#### DEPARTMENT OF TRANSPORTATION

DISTRICT 8
OFFICE OF RIGHT OF WAY
464 W. 4<sup>TH</sup> STREET, MS-950
SAN BERNARDINO, CA 92401
PHONE (909) 888-4690
FAX (909) 388-6877
TTY (909) 383-6300



July 27, 2018

Vincent Mammano, California Division Administrator. Federal Highway Administration 650 Capital Mall, Suite 4-100 Sacramento, CA 95814 08-SBD-058-P.M. 6.27-6.78 and 7.76-8.85 Parcel No's. 21064-1 and 21080-1 E.A. 0E850 Federal Public Land Deed of Conveyance

Attention: Joseph Vaughn, Realty Specialist

The Department of Transportation requested a D.O.T. Federal Public Land Deed of Conveyance from the United States Department of the Interior, Bureau of Land Management (BLM), pursuant to U.S.C. Title 23; Highways, Section 317 and Section 107(d) requesting the appropriation of public lands of the United States within the State of California for the purpose of issuing a right-of-way use document to construct, operate, maintain, and terminate a widening of the median on State Route 58, adding rumble strips, widen and upgrade shoulders, and extend drainage, which contains 18.768 acres.

Enclosed please find the Letter of Consent and a final draft of the highway easement deed that needs to be executed after your review for sufficiency. Enclosed you will also find the ten stipulations found on the body of the deed as well as attached to the Letter of Consent. They have been reviewed by our office and found acceptable.

Once your review has been completed we ask that the deed be forwarded to the FHWA office, attention Joseph Vaughn, for further processing. Thank you.

Should you need additional documentation to aid in this review, aside from the enclosed, let me know and I will send the documents to you electronically:

- Copies of the recorded application maps.
- Copies of the Initial Study with Mitigated Negative Declaration/Environmental Assessment and Initial Site Assessment Checklist.

Once the deed has been executed, we ask that it be returned to:

Thomas O'Neil
Senior Right of Way Agent
Office of Project Delivery
Division of Right of Way & Land Surveys
Caltrans Headquarters
1120 N Street, MS 37
Sacramento, CA 95814

If you have any questions about this request or the deed, I can be reached at (909) 888-4690 or via email at Aidee. Arpon@dot.ca.gov.

Sincerely,

Aidee Arpon

Associate Right of Way Agent And Federal Lands Coordinator District 8 Office of Right of Way, Acquisitions

Enclosures

RECORDING REQUESTED BY

When Recorded Mail To

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION 464 W. 4th STREET, 6th FLOOR SAN BERNARDINO, CA 92401-1400 Attention Record Maps- MS 980

FREE RECORDING:

This instrument is for the benefit of The State of California, and is entitled to be recorded without fee or tax. (Govt. Code 6103, 27383 and Rev. & Tax Code 11922)

Space above this line for Recorder's Use

# HIGHWAY EASEMENT DEED (New Construction)

District	County	Route	Postmile	Number
08	SBd	58	6.27-6.78 7.76-8.85	21064-1 & 21080-1

This Deed is made on \_\_\_\_\_\_, 20 , by and between the United States of America, acting by and through the Department of Transportation, Federal Highway Administration (GRANTOR), and the State of California, Department of Transportation (GRANTEE).

### **RECITALS**

- GRANTEE has filed an application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317 and/or Section 107(d)), for the right-of-way of a highway over certain federal land in the State of California under the jurisdiction of the United States Department of the Interior, Bureau of Land Management (FEDERAL AGENCY), which land has been appropriated by GRANTOR.
- 2. The Federal Highway Division Administrator, pursuant to delegation of authority from the Secretary of Transportation and Federal Highway Administrator, has determined that an easement over the federal land covered by the application is reasonably necessary for a right-of-way for the construction, operation and maintenance of State Route 08 SBd 58, post mile 6.27-6.78 and 7.76-8.85.
- 3. FEDERAL AGENCY, in its consent to the appropriation of the federal land, has agreed to the transfer by GRANTOR of an easement over the federal land to GRANTEE.
- 4. GRANTEE, with respect to activities related to the federal land, agrees that (a) no person shall, on the grounds of race, color, national origin, sex, age, disability, or religion be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to the GRANTEE's operations, programs, or activities conducted on the federal land; and (b) GRANTEE shall use the federal land so conveyed in compliance with all requirements imposed by or pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d to 2000d-4) and all applicable civil rights provisions of other Federal statutes.

