FINAL ENVIRONMENTAL ASSESSMENT/FINDING OF NO SIGNIFICANT IMPACT

BAKERSFIELD AREA NATIONAL CEMETERY
TEJON RANCH, KERN COUNTY, CALIFORNIA

Prepared for

Department of Veterans Affairs
Office of Facilities Management
810 Vermont Avenue, NW
Washington, DC 20420

April 27, 2007

URS

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DEPARTMENT OF VETERANS AFFAIRS

FINDING OF NO SIGNIFICANT IMPACT FOR THE BAKERSFIELD AREA NATIONAL CEMETERY TEJON RANCH, KERN COUNTY, CALIFORNIA

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Parts 1500 through 1508), and 36 CFR Part 26.4(a), *Environmental Effects of the Department of VA Actions*, the Department of Veterans Affairs (VA), has prepared this Environmental Assessment (EA) to evaluate and document the potential environmental effects associated with the construction and operation of a new national cemetery in the Bakersfield, California, area.

BACKGROUND

The National Cemetery Expansion Act (Public Law [PL] 108-109) requires the Department of Veterans Affairs (VA) to establish six national cemeteries in specific areas of the United States by 2007. Bakersfield, California, was designated as one of the six areas to receive a national cemetery. Construction of the Bakersfield cemetery is needed to fulfill VA's obligations under PL 108-109, as well as to meet the VA National Cemetery Administration's (NCA) goal to provide all eligible United States veterans with reasonable access to VA burial options.

The VA NCA identified the proposed action, the construction and operation of a new national veteran's cemetery in the Bakersfield area, as the best way to meet the purpose and need for action. Under the Proposed Action, a new national cemetery for eligible veterans and their family members would be constructed in phases on about 500 acres of land donated by the Tejon Ranch Company in Kern County, California. The site for the new national cemetery will be selected from a 2,000-acre project area in the northern portion of the Tejon Ranch located on a lower plateau of the Tehachapi Mountain foothills. Site 1 consists of an approximately 502-acre parcel in the northern portion of the Tejon Ranch, southwest of the intersection of SR 223 and SR 58. Site 2 consists of an approximately 496-acre parcel in the northern portion of the Tejon Ranch, southeast of the intersection of SR 223 and SR 58. A master plan to guide the development of the proposed cemetery would be prepared by VA. Development of the cemetery would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period.

The No Action Alternative was also evaluated in the EA. Under the No Action Alternative, construction of the Bakersfield Area National Cemetery would not occur on the donated Tejon Ranch parcel. VA would have to acquire another site for construction of the cemetery to comply with PL 108-109 and provide burial services to eligible veterans and their family members in the Bakersfield area.

DECISION

The decision to issue a Finding of No Significant Impact is based on the following factors:

- No significant environmental impact is anticipated as a result of the construction and operation of a national cemetery in the Bakersfield area.
- All requirements of the National Historic Preservation Act of 1966, as amended, will be met to ensure that any potential adverse effects to archaeological resources on the site selected for the Bakersfield Area National Cemetery site will be avoided or mitigated.

FINDING OF NO SIGNIFICANT IMPACT

Upon reviewing the EA, I find that the implementation of the proposed action as described would not constitute a major Federal action that would have significant impact upon the quality of the human environment within the meaning of Section 102(2c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement for the proposed action is not required. This statement has been prepared in accordance with NEPA 1969, as amended.

Frederick J. Neun
Acting Director
Office of Construction Management
National Cemetery Administration
Department of Veterans Affairs
Date: 4-27-07

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AP	Alquist-Priolo
APE	Area of Potential Effects
ASTM	American Society for Testing Materials
ATCM	Airborne Toxic Control Measures
CAA	Clean Air Act
CARB	California Air Resources Board
CEO	Chief Executive Officer
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Act Information System
CDFG	California Department of Fish and Game
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CORRACTS	RCRA Corrective Action Site
CWA	Clean Water Act
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
ERNS	Emergency Response Notification System
FPPA	Farmland Protection Policy Act
LQG	Large-Quantity Generator
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NCA	National Cemetery Administration
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRHP	National Register of Historic Places
PL	Public Law
PRC	Public Resources Code
RCRA	Resource Conservation and Recovery Act
RCRIS	RCRA Information System
SHPO	State Historic Preservation Office

SHWS	State Hazardous Waste Site
SQG	Small-Quantity Generator
SR	State Route
SSJVIC	Southern San Joaquin Valley Information Center
TRC	Tejon Ranch Company
TSD	Transportation-Storage-Disposal
UBC	Uniform Building Code
USFWS	U.S. Fish and Wildlife Service
UST	Underground Storage Tank
VA	Department of Veterans Affairs
VELB	Valley elderberry longhorn beetle
WRCB	California Water Resources Control Board

The National Cemetery Administration (NCA) of the United States Department of Veterans Affairs (VA) has prepared an Environmental Assessment (EA) of the potential environmental consequences of constructing and operating a new national cemetery in the Bakersfield, California, area.

Purpose and Need for Action

The National Cemetery Expansion Act (Public Law [PL] 108-109) requires the Department of Veterans Affairs (VA) to establish six national cemeteries in specific areas of the United States. Bakersfield, California, was designated as one of the six areas to receive a national cemetery. Construction of the Bakersfield cemetery is needed to fulfill VA's obligations under PL 108-109, as well as to meet VA NCA's goal to provide all eligible United States veterans with reasonable access to VA burial options. Reasonable access is considered to mean that an open national or state veterans' cemetery is located within 75 miles of a veteran's place of residence. It is estimated that nearly 187,000 veterans reside in the 75-mile radius surrounding Bakersfield, California. Currently, the veterans in this area do not have reasonable access to a national or state veterans' cemetery.

Alternatives Considered

VA NCA identified the proposed action, the construction and operation of a new national veteran's cemetery in the Bakersfield area, as the best way to meet the purpose and need for action. Under the Proposed Action, a new national cemetery for eligible veterans and their family members would be constructed in phases on about 500 acres of land donated by the Tejon Ranch Company in Kern County, California. The site for the new national cemetery will be selected from a 2,000-acre project area in the northern portion of the Tejon Ranch located on a lower plateau of the Tehachapi Mountain foothills. Site 1 consists of an approximately 502-acre parcel in the northern portion of the Tejon Ranch, south of the intersection of SR 223 and SR 58 on the northwest side of SR 223. Site 2 consists of an approximately 496-acre parcel in the northern portion of the Tejon Ranch, south of the intersection of SR 223 and SR 58 on the southeast side of SR 223. VA would prepare a master plan to guide the development of the proposed cemetery. Development of the cemetery would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period. VA has selected Site 1 for construction of the Bakersfield Area National Cemetery.

The No Action Alternative is also evaluated in this EA. Under the No Action Alternative, construction of the Bakersfield Area National Cemetery would not occur on the donated Tejon Ranch parcel. VA would have to acquire another site for construction of the cemetery to comply with PL 108-109 and provide burial services to eligible veterans and their family members in the Bakersfield area.

Consequences of the No Action Alternative

Based on the evaluation contained herein, no environmental impacts would be associated with the No Action Alternative. The use of other cemeteries in Bakersfield or elsewhere could create a hardship for the veterans' families and friends for attending funerals and for gravesite visitations. Lack of space in the nearest veterans' cemeteries might force veterans' families to use a private

cemetery. If veterans and their families must utilize private burial options, they would be deprived of the benefit, honor, and privilege bestowed upon them by a grateful nation for their service to their country. Furthermore, VA NCA would fail to meet its mission and congressional mandate to serve veterans concentrated in the Bakersfield area.

Consequences of the Proposed Action Alternative

Under the Proposed Action Alternative, impacts to a particular alternative site would occur only to the site chosen for implementation of the proposed action.

Geology, Soils, Topography, and Geologic Hazards

One outcrop containing ultramafic rock in Site 1 was observed during field reconnaissance. No asbestos minerals were observed in the outcrop, but their presence cannot be ruled out. Ultramafic rock may also be present at locations across Sites 1 and 2. Site design would avoid development or disturbance in areas where ultramafic rock was identified. If areas of ultramafic rock are avoided, then compliance with the California Air Resources Board's (CARB's) regulation pertaining to Asbestos ATCM for Construction, Grading, Quarrying, and Mining Operations may not be required. If the site design cannot exclude areas of ultramafic rock or naturally occurring asbestos, or if naturally occurring asbestos is discovered during construction, then the site construction and associated burial excavations would be subject to CARB regulation of naturally occurring asbestos. This regulation requires projects with areas of disturbance over 1 acre to conduct soil analysis and a dust mitigation plan in accordance with CARB guidelines.

A large portion of Site 2 is affected by either surface faulting related to the White Wolf Fault or by mass wasting (landslides or debris flows). As such, development in this area would be at substantial risk for damage due to ground surface disruption or tectonic fault rupture. Site 2 would require further investigation to locate the fault with precision and determine appropriate development setbacks.

Site development and burial activities would disturb site soils and could lead to wind or water soil erosion. To mitigate the potential for erosion impacts (and related impacts to water and air resources), appropriate construction best management practices would be implemented.

Topography of the selected site would be altered by grading for burial areas, roads, parking areas, building pads, detention ponds, and service facilities; however, extensive topographic alteration is considered undesirable in cemetery development. In general, topographic impacts at either of the alternative sites would not be significant.

Air Quality

Under the proposed action at either alternative site, emissions from fuel-burning internal combustion engines could temporarily increase levels of some pollutants associated with the construction of the cemetery, access road, and the parking lot. To reduce the emission of pollutants, fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained. Intermittent, short-term increases of some pollutants will also be associated with periodic burials over a 30-year period due to the use of small scale excavation equipment. The same precautions utilized during the initial construction phase will be followed during periodic burial procedures.

California regulates airborne naturally occurring asbestos. Statewide control measures require soil and rock analysis, prohibit the use of ultramafic rock for unpaved surfacing, and control dust emissions from construction and grading in areas that contain ultramafic rock. If possible, site design would avoid development or disturbance in areas where ultramafic rock is identified. If areas of ultramafic rock are avoided, then compliance with the CARB regulation of naturally occurring asbestos may not be required. If the site design cannot exclude areas of ultramafic rock or naturally occurring asbestos, or if naturally occurring asbestos is discovered during construction, then the site construction and associated burial excavations would be subject to CARB regulation of naturally occurring asbestos.

Surface Water, Groundwater, Floodplains, and Wetlands

The Proposed Action could alter site drainages depending on grading and site design. The site design would need to consider drainage pathways and seeps to prevent development or grave placement in wet areas. During construction, best management practices (BMPs) for erosion and sediment control would be established to protect surface water drainages.

Groundwater is potentially available at the project area, and in quantities needed to support cemetery functions; however additional groundwater studies would be conducted on the selected site. Under the Proposed Action, a well permit must be obtained for construction of a groundwater well.

No alteration of the 100-year floodplain would occur because 100-year floodplains are not designated in the project area.

Jurisdictional wetlands may be associated with surface water drainages, and appropriate wetland delineation and permitting would occur prior to site planning and development. Impacts to wetlands would be avoided or minimized during cemetery design.

Vegetation and Wildlife, Threatened and Endangered Species

Under the Proposed Action, habitat removed from areas used for buildings and roads would be permanently lost; habitat removed for gravesite development would be replaced with maintained grasses suitable for a national veterans' cemetery. VA would retain native trees where possible. Because the majority of the project area consists of grassland and would remain grassland after cemetery construction, significant adverse impacts to vegetation and wildlife at the selected site are not anticipated to result from cemetery development.

The grasslands at the proposed sites represent a corridor for wildlife passage from the San Joaquin Valley. No adverse effect is anticipated because the development will not block passage for wildlife; no large structures or roadways will be constructed. The cemetery uses would be passive and generally similar to the existing landscape.

Under the Proposed Action, vegetation on the selected site would be cleared in areas to be developed for cemetery buildings and gravesites. Vegetation removal could negatively impact habitat that could be utilized by the federally protected Valley elderberry longhorn beetle (VELB). The Mexican elderberry, the VELB host plant, was observed along drainages in the project area. Once an alternative site is selected, a survey would be conducted for Mexican elderberry, the VELB host plant, to identify specific areas where this plant occurs. The U.S. Fish and Wildlife Service would be consulted and avoidance and minimization measures would be

developed. Significant adverse impacts to the VELB at the selected site are not anticipated to result from cemetery development.

Cultural Resources

The Southern San Joaquin Valley Information Center (SSJVIC) of the California Archaeological Inventory reported that there are no historic properties (archaeological sites or built environment features) within the project area. No historic structures are anticipated to be affected by cemetery development at either site. Archaeological resources could be impacted by cemetery development. Upon site selection, a Phase I archaeological survey would need to be conducted to determine if any potentially significant archaeological resources would be adversely affected by cemetery development. If impacts to archaeological resources are anticipated, consultation with the State Historic Preservation Office would be initiated and avoidance and minimization measures would be developed. With appropriate avoidance, minimization, and mitigation, significant adverse impacts to archaeological resources at the selected site are not anticipated to result from cemetery development.

Noise and Visual Resources, Community Services, Land Use and Zoning, Utilities

Noise levels would increase temporarily during construction of the visitor center and Phase I of the National Cemetery. Noise from cemetery operations would be minor and would not affect sensitive receptors because there are none within Tejon Ranch or in the vicinity of the project area.

Although the cemetery development would create a change in the existing viewshed, the adjacent ridgelines and lowlands would likely obscure some of the development, softening the overall impact of site development on either alternative site.

Under the Proposed Action, fire, police, and EMS services would not be affected since the number of employees and visitors associated with the cemetery would be insignificant compared to the overall population served.

Under the Proposed Action, land use and zoning would change. A formal re-zoning request would need to be submitted and approved by Kern County for the selected site.

The Proposed Action, at either alternative site, would require potable water, sewage disposal, electricity, and telephone service. It is not anticipated that the construction of the Bakersfield National Cemetery would negatively impact the area's utilities.

Local and Regional Economics

The local and regional economics of the area would not be affected from the small percentage of property tax lost due to either project site becoming federal land. Some slight economic benefits to the local economy are anticipated due to the creation of jobs at the National Cemetery and influx of visitors who spend money to visit the cemetery.

Demographics and Environmental Justice

The construction of a National Cemetery at either site will likely not have significant short-term or long-term impacts to the area's demographics.

There is a large population of minorities within California, Kern County, and the City of Arvin. However, the construction and operation of a National Cemetery in the Bakersfield area would have no impact on these populations and would benefit all populations in the area.

Transportation, Parking, and Traffic

The overall traffic impacts on SR 58 and SR 223 are not anticipated to be significant, although SR 223 would experience an increase in traffic from vehicles traveling to the cemetery. The current condition of SR 223 would be evaluated to determine whether the route can accommodate a steady flow of traffic to the cemetery. SR 223 is slated for future expansion to four lanes (see Caltrans letter dated February 2, 2006, in Appendix B). Additionally, traffic lights on Route 58 to allow for safe vehicle entry and exit from SR 223 may be necessary. Parking would be adequate for staff, visitor, and vendor use requirements.

Solid and Hazardous Wastes

No impacts resulting from the presence of solid and hazardous waste material are anticipated from development of the cemetery on either site.

Cumulative Impacts

Cumulative impacts are related primarily to groundwater consumption and habitat conversion. According to the Kern County Department of Planning and Development, there are several new developments underway about 25 miles south of the Proposed Action sites on the southern portion of Tejon Ranch: Tejon Mountain Village, the Centennial Project, and Tejon Industrial Complex East. In general, the developments are located far enough away from the cemetery that significant cumulative impacts to groundwater are unlikely. In terms of habitat loss, the cemetery would convert existing grassland to similar grassland habitat after development. Therefore, even though the southern portion of Tejon Ranch would undergo substantial grassland conversion through other proposed developments, it is unlikely that the cemetery would increase this conversion substantially. No significant cumulative effect with regards to grassland habitat loss is expected

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The National Cemetery Administration (NCA) is one of three administrations within the Department of Veteran's Affairs (VA). VA NCA is responsible for the operation and maintenance of 122 national cemeteries and the construction of new national cemeteries. VA NCA is also responsible for providing cemetery services to veterans and other eligible persons pursuant to the provisions of the National Cemeteries Act of 1973 and other statutory authority and regulations.

This EA was prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508, and VA regulations (38 CFR 26.4[a]). VA policy includes provisions to:

- Act with care in carrying out its mission of providing services for veterans to ensure it does so consistently with national environmental policies. Specifically, VA shall ensure that all practical means and measures are used to protect, restore, and enhance the quality of the human environment.
- Avoid or minimize adverse environmental consequences, consistent with other national policy considerations.
- Prepare concise and clear environmental documents which shall be supported by documented environmental analyses.
- Preserve historical, cultural, and natural aspects of our national heritage.

VA NCA will use this EA as part of their planning process to identify and consider the potential environmental consequences of constructing and operating a new national veterans' cemetery in the Bakersfield, California, area. URS Group, Inc. (URS) prepared the EA on behalf of VA NCA, based on VA NCA-provided information, a site reconnaissance in March 2005, and data obtained from interviews, websites, regulatory agency personnel, newspaper articles, previous studies and reports, and other readily available sources of information.

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2.0 PROJECT BACKGROUND

On November 11, 2003, the President signed the National Cemetery Expansion Act (Public Law [PL] 108-109) that requires the Department of Veterans Affairs (VA) to establish six national cemeteries in specific areas of the United States. Bakersfield, California, was designated as one of the six areas to receive a national cemetery. VA began the search for an appropriate parcel of land in December 2003, and on January 21, 2004, Mr. Robert Stine, President and Chief Executive Officer (CEO) of Tejon Ranch Company, offered to donate a parcel of up to 500 acres in the northern portion of the Tejon Ranch for use as the Bakersfield Area National Cemetery.

The National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500 through 1508), and 36 CFR Part 26.4(a), *Environmental Effects of the Department of VA Actions*, directs VA to fully understand and take into consideration during decision making the environmental consequences of proposed federal actions (projects). In compliance with NEPA and its implementing regulations, VA prepared this Environmental Assessment (EA) to analyze potential environmental impacts associated with several alternatives designed to meet the stated purpose and need.

2.1 PURPOSE AND NEED FOR ACTION

The purpose of constructing the Bakersfield cemetery is to fulfill VA's obligations under PL 108-109, as well as to meet VA NCA's goal to provide all eligible United States veterans with reasonable access to VA burial options. Reasonable access is considered to mean that an open national or state veterans' cemetery is located within 75 miles of a veteran's place of residence. This cemetery is needed in the Bakersfield area because it is estimated that nearly 187,000 veterans reside in the 75-mile radius surrounding Bakersfield, California. Currently, the veterans in this area do not have reasonable access to a national or state veterans' cemetery. Without this cemetery, VA's Public Law mandate would not be met, nor the needs of veterans.

2.2 PROJECT LOCATION

The proposed project is located on property owned by Tejon Ranch in Kern County, about 30 miles east of Bakersfield and 18 miles northwest of Tehachapi, California (Figure 1). The project area is located in the northern portion of Tejon Ranch, south of the intersection of State Route (SR) 58 and SR 223. The No Action Alternative and the Proposed Action Alternative are evaluated in this Draft EA. The Proposed Action is being considered at one of two alternative sites - Site 1 is on the northwest side of SR 223 and Site 2 is on the southeast side of SR 223 (Figure 2). The landscape consists of hilly grassland intermixed with oak woodland. The Tehachapi Mountains lie to the east with the southern extent of Central Valley agricultural land lying to the south, west, and north of the project area.

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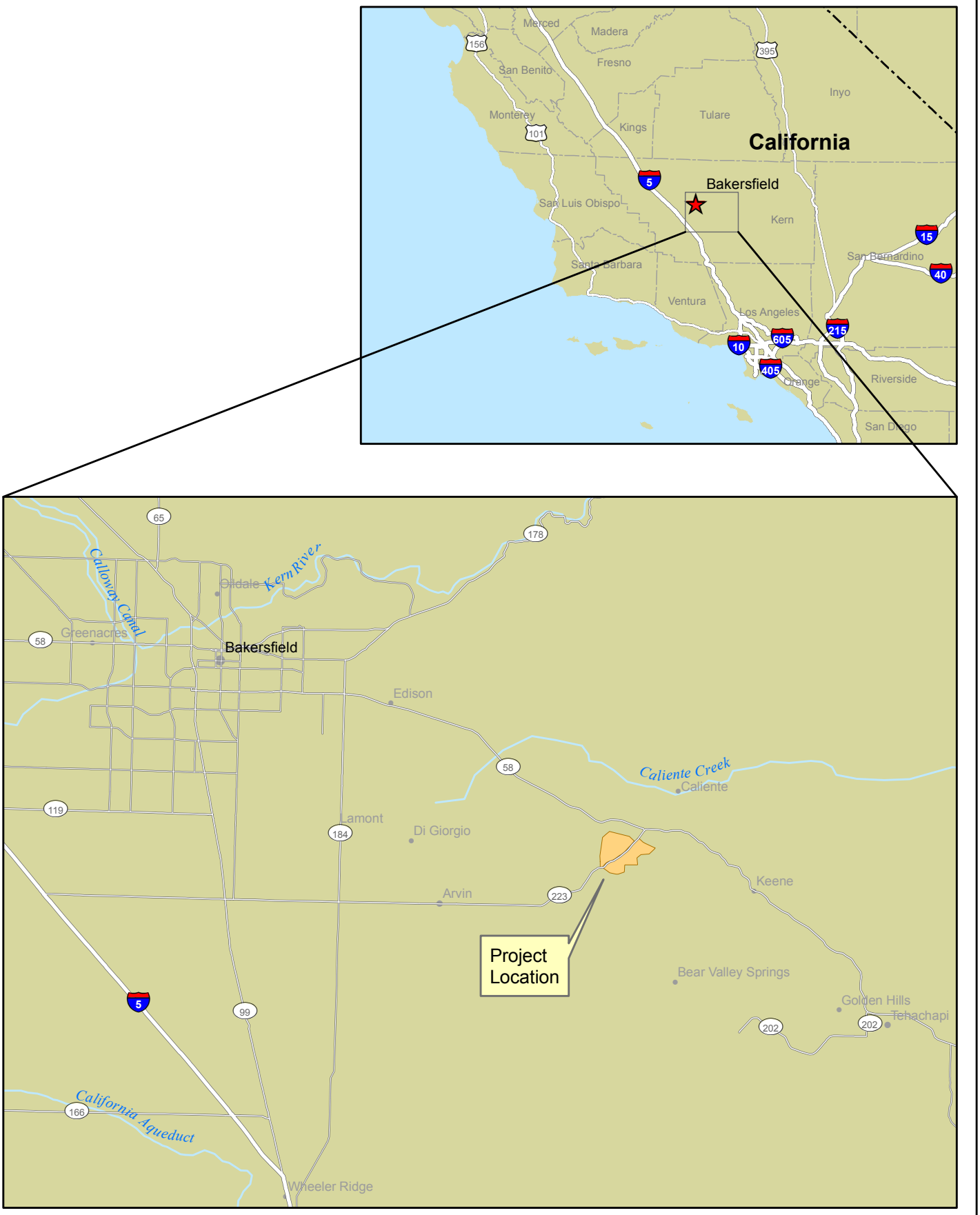

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SCALE	1:400,000	DR BY	JMW	04/27/05	
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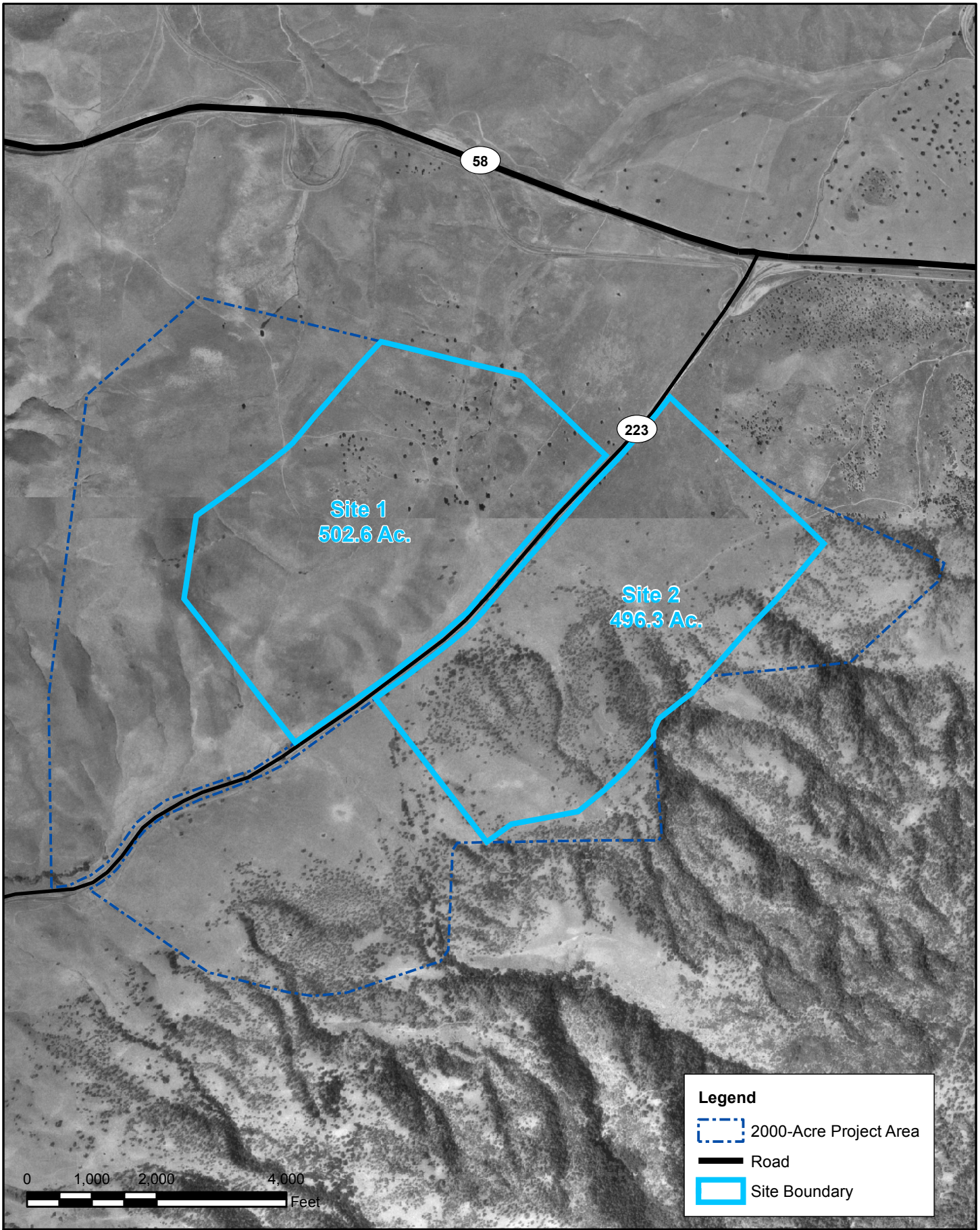
URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 1



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PROJ	Bakersfield Area National Cemetery			
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TITLE: Project Area and Location of Sites of 1 and 2

URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 2

3.0 DESCRIPTION OF ALTERNATIVES

The alternatives considered in this EA are the No Action Alternative and the Proposed Action Alternative, which could be implemented at either of two alternative sites. This section describes the No Action Alternative, the Proposed Action Alternative, and the two alternative sites under consideration for the new Bakersfield area national veterans' cemetery.

