

Reward Capital Maintenance Project

State Route 58 near McKittrick in Kern County

06-KER-058-PM 6.0/15.4

Project ID 0618000057

SCH Number: 2020059031

Initial Study with Mitigated Negative Declaration



Prepared by the
State of California Department of Transportation

July 2020



General Information About This Document

The California Department of Transportation (Caltrans) has prepared this Initial Study with Mitigated Negative Declaration for the proposed project located in Kern County, California. Caltrans is the lead agency under the National Environmental Policy Act (NEPA). The Initial Study circulated to the public between May 19 and June 18, 2020. This document may be downloaded at the following website <https://dot.ca.gov/caltrans-near-me/district-6>.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please write to or call Caltrans, Attention: Juergen Vespermann, Central Region Environmental, 855 M Street, Suite 200 Fresno, California 93721; 559-445-6369 (Voice), or use the California Relay Service 1-800-735-2929 (TTY), 1-800-735-2929 (Voice), or 711

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Capital maintenance paving and culvert replacement on State Route 58 from
post mile 6.0 to post mile 15.4 near McKittrick in Kern County

**INITIAL STUDY
with Mitigated Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation



Juergen Vespermann
Acting Office Chief
Southern San Joaquin Valley Environmental Office
California Department of Transportation
CEQA Lead Agency

07-15-2020

Date

The following individual can be contacted for more information about this document:

Juergen Vespermann, Central Region Environmental, 855 M Street, Suite 200 Fresno,
California 93721; 559-445-6369

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The Reward Capital Maintenance Project proposes to rehabilitate the pavement on State Route 58 in Kern County from 6 miles southeast of the San Luis Obispo County line to the junction with State Route 33 near McKittrick (post mile 6.0 to post mile 15.4). The project will also replace 8 culverts, repair one culvert, and upgrade Intelligent Transportation System field elements at post mile 9.34 and post mile 14.87.

Determination

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

The project would have no effect on aesthetics, agriculture and forest resources, air quality, cultural resources, paleontology, energy, geology and soils, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfires.

The project would have no significant effect on greenhouse gas emissions and hydrology and water quality.

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

- A 2081 Incidental Take Permit from the California Department of Fish and Wildlife will be obtained for the San Joaquin antelope squirrel. Caltrans intends to purchase one credit from a California Department of Fish and Wildlife-approved mitigation bank.



Juergen Vespermann

Acting Office Chief

Southern San Joaquin Valley Environmental Office

California Department of Transportation

CEQA Lead Agency

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Date

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Chapter 1 Proposed Project

1.1 Purpose and Need

1.1.1 Purpose

The purpose of this project is to preserve, repair, and extend the life of the existing pavement on State Route 58.

1.1.2 Need

The existing pavement within the project limits is deteriorating, cracking, and settling so much that pavement rehabilitation is needed.

1.2 Project Description

The Reward Capital Maintenance Project proposes to rehabilitate the pavement on State Route 58 in Kern County from 6 miles southeast of the San Luis Obispo County line to the junction with State Route 33 near McKittrick (post mile 6.0 to post mile 15.4). The project will also replace 8 culverts, repair one culvert, and upgrade Intelligent Transportation System field elements at post mile 9.34 and post mile 14.87.

1.3 Project Alternatives

A build alternative and a no-build (no-action) alternative are under consideration.

1.3.1 Build Alternative

Project work will include:

Paving:

- Cold plane 3 inches (0.25 foot) off the surface of the existing pavement.
- Seal the cracks and repair failed localized areas.
- Place 3 inches (0.25 foot) of Hot Mix Asphalt (Type A).
- Overlay the entire pavement with 1.2 inches (0.1 foot) of Rubberized Hot Mix Asphalt.

Other safety upgrades:

- Install Intelligent Transportation System elements at post mile 9.34 and post mile 14.87 to upgrade existing traffic monitoring stations.
- Install ground-in centerline rumble strip.
- Upgrade 15 signs within the project limits to current standards.
- Install a stop sign at post mile 15.0 at the Waste Management facility road.

Culverts:

- Replace eight existing corrugated steel pipe culverts with reinforced concrete pipe culverts, and repair one double culvert by lining it with concrete (see table below for details).

Location (Post Mile)	Culvert Work	Length (Feet)
10.40	Replace existing 18-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	51
10.44	Replace existing 24-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	50
10.45	Replace existing 18-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	55
11.00	Replace existing 18-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	41
12.19	Pave the bottoms of the existing 72-inch-diameter double corrugated steel pipes with concrete.	61
13.56	Replace existing 24-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	60
15.0	Replace existing 66-inch-diameter corrugated steel pipe with 72-inch-diameter reinforced concrete pipe.	57
15.01	Replace existing 18-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	45
15.40	Replace existing 24-inch-diameter corrugated steel pipe with 24-inch-diameter reinforced concrete pipe.	98

Construction is scheduled to start in October 2021 and is expected to take 75 working days. No night work is expected for this project. All work will be within Caltrans right-of-way.