NOW THEREFORE, GRANTOR does hereby grant to GRANTEE an easement for a right-of-way for the construction, operation, and maintenance of a highway and use of the space above and below the established grade line of the

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Number

21064-1 & 21080-1

highway pavement for highway purposes on, over, across, in, and upon the following described federal land in the County of San Bernardino, State of California described as:

### **DESCRIPTION**

Township 10 North, Range 6 West, SAN BERNARDINO MERIDIAN, according to the U.S. Government Plat approved January 12, 1857 and the Supplemental U.S. Government Plat for Section 4 approved July 24, 1957.

<u>Section</u>	<u>Subdivision</u>
2	S 1/2 SW 1/4
3	N 1/2 SE 1/4
4	Lots 119-130, N ½ N ½ N ½ SW ¼

The land described above is depicted on Exhibit "A," attached and made a part hereof, and shown as Parcel Number(s) 21064-1 and 21080-1 on Sheets 1 through 4, recorded on September 16, 2010 as Document No. 2010-0380074 in Book 17, Pages 36 through 39 of State Highway Maps in the Office of the County Recorder of said County.

The attached real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act in the State of California.

Signature

Professional Land Surveyor

Date

Trent
Lenfestey
Exp: 12/31/2019

PLS 8351

21064-1 & 21080-1

This transfer is subject to the following terms and conditions:

- 1. If outstanding valid claims exist on the date of this use authorization, the State agency shall obtain such permission as may be necessary on account of any such claims.
- 2. The use right herein authorized is limited to the described right-of-way and the space above and below for highway purposes and does not include any use rights for non-highway purposes.
- 3. Retention of rights by BLM to use, or authorize use on, any portion of the right-of-way for non-highway purposes provided such use would not interfere with the free flow of traffic, impair the full use and safety of the highway, or be inconsistent with the provisions of Title 23 of the United States Code and the FHWA regulations pursuant thereto, and the FHWA and the State agency concerned shall be consulted prior to exercising such rights.
- 4. The use right herein authorized shall terminate 10 years, or sooner if agreed upon, from the date of execution of the transfer document by FHWA to the State in the event construction of a highway or use of the material site has not been initiated during such period.
- Location by BLM of any Bureau information signs on the portions of the right-of-way outside of construction clearing limits except that such signs shall not be located on the right-of-way of an Interstate System.
- 6. Consistent with highway safety standards, the State agency shall:
  - a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.
  - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation and maintenance of the highway.
  - c. Vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary prior to completion of the highway and shall maintain terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.

21064-1 & 21080-1

- 8. Establish no sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way, unless shown on approved construction plans, without obtaining approval of the BLM authorized Officer.
- 9. Application of chemicals shall be pursuant to the National Environmental Policy Act and shall be approved by FHWA prior to application by the State.
- 10. The provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 242) shall be complied with.

	21067-1 & 21080-1
Joann Georgallis, Attorney at Law, State ractice law in the State of California, and hereby certify the Signature	e of California, Department of Transportation, am duly licensed to hat this deed is legally sufficient for its stated purpose.  August 7,2018  Date
IN WITNESS WHEREOF, I,	, Division Administrator, pursuant to delegations of authority ighway Administrator, by virtue of authority in me vested by law, year first above written.
	UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION
	By California Division Administrator
THIS IS TO CERTIFY, that the State of California, acti	ng by and through the Department of Transportation (pursuals for public purposes the real property described in this dec

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and consents to its recordation.