3.1 SITING PROCESS

Tejon Ranch provided VA with a 2,000-acre parcel of ranch land from which VA could select 500 acres for development as the Bakersfield Area National Cemetery. URS conducted a screening analysis of the 2,000 acres to select two alternate 500-acre sites for analysis in the EA. Field reconnaissance was conducted from March 8 to March 10, 2005. The boundary lines for the 500-acre sites were developed with intent to:

1) maximize land that has a slope of less than 15 percent for site preparation and engineering feasibility;
2) avoid areas believed to contain sites of cultural resource significance;
3) avoid areas believed to contain sensitive biological resources;
4) avoid rock outcrops; and,
5) reduce the visibility of SR 58 for patrons at the cemetery site, and offer partial visibility of the cemetery for drivers along SR 58.

3.2 ALTERNATIVE 1 – NO ACTION ALTERNATIVE

Under the No Action Alternative, construction of the Bakersfield Area National Cemetery would not occur on the donated Tejon Ranch parcel. VA would have to acquire another site for construction of the cemetery to comply with PL 108-109 and provide burial services to eligible veterans and their family members in the Bakersfield area. Tejon Ranch would continue to own the properties, and ranching activities would continue to occur as they have historically.

The use of other cemeteries in Bakersfield or elsewhere could create a hardship for the veterans' families and friends for attending funerals and for gravesite visitations. Currently 187,000 veterans in the Bakersfield are without veteran burial options. If veterans and their families must resort to private burials, they would be deprived of the benefit, honor, and privilege bestowed upon them by a grateful nation for their service to their country. Furthermore, VA NCA would fail to meet its mission and congressional mandate to serve veterans concentrated in the Bakersfield area.

3.3 PROPOSED ACTION – CONSTRUCT NEW NATIONAL CEMETERY ON TEJON RANCH PARCEL

Under the Proposed Action, a new national cemetery for eligible veterans and their family members would be constructed in phases. The site for the new national cemetery will be selected

from a 2,000-acre project area in the northern portion of the Tejon Ranch in Kern County, California.

The project area is located in an elevated valley that is bounded by open, undeveloped space including the Tehachapi Mountains to the east and the southern central valley to the south, west, and north. The Tejon Ranch Company intends to donate 500 acres of land for VA's use. The cemetery would encompass about 360 of the total 500 donated acres when fully constructed (VA, 2005). The national cemetery would serve approximately 187,000 veterans located in the 75-mile radius around Bakersfield, California.

VA would prepare a master plan to guide the development of the proposed cemetery. Development of the cemetery would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period. Future development phases would provide additional interment areas and associated infrastructure. When developed to capacity, the proposed Bakersfield Area National Cemetery would serve as burial grounds for approximately 187,000 eligible veterans and family members.

Approximately 50 acres would be developed in the initial phase. This first phase would include construction of the following elements:

- Access roads;
- Entrance area;
- Administration/Public information Center Building (9,000 gross square feet) with electronic gravesite locator and public restrooms;
- Maintenance Complex with buildings, service yard, and parking;
- Flag/Assembly area;
- Memorial Walkway/Donations Area;
- Committal Shelters (two);
- Roadway system and parking;
- Site furnishings;
- Interment Areas (burial sections):
    - Casketed remains – approximately 5,350 full casket gravesites including 4,500 pre-placed crypts; and
    - Cremated remains – approximately 700 in-ground, garden niche, or terrace sites; approximately 3,300 columbarium niches; and a garden for scattering of cremated remains;
- Grading, drainage, fencing, and landscaping;
- Global Information System (GIS) Site Integration;
- Irrigation system;
- Utility distribution systems; and,

- Wetland preservation and mitigation areas.

Project activities would also include the development of a water supply system sufficient to meet the demands of an irrigated cemetery. It is estimated that approximately 450 to 720 acre-feet of water per year would be needed (Aqua Engineering, Inc., 2005). Production wells would be drilled to obtain the necessary water. The location and number of wells will be determined after a thorough investigation of groundwater supply and quality is conducted by VA for the selected 500-acre parcel.

Design and construction of the cemetery would be in accordance with the *NCA Facilities Design Guide* and VA program guide PG-18-15, Volume D, *A/E Submission Instructions for National Cemetery Projects*. Construction of the initial phase of the cemetery would require standard construction equipment such as graders, backhoes, and dump trucks.

The cemetery would be operated and maintained by the NCA. Typical operations would include interments and performing ceremonies on Memorial Day, Veterans Day, and other special events. Typical maintenance activities would include the care of graves, buildings, and grounds. Operation and maintenance activities at the proposed national cemetery would require about 18 full-time employees.

The cemetery would be open seven days a week from 8:00 a.m. to 5:00 p.m., with extended hours on Memorial Day. Interments primarily occur Monday through Friday between the hours of 9:00 a.m. and 3:00 p.m. Occasionally, burials may occur on the weekend or Federal holiday. Typical users of the cemetery would include funeral attendees, public visitors, cemetery staff, volunteers, contractors, sales representatives, and vendors.

3.3.1 Site 1 – Northwest 500-Acre Site on Tejon Ranch Parcel

Site 1 consists of an approximately 502-acre parcel in the northern portion of the Tejon Ranch, south of the intersection of SR 223 and SR 58, on the northwest side of SR 223 (Figure 2). This site is located on a lower plateau of the Tehachapi Mountain foothills. The site is generally hilly and consists of predominantly grassland with some scattered blue oak, rock outcrops, and brambles. An ephemeral drainage bisects the site from south to north, with several smaller branches contributing to seasonal flows. VA has selected Site 1 for construction of the Bakersfield Area National Cemetery.

3.3.2 Site 2 – Southeast 500-Acre Site on Tejon Ranch Parcel

Site 2 consists of an approximately 496-acre parcel in the northern portion of the Tejon Ranch, south of the intersection of SR 223 and SR 58 on the southeast side of SR 223 (Figure 2). This site is also located on a lower plateau of the Tehachapi Mountain foothills. The site is generally hilly and consists of about 50% grassland and 50% blue oak woodland. The site does not support any strongly defined drainages, but several small gullies are present and the northern end of the site has seep characteristics based on vegetation and soil moisture. The White Wolf Fault transects the site at several locations.

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4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section describes the affected (existing) environment at each of the two alternative sites and then describes the potential environmental consequences due to implementation of the alternatives – no action and the proposed action – at each of the sites.

4.1 GEOLOGIC SETTING

4.1.1 Geology

4.1.1.1 Affected Environment

URS conducted geological and geophysical investigations at Sites 1 and 2 to characterize the White Wolf Fault, determine depth to bedrock, and evaluate the potential for naturally occurring asbestos at the two sites (URS, 2006a).

The project area is located along the northern edge of the Tehachapi Mountains, just west of their intersection with the southern Sierra Nevada Range. The Tehachapi Mountains are largely composed of uplifted and complexly folded sedimentary and metaphoric bedrock. The bedrock geology in the area comprises primarily Mesozoic crystalline rocks. The main unit that outcrops in the area is largely horneblende-biotite quartz diorite. Overlying the crystalline basement rocks is a series of Quaternary deposits.

A seismic refraction survey to characterize the thickness of unconsolidated sediments and determine the depth of bedrock was conducted. According to this survey, Site 1 likely contains unconsolidated soil materials from 5 to 23 feet deep. The second seismic layer (13 to 62 feet deep) likely consists of dense soil materials such as weathered to highly weathered bedrock. Seismic layer 3 likely consists of slightly weathered to unweathered bedrock. The near surface layer at Site 2 is also likely unconsolidated soil materials, but the layer depth ranges from 5 to 48 feet. Seismic layer 2 most likely contains dense soil materials and highly weathered bedrock in some areas and slightly weathered to unweathered bedrock in others. Weathered to slightly weathered bedrock likely compose the third seismic layer where this layer is present. Unweathered bedrock materials lie at a substantial depth at Site 2, probably occurring at 65 to 70 feet below the surface.

Site 2 is transected by the White Wolf Fault. The White Wolf Fault, which is considered the source of the 1952 Arvin-Tehachapi Earthquake, ruptured to the surface during that earthquake. Although it ruptured recently, the geomorphic expression of the fault is subdued, which renders it difficult to identify the fault at a fine scale.

The foot of Bear Mountain is pervasively disturbed by landslides and other mass wasting phenomena (such as debris flows) that cause slope instability. Virtually the entire mountain front shows the effects of repeated, long-lived, shallow and deep-seated slope failure. The ground surface in this area, which includes portions of Site 2, should be considered highly mobile.

Fairly common across the state, ultramafic rocks are those rocks that, when exposed to the earth's core heat deep below the surface, can be altered to form naturally occurring asbestos, within the ultramafic rock or at its boundaries. Naturally occurring asbestos is commonly found

in ultramafic rock and near fault zones; naturally occurring asbestos occurs in varying amounts in the rock, from less than 1% to greater than 25%. Naturally occurring asbestos is released from the rock into the air when rocks containing naturally occurring asbestos are crushed or broken (such as during construction or burial activities), or through natural weathering and erosion. Once released, the asbestos fibers remain airborne for long periods of time. Deteriorated rock allows any asbestos present to be deposited in adjacent soil.

Although existing geologic maps depict ultramafic rocks near the sites, they are not included as unique units in those maps, but rather as occasional inclusions within a rock unit. According to the geological investigation conducted, one outcrop containing ultramafic rock in Site 1 was observed during field reconnaissance. The rock type is pyroxene-garnet schist. No asbestos minerals were observed in the outcrop, but their presence cannot be ruled out. Ultramafic rock may also be present at locations across Sites 1 and 2. Naturally occurring asbestos is regulated much like man-made asbestos through guidelines set forth by the California Air Resources Board (CARB) as Section 93105, Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Mining Operations. In general, areas found to contain ultramafic rock or naturally occurring asbestos are subject to the regulation.

4.1.1.2 Environmental Consequences and Mitigation Measures

No construction would occur under the No Action Alternative, and no impacts to geological resources would occur.

Site 1 does not contain surface or faulting or mass wasting hazards. Therefore, construction at this site would not result in adverse impacts relative to geologic features and processes.

A large portion of Site 2 is affected by either surface faulting related to the White Wolf Fault or by mass wasting (landslides or debris flows). As such, development in this area would be at substantial risk for damage due to ground surface disruption or tectonic fault rupture. Site 2 would require further investigation to locate the fault with precision and determine appropriate development setbacks.

Site design would attempt to avoid development or disturbance in areas where ultramafic rock is identified. If areas of ultramafic rock are avoided, then compliance with the CARB's regulation pertaining to Asbestos ATCM for Construction, Grading, Quarrying, and Mining Operations may not be required. If the site design cannot exclude areas of ultramafic rock or naturally occurring asbestos, or if naturally occurring asbestos is discovered during construction, then the site construction and associated burial excavations would be subject to CARB regulation of naturally occurring asbestos. This regulation requires projects with areas of disturbance over 1 acre to conduct soil analysis and a dust mitigation plan in accordance with CARB guidelines.

4.1.2 Soils

4.1.2.1 Affected Environment

As indicated in the soil survey for Kern County, California (USDA, 1981) the predominant soil types in the project area consist of sandy loams of widely varying characteristics, as summarized in the table below. Kern County is one of the top three counties in California and the nation for

value of farm production. Of the 5,221,382 total county acres, 530,079 acres (or about 10% of county soils) are classified as Prime and 109,162 (or about 2%) are classified as important (California Department of Conservation, 2002). During 2002, Kern County urbanized 6,265 acres of land, of which 1,212 acres were considered farmland (California Department of Conservation, 2002). Based on Kern County's GIS Internet Mapping, portions of the project area supported crops for the past 2 years (Kern County, 2005).

According to a seismic refraction survey conducted by URS (2006a), both sites contain a near surface seismic layer of materials that can be easily to moderately easily excavated to a depth of about 10 feet. Higher density materials, such as weathered and unweathered bedrock, likely compose the deeper layers of the two sites.

To track farmland conversions, the Farmland Protection Policy Act (FPPA) of 1981 (P.L 98-98) requires completion of a Farmland Conversion Impact Rating form (AD-1006) to determine the relative impact of converting prime and important farmland to urban uses. Coordination with the Bakersfield Office of the Natural Resources Conservation Service (NRCS) indicates that soils at the site are not subject to the AD-1006 process because they do not contain prime or important farmland soils (Davis, Pers. Comm., 2006).

Table 4-1: Soils and Characteristics

Soil Type and Location	Slopes	Permeability	Depth to Bedrock (in inches)	Available Water Capacity
Steuber sandy loam (175) (Sites 1 and 2)	2-5%	Moderately rapid	>60	Low to moderate
Steuber sandy loam (176) (Site 1)	5-9%	Moderately rapid	>60	Low to moderate
Walong sandy loam (193) (Site 1)	15-30%	Moderately rapid	20-40	Very low to low
Walong-Arujo sandy loam (196) (Site 1)	30-50%	Walong: Moderately rapid; Arujo: moderately slow	Walong: 20-40 Arujo: 40-60	Walong: Very low or low; Arujo: moderate to very high.
Havala sandy loam (143) (Site 2)	9-15%	Moderately slow	>60	Moderate to high

4.1.2.2 Environmental Consequences and Mitigation Measures

No construction would occur under the No Action Alternative, and no construction impacts to soils would occur. The land would remain under ownership of the Tejon Ranch, which could use the land for farming, ranching, or similar actions. Soils under these uses would be disturbed, especially under ranching conditions, which could involve cattle grazing. Under heavy grazing of cattle, soils can become compacted and may not be able to support water percolation or vegetation growth. These conditions would result in an adverse impact to soils.

For the Proposed Action, soil types and characteristics were evaluated relative to each alternative site. The impact discussion contained herein applies to both alternative sites because the planned actions are the same at both Sites 1 and 2 and soil designations are similar. Soil impacts are discussed in terms of direct impacts to area soils and the ability of a soil to support planned uses.

In general, Steuber sandy loam (both slope types) dominate both sites—2-5% slopes on the topographically lower areas and 5-9% slopes on the steep hillsides. Though no specific site plan is available, it is assumed that development would occur primarily on those areas with slopes less than 15%, or primarily on Steuber sandy loam (2-5% slopes). Some development on Walong-Arulo sandy loam may occur given its dominance at both sites. Steuber sandy loam (2-5%) has a slight erosion hazard, whereas the risk of erosion on Steuber sandy loam (5-9%) is high. The site development and burial activities would disturb these soils and could lead to wind or water soil erosion, especially in areas dominated by Walong-Arujo soils. Soils that are exposed and allowed to dry could become eroded by either wind or water. Wind erosion could suspend dust particles, adversely affecting air quality (refer to Section 4.2 for a discussion of air quality impacts), and water erosion could carry sediments into drainages which could adversely affect water quality (refer to section 4.3.2.2 for a discussion on water quality impacts).

Ultramafic rocks are located at an outcrop on Site 1 and could occur elsewhere on either site. Soils that contain these rocks that are disturbed during the construction and use of the cemetery would need to be mitigated appropriately (as described in Section 4.1.1.2, Geology).

To mitigate the potential for erosion impacts (and related impacts to water and air resources), appropriate construction best management practices would be implemented as indicated by the California Water Resources Control Board (WRCB), the Regional Water Quality Control Board, and the CARB. Erosion control methods must account for factors that influence the degree of erosion and chosen method such as rainy periods and slope. Such practices could include:

- Wet suppression of soils to reduce wind erosion
- Re-vegetation of bare soils
- Mulching of bare soils
- Silt fences
- Cover soil stockpile
- Preserving existing site vegetation

Once constructed, the cemetery will undergo excavation of burial plots that would disturb soils. Excavated soils would be covered to prevent wind and water erosion and would be returned to the plot after burial. Excavated soils would be subject to the Asbestos ATCM regulation if ultramafic rock is encountered on site (refer to naturally occurring asbestos discussion under Section 4.1.1.2, Geology).

The soils at Sites 1 and 2 may not be naturally suitable for septic tank and absorption field use, as is currently planned for the cemetery. At best, the Steuber sandy loams (both types) have “moderate” use restrictions for septic fields due to flooding, meaning that “special planning, design, and maintenance is needed to overcome or minimize the limitations” (USDA, 1981). Building construction and shallow excavations could have moderate to severe limitations with

regard to flooding of most site soils; this would be of most concern in areas of lower topographical elevations and near naturally occurring seeps and drainages.

Seismic refraction surveys indicate that Sites 1 and 2 contain easily to moderately easily excavated materials to a depth of about 10 feet. Site 2 contains a thicker layer of more easily excavated material, but both sites seem suited for grave establishment in terms of soil excavation. To account for slope, flood potential, and other soil limitations, a site feasibility study as part of site planning would be conducted to accurately depict site characteristics and their limitations relative to the planned cemetery construction on the selected site.

4.1.3 Topography

4.1.3.1 Affected Environment

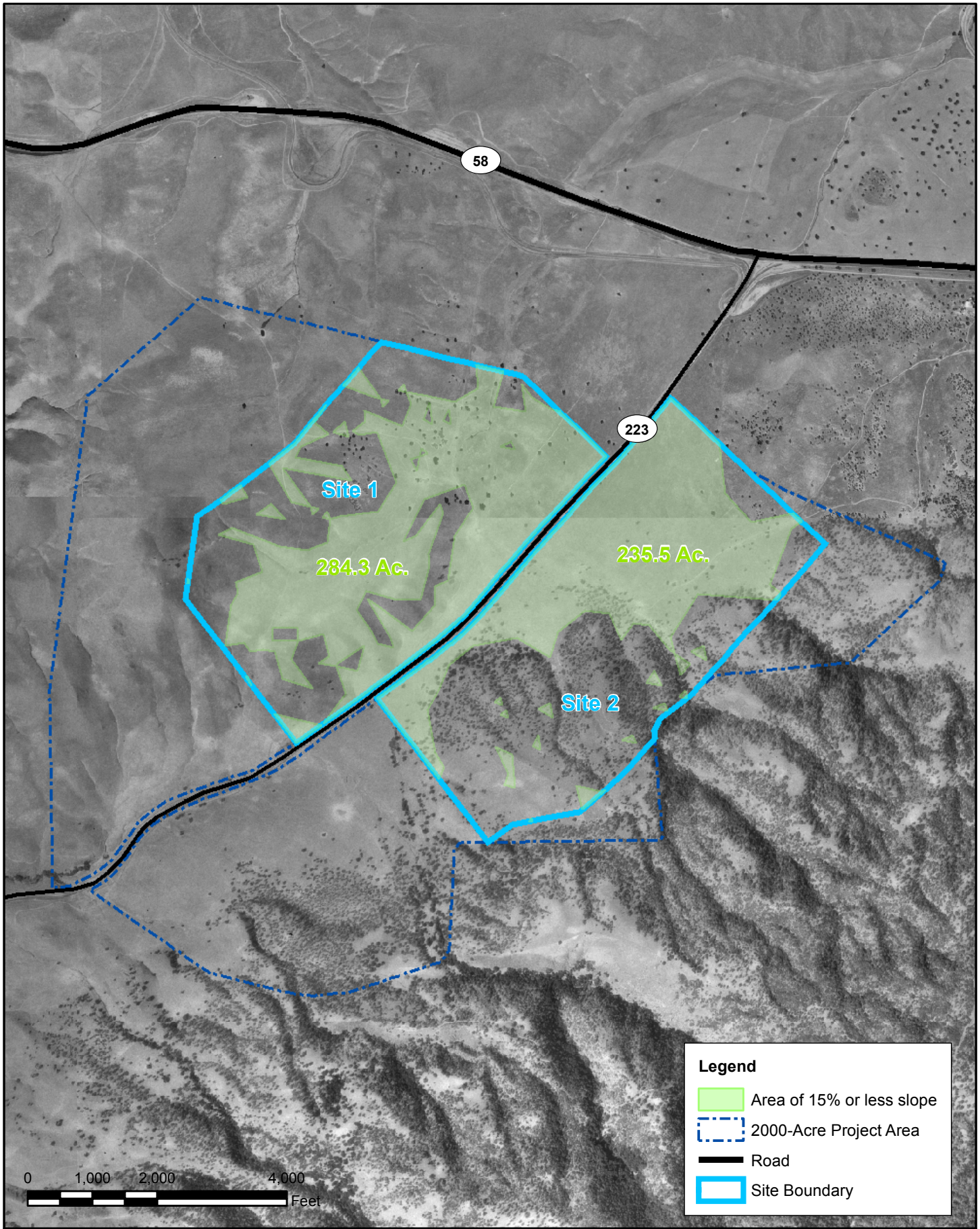
The topography of the project area varies from large swaths of gently rolling terrain to steep slopes of greater than 50 percent. The two proposed 500-acre sites were selected based on maximizing the amount of land with less than 15 percent slope. Site 1 has about 280 acres with a slope of 15 percent or less and Site 2 has about 235 acres with a slope of 15 percent or less (Figure 3). The sites vary topographically, with the majority of Site 1 nestled along the mild downslopes and in ridgeline lowlands. Site 2 contains more dramatic relief than Site 1, and the Site 2 eastern boundary and south-central region trend upward beyond slopes of 15%. The most significant relief on both alternative sites is associated with slopes to drainages. Drainage from the foothills transects each site.

4.1.3.2 Environmental Consequences and Mitigation Measures

Under the No Action Alternative, there would be no impact on topography at the two alternative sites, as VA NCA would not construct a new national veterans' cemetery in the Bakersfield area. Ongoing ranching activities would not likely affect topography on a large scale, although some eroding of terrain may occur over time if cattle are allowed to roam across the land.

Under the Proposed Action, topography of the selected site would be altered by grading for burial areas, roads, parking areas, building pads, detention ponds, and service facilities. Impacts to topography could be substantial depending on site design and the degree to which the topography will need to be altered to support the site uses. Topographic alterations would be similar for both alternative sites.

In general, extensive topographic alteration is undesirable in terms of development because of the cost associated with substantial changes. The degree to which impacts to topography occur is dependent on the final site design, and the ability of the designer to place cemetery components with respect to design limitations, such as topography, the White Wolf Fault, and drainages. The magnitude of topographic alteration would be minimized to the extent possible via the design process.



CLIENT	VA			TITLE	Topography
PROJ	Bakersfield Area National Cemetery				
REVISION NO 1	02/02/2006	DES BY	JMW	04/27/05	
SCALE	1" = 2,000'	DR BY	JMW	04/27/05	
G:\VMS\Projects\Figure3_Topography.mxd		CHK BY	JR	05/26/05	

URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 3

Landscape development guidelines indicate that septic drainfields located on slopes above 10-12% require special drainfield designs, and that the optimum slope for drainfields is 0.05%, which is slightly downhill (March, 1991). Similarly, public stairs should be located optimally at 25% (maximum 50%), and parking lots, sidewalks, and streets and roads are optimally placed on a 1% slope. Given the range of slopes located at Sites 1 and 2, design parameters to guide placement of major components of the cemetery would be developed alongside field-proofed site characteristics to create a cemetery that is sound and comfortable to its users (e.g., visitors walking to gravesites). Guidance contained in county ordinances for grading, drainage, and construction would be followed during site preparation.

4.1.4 Geologic Hazards

4.1.4.1 Affected Environment

A URS seismologist reviewed the project site for geologic hazards. The White Wolf Fault transects Site 2, and Sites 1 and 2 are located in "Known Active Fault Near-Source Zones" as defined by the 1997 Uniform Building Code (UBC), enforced through the California Building Code. Under 1997 UBC, any new buildings being constructed in these zones must be designed to seismic load that includes a near-source factor. Therefore, VA will need to design the cemetery buildings in accordance with this code. In addition to being located in "Known active Fault Near-Source," Site 2 also lies with the Alquist-Priolo (AP) Special Studies Zone. Under California's AP Earthquake Fault Zoning Act, new structures for human occupancy must be at least 50 feet from the active fault to mitigate the hazards from surface faulting.

Site 2 is transected by the White Wolf Fault. The White Wolf Fault, which is considered the source of the 1952 Arvin-Tehachapi Earthquake, ruptured to the surface during that earthquake. Although it ruptured recently, the geomorphic expression of the fault is subdued, which renders it difficult to identify the fault at a fine scale.

The foot of Bear Mountain is pervasively disturbed by landslides and other mass wasting phenomena (such as debris flows) that cause slope instability. Virtually the entire mountain front shows the effects of repeated, long-lived, shallow and deep seated slope failure. The ground surface in this area, which includes portions of Site 2, should be considered highly mobile.

4.1.4.2 Environmental Consequences and Mitigation Measures

Under the No Action Alternative, geologic hazards would not be encountered because VA would not construct and operate a new national veterans' cemetery in the Bakersfield area. The seismic risks to the Tejon Ranch and surrounding communities would remain the same.

For the Proposed Action, potential impacts associated with geologic hazards have been evaluated based on the potential for subjecting people, structures, or property to major geologic hazards such as landslides, mudslides, or ground failure. Appropriate design measures will be utilized in cemetery design to address geologic hazards.

A large portion of Site 2 is affected by either surface faulting related to the White Wolf Fault or by mass wasting (landslides or debris flows). As such, development in this area would be at substantial risk for damage due to ground surface disruption or tectonic fault rupture. Site 2

would require further investigation to locate the fault with precision and determine appropriate development setbacks in accordance with the Alquist-Priolo Fault Zoning Act.