Figure 1-1 Project Vicinity Map

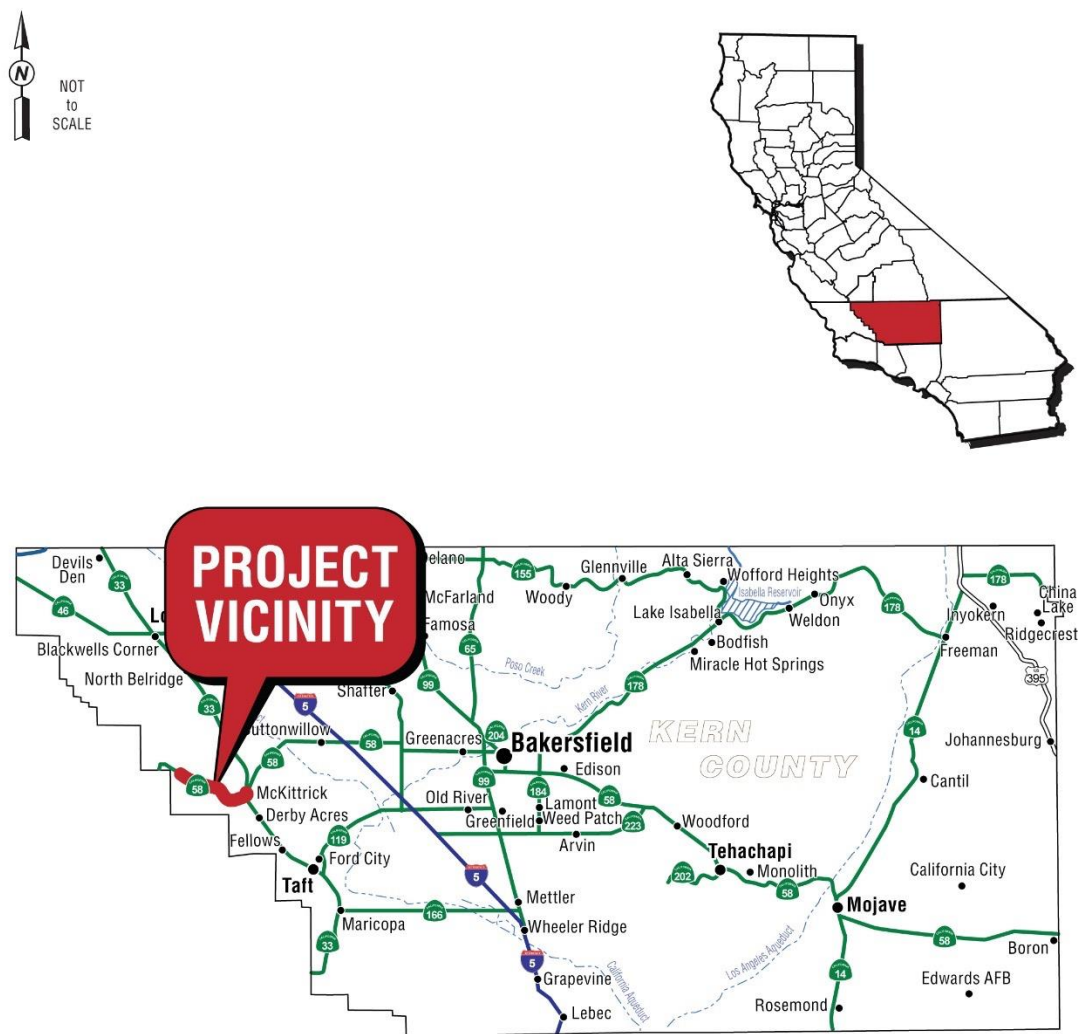
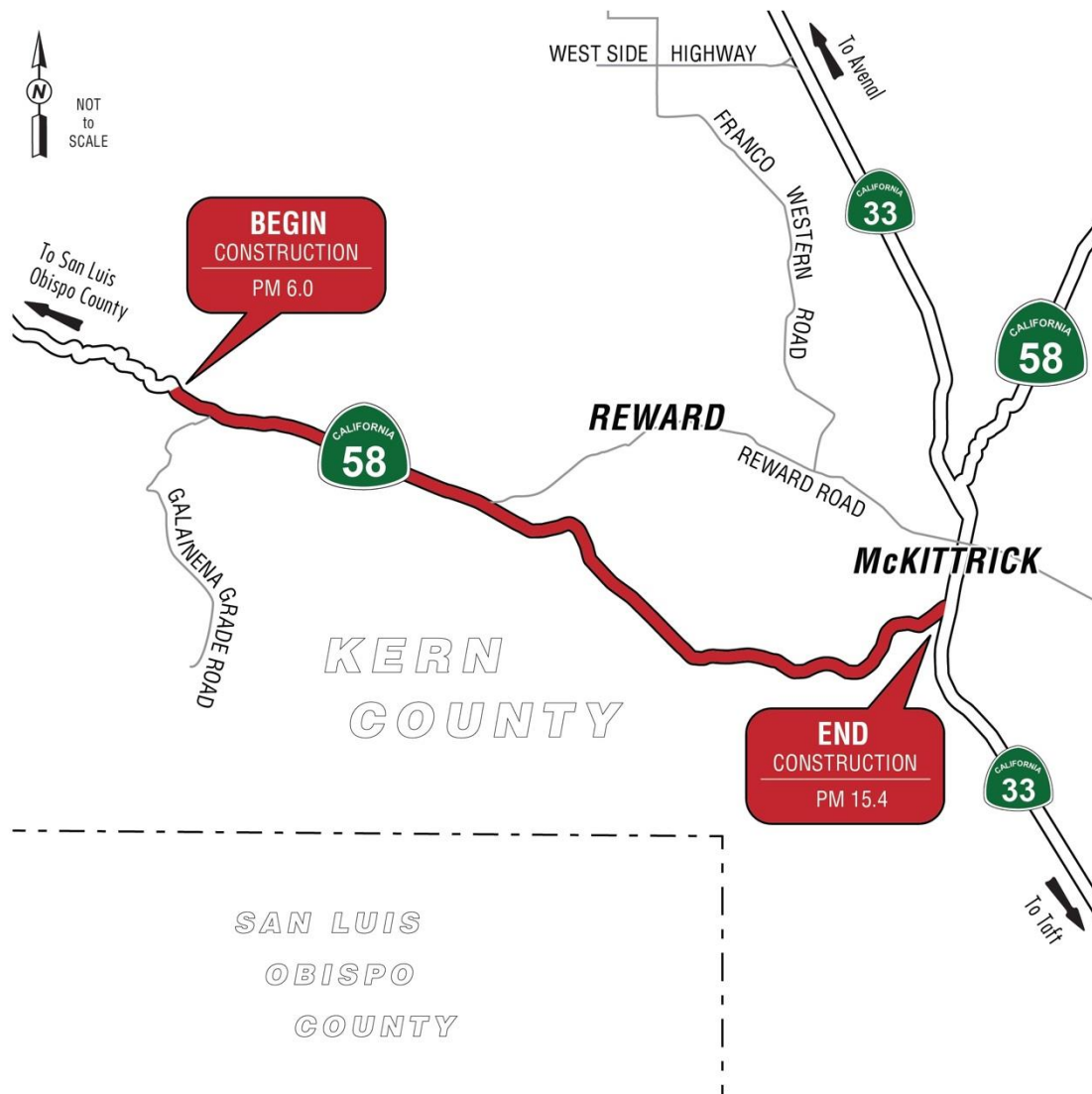


