the Central Pacific Railroad had completed its line through Merced County. This initiated major changes in transportation, the mail system, and economic opportunities for those who lived in the county. Agriculture soon replaced mining as the primary source of livelihood, although mining continued in the hills. The establishment of the railroad also instigated construction of the community of Merced; in 1872 the town became the county seat of Merced County. There were four railroads within the Merced city limits: the Central Pacific Railroad route, which traversed the San Joaquin Valley; the Southern Pacific route, which ran north to Stockton via Oakdale; the Atchison, Topeka, and Santa Fe Railway, which paralleled the Central Pacific route to the east; and the Yosemite Valley Railroad, which connected into the Southern Pacific and Central Pacific depots to carry passengers and freight between Merced and Yosemite Valley. The establishment of the railways and the rich agricultural land facilitated the migration of various ethnic communities, such as the Swedes, Portuguese, and Japanese, into the county to work the land.

The BNSF Railroad, which transects the project area, began as the San Francisco and San Joaquin Valley Railway and was purchased by the Atchison, Topeka, and Santa Fe Railway in the late 1890s. It ran the full length of town and was a heavily traveled route. Today the BNSF line averages approximately 25 freight and 12 Amtrak trains per day.

## METHODS

### PREFIELD RESEARCH

To identify previously recorded cultural resources in the project vicinity, the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus conducted a records search on 23 July 2003 (Appendix B). Information Center staff consulted files and base maps showing previous cultural resources investigations and known archaeological sites within a 0.5-mile radius of the project area. Other sources consulted include the *California Inventory of Historic Resources* (1976), *California Historical Landmarks* (1996), *California Points of Historical Interest* (May 1992 and updates), Historic Property Data File (Office of Historic Preservation computer list dated 2 July 2003), the California Department of Transportation State and Local Bridge Survey (1989 and updates), *Survey of Surveys* (1989), and the 1852–1853 General Land Office plat map showing Township 7 South, Range 13 East.

### NATIVE AMERICAN CONSULTATION

The Native American Heritage Commission (NAHC) in Sacramento was informed of the current project and supplied Æ with a list of parties to be contacted regarding any information or concerns they might have with respect to cultural resources in the study locale (Appendix C). The NAHC also performed a search of the sacred land file to determine if any Native American cultural resources had been recorded in the immediate project area. Æ contacted Ms. Katherine Perez and Mr. Edward Ketchum by telephone on 24 July 2003 and mailed additional information regarding the project to Ms. Perez as requested.

### FIELD WORK

Æ performed a field survey of the project area on 30 July 2003. The project lies in an industrial area and most of the natural landscape and vegetation has been disturbed by grading and vegetation control. The area was approximately 2,000 feet north-south by 300 feet east-west and was examined by one archaeologist using parallel transects spaced up to 15 meters apart. The survey area was photographed using a Nikon CoolPix 800 digital camera.

## FINDINGS

### RECORDS SEARCH RESULTS

The records search revealed that no prehistoric or historical resources within the immediate project area or within a 0.5-mile radius of the project area have been reported to the Information Center. Three historical bridges listed in the current Historic Properties Data File lie within 0.5 mile of the project area; however, none are considered eligible for the National Register of Historic Places. There have been at least two previous cultural resources investigations immediately adjacent to the project area (Jensen & Associates 1996; Peak & Associates 1982) and six others within a 0.5-mile radius (Hibbard 2002; Jensen 1996; Napton 1997a, 1997b, 1980; Parker 1978). No cultural resources were identified within the project area as a result of these studies.

### NATIVE AMERICAN RESPONSE

Following receipt of project information, Ms. Katherine Perez informed Æ by telephone that she had no specific concerns about the project area; however, she did note that early railways often were established along existing Indian trails. Æ has not received any response from Mr. Ketchum and, hence, assumes that he has no concerns about cultural resources within the project area. Additionally, the sacred land file maintained by the NAHC does not list any Native American cultural resources in the immediate project area.

### RESULTS OF THE CULTURAL RESOURCES SURVEY

Much of the ground was obscured by nonnative plant species, including milk thistle (*Silybum* sp.), star thistle (*Centaurea* sp.), and brome grass (*Bromus* sp.), which hindered visibility (Figure 3). Less than 30 percent of the ground surface was visible north of the Quebecor plant. Moreover, this area has been heavily disturbed by construction of the Union Pacific Railroad, the BNSF railway, Santa Fe Road, and an underground Merced Irrigation District lateral between Santa Fe Road and the BNSF line. The project area east of the main Quebecor building was void of vegetation, and recent grading provided excellent visibility (Figure 4). This area, however, also has been heavily disturbed by the installation of a fire control pump house, a large water tank, and underground water lines. Additionally, gravels and other fill materials have been imported to the vicinity, thereby obscuring original sediments.

No prehistoric or historical sites or features were identified during the survey. Modern debris noted in the survey area included glass fragments, used tires, plastic, and other recent refuse.



**Figure 3** Overview of project area facing east; Quebecor plant on right.



**Figure 4** Graded area east of Quebecor facility; view to the south.

## **MANAGEMENT CONSIDERATIONS**

The project area lies adjacent to Black Rascal Creek, and deeply buried cultural deposits have been found on flood terraces elsewhere in the San Joaquin Valley. However, historical development of these lands likely would have disturbed or destroyed prehistoric sites, just as subsequent and ongoing industrial activities likely have obscured evidence of historical use of the area.

No visible or archival evidence suggests that surface or buried prehistoric or historical sites or features are present within the survey area; it is therefore considered unlikely that the current undertaking will have an effect on historic properties. Should cultural materials (e.g., flaked stone artifacts, ground stone, shell debris, historical glass, or bone) be discovered during project construction, it is recommended that work be halted immediately until a qualified archaeologist can evaluate the materials.

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## **APPENDIX A**

### **Personnel Qualifications**



MARY CLARK BALOIAN

**Expertise**

Prehistory of California, archaeological method and theory, lithic analysis, spatial analysis, cultural resources management, report production, and project field management.

**Education**

Ph.D. (2003), Anthropology: Southern Methodist University.

M.A. (1995), Anthropology: Southern Methodist University.

B.A. (1989), Anthropology: University of California, Davis.

**Professional Experience**

- 2000– Staff Archaeologist, Applied EarthWorks, Inc. Fresno, California.
- 1998–2001 Adjunct Faculty Member, Fresno City College, Fresno, California.
- 1995–1996 Staff Archaeologist, Applied EarthWorks, Inc., Fresno, California.
- 1994–1995 Staff Archaeologist, INFOTEC Research, Inc., Fresno, California.
- 1992–1994 Teaching Assistant, Southern Methodist University, Dallas, Texas.
- 1989–1991 Archaeological Project Leader, California Department of Transportation, Sacramento.
- 1987–1989 Crew Chief/Instructor, Laboratory Assistant, and Curatorial Assistant, University of California, Davis.

**Technical Qualifications**

Dr. Mary Clark Baloian has been involved in archaeology in California and the western United States since 1987. Her areas of expertise include the prehistory of the Sierra Nevada, Great Basin, central California coast, and the Iron Age of West Africa. Dr. Baloian has served as Field Supervisor, Crew Chief, or Field Technician for numerous projects in California, Oregon, Nevada, New Mexico, Texas, Hawaii, and West Africa. Her experience in cultural resources management includes research design, data acquisition, laboratory analysis, and preparation of technical reports and compliance documents; she also has completed the Advisory Council on Historic Preservation course in Section 106 compliance policies and procedures. Her analytic skills include lithic and ceramic analyses, settlement pattern studies and spatial analysis, which were the foci of her doctoral research. As a Staff Archaeologist for Æ, Dr. Baloian has served as Field Supervisor directing testing and data recovery excavations at prehistoric sites in San Luis Obispo and Santa Barbara counties. Prior to joining Æ, she served as a Staff Archaeologist for INFOTEC Research, Inc. and Archaeological Project Leader for the California Department of Transportation (Caltrans), where she supervised Phase-1 archaeological surveys and assisted with Phase-2 test excavations and Phase-3 data recovery in interior and coastal California. Dr. Baloian's current responsibilities include field supervision for testing and evaluation of cultural resources, data recovery excavations, and preparation of proposals, technical reports and compliance documents.

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**BARRY A. PRICE**

**Expertise**

Prehistory and history of the western United States; archaeological method and theory; cultural resources management; archaeology of California and the Great Basin; project management and administration.

**Education**

M.A. (1994) Cultural Resource Management: Sonoma State University.

B.A. (1976) Department of Anthropology: Sonoma State University (with honors).

**Professional Experience**

- 1995– Vice President, Principal Archaeologist, and Western Division Manager, Applied EarthWorks, Inc., Fresno, California.
- 1989–1995 Vice President (1992–1995), Assistant Vice President (1991–1992), Senior Archaeologist/Program Manager (1989–1991), INFOTEC Research, Inc., Fresno, California.
- 1984–1989 Principal Investigator and Project Director, Retrospect Research Associates, Ely, Nevada.
- 1983–1984 Archaeologist, Bureau of Land Management, Ely District.
- 1982–1983 Archaeological Specialist/Historian, California Department of Parks and Recreation, Sacramento.
- 1979–1982 Staff Archaeologist, Archaeological Resource Service, Novato, California (1979–1982); Field Technician and Laboratory Analyst (1981–1982), Infotec Development, Inc.
- 1975–1979 Staff Archaeologist (1977–1979), Curatorial Assistant (1975–1979), Cultural Resources Facility, Sonoma State University Foundation.