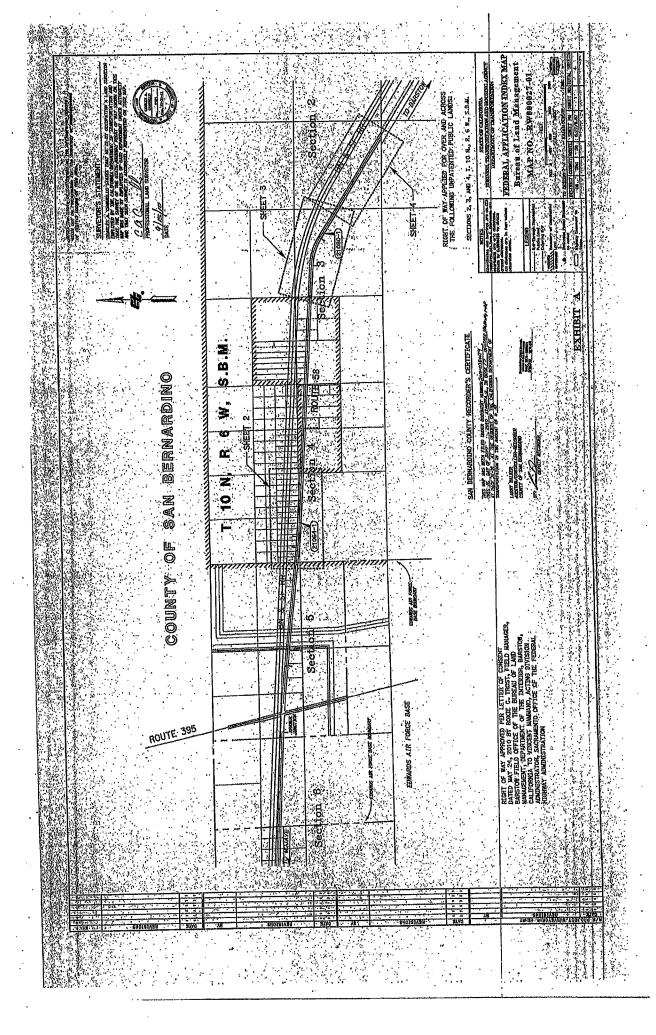
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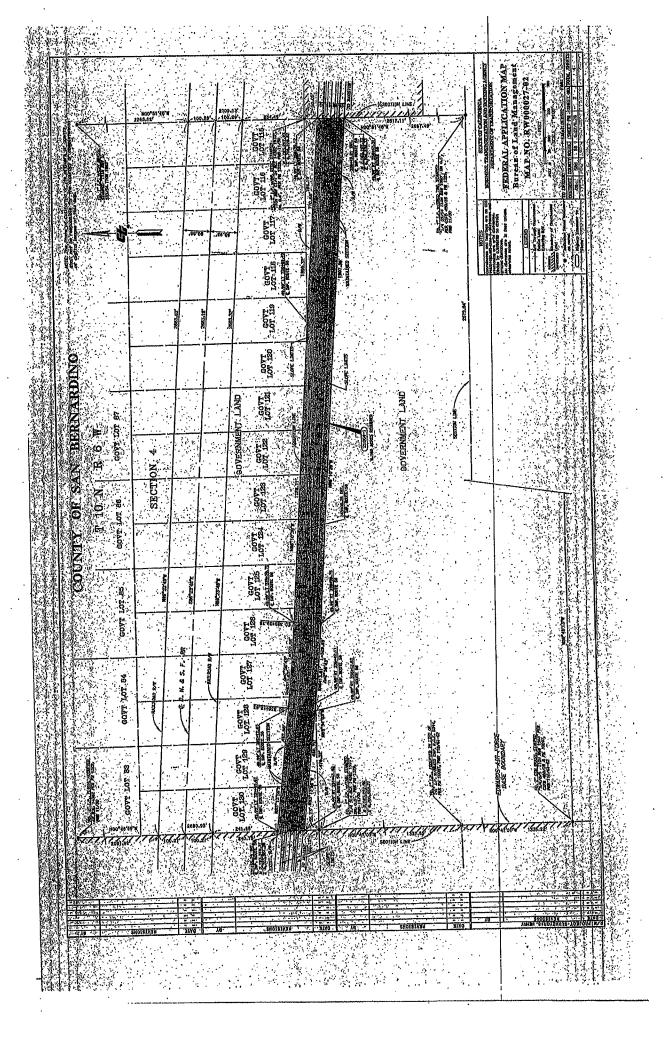
**Director of Transportation** 