Figure 1-2 Project Location Map



1.3.2 No-Build (No-Action) Alternative

The no-build (no-action) alternative would allow the existing pavement to continue to deteriorate, which would increase maintenance costs.

1.4 Standard Measures and Best Management Practices Included in All Alternatives

Project features, which can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

Temporary and permanent erosion control measures (Best Management Practices) are required on all Caltrans projects to conserve soil, prevent erosion, allow vegetation to re-establish following construction, and to protect water quality.

Before any ground-disturbing activities, the contractor will be required to prepare a Water Pollution Control Plan—per the Construction General Permit Order 2009-0009-DWQ—that includes erosion control measures and construction waste containment measures.

Construction Site Management standard specifications include regular trash and debris removal.

Environmentally sensitive areas will be established to protect sensitive environmental resources during construction.

1.5 Identification of a Preferred Alternative

The build alternative was selected by Caltrans as the preferred alternative. The no-build alternative would not meet the purpose and need for the project which is to preserve, repair, and extend the life of the existing pavement on State Route 58.

1.6 Discussion of the NEPA Categorical Exclusion

This document contains information regarding compliance with the California Environmental Quality Act (CEQA) and other state laws and regulations. Separate environmental documentation, supporting a Categorical Exclusion determination, has been prepared in accordance with the National Environmental Policy Act (NEPA). When needed for clarity, or as required by CEQA, this document may contain references to federal laws and/or regulations (CEQA, for example, requires consideration of adverse effects on species identified as a candidate, sensitive, or special-status species by the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service—in other words, species protected by the Federal Endangered Species Act).

1.7 Permits and Approvals Needed

The following permits, licenses, agreements, and certifications are required for project construction:

Agency	Permit/Approval	Status
U.S. Fish and Wildlife Service	Letter of Concurrence for the giant kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, and Kern mallow	Issued June 11, 2020
California Department of Fish and Wildlife	Section 1602 Lake or Streambed Alteration Agreement	Application submittal pending
California Department of Fish and Wildlife	2081 Incidental Take Permit for the San Joaquin antelope squirrel	Application submittal pending
Central Valley Regional Water Quality Control Board	Section 401 Certification	Application submittal pending
U.S. Army Corps of Engineers	Section 404 Nationwide Permit	Application submittal pending

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Potentially Significant Impact, Less Than Significant with Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A No Impact answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

“No Impact” determinations in each section are based on the scope, description, and location of the proposed project as well as the appropriate technical report (bound separately in Volume 2), and no further discussion is included in this document.

2.1.1 Aesthetics

Except as provided in Public Resources Code Section 21099:

Question—Would the project:	CEQA Significance Determinations for Aesthetics
a) Have a substantial adverse effect on a scenic vista?	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact

Question—Would the project:	CEQA Significance Determinations for Aesthetics
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No Impact

2.1.2 Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

This project would not acquire any new right-of-way, therefore no farmland (rangeland) would be affected by the project. No timberlands are present within the vicinity of the project, therefore no impacts to timberlands could occur.