**Technical Qualifications**

Mr. Price is an archaeologist with 30 years of experience in prehistoric and historical archaeology and cultural resources management. As Principal Archaeologist and Western Division Manager for Applied EarthWorks, Mr. Price directs professional staff and subcontractors in the performance of project work. Mr. Price has expertise in many aspects of cultural resources management including project design and administration, data acquisition, laboratory analysis, report preparation, and technical management. His experience includes administering large, multi-year, multi-phased projects as well as smaller surveys and test excavations. He has authored numerous articles and technical reports, and has prepared many planning documents, research designs, management plans, and other CEQA, NEPA, and NHPA compliance documents. He has completed both the introductory and advanced Advisory Council courses in historic preservation law and received advanced training in the cultural resource policies and procedures of the Federal Energy Regulatory Commission and U.S. Army Corps of Engineers.

---

## **APPENDIX B**

### **Results of Records Search**

**CENTRAL CALIFORNIA INFORMATION CENTER**  
*California Historical Resources Information System*  
Department of Anthropology - California State University, Stanislaus  
801 W. Monte Vista Avenue, Turlock, CA 95382  
(209) 667-3307 - FAX (209) 667-3324

---

*Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties*

**Date:** July 23, 2003

Randy Baloian, Staff Archaeologist  
Applied Earthworks, Incorporated  
5090 N. Fruit Avenue, Suite 101  
Fresno, CA 93711-3064

**CCIC File #:** 5015I  
**Project:** Construction of a Rail Spur  
in Merced Co., BNSF line to  
Quebecor printing plant

Dear Mr. Baloian,

We have conducted a records search as per your request for the above-referenced project area located on the Atwater and Merced USGS 7.5-minute quadrangle maps in Merced County.

Search of our files includes review of our maps for the specific project area and a one-half-mile radius of the project area (as specified by the client), and review of the National Register of Historic Places, the California Register of Historical Resources, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* listing (May 1992 and updates), the Historic Property Data File (Office of Historic Preservation current computer list, dated 7/02/2003), the CALTRANS State and Local Bridge Survey (1989 and updates), the *Survey of Surveys* (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

**Prehistoric or historic resources within the project area:**

No prehistoric resources have been reported to the Information Center.

No historic archaeological resources have been reported.

No resource records have been submitted to us for the Atchison, Topeka, and Santa Fe Railroad line (now BNSF) in Merced County.

The GLO Plat map for T7S/R13E (sheet #44-476, dated 1852-1853) showed no cultural references within the project area or search radius. No copy attached.

No historic properties are reported, in the project, in the current *Historic Property Data File*.

**Prehistoric or historic resources within a one-half-mile radius of the project area:**

No prehistoric resources have been reported to the Information Center.

No historic archaeological resources have been reported.

Three historic bridges listed in the current *HPDF* appear to be within the search radius. We are not *exactly* sure about the location of two of them\*. None of them are considered eligible for the National Register. Attached: p. 13 of the *HPDF*, p. 134 of the 8/2000 Caltrans State Bridges inventory, and the individual HAER forms:

P-39-000652	Br. 39-66	HRI 5340-0010
P-39-000653	Br. 39-67*	HRI 5340-0011
P-39-000654	Br. 39-68*	HRI 5340-0012

**Resources known to have value to local cultural groups:**

None have been formally reported to the Information Center.

**Previous investigations within the project:**

Two appear to be immediately adjacent; title pages attached:

<b>CCIC #</b>	<b>Author/Date</b>
ME 672	Peak & Associates, Inc. (1982)
ME 2930	Jensen (1996)

Another has been plotted on our maps as though it passes through or immediately adjacent to the project, but I am not sure that this is correct; I have attached the survey coverage map and p. 21 (survey area details) of the following report for you to study:

<b>CCIC #</b>	<b>Author/Date</b>
ME 2972	Napton (1997)

**Previous investigations within a one-half-mile radius of the project Area:**

Five others reported; title pages attached:

<b>CCIC #</b>	<b>Author/Date</b>
ME 630	Napton (1980)
ME 663	Parker (1978)
ME 2915	Jensen (1996)
ME 3092	Napton (1997)
ME 4009	Hibbard (2000)

**Recommendations/Comments:** Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features 45 years or older within your project that are considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

In accordance with State law, if any historical resources are found during construction, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.

We understand that you will be conducting an archaeological survey of the proposed project that is the subject of this records search. We look forward to receiving one copy of your report of findings which should include two copies each complete site record for all historical resources discovered as a result of the survey.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please sign and return the attached Agreement of Confidentiality form. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Hards". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robin Hards, Assistant Research Technician  
Central California Information Center  
California Historical Resources Information System

## **APPENDIX C**

### **Native American Consultation Correspondence**

STATE OF CALIFORNIA

Gray Davis, Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390  
Web Site www.nahc.ca.gov



July 24, 2003

Randy Baloian  
Staff Archaeologist  
Applied Earthworks

Sent by Fax: 559-229-2019  
No of Pages: 2

RE: Proposed spur that will connect the main Burlington Northern Santa Fe rail line to the Quebecor printing plant, Merced County.

Dear Mr. Baloian:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Pilas-Treadway".

Debbie Pilas-Treadway  
Environmental Specialist III

**NATIVE AMERICAN CONTACTS  
Merced County  
July 23, 2003**

Katherine Erolinda Perez  
1234 Luna Lane  
Stockton , CA 95206  
(209) 462-2680

Ohlone/Costanoan  
Northern Valley Yokut  
Bay Miwok

Edward Ketchum  
35867 Yosemite Ave  
Davis , CA 95616

Ohlone/Costanoan  
Northern Valley Yokut

530-756-2413 - home  
916-557-5383 - work

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regards to the cultural assessment for the proposed spur that will connect the main Burlington Northern Santa Fe rail line to the Quebecor printing plant, Merced County**



5090 North Fruit Avenue  
Suite 101  
Fresno, CA 93711-3064  
(559) 229-1856  
FAX (559) 229-2019

25 July 2003

Katherine Erolinda Perez  
1234 Luna Lane  
Stockton, CA 95206

RE: Cultural Resources Study of a Proposed Railroad Spur in Merced, CA

Dear Ms. Perez:

Thank you for your interest regarding the Burlington Northern Santa Fe (BNSF)/Quebecor rail extension project. BNSF Railway Company plans to construct a 850 foot rail spur from the existing BNSF route to the Quebecor printing plant in northwest Merced (see attached maps). The project involves the authorization of the Federal Railroad Administration and is therefore subject to Section 106 of the National Historic Preservation Act, which requires federal agencies to consider the effects of their undertakings on historic properties.

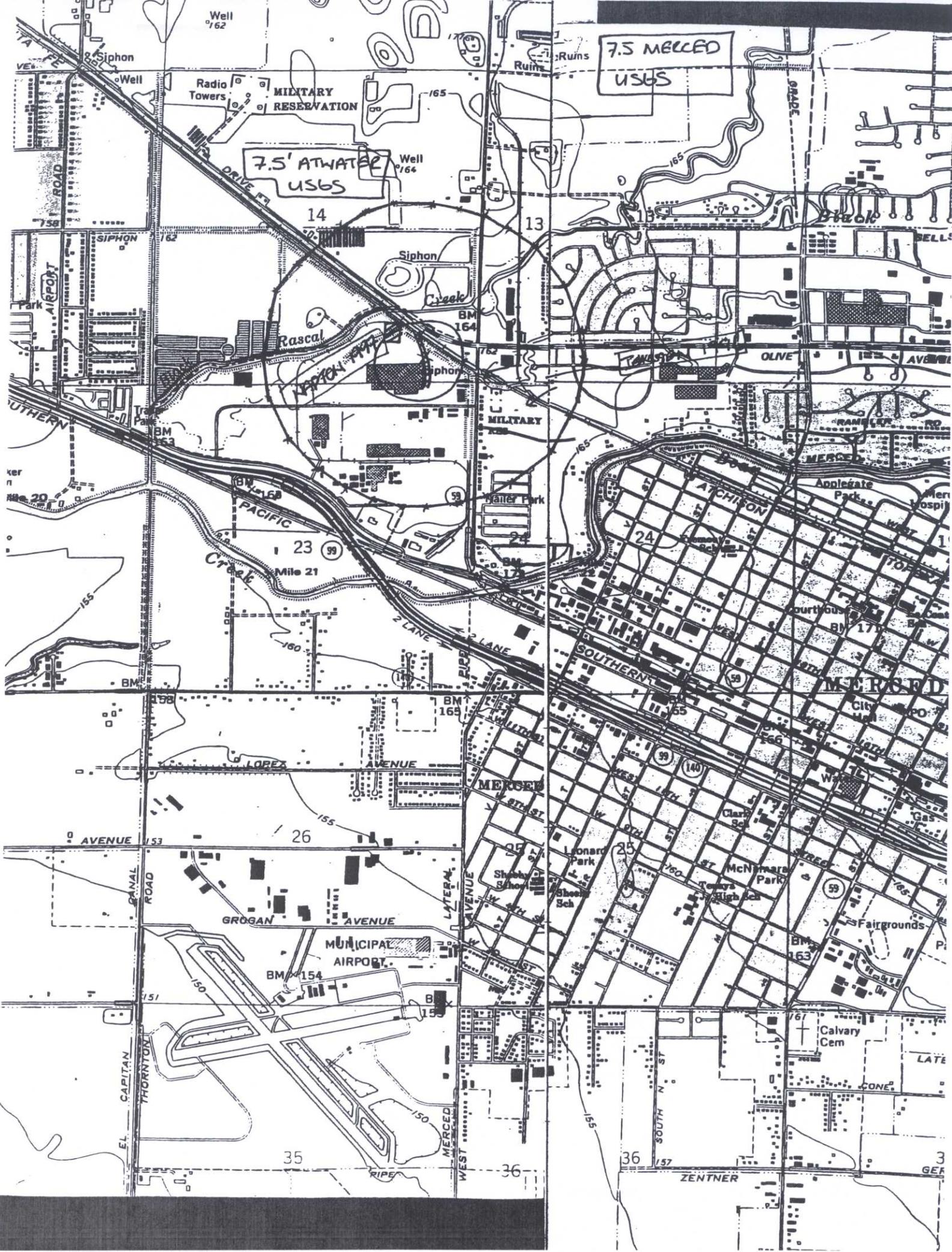
On behalf of Myra Frank and Associates, Applied EarthWorks, Inc. is currently performing the cultural resource studies for the project, including background research, a survey of the project area, and Native American consultation. We have requested a records search from the Central California Information Center at CSU, Stanislaus and plan to conduct the survey after receiving the results of the records search. Your name and address were provided to us by the Native American Heritage Commission.