4.2 AIR QUALITY

4.2.1 Affected Environment

The Clean Air Act (CAA), as amended, requires the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The CAA established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations, such as asthmatics, children, and the elderly; and secondary standards set limits to protect public welfare, including protection against decreased visibility, and damage to animals, crops, vegetation, or buildings. The criteria air pollutants monitored under the CAA include; carbon monoxide, sulfur oxides, nitrogen dioxide, ozone, lead, and particulate matter (PM) 10 and PM 2.5. (EPA, 2005) Locations that meet the NAAQS are designated "attainment" areas and locations that fail to meet NAAQS are designated as "non-attainment" areas. Stricter limitations and regulations are placed in areas of "non-attainment" in an effort to lower pollutant loads to "attainment" levels.

The project area is located in the northern portion of the Tejon Ranch, in the San Joaquin Valley Air District. The San Joaquin Valley Air District is classified as non-attainment for criteria air pollutants; ozone, PM 10, and PM 2.5. Traffic generated due to the active use of the cemetery is calculated to be on average approximately 442 trips per day during the week and 327 trips per day on weekends. In a letter dated April 7, 2006, the San Joaquin Valley Air District states that the project qualifies for the Indirect Source Review Rule (Rule 9510). An application would be submitted to the San Joaquin Valley Air District no later than when the final discretionary application for the development project is filed.

On March 27, 1997, the California Air Resources Board (CARB) adopted the Statewide Registration Program (Program), which requires owners and operators of portable engines and portable equipment units that meet the certain requirements, to register. Registration with the Program allows the engines and equipment units to operate throughout the State of California without having to get individual permits from each local air district.

The CARB regulates naturally occurring asbestos in areas where ultramafic rock containing naturally occurring asbestos is present and could become disturbed through subsurface activities such as grading or excavation. Although existing geologic maps depict ultramafic rocks near the sites, they are not included as unique units in those maps, but rather as occasional inclusions within a rock unit. According to the geological investigation conducted, one outcrop containing ultramafic rock in Site 1 was observed during field reconnaissance. No asbestos minerals were observed in the outcrop, but their presence cannot be ruled out. Ultramafic rock may also be present at locations across Sites 1 and 2.

4.2.2 Environmental Consequences and Mitigation Measures

Under the No Action Alternative, air quality would not be altered and adverse impacts would not occur because no cemetery would be constructed in the Bakersfield area. Dust and vehicular emissions related to farming and ranching would remain the same.

Under the Proposed Action at either alternative site, emissions from fuel-burning internal combustion engines could temporarily increase levels of some pollutants associated with the construction of the cemetery, access road, and the parking lot. To reduce the emission of pollutants, fuel-burning equipment running times would be kept to a minimum and engines would be properly maintained. Intermittent, short-term increases of some pollutants will also be associated with periodic burials over a 30-year period due to the use of small scale excavation equipment. The same precautions utilized during the initial construction phase will be followed during periodic burial procedures. Results from CARB coordination indicate that air monitoring is requested to ensure that construction particulates are monitored (see Appendix A).

The CARB regulates airborne naturally occurring asbestos through their Air Toxics Program via two statewide control measures that prohibit the use of ultramafic rock for unpaved surfacing, and controls dust emissions from construction and grading in areas that contain ultramafic rock with naturally occurring asbestos. According to the geological investigation conducted, one outcrop containing ultramafic rock in Site 1 was observed during field reconnaissance. Ultramafic rock may also be present at locations across Sites 1 and 2. Site design would avoid development or disturbance in areas of ultramafic rock. If areas of ultramafic rock are avoided, then compliance with the CARB's regulation pertaining to Asbestos ATCM for Construction, Grading, Quarrying, and Mining Operations may not be required. If the site design cannot exclude areas of naturally occurring asbestos, or if naturally occurring asbestos is discovered during construction, then the site construction and associated burial excavations would be subject to CARB regulation of naturally occurring asbestos.

4.3 WATER RESOURCES

4.3.1 Surface Water

4.3.1.1 Affected Environment

Both alternative sites are generally hilly and are located on a lower plateau of the Tehachapi Mountain foothills. Site 1 has an ephemeral drainage that bisects the site from south to north with several smaller branches contributing to the seasonal flows. Site 2 does not support any strongly defined drainage, but several small gullies are present and the northern end has seep characteristics. No permanent water bodies are present on either site.

4.3.1.2 Environmental Consequences and Mitigation Recommendations

The surface water resources would not be affected under the No Action alternative.

The Proposed Action could alter site drainages depending on grading and site design. The site design would need to consider drainage pathways and seeps to prevent development or grave placement in wet areas unless appropriate stormwater capture and routing was established.

During construction, best management practices (BMPs) for erosion and sediment control would be established to protect surface water drainages. Additionally, jurisdictional wetlands may be associated with these drainages, and appropriate wetland delineation would occur prior to site planning and development (refer to Section 4.3.4 for a discussion on wetlands).

Coordination with the Central Valley Water Quality Control Board in California would be required to initiate appropriate permitting with regards to Clean Water Act 401/404 permits, the National Pollutant Discharge and Elimination System (NPDES) permit, and a wastewater discharge (septic system).

4.3.2 Groundwater

4.3.2.1 Affected Environment

The project is located in the Tulare Lake Hydrologic Region, located just outside of the Tehachapi-Cummings County Water District (TCCWD). TCCWD gets its water from the State Water Project (SWP) and from its own groundwater supplies in three basins (i.e., Brite, Cummings, and Tehachapi Basins). TCCWD water supplies include "conjunctive use," an innovative program in which SWP surface water is artificially injected into groundwater basins during times of low water demand and then extracted using wells during times of high water demand. Groundwater extraction from these basins is adjudicated (equitable extraction was decided by the courts). TCCWD is the watermaster and oversees distribution and use of groundwater resources within the three basins.

In 2005, the TCCWD conducted a Preliminary Route Study for VA to provide an initial evaluation of how TCCWD could provide water service to the proposed cemetery sites. This document briefly evaluated three potential routes and pointed out the related groundwater pumping increases, costs of construction, and other issues such as landowner coordination. In the end, VA decided that constructing a pipeline was too costly, and as such, decided that onsite groundwater wells would be most appropriate.

In the Sierra Nevada, groundwater availability is largely dependent on open surface fractures, their hydraulic connection to surface recharge areas, and the amount of precipitation the area receives. Wells in some areas of the Sierra Nevada yield less than 10 gallons per minutes (gpm), while wells drilled in unconsolidated alluvium or pervious bedrock (such as some sandstones or shales) can have yields of 1,000 to 2,000 gpm (such as wells in the low foothills of eastern Kern County). In general, the greatest potential for variable well yields in the project area would be near the White Wolf Fault. When sampled in 1990, six of the seven groundwater wells in Keene, California (about 5 miles from the project area) yielded pumping rates from 50 gallons per minute to 300 gallons per minute, which equals 80 acre-feet per year to 485 acre-feet per year, respectively (Kern County Department of Planning and Development Services, 1991; in Tehachapi-Cummings County Water District, 2005).

URS conducted a preliminary groundwater feasibility study, including an assessment of water requirements, in 2006 (URS, 2006b). The study found that VA would need approximately 100 gallons per minute to meet the water supply needs for a cemetery (URS, 2006b). The study also reviewed reports prepared in 1982 by the Tejon Ranch Company (TRC). The TRC report indicated that airlift pumping tests yielded 0 to 35 gallons per minute of water at 4 of 9 test holes.

None of these airlift tests were located on Site 1; in addition, airlift tests do not usually indicate long-term yields. Of the 9 test holes, only 2 were converted to test wells and these were located north of Site 2. These two test wells yielded between 27 and 200 gallons per minute.

A well permit must be obtained from the Kern County Department of Environmental Health Services prior to constructing a groundwater well. Kern County works in conjunction with the California Department of Water Resources (DWR) to regulate groundwater wells; coordination with the Southern District of the DWR is also required.

Water quality varies in Kern County. Boron is a potential groundwater contaminant known to occur in some locations of this part of Kern County, and boron is more likely to be present in groundwater near a fault zone. Seven groundwater wells near Keene, California were sampled and tested in 1964 and 1989 and showed generally good water quality. However, the sampling detected values of bacteria, hardness, fluoride, iron, and manganese, though the levels of occurrence were not considered substantial (Kern County Department of Planning and Development Services, 1991; in Tehachapi-Cummings County Water District, 2005).

4.3.2.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, no impacts to groundwater would occur. Ranching operations at Tejon Ranch would continue to extract and use groundwater as it has historically.

Additional groundwater studies would need to be conducted at the selected site; however, it may be possible to obtain sufficient groundwater for Phase I of the cemetery (URS, 2006b). VA may need to adjust its landscaping scheme to conform to existing groundwater availability. It is not anticipated that groundwater usage at Site 1 or Site 2 would significantly impact area groundwater levels.

4.3.3 Floodplain Management

4.3.3.1 Affected Environment

Floodplains generally refer to 100-year floodplains established by the Federal Emergency Management Agency (FEMA) and are shown on Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM) for all communities that are members of the National Flood Insurance Program (NFIP). The 100-year floodplain designates the area inundated during a storm having a 1.0 percent chance of occurring in any given year. FEMA also identifies the 500-year floodplain, the area inundated during a storm having a 0.2 percent chance of occurring in any given year.

Executive Order (EO) 11988 (Floodplain Management) requires federal agencies to minimize occupancy of and modification to the floodplain. Specifically, the EO prohibits federal agencies from funding construction in the 100-year floodplain unless there are no practicable alternatives. As indicated on the FIRM map, the project area is located in Zone C, which is area of minimal flooding (FEMA, 1986). Therefore, no designated 100- or 500-year floodplains are identified in the project area.

4.3.3.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, alteration of the 100-year floodplain would not occur because 100-year floodplains are not designated in the project area and no construction would occur.

Under the Proposed Action, alteration of the 100-year floodplain would not occur at either site because 100-year floodplains are not designated in the project area.

4.3.4 Wetlands

4.3.4.1 Affected Environment

EO 11990 (Protection of Wetlands) requires federal agencies to minimize the loss of wetlands and consider direct and indirect impacts on wetlands that may result from federally funded actions. Wetland resources are protected by Section 404 of the Clean Water Act (CWA) and are under the jurisdiction of the U.S. Army Corps of Engineers (USACE).

URS conducted field reconnaissance of the study area on March 9 and 10, 2005. A jurisdictional delineation of site wetlands was not performed, but National Wetland Inventory (NWI) maps were reviewed and potential jurisdictional wetlands at the project sites were identified.

The field reconnaissance identified several potential jurisdictional wetlands associated with ephemeral drainages across Sites 1 and 2. Both sites contain several drainages that flow from the foothills; some of these drainages are mapped as palustrine wetlands according to the NWI map for the project area (NWI, 2004).

4.3.4.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, wetland impact may occur depending on the location and type of ranching activities, and the duration of the effects. Cattle may use the drainages as water supply and trample wetland vegetation upon use. Farming could dislodge soils, which may erode and wash into area wetlands.

For the Proposed Action, wetlands on both sites are limited to the areas along the ephemeral drainages. Prior to site design of the Proposed Action on the selected site, a formal wetland delineation would be conducted to determine the acreage of wetlands on the site. Avoidance and/or minimization measures would be implemented during the planning stages of the project to minimize wetland impacts as much as possible. Mitigation for unavoidable wetland impacts may be required. In a letter dated March 17, 2006, the U.S. Army Corps of Engineers Sacramento District stated that the proposed project is within the authority of Section 404 of the Clean Water Act. VA would ensure that any applicable Corps permits are obtained prior to cemetery development.

4.4 BIOLOGICAL RESOURCES

URS performed an ecological reconnaissance of each alternative site on March 9, 2005. The ecological reconnaissance included a characterization of the biological resources of the project area and an assessment of the potential for the presence of state and federally protected species

and their habitats. A letter requesting a review of the proposed project was sent to the U.S. Fish and Wildlife Service (USFWS) and the California State Clearinghouse. Responses received to date are included in Appendix A.

Information about biological resources was obtained from general site observations and from available information sources. The purpose of the ecological reconnaissance was to characterize habitats and to evaluate whether sensitive resources might be present. In addition, plant and animal species observed were recorded. Applicable field guides and taxonomic keys were used to identify plant and animal species observed on the alternative sites.

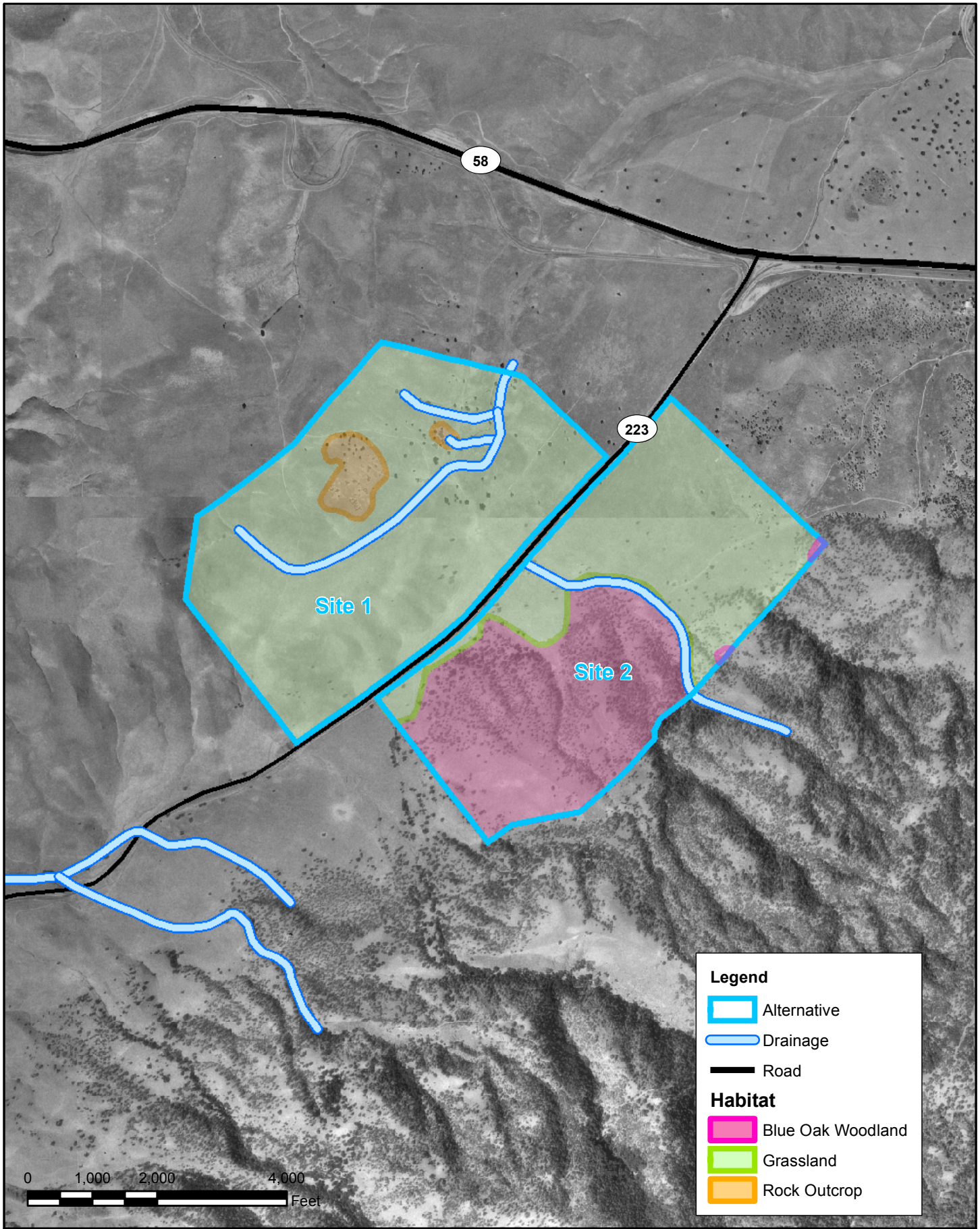
The development and operation of the proposed cemetery requires that VA NCA comply with EO 13112, Invasive Species, which requires all federal agencies to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. Invasive species under EO 13112 include terrestrial plants and animals, aquatic plants and animals, and microbes. California also has state laws regarding the introduction of invasive species.

EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires federal agencies to support the conservation intent of the Migratory Bird Treaty Act (MBTA) and other migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory bird resources (birds and their habitats) when conducting agency activities.

4.4.1 Vegetation and Wildlife

4.4.1.1 Affected Environment

The project area is located on a lower plateau of the Tehachapi Mountain foothills. The area is generally hilly and consists of grassland and blue oak woodland habitats that have been heavily disturbed by current and historic cattle grazing. Grasses and annual species observed included native and non-native species, with the former being dominant in the grassland areas. The main habitats are depicted on Figure 4 and are described below.



CLIENT	VA			TITLE	Habitat Areas
PROJ	Bakersfield Area National Cemetery				
REVISION NO 1	02/02/2006	DES BY	JMW	04/27/05	
SCALE	1" = 2,000'	DR BY	JMW	04/27/05	
G:\VMS\Projects\Figure4_Habitat.mxd		CHK BY	JR	05/26/05	

URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 4

Valley and Foothill Grassland. Valley and foothill grassland is a native plant community dominated by native bunchgrasses, usually small-flowered needlegrass (*Nassella lepida*). Native and introduced annuals often occur between the perennial bunchgrass individuals, exceeding the bunchgrass in cover (Holland 1986). This community is often found with or adjacent to woodlands, such as blue oak woodlands (Sawyer and Keeler-Wolf 1995). This community occurs throughout Site 1 and within the northeastern half of Site 2.

Non-Native Annual Grassland. This community is composed primarily of annual grasses of Mediterranean origin. The most common species found was ripgut brome (*Bromus diandrus*); other species included soft chess brome (*Bromus hordeaceous*), wild oat (*Avena* sp.), black mustard (*Brassica nigra*), and yellow star thistle (*Centaurea solstitialis)*. This community matches the California annual grassland series (Sawyer and Keeler-Wolf 1995) and non-native grassland (Holland 1986). Non-native annual grassland occurs throughout Site 1 and within the northeastern half of Site 2.

Blue Oak Woodland. This community is a highly variable climax woodland dominated by blue oak (*Quercus douglasii*), and often includes individuals of other oak species (Holland 1986). The blue oak woodland community can vary from fairly open savanna with grassy understories to dense woodlands with shrubby understories. This community is generally found on well-drained soil below 4,000 feet in elevation. Plant species observed in this blue oak woodland community include blue oak, hillside gooseberry (*Ribes californicum*), and non-native brome grasses (*Bromus* spp.). This matches the description of blue oak woodland by Holland (1986). This community is not

present within Site 1, although scattered mature oaks are present throughout the site. This community comprises the southwestern half of Site 2, with mature groves of oaks on the steeper slopes.

Wildfires can also occur in the project area. The arid nature of the region makes it very conducive to manmade and natural wildfires. Most animal and plant species have adapted to the naturally recurring process of wildfires.

Animal species identified throughout the 2,000-acre project area included coyote (*Canis latrans*), western gray squirrel (*Sciurus griseus*), brush rabbit (*Sylvilagus bachmani*), western red-tailed skink (*Eumeces gilberti gilberti*), western fence lizard (*Sceloporus occidentalis*), and common side-blotched lizard (*Uta stansburiana*). Bird species identified included red-tailed hawk (*Buteo jamaicensis*), mourning dove (*Zenaida macroura*), Say's phoebe (*Sayornis saya*), western scrub jay (*Aphelocoma californica*), common raven (*Corvus corax*), white-breasted nuthatch (*Sitta carolinensis*), western bluebird (*Sialia mexicana*), cedar waxwing (*Bombycilla cedrorum*), European starling (*Sturnus vulgaris*), western meadowlark (*Sturnella neglecta*), song sparrow (*Melospiza melodia*), and Lazuli bunting (*Passerina amoena*). All of the bird species identified, except the European starling, are considered migratory birds protected under the MBTA.

4.4.1.2 Environmental Consequences and Mitigation Recommendations

No impacts to vegetation and wildlife would occur under the No Action Alternative because no construction would occur.

Under the Proposed Action, development of the cemetery would proceed in phases and existing vegetation on the selected site would be cleared in areas to be developed for cemetery buildings, roads, and gravesites. Habitat removed from areas used for buildings and roads would be permanently lost; habitat removed for gravesite development would be replaced with maintained grasses suitable for a national veterans' cemetery. VA would retain native trees where possible. Because the majority of the project area consists of grassland and would remain grassland after cemetery construction, significant adverse impacts to vegetation and wildlife at the selected site are not anticipated to result from cemetery development.

The grasslands at the proposed sites represent a corridor for wildlife passage from the San Joaquin Valley. No adverse effect is anticipated because the development will not block passage and no large structures or roadways will be constructed. The cemetery uses would be passive and generally similar to the existing landscape.

Most of the birds observed in the project area are protected under the Migratory Bird Treaty Act. A pre-construction survey for nesting birds would be conducted for the selected site. The MBTA and the California Fish and Game Code prohibit the destruction of active nests of migratory birds. To prevent the destruction of active nests, a buffer zone around nest sites may be required if construction occurs during the breeding season.

The cemetery, regardless of which site is selected, would be protected from wildfires by local fire departments. VA may decide to plant drought resistant grasses to lessen the likelihood of a wildfire spreading through the cemetery.

4.4.2 Threatened and Endangered Species

4.4.2.1 Affected Environment

The U.S. Fish and Wildlife Service (USFWS) species list for the site was reviewed, as was the California Department of Fish and Game's (CDFG's) California Natural Diversity Database (CNDDB) and the California Native Plant Society's (CNPS) inventory of rare or endangered plants. A letter requesting a review of the proposed project was sent to the USFWS and the California State Clearinghouse. Responses received to date are included in Appendix A.

Federally listed species with the potential to occur within the 2,000-acre project area are listed below.

Table 4-2: Potential Threatened and Endangered Species in the Project Area

Common Name	Scientific Name	Federal Status	State Status	Potential to Occur?
Bakersfield cactus	*Opuntia basilaris var. treleasei*	Endangered	Endangered	Low – suitable soils not observed within project area
Yellow-blotched salamander	*Ensatina eschscholtzi croceator*	Endangered	Threatened	Very low – no suitable habitat present within project area
Blunt-nosed leopard lizard	*Gambelia sila*	Endangered	Endangered	Low – dense grassland areas do not contain alkali scrub
San Joaquin pocket mouse	*Perognathus inornatus*	Endangered	Threatened	Low – project area is at a higher elevation than the generally known range for this species
San Joaquin kit fox	*Vulpes macrotis muitca*	Endangered	Threatened	Low - project area is at a higher elevation than the generally known range for this species
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	Threatened	----------	Moderate – host plant present along drainages; project area is at far southern end of potential range

Of the federally listed species with the potential to occur within the project area, one is considered moderately likely to occur – the federally threatened valley elderberry longhorn beetle (VELB). The VELB host plant is the Mexican elderberry (*Sambucus mexicana*), which is generally found along riparian drainages and was observed along drainages during the field visit. Two areas, both along the American River in the greater Sacramento metropolitan area, have been designated as critical habitat for the VELB (USFWS, 1991). The project area does not contain areas designated as critical habitat for the VELB.

4.4.2.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, no impacts to threatened and endangered species would occur and no cemetery would be constructed. Both alternative sites would remain part of the Tejon Ranch and continue to function as rangeland.

Under the Proposed Action, vegetation on the selected site would be cleared in areas to be developed for cemetery buildings and gravesites. Vegetation removal could negatively impact the federally listed species with the potential to occur in the project area. Both alternative sites contain habitat that could be utilized by the VELB. Once an alternative site is selected, a survey would be conducted for Mexican elderberry, the VELB host plant, to identify specific areas on the selected site where this plant occurs. Avoidance and minimization measures would be developed and informal consultation with the USFWS would be initiated. Significant adverse impacts to the VELB at the selected site are not anticipated to result from cemetery development.

4.5 CULTURAL RESOURCES

As the lead federal agency, VA must satisfy its historic property compliance responsibilities under Section 106 of the National Historic Preservation Act (NHPA), as the proposed project is an undertaking pursuant to the NHPA. As part of the information gathering and consultation processes required by the NHPA, letters were sent to the California State Historic Preservation Office (SHPO) and Native Americans identified by the California Native American Heritage Commission requesting any specific knowledge/concerns they may have in the project's Area of Potential Effects (APE). Letters received to date are included in Appendix A.

A records review was requested from the Southern San Joaquin Valley Information Center (SSJVIC) of the California Archaeological Inventory, at California State University in Bakersfield.

URS conducted a reconnaissance level cultural resources assessment of the proposed 2,000-acre project area on March 9 and 10, 2005 (URS, 2006c). The purpose of the reconnaissance survey was to determine whether potentially significant historical resources or historic properties are located within or near the project area. Reconnaissance of historic resources was not conducted because no historic structures were indicated in the records review. The field team focused on field features that could hold significant resources (such as drainages and boulder outcrops). Upland areas or areas in excess of 15 percent slopes were generally not evaluated because these areas would not be used for burials due to engineering feasibility considerations.

4.5.1 Affected Environment

The SSJVIC reported that there are no historic properties (archaeological sites or built environmental features) listed in the National Register of Historic Places (NRHP), the California Register of Historic Resources, the California Inventory of Historic Resources, the California State Historic Landmarks, or the California Points of Interest within the project area or within a 0.5-mile radius of the 2,000-acre project area.

One previous cultural resources survey was conducted in the late 1990s within the 2,000-acre project area; that survey was limited to the existing Caltrans right-of-way along SR 223 (Chamberlin, 1997). Four archaeological sites were recorded as a result of that survey; two are outside the project area, one is located at the western end of the project area, and one is located in the south central portion of the project area.

During the field reconnaissance, URS identified several prehistoric and historic archaeological sites within the 2,000-acre project area; four sites are located within Site 1 and two sites are

located within Site 2. The west end of the project area appears to have high likelihood for prehistoric archaeological resources. In general, the eastern portion of the project area, on both the north and south sides of SR 223, appears to have a lower likelihood for cultural resources.

A letter dated April 10, 2006, was received from the Tejon Indian Tribe, stating that the project area is on the historical and traditional lands of the Tejon Indian people, who are the Descendants Most Likely for this area, and also stating that the area contains the remains of their ancestors (see Appendix A). In response to this letter, VA invited the Tejon Indian Tribe to a meeting to discuss their concerns; this meeting was held on July 26, 2006.

4.5.2 Environmental Consequences and Mitigation Recommendations

No impacts to cultural resources would occur under the No Action Alternative because no construction would occur.