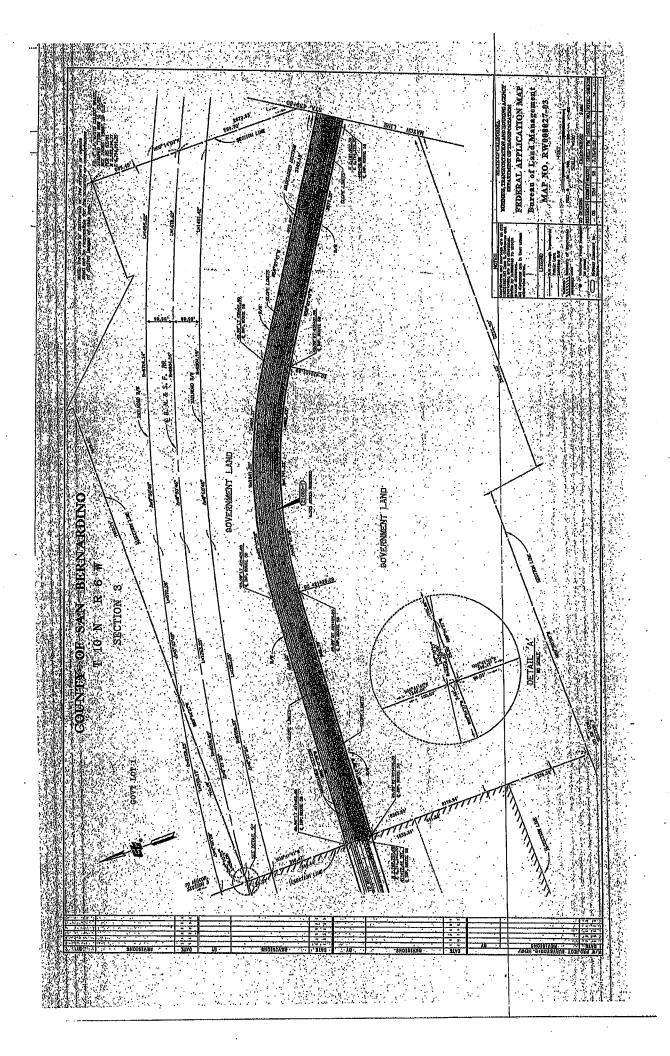
**Attorney in Fact** 

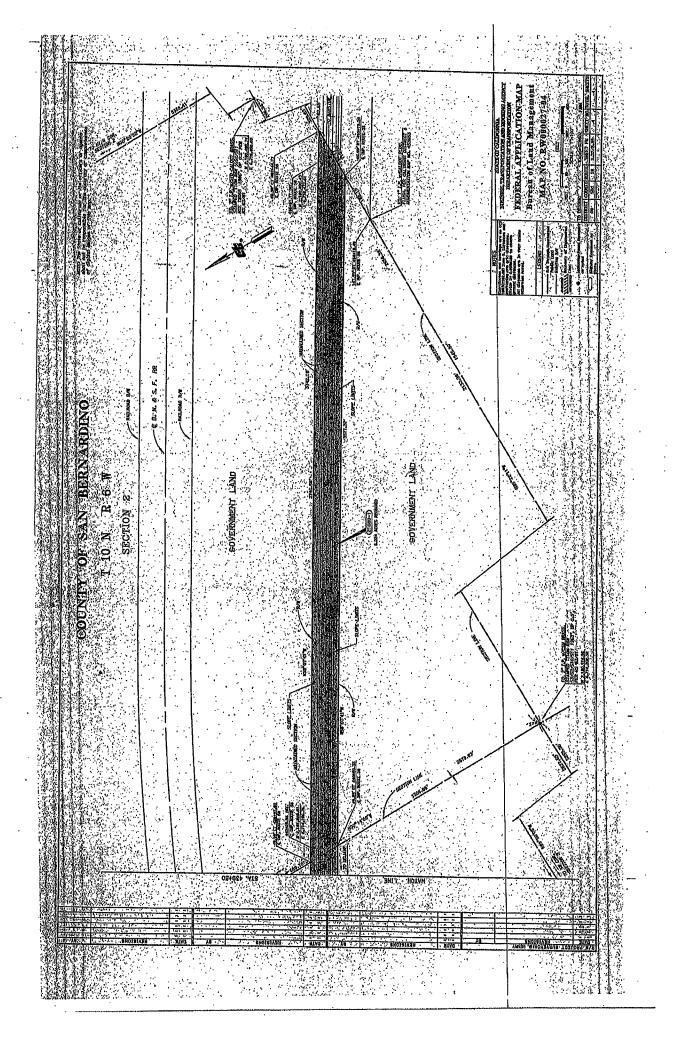
By

Number











### Federal Highway Administration California Division

June 15, 2010

650 Capitol Mall, Suite 4-100 Sacramento CA 95814 (916) 498-5001 (916) 498-5008 fax

> In Reply Refer To: HDA-CA File #: 414

Mr. Anthony Rizzi
California Department of Transportation
San Bernardino Field office, District 8
464 W. 4<sup>th</sup> St.
San Bernardino, Ca. 92401