If you have further interest or concerns about the project, feel free to phone me or send us a letter to my attention. Your comments will be included in our report. You can contact me during normal business hours (800-815-1856) if you have any question or need further information. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Randy Baloian'.

Randy Baloian  
Project Administrator





BURLINGTON NORTHERN  
AND SANTA FE  
RAILWAY COMPANY  
ENVIRONMENTAL BACKGROUND

PROPOSED ALIGNMENT  
PROPOSED TRACK TO SERVE  
QUEBECOR INDUSTRIES - MERCED  
DECEMBER, 2001



Figure A-3

**ATTACHMENT F**

***AGENCY CORRESPONDENCE***

***H.T. HARVEY & ASSOCIATES***  
***ECOLOGICAL CONSULTANTS***

**TELEPHONE/MEETING MEMO**

---

**PROJECT:** BNSF Railroad  
**PROJECT#:** 2215-01  
**DATE:** June 6, 2003                      **BY:** Mary Bacca

---

**LOCATION/PHONE NUMBER:** 916-557-7772  
**PARTICIPANTS:** Nancy Haley, USACE

---

**TOPIC:** Swale

---

**SUMMARY:**

Nancy explained that her original assessment of a topo map alerted her to the potential that the swale may be regulated.

She recently spoke with Shelly Hatleberg of HDR regarding the swale that is located between the BNSF mainline and Santa Fe Ave. Based upon that conversation, Nancy indicated that she was confident that the swale is not a regulated feature.

Nancy concurred with my statement that the swale is not hydrologically connected to the creek and she said that no further involvement from the Corps is needed on this project as it is currently designed.

I said that the applicant is aware that if the design is modified so that it would encroach into Black Rascal Creek, then this would trigger the need to involve the Corps as well as the Board and CDFG.

Nancy did not wish to conduct a site visit to view the swale.

---

**REQUIRED ACTION:** None

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*File to Correspondence folder.  
Copy and Route to: Kent Smith*

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



May 8, 2003

Gary Peterson  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street, Suite 800  
Los Angeles, CA 90017

**Subject:** Surface Transportation Board March 4, 2003 letter from Victoria Rutson regarding proposed crossing serving Quebecor World Inc. in Merced, CA.

Dear Mr. Peterson:

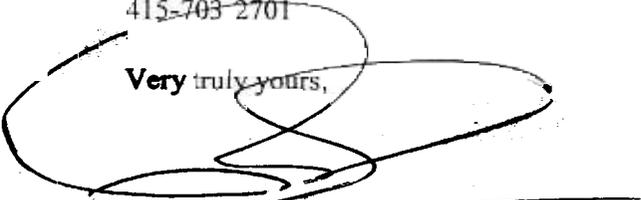
This is in response to Victoria Rutson's request for comments about the proposed rail crossing serving Quebecor World Inc. in Merced, California. On March 19, 2003, Marvin Kennix of the Rail Crossings Engineering Section met with representatives from Quebecor World Incorporated (Quebecor) and Burlington Northern and Santa Fe Railway Company (BNSF) to discuss the proposed Santa Fe Avenue crossing. At this meeting, Mr. Kennix informed the attendees that under California Public Utilities Code, the California Public Utilities Commission (CPUC) has authority over all highway-rail crossings in California. CPUC must give permission prior to constructing a public road across railroad tracks. BNSF's representative stated that he would prepare the CPUC application for this crossing.

Ms. Rutson stated that her organization would assess the environmental impacts of the proposed project. She asked for the CPUC's assistance in determining whether any resources of concern to the CPUC might be affected by the proposed project. CPUC is a responsible agency for this project under the California Environmental Quality Act of 1970 (CEQA). CEQA requires that the CPUC consider the environmental consequences of a project that is subject to its discretionary approval. CPUC must consider the lead agency's Environmental Impact Report (EIR) or Negative Declaration prior to acting upon or approving the project. We cannot comment on the environmental impact of the proposed project until BNSF files the application and submits the required documentation assessing the environmental effects of the proposed rail line construction and operation.

CPUC will also determine the type of warning devices required at the new crossing. An on-site diagnostic review meeting with interested parties will be held at a later date. Agenda items for this meeting will include the CPUC's application process, required warning devices at the new crossing, and the joint use of the existing Union Pacific loop track.

If you have questions, please contact Haji Jameel, Supervisor of the Rail Crossings Engineering Section, at 415-703-2701

Very truly yours,

  
Richard Clark, Director  
Consumer Protection & Safety Division

# ***SURFACE TRANSPORTATION BOARD***

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

March 4, 2003

RECEIVED  
MAR 7 2003  
EXECUTIVE DIRECTOR'S OFFICE

Wesley M. Franklin  
Executive Director  
California Public Utility Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Re: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company - Construction and Operation Exemption - in Merced County, California; Request for Information

Dear Wesley M. Franklin:

On January 14, 2003, The Burlington Northern and Santa Fe Railway (BNSF or the Applicant) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate a new rail line to Quebecor World Inc. in Merced County, California (CA). The project would involve an approximately 850-foot rail line that would connect the Quebecor World Inc. (Québecor) printing and distribution facility in Merced, CA with BNSF's existing Stockton Subdivision mainline between Stockton and Bakersfield, CA. Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed project. The purpose of this letter is to request information from the California Public Utility Commission regarding your jurisdiction over the railroad crossing at Santa Fe Avenue.

The proposed 850-foot rail line would connect Quebecor with the BNSF mainline, thereby providing Quebecor, which is presently served by the Union Pacific Railroad (UP), with competitive service. Quebecor is the leading print media services company in North America and in the world. It owns and operates the printing facility in Merced, CA, which is the largest printing facility on the West Coast. The proposed rail connection would be located in the northern portion of the City of Merced, in an area used primarily for agricultural and industrial activities. No residences or recreation lands are in the immediate vicinity.

The proposed line would cross an existing UP loop track and one public road, Santa Fe Avenue, at grade. Santa Fe Avenue is a two-lane light density road maintained by the City of Merced. The road crossing would utilize active warning devices. Both crossings would be designed in accordance with industry standards, customs and practices.

The line would be used to transport inbound shipments of non-hazardous paper rolls in boxcars. Outbound traffic would be primarily empty boxcars, but there may also be some shipments of waste paper (approximately one carload per week). BNSF expects that the traffic would generally consist of one inbound train per day with approximately 6 to 8 loaded boxcars, with the same train returning to pick up the empties. BNSF currently plans to provide service six days a week.

This letter begins the process by which SEA will assess the environmental effects, both positive and negative, that may be associated with the proposed rail line construction and operation. I am asking for your assistance in determining whether any resources of concern to your agency might be affected by the proposed project. Attached please find two maps showing the location of the proposed project.

Information on issues associated with the at grade crossing at Santa Fe Avenue would be appreciated. We request your response by April 7, 2003 , so that we may be able to schedule any meetings, site visits, or surveys, conduct any necessary follow-up activities, and incorporate your response into the scope of the study, as appropriate. We may contact you prior to this date to discuss the project and schedule a meeting, if this would assist you in your review.

Myra L. Frank & Associates (MFA) is serving as the independent third-party consultant to SEA to assist SEA in the preparation of the environmental document. Please send your comments to:

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street  
Suite 800  
Los Angeles, California 90017

The environmental document will either be an environmental assessment (EA) or environmental impact statement (EIS). SEA's decision on whether to prepare an EA or an EIS will be based in part on comments received in response to this agency consultation letter. SEA will make the environmental document available for review by agencies and the public as required by NEPA and the Board's environmental rules (49 CFR 1105). In reaching its decision, the Board will take into account the environmental document and all environmental comments that are received. If you have any questions, please do not hesitate to contact Gary Petersen, MFA Project Manager, at (213) 627-5376, or Dave Navecky, SEA Project Manager, at (202) 565-1593. Thank you for your assistance.