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	No Impact

2.1.3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Considering the information included in the Air Quality Compliance Study dated April 7, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Air Quality
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact

Question—Would the project:	CEQA Significance Determinations for Air Quality
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

2.1.4 Biological Resources

Considering the information included in the Natural Environment Study dated February 19, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration Fisheries?	Less Than Significant with Mitigation
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact

Question—Would the project:	CEQA Significance Determinations for Biological Resources
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

Affected Environment

Special-Status Plant Species

Lemmon's Jewel Flower (*Caulanthus lemmonii*)

The California Native Plant Society rare and endangered plant inventory ranks the Lemmon's jewel flower as 1B.2. This species is seriously threatened by agricultural conversion, energy development, urbanization, grazing, trampling, and vehicles.

The Lemmon's jewel flower is an annual herb in the Brassicaceae family that is found only in California. It has white flowers than can be tinged red to purple and can be found in pinyon-juniper woodlands, valley grasslands, and foothill grassland habitats, blooming from February to May.

The most recent observations of this species were recorded less than a mile away from the project limits. However, there have been no documented occurrences within or near the project site within the last 20 years.

Protocol-level botanical surveys for Lemmon's jewel flowers were conducted in May 2019 due to the potential habitat present in Caltrans right-of-way. No plants of this species were found as a result of these surveys.

Recurved Larkspur (*Delphinium recurvatum*)

The California Native Plant Society rare and endangered plant inventory ranks the recurved larkspur as 1B.2. The 1B rank status identifies the plant as being rare, threatened, or endangered, and the 0.2 further qualifies it as being moderately threatened. This species is potentially threatened by wind development, grazing, and vehicles.

Recurved larkspur is a perennial herb that belongs to the Ranunculaceae family and is found only in California. It is distinguished from other larkspur

species by its pale blue, recurved sepals. The blooming period for this species is from March to May. This species is found in Saltbush scrub, Cismontane woodland, and valley and foothill grassland habitats.

There have been no documented occurrences within or near the project site within the last 20 years.

Protocol-level botanical surveys for recurved larkspurs were conducted in May 2019 due to the potential habitat present in Caltrans right-of-way. No individuals of this species were found during these surveys.

Kern Mallow (*Eremalche parryi* ssp. *kernensis*)

The U.S. Fish and Wildlife Service lists the Kern mallow as endangered. The California Native Plant Society rare and endangered plant inventory ranked the Kern mallow as 1B.1. The 1B rank status identifies the plant as being rare, threatened, or endangered, and the 0.1 further qualifies it as being seriously endangered in California.

Kern mallow is an annual herb and is a member of the Malvaceae family which grows only in California. It is found on eroded hillsides and alkali flats under natural conditions. Kern mallow can be found in Saltbush scrub, Shadscale scrub, and valley and foothill grassland habitats.

The most recent observations of this species were recorded less than a mile away from the project impact area in 1991. However, there have been no documented occurrences within or near the project site within the last 20 years.

The conditions within Caltrans right-of-way are considered marginally suitable habitat.

No Kern mallow were observed during protocol-level botanical surveys or focused surveys within Caltrans right-of way conducted in May 2019.

Environmental Consequences

A Biological Assessment was prepared and submitted to the U.S. Fish and Wildlife Service on January 6, 2019, to initiate informal consultation for the federally endangered giant kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, and Kern mallow. Caltrans has made a May Affect, [but is] Not Likely to Adversely Affect determination for these four species. A Letter of Concurrence was issued by the U.S. Fish and Wildlife Service on June 11, 2020.

No temporary or permanent impacts are expected for Lemmon's jewel flower or recurved larkspur.

Temporary impacts of up to 1.71 acres of Kern mallow habitat are expected because vegetation will be removed at the culvert locations for construction. Permanent impacts are not expected for Kern mallow.

Avoidance, Minimization, and/or Mitigation Measures

A Letter of Concurrence was issued by the U.S. Fish and Wildlife Service on June 11, 2020. No compensatory mitigation was proposed. The following avoidance and minimization measures, based on the Letter of Concurrence, will be implemented for the Kern mallow:

- No more than one year prior to the start of construction, a qualified biologist or botanist will conduct a protocol-level preconstruction botanical survey of the action area during the appropriate blooming season for the species, and in accordance with the most recent and accepted botanical survey protocols and/or guidance.
- Prior to the start of work/ground disturbance, a qualified biologist will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the listed species; how to identify the species and their habitats; the importance of avoiding impacts to the species; the laws that protect them; and what to do if an individual is encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on file.
- Areas located outside of the construction zone will be designated as environmentally sensitive areas.
- A qualified biologist will be present on-site to monitor initial ground disturbance as well as all off-pavement work. Otherwise, the biologist will be available on-call during all construction periods in the event that any of the species are observed either on-site or in proximity to the action area. Any off-pavement staging and storage areas will be approved by the qualified biologist.
- Where vegetation must be removed to do work, removal will be done between October 1 and January 31, prior to the bird nesting season.
- No pesticides or pest/rodent traps will be used on the project site during construction.
- All project-related vehicles will observe a daytime speed of no more than 20 miles per hour in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with written guidance on vehicle use and speed limits on unpaved roads.