Under the Proposed Action no historic structures are anticipated to be affected by cemetery development at either site because no historic structures are located within 0.5 mile of Sites 1 or 2. Under the Proposed Action, archaeological resources could be impacted by cemetery development. At its meeting with the Tejon Indian Tribe, VA agreed to conduct a Phase I archaeological survey within the APE of the selected site to determine if archaeological resources listed in or eligible for listing in the NRHP would be adversely affected by groundwater testing or cemetery development. If impacts to archaeological resources are anticipated, consultation with the SHPO would be initiated and avoidance and minimization/mitigation measures would be developed. VA will continue to coordinate with the Tejon Indian Tribe during site design and construction. VA will follow the California Public Resources Code (PRC) 5097 process with the Native American Heritage Commission to ensure appropriate treatment of any human remains that may exist on the selected site, and will fulfill all of its obligations under Section 106 of the NHPA. With appropriate avoidance, minimization, and mitigation measures, significant adverse impacts to archaeological resources at the selected site are not anticipated to result from cemetery development.

4.6 SOCIOECONOMICS

4.6.1 Noise and Visual Resources

4.6.1.1 Affected Environment

The project area is swathed in lush, rolling native grasslands, dotted with granite outcrops and stands of blue oak trees. The two alternative sites are divided by SR 223, a moderately traveled two-lane paved road maintained by the state. To the north of the sites is SR 58, a four-lane major roadway that leads to Bakersfield to the west, and to Tehachapi to the east. The sites vary topographically, with the majority of Site 1 nestled along the mild downslopes and in ridgeline lowlands. Site 2 contains more dramatic relief than Site 1, and the Site 2 eastern boundary and south-central region trend upward beyond slopes of 15 percent. The perspective from the sites is generally of undeveloped open space and broad, sweeping uplands.

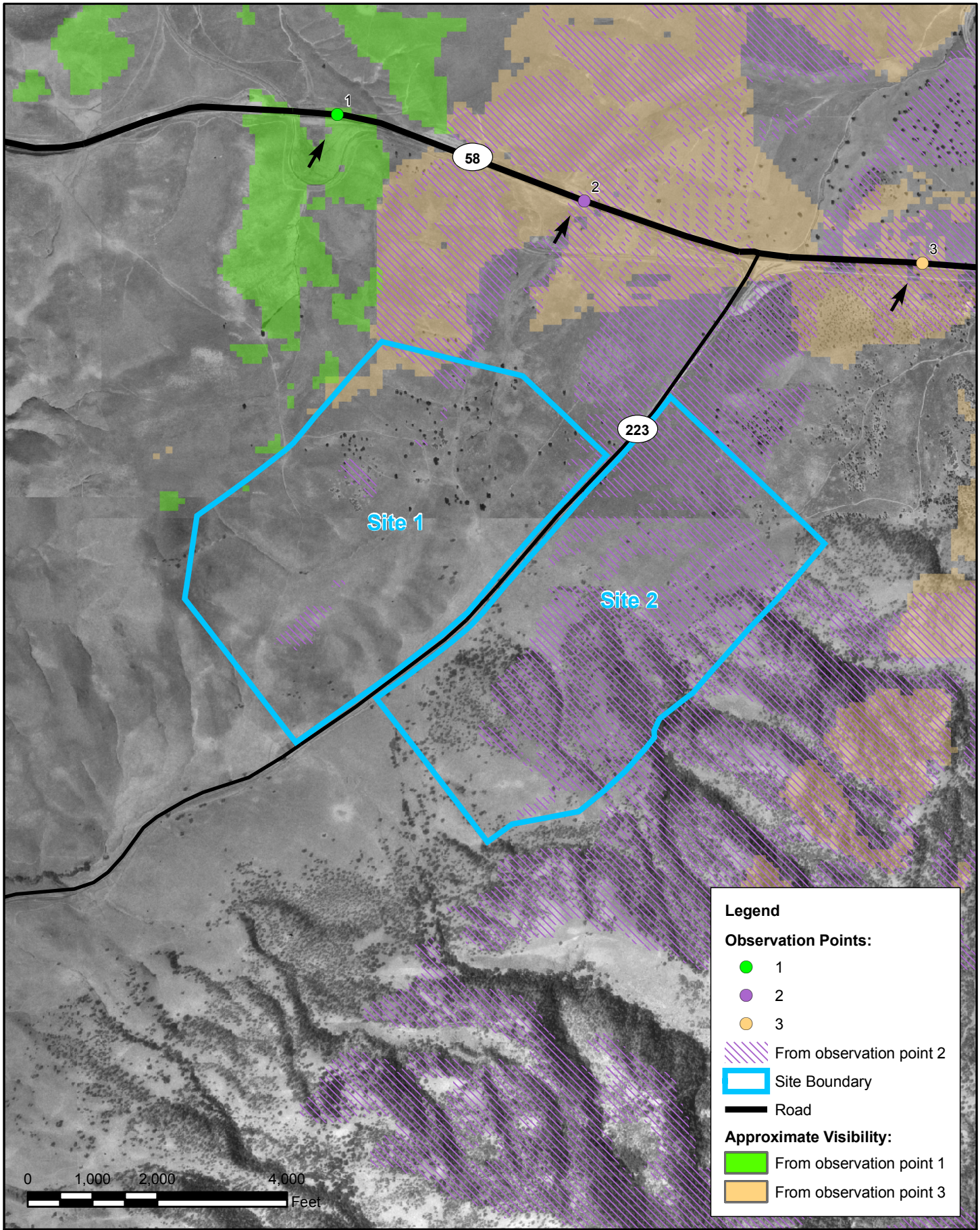
Sources of noise include vehicular traffic on SR 58 and noise related to ranching activities. Kern County states their noise ordinance in Title 8 Health and Safety, Chapter 8.36 of the County Code. Kern County does not have an ordinance that restricts construction noise.

4.6.1.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, noise levels and landscapes in the project area would not be altered because no cemetery would be constructed.

Under the Proposed Action, no adverse impacts to current noise levels or visual resources are anticipated. Noise levels would increase temporarily during construction of the visitor center and Phase I of the National Cemetery. Once the cemetery is operational, noise would be temporally emitted from the National Cemetery during funeral arrangements, funeral ceremonies, national holidays, and during new additions. Temporary noise disturbance would be limited to visitors and staff at the national cemetery. Noise would not affect sensitive receptors because there are none within Tejon Ranch or in the vicinity of the project area.

Under the Proposed Action, the cemetery and associated structures would create a developed area within a primarily undeveloped location. Although the cemetery development would create a change in the viewshed, the adjacent ridgelines and lowlands would likely obscure some of the development, softening the overall impact of site development on either alternative site (see Figures 5 and 6).



CLIENT	VA			
PROJ	Bakersfield Area National Cemetery			
REVISION NO 1	02/02/2006	DES BY	JMW	04/27/05
SCALE	1" = 2,000'	DR BY	JMW	04/27/05
G:\VMS\Projects\Figure5_ApproxVis58.mxd		CHK BY	JR	05/26/05

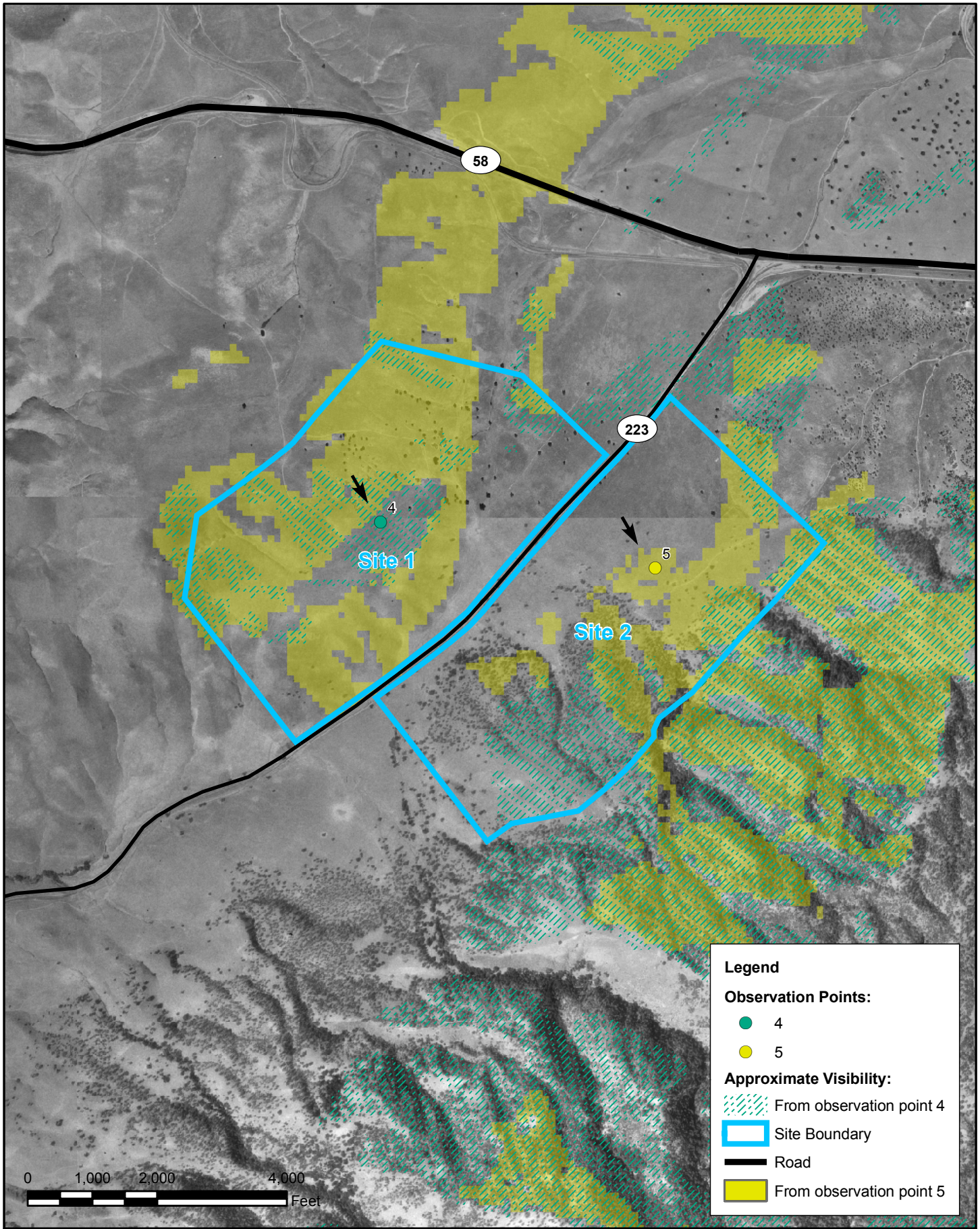
TITLE: Approximate Visibility from State Route 58

URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 5



CLIENT	VA			
PROJ	Bakersfield Area National Cemetery			
REVISION NO 1	02/02/06	DES BY	JMW	04/27/05
SCALE	1" = 2,000'	DR BY	JMW	04/27/05
G:\VMS\Projects\Figure6_ApproxVisAlt23.mxd		CHK BY	JR	05/26/05

TITLE: Approximate Visibility from Sites 1 and 2

URS

200 Orchard Ridge Drive
Gaithersburg, MD 20878

PROJ NO 31942419

FIGURE 6

The cemetery would not be visible from SR 58 if constructed on Site 1 because two ridgelines create a topographic curtain that shields Site 1 from view along SR 58. As such, and given the primarily low topographical character of Site 1, the views from Site 1 are also limited to mainly those points at higher elevations (i.e., the steep eastern border of Site 2 is visible from Site 1). SR 58 is not visible from Site 1, which is located on slopes less than 15 percent.

In general, views of the cemetery would be most visible from SR 58 if the cemetery were developed at the southeast site, Site 2. Site 2 is visible from portions of SR 58, but is also partially shielded from SR 58 by ridgelines that run north and south across the site. A narrow corridor of SR 58 is visible from Site 2, although the view of the road is softened by the backdrop of a lush ridgeline.

4.6.2 Community Services

4.6.2.1 Affected Environment

The project site is located in Kern County, California, in the northlands of the Tejon Ranch. Kern County has a Council/Supervisor form of government and is governed by a five-member Council. (Kern County, 2005)

The Emergency Medical Services Department is responsible for coordinating all associated system participants including the public, emergency service providers, and hospitals throughout the County (Kern County, 2005).

Ambulance services are provided by Hall Ambulance Service, located 10 miles away in Arvin. The closest hospital is the Tehachapi Valley Healthcare District, located approximately 25 miles from proposed site Sites 1 and 2.

The Kern County Fire Department (Department) provides service and protection to areas that vary from rural to metropolitan, as well as large portions of wildland and Wildland/Urban Interface areas. The Department is divided into seven battalions, within each battalion are divided by station. Battalion I protects a total of 1,053197 acres, including the proposed alternative sites. The Battalion I Stations nearest to the proposed alternative sites are located in Arvin (10 miles away), Keene (11 miles away), and Bear Valley Springs (17 miles away).

4.6.2.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, impacts to community services would not occur because the cemetery would not be constructed on Tejon Ranch.

Under the Proposed Action, fire, police, and EMS services would not be affected since the number of employees and visitors associated with the cemetery would be insignificant compared to the overall population served.

4.6.3 Land Use and Zoning

4.6.3.1 Affected Environment

The Tejon Ranch was established in 1843 by four Mexican land grants. At approximately 270,000 acres, the Tejon Ranch is the largest contiguous tract of land in California under single ownership, the Tejon Ranch Company. Over the years the land has primarily been used for activities associated with farming and ranching. Farming has been traced back to the 1850s when Native Americans farmed an area on the Rancho de Castac. In the 1880s the main focus of Tejon Ranch was sheep and cattle. In the 1890s there is evidence of vineyards and orchards (Tejon Ranch, 2005) Today there are approximately 4,250 acres devoted to pistachios, almonds, walnuts and vineyards and 2,500 acres devoted to row and grain crops. Cattle operations are maintained on Tejon Ranch through two land-lease agreements – one for 55,000 acres in the northlands and one for 195,000 acres in ranchlands, southlands, and valley land areas to the south. The project site is located on the 55,000 acre land-lease area in the northlands and is currently used for grazing (Tejon Ranch, 2005).

In 1965, the California Land Conservation Act, also known as the Williamson Act, was enacted to preserve agricultural lands and open space. The Williamson Act enables private land owners to voluntarily restrict land uses to agriculture and open space through agreements with the county or city in which they are located. These agreements are valid for a 10-year rolling term, meaning that, unless a notice on non-renewal is received, the contract renews itself every year. By voluntarily entering into this type of agreement, the landowner receives a reduced property tax. Site 1 and Site 2 are currently under a Williamson Act agreement (CDC, 2006).

4.6.3.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, no land use or zoning changes would occur because no national cemetery would be constructed.

Under the Proposed Action, land use and zoning would change. At the northwest site, Site 1, the zoning classification is Exclusive Agriculture (A) District. A cemetery is not an approved conditional use associated with this zoning (Kern County, 2005) A formal re-zoning request would need to be submitted and approved by Kern County if Site 1 is selected. For the southeast site, Site 2, impacts to land use and zoning would be similar to Site 1. Under Site 2 the zoning classification is Exclusive Agriculture (A) District. A cemetery is not an approved conditional use associated with this zoning (Kern County, 2005) A formal re-zoning request would need to be submitted and approved by Kern County if Site 2 is selected.

Under the Williamson Act, Site 1 is classified as Non-Prime Agricultural Land and Site 2 is classified as Mixed Enrollment Agricultural Land (Kern County, 2004). Under the Williamson Act, compatible use includes park lands; however the Kern County Planning Office does not consider a cemetery to be a compatible use. The Williamson Act agreement for the portion of Tejon Ranch that is selected would need to be cancelled. A letter requesting cancellation for the selected site would be submitted to the Kern County Board of Supervisors.

4.6.4 Utilities

4.6.4.1 Affected Environment

Due to the proximity of the two alternatives sites, the availability of potable water, electricity, natural gas, sanitary sewer service, telephone service, and solid waste collection and disposal were evaluated together as described in the following sections.

Potable Water. The Tehachapi-Cummings County Water District (TCCWD) is located in Tehachapi, about 18 miles southeast of the project sites. Tejon Ranch also has a long standing relationship with Tejon-Castac Water District and the Kern County Water Agency that ensures a secure water supply for the Tejon Ranch Industrial Complex in the southlands of the Ranch. However, it has been determined that it would not be cost-effective or environmentally feasible to run a pipe and access the public water supply, therefore the Bakersfield National Cemetery will utilize groundwater wells for access to potable water.

Sanitary Sewer Service. The proposed site alternatives are located in an unincorporated area of Kern County. In 2000, the Kern County Board of Supervisors approved a proposal which requires that new residential commercial and industrial development be required to construct and connect to sewer facilities instead of allowing individual septic systems. This new sewer policy impacts only a portion of the unincorporated metropolitan area northwest of Bakersfield. It is expected that this will be a pilot for further expansion of this policy to other unincorporated areas of metropolitan Bakersfield. Such expansion will require the cooperation of special districts in the metro area that provide water and sewer services (Kern Smart Growth, 2003). It would not be economically feasible to attempt to directly connect to the public water treatment service infrastructure; therefore, the Bakersfield National Cemetery would utilize an on-site wastewater treatment system. Upon site selection, a feasibility study would be conducted to identify soil limitations and design an appropriate system. A permit would be required from the Kern County Environmental Health Services Department for installation of an on-site wastewater treatment system.

Electricity. Pacific Gas & Electric is the local distributor of electricity to sites in Tejon Industrial Complex (Tejon Ranch, 2005). Currently, there are no electrical lines within a 1-mile radius of the proposed site alternatives (EDR, 2005); however, Pacific Gas & Electric may be able to extend services to the proposed site alternatives.

Natural Gas. Kern County is California's largest natural gas producing region. Tejon Ranch is serviced by Southern California Gas Company, a Sempra Energy Company (Tejon Ranch, 2005). Currently, there is no pipe to provide natural gas service to the proposed site alternatives. Although Tejon Ranch provides easements for public utilities, there are no easements within a 1-mile radius of the proposed alternative sites (EDR, 2005).

Telephone Service. SBC Communications provides the fiber optics and basic telecommunications services to Tejon Ranch (Tejon Ranch, 2005). Currently, there are no lines to provide access to the proposed site alternatives. There are no underground lines within a 1-miles radius of the proposed site alternatives (EDR, 2005).

Solid Waste Disposal. The Kern County Waste Management Department owns and operates several landfills, transfer stations, drop-off sites and hazardous waste sites in Kern County. The

proximity of the Bena Landfill to the proposed project locations makes it the likely choice for solid waste disposal, approximately 17 miles east of Bakersfield off SR 58, at Tower Line Road.

4.6.4.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, a national cemetery would not be constructed; therefore, no additional infrastructure would be required and no changes to current utility services would occur.

The Proposed Action, at either alternative site, would require potable water, sewage disposal, electricity, and telephone service. Access to drinking water for employees and visitors as well as water for landscape irrigation is essential. Therefore, the availability of water supply is very important in cemetery site selection. VA intends to drill wells on-site and obtain water through existing groundwater. Sewer disposal would occur with an on-site septic system. Electricity and telephone service would likely be provided by a local supplier. It is not anticipated that the construction of the Bakersfield national Cemetery would negatively impact the area's utilities.

A well permit must be obtained from the Kern County Department of Environmental Health Services prior to constructing the groundwater well. Kern County works in conjunction with the California Department of Water Resources (DWR) to regulate groundwater wells; coordination with the Southern District of the DWR is also required.

Because the soils at Sites 1 and 2 may not be naturally suitable for septic tank and absorption field use, special planning, design, and maintenance of the septic system will be needed. Coordination with the Central Valley Water Quality Control Board to obtain a wastewater discharge permit for the septic system is also required.

4.6.5 Local and Regional Economics

4.6.5.1 Affected Environment

The proposed Bakersfield Area National Cemetery sites are located within the Tejon Ranch in Kern County, approximately 30 miles east of Bakersfield, California. Founded in 1843 from several Mexican land grants, Tejon Ranch is now home to ranching and farming operations, oil production, mining, recreational activities and limited real estate development. Kern County is one of the fastest growing metropolitan areas in the western United States. Major employers in Kern County include agriculture; construction; retail trade; transportation and warehousing; real estate and rental leasing; professional, scientific, and technical services; and health care and social assistance (U.S. Census Bureau, 2002). Total property taxes paid in Kern County for the 2003 calendar year totaled $187,037,896. The total county budget for the 2004-2005 fiscal year was $1,048,379,622. The Tejon Ranch would donate either property to VA.

4.6.5.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, changes in property taxes or in local or regional economic trends would not occur; therefore, no impacts would occur. Area residents would not benefit

from the potential increase in federal and visitor spending that would result from the proposed National Cemetery site during construction and operation.

Under the Proposed Action at either alternative site, the Tejon Ranch would donate approximately 500 acres of land needed to construct the National Cemetery. The land would become government-owned, and because the federal government is exempt from paying taxes on its own property, property taxes would not be paid to the state or to the County. While there would be a loss of property tax, it would be considered negligible since the 500-acre site is not a considerable quantity of land compared to the 270,000 acres that compose the Tejon Ranch and the 5,120,000 acres that compose Kern County. Therefore, the local and regional economics would not change from the small percentage of property tax lost.

Some economic benefits to the local economy are anticipated under the Proposed Action due to the creation of jobs at the National Cemetery and influx of visitors who spend money to visit the cemetery. However, this benefit would be slight in comparison to other positive economic development continuing to occur in Kern County.

4.6.6 Demographics

4.6.6.1 Affected Environment

According to the 2000 U.S. Census, Kern County had a population of approximately 661,645, an increase of 17.8 percent over the 1990 Census (U.S. Census, 2000). As a comparison Bakersfield's population in 2000 was 247,057, and increase of 30 percent over the 1990 Census; and Arvin City had a population of 12,956 in 2000, an increase of 28 percent over the 1990 Census (U.S. Census 1990 and 2000).

The demographics of Kern County, the City of Bakersfield, and the City of Arvin were researched for comparison purposes and are described in the next few paragraphs. According to the 2000 U.S. Census, Kern County is comprised of the following ethnicities: 61.6 percent Caucasian, 6.0 percent African American, 1.5 percent Native American or Native Alaskan, 3.5 percent Asian, .01 percent Native Hawaiian or Pacific Islander, 23.2 percent reporting as "some other race", 4.1 percent reporting as two or more races, 49.5 reporting as white persons not oh Hispanic/Latino origin, and 38.4 percent reporting as persons of Hispanic or Latino decent. According to the 1999 U.S. Economic Census, Kern County had a median household income of $35,446 and 20.8 percent of the population was below the poverty level.

According to the 2000 U.S. Census, the City of Bakersfield is comprised of the following ethnicities: 61.9 percent Caucasian, 9.2 percent African American, 1.4 percent Native American or Native Alaskan, 4.3 percent Asian, 0.1 percent Native Hawaiian or Pacific Islander, 18.7 percent reporting as "some other race", 4.4 percent reporting as two or more races, and 32.5 percent reporting as persons of Hispanic or Latino decent. According to the 1999 U.S. Economic Census, the City of Bakersfield had a median household income of $39,982 and 18.0 percent of the population was below the poverty level.

According to the 2000 U.S. Census, the City of Arvin is composed of the following ethnicities: 45.0 percent Caucasian, 1.1 percent African American, 1.5 percent Native American or Native Alaskan, 1.1 percent Asian, 0.1 percent Native Hawaiian or Pacific Islander, 46.5 percent reporting as "some other race", 4.6 percent reporting as two or more races, and 87.5 percent

reporting as persons of Hispanic or Latino decent. According to the 1999 U.S. Economic Census, the City of Arvin had a median household income of $23,674 and 32.6 percent of the population was below the poverty level.

4.6.6.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, changes in demographic trends would not occur; therefore, no impacts would occur. Area residents and businesses would not benefit from the potential increase in federal and visitor spending that would result from the proposed National Cemetery site during construction and operation.

Under the Proposed Action at either alternative site, the construction of a National Cemetery will likely not have significant short-term or long-term impacts to the area's demographics. There is potential for minor short-term shifts in occupations for the City of Arvin during the construction periods, but these jobs will likely dissolve once construction is complete. Since the National Cemetery would be located within the Tejon Ranch and away from cities, it is not likely that development would occur in the vicinity of the National Cemetery. Nor would surrounding infrastructure be needed to support the National Cemetery or its visitors, leaving no potential for permanent construction jobs in the vicinity of the cemetery.

In the long term, there is the potential for an increase in visitors to cities that surround the Bakersfield National Cemetery. This may lead to minor growth in the City of Arvin in particular, but also in the cities of Weedpatch and Lamont.

4.6.7 Environmental Justice

Executive Order (EO) 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," requires Federal agencies to make achieving environmental justice part of their mission. Agencies are required to identify and correct programs, policies, and activities that have disproportionately high and adverse human health or environmental effects on minority and low-income populations. EO 12898 also tasks Federal agencies with ensuring that public notifications regarding environmental issues are concise, understandable, and readily accessible.

4.6.7.1 Affected Environment

Socioeconomic and demographic data were studied to determine if a disproportionate number (greater that 50 percent) of minority or low-income persons have the potential to be adversely affected by the proposed project.

As stated in Section 4.4.6, Demographics, Kern County had a median household income of $35,446 and 20.8 percent of the population was below the poverty level; the City of Bakersfield had a median household income of $39,982 and 18.0 percent of the population was below the poverty level; and the City of Arvin had a median household income of $23,674 and 32.6 percent of the population was below the poverty level. Table 4-3 summarizes and compares the population, income, and minority demographics of the communities surrounding the project area.

Table 4-3: Population, Income, and Minority Demographics

	California	Kern County	City of Arvin
Total Population (2000 U.S. Census)	33,871,648	661,645	12,956
Median household income ($/YR)	47,493	35,446	23,674
Individuals below the poverty level (%)	14.2	20.8	32.6
Minority population (%)	51.3	49.4	90.8
Source: U.S. Census Bureau, 2000			

4.6.7.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, the National Cemetery would not be constructed and there would be no potential to impact minority or low-income populations and changes in demographic trends would not occur; therefore, no impacts would occur.

Under the Proposed Action, although there is a large population of minorities within California, Kern County, and the City of Arvin, it is not anticipated that the construction and operation of a National Cemetery under either alternative site would have a negative impact on these populations. The proposed location of the National Cemetery is on donated private property (either alternative site) and the operation of a National Cemetery would benefit all populations within the project area.