Sincerely,



Victoria Rutson  
Chief  
Section of Environmental Analysis

Enclosures: 2



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

IN REPLY REFER TO:  
PPN 2958

MAR 27 2003

MAR 31 2003

Mr. Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street, Suite 800  
Los Angeles, California 90017

Dear Mr. Petersen:

Thank you for the opportunity to review the notice of intent to prepare an environmental analysis, pursuant to the National Environmental Policy Act, for the proposed construction and operation of the Quebecor World Rail Extension Project in Merced County, California. The enclosures are intended to assist you in your continued environmental review of this proposal. Future consultation with the U.S. Fish and Wildlife Service (Service) may be required under the Fish and Wildlife Coordination Act if project activities are anticipated to impact jurisdictional wetlands, and/or the Endangered Species Act if project activities are anticipated to affect federally listed species.

Enclosure A provides a list of sensitive species that may occur in or near the project site. Enclosure B describes Federal agencies responsibility under Section 7(a) and (c) of the Endangered Species Act. Enclosure C recommends guidelines for conducting and reporting botanical inventories for federally listed, proposed and candidate plants. Enclosure D recommends general guidelines for identifying and mitigating project impacts to fish, wildlife, and their habitats. The Council on Environmental Quality developed regulations for implementing the National Environmental Policy Act, and defines mitigation to include: (1) avoiding the impact; (2) minimizing the impact; (3) rectifying the impact; (4) reducing or eliminating the impact over time; and (5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain the best way to mitigate adverse biological impacts is avoidance when at all possible.

We encourage you to use these guidelines to develop a comprehensive environmental document that addresses these needs.

Mr. Gary Petersen

2

If you have any questions regarding these comments, please contact Jerry Bielfeldt (Watershed Planning Branch) in the Sacramento Fish and Wildlife Office at (916) 414-6584.

Sincerely,

A handwritten signature in black ink that reads "David L. Harlow (Acting)". The signature is written in a cursive style with a large initial "D".

David L. Harlow  
Acting Field Supervisor

Enclosures

cc:

AES, Portland, OR

Regional Manager, CDFG, Region 4, Fresno, CA (w/o enclosures)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**April 7, 2003**

**Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street, Suite 800  
Los Angeles, CA 90017**

**RE: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company –  
Construction and Operation Exemption – in Merced County, California**

**Dear Mr. Petersen.**

The Environmental Protection Agency (EPA) has reviewed your notification to construct and operate a new rail line to Quebecor World Inc. in Merced County, California. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA has no formal comments on the project notification at this time. Please send two copies of the environmental assessment or environmental impact statement to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at 415-972-3846 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

**Sincerely,**

A handwritten signature in black ink, appearing to read "Nova Blazej". The signature is stylized with a large loop at the end.

**Nova Blazej  
Federal Activities Office**

ENCLOSURE A  
Endangered and Threatened Species that May Occur in  
or be Affected by Projects in the Selected Quads Listed Below  
Reference File No. 1-1-03-SP-1533  
**BNSF Rail Line to Quebecor World Inc., Merced**  
March 21, 2003

QUAD: 422D ATWATER

**Listed Species**

Mammals

- riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) \*
- San Joaquin kit fox, *Vulpes macrotis mutica* (E)

Birds

- bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

- blunt-nosed leopard lizard, *Gambelia (=Crotaphytus) sila* (E)
- giant garter snake, *Thamnophis gigas* (T)

Amphibians

- California tiger salamander, *Ambystoma californiense* (C/E)
- California red-legged frog, *Rana aurora draytonii* (T)

Fish

- delta smelt, *Hypomesus transpacificus* (T)
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

- Conservancy fairy shrimp, *Branchinecta conservatio* (E)
- longhorn fairy shrimp, *Branchinecta longiantenna* (E)
- vernal pool fairy shrimp, *Branchinecta lynchi* (T)
- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- vernal pool tadpole shrimp, *Lepidurus packardii* (E)

Plants

- Colusa grass, *Neostapfia colusana* (T)

**Proposed Species**

Birds

- mountain plover, *Charadrius montanus* (PT)

Invertebrates

Critical habitat, vernal pool invertebrates, *See Federal Register 67:59883 (PX)*

Plants

Critical habitat, vernal pool plants, *See Federal Register 67:59883 (PX)*

**Candidate Species**

Fish

green sturgeon, *Acipenser medirostris* (C)

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

**Species of Concern**

Mammals

San Joaquin (=Nelson's) antelope squirrel, *Ammospermophilus nelsoni* (CA)

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

Merced kangaroo rat, *Dipodomys heermanni dixonii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

Is

tricolored blackbird, *Agelaius tricolor* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

Aleutian Canada goose, *Branta canadensis leucopareia* (D)

Swainson's hawk, *Buteo swainsoni* (CA)

ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

prairie falcon, *Falco mexicanus* (SC)

greater sandhill crane, *Grus canadensis tabida* (CA)

loggerhead shrike, *Lanius ludovicianus* (SC)

Lewis' woodpecker, *Melanerpes lewis* (SC)

long-billed curlew, *Numenius americanus* (SC)

Nuttall's woodpecker, *Picoides nuttallii* (SLC)

white-faced ibis, *Plegadis chihi* (SC)

rufous hummingbird, *Selasphorus rufus* (SC)

## Reptiles

- silvery legless lizard, *Anniella pulchra pulchra* (SC)
- northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
- southwestern pond turtle, *Clemmys marmorata pallida* (SC)
- California horned lizard, *Phrynosoma coronatum frontale* (SC)

## Amphibians

- western spadefoot toad, *Spea hammondi* (SC)

## Fish

- Pacific lamprey, *Lampetra tridentata* (SC)
- longfin smelt, *Spirinchus thaleichthys* (SC)

## Invertebrates

- Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)
- California linderiella fairy shrimp, *Linderiella occidentalis* (SC)
- molestan blister beetle, *Lytta molesta* (SC)

## Plants

- vernal pool (=persistent-fruited, Sacramento) saltbush (=smallscale, saltscale), *Atriplex persistens* (SC) \*
- Merced monardella, *Monardella leucocephala* (SC) \*\*

## KEY:

(E)	<i>Endangered</i>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<i>Threatened</i>	Listed as likely to become endangered within the foreseeable future.
(P)	<i>Proposed</i>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<i>Proposed Critical Habitat</i>	Proposed as an area essential to the conservation of the species.
(C)	<i>Candidate</i>	Candidate to become a <i>proposed</i> species.
(SC)	<i>Species of Concern</i>	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(SLC)	<i>Species of Local Concern</i>	Species of local or regional concern or conservation significance.
(MB)	<i>Migratory Bird</i>	Migratory bird
NMFS	<i>NMFS species</i>	Under the jurisdiction of the National Marine Fisheries Service. Contact them directly.
(D)	<i>Delisted</i>	Delisted. Status to be monitored for 5 years.
(CA)	<i>State-Listed</i>	Listed as threatened or endangered by the State of California.
(*)	<i>Extirpated</i>	Possibly extirpated from this quad.
(**)	<i>Extinct</i>	Possibly extinct.
	<i>Critical Habitat</i>	Area essential to the conservation of a species.

Endangered and Threatened Species that May Occur in or be Affected by  
Projects in the Area of the Following California Counties  
Reference File No. 1-1-03-SP-1533  
**BNSF Rail Line to Quebecor World Inc., Merced**  
March 21, 2003

**MERCED COUNTY**

**Listed Species**

Mammals

- Fresno kangaroo rat, *Dipodomys nitratoides exilis* (E)
- San Joaquin kit fox, *Vulpes macrotis mutica* (E)
- giant kangaroo rat, *Dipodomys ingens* (E)
- riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E)
- riparian brush rabbit, *Sylvilagus bachmani riparius* (E) \*

Birds

- bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

- blunt-nosed leopard lizard, *Gambelia (=Crotaphytus) sila* (E)
- giant garter snake, *Thamnophis gigas* (T)

Amphibians

- California red-legged frog, *Rana aurora draytonii* (T)
- California tiger salamander, *Ambystoma californiense* (C/E)

Fish

- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)
- delta smelt, *Hypomesus transpacificus* (T) \*

Invertebrates

- Conservancy fairy shrimp, *Branchinecta conservatio* (E)
- longhorn fairy shrimp, *Branchinecta longiantenna* (E)
- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- vernal pool fairy shrimp, *Branchinecta lynchi* (T)
- vernal pool tadpole shrimp, *Lepidurus packardi* (E)

Plants

- Colusa grass, *Neostapfia colusana* (T)
- Greene's tuctoria (=Orcutt grass), *Tuctoria greenei* (E)
- Hoover's spurge, *Chamaesyce hooveri* (T)
- San Joaquin Valley Orcutt grass, *Orcuttia inaequalis* (T)
- hairy Orcutt grass, *Orcuttia pilosa* (E)

succulent (=fleshy) owl's-clover, *Castilleja campestris ssp. succulenta* (T)

**Proposed Species**

Birds

mountain plover, *Charadrius montanus* (PT)

Invertebrates

Critical habitat, vernal pool invertebrates, See *Federal Register* 67:59883 (PX)

Plants

Critical habitat, vernal pool plants, See *Federal Register* 67:59883 (PX)

**Candidate Species**

Is

Western yellow-billed cuckoo, *Coccyzus americanus occidentalis* (C) \*

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

green sturgeon, *Acipenser medirostris* (C)

**Species of Concern**

Mammals

Merced kangaroo rat, *Dipodomys heermanni dixonii* (SC)