The following avoidance and minimization measures will be implemented for the Lemmon's jewel flower and recurved larkspur. No compensatory mitigation is expected for these species.

- Where feasible, restrict vegetation removal to required areas only.
- Implement Caltrans' Best Management Practices during construction.
- A qualified biologist will provide all construction workers with a worker environmental awareness training to educate them on special-status species that have the potential to occur within the action area.

Affected Environment

Special-Status Animal Species

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

The U.S. Fish and Wildlife Service designates the San Joaquin kit fox as an endangered species; the California Department of Fish and Wildlife designates the San Joaquin kit fox as a threatened species.

San Joaquin kit foxes occupy valley and foothill grasslands, or grassy open-stage habitats with scattered shrubs, in areas of loose-textured soils with a suitable prey base.

San Joaquin kit foxes are mainly nocturnal and stay active throughout the year. They have been impacted by the loss and fragmentation of their habitat from urban development, agricultural development, and the development of petroleum fields, wind farms, canals, and power lines, and roads, among others. San Joaquin kit foxes continue to be affected by vehicle mortalities, rodenticides, pesticides, shootings, and predation by coyotes, bobcats, red foxes, American badgers, feral dogs, and large raptors.

Caltrans determined through performing a habitat assessment that habitat within the action area was suitable for San Joaquin kit foxes.

During the field review in March 2019, a roadkill San Joaquin kit fox was found within the project limits. In September, another dead San Joaquin kit fox was found; it had been hit by a vehicle within the project footprint.

Potential San Joaquin kit fox dens were identified within the project limits, but no sign of kit foxes was observed, and it was determined that none of the dens are active.

San Joaquin Antelope Squirrel (*Ammospermophilus nelsoni*)

The California Department of Fish and Wildlife lists the San Joaquin antelope squirrel, also known as Nelson's antelope squirrel, as a threatened species. This species is threatened by loss of habitat due to agricultural and urban developments, grazing, vehicle collisions, and mining.

San Joaquin antelope squirrels only live within California, in the San Joaquin Valley, the Cuyama and Panoche Valleys, and the Carrizo and Elkhorn Plains. They prefer dry, open habitats with loosely scattered shrubs, and friable, fine-grained, sandy, or gravelly soils. This species lives in the same locations as kangaroo rats, often using their abandoned burrows or those of other mammals.

An individual San Joaquin antelope squirrel was caught during trapping surveys for another special-status species. Multiple mammal burrows were found during protocol surveys that could be potential dens for San Joaquin antelope squirrels.

American Badger (Taxidea taxus)

The California Department of Fish and Wildlife classifies the American badger as a species of special concern.

The American badger has long brown or black fur with white stripes on its cheeks and one stripe running from its nose to the back of its head. American badgers have long foreclaws and are excellent diggers.

American badgers are carnivorous and are well-adapted to preying on burrowing rodents, including ground squirrels, but they also prey on other non-burrowing mammals. They need open, uncultivated ground to dig their burrows.

The nonnative annual grasslands in the project impact area provide marginally suitable habitat.

Three occurrences of the American badger within 5 miles of the project area were recorded southeast of the project site in 1999.

No signs of the American badger were discovered during wildlife surveys that were conducted for the project in 2019.

Giant Kangaroo Rat (Dipodomys ingens)

The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife list the giant kangaroo rat as an endangered species.

The giant kangaroo rat differs from other species of kangaroo rats in the state because it has five toes on its hind feet—other kangaroo rats only have four toes on their hind feet.

Historically, giant kangaroo rats occupied grassland and Saltbush scrub habitats along the western portion of the San Joaquin Valley, Carrizo Plain, and Cuyama Valley. Giant kangaroo rats prefer semi-arid sloped habitats with none to moderate shrub cover, with loose, friable, sandy loam soils.

The giant kangaroo rat prefers to eat seeds, but also eats green herbaceous material, and insects.

There were several documented observations of the giant kangaroo rat in 1992 that occurred about 1 to 2 miles from the action area along State Route 58.

Nighttime small mammal surveys were conducted in September and October 2019. No giant kangaroo rats or their burrow complexes were found.

No individual giant kangaroo rats are expected to be present in the project footprint due to the negative trapping results. Also, because the more aggressive Heermann's kangaroo rats (*Dipodomys heermanni*) live within the action area, it is unlikely that giant kangaroo rats would move into the area.

Short-Nosed Kangaroo Rat (*Dipodomys nitratooides brevinasus*)

The short-nosed kangaroo rat is a California Department of Fish and Wildlife species of special concern.

The short-nosed kangaroo rat is the largest of three subspecies of the San Joaquin kangaroo rat. Typically, short-nosed kangaroo rats live in grasslands with scattered shrubs and desert shrubs on powdery soils. They also live in highly saline soils around Soda Lake on the Carrizo Plain. Most of the short-nosed kangaroo rats' diet consists of seeds.