4.6.8 Transportation, Parking, and Traffic

4.6.8.1 Affected Environment

The sites are located just south of Route 58, an east-west highway between Tehachapi and Bakersfield. Route 58 is designated primarily as a rural, principle arterial with sections of the 241 mile roadway also passing small urban and urbanized areas, such as Bakersfield. In 2004, the California Department of Transportation (Caltrans) calculated traffic on Route 58 at its intersection with Route 223. At the peak hour, traffic was estimated at 2,200 vehicles, with a peak average daily count at 22,100 vehicles, and a month count at 23,200 vehicles.

Route 223 (Bear Mountain Boulevard) is a north-south highway that bisects the sites longitudinally. Route 223 is primarily a rural, minor arterial road. Caltrans calculated traffic on Route 223 at its intersection with Route 58. At the peak hour, traffic was counted at 250 vehicles, the average daily count is 1,450, and the peak month traffic is 1,700 vehicles (Caltrans, 2004).

The Alternative 15 is an initiative that would extend Route 58 in Bakersfield to connect with Interstate 5. This initiative is planned for the 2006-2007 fiscal year. Currently, there are no traffic lights on Route 223 or Route 58 at their intersections. The speed limit on Route 58 is at least 55 mph (corresponding to highway speeds) and may be as high as 65 miles per hour. This high rate of speed makes vehicle entrance from Route 223 difficult and perhaps dangerous.

Both sites contain meandering roads used for ranching activities. Currently, there is no dedicated parking at the sites, and traffic on site is limited to ranching activities.

4.6.8.2 Environmental Consequences

Transportation, traffic, and parking would not be impacted by the No Action Alternative. No new development would occur at Tejon Ranch, and roadways would continue to support current levels of traffic.

Transportation and traffic under the Proposed Action would be impacted by development and use of the national cemetery. These impacts are related to trip generation related to cemetery interments, visitors, and staff commuting and business.

Past experience indicates that the traffic generated by use of a national cemetery does not have substantial effects on daily traffic on nearby roadways. This is generally the case because interment, visitation, and business traffic usually occurs at off-peak hours (such as 10:00 a.m. to 3:00 p.m.) during the weekdays, which is outside of morning and evening rush-hours. However, much higher than average traffic loads occur on weekends of public ceremonies (such as Memorial Day, Fourth of July, and Veterans Day). Police or cemetery personnel can be positioned on Route 223 to direct and maintain traffic flow during ceremonies, however Route 58 is a highway, and stationing staff on the highway would be dangerous.

According to VA's projections for the Bakersfield cemetery planning period (2006-2035) it is estimated that about 2,404 annual interments would occur (VA, 2005). The projected vehicle increase generated by cemetery use is summarized in Table 4-4 and relates to four main areas:

- **Interment Traffic**: It is estimated that 30 people would attend each interment with an average of 3 people per car (10 vehicles). Funeral corteges are received between 9:00 a.m. and 3:00 p.m. Monday through Friday. Based on VA estimates, an average of 1,000 burials would occur each year, or 4 per weekday.
- **Grave Visitation Traffic**: It is estimated that each gravesite would be visited two times annually for 10 years following the burial. This assumption does not account for those who visit after 10 years following the burial. Visitation would primarily occur on the weekends (80 percent of the total visitors), with 20 percent of the visitors arriving during the week.
- **Staff Traffic**: VA plans for 18 full time employees. It is assumed that weekends would require only 3 staff; however the occasional weekend interment would require more staff. It is assumed that staff commutes alone.
- **General Business Traffic**: This category includes all vehicles supporting those having business with the cemetery including clergy, salesmen, and suppliers. It is assumed that one vehicle per interment and one vehicle for every 10 developed acres would be required, which is projected at 300 acres.

Table 4-4: Projected Average Vehicles Generated by Cemetery Use

	Weekdays (250 days/year)		Weekends/Holidays (115 days/year)	
	Vehicles/Year	**Vehicles/Day**	**Vehicles/Year**	**Vehicles/Day**
Burials	**48,080 (round trip)**	**192 (round trip)**	**---**	**---**
Visitation Year 1 Year 5 Year 10	(Yearly total vehicles x 20%) 961 4,808 9,616	(Yearly total vehicles divided by 250) 19 96 192	(Yearly total visitors x 80%) 3,846 19,232 38,464	(Yearly total visitors divided by 115) 33 167 334
Staff	4,500 (# of daily staff x 250 days)	18 (# of daily staff)	345 (# of daily staff x 115 days)	3 (# of daily staff)
Business	2,440	10	---	---
Maximum Vehicles	64,636 (# of vehicles for burials + year 10 visitors + staff + business).	412 (# of vehicles for burials + year 10 visitors + staff + business).	38,809 (# of vehicles for year 10 + staff)	337 (# of vehicles for year 10 + staff)

Assumptions:

- No staff car pools
- No public transportation
- Burials – Average annual interment equals 1,150. Assume 10 vehicles/interment x 2 (round trip).
- Visitation – 1 vehicle (2 people) who visit twice annually for 10 years following burial. Projected burials over 10 years were added and visitation data points at 1, 5, and 10 years are shown. Visitation estimates are 4,808 (year 1); 24,040 (year 5) and 48,080 (year 10). Year 10 is the peak visitation and will be maintained throughout the planning period.
- Business – 1 vehicle/burial plus 1 vehicle/10 developed acres per day, assumed at 360 acres.
- Staff: Assume 18 people working weekdays and 3 people working on the weekends.
- Totals factor in Year 10 only of visitation to represent worst case scenario.
- Weekday/Weekends: Assumes 365 days/year; holidays occurring on weekdays were added to weekend total.

Source: Department of Veterans Affairs, 2005; 1987.

It is assumed that traffic flow to the cemetery would use SR 58 to SR 223. Based on the average daily vehicle counts on SR 58 (22,100) and SR 223 (2,200), the cemetery would increase trip counts by a total of 422 vehicles per day (round trip) during the week and 337 vehicles on the weekend (round trip). Table 4-5 summarizes the percent increase in vehicles on each road. The projected vehicle traffic increases are based on averages, meaning in reality, the cemetery may support a greater number or fewer vehicles than are projected in this analysis on any given day. The overall traffic impacts on SR 58 and SR 223 are not anticipated to be significant, although SR 223 would experience an increase in traffic from vehicles traveling to the cemetery. The current condition of SR 223 would be evaluated to determine whether the route can

accommodate a steady flow of traffic to the cemetery. SR 223 is slated for future expansion to four lanes. Additionally, traffic lights on SR 58 to allow for safe vehicle entry and exit from SR 223 may be necessary.

Table 4-5: Projected Vehicles Increase on SR 58 and SR 223 With Use of Cemetery

	Current Number of Vehicles Daily	Projected Number of Vehicles Weekday/Weekend (round trip)	Weekday Increase in daily traffic (average)	Weekend Increase in daily traffic (average)
SR 58	22,100	422/337	1.9% (422 divided by 22,100 x 100)	1.5% (337 divided by 22,100 x 100)
SR 223	2,200	422/337	19.1% (422 divided by 2,200 x 100)	15.3% (337 divided by 2,200 x 100)

VA plans for 40 parking spaces for administrative uses (staff, deliveries, limousines, etc.) in addition to visitor parking at the two committal shelters and along the 2-lane road winding through the cemetery. Parking would be adequate for staff, visitor, and vendor use requirements.

4.7 SOLID AND HAZARDOUS WASTES

4.7.1 Affected Environment

Environmental Site Assessments (ESAs) were conducted for each of the two alternative sites through site reconnaissance and review of public records and historical documents. The objective of these assessments was to identify "recognized environmental conditions" that might exist on the sites. The American Society for Testing Materials (ASTM) Practice E 1527-00 Standard Practice for Environmental Site Assessments, defines recognized substances or petroleum products on a property under conditions that indicate "an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the site or into the ground, groundwater, or surface water of the property."

The Phase I ESAs consisted of the following tasks:

1. **Site Reconnaissance:** Surface conditions and current activities on the site and adjoining properties were observed during a site reconnaissance conducted on March 9, 2005 at proposed Site 1 and Site 2.
2. **Records Review and Interview:** Review of records included information obtained from public agencies through EDR to assess whether current or past site usage within the study area might have created a potential for contamination of the property. The study area for the record review was based on the ASTM Practice and consisted of the following as measured from the property boundary:

- The property and adjoining properties (1.0-mile radius) for registered underground storage tanks (USTs), Resource Conservation and Recovery Act (RCRA) hazardous waste generators (large-quantity generators [LQGs] and small-quantity generators [SQG]), and Emergency Response Notification System (ERNS) reported releases.
- Radius of 0.5-mile for leaking underground storage tanks (LUSTs), RCRA Information System (RCRIS) Transportation-Storage-Disposal (TSD) facilities, state of California permitted landfill sites or solid waste disposal sites, and federal and state Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Information System (CERCLIS) sites.
- 1.0-mile Radius for State Hazardous Waste Sites (SHWS), RCRA Corrective Action (CORRACTS) TSD facilities, and state and federal Superfund sites (National Priorities List [NPL] sites).

4.7.2 Environmental Consequences and Mitigation Recommendations

Under the No Action Alternative, impacts resulting from the presence of solid or hazardous waste material would not occur, as the cemetery would not be constructed.

Under the Proposed Action, the site reconnaissance and related inquiries did not identify recognized substances or petroleum products on either site that would indicate “an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the site or into the ground, groundwater, or surface water of the property.” Therefore, no impacts resulting from the presence of solid and hazardous waste material are anticipated from development of the cemetery on either site. If substances are discovered during construction, then appropriate coordination and mitigation would be required.

4.8 CUMULATIVE IMPACTS

Cumulative impacts related to the Bakersfield National Cemetery are related primarily to groundwater consumption and habitat conversion. According to Kern County Department of Planning and Development, there are several new developments underway about 25 miles south of the cemetery sites on the southern portion of Tejon Ranch: Tejon Mountain Village, the Centennial Project, and Tejon Industrial Complex East.

Tejon Mountain Village: This development would convert 28,500 acres of oak woodlands, which now serve as critical habitat for the California condor, to an upscale resort. The Village will contain 3,450 residential units; 750 hotel units; four golf courses; and 160,000 square feet of commercial space. According to Tejon Ranch, 60% of the water supply for the village will come from the California Aqueduct, 20% of the needs will be met through advanced new water treatment and recycling plants (using treated wastewater for irrigation purposes), and the remaining 20% will be supplied by Tejon Ranch's historic groundwater rights, which use an amount well within the "safe use" of the Tejon Lake groundwater basin. Tejon Ranch will access their water assets in the Kern Water Bank if additional water is needed (Tejon Ranch, 2006).

Centennial: This development would construct 23,000 homes and 14 million square feet of retail and commercial uses on 11,700 acres of grasslands, oak woodlands, juniper woodlands,

and chaparral scrubland. About half of the 11,000 acres would be allocated as permanent open space, parks, trails, and greenways, with 80 percent of the open space remaining in its current condition. The 20-year phased plan will construct an average of 1,000 homes per year, with the first phase slated for late-2009. The water strategy will tap multiple sources for water supply including the State Water Project, ground water resources, and other potential sources. Tejon Ranch indicates that Centennial's water strategy will produce more water than is needed to reach build out in 20 years (will produce 8,800 acre-feet but need only 7,200 acre-feet). An Environmental Impact Report (EIR) on the effects of this development is due to be released in 2007 (Centennial, 2007).

Tejon Industrial Complex: This complex would convert 1,100 acres of farmland and grasslands that are considered a valuable link along San Joaquin Valley floor for species such as the San Joaquin Kit Fox. The complex would total 15 million square feet. Water supply would likely include similar sources as Tejon Mountain Village and Centennial.

In general, the developments are located far enough away from the cemetery that cumulative impacts to groundwater are unlikely. However, without groundwater data for each proposed site, it is difficult to render an opinion on groundwater resources in terms of site use and cumulative effect. Groundwater supplies in California are heavily regulated and it is presumed that all projects are carefully considered by the State and local groundwater regulators prior to permitting groundwater well development and use.

In terms of habitat loss, the cemetery would convert existing grassland to similar grassland habitat after development. The habitat for the VELB exists most importantly around the drainages, which would not be subject to cemetery development. Therefore, even though the southern portion of Tejon Ranch would undergo substantial grassland conversion through development, it is unlikely that the cemetery would increase this conversion substantially. No cumulative effect with regards to grassland habitat loss is expected.

5.0 AGENCY COORDINATION

Letters requesting a review of the proposed project were sent to the following federal and state agencies. These agencies were also sent a copy of the Draft EA. Responses received to date are included in Appendix A.

Terry Roberts, Director
State Clearinghouse
Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, California 95812-3044

Nancy Haley
U.S. Army Corps of Engineers
San Joaquin Valley Office, ACE
1325 J Street, Rm 1444
Sacramento, CA 95814-2922

Ron Huntsinger, Field Office Manager
Bureau of Land Management
Bakersfield Field Office CA-160
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, CA 93308

Wayne Nastri, Regional Administrator
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Jesse Dhaliwal
District 19 – Tehachapi Water District
1200 Discovery Drive, Suite 100
Bakersfield, CA 93309

Arvin Edison Water Storage District - OFC
20401 East Bear Mountain Boulevard,
Arvin, CA 93203

County of Kern
Planning Department
Ted James, AICP, Director
Public Services Building
2700 "M" Street, Suite 100
Bakersfield, CA 93301-2370

Diane Noda, Field Supervisor
U.S. Fish & Wildlife Service
Ventura Field Office
2493 Portola Drive, Suite B
Ventura, California 93003

Kirk C. Rodgers, Regional Director
US Bureau of Reclamation, Mid Pacific Region
Federal Office Building
3310 El Camino Avenue, Room 300
Sacramento CA 95825-1898

Mark Davis, District Conservationist
Natural Resources Conservation Service
Bakersfield Service Center
5000 California Ave
Bakersfield, CA 93309-0725

Clay Gregory
Bureau of Indian Affairs
Pacific region - regional director
2800 Cottage Way
Sacramento, CA 95825

San Joaquin Air Pollution Control District
2700 M Street, Suite 275
Bakersfield, CA 93301-2373

Caltrans
District 6
1352 W. Olive Avenue
Fresno, CA 93728

Mike McGuirt
Interim Supervisor/Associate State Archeologist
Office of Historic Preservation
California Department of Parks and Recreation
1416 9th Street, Room 1442-7
Sacramento, CA 95814

The Native American Heritage Commission provided a list of individuals or groups that should be contacted about this project. Letters were sent to the following individuals and groups. These individuals and groups also received a copy of the Draft EA. Responses received to date have been included in Appendix A.

Clarence Atwell, Chairperson
Santa Rosa Rancheria
P.O. Box 8
Lemoore, CA 93245

Carol A. Pulido
15011 Lockwood Valley Road
Frazier Park, CA 93225

Harold Williams, Chairperson
Kern Valley Indian Council
15775 Setimo Creek Road
Caliente, CA 93518

Robert L. Gomez, Jr.
2619 Driller Avenue
Bakersfield, CA 93306

James R. Leon, Chairperson
Chumash Council of Bakersfield
P.O. Box 902
Bakersfield, CA 93302

Puilulaw Khus
2001 San Bernardo Creek
Morro Bay, CA 93442

David Laughinghorse Robinson
Kawaiisu Tribe
P.O. Box 20849
Bakersfield, CA 93390

Kenneth Woodrow
1179 Rock Haven Court
Salinas, CA 93906

Delia Dominguez
Kitanemuk & Yowlumne Tejon Indians
981 N. Virginia
Covina, CA 91722

Kathy Morgan, Chairperson
Tejon Indian Tribe
2234 4th Street
Wasco, CA 93280

Ernie Garcia
Tejob Indian Tribe
23437 Via Gayo
Valencia, CA 91355

Neil Peyron, Chairperson
Tule River Indian Tribe
P.O. Box 589
Portersville, CA 93258

Ron Wermuth
P.O. Box 168
Kernville, CA 93238

Charlie Cook
Tehachapi Indian Tribe
32835 Santiago Road
Action, CA 93510

Robert Robinson
Historic Preservation Officer
Kern Valley Indian Council
Historic Preservation Office
P.O. Box 401
Weldon, CA 93283

5.1 PUBLIC INVOLVEMENT

VA is the lead federal agency for conducting the NEPA compliance process for the construction and operation of the Bakersfield Area National Cemetery. It is the responsibility of the lead agency to ensure that NEPA documents are responsive to the needs of the community while complying with all NEPA provisions.

VA published a Notice of Intent to prepare an EA on January 8, 2006, in *The Bakersfield Californian* and on January 11, 2006, in *The Tehachapi News*. The Notice of Intent is included in Appendix B.

As part of the NEPA documentation process, a Draft of this EA was made available to the public for a 30-day review and comment period. Copies of the Draft EA were placed at the Kern County Public Libraries in Bakersfield, Arvin, and Tehachapi. The Draft EA was also made available on line at www.cem.va.gov/whatsnew.htm. A Notice of Availability of the Draft EA was published on March 12, 2006, in *The Bakersfield Californian* and on March 15, 2006, in *The Tehachapi News*. The Notice of Availability is included in Appendix B.

All letters received from citizens and non-governmental organizations are contained in Appendix B.

This Final EA will be made available to the public. Copies of the Final EA will be placed at the Kern County Public Libraries in Bakersfield, Arvin, and Tehachapi. The Final EA will also be available on line at www.cem.va.gov/whatsnew.htm. A Notice of Availability of the Final EA will be published on May 14, 2007, in *The Bakersfield Californian* and *The Tehachapi News* and is included in Appendix B.

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Zachariasen, Judy. 2006. URS Geologist (Oakland Office). Personal Communication with E. Zamensky. 2006.

6.1 LIST OF PREPARERS

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Brian Hatoff, Cultural Resources Task Leader, Senior Project Archaeologist, URS Oakland (30 years of experience)

Kristine Sinkez, Soils, Agency Coordination, Public Involvement, Environmental Scientist, URS National Capital Area (3 years of experience)

Tom Herzog, Natural Resources Task Leader, Project Biologist, URS Santa Ana (15 years of experience)

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Appendix A
Agency Correspondence

PLANNING DEPARTMENT

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RESOURCE MANAGEMENT AGENCY

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Environmental Health Services Department
Planning Department
Roads Department

URS Group, Inc.
Peggy Jensen
200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878

May 1, 2006

RE: Draft EA for the Bakersfield National Cemetery, Tejon Ranch

Dear Ms. Jensen:

The Kern County Planning Department has received the EA for the above referenced project. Staff has the following comments regarding this project.

1) Please provide an adequate map showing project location. This should include township and range and sections and Assessor Parcel numbers of the property in question. The maps provided do not give adequate location information as they are only aerial photographs.
2) Project Description: How was water use approximated? The Aqua Engineering report was not included or summarized. This area of Kern County is a non-adjudicated water basin.
3) Section 4.1.2.1 Affected Environment: It is stated that the County GIS mapping indicated crops for the past two years on a portion of the project area. As this area is grazing land, it is unclear what area was mapped. There are no crops in this area until about the 1,000 foot elevation on the valley floor. Please contact the County Agriculture Department for further information.
4) Section 4.2.1 Air Quality. This project will produce air pollution primarily through mobile sources (cars and trucks going to the site). No data was included in the EA quantifying the pollutants that would be produced through mobile emissions by this project. This site is within the San Joaquin Air Basin which is currently in nonattainment for PM10 and ozone. Please contact the San Joaquin Air Pollution Control District for further information.
5) Section 4.6.2 Community Services. The Bear Valley Springs Fire Station is 17 miles away from the site up and over Bear Mountain.. There is no direct access from that station to the site and response time could take up to an hour travel time. This station would probably not response to an emergency at this location. Keen and Arvin stations would be the closest for response.
6) Section 4.6.3 Land Use and Zoning. These sites are adjacent to the White Wolf fault, an active fault that caused a major event in the Bakersfield area in 1952. Though no exact map was provided of the project, it appears that the Kern County General Plan designates Site 1 as 8.3/2:1 (Extensive Agriculture – Seismic Hazard), 8.2/2.4 (Extensive Agriculture – Steep Slope) and 8.3 (Extensive Agriculture). Most of Site 2 is designated 4.3 (Specific Plan Required) and is located within the White Wolf Specific Plan Required area. If a Specific Plan Required area is subdivided prior to adoption of a formal Specific Plan, the Map Code 4.3 designation shall be reviewed for amendment or recession. The recession, through a

publicly noticed General Plan Amendment process, shall be based on the practicality of a Specific Plan on the remainder of the property.
Both sites are zoned A (Exclusive Agriculture) and cemeteries are an allowed use with a Conditional Use Permit. (Section 19.12.030 I of the County Zoning Ordinance). Site 2 is under Williamson Act Land Use Contract. They are both within an Agricultural Preserve.

7) Section 4.6.4. Utilities. Sanitary Sewer Service. The discussion provided in the EA is for the northwest portion of the Metropolitan Bakersfield General Plan area. This project is within the County General Plan as described in #6. This is a remote rural area with no sewer or water services provided. On site wastewater treatment facilities will be permitted through the County Environmental Health Services Department.
8) Section 4.6.8 Transportation. The discussion in the EA is inconsistent for traffic numbers for the project and needs clarification. One section estimates 2,404 annual interments per the VA projections, the next section estimates 1,000 interments and the Assumptions section estimate 1,150. Also General Business traffic is estimated at 1 vehicle per 10 acres of 300 acres in the discussion but the Assumptions section assumes 1 vehicle per 10 acres for 360 acres. These inconsistencies made the traffic section difficult to review. These numbers need to be verified to calculate air emissions based on mobile sources.
In addition, no County roads were identified for traffic impacts. SR 58 is an intrastate highway with 25% truck traffic and only 2 lanes in each direction. By 2030, Kern Council of Governments estimates traffic at 53,000 ADT per day with continued 25% truck traffic. Slow funeral processions could not use this route to access the cemetery from the Bakersfield area. County roads should be identified to access the site via SR 223 and the Arvin area. Also, Table 4-5 uses weekday traffic numbers for SR 58 for traffic percentage numbers. SR 58 has decreased numbers on the weekends. Please contact Caltrans District 6 for traffic estimates for weekends.
A signal light at SR 58 and SR 223 would not be possible as outlined above due to amount of traffic on this route and location of this intersection at the bottom of a long hill. Please contact Caltrans District 6 for more information regarding the use of this proposed improvement.

Please contact Cheryl Casdorph at (661) 862-8624 if you have any questions on the comments provided.

Sincerely,

Cheryl Casdorph
Supervising Planner

Roberts

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

April 19, 2006

Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management (41F1)
811 Vermont Avenue NW
Washington DC, 20420

Subject: Bakersfield Area National Cemetery
SCH#: 2006014001

Dear Peggy Jensen:

The State Clearinghouse submitted the above named Environmental Assessment to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on April 18, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2006014001
Project Title Bakersfield Area National Cemetery
Lead Agency U.S. Department of Veterans Affairs

Type EA Environmental Assessment

Description Construction of the Bakersfield National Cemetery at Tejon Ranch is needed to fulfill VA's obligations under PL 108-109, as well as to meet the VA National Cemetery Administration's goal to provide all eligible United States veterans with reasonable access to VA burial options.

Lead Agency Contact

Name Peggy Jensen
Agency U.S. Department of Veterans Affairs
Phone 202.565-5907 **Fax**
email
Address Office of Construction Management (41F1)
811 Vermont Avenue NW
City Washington DC **State** **Zip** 20420

Project Location

County Kern
City Tehachapi, Bakersfield
Region
Cross Streets SR 58 and SR 223
Parcel No.
Township 31S **Range** 31E **Section** 4-9 **Base**

Proximity to:

Highways 58, 223
Airports
Railways
Waterways
Schools
Land Use Non-prime Agricultural Land and Mixed Enrollment Agricultural Land.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 6; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control

Date Received 03/20/2006 **Start of Review** 03/20/2006 **End of Review** 04/18/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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

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

April 18, 2006

NATIONAL CEMETERY ADMINISTRATION
OFFICE OF CONSTRUCTION MANAGEMENT
RECEIVED mb 5/4/06

Ms. Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management
810 Vermont Avenue NW
Washington, D.C. 20420

Subject: Draft Environmental Assessment (DEA) for the Bakersfield National Cemetery, Tejon Ranch, Kern County, California - **SCH# 2006014001**

Dear Ms. Jensen:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEA for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Department previously commented on the Notice of Intent (NOI) for the project on February 3, 2006. We offer the following comments and recommendations with respect to the project's impacts on Williamson Act land.

Project Description

The project is the proposed construction of a national cemetery pursuant to the National Cemetery Expansion Act (PL 108-109) on approximately 500 acres of land donated by the Tejon Ranch Company. The site is located in the northern portion of the Tejon Ranch on a lower plateau of the Tehachapi Mountain foothills in Kern County. Two adjacent alternative parcels are being considered for the cemetery location. The cemetery would encompass approximately 360 acres of the 500 donated acres. Development would occur in 10-year phases.

The DEA states that completion of a Farmland Impact Rating to determine the projects' impact of converting prime or important farmland is not required because the Bakersfield Office of the NRCS has indicated the soils involved are not prime or important farmland soils.

Williamson Act Lands

The DEA states that the Department was contacted to determine whether the alternative sites contain Williamson Act contracted land and that the results will be

incorporated into the DEA upon receipt. On March 6, 2006, the Department left a voice mail message for Erica Ziminski of URS (301-721-2241), who had contacted the Department earlier regarding Williamson Act identification for the project. The message stated that information provided in the NOI was not sufficient to enable the Department to specifically determine whether contracted land is involved but that it appeared that Alternative 3 (Site 2 in the DEA) contained contracted land. This conclusion was repeated to others who subsequently contacted Department mapping personnel. The message advised Ms. Ziminski to contact the Kern County Assessor's office for specific determination and to contact the Department for notification requirements. The Department has not received subsequent contact.

As indicated in our February 3 comments, notification to the Department is required whenever a public agency, including a federal entity, considers acquiring Williamson Act land. Specific findings must be made, and the land must be acquired by eminent domain or in lieu of eminent domain in order to void the contract and allow for development. Please find enclosed Notification Provisions that list items required as part of notification to the Department. If, as it appears, contracted land may be required for the cemetery, we recommend immediate notification to the Department.

We encourage the Department of Veteran's Affairs to avoid contracted land. Noncontracted land within the 75-mile radius of Bakersfield described in the DEA may include a feasible location for the cemetery, in which case a finding required for acquisition of contracted land (Government Code section 51292(b)) could not be made. It may also be feasible to begin the first 10-year phase of the project on noncontracted land and arrange placement of adjacent contracted land in nonrenewal, the expiration of which terminates the contract at the end of its remaining 10-year period.