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

San Joaquin (=Nelson's) antelope squirrel, *Ammospermophilus nelsoni* (CA)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

long-legged myotis bat, *Myotis volans* (SC)

pale Townsend's big-eared bat, *Corynorhinus (=Plecotus) townsendii pallescens* (SC)

short-nosed kangaroo rat, *Dipodomys nitratoides brevinasus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

spotted bat, *Euderma maculatum* (SC)

Is

Aleutian Canada goose, *Branta canadensis leucopareia* (D)

American bittern, *Botaurus lentiginosus* (SC)

American peregrine falcon, *Falco peregrinus anatum* (D)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

California thrasher, *Toxostoma redivivum* (SC)

Costa's hummingbird, *Calypte costae* (SC)  
 Lawrence's goldfinch, *Carduelis lawrencei* (SC)  
 Lewis' woodpecker, *Melanerpes lewis* (SC)  
 Nuttall's woodpecker, *Picoides nuttallii* (SLC)  
 Swainson's hawk, *Buteo Swainsoni* (CA)  
 Vaux's swift, *Chaetura vauxi* (SC)  
 bank swallow, *Riparia riparia* (CA)  
 ferruginous hawk, *Buteo regalis* (SC)  
 greater sandhill crane, *Grus canadensis tabida* (CA)  
 little willow flycatcher, *Empidonax traillii brewsteri* (CA)  
 loggerhead shrike, *Lanius ludovicianus* (SC)  
 long-billed curlew, *Numenius americanus* (SC)  
 oak titmouse, *Baeolophus inornatus* (SLC)  
 olive-sided flycatcher, *Contopus cooperi* (SC)  
 rufous hummingbird, *Selasphorus rufus* (SC)  
 tricolored blackbird, *Agelaius tricolor* (SC)  
 western burrowing owl, *Athene cunicularia hypugaea* (SC)  
 white-faced ibis, *Plegadis chihi* (SC)  
 white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

#### Reptiles

California horned lizard, *Phrynosoma coronatum frontale* (SC)  
 San Joaquin coachwhip (=whipsnake), *Masticophis flagellum ruddocki* (SC)  
 northwestern pond turtle, *Clemmys marmorata marmorata* (SC)  
 silvery legless lizard, *Anniella pulchra pulchra* (SC)  
 southwestern pond turtle, *Clemmys marmorata pallida* (SC)

#### Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)  
 western spadefoot toad, *Spea hammondi* (SC)

#### Fish

Kern brook lamprey, *Lampetra hubbsi* (SC)  
 Pacific lamprey, *Lampetra tridentata* (SC)  
 longfin smelt, *Spirinchus thaleichthys* (SC)  
 river lamprey, *Lampetra ayresi* (SC)

#### Invertebrates

California linderiella fairy shrimp, *Linderiella occidentalis* (SC)  
 Ciervo aegialian scarab beetle, *Aegialia concinna* (SC)  
 Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)

San Joaquin dune beetle, *Coelus gracilis* (SC)  
 molestan blister beetle, *Lytta molesta* (SC)

## Plants

Arburua Ranch jewelflower, *Streptanthus insignis ssp. lyonii* (SC)  
 Boggs Lake hedge-hyssop, *Gratiola heterosepala* (CA)  
 Hall's bush mallow, *Malacothamnus hallii* (=M. fasciculatus) (SLC)  
 Henderson's bent grass, *Agrostis hendersonii* (SC)  
 Hoover's caycadenia, *Calycadenia hooveri* (SLC)  
 Hoover's cryptantha, *Cryptantha hooveri* (SLC)  
 Lost Hills saltbush (=crownscale), *Atriplex vallicola* (SC)  
 Merced monardella, *Monardella leucocephala* (SC) \*\*  
 Merced phacelia, *Phacelia ciliata var. opaca* (SC)  
 San Joaquin spearscale (=saltbush), *Atriplex joaquiniana* (SC)  
 alkali milk-vetch, *Astragalus tener var. tener* (SC)  
 beaked clarkia, *Clarkia rostrata* (SC)  
 brittlescale, *Atriplex depressa* (SC)  
 delta coyote-thistle (=button-celery), *Eryngium racemosum* (CA)  
 hairless allocarya (=popcornflower), *Plagiobothrys glaber* (SC) \*\*  
 heartscale, *Atriplex cordulata* (SC)  
 hispid bird's-beak, *Cordylanthus mollis ssp. hispidus* (SC)  
 interior California (Hospital Canyon) larkspur, *Delphinium californicum ssp. interius* (SC)  
 large-flowered (=flower) linanthus, *Linanthus grandiflorus* (SC)  
 lesser saltscale, *Atriplex minuscula* (SC) \*  
 pincushion navarretia, *Navarretia myersii ssp. myersii* (SC)  
 prostrate navarretia (=prostrate pincushionplant), *Navarretia prostrata* (SC)  
 recurved larkspur, *Delphinium recurvatum* (SC)  
 subtle orache, *Atriplex subtilis* (SLC)  
 valley sagittaria (=Sanford's arrowhead), *Sagittaria sanfordii* (SC)  
 vernal pool (=persistent-fruited, Sacramento) saltbush (=smallscale, saltscale), *Atriplex persistens* (SC)

## Enclosure B

### FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) and (c) OF THE ENDANGERED SPECIES ACT

#### SECTION 7(a) Consultation/Conference

Requires: (1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species; (2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species; and (3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

#### SECTION 7(c) Biological Assessment-Major Construction Activity\*

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action\*\* on listed and proposed species. The process begins with a Federal agency requesting from FWS a list of proposed and listed threatened and endangered species. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may proceed; however, no construction may begin.

We recommend the following for inclusion in the BA: an on-site inspection of the area affected by the proposal which may include a detailed survey of the area to determine if the species or suitable habitat is present; a review of literature and scientific data to determine species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within FWS, State conservation departments, universities and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of indirect effects of the proposal on the species and its habitat; an analysis of alternative actions considered. The BA should document the results, including a discussion of study methods used, and problems encountered, and other relevant information. The BA should conclude whether or not a listed or proposed species will be affected. Upon completion, the BA should be forwarded to our office.

---

\*A construction project (or other undertaking having similar physical impacts) which is a major federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332(2)C).

\*\*"Effects of the action" refers to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.

## ENCLOSURE C

### GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS (September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
  - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species
  - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name
  - c. survey dates and survey methodology(ies)
  - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made
  - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type
  - f. current and historic land uses of the habitat(s) and degree of site alteration
  - g. presence of target species off-site on adjacent parcels, if known
  - h. an assessment of the biological significance or ecological quality of the project site in a local and regional context
5. If target species is(are) found, report results that additionally include:

- a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project
  - b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.
  - c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.
  - d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.
6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.
  7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than three years from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.
  8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.
  9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.

## ENCLOSURE D

The goal of the U.S. Fish and Wildlife Service is to conserve, protect and enhance fish, wildlife, and their habitats by timely and effective provision of fish and wildlife information and recommendations. To assist us in accomplishing this goal, we would like to see the items described below addressed in your environmental documents for the proposed project.

### **Project Description**

The document should very clearly state the purposes of, and document the needs for, the proposed project so that the capabilities of the various alternatives to meet the purposes and needs can be readily determined.

A thorough description of all permanent and temporary facilities to be constructed and work to be done as a part of the project should be included. The document should identify any new access roads, equipment staging areas, and gravel processing facilities which are needed. Figures accurately depicting proposed project features in relation to natural features (such as streams, wetlands, riparian areas, and other habitat types) in the project area should be included.

### **Affected Environment**

The document should show the location of, and describe, all vegetative cover types in the areas potentially affected by all project alternatives and associated activities. Tables with acreage of each cover type with and without the project for each alternative would also be appropriate. We recommend that all wetlands in the project area be delineated and described according to the classification system found in the Service's Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979). The Service's National Wetland Inventory maps would be one starting point for this effort, but updated information may be needed.

The document should present and analyze a full range of alternatives to the proposed project. In an effort to fully comply with the Clean Water Act and meet the Federal government's goal of no net loss of wetlands, at least one alternative should be designed to avoid all impacts to wetlands, including riparian areas. Similarly, within each alternative, measures to minimize or avoid impacts to all habitats (wetlands, riparian areas, grasslands, oak woodlands, etc.) should be included.

Lists of fish and wildlife species expected to occur in the project area should be in the document. The lists should also indicate for each species whether it is a resident or migrant, and the time of year it would be expected in the project area.

### **Environmental Consequences**

The sections on impacts to fish and wildlife should discuss impacts from vegetation removal (both permanent and temporary), filling or degradation of wetlands, interruption of wildlife migration corridors, and disturbance from trucks and other machinery during construction and/or operation. These sections should also analyze possible impacts to streams from construction of outfall structures, pipeline crossings, and filling. Impacts on water quality, including nutrient

loading, sedimentation, toxins, biological oxygen demand, and temperature in receiving waters should also be discussed in detail along with the resultant effects on fish and aquatic invertebrates. Discussion of indirect impacts to fish, wildlife, and their habitats, including impacts from growth induced by the proposed project, should also be addressed in the document. The impacts of each alternative should be discussed in sufficient detail to allow comparison between the alternatives.

The cumulative impacts of the project, when viewed in conjunction with other past, existing, and foreseeable projects, needs to be addressed. Cumulative impacts to fish, wildlife and habitats, including water quality, should be included.