Suitable mammal burrows and preferred vegetation types are present within the action area.

Multiple historical occurrences have been recorded within 5 miles of the project site, the most recent in 2015.

One individual short-nosed kangaroo rat was captured during nighttime small mammal surveys that were conducted in September and October 2019.

Blunt-Nosed Leopard Lizard (*Gambelia sila*)

The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife both list the blunt-nosed leopard lizard as an endangered species. The California Department of Fish and Wildlife also lists the species as fully protected. The blunt-nosed leopard lizard is threatened by habitat loss, and alteration, degradation, and fragmentation resulting from urbanization, water development, agricultural developments, and pesticide use.

Blunt-nosed leopard lizards are large lizards that range from 3 to 5 inches from snout to vent. They are typically gray to brown with cream-colored crossbands and large dark spots.

Blunt-nosed leopard lizards are found in semi-arid grasslands, alkali flats, and dry wash habitats. This species historically ranged throughout the San Joaquin Valley and nearby foothills of Southern California. Their current estimated range is on the San Joaquin Valley floor and the foothills of the Coast Range, consisting of isolated populations in areas of undisturbed habitat. Blunt-nosed leopard lizards are unable to survive on cultivated lands.

Three sightings of the blunt-nosed leopard lizard have been recorded within 5 miles of the project area—two were reported in 1978 and 1979 within 1 mile of the project, and a third occurrence about 3.5 miles east of the project area was reported in 1994.

Protocol-level surveys were conducted for this species along the project action area, where only marginally suitable habitat was present. No blunt-nosed leopard lizards were found. Therefore, Caltrans does not expect this species to be present in the action area.

San Joaquin Coachwhip (Coluber flagellum ruddocki)

The California Department of Fish and Wildlife considers the San Joaquin coachwhip a species of special concern.

The San Joaquin coachwhip is a medium-sized, slender non-poisonous snake with smooth scales, a large head and eyes, and a thin neck and tail. The average length of adults is 3 to 6 feet.

The San Joaquin coachwhip is found only in California. Its range is from the Sacramento Valley in Colusa County southward to the Grapevine in the Kern County portion of the San Joaquin Valley, and westward into the inner South Coast Ranges.

San Joaquin coachwhips' preferred preys are lizards and small mammals. San Joaquin coachwhips live in open, dry, treeless areas with little or no cover, including valley grasslands and Saltbush scrub. Habitat for this species is present in the action area.

Although a specific survey was not conducted to find this species, individual snakes of this species were identified during surveys on two separate occasions.

Migratory Birds

Three migratory birds—burrowing owls, loggerhead shrikes, and LeConte's thrashers—that the California Department of Fish and Wildlife considers species of special concern could be present within the project area. Low-quality foraging habitat is present.

Migratory nesting bird surveys were conducted on April 19 and May 15, 2019. During these surveys, no nests or any potential nesting locations were

discovered within the project action area. During these surveys, however, migratory birds were seen on telephone poles, posts, and flying through the project action area.

Environmental Consequences

A Biological Assessment was prepared and submitted to the U.S. Fish and Wildlife Service on January 6, 2019, to initiate informal consultation for the federally endangered giant kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, and Kern mallow. Caltrans has made a May Affect, [but is] Not Likely to Adversely Affect determination for these four species. A Letter of Concurrence was issued by the U.S. Fish and Wildlife Service on June 11, 2020.

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of San Joaquin kit fox habitat.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for San Joaquin kit fox.

Pre-construction surveys will be conducted for the San Joaquin kit fox and their dens. A biological monitor will be present during construction to observe work that takes place off of the pavement.

No permanent impacts are expected for the San Joaquin kit fox.

San Joaquin Antelope Squirrel (*Ammospermophilus nelsoni*)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of San Joaquin antelope squirrel habitat.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for San Joaquin antelope squirrels.

Pre-construction surveys will be conducted specifically for San Joaquin antelope squirrels no more than 30 days before the start of ground disturbance or construction activities. A biological monitor will be present during construction to observe work that takes place off of the pavement.

However, it is expected that a majority of San Joaquin antelope squirrel burrows within the project limits cannot be avoided during construction. A 2081 Incidental Take Permit will be applied for and obtained before construction.

American Badger (*Taxidea taxus*)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of potential habitat for the American badger.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for American badgers.

No temporary or permanent impacts to the American badger are expected.

Giant Kangaroo Rat (Dipodomys ingens)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of potential habitat for the giant kangaroo rat. No permanent impacts to giant kangaroo rats are expected to occur.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for giant kangaroo rats.

Pre-construction surveys will be conducted for the giant kangaroo rat. A biological monitor will be present during construction to observe work that takes place off of the pavement.

Short-Nosed Kangaroo Rat (Dipodomys nitratoides brevinasus)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of short-nosed kangaroo rat habitat. No temporary or permanent impacts to short-nosed kangaroo rats are expected to occur.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for short-nosed kangaroo rat.

Pre-construction surveys will be conducted for the short-nosed kangaroo rat. A biological monitor will be present during construction to observe work that takes place off of the pavement.