Dear Mr. Rizzi:

### SUBJECT: LETTER OF CONSENT - SAFETY IMPROVEMENT ON STATE ROUTE 58

Enclosed for your action is a Letter of Consent from the Field Manager of the Bureau of Land Management consenting to the appropriation and transfer of public lands of the United States within the state of California for the purpose of issuing a right -of-way use document along State Route 58 in San Bernardino County, California.

To complete this action, we ask that the necessary Highway Easement Deed now be prepared. It must include those special stipulations, appropriate mapping and legal description requested by the BLM letter of May 25, 2010. Following review by the Department's legal staff, the deed package should be forwarded to this office for review and final approval as to legal sufficiency. The deed will then be signed and accepted on behalf of the United States of America by our Division Administrator, Mr. Walter Waidelich Jr, and returned to your office for recording.

Sincerely,

Vincent Mammano

Acting Division Administrator





### **United States Department of the Interior**

BUREAU OF LAND MANAGEMENT
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
www.blm.gov/ca/barstow



In Reply Refor To: 2805(P) CACA-\$2003 CA-680.26

Vincent Mammano
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Subject: Letter of Consent HDA-CA, File #414 - Safety Improvements on State Route 58

Dear Mr. Mammano:

Request has been received for the appropriation of public lands of the United States within the State of California for the purpose of issuing a right-of-way use document to construct, operate, maintain, and terminate a widening of the median on State Route 58, adding rumple strips, widen and upgrade shoulders, and extend drainage, which contains 18.768 acres to the California State Highway Department pursuant to U.S.C. Title 23: Highways, Section 317.

The area requested, comprising 18.768 acres, lies in:

San Bernardino Base Meridian, San Bernardino County, California

Township 10 North, Range 6 West; Section 2, S1/2SW1/4; Section 3, N1/2SE1/4; Section 4, Lots 119-130, N1/2N1/2N1/2SW1/4;

In accordance with the provisions of the Interagoncy Agreement between the Burcau of Land Management (BLM) and the Federal Highway Administration (FHWA), the BLM agrees to the appropriation and transfer of the above describe lands for the foregoing purposes subject to the following conditions, stipulations for which must be included in the right-of-way use document issued to the California State Highway Department, agreed upon by the State, and enforced by the FHWA:

- If outstanding valid claims exist on the date of this use authorization, the State agency shall obtain such permission as may be necessary on account of any such claims.
- The use right herein authorized is limited to the described right-of-way and the space above and below for highway purposes and does not include any use rights for non-highway purposes.

- 3. Retention of rights by BLM to use, or authorize use on, any portion of the right-of-way for nonhighway purposes provided such use would not interfere with the free flow of traffic, impair the full use and safety of the highway, or be inconsistent with the provisions of Title 23 of the United States Code and the FRIWA regulations pursuant thereto, and the FRWA and the State agency concerned shall be consulted prior to excreising such rights.
- 4. The use right herein authorized shall terminate 10 years, or sooner if agreed upon, from the date of execution of the transfer document by FHWA to the State in the event construction of a highway or use of the material site has not been initiated during such period,
- 5. Location by BLM of any Bureau information signs on the portions of the right-of-way outside of construction clearing limits except that such signs shall not be located on the right-of-way of an Interstate System.
- 6. Consistent with highway safety standards, the State agency shall:
  - Protect and preserve soil and vegetative cover and seenic and aesthetic values on the rightof-way outside of construction limits.
  - Provide for the prevention and control of soil erosion within the right-of-way and adjacent. lands that might be affected by the construction, operation and maintenance of the highway.
  - Vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary prior to completion of the highway and shall maintain terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction
- 8. Establish no sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way, unless shown on approved construction plans, without obtaining approval of the BLM authorized Officer.
- 9. Application of chemicals shall be pursuant to the National Environmental Policy Act and shall be approved by FHWA prior to application by the State.
- 10. The provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 242) shall be complied with.