### **Mitigation Planning.**

Under provisions of the Fish and Wildlife Coordination Act, the Service advises and provides recommendations to Federal agencies planning water development activities or permitting such activities. These Federal agencies are to consult with the Service and give equal consideration to the conservation and rehabilitation of fish and wildlife resources with other project purposes. When reviewing proposed activities, the Service generally does not object to projects meeting the following criteria:

- They are ecologically sound;
- 2. The least environmentally damaging reasonable alternative is selected;
- 3. Every reasonable effort is made to avoid or minimize damage or loss of fish and wildlife resources and uses;
- 4. All important recommended means and measures have been adopted, with guaranteed implementation to satisfactorily compensate for unavoidable damage or loss consistent with the appropriate mitigation goal; and
- 5. For wetlands and shallow water habitats, the proposed activity is clearly water dependent and there is a demonstrated public need.

The Service may recommend the "no project" alternative for those projects which do not meet all of the above criteria, and where there is likely to be a loss of fish and wildlife resources.

When projects impacting fish and wildlife resources are deemed acceptable to the Service, we recommend full mitigation for any impacts to fish and wildlife habitat. The Council on Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to

represent the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether.

Project documentation should include a mitigation plan that describes all measures proposed to avoid, minimize, or compensate for impacts to fish and wildlife and their habitats. The measures should be presented in as much detail as possible to allow evaluation of their probable effectiveness.

To determine mitigation credits available for unavoidable impacts, future conditions on the mitigation site, absent any mitigation, are estimated and then compared to conditions expected to develop as a result of implementing the mitigation plan.

Mitigation habitat should be equal to or exceed the quality of the habitat to be affected by the project. Baseline information would need to be gathered at the impact site to be able to quantify this goal, such as plant species diversity, shrub and tree canopy cover, number of stems per acre, tree height, etc. Judging the ultimate success of the project should include success of mitigation, which should use these same measurements at the mitigation site as standards of comparison. Mitigation success criteria should aim toward equaling or exceeding the quality of the highest quality habitat to be affected. In other words, the mitigation effort would be deemed a success in relation to this goal if the mitigation site met or exceeded target habitat measurements (plant cover, density, species diversity, etc.).

Criteria should be developed for assessing the progress of mitigative measures during their developmental stages as well. Assessment criteria should include rates of plant growth, plant health, and evidence of natural reproduction.

The plan should present the proposed ground elevations at the mitigation site, along with elevations in the adjacent areas. A comparison of the soils of the proposed mitigation and adjacent areas should also be included in the plan, and a determination made as to the suitability of the soils to support habitats consistent with the mitigation goals.

Because of their very high value to migratory birds, and ever-increasing scarcity in California, our mitigation goal for wetlands (including riparian and riverine wetlands) is no net loss of in-kind habitat value or acreage, whichever is greater. As a result of their high value and reliance on suitable hydrological conditions, wetlands require development of additional information on the predicted hydrology of the mitigation site. The plan should describe the depth of the water table, and the frequency, duration, areal extent, and depth of flooding which would occur on the site. The hydrologic information should include an analysis of extreme conditions (drought, flooding) as well as typical conditions.

A mitigation plan must include a timeframe for implementing the mitigation in relation to the proposed project. We recommend that mitigation be initiated prior to the onset of construction. If there will be a substantial time lag between project construction and completion of the

mitigation, a net loss of habitat values would result, and more mitigation would be required to offset this loss.

Generally, monitoring of the mitigation site should occur annually for at least the first five years, biennially for years 6 through 11, and every five years thereafter until the mitigation has met all success criteria. Remedial efforts and additional monitoring should occur if success criteria are not met during the first five years. Some projects will require monitoring throughout the life of the project. Reports should be prepared after each monitoring session.

The plan should require the preparation of "as-built" plans. Such plans provide valuable information, especially if the mitigation effort fails. Similarly, a "time-zero" report should be mandated. This report would describe exactly what was done during the construction of the mitigation project, what problems were encountered, and what corrections or modifications to the plans were undertaken.

The plan should detail how the site is to be maintained during the mitigation establishment period, and how long the establishment period will be. It will also be important to note what entity will perform the maintenance activities, and what entity will ultimately own and manage the site. In addition, a mechanism to fund the maintenance and management of the site should be established and identified. A permanent easement should be placed on the property used for the mitigation that would preclude incompatible activities on the site in perpetuity.

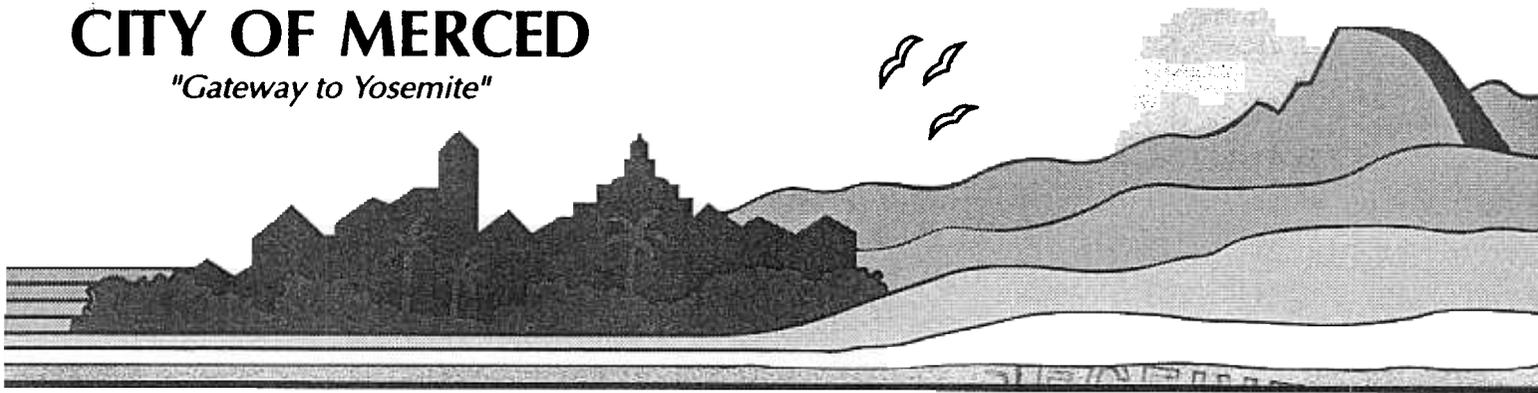
Finally, in some cases, a performance bond may be required as part of the mitigation plan. The amount of the bond should be sufficient to cover the costs of designing and implementing an adequate mitigation plan (and purchasing land if needed) should the proposed plan not succeed.

#### Reference:

Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. FWS/OBS-79/31. U.S. Fish and Wildlife Service, Washington, D.C. 103 pp.

# CITY OF MERCED

"Gateway to Yosemite"



(209) 385-6834 • (209) 723-1780 FAX MAR 31 2003

March 27, 2003

Gary Petersen, Project Manager  
Myra L. Frank & Associates, Inc.  
811 West 7th Street, Suite 800  
Los Angeles, CA 90017

RE: Finance Docket No. 34305, Burlington Northern and Santa Fe Railway Company -  
Construction and Operation Exemption -- in Merced County, California; Spur to  
serve Quebecor World Inc.

Dear Mr. Petersen:

We have received a letter dated March 4, 2003 from Victoria Rutson, Chief, Section of Environmental Analysis, of the Office of Economics, Environmental Analysis and Administration of the Surface Transportation Board, Washington, D.C. The letter advised the City of Merced to direct any comments regarding a proposed spur line connection from the Burlington Northern and Santa Fe (BNSF) main line to Quebecor to your office.

The City strongly urges the preparation of an environmental impact statement (EIS) since there are significant issues that must be addressed at this location. The proposed spur is shown on the enclosed Figure A-2, sent to us by Ms. Rutson. The spur would cross a parallel Union Pacific track and then Santa Fe **Avenue**, a lightly traveled road running on the southwest side of the tracks. A very heavily traveled arterial, Santa Fe **Drive**, is located parallel on the northeast side of the main railroad line and connects to Olive Avenue, one of the City's main east-west arterials, at Highway 59. The spur is not proposed to cross Santa Fe Drive, but resulting operations could impact traffic at the intersection of Olive and Highway 59. Any operations involving diverting rail cars to the proposed spur must not block traffic at Highway 59 or in other locations within the City. BNSF's current surface operations already significantly disrupt the major north-south arterial road system within the City, and the City is concerned about further disruption.

Gary Petersen, Project Manager

Page 2

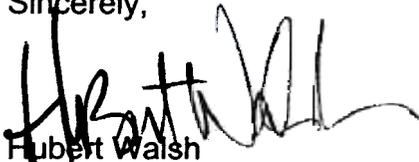
March 27, 2003

The City requests that the environmental analysis address traffic circulation and access to the area north of Black Rascal Creek currently served by Santa Fe Avenue. This is a proposed light industrial area. Access for emergency fire response must be maintained to this area. The City is willing to discuss mitigation measures as outlined in the notes attached from the Development Review Committee meeting of March 20, 2003. Steve Hamilton, representing Merced County Department of Public Works, attended this meeting and his comments are incorporated.

Further, Burlington Northern and Santa Fe Railway Company has recently increased the elevation of their main line track at M Street within the City of Merced. This has left the approaches in an unsatisfactory condition and the crossing in an unsafe condition. BNSF has been notified on numerous occasions, yet has failed to make the needed corrections. The City would expect BNSF to take a more cooperative approach with regard to all activities in the City.

If you have any questions, please call David Tucker, City Engineer, at (209) 385-6846.