Blunt-Nosed Leopard Lizard (Gambelia sila)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of blunt-nosed leopard lizard habitat. No permanent impacts to blunt-nosed leopard lizards are expected to occur.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for blunt-nosed leopard lizard.

Pre-construction surveys will be conducted for the blunt-nosed leopard lizard. A biological monitor will be present during construction to observe work that takes place off of the pavement.

San Joaquin Coachwhip (Coluber flagellum ruddocki)

Removing vegetation around the culverts is expected to temporarily impact up to 1.71 acres of San Joaquin coachwhip habitat. No temporary or permanent impacts to San Joaquin coachwhips are expected to occur.

All temporarily disturbed areas will be hydroseeded with a native seed mix that would provide suitable habitat for San Joaquin coachwhip.

Migratory Birds

Project maintenance activities would not permanently impact potential nesting areas for migratory birds.

Pre-construction surveys will be conducted for nesting birds if construction takes place between February 1 and September 30. A biological monitor will be present during construction to observe work that takes place off of the pavement.

Avoidance, Minimization, and/or Mitigation Measures

*San Joaquin Kit Fox (*Vulpes macrotis mutica*)*

A Letter of Concurrence was received from the U.S. Fish and Wildlife Service on June 11, 2020. The following avoidance and minimization measures, based on the Letter of Concurrence, will be implemented for the San Joaquin kit fox:

- A qualified biologist will conduct a preconstruction survey no more than 30 days prior to the beginning of ground disturbance and/or construction activities. The survey for the San Joaquin kit fox and its dens will be performed throughout the project footprint, as well as in areas 100 feet out from the edge of the footprint that are accessible and/or visible with binoculars.
- Disturbance to any potential, known, or natal dens identified during preconstruction surveys and/or construction will be avoided. If any dens are discovered Caltrans will implement the following:
 - Potential dens that are located 50 feet from construction will be protected by a 50-foot-wide exclusion zone. Known dens that are located at least 100 feet from construction will be protected by a 100-foot-wide exclusion zone. In instances where 50-foot-wide or 100-foot exclusion zones cannot be maintained, potential and/or known dens will be monitored for three consecutive nights using tracking medium and/or a remote sensor camera, and once they are verified to be unoccupied, [a] reduced exclusion zone (determined in coordination with the U.S. Fish and Wildlife Service) will be established. The exclusion zones will be demarcated by types of fencing or flagging that do not entangle the San Joaquin kit fox or prevent their entry or exit.
- Prior to the start of work/ground disturbance, a qualified biologist(s) will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the listed species; how to identify the species and their habitats; the importance of avoiding impacts to the species; the laws that protect them; and what to do if an individual is

encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on file.

- Areas located outside of the construction zone will be designated as environmentally sensitive areas.
- A qualified biologist will be present on-site to monitor initial ground disturbance as well as all off-pavement work. Otherwise, the biologist will be available on-call during all construction periods in the event that any of the species are observed either on-site or in proximity to the action area. Any off-pavement staging and storage areas will be approved by the qualified biologist.
- Where vegetation must be removed to do work, removal will be done between October 1 and January 31, prior to the bird nesting season
- To prevent inadvertent entrapment of the San Joaquin kit fox, giant kangaroo rat, blunt-nosed leopard lizard, or other wildlife during construction of the project, all excavated, step-walled openings more than 6 inches deep will [either] be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured species is discovered, Caltrans will stop work immediately and contact the U.S. Fish and Wildlife Service.
- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored on the construction site for one or more overnight periods will be thoroughly inspected for listed species before burying, capping, or otherwise using the structures. If an individual is discovered during this inspection, the structure will not be disturbed until it leaves of its own accord.
- All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
- The use of temporary artificial lighting on-site will be limited, except when necessary for construction, or for driver and pedestrian safety. Any artificial lighting used during construction will be confined to areas within the construction footprint and directed away from surrounding habitat. Caltrans will limit non-target casting of light by installing shielding to the light source to further confine the illumination so as to minimize its effects on the species.
- To eliminate the potential for disturbance or injury to, or death of, any species resulting from the presence of pets and firearms, neither (with the exception of firearms carried by authorized law enforcement officials) will be allowed on the project site.

- No pesticides or pest/rodent traps will be used on the project site during construction.
- All project-related vehicles will observe a daytime speed of no more than 20 miles per hour in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with written guidance on vehicle use and speed limits on unpaved roads.
- Following the completion of all construction activities, Caltrans will revegetate areas that were subject to temporary ground disturbance, clearing/grubbing, and vegetation removal (i.e., staging areas; areas around the culverts, signs, traffic count stations, and electrical box). On-pavement equipment will be used to hydro-seed these areas with an appropriate, weed-free native plant seed mixture.

San Joaquin Antelope Squirrel (Ammospermophilus nelsoni)

Caltrans will apply for a Section 2081 Incidental Take Permit from the California Department of Fish and Wildlife for this species. Based on potential permanent impacts associated with the project, Caltrans intends to purchase one species credit from a California Department of Fish and Wildlife-approved mitigation bank as compensatory mitigation.