Should you have any questions please contact Richard Rotte, Realty Specialist, at (760) 252-6026.

Sincerely,

Roxic C. Trost

Role C. Front

Field Manager

## ROAD WIDENING FROM KERN COUNTY LINE TO 5.7 MILES EAST OF KRAMER JUNCTION

SAN BERNARDINO COUNTY, CALIFORNIA DISTRICT 08-SBd-SR 58-PM R0.00/R11.1 EA 08-0E8500

## Initial Study with Mitigated Negative Declaration/Environmental Assessment



Prepared by the State of California Department of Transportation

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



March 2008

SCH # 200712114 08-SBd-58-PM R0,0/R11.1 08-0E8500

### SAFETY WIDENING FROM KERN COUNTY LINE TO 5.7 MILES EAST OF KRAMER JUNCTION

Widen State Route 58 from the Kem County Line to 5.7 miles east of Kramer Junction (US-395/SR-58), to provide a 4-ft median, and 8-ft shoulders and for the installation of rumble strips.

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

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

THE STATE OF CALIFORNIA Department of Transportation

Ernest∙A. Figueroá **Deputy District Director** 

Division of Environmental Planning California Department of Transportation, District 8

## Mitigated Negative Declaration Pursuant to: Division 13, Public Resources Code

### **Project Description**

The California Department of Transportation (Department) plans to widen State Route 58 from the Kern County line to 5.7 miles east of Kramer Junction (the intersection of US Highway 395 [US-395] and State Route [SR-58]), to provide a 4-ft median and 8-ft shoulders and for the installation of rumble strips. The improvements are intended to reduce the high incidence of accidents at this location and to improve the overall safety of the facility.

#### Determination

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

The project would have no effect on Air Quality, Farmland/Timberland, Noise, Paleontology, Community Cohesion, Hydrology and Floodplains, Water Quality, and Cultural Resources.

In addition, the project would have no significant effect on Land Use, Visual/Aesthetic Resources. Utilities, and Hazardous Waste and Materials.

The project would have no significantly adverse effect on Biological Resources, because the following mitigation measure would reduce potential effects to insignificance:

• 4.85 acres of land would be mitigated at a 3:1 ratio for a total of 14.55 acres. 8.54 acres of desert tortoise critical habitat would be mitigated at a 5:1 ratio for a total of 42.7 acres. In total, 57.75 acres of mitigation land would be purchased.

Ernest A. Figueroa
Deputy District Directo

Division of Environmental Planning

California Department of Transportation, District 8

Date

## CALIFORNIA DEPARTMENT OF TRANSPORTATION FINDING OF NO SIGNIFICANT IMPACT

FOR

Road Widening From Kern County Line to 5.7 miles East of Kramer Junction SR-58 PM R0.0 / R11.1

The California Department of Transportation (Department) has determined that Alternative 2 will have no significant impact on the human environment. Alternative 2 consists of widening the roadbed to provide a 4-ft median, 8-ft shoulders, and installing rumble strips. In addition, existing shoulders would be widened to current standards to improve recovery zones. No improvements will be made in Kramer Junction or within 25 feet from the centerline of the BNSF Railway crossing. Temporary traffic control measures would be placed on both ends of the construction limits, with work limits of PM R0.0/R11.1.

This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment (EA) and the associated Technical Studies, which have been independently evaluated by the Department and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The Department takes full responsibility for the accuracy, scope, and content of the attached EA and associated Technical Studies.

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

3/28/08

Date

Ernest A. Figueroa

Deputy District Director

Division of Environmental Planning

California Department of Transportation, District 8

## INITIAL SITE ASSESSMENT (ISA) CHECKLIST

strict 8 County SBD Rie 5	58 . <sup>PM</sup>	R0.00/R13.8	0	E./	0E8500
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roject Engineer PAT HALLY		Telephone	909-388-499	2	······································
nvironmental Coordinator TISA RODR	IGUEZ	Telephone 909-388-6310		0	
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ROSANNA ROA, MS 824 DISTRICT 8 HAZARDOUS WASTE COORDINATOR 909-383-5917