Sincerely,



Hubert Walsh  
Mayor

Enclosures: Letter, Victoria Rutson, STB, to Jack Lesch, City of Merced  
Figure A-2, attachment to original Ruston letter  
Minutes, Development Review Committee meeting of March 20, 2003

Cc/w enc: Jim Marshall, City Manager  
Jack Lesch, Director of Development Services  
John Raggio, Director of Public Works Operations  
Ken Mitten, Fire Chief  
Tony Dossetti, Police Chief  
John Hoffman, Principal Planner  
Steve Hamilton, Merced County Public Works Department  
Lena Kent, Burlington Northern Santa Fe Railroad  
Hector Valdepena, Burlington Northern Santa Fe Railroad

## *DEVELOPMENT REVIEW (March 20 , 2003)*

Discussion also included Steve Hamilton representing Merced County Public Works.

### *Steve Hamilton noted:*

- 1 There has been expansion of the waste water ponds in recent years (within the overall area bounded by the El Capitan canal on the west, the City of Merced Western Industrial Area/Black Rascal Creek on the south/east, and Santa Fe Road/Avenue on the north)
- 2 The entire area described in 1. above, including the as yet undeveloped portions, is zoned M-1 (Light Industrial) in the County
- 3 The recent County subdivision approved adjacent to (on the south side) Santa Fe Road/Avenue (El Capitan Meadows) has no access onto that road; this was done to direct that traffic away from the existing Beachwood Drive/Santa Fe Road/ Dan Ward Road intersection (within the immediate vicinity of an intersection with Santa Fe Drive, too) – the access to Santa Fe Drive in this vicinity is projected to be cut off in the future, with traffic from the immediate area carried westward on Dan Ward Road to the major north-south Franklin Road
- 4 Vehicle traffic connected with the waste water ponds uses Santa Fe Road/Avenue for access at this time
- 5 There has already been a recent traffic evaluation done of Santa Fe Road/Avenue, which reportedly shows traffic movements twice a day, towards Merced during early morning peak hour and away from Merced during afternoon peak along this road
- 6 The movements in 5. above are from people out of the immediate area; there is only one dwelling located between the El Capital Canal and Black Rascal Creek; it has direct access onto Santa Fe Road/Avenue

### *Observations made by City staff:*

- 7 Fire Chief Mitten noted that there are at least 2-3 grass-type fires each year which begin in the County M-1 area west of Black Rascal Creek but which spread eastward into the City's industrial area; County Fire uses Santa Fe Road/Avenue to access the area for these blazes – City Fire uses Santa Fe Road/Avenue to access the area for these fires when they spread, and also for accessibility to the rear (North Side) of the Quebecor complex
- 8 In the event Santa Fe Road/Avenue is closed to through public traffic, there will still need to be a way for fire equipment from both City and County to access the

general area via this road; suggestions for prospective access included a chain and padlock or locked gate

9. Concern about the viability of the Santa Fe Road/Avenue bridge over Black Rascal Creek, which is in relatively poor condition at this time – apparently has a weight limit imposed upon it, and concern about use of it by large fire vehicles (noted by Fire Chief that County Fire currently uses the bridge several times a year; nonetheless, the concern remains as to whether its condition will necessitate repairs in the foreseeable future, even if it's use were limited to fire apparatus)
10. **Key concern:** If any future spur line is operated from the BNSF tracks in this area, agreement has to be reached with the railroad that no spur activity will take place at any time that will require other rail traffic on the main line to be held up within the Merced urban area {ie, that will shut off/affect any of the major (“G”, “M”, “R” or Highway 59/Olive ) rail crossings}. Any necessary adjustments will be made elsewhere in the region, such as in Planada.

*Prospective options to review in conjunction with any review of:*

- A. Santa Fe Road/Avenue closed to through public traffic, retaining only emergency vehicle access – in this connection, the existing Santa Fe Road/Avenue bridge over the Creek needs to be evaluated, to see if it would require any renovation to keep it viable in the foreseeable future for City/County Fire Department access – necessary steps for insuring acceptable closure to the public but access by public safety to be borne by railroad (vs. costs saved for eliminated crossing equipment) which may included turnaround west of bridge, signs indicating “no outlet-dead-end road”, equipment to keep public out at east (Highway 59) end while allowing Fire Dept. access, etc.)
- B. Shift the beginning of the spur line further northward, which could require the spur to cross the Creek (however, crossing might be a culvert versus a bridge; the culvert crossing could be for both the spur and emergency vehicle access)
- C. Re-directing Santa Fe Road/Avenue southward to connect to Cooper Avenue, in order to provide needed access to the County M-1 zoning west of the Creek along the south side of the existing road (a caveat to this – if Beachwood is ultimately closed off from Santa Fe Drive, this would potentially leave only the possible roadway as convenient access into the extended industrial area west of the Creek, in case a public emergency cut off the Cooper Avenue connection, which would mean the area would be cut off from emergency access within any kind of acceptable time-frame; in this connection, the option should also be evaluated that, without acceptable access to the future (County) M-1, that property should be re-zoned to something else requiring only circuitous access).

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942898  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax (916) 653-9824  
calshpo@mail2.quiknet.com



March 19, 2003

REPLY TO: STB030307A

Victoria Rutson, Chief  
Section of Environmental Analysis  
U.S. Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423-0001

Re: Construction and Operation Exemption - The Burlington Northern and Santa Fe Railway Company, Merced, Merced County, California.

Dear Ms. Rutson:

Thank you for submitting to our office your March 4, 2003 letter and supporting documentation regarding the proposed construction and operation of an approximately 850-foot rail line near the City of Merced in Merced County, California. The proposed rail line would connect the Quebecor World Inc. (Quebecor) printing and distribution facility in Merced with Burlington Northern and Santa Fe Railroad's existing Stockton Subdivision mainline between Stockton and Bakersfield, California.

The U.S. Surface Transportation Board (STB) is seeking our comments on its proposed undertaking in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. Our review of the submitted documentation leads us to recommend that the STB do the following to fulfill its responsibilities for the identification and evaluation of historic resources for this project as set forth in 36 CFR 800:

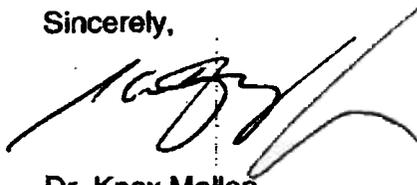
- Establish an Area of Potential Effects (APE) for the project that will determine the scope of the undertaking and its potential to effect historic properties
- Identify and provide information on any historic properties that may be affected by the project and gather sufficient information to evaluate the eligibility of these properties for the National Register of Historic Places (NRHP). This information should include information on the age of the property, its historical significance, if any, as well as historical and/or current photographs of the property.

This letter represents neither acknowledgement that the STB has consulted with the State Historic Preservation Officer (SHPO) under any applicable law or regulation nor evidence of satisfactory STB compliance with Section 106 for the undertaking.

We are prepared to provide such evidence in writing after we receive correspondence from STB requesting our comments on its determination that a geographic area associated with this undertaking either does not contain historic properties or does contain historic properties that will not be affected.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at [ccaes@ohp.parks.ca.gov](mailto:ccaes@ohp.parks.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Knox Mellon', with a long, sweeping horizontal stroke extending to the right.

Dr. Knox Mellon  
State Historic Preservation Officer



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922  
March 17, 2003

Regulatory Branch (200300136)

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7th Street, Suite 800  
Los Angeles, California 90017

Dear Mr. Petersen:

This letter concerns Financial Docket No. 34305 request for information for the proposed Burlington Northern and Santa Fe Railway's 850-foot rail line connecting the Quebecor World Inc. printing and distribution facility with the BNSF mainline. This project is located in Section 14, Township 7 South, Range 13 East, M.D.B.& M., Merced, Merced County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

After reviewing the provided information, it appears the project implementation may require Department of the Army authorization. The construction of your rail line may result in the discharge of dredged or fill material into a swale adjacent to Black Rascal Creek and may require approval of the District Engineer prior to starting work.

In designing your rail line, every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

It is the Corps' understanding that the Surface Transportation Board is the Federal lead agency and will insure the work complies with the Endangered Species Act, the National Historic Preservation Act and any applicable Federal laws.

Please refer to identification number 200300136 in any future correspondence concerning this project. If you have any questions, please write to me at the letterhead address, or email [Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil), or telephone 916-557-7772.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. Haley". The signature is written in a cursive style with a large, stylized initial "N".

Nancy A. Haley  
Chief, San Joaquin Valley Office

# **MID** MERCED IRRIGATION DISTRICT

March 14, 2003

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street  
Suite 800  
Los Angeles, Calif. 90017

**Re: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company (BNSF) – Construction and Operation Exemption – in Merced County, California; Request for Information**

Dear Mr. Petersen:

The Merced Irrigation District (MID) has reviewed the above referenced request and offers the following comments:

MID holds a 40-foot wide fee strip known as the Merced Lateral "A-2" obtained from C. H. L. & W. Co. as recorded in Volume 12, Official Records, at Page 1, February 1, 1922, Merced County Records, located between Quebecor World Inc. and the Santa Fe mainline. The proposed spur line would have to cross over said fee strip. There are currently no physical remnants of the lateral that once occupied the 40-foot wide fee strip.