Thank you for the opportunity to comment on this DEA. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 327-2145.

Sincerely,

Dennis J. O'Bryant
Acting Assistant Director

cc: State Clearinghouse

The Honorable James W. Fitch
Kern County Assessor
1115 Truxtun Avenue, 3rd Floor
Bakersfield, CA 93301-4617

Kern County Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301

ACQUISITION NOTIFICATION PROVISIONS OF THE WILLIAMSON ACT

Notification provisions of the Williamson Act (Government Code Section 51291) require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted land for a public improvement. Such notification must occur when it **appears** that land enrolled in a Williamson Act contract may be required for a public use, is **acquired**, the original public improvement for the acquisition is **changed**, or the land acquired is **not used** for the public improvement. The local governing body responsible for the administration of the agricultural preserve must also be notified.

NOTIFICATION (Government Code Section 51291 (b))

The following information must be included in the notification correspondence.

1. The total number of acres of Williamson Act contracted land to be acquired and whether the land is considered prime agricultural land according to Government Code Section 51201.
2. The purpose for the acquisition and why the land was identified for acquisition. (If available, include documentation of eminent domain proceedings or a property appraisal and written offer in lieu of eminent domain per GC §§7267.1 and 7267.2 to void the contract per GC §51295; include a chronology of steps taken or planned to effect acquisition by eminent domain or in lieu of eminent domain.)
3. A description of where the parcel(s) is located.
4. Characteristics of adjacent land (urban development, Williamson Act, noncontract agricultural, etc.)
5. A vicinity map and a location map (may be the same as #8).
6. A copy of the contract(s) covering the land.
7. CEQA documents for the project.
8. **The findings required under GC §51292 , documentation to support the findings and an explanation of the preliminary consideration of §51292.** (Include a map of the proposed site and an area of surrounding land identified by characteristics and large enough to help clarify that no other, noncontract land is reasonably feasible for the public improvement.)

ACQUISITION (Government Code Section 51291 (c))

The following information must be included in the notification when land within an agricultural preserve has been **acquired**. The notice must be forwarded to the Director within **10 working days** of the acquisition of the land. The notice must also include the following:

1. A general explanation of the decision to acquire the land, and why noncontracted land is not available for the public improvement.
2. Findings made pursuant to Government Code Section 51292, as amended.
3. If the information is different from that provided in the previous notice sent upon consideration of the land, a general description of the land, and a copy of the contract covering the land shall be included in the notice.

SIGNIFICANT CHANGE IN PUBLIC IMPROVEMENT (Government Code Section 51291 (d))

Once notice is given as required, if the public agency proposed any significant change in the public improvement, the Director must be notified of the **changes** before the project is completed.

LAND ACQUIRED IS NOT USED FOR PUBLIC IMPROVEMENT (Government Code Section 51295)

If the acquiring public agency does not use the land for the stated public improvement and plans to return it to private ownership, **before** returning the land to private ownership the Director must be notified of the action. **Additional requirements apply.** The mailing address for the Director is: **Bridgett Luther, Director, Department of Conservation, 801 K Street, MS 18-01, Sacramento, CA 95814; phone (916) 324-0850.**

(April 2002)

Maben

DON MABEN
SUPERVISOR
SECOND DISTRICT

April 13, 2006

Ms. Peggy Jensen
Project Manager, VA National Cemetery Administration
Office of Construction Management (41F1)
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Ms. Jensen,

As the Kern County Supervisor for District 2, where the proposed Bakersfield Area National Cemetery is to be located, I am responding to the Environmental Assessment released for this project. Given the two choices for the construction of this memorial, I urge you to choose Site 1 for the cemetery location, not Site 2.

Much of the mountainous area of my district falls into a critical Wildland-Urban Interface area – the importance of which is paramount to the prevention and suppression of Wildland Fires. If a fire started at Site 1, due to the carelessness of a visitor or backfiring of a vehicle, it could be easily contained. In this case, State Hwy. 223 would act as a break to prevent a fire from rushing up the face of Bear Mountain.

Site 2, on the other hand, would have no such fire break leaving the mountainside difficult, if not impossible, to contain – once a fire got into heavier fuels. The face of Bear Mountain is covered with thick brush and dense forest higher up, fuels that would burn intensely in our extremely dry summer droughts. The communities of Bear Valley Springs and Hart Flat, where thousands of my constituents live, is just over the ridge and could be seriously threatened by such a wildfire.

Because the Draft Environmental Assessment does not discuss the danger of fire, I request that you include a comprehensive discussion of that problem in the Final Environmental Assessment. Furthermore, I recommend that you contact the Kern County Fire Department as you investigate the problem of wildfire. There are many practical steps that can be taken to minimize the danger of fire.

The threat of wildfire is a severe problem for all of California, particularly southern California where Kern County is located. Most recently, a series of fires claimed two dozen lives and destroyed hundreds of homes. The terrain and fuels in the vicinity of the proposed cemetery are very much like where those fires burned.

Please consider the danger of wildfire as you proceed with planning for the cemetery. The County of Kern and the State of California is being aggressive in making our mountainous communities – fire safe. Please join us in this effort.

Sincerely,

Don Maben
Second District Supervisor

1115 Truxtun Avenue, Room 502 • Bakersfield, CA 93301
Telephone (661) 868-3660 • Fax (661) 868-3666

Morgan

April 10, 2006

John Randall
URS Corporation
200 Orchard Ridge Drive, Suit3 101
Gaithersburg, MD 20878-1978

Re: Notice of Intent – Construction of Bakersfield National Cemetery, Tejon Ranch, Kern County, California

Dear Mr. Randall,

I have received your letter of intent and have been given a copy of your Draft Environmental Assessment Report for the proposed Veteran's Cemetery at Tejon Ranch. As the Chairperson for the Tejon Indian Tribe, it is my duty to inform you that your project is indeed on the historical and traditional lands of the Tejon Indian people and we are the Descendants Mostly Likely for this area. Therefore, I hope you can understand why we have some concerns regarding the development of this project.

The major concern we have for this project is that we know first hand of the remains of our ancestors being buried on this proposed site and we consider this place a scared site. In regards to your proposed sites, the Tejon Tribe can and does claim

- Lineal descend to this area.
- We consider this area where you have located cultural resources as our historical and traditional lands.
- We are the tribe with the closet cultural affiliation.
- As Descendants Mostly Likely, we are the tribe aboriginally occupying this land with the closest cultural relationships to the human remains we know for a fact are buried on this site.

Please be advised the Tribe does not have any ill feeling towards having a Veteran's Cemetery in Kern County. Our tribe has numerous veterans of all wars dating back to WWI and we currently have members serving in the armed forces right now. We do however have every right to be concerned that our ancestors and our cultural resources are not disturbed in order for any additional burial to be made regardless of their status as honored veterans.

TEJON INDIAN TRIBE
2234 4th Street Wasco, CA 93280
Home (661) 758-2303 · E-mail: kmorgan@bak.rr.com

I would like to request a copy of your project information as to the design of the entire proposed project. Here is a list of some questions we have concerns about:

- In order for us to assess what type of equipment you will he using, we are very interested to see just how you plan to deal with the hilly parts of this site as well as other parts of this land.
- Are you prepared for avoidance at all cost in handling human remains? We do not advocate any kind of recovery of human remains since we consider that as disturbance to our ancestors.
- Are there any structures going in and how are you preparing to handle major construction relating to these structures including the parking situation.
- Your Draft Environmental Assessment Report, Section Four, Page 4-20, identified prehistorical and historic archaeological sites within both of these proposed sites. We want to know exactly what provisions you have in place for dealing with these sites. Are you prepared for total avoidance and preservation to all these important sites?

I would also like you to know that The Tejon Indian Tribe has a Cultural Resource Management Team made up of tribal members who have extensive experience in dealing with the preservation and protections of our cultural resources. Therefore, if this project is going to completed, I strongly suggest that your company work with the Tejon Indian Tribe's CRM Team for all phases of the development of this project. Our tribe has worked for URS as Native Monitors before and we welcome the opportunity to work with you again, this way. We have already walked this area and have done our own blessing. We want to be on hand for all phases of this project especially for the surveying because we consider this as a ground disturbing act.

We would like to get the Veteran's Department to avoid this site at all cost and would like for them to choose another site altogether. It is imperative that the Tejon Tribe be involved in this project from the very beginning so that our concerns are not taken lightly and so we can ensure that our ancestors and our sites are not disturbed at any cost if this development is going to happen here on this site. We can only hope by working with you we can reach a mutual understanding regarding the development of this sensitive and spiritual place.

Sincerely,

Kathryn Montes Morgan
Chair
Tejon Indian Tribe

Cc: Peggy Jensen-Veteran Affairs
Tribal Elders
Tejon Tribal Council
Tejon Tribe CRM Team Members

Stewart

San Joaquin Valley Air Pollution Control District

April 7, 2006

Reference No. C20060625

Peggy Jensen, Project Manager
VA National Cemetery Administration
Office of Construction Management (41F1)
810 Vermont Avenue NW
Washington, DC 20420

Subject: Draft Environmental Assessment for the Proposed Construction
Bakersfield Area National Cemetery – Tejon Ranch, Kern County, California
SCH# 2006014001

Dear Ms. Jensen:

The San Joaquin Valley Unified Air Pollution Control District (District) has previously commented on this project.

To: Jonathan Randall for the VA National Cemetery Administration project:
Bakersfield National Cemetery, Tejon Ranch, Kern County, California
Date: January 23, 2006
District Reference No. C20060042
From: Georgia Stewart

The District offers the following comments in addition to previous comments.

It appears that this project is subject to the District's Indirect Source Review Rule (Rule 9510). This rule was adopted to reduce the impacts of growth in emissions from all new development in the San Joaquin Valley. Rule 9510 requires applicants subject to the rule to provide information that enables the District to quantify construction, area and operational PM10 and NOx emissions, and potentially mitigate a portion of those emissions. An application must be filed with the District no later than when the final discretionary application for the development project is filed. For more information and instruction, please contact the District's ISR staff by phone at (559) 230-5800 or by email at ISR@valleyair.org.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

Georgia A Stewart
Air Quality Specialist
Central Region

c: file

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6985

www.valleyair.org

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

REPLY TO
ATTENTION OF

March 17, 2006

Regulatory Branch (200600204)

Jonathan Randall
URS Corporation
200 Orchard Ridge Drive, Suite 101
Gaithersburg, Maryland 20878-1978

Dear Mr. Randall:

We are responding to your December 29, 2005 request for comments on the Bakersfield National Cemetery project. This project is located in the northern part of Tejon Ranch, south of the intersection of Highway 58 and State Route (SR) 223, Kern 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.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. 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.

Please refer to identification number 200600204 in any correspondence concerning this project. If you have any questions, please contact Kathy Norton at our San Joaquin Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email *Kathy.Norton@usace.army.mil*, or telephone 916-557-5260. You may also use our website: *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

Kathy Norton
Chief, San Joaquin Valley Office

Kern County
Veterans Affairs Council
1120 Golden State Ave., Bakersfield, CA 93301-2416
Telephone (661) 868-7300 • Res (661) 837-9591

Ken Nishiyama
Chairman

February 14, 2006

To: White Wolf Tejon Coalition of Native American Veterans

The Kern County Veterans Affairs Council is organized and operates under the guidance of Mr. Charles N. Bikakis, Director of the Kern County Veterans Service Department.

The Council, which consists of a chairman and a nine person executive committee, is chartered to serve the interest of all veterans and act in an advisory capacity to state and local government bodies, and to act as a coordinating body for all nationally chartered veteran organizations in Kern County, with the provision to respect the autonomy of said organizations at all times.

Be advised that Thomas Calderon is a member of our Council.

We support your effort to protect spiritual and ancestral artifacts, which are known to be located on the grounds of the national cemetery to be constructed at the White Wolf grade area.

Respectfully,

Ken Nishiyama

Ken Nishiyama
Chairman

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

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

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

February 3, 2006

Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management
810 Vermont Avenue NW
Washington, D.C. 20420

Subject: Notice of Intent (NOI) -- Preparation of an Environmental Assessment (EA) for the Bakersfield National Cemetery, Tejon Ranch, Kern County, California **SCH# 2006014001**

Dear Ms. Jensen:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOI and offers the following recommendations for the EA with respect to the project's potential impacts on agricultural land.

The proposed project involves construction of a Veterans Cemetery on 500 acres of land donated by the Tejon Ranch Company. The NOI notes that both of the potential 500-acre sites consist of hilly grazing land with adjacent agricultural lands. Therefore, the Division recommends that, at a minimum, the following information be specifically addressed to document and treat project impacts on agricultural land and land use.

Agricultural Setting and Impacts on Agricultural Land Use

The EA should describe the project setting in terms of the actual and potential agricultural productivity of the land. The Division's Kern County Interim-Important Farmland Map, which defines farmland according to soil attributes and land use can be used for this purpose. In addition, we recommend including the following information to characterize the agricultural land resource setting of the project.

- Current and past agricultural use of the project area.
- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation.

- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulatively considerable impacts on agricultural land. This would include impacts from the proposed project as well as impacts from past, current and probable future projects in the Bakersfield area.

Williamson Act Lands

The Tejon Ranch area includes lands in agricultural preserves and under Williamson Act contract (see enclosed Fact Sheet). Due to the size of the map included in the NOI and lack of specific parcel number information, it is difficult to determine whether agricultural preserve or contracted areas are within the project area. If lands in agricultural preserves or under Williamson Act contract exist on or adjacent to the project area, the Division recommends that the following information be provided in the EA:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The EA should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project. The California Environmental Quality Act (CEQA) Guidelines state that a project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres [California Code of Regulations §15206(b)(3)].
- Information on status of the contracts such as contract expiration dates or whether contracts were terminated prior to donation of the land to the Department of Veterans Affairs.
- A discussion of Williamson Act contracts that may need to be terminated in order to accommodate the project. The EA should also discuss the impacts that termination of Williamson Act contracts would have on nearby properties also under contract.

If lands under Williamson Act contract are included in the project area, we recommend that the Department of Veterans Affairs contact the Division immediately so we can provide the Department with information regarding public acquisition policies and procedures, requirements for Williamson Act contract termination, and the best approach for contract terminations. The Division must be notified in advance of any proposed public acquisition (Government Code §51290 et seq.), and specific findings must be made (§51292). The property must be acquired in accordance with eminent domain law by eminent domain or in lieu of eminent domain in order to void the contract

(§51295). Otherwise, uses of the contracted property will be affected and limited by the terms of the contract and provisions of the Act. The public agency must consider the Division's comments prior to taking action on the acquisition.

Thank you for the opportunity to comment on the NOI. Please contact Bob Blanford, Williamson Act Analyst, for information on the Williamson Act and procedures for project implementation on contracted lands. Bob Blanford can be contacted by telephone at (916) 327-2145 or by mail at the Department of Conservation , Division of Land Resource Protection, 801 K Street, MS 18-01, Sacramento, California 95814.

Sincerely,

Dennis J. O'Bryant
Acting Assistant Director

Enclosure

cc: Jonathan Randall, Sr. Project Scientist
URS Corporation
200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878

North West Kern RCD
5000 California Ave. Suite #100
Bakersfield, CA 93309

NATIONAL CEMETERY ADMINISTRATION
OFFICE OF CONSTRUCTION MANAGEMENT

RECEIVED mbj. 2-17-06

Williamson Act

Questions and Answers

What is the California Land Conservation (Williamson) Act?

The California Land Conservation Act, better known as the Williamson Act, has been the state's premier agricultural land protection program since its enactment in 1965. Nearly 16.9 million of the state's 45 million acres of farm and ranch land are currently protected under the Williamson Act.

The California Legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by discouraging premature and unnecessary conversion to urban uses. The Act creates an arrangement whereby private landowners contract with counties and cities to voluntarily restrict land to agricultural and open-space uses. The vehicle for these agreements is a rolling term 10 year contract (i.e. unless either party files a "notice of nonrenewal" the contract is automatically renewed annually for an additional year). In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use, rather than potential market value.

What benefits do Williamson Act contracts offer to landowners?

The Williamson Act is estimated to save agricultural landowners from 20 percent to 75 percent in property tax liability each year. One in three Williamson Act farmers and ranchers said in a survey that without the Act they would no longer own their parcel (Source: Land in the Balance, University of California: December 1989).

What is an agricultural preserve?

An agricultural preserve defines the boundary of an area within which a city or county will enter into contracts with landowners. The boundary is designated by resolution of the board of supervisors (board) or city council (council) having jurisdiction. Only land located within an agricultural preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions designated in the resolution to ensure that the land within the preserve is maintained for agricultural or open space use.

How many acres are required for an agricultural preserve?

An agricultural preserve must consist of no less than 100 acres. However, in order to meet this requirement, two or more parcels may be combined if they are contiguous or in common ownership. Smaller agricultural preserves may be established if a board or council determines that the unique characteristic of the agricultural enterprise in the area calls for smaller agricultural units, and if the establishment of the preserve is consistent with the General Plan. Preserves may be made up of land in one or more ownerships. Property owners with less than 100 acres may combine with neighbors to form preserves, provided the properties are contiguous.

What is a Williamson Act Contract?

A Williamson Act Contract is the legal document that obligates the property owner, and any successors of interest, to the contract's enforceable restrictions.

How does a landowner initiate a Williamson Act Contract?

A landowner interested in enrolling land in a contract should contact the local planning department of the county in which the land is located to obtain information and instructions.

How long must land be maintained under a Williamson Act contract?

The minimum term for a contract is 10 years. However, some jurisdictions exercise the option of making the term longer, up to twenty years. Contracts renew automatically every year unless nonrenewed.

What is the nonrenewal process?

A notice of nonrenewal starts the 9-year nonrenewal period. During the nonrenewal process, the annual tax assessment gradually increases. At the end of the 9-year nonrenewal period, the contract is terminated.

What is a cancellation?

Only the landowner can petition to cancel a contract. To approve a tentative contract cancellation, a county or city must make specific findings that are supported by substantial evidence. The existence of an opportunity for another use of the property is not sufficient reason for cancellation. In addition, the uneconomic character of an existing agricultural use shall not, by itself, be a sufficient reason to cancel a contract. The landowner must pay a cancellation fee equal to 12.5 percent of the unrestricted, current fair market valuation of the property.

Must a landowner comply with the terms and conditions of a contract?

Yes. A Williamson Act contract secures an enforceable restriction. Failure to meet the terms and conditions of the contract may be considered a breach of contract.

What happens to a Williamson Act contract upon sale of the property?

A Williamson Act contract runs with the land and is binding on all successors in interest of the landowner.

What are the land uses permitted within an agricultural preserve and contracted land?

The Williamson Act states that a board or council by resolution shall adopt rules governing the administration of agricultural preserves. The rules of each agricultural preserve specify the uses allowed. Generally, any commercial agricultural use will be permitted within any agricultural preserve. In addition, local governments may identify compatible uses permitted with a use permit.

What happens if an owner fails to comply with the terms and conditions of a contract?

In the case of a breach of a contract, the local government may seek a court injunction to enforce the terms of the contract. Structures permitted or built after January 1, 2004, exceeding 2,500 square feet that are not permitted under the Williamson Act or contract, local uniform rules or ordinances and exceed 2,500 square feet are *material breaches of contract* and may be subject to penalties of 25% of the value of the affected land and 25% of the value of any improvements

Does my county participate?

As of 2005, all counties except Del Norte, Los Angeles, San Francisco, Inyo and Yuba offer Williamson Act contracts.How can an agricultural landowner permanently protect his land from development pressures?

An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production.

California Farmland Conservancy Program (CFCP) grant funds may be used by a local government or a qualified nonprofit organization (i.e. park district, resource conservation district or land trust) to purchase a landowner's conservation easement. The Department of Conservation can assist landowners in identifying appropriate entities that would be qualified to apply for a CFCP grant on their behalf.

What is the State's role?

The Department of Conservation is responsible for the interpretation of the Williamson Act, research of related issues and policies, and enforcement of Williamson Act provisions and restrictions.

For more information contact:

Department of Conservation
Division of Land Resource Protection
801 "K" Street MS 13-71
Sacramento, CA 95814
Phone: 916-324-0850
FAX: 916-327-3430
Email: dlrp@consrv.ca.gov

Website: www.conservation.ca.gov/dlrp/lca

DEPARTMENT OF TRANSPORTATION
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 444-2583
FAX (559) 488-4088
TTY (559) 488-4066

Flex your power!
Be energy efficient!

February 2, 2006

2103-IGR/CEQA
6-KER 223-31.4
NOI for National Cemetery

Ms. Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management
810 Vermont Avenue NW
Washington DC 20420

Dear Ms. Peggy Jensen:

Thank you for providing Caltrans with the opportunity to review the NOI for the Bakersfield Area National Cemetery draft Environmental Assessment on State Route (SR) 223 south of SR 58. Caltrans offers the following comments.

- A plan showing access to and from the proposed cemetery should be submitted for our review and approval. A traffic handling plan is recommended for occasions that may cause significant traffic delay on State Route 223.

- SR 223 is planned as a 4-lane conventional highway requiring 146 feet of right-of-way. Sixty (60) feet currently exists. An irrevocable offer of dedication of 43 feet of right-of-way is necessary to provide for the ultimate plan.

Please contact me with any questions regarding this matter.

Sincerely,

Jeff Sorensen
Associate Transportation Planner

NATIONAL CEMETERY ADMINISTRATION
OFFICE OF CONSTRUCTION MANAGEMENT
RECEIVED

NATIONAL CEMETERY ADMINISTRATION
OFFICE OF CONSTRUCTION MANAGEMENT

RECEIVED mbj 2-17-06

rec'd Jan 25

San Joaquin Valley
Air Pollution Control District

January 23, 2006

Reference No. C20060042

Jonathan Randall, Sr. Project Scientist
URS Corporation
200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878

SUBJECT: Bakersfield National Cemetery, Tejon Ranch, Kern County, California
Notice of Intent – Preparation of an Environmental Assessment

Dear Mr. Randall:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project would contribute to the overall decline in air quality due to construction activities in preparation of the site and ongoing traffic and other operational emissions.

The environmental assessment should quantify all emissions related to the project to determine if they exceed any District significance threshold. The District recommends using the URBEMIS 2002 Version 8.7 program to calculate project area and operational emissions and to identify mitigation measures that reduce impacts. URBEMIS can be downloaded from www.urbemis.com or the South Coast Air Quality Management District's website at http://www.aqmd.gov/ceqa/urbemis.html. If the preliminary analysis indicates that the project exceeds the District's Thresholds of Significance for ozone precursors (10 tons/year of either Reactive Organic Gasses or Oxides of Nitrogen), then the District recommends the preparation of a full Air Quality Impact Assessment (AQIA) that describes the air quality setting and identifies measures that reduce air quality impacts. The Department of Veterans Affairs (VA) or its consultant is encouraged to consult with District staff for assistance in determining appropriate methodology and model inputs.

With the adoption of District Rule 9510 (Indirect Source Review) on December 15, 2005, the District will be requiring projects subject to the rule to quantify indirect, area source, and construction emissions. The District has not typically recommended quantifying emissions from construction activities, but now the District will require quantification of construction exhaust emissions. The District still considers that the fugitive dust PM10 emissions generated during construction activities are reduced to levels considered less-than-significant through compliance with Regulation VIII Fugitive Dust Rules and does not require quantification.

The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to these and additional District Rules. To

identify additional rules or regulations that apply to this project, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (661) 326-6969. Current District rules can be found at http://www.valleyair.org/rules/1ruleslist.htm.

Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at: http://www.valleyair.org/busind/comply/PM10/Reg%20VIII%20CAB.pdf. On August 19, 2004 and September 16, 2004, the District's Governing Board approved amendments to Regulation VIII, Rules 8011-8061 and 8071-8081 respectively, that became effective on October 1, 2004

For Non-Residential Sites:
If a non-residential project is 5.0 or more acres in area or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. A template of the District's Dust Control Plan is available at:
http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2012-01-2005.doc.

Rule 3135 (Dust Control Plan Fee) This rule requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the District's cost for reviewing these plans and conducting compliance inspections. More information on the fee is available at: http://www.valleyair.org/rules/currntrules/Rule%203135%201005.pdf.

Rule 4002 (National Emission Standards for Hazardous Air Pollutants). In the event that any portion of an existing building will be renovated, partially demolished or removed, the project will be subject to District Rule 4002. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Mr. Sherman Yount of this office at (661) 326-6969, or contact CAL-OSHA at (559) 454-1295.

Rule 4103 (Open Burning) regulates the burning of agricultural material. Agricultural material shall not be burned when the land use is converting from agriculture to nonagricultural purposes. In the event that the project burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rules specifies architectural coatings storage, clean up and labeling requirements.

District Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 9510 (Indirect Source Review) This rule requires the applicants of certain development projects to submit an application to the District when applying for the development's last discretionary approval. The rule requires developers to mitigate emissions at the project site to the extent feasible and to pay a mitigation fee to the District for a percentage of the remaining emissions. The ISR rule becomes effective March 1, 2006. Projects that have not received a final discretionary approval by March 1, 2006 must submit an ISR application by March 31, 2006.

The District encourages innovation in measures to reduce air quality impacts. If offices, a visitor center, or caretaker residences are constructed at the cemetery site, there are a number of measures that could be incorporated into the design of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as County of Kern development standards. Any measure selected should be implemented to the extent possible.) The measures listed below should not be considered all-inclusive and remain options that the project proponent should consider:

- Trees should be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade paved areas.
  See http://www.coolcommunities.org
  http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf
  http://www.urbantree.org

- As many energy-conserving features as possible should be included in the design/construction of the project. Examples include (but are not limited to):
  For Office
  - Increased energy efficiency (above California Title 24 Requirements). See http://www.energy.ca.gov/title24/.
  - Increased wall and ceiling insulation (beyond building code requirements)
  - Energy efficient widows (double pane and/or coated)
  - High-albedo (reflecting) roofing material. See http://eetd.lbl.gov/coolroof/
  - Radiant heat barrier. See http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html
  - Cool Paving. See http://eande.lbl.gov/heatisland/ & http://www.harc.edu/harc/Projects/CoolHouston/
  - Energy efficient lighting, heating and cooling systems see http://www.energystar.gov/
  - Programmable thermostat(s) for all heating and cooling systems
  - Awnings or other shading mechanism for windows
  - Porch/Patio overhangs
  - Ceiling fans
  - Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.)
  - Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See http://www.advancedbuildings.org
  - Orient the unit(s) to maximize passive solar cooling and heating when practicable

- The VA or its contractor(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.

- Construction activity mitigation measures include:
  - Limit area subject to excavation, grading, and other construction activity at any one time
  - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
  - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
  - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
  - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
  - Off road trucks should be equipped with on-road engines when possible.
  - Minimize obstruction of traffic on adjacent roadways.

- The applicant should use diesel equipment fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel

blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB's website at http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm and the EPA's website at http://www.epa.gov/oms/models/biodsl.htm. The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website http://www.arb.ca.gov/msprog/offroad/cert/cert.php. For more information on any of the technologies listed above, please contact Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.

- Construction equipment should have engines that meet the current off-road engine emission standard (as certified by the CARB), or be re-powered with an engine that meets this standard. Tier I, Tier II and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see http://www.arb.ca.gov/msprog/offroad/cert/cert.php. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. Rule 9510 requires construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Astone, Air Quality Specialist, at (559) 230-5800.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

Georgia A Stewart
Air Quality Specialist
Central Region

c: file

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

January 19, 2006

Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management (41F1)
810 Vermont Avenue NW
Washington, D.C. 20420

RE: SCH# 2006014001 – Bakersfield Area National Cemetery, Kern County

Dear Ms. Jensen:

The Native American Heritage Commission has reviewed the Notice of Intent (NOI) regarding the above referenced project. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **Sacred Lands File check completed, no sites indicated**
  - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Rob Wood
Environmental Specialist III
(916) 653-4040

CC: State Clearinghouse

Native American Contacts
Kern County
January 19, 2006

Santa Rosa Rancheria
Clarence Atwell, Chairperson
P.O. Box 8
Lemoore , CA 93245
(559) 924-1278
(559) 924-3583 Fax
Tache
Tachi
Yokut

Tejon Indian Tribe
Ernie Garcia
23437 Via Gayo
Valencia , CA 91355
661-254-4856
Yowlumne
Kitanemuk

Kitanemuk & Yowlumne Tejon Indians
Delia Dominguez
981 N. Virginia
Covina , CA 91722
deedominguez@juno.com
(626) 339-6785
Yowlumne
Kitanemuk

Robert L. Gomez, Jr.
2619 Driller Ave.
Bakersfield 93306
, CA
(661) 871-4760
Paiute
Yokuts
Tubatulabal

Carol A. Pulido
15011 Lockwood Valley Rd.
Frazier Park , CA 93225
(661) 245-3081
Chumash

Tejon Indian Tribe
Kathy Van Meter, Cultural Res. Team Leader
14035 Rosedale Hwy
Bakersfield , CA 93314
Yowlumne
Kitanemuk

Tejon Indian Tribe
Kathy Morgan, Chairperson
2234 4th Street
Wasco , CA 93280
(661) 868-6434 (Work)
Yowlumne
Kitanemuk

Chumash Council of Bakersfield
James R. Leon, Chairperson
P.O. Box 902
Bakersfield , CA 93302
chumashtribe@sbcgloba.net
(661) 836-0486
(661) 863-0487 Fax
Chumash

Kern Valley Indian Council
Harold Williams, Chairperson
15775 Setimo Creek Road
Caliente , CA 93518
(661) 333-5032
Southern Paiute
Kawaiisu
Tubatulabal
Koso
Yokuts

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville , CA ~~93257-0589~~ 93258
chairman@tulerivertribe.nsn.
(559) 781-4271
(559) 781-4610
Yokuts

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 regard to cultural resources for the proposed SCH# 2006014001 - Bakersfield Area National Cemetery, Kern County.

Native American Contacts
Kern County
January 19, 2006

Puilulaw Khus
2001 San Bernardo Creek
Morro Bay 93442
, CA
Chumash

Kern Valley Indian Council, Historic Preservation Office
Robert Robinson, Historic Preservation Officer
P.O. Box 401
Weldon , CA 93283
Tubatulabal
Kawaiisu
Koso
Yokuts
(760) 378-4575 (Home)
(760) 549-2131 (Work)

Ron Wermuth
P.O. Box 168
Kernville 93238
, CA
warmoose@earthlink.net
(760) 376-4240 (Home)
(916) 717-1176 (Cell)
Tubatulabal
Kawaiisu
Koso
Yokuts

Kawaiisu Tribe
David Laughinghorse Robinson
P.O. Box 20849
Bakersfield , CA 93390
(661) 664-3098 (Work)
(661) 664-7747 (Home)
Kawaiisu

Tehachapi Indian Tribe
Attn: Charlie Cook
32835 Santiago Road
Action , CA 93510
suscol@interx.net
(661) 269-1244
Kawaiisu

Kenneth Woodrow
1179 Rock Haven Ct.
Salinas 93906
, CA
(831) 443-9702
Foothill Yokuts
Mono

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 regard to cultural resources for the proposed SCH# 2006014001 - Bakersfield Area National Cemetery, Kern County.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Bakersfield Field Office
3801 Pegasus Drive
Bakersfield, California 93308-6837
www.ca.blm.gov/bakersfield

1700 (CA-160)

JAN 12 2006

Jonathan Randall
URS Corporation
200 Orchard Ridge Drive, Suite 101
Gaithersburg, MD 20878

Subject: Notice of Intent – Bakersfield National Cemetery, Tejon Ranch, Kern County, California

Dear Mr. Randall:

Your letter of December 29, 2005 informed this agency concerning the proposed veteran's cemetery southeast of Bakersfield, California. Thank you for the opportunity to provide comments on the proposed project. In reviewing our records, we find that there are no lands or mineral rights under the jurisdiction of the Bureau of Land Management, either within the project area or nearby. Therefore, it appears that our agency will not be involved in this project. However, should the project be relocated to another area, it is possible that Bureau lands could be affected, because we have scattered parcels of Bureau land throughout the Sierra Nevada foothills. If you have any further questions in this matter, please call me at (661) 391-6000.

Sincerely,

Ron Huntsinger
Field Office Manager

Appendix B
Public Involvement

Notice of Availability

Final EA for Construction of Bakersfield National Cemetery

Tejon Ranch, Kern County, California

Department of Veterans Affairs

The Department of Veterans Affairs (VA) announces the availability of the Final Environmental Assessment (EA) for construction of the Bakersfield National Cemetery at Tejon Ranch, located in Kern County, California. Construction of the Bakersfield National Cemetery is needed to fulfill VA's obligations under PL 108-109, as well as to meet VA National Cemetery Administration's (NCA) goal to provide all eligible United States veterans with reasonable access to VA burial options. The proposed project would be located about 30 miles east of Bakersfield and 18 miles northwest of Tehachapi, California. The project area is located in the northern portion of Tejon Ranch, south of the intersection of Highway 58 and State Route (SR) 223. The cemetery would serve nearly 187,000 veterans residing in the 75-mile service area around Bakersfield, California.

The Final EA evaluated the No Action Alternative and implementation of the Proposed Action at two alternative sites. The site for the new national cemetery would be donated by Tejon Ranch and selected from a 2,000-acre project area in the northern portion of the Tejon Ranch located on a lower plateau of the Tehachapi Mountain foothills. Site 1 consists of an approximately 502-acre parcel located southwest of the intersection of SR 223 and SR 58 on the northwest side of SR 223. Site 2 consists of an approximately 496-acre parcel located southeast of the intersection of SR 223 and SR 58 on the southeast side of SR 223. On both sites, the landscape consists of grazed, hilly grassland intermixed with oak woodland.

Comments received from agencies and members of the public on the Draft EA have been addressed in the Final EA; all correspondence is included in the Final EA appendices. With the Final EA, VA has issued a Finding of No Significant Impact (FONSI) based on the following factors:

- no significant environmental impact is anticipated as a result of the construction and operation of a national cemetery in the Bakersfield area.
- all requirements of the National Historic Preservation Act of 1966, as amended, will be met to ensure that any potential adverse effects to archaeological resources on the Bakersfield Area National Cemetery site will be avoided or mitigated.

VA has selected Site 1 as its preferred site for the cemetery and will prepare a master plan to guide the development of the proposed cemetery on this site. Development of the cemetery would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period. Approximately 50 acres would be developed in the initial phase, which would include construction of basic infrastructure and interment areas. Future development phases would provide additional interment areas and associated infrastructure.

This Final EA was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations

at 40 CFR 1500-1508, and VA's implementing regulations at 36 CFR Part 26.4(a) which direct VA to consider the environmental consequences of proposed actions. Copies of the Final EA are available for review at three Kern County Public Libraries: 1) Beal Memorial-Main Library, 701 Truxton Avenue in Bakersfield; 2) Arvin Branch, 201 Campus Drive in Arvin; and, 3) Tehachapi Branch, 1001 W. Tehachapi Boulevard Suite 400 in Tehachapi. The Final EA is also available online at www.cem.va.gov/whatsnew.htm.

Comments or inquiries should be directed to: Ms. Peggy Jensen, Project Manager, via U.S. mail to VA National Cemetery Administration, Office of Construction Management (41F1), 810 Vermont Avenue NW, Washington, D.C. 20420; via electronic mail to margaret.jensen@va.gov; or via facsimile to 202.565.4944.

White Wolf Coalition
Bakersfield, CA

September 20, 2006

Mr. Michael Elliott
Director, Project Support Services
Department of Veteran Affairs
National Cemetery Administration (41F2)
810 Vermont Avenue, NW
Washington, DC 20420

Dear Mr. Elliott,

Pursuant to our meeting on July 26, 2006, at the Clarion Hotel in Bakersfield, CA, I am submitting these comments and recommendations on behalf of the White Wolf Coalition, regarding the proposed Bakersfield Area National Cemetery, Tejon Ranch, Kern County, CA.

Thank you and your staff for a successful and interactive meeting on July 26, 2006. It was the epitome of true communication; interactive speaker-listerner exchange. It is in this spirit of communication that I am submitting these comments and recommendations for your anticipated favorable consideration.

After our meeting, the coalition has a greater understanding and fully appreciates the insights and protocols involved with the planning processes, organizational structures and burial processes of our national cemeteries. Understandably, there are many parameters in place in the day-to- day operations of these national cemeteries which ultimately leads to a burial of dignity and honor for our veterans. I have concluded from my research and our meeting that each cemetery seems to take on its own ambiance and unique character. I am submitting the following comments and recommendations in order to assist you in developing and creating the appropriate characteristics for this proposed cemetery while maintaining high governmental standards.

This report includes three sections; introduction, as included above, comments and recommendations.

Comments:

- Our research has discovered that within one-half mile of the southern most boundary of alternative site #2 there is an archaeological site where burial remains have been located in the past (CAKer 2225). Our personal observations have revealed bed-rock mortars adjacent to Hwy 223 along the roadway's eastside easement.

- Our research has also discovered that within two miles of the sourthern most boundary of alternative #2 there are two other archaeological sites, (CAKer 3064 & 3065).

- Your report of March 9, 2006, included the existence of elderberry and gooseberry stands. Our research of the area has also reveled that this area is notably inundated with the existence of wildflowers during the spring time i.e., purple Lupines and in particular the CA state flower; Golden Poppy.

- Your report mentions the existence several types of annual grasses on the proposed sites, which raises the question; the existence of fields of grass that Native Americans of this area, have traditionally used to produce a digestable substance called "salt grass."

- Our observation of the proposed areas revealed an abundance of native "old-growth" oak trees, especially in the area of alternative #1.

- Our internet research has revealed that there are several national cemeteries that have unique and/or Native American, Alaskan Indian, Spanish, and French names.

- Transportation issues must be considered in light of the anticipated large volume of new vehicle traffic on feeder and arterial roads within the proposed areas.

- Over time this cemetery, like the others within the national system, will create its unique character. Our research has revealed that many national cemeteries are dedicated to a particular military organization, era or occurrence, i.e., United States Marine Corps 1st Marine Division, Korean War, Yellow Fever victims, etc.

- Our research has discovered that some cemeteries have rooms dedicated to the display of various artifacts depicting local or military history.

- Attached to this document you will find a list public and private organization that have submitted resolutions of endorsements and/or letters of support for this project. The list also includes letters from several Native American tribes and organizations (federally and non-federally recognized).

- The ten-year plan will necessitate periodic and/or regular input at various stages of the project. This input can include but is not limited to periodic training modules on the National Historic Preservation Act, sec. 106 for cemetery staff and others.

Recommendations:

1. The lead agency should adhere to an *In Situ* position in the event any burial sites are located. Notification to appropriate Native American individuals should be made in accordance with the guidelines of section 106 of the National Historic Preservation Act (NHPA).

2. Native American compensated should be compensated for consultation during all phases of the project and consultants should be present during all sub-surface excavations.

- Consideration of the erection of a monument depicting local area tribal cultures.
- Use of Native American names for roadways and park areas.
- Designating the name of the cemetery to (White Wolf National Cementery).
- Continuing consultation during the entire ten-year life cycle of the Master Plan.

3. In the event any skeletal, burial and/or funerary artifacts are located, they will not be subjected to any type of scientific investigation that will alter them in composition and makeup.

4. Any deletions or modifications made to the project management plan will not be made unless appropriate notifications and consultations are made with Native Americans.

5. All cultural artifacts discovered on the sites, should be considered property of the Native American indigenous to this area and shall be held in repository at a agreed upon location.

7. Consideration should be given to the creation of an on-site museum or repository to house any cultural artifacts discovered during archaeological and/or building excavations.

8. Consultation should be made with local transportation planning agencies, with Native Armerican input, on the impacts of roadways, in light of the existing rchaeological sites, (CAKer 2225, 3064 & 3065).

9. Considerations in planning should be given to the maintenace and preservation of existing flora within the cemetery grounds.

10. Inclusion of Native American input at strategic points (previously agreed) during the ten-year management plan of the project.

The coalition looks forward to working with you on this project and anticipates receiving a timely respond in order to make arrangements for our *on-site pre-project ceremony* that was discussed during our last meeting. If you have any questions please contact me at the addresses and number provided below. Thank you for your favorable consideration on this matter.

Respectfully,

Robert Gomez, Jr
2619 Driller Ave.,
Bakersfield, CA 93306
661-321-6007
pahulin@cox.net

Attachment:

The following list includes those agencies and/or organizations that have submitted a letter of support and/or endorsement to the White Wolf Coalition. As of this writing, several other Native American groups and organizations have given the Coalition verbal support and have offered to submit letters of support. The Coalition anticipates submission of those letters in the near future.

1. Chumash Elders Council of Bakersfield, Elmer Castro, Chairperson, Bakersfield, CA
2. Santa Rosa Indian Reservation, Tachi Tribe, Mr. Charles Atwell, Chairperson, Lemoore, CA
3. Tule River Indian Reservation Elder's Council, Porterville, CA
4. Kern County Sheriff's Department, Mack Wimbish, Sheriff, Bakersfield, CA
5. Kern County Veteran Affairs Councel, Mr. Ken Nishiyama, Chairman, Bakersfield, CA
6. Office of the Assembly, California Legislature, Nicole M. Parra , Member of the Assembly, 30th District
7. Office of the Congress, 20th Congressional District, Office of Congressman Jim Costa, Bakersfield, CA
8. State of CA, Native American Heritage Commission, Rob Wood, Environmental Specialist, Sacramento, CA

Mullins

TEJON RANCH COMPANY

Via email (margaret.jensen@va.gov)
and U.S. Mail

April 14, 2006

Ms. Peggy Jensen
Project Manager
VA National Cemetery Administration
Office of Construction Management (41F1)
810 Vermont Avenue NW
Washington, D.C. 20420

Re: Draft EA for Bakersfield National Cemetery

Dear Ms. Jensen:

Tejon Ranch Co. is pleased to provide these comments on the Draft Environmental Assessment dated March 9, 2006 (the "Draft EA") for the Bakersfield Area National Cemetery. We provide these comments both as the current owner of the land proposed for the national cemetery (the "Project Site"), and as a concerned private citizen who wants the proposed cemetery to succeed and move forward to fruition.

The Draft EA states at page 3-3 that the estimated water supply needed for the proposed cemetery is 450-720 acre feet per year, presumably at completion, and assuming lawn irrigation. It then states that the water would be obtained from an undetermined number of wells to be drilled on the Project Site.

We are concerned that proceeding in the manner described will result in an unsuccessful or undersized cemetery project since the quantity of water stated as required is not present in the local area, either on or off the Project Site. We are further concerned that by failing to substantiate an adequate water supply, and by failing to assess the environmental effects of constructing a water line to import an adequate water supply to the Project Site, the Draft EA is insufficient, in contravention of NEPA.

No information is provided in the Draft EA that would constitute evidence that the required water supply is present in water bearing soil or rock beneath the Project Site. No tests were conducted to ascertain if sufficient water is available. The sole discussion of *potential* water supply in the Draft EA is contained at page 4-12. There, it says that wells in the Sierra Nevada have production levels ranging from 10 gallons per minute (gpm) to 2,000 gpm, says that there are wells in the community of Keene–five miles away–that cumulatively produce 485 gpm, and

P. O. Box 1000 · Lebec, California 93243
(661) 248-3000 Fax (661) 248-3100

concludes, "These data suggest that groundwater is available at the project area". However, no evidence is provided that would indicate that wells at the Project Site should produce 10 gpm or 2,000 gpm, or any amount in between.

If a water supply analysis is comparing two sites five miles apart, both of which overlie a large groundwater basin like the one under Bakersfield, then production rates five miles away might or might not be some evidence of conditions at the subject location. However, the Project Site does not overlie a large groundwater basin; it does not overlie any groundwater basin at all. The Project Site is a flat spot halfway up a steep mountainside. The underground water comes from cracks in granite caused by seismic faults. Conditions in one such location are not a good predictor of conditions in another location a few hundred yards away, not to mention five miles.

Our knowledge of water supplies available in and around the Project Site is based on decades of operating wells for existing ranching and employee residential uses, and on a 1984 report of a water supply study performed for Tejon Ranch (enclosed with the mailed copy of this letter). This study assessed geologic conditions in the entire area and drilled nine test wells throughout the area. This study indicates there is little or no usable groundwater underneath land analyzed in the Draft EA that is suitable for grave sites.

This study further indicates that even if the National Cemetery Administration were allowed to pump out all of the estimated annual safe yield of the entire area of several thousand acres surrounding the Project Site, including all of the well water now used by the existing grazing and residential uses, it could produce less than half of the water needed for the cemetery. The limited amount of groundwater available in the area must support ranching uses in an 18,000 acre area at the northern end of Tejon Ranch. Tejon has long term contractual obligations providing priority well water rights to our grazing lessee. NCA staff has been informed that the local groundwater is very limited in quantity, that it must support ranching operations in a large area, and that we are unable to entertain diluting or subordinating our rights to adequate water for our future agricultural needs as a consequence of offering a generous and beautiful piece of California for a veterans' final resting place.

At pages 4-12 and 4-28, the Draft EA states that it is not cost effective to run a pipeline to access the supplies of the Tehachapi-Cummings County Water District ("TCCWD") as proposed in a feasibility report prepared by TCCWD. No back-up is provided for this conclusion. The most economical proposed pipeline route was estimated to cost $8.4 million, including a generous 30% contingency. However, if the pipeline costs $8.5 million and the land is free, it's the same cost as buying land with sufficient groundwater for $17,000 an acre. Land surrounding Bakersfield, the likely alternative location for a national cemetery, is now selling in the range of $150,000 to $160,000 an acre. Only if one selects a site on the valley floor many miles from urban areas can one find improved farmland with groundwater for less than the cost of bringing water to the Project Site. Thus, the infeasibility of constructing the water line has not been

demonstrated.

At page 4-28, the Draft EA states that the TCCWD pipeline is not environmentally feasible. There is no evidence to back up this statement. It would be hard for the Draft EA to provide such evidence, since the environmental effects of the TCCWD pipeline have not been assessed. However, in analyzing the pipeline routes, TCCWD personnel did not uncover any environmental conditions which would preclude constructing a pipeline along the routes studied.

It appears that VA officials have made their water supply decision based on cost factors without studying or knowing whether their preferred solution is physically possible and without analyzing the environmental effects it would cause on surrounding lands and land uses. When it becomes clear that their preferred water supply solution is not feasible, a new EA will have to be prepared to analyze either the TCCWD water supply pipeline or an alternative cemetery site. Either way, substantial, unnecessary delays will be incurred, to the detriment of aging veterans and their families in the Kern County area. We suggest corrective action be taken now, to minimize such delays. We respectfully request that the Draft EA be amended to provide for a viable, imported water supply and be recirculated for comment.

Sincerely yours,

Dennis Mullins
General Counsel

Gomez

April 13, 2006

Ms. Peggy Jensen
Project Manager
VA National Cemetery Administration Office of
Construction Management (41F1)
810 Vermont Ave., NW,
Washington, D.C. 20420

Dear Ms. Jensen,

Thank you for this opportunity. This is a magnanimous and important project that impacts the public in general and Native Americans in particular. After reviewing your document, (Draft Environmental Assessment) I am including the following comments.

This is a much needed opportunity for veterans and their families in which they will have access options to a national cemetery in order to honor them for the sacrifices.

The majority of my comments will address the cultural resources portion of this assessment. I have also made some comments regarding the flora of this area. However, I must address an immediate need regarding my input for this assessment. I believe that Native Americans should be given an opportunity to view the sites of this project in order to provide more meaningful input. I am submitting these comments on the anticipation that I am able to submit further comments after a survey of the site areas is made and I can hopefully provide more detailed comments.

Flora

1. Your report included the existence of Elderberry and Gooseberry stands. It is important to know where, how large and how extensive these stands will be impacted.

2. Your report mentions the existence several types of annual grasses, which raises the question if there is an existence of fields of grass Native Americans of this area, have traditionally used to produce "salt grass."

Cultural

1. The lead agency should adhere to an *In Situ* position in the event any burial sites are located. Notification to appropriate Native American individuals should be made in accordance with the guidelines of section 106 of the National Historic Preservation Act (NHPA) and California Environmental Quality Act (CEQA) if appropriate.

2. Native American consultation should be made at all phases of the project and consultants should be present during all sub-surface excavations. In developing your ten year master plan, Native Americans should be consulted for their input during the development of this plan. The following items should be considered for insertion in the master plan:

- Consideration of the erection of a monument depicting local area tribal cultures.
- Use of Native American names for roadways and park areas.
- Modifying the name of the cemetery to (Native American name) ???? National Cemetery.
- Ability to use designated park areas for traditional burial ceremonies.
- Continuing consultation during the entire ten-year life cycle of the Master Plan.

3. In the event any burial or funerary artifacts are located, they will not be subjected to any type of scientific investigation that will alter them in composition and makeup.

4. In the event any burial sites are located, appropriate notifications will be made to local, state and federal authorities, in addition to a local Native American designated in accordance with appropriate laws and regulations.

5. Any future additions, deletions or modifications made to a previously agreed upon plan made with the Native American will not be made unless appropriate notifications and consultations are made with those Native Americans.

6. All cultural artifacts discovered on the sites, above surface and sub-surface should be considered property of the Native American indigenous to this area and shall be held in repository at a location agreed upon.

7. Consideration should be given to the creation of an on-site museum or repository to house any cultural artifacts discovered during archaeological excavations.

Once again, thank you for the opportunity and I hope to be in contact with you soon regarding this project and my comments.

Respectfully,

Robert Gomez
2619 Driller Ave.,
Bakersfield, CA 93306
661-321-6007 pahulin@cox.net

Thompson

FRIENDS OF THE OAKS

27100 Deertrail Drive
Tehachapi, CA 93561
April 10, 2006

Ms.Peggy Jensen, Project Manager
VA National Cemetery Administration
Office of Facilities Management
810 Vermont Ave., NW
Washington, D.C. 20420

Dear Ms. Jensen:

Friends of the Oaks, a group dedicated to the conservation of our native oaks in the Greater Tehachapi area, has had the opportunity to study the Draft Environmental Assessment for the proposed Veteran's Cemetery on Tejon Ranch.

The sites being studied are located in one of the most scenic areas of eastern Kern County. One of the reasons the area is extraordinary is because of its lack of manmade intrusions. There are no billboards, service stations, etc. Tejon Ranch has used the area for its historic ranching operation without incursions. Both Highway 223 and 58 are surely worthy of scenic designation and would provide a fitting backdrop for a national veteran's cemetery.

Our organization supports the mission of a veteran's cemetery. We do have a few comments we would like to make.

1. Site 1 on the west side of highway 223 would be superior to site 2 in that the cemetery would impact far fewer oaks. The oaks in the overall area are mostly valley oaks of great age. They are of great aesthetic appeal and need to be protected.
2. In this cemetery setting it will be very important to consider the fact that the oaks have adapted to fairly long hot summers with the moisture being received in the winter months. Therefore, a lot of irrigation could be very detrimental to oaks over the long term. We recommend that a certified

arborist be involved in your planning as well as a specialist in California native plants.

3. During the construction phase it will be very important to protect the oaks from compaction by erecting fences that protect the trees out to their driplines. In other words no heavy equipment should be used or stored under the trees.
4. Large amounts of soil should be kept away from the trunks of trees as it is possible for an oak fungus to attack the roots. The soil would smother the feeder roots.
5. A certified arborist should assess the health of the trees and provide overall direction into pruning and removal of mistletoe.
6. We generally support the use of more native types of vegetation that would use less water. It is possible to have a very attractive cemetery that fits the local environment. The type of cemetery you have back east would really not fit the setting at the base of Bear Mountain and into the rolling foothills. There are many experts in the field who could provide the required expertise. The beauty of the cemetery should complement its setting and large expanses of bluegrass lawn just don't seem to fit this beautiful, natural setting.
7. Oak regeneration has been quite poor in this part of California. We would suggest that you protect any oak seedlings that you find from deer browse so that they can become the mature oaks of the future.

Thank you for giving attention to our comments. We would appreciate being placed on your mailing list for future documents.

Sincerely,

Solveig Thompson

Solveig Thompson for
Friends of the Oaks

Morin 4-10

White Wolf Coalition

3628 South Sterling Road
Bakersfield, California 93307
(661) 363-7148 (661) 599-2718

Date: April 10, 2006

Peggy Jensen
U.S. Department of Veterans Affairs
Office of Construction Management (41F1)
Washington, D.C. 20420
Electronic mail margaret.jensen@va.gov

RE: Bakersfield Area National Veterans Cemetery, Kern County

Dear Ms. Jensen,

The White Wolf Coalition met on Saturday, April 8, 2006 to review the Environmental Assessment on the proposed Bakersfield Area National Cemetery.

The assessment reads that The Veterans Administration has made a decision to issue a **Findings of No Significant Impact** based on The Southern San Joaquin Valley Information report that there are no historic properties within the project area.