MID respectfully requests the Surface Transportation Board require, as conditions of approval, the following:

That BNSF enter into a "Crossing Agreement" with the MID to allow the proposed spur to transverse MID's fee strip. Another option would be to have the surrounding property owners petition the MID to purchase the fee strip. Since the conversion of previously agricultural lands to commercial and industrial uses in this area, the fee strip is no longer utilized for transporting irrigation water and no lateral currently exists at this site.

Thank you for the opportunity to comment on the above referenced request. If you have any questions, please contact me at 722-5761.

Sincerely,



Rory Randol  
Facilities Specialist

cc: Ross Rogers, General Manager  
Robert Acker, Director of Facilities and Planning  
Hicham ElTal, Manager of Engineering - Water Resources  
Ron Price, Associate Engineer

**MID** MERCED IRRIGATION DISTRICT

MAR 17 2003

March 14, 2003

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street, Suite 800  
Los Angeles, CA 90017

RE: Notice

Dear Gary,

The proposed spur will cross over Merced Irrigation District's primary trench as noted on sketch. Approve depth 32". Please coordinate construction with Merced Irrigation District's Distribution Planner, Jay Hoag. He can be reached at The District Headquarters at 209-722-5761.

Thank you.



Steven C. Dunn  
Engineering/Operations Manager  
Merced Irrigation District

**SURFACE TRANSPORTATION BOARD**

Washington, DC 20423

RECEIVED  
MAR 11 2003

Office of Economics, Environmental Analysis, and Administration  
MERCED IRRIGATION DISTRICT

March 4, 2003

Ross Rogers  
General Manager  
Merced Irrigation District  
744 W. 20th Street  
Merced, CA 95340

Re: Finance Docket No. 34305, The Burlington Northern and Santa Fe Railway Company - Construction and Operation Exemption - in Merced County, California; Request for Information

Dear Ross Rogers:

On January 14, 2003, The Burlington Northern and Santa Fe Railway (BNSF or the Applicant) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority to construct and operate a new rail line to Quebecor World Inc. in Merced County, California (CA). The project would involve an approximately 850-foot rail line that would connect the Quebecor World Inc. (Quebecor) printing and distribution facility in Merced, CA with BNSF's existing Stockton Subdivision mainline between Stockton and Bakersfield, CA. Pursuant to the National Environmental Policy Act (NEPA) and the Board's environmental rules, the Board's Section of Environmental Analysis (SEA) will prepare an environmental document that evaluates the potential environmental impacts of the proposed project. The purpose of this letter is to request information from the Merced Irrigation District on the resources under your jurisdiction within the project area that the project could potentially affect, as well as any permits and approvals required for project construction.

The proposed 850-foot rail line would connect Quebecor with the BNSF mainline, thereby providing Quebecor, which is presently served by the Union Pacific Railroad (UP), with competitive service. Quebecor is the leading print media services company in North America and in the world. It owns and operates the printing facility in Merced, CA, which is the largest printing facility on the West Coast. The proposed rail connection would be located in the northern portion of the City of Merced, in an area used primarily for agricultural and industrial activities. No residences or recreation lands are in the immediate vicinity.

The proposed line would cross an existing UP loop track and one public road, Santa Fe Avenue, at grade. Santa Fe Avenue is a two-lane light density road maintained by the City of Merced. The road crossing would utilize active warning devices. Both crossings would be designed in accordance with industry standards, customs and practices.

CC. CENTRAL FILE

The line would be used to transport inbound shipments of non-hazardous paper rolls in boxcars. Outbound traffic would be primarily empty boxcars, but there may also be some shipments of waste paper (approximately one carload per week). BNSF expects that the traffic would generally consist of one inbound train per day with approximately 6 to 8 loaded boxcars, with the same train returning to pick up the empties. BNSF currently plans to provide service six days a week.

This letter begins the process by which SEA will assess the environmental effects, both positive and negative, that may be associated with the proposed rail line construction and operation. I am asking for your assistance in determining whether any resources of concern to your agency might be affected by the proposed project. Attached please find two maps showing the location of the proposed project.

Information on any additional issues or concerns that you consider appropriate would be appreciated. We request your response by April 7, 2003, so that we may be able to schedule any meetings, site visits, or surveys, conduct any necessary follow-up activities, and incorporate your response into the scope of the study, as appropriate. We may contact you prior to this date to discuss the project and schedule a meeting, if this would assist you in your review.

Myra L. Frank & Associates (MFA) is serving as the independent third-party consultant to SEA to assist SEA in the preparation of the environmental document. Please send your comments to:

Gary Petersen  
Myra L. Frank & Associates, Inc.  
811 West 7<sup>th</sup> Street  
Suite 800  
Los Angeles, California 90017

The environmental document will either be an environmental assessment (EA) or environmental impact statement (EIS). SEA's decision on whether to prepare an EA or an EIS will be based in part on comments received in response to this agency consultation letter. SEA will make the environmental document available for review by agencies and the public as required by NEPA and the Board's environmental rules (49 CFR 1105). In reaching its decision, the Board will take into account the environmental document and all environmental comments that are received. If you have any questions, please do not hesitate to contact Gary Petersen, MFA Project Manager, at (213) 627-5376, or Dave Navecky, SEA Project Manager, at (202) 565-1593. Thank you for your assistance.

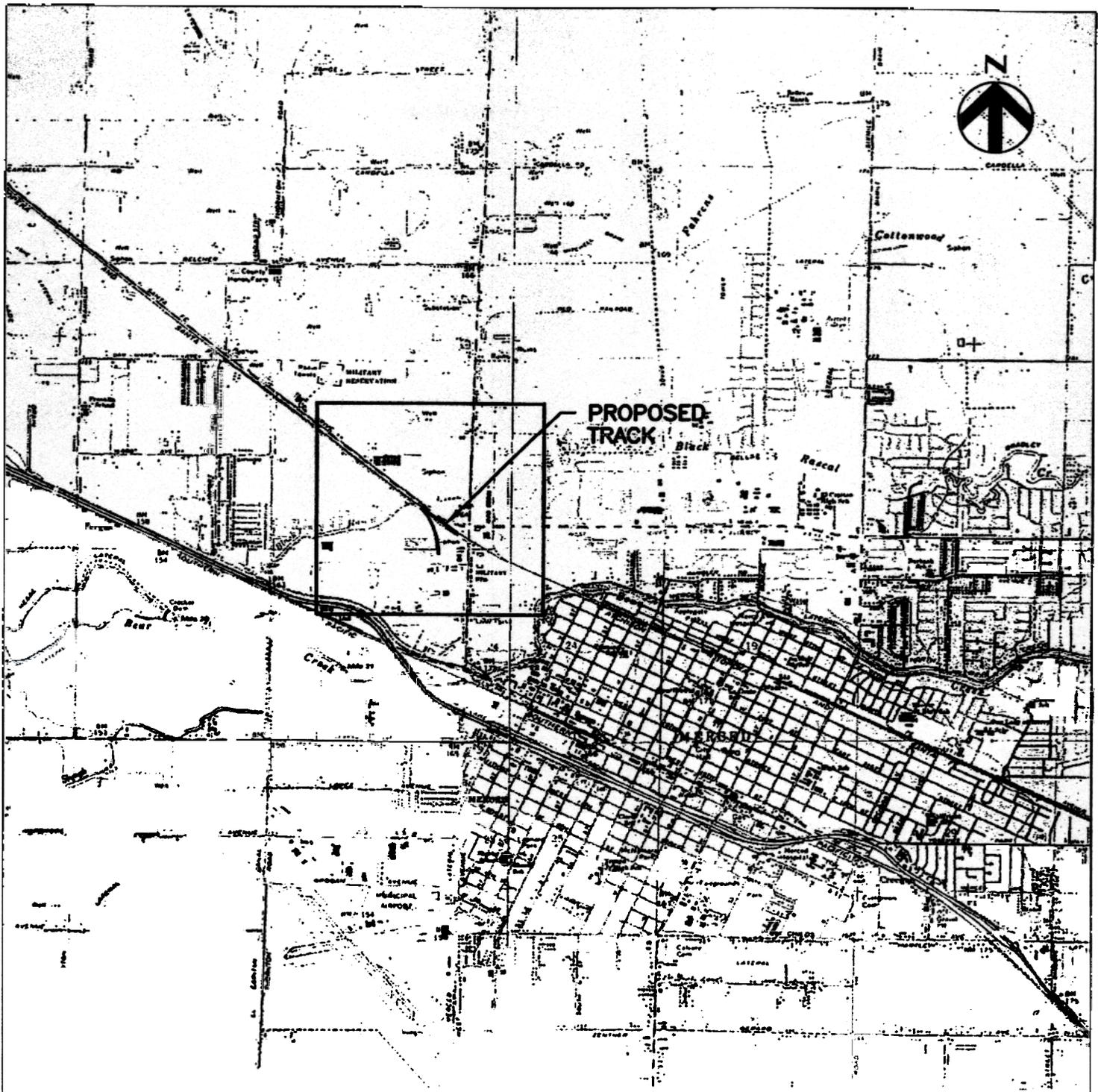
Sincerely,



Victoria Rutson  
Chief  
Section of Environmental Analysis

Enclosures: 2





**PROPOSED TRACK**



**BNSF**



**BURLINGTON NORTHERN  
AND SANTA FE  
RAILWAY COMPANY  
ENVIRONMENTAL BACKGROUND**



1 inch = 4000 feet

**PROJECT LOCATION  
PROPOSED TRACK TO SERVE  
QUEBECOR INDUSTRIES - MERCED  
DECEMBER, 2001**

**Figure A-1**

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