The White Wolf Coalition consists of Native American Veterans, The Most Likely Descendents (of the cemetery project area) Tribal Elders and Leaders of the Federally Recognized Tribes of this area. Our mission is to preserve our Traditional Cultural Practices and to honor the Spiritual Beliefs of the ancestors that came from the Tehachapi Mountain foothill area that was the homeland of the Yokuts, the Kawaiisu and the Tubatulabal.

Our concerns are with the several identified, highly sensitive, prehistoric archaeological sites within the project area. Under the Proposed Action, archaeological resources could be impacted by the cemetery development. If impacts were anticipated avoidance and minimization measures would be developed. The Department of Veterans Affairs and the National Cemetery Administration anticipate no adverse impacts to the archaeological resources from the cemetery development.

However, the coalition members feel that lack of surface evidence of archeological resources does not preclude their subsurface existence.

The Tribal Elders and Coalition members would like permission to do a walk threw and Native American Blessing of the Area of Potential Effects, and are requesting an extension on the time period of April 15, 2006 to comment on the archaeological sites within the project area.

If I can answer any further questions you might have please contact me Ernest Morin, (661) 363-7148, cellular: (661) 599-2718 or Thomas Calderon, W.W.C. Chairperson, (661) 325-5488 cell: (661) 343-5279

Thank You For the opportunity to review the Environmental Assessment.

Ernest A. Morin
White Wolf Coalition Member

Fontaine

PO Box 307
Tehachapi, CA 93581
April 9, 2006

Ms. Peggy Jensen
Project Manager
VA National Cemetery Administration
Office of Construction Management (41F1)
810 Vermont Avenue NW
Washington, D.C. 20420

Dear Ms. Jensen,

This letter is in response to the Draft Environmental Assessment regarding the proposed Bakersfield Area National Cemetery to be located on land donated by Tejon Ranch in Kern County, California.

There is one glaring deficiency in the Draft EA. Other than listing the fire stations in the vicinity of the proposed cemetery, there is no discussion of the danger of wildfire and steps that could be taken to mitigate this serious environmental hazard. One of the most serious types of natural disasters residents of California must guard against is the danger of wildfire in rural remote areas.

In the fall of 2003 a series of wildfires burned 750,043 acres, claimed 24 lives, and destroyed 3,710 homes in southern California. Those fires burned in terrain and vegetation similar to the area of the proposed cemetery.

In the summer of 2002 a fire in nearby Sequoia National Forest burned 150,000 acres but fortunately no lives were lost. Again the terrain and vegetation were similar to the proposed cemetery sites.

The proposed cemetery sites are at the base of Bear Mountain which faces north west directly into the prevailing northwest winds. The vegetation at the base of the mountain where the cemetery would be located is mostly oak grasslands but quickly grades into highly flammable brush and denser forest with increasing elevation. If a fire got into the denser vegetation with a wind behind it there would be no way to stop it until it got to the top of Bear Mountain.

The McNally Fire of 2002 in Sequoia National Forest started under similar circumstances. It started in grass, burned uphill into brush, and then into forested areas with absolutely no chance of stopping it. Fire fighters could only watch it, protect inhabited areas the best they could, and wait until it reached the high mountain ridges where they finally got it under control two months later. The cost to suppress that fire was $60,000,000.

If a fire started as a consequence of operating the cemetery the VA could be held liable for suppression costs and the destruction of private property. Because there are developed

residential areas near the proposed site the threat to human life and the cost of property damage could be considerable. If the VA could demonstrate that every reasonable precaution had been taken to prevent such a catastrophe that liability could be minimized. I urge you to begin to document that effort by dealing with the danger of wildfire in the final EA for this project. I believe there are several ways to minimize this problem.

There are two communities that could be threatened by wildfire that might start at the cemetery. Bear Valley Springs is located near the top of Bear Mountain beginning on the slope above the cemetery site. It consists of over 20,000 acres with over 6,000 residents. Hart Flat just off of HWY 58 in the direction of Keene and Tehachapi is also a residential area with hundreds of residents. Both of these developments lie within two miles of the cemetery site. In addition there are scattered residences throughout the area.

The following are suggestions, that if given serious consideration, could minimize the problem of wildfire. I believe they should be discussed in the Final EA for the project.

In my opinion the single most important step that could be taken to minimize the wildfire threat would be to choose site 1 for the location of the cemetery. Highway 223 would act as a firebreak between the cemetery and the very steep densely vegetated NW slope of Bear Mountain. The highway itself and the fuel breaks bladed and maintained along both sides of the road would be an effective barrier. The vegetation on site 1 is primarily annual grasses with scattered Valley Oaks which are not easily ignited. Although fire can spread rapidly in annual grasses it can be easily extinguished if attacked quickly. The vegetation on site 2 is oak grassland near the highway but grades rapidly into brush and thicker trees at the base of Bear Mountain. It would be very difficult to create an effective fuel break between site 2 and the highly flammable vegetation on Bear Mountain.

I am the president of the Greater Tehachapi Fire Safe Council. The cemetery site is in the area of our responsibility. However my comments on fire are my own and not those of the Fire Safe Council. We recently commissioned a study called The Greater Tehachapi Area Community Wildfire Protection Plan, It deals with the potential danger from wildfire in the Tehachapi area and includes several recommendations to minimize the problem. The report is 178 pages long and is very comprehensive. It includes a great deal of site specific information including the cemetery location. I am including a CD copy of that report with my letter for your use in developing the final EA. There will be some edits made to the report but the information in the CD is accurate. I think you will find it very useful. Please include everything in that report as part of my response to the draft EA.

Below are some specific steps I urge you to consider in the final EA. Some of them are dealt with in the GTACWPP.

Tanks for water storage should be located at the cemetery. They could be used as a water source for a dip site for the Kern County Fire Department helicopter stationed at Keene a few miles away. The helicopter has by far the shortest response time to the cemetery. The shorter the response time the greater the chance to suppress a fire before it has time to get

large and spread. The Kern County Fire Department could supply further information about the needed capacity for the water tanks and construction of a dip site. Several of those have already been installed in the Tehachapi area.

As the draft EA points out there will be tens of thousands of visitors to the cemetery each year. Plans should be made to minimize the possibility of inadvertent ignition of fire by visitors. For example all parking areas should be kept clear of flammable vegetation. Driving a car into tall grass that can be ignited by hot catalytic converters is one of the most common ways wildfires are started in California. Fences should be constructed to keep motorized vehicles and smokers out of areas with flammable vegetation. If picnic areas where visitors can relax are to be included they should be located in areas that are as fire proof as possible. No fires should be permitted under any circumstances. The McNally Fire in Sequoia National Forest was started by a woman who lit a fire to cook hot dogs.

The rate of fire spread under the worst case scenario from the cemetery to the developed areas in Bear Valley Springs and Hart Flat should be included in the final EA. This should include the kind of vegetation, the influence of wind and other weather conditions. How much time would residents in the area have to evacuate under these circumstances? There are fire computer models to answer these questions. Much of this information is included in the GTACWPP CD I have enclosed.

Response time for the helicopter at Keene and tankers from the fire stations in the area should be included in the final EA. How much water capacity would the tanker trucks have and how much could they expect to be available from water storage tanks at the cemetery? I urge you to work directly with the Kern County Fire Department to deal with these kinds of issues. I have always found them to be very helpful and forthcoming with suggestions. They can also suggest other issues that need to be considered.

Personnel working at the cemetery should have in depth training in fire suppression and prevention. They would almost certainly be the first responders in case of a fire. They should also have the necessary equipment to fight fire. Again Kern County Fire Department advice would be invaluable on this issue. Cemetery personnel should be well trained in dealing with the public on the problem of fire.

I notice the Kern County Fire Department is not on your agency coordination list. They should receive the draft EA and be asked to comment. They should be one of your key sources for input and comments. They are located at 5642 Victor Bakersfield, CA 93308 and their phone number there is 661 391 7000. Your best contact would be Battalion Chief Ken Stevens.

Other issues;
The vegetation at Site 1 is valley oaks and annual grasses. I would be very surprised if you could find a single blue oak on that site. Site 2 is also primarily valley oaks but there may be some blue oaks up against the slope of Bear Mountain. The valley oaks are very large and hundreds of years old. They are the premier oaks of California. They would be

valuable assets for landscaping and esthetic appeal at the cemetery. In addition the oaks at Site1 are very scattered while Site 2 is much more densely covered by oaks. It would be much easier to avoid disturbance of oak trees if Site 1 is chosen for the cemetery.

Availability of water will be a key issue for planning the cemetery. The EA estimates that the water need for the cemetery 450 to 720 acre feet/year. Is this the initial need for water or is it the need when the cemetery is fully utilized? The draft EA states that test wells will used to assess the availability of groundwater. I urge you to do that as soon as possible. That information will be needed before you can make any final decisions regarding the cemetery.

The problem of loose landslide material is discussed. There are several poorly consolidated landslide deposits on the NW face of Bear Mountain. There are geologic maps available showing where these features are located if you need them. Another earthquake on the White Wolf Fault or extremely wet conditions could loosen these features and renew landslide activity. The EA says both sites would be equally threatened by a landslide. However I think it is clear that Site 2 would be in far greater danger since it lies right at the foot of the steep NW face of Bear Mountain where these unstable features are located while Site 1 is located some distance away from that steep escarpment.. Incidentally the Tehachapi Earthquake that occurred on the White Wolf Fault was in 1952 not 1956 as stated on p. 4-9.

Although it is a problem that Caltrans must deal with, the intersection of State HWY 223 and HWY 58 is a dangerous situation. Currently turning onto 223 from 58 requires crossing in front of oncoming traffic. In the winter clouds can suddenly bank up against the steep mountains near that intersection creating near zero visibility with little warning. There have been several chain reaction accidents involving many vehicles including fatalities. Many drivers exceed the speed limit of 65 mph and if they suddenly enter dense clouds it is often a deadly situation. Putting in signal lights at the intersection might help but they could not be seen in time to stop under these conditions. The best solution to the problem would be an interchange. That intersection and the nearby turn off to Caliente are the only place between Bakersfield and Freeman Junction in the Mojave Desert where there is cross traffic on HWY 58. If Caltrans plans to widen State HWY 223 to four lanes then an interchange would certainly be needed. I urge you to explore with Caltrans the feasibility of constructing an interchange at that intersection. It is already a very dangerous situation and opening a cemetery nearby would make a bad situation worse. Traffic is continually increasing on HWY 58. There would be strong support locally for an interchange.

I urge you to consider a site visit for local residents who are concerned about the cemetery. If representatives of the VA who will be involved in the final decisions about the cemetery and those who will write the final EA visit the site together with local residents the quality of the final EA will be much better and the decision makers will be in a better position to make the best decisions. It would also minimize the possibility of any controversy arising about the cemetery.

Please include my comments in my letter of January 21, 2006 as you prepare the final EA. Also please include me in any public announcements or documents concerning the cemetery. Thank you for your consideration of my comments.

Sincerely,

Joe Fontaine

Joe Fontaine

White Wolf Coalition
3628 South Sterling Road
Bakersfield, California 93307
661-363-7148

Date: March 26, 2006

Peggy Jensen
US Department of Veterans Affairs
Office of Construction Management (41F1)
810 Vermont Ave NW
Washington, DC 20420

Re: Bakersfield Ca. National Veterans Cemetery / White Wolf Coalition

Dear Ms. Jensen:

My name is Ernest A. Morin; I am Native American from Bakersfield, California.

This letter is to inform you, our concerns are of the prehistoric cultural sensitive archaeological sites located in the project area of the proposed national cemetery; the White Wolf Coalition was developed consisting of Recognized Tribes and Native American originations in the Bakersfield, Kern County area.

The purpose of this coalition is to preserve our Traditional Cultural Practices to Honor and hold Sacred the Spiritual Beliefs of our Ancestors that come from the Tehachapi Mountain, Tejon Ranch area. As members of this coalition, we are prepared with our Elders and Spiritual Advisors to do the necessary Prayer Blessing Ceremony upon this land before it is disturbed and to provide Cultural Resource Consultant / Monitors.

The Kern County Veterans Affairs Council has requested the Native American Community to become involved with this project. Thomas Calderon a Native American Veteran and Executive Board Member of the Veterans Affairs Council is appointed as liaison person for the Native American Community.

The Recognized Tribes, Native American Origination, the Native American Heritage Commission and the most likely descendents are in support of The White Wolf Coalition.

We were added to the Native American Contact list and the coalition members have received a copy of the Draft Environmental Assessment.

Thank You,

Ernest A. Morin
White Wolf Coalition Executive Board Member

White Wolf Coalition

3628 South Sterling Road
Bakersfield, California 93307
Phone: (661) 363-7148 Cellular: (661) 599-2718

Tribal Council, Coalition Members, and Distinguish Guests

Our plan is to develop a coalition of recognized Tribes and Native American Originations in the Bakersfield and Kern County area.

The purpose of this coalition is to preserve our Traditional Cultural Practices and to honor and hold sacred the Spiritual Beliefs of the ancestors that come from the Tejon Ranch area.

We are all aware that Tejon Ranch is going to donate 500 acres of land to develop a Veterans National Cemetery at the White Wolf Grade area near the intersection of hwy. 58 and 223, at the Arvin turn off.

Mr. Charles Bikakis U. S. Marine Corps Director of the Kern County Veterans Affairs Council has requested the Native American Community to become involved with this project.

Mr. Bikakis appointed Thomas Calderon a Native American and Executive Board Member of the Kern County Veterans Affairs Council to be the liaison person for the Native American Community and the Military.

The National Cemetery Expansion Act of 2003 will fund the development of the cemetery with federal money. The government can choose the 500-acre site from approximately 1500 acres made available by Tejon Ranch. By late 2006 or early 2007, work on the master plan will begin. Construction of the first phase should kick off in early 2008 said spokesperson Barry Zoeller.

We as members of this coalition must be prepared with our Elders and Spiritual Advisors to do the necessary prayer and ceremonies upon this land before it is disturbed, also to provide consultant / monitors, and with the help of Thomas Calderon to stay in close touch with the cemetery developments.

We feel that the Government must preserve the integrity of the land and its contents and we as the Indigenes People of the land have the Spiritual Responsibility!

Notice of Availability

Draft EA for Construction of Bakersfield National Cemetery

Tejon Ranch, Kern County, California

Department of Veterans Affairs

The Department of Veterans Affairs (VA) announces the availability for public review and comment of the Draft Environmental Assessment (EA) for construction of the Bakersfield National Cemetery at Tejon Ranch, located in Kern County, California. Construction of the Bakersfield National Cemetery is needed to fulfill VA's obligations under PL 108-109, as well as to meet VA National Cemetery Administration's (NCA) goal to provide all eligible United States veterans with reasonable access to VA burial options. The proposed project would be located about 30 miles east of Bakersfield and 18 miles northwest of Tehachapi, California. The project area is located in the northern portion of Tejon Ranch, south of the intersection of Highway 58 and State Route (SR) 223. The cemetery would serve nearly 187,000 veterans residing in the 75-mile service area around Bakersfield, California.

The EA will evaluate the No Action Alternative and implementation of the Proposed Action at two alternative sites. The site for the new national cemetery would be donated by Tejon Ranch and selected from a 2,000-acre project area in the northern portion of the Tejon Ranch located on a lower plateau of the Tehachapi Mountain foothills. Site 1 consists of an approximately 502-acre parcel located south of the intersection of SR 223 and SR 58 on the northwest side of SR 223. Site 2 consists of an approximately 496-acre parcel located south of the intersection of SR 223 and SR 58 on the southeast side of SR 223. On both sites, the landscape consists of grazed, hilly grassland intermixed with oak woodland.

VA would prepare a master plan to guide the development of the proposed cemetery on the selected site. Development of the cemetery would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period. Approximately 50 acres would be developed in the initial phase, which would include construction of basic infrastructure and interment areas. Future development phases would provide additional interment areas and associated infrastructure.

This EA is prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508, and VA's implementing regulations at 36 CFR Part 26.4(a) which direct VA to consider the environmental consequences of proposed actions. Copies of the EA are available for review at three Kern County Public Libraries: 1) Beal Memorial-Main Library, 701 Truxton Avenue in Bakersfield; 2) Arvin Branch, 201 Campus Drive in Arvin; and, 3) Tehachapi Branch, 1001 W. Tehachapi Boulevard Suite 400 in Tehachapi. The EA is also available on line at www.cem.va.gov/whatsnew.htm.

Comments are requested within 30 days of the date of this notice. Comments or inquiries should be directed to: Ms. Peggy Jensen, Project Manager, via U.S. mail to VA National Cemetery Administration, Office of Construction Management (41F1), 810 Vermont Avenue NW, Washington, D.C. 20420; via electronic mail to margaret.jensen@va.gov; or via facsimile to 202.565.4944.

rec'd 1-26-06

Fontaine
PO Box 307
Tehachapi, CA 93581
January 21, 2006

Bakersfield NC Environmental Assessment
C/O Jon Randall
URS Group, Inc.
200 Orchard Ridge Drive
Gaithersburg, MD 20878

Dear Mr. Randall,

I am responding to a legal notice published in our local newspaper, the Tehachapi News, on January 11 regarding a proposed National Cemetery about 18 miles NW of Tehachapi, just off of Hwy 58. I could not tell from the announcement whether an Environmental Assessment has already been prepared or the process of writing the EA is just beginning. I am assuming comments to you serve as an opportunity for the public to identify issues that should be considered for the cemetery project. However if an EA has already been prepared I would appreciate getting a copy of it as soon as possible. No date for comments was included in the announcement so I hope this letter reaches you in time for consideration.

I have lived in the Bakersfield-Tehachapi area all of my life and am quite familiar with the proposed location for the cemetery. Currently I reside in Bear Valley Springs near the summit of Bear Mountain overlooking the site which lies about 5,000 ft below and about 3 miles from my home. It is a very scenic area which I am sure is one of the primary factors that led to the selection of this site for the possible location of a National Cemetery. I have several concerns I hope you can take into consideration as you prepare the EA.

As you must know, water is one of the controlling factors for any development in California. There is no surface water anywhere near the proposed site. Wells to tap ground water would be the most feasible source. I would expect that test wells would need to be drilled to find out how much water might be available. Having kept records at my home and monitoring rainfall amounts in Tehachapi and Bakersfield for many years, I would expect that the average annual rainfall for the site would be somewhere around 10 inches. We have a Mediterranean climate that has wet winters and long summer droughts every year. The area is green in the winter and spring but dry and brown the rest of the year. If the demand for water was high, annual precipitation could not sustain a large dependable amount of ground water that could be utilized indefinitely.

Most cemeteries I have seen are landscaped with irrigated lawns. I would doubt that there would be enough water to support nearly 500 acres of lawn type grass when the cemetery is fully occupied. I would hope that the EA will consider landscaping that incorporates native plants and annual grasses. I understand that most people probably expect green grass when they visit a cemetery, but alternative landscaping as I have described can be

quite attractive as well. If native plants and annual grasses were chosen for landscaping there are many local citizens who would be glad to help in the design.
If you wish to consider the availability of an off site source of water the nearest location would be the aquifer in the agricultural area around the small town of Arvin. Water would have to be pumped perhaps 1,000 ft high in elevation and from 4 or 5 miles away at the least. There is an irrigation canal, the Friant-Kern Canal near Arvin that might be available. To pump water up and build a pipeline several miles long would be expensive. I would hope the EA would include information about the cost of supplying water to the cemetery.

A test well or wells should be drilled very soon. Certainly the availability of water at an affordable cost would be the most important information needed before a decision is made to proceed with the cemetery.

The danger of wildfire is another important consideration. This area usually goes for at least 6 months with no rain every summer. Wildfires in California have been disastrous with many lives lost and many millions of dollars of damage done to private property. The announcement said there would be 3 alternatives considered in the EA, a no action alternative, one on the NW side of SR 223 and another on the SW side of SR 223. From the standpoint of wildfire the site NW of SR 223 is by far the least dangerous. That area consists of annual grasses, very dry in the summer, with scattered large Valley oaks. A fire in that kind of terrain, although it can move rapidly through dry grass, is much easier to extinguish. SR 223 would provide an excellent fire break on the SE side of the site. From that location a fire would have to burn down hill to the north and west until it encountered irrigated farmland, if it were not put out first. There are no structures on that side of SR 223 so the threat to property and lives would be minimal.

The proposed site on the SE side of SR 223 lies at the base of Bear Mountain. With increasing elevation there is increased annual precipitation supporting increasingly dense vegetation. From annual grasses and scattered oaks next to SR 223 the vegetation rapidly changes to dense brush and chaparral on up to conifer forest near the top of Bear Mountain. Higher up the slope, over looking the cemetery site, there are many homes, including my own, in Bear Valley Springs. If a fire got started on the SE side of SR 223 it would be very difficult to stop. Under the right conditions (dry, hot, windy weather) a fire would race up the steep slope and reach the nearest homes in less than an hour. The prevailing winds in this area are from the northwest, another factor that would add to the rapid spread of fire up the steep slope of Bear Mountain. If a fire got into the brush and thicker trees it might not even be possible to stop it until it got over the top of the mountain down into a more densely developed area. The possibility of large scale loss of structures and even lives is a serious possibility.

The Tehachapi area has an organization known as the Greater Tehachapi Fire Safe Council. I am the President of that group. Our mission is to educate the local population about the danger of wildfire and what can be done to mitigate the problem. The Fire Safe Council has not taken a position on the proposed cemetery. I only want to mention my

involvement with that group so that you know there is a serious concern about wildfire in this area and that I am knowledgeable about the problem.

From the standpoint of fire danger the site NW of SR 223 is by far the best location. All it would take is for one careless smoker to toss out a cigarette into dry grass to start a disastrous wildfire.

Another important issue is protection of the very large Valley oak trees in the area. Some of them are hundreds of years old. They are part of the ambience at this location which I am sure is another factor in those who favor the location. I would hope that the EA will include information about how these oaks can be protected and incorporated into the landscaping. The oaks, as large and old as they are, are very susceptible to disturbance. Heavy equipment should be kept outside their drip line to avoid compacting the soil. The roots are dependent upon porous uncompacted soil for aeration. Likewise irrigation water should not be used inside their drip line. That encourages the growth of fungus that can kill the tree. The oaks are part of the natural beauty of the area and I cannot imagine anyone not wanting them to remain as part of the cemetery. Because there are far more oaks on the SE side of SR 223 there would be less room for grave sites there than on the NW site. Therefore from the standpoint of protecting the oaks the NW site is again much more preferable.

There is an organization in the Tehachapi area, Friends of the Oaks, created to help local citizens protect their scenic oaks. Their membership includes a licensed arborist with expertise in working with oak trees. I am sure they would be willing to help with sound advice as cemetery development plans proceed. Protecting oaks is not difficult. Heavy equipment can be kept away from the trees by the use of simple temporary plastic fencing. Well designed watering systems can keep water away from the trees and reduce water consumption at the same time. However if construction workers and landscape designers are not informed ahead of time, serious damage to the trees can occur.

Currently there are healthy populations of wildlife including many bird species that would be minimally disturbed if the cemetery project is done with care. The surrounding area is largely undeveloped. The proposed site is located in an important wildlife habitat corridor permitting large scale migration and intermingling of species found from the California Coast ranges to the Sierra Nevada mountains. An EA should develop a list of the species resident in the area or that migrate through and explore ways to avoid impacting them. In my opinion that could be done if the project is carefully planned.

Presently the area is largely undeveloped. If future development were to occur it could impact the setting and ambience the site now has for a high quality cemetery. I suggest that the EA evaluate the prospects for future residential and commercial development in the vicinity and how that might impact the proposed cemetery.

I am sure there are many other issues that should be evaluated in an EA. However I am assuming that you are just in the beginning stages of preparing an EA and that there will be another opportunity for public comment when the EA is released as a draft. Please

include me in the distribution of the draft EA when it is available. If there is already a draft EA available I would appreciate getting a copy while the comment period is still open.

If a site visit is conducted during the preparation of the EA I would be glad to participate if that would be helpful. There are several other citizens who live in the vicinity of Tehachapi who have knowledge of the area who might also appreciate being invited to join a site visit.

I hope these comments are useful to you. Thank you for considering them.

Sincerely,

Joe Pontaine

Notice of Intent

To Prepare Environmental Assessment for Construction of Bakersfield National Cemetery

Tejon Ranch, Kern County, California

Department of Veterans Affairs

This notice serves as an announcement of the intent by Department of Veterans Affairs (VA) to prepare an Environmental Assessment (EA) for construction of the Bakersfield National Cemetery at Tejon Ranch, located in Kern County, California. The EA is being prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508, and the VA's implementing regulations at 36 CFR Part 26.4(a) which direct the VA to consider the environmental consequences of proposed actions.

Construction of the Bakersfield National Cemetery at Tejon Ranch is needed to fulfill VA's obligations under PL 108-109, as well as to meet the VA National Cemetery Administration's (NCA) goal to provide all eligible United States veterans with reasonable access to VA burial options. The proposed project would be located at the Tejon Ranch in Kern County, about 30 miles east of Bakersfield and 18 miles northwest of Tehachapi, California. The project area is located in the northern portion of Tejon Ranch, south of the intersection of Highway 58 and State Route (SR) 223. The cemetery would serve nearly 187,000 veterans residing in the 75-mile service area around Bakersfield, California.

The EA will evaluate three alternatives, including the No Action Alternative (Alternative 1). Under Alternative 2, VA would construct the cemetery on a 500-acre parcel of land donated by the Tejon Ranch Company on the northwest side of SR 223. Under Alternative 3, VA would construct the cemetery on a 500-acre parcel of land donated by the Tejon Ranch Company on the southeast side of SR 223. On both 500-acre parcels, the landscape consists of grazed, hilly grassland intermixed with oak woodland. The Tehachapi Mountains lie to the east, with the southern extent of Central Valley agricultural land lying to the south, west, and north of the project area.

Under Alternatives 2 and 3, a master plan to guide the development of the proposed cemetery would be prepared by VA. Development of the cemetery at either of the locations would occur in 10-year phases, with each phase designed to provide sufficient burial space for the 10-year period. Approximately 50 acres would be developed in the initial phase. This first phase would include construction of basic infrastructure and interment areas. Future development phases would provide additional interment areas and associated infrastructure. When developed to capacity, the proposed Bakersfield area national cemetery could serve as burial grounds for more than 200,000 eligible veterans and family members.

Please direct any comments or information to VA's contractor at the following address: Bakersfield NC Environmental Assessment, c/o Jon Randall, URS Group, Inc., 200 Orchard Ridge Drive, Gaithersburg, MD 20878.