Additionally, the following avoidance and minimization measures will be implemented for the San Joaquin antelope squirrel during construction:

- Implement Caltrans' Best Management Practices during construction.
- Conduct a worker environmental education program.
- Staging will occur on roadways to the maximum extent practical and may be limited to previously disturbed areas.
- If San Joaquin antelope squirrels are discovered within the action area, they would be allowed to move out of the area voluntarily and unharmed.
- A qualified biologist with demonstrated experience in identifying San Joaquin antelope squirrels will conduct a pre-construction survey for the species in the project site. The survey will be conducted no more than 30 days before the start of ground disturbance or construction activities.
- Efforts will be taken during construction to avoid burrows; however, a Section 2081 Incidental Take Permit will be obtained for burrows that cannot be avoided.

American Badger (Taxidea taxus)

The following avoidance and minimization measures will be implemented during construction:

- Implement Caltrans' Best Management Practices during construction.
- Conduct a worker environmental education program.

- Staging will occur on roadways to the maximum extent practical and may be limited to previously disturbed areas.
- If American badgers are discovered within the action area, they would be allowed to move out of the area voluntarily and unharmed. Work in the area would be stopped, and a protective no-work buffer would be established.

Giant Kangaroo Rat (Dipodomys ingens)

A Letter of Concurrence was received from the U.S. Fish and Wildlife Service on June 11, 2020. The following avoidance and minimization measures, based on the Letter of Concurrence, will be implemented for the giant kangaroo rat:

- A qualified biologist(s) will conduct a preconstruction survey of the action area for the species.
- Small mammal burrows will be avoided where possible.
- Prior to the start of work/ground disturbance, a qualified biologist will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the listed species; how to identify the species and their habitats; the importance of avoiding impacts to the species; the laws that protect them; and what to do if an individual is encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on file.
- Areas located outside of the construction zone will be designated as environmentally sensitive areas.
- A qualified biologist will be present on-site to monitor initial ground disturbance as well as all off-pavement work. Otherwise, the biologist will be available on-call during all construction periods in the event that any of the species are observed either on-site or in proximity to the action area. Any off-pavement staging and storage areas will be approved by the qualified biologist.
- Where vegetation must be removed to do work, removal will be done between October 1 and January 31, prior to the bird nesting season
- To prevent inadvertent entrapment of the San Joaquin kit fox, giant kangaroo rat, blunt-nosed leopard lizard, or other wildlife during construction of the project, all excavated, step-walled openings more than 6 inches deep will [either] be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any

time a trapped or injured species is discovered, Caltrans will stop work immediately and contact the U.S. Fish and Wildlife Service.

- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored on the construction site for one or more overnight periods will be thoroughly inspected for listed species before burying, capping, or otherwise using the structures. If an individual is discovered during this inspection, the structure will not be disturbed until it leaves of its own accord.
- All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
- The use of temporary artificial lighting on-site will be limited, except when necessary for construction, or for driver and pedestrian safety. Any artificial lighting used during construction will be confined to areas within the construction footprint and directed away from surrounding habitat. Caltrans will limit non-target casting of light by installing shielding to the light source to further confine the illumination so as to minimize its effects on the species.
- To eliminate the potential for disturbance or injury to, or death of, any species resulting from the presence of pets and firearms, neither (with the exception of firearms carried by authorized law enforcement officials) will be allowed on the project site.
- No pesticides or pest/rodent traps will be used on the project site during construction.
- All project-related vehicles will observe a daytime speed of no more than 20 miles per hour in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with written guidance on vehicle use and speed limits on unpaved roads.
- Following the completion of all construction activities, Caltrans will revegetate areas that were subject to temporary ground disturbance, clearing/grubbing, and vegetation removal (i.e., staging areas; areas around the culverts, signs, traffic count stations, and electrical box). On-pavement equipment will be used to hydro-seed these areas with an appropriate, weed-free native plant seed mixture.

Short-Nosed Kangaroo Rat (Dipodomys nitratoideus brevinasus)

- Implement Caltrans' Best Management Practices during construction.
- Conduct a worker environmental education program.
- Staging will occur on roadways to the maximum extent practical and may be limited to previously disturbed areas.

- If short-nosed kangaroo rats are discovered within the action area, they would be allowed to move out of the area voluntarily and unharmed. Work in the area would be stopped, and a protective no-work buffer would be established.

Blunt-Nosed Leopard Lizard (Gambelia sila)

A Letter of Concurrence was received from the U.S. Fish and Wildlife Service on June 11, 2020. The following avoidance and minimization measures, based on the Letter of Concurrence, will be implemented for the blunt-nosed leopard lizard:

- No more than one year prior to the start of construction, a qualified biologist will conduct a protocol-level survey of the action area for the species, in accordance with the most recent and accepted survey protocols and/or guidance.
- Prior to the start of work/ground disturbance, a qualified biologist will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the listed species; how to identify the species and their habitats; the importance of avoiding impacts to the species; the laws that protect them; and what to do if an individual is encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on file.
- Areas located outside of the construction zone will be designated as environmentally sensitive areas.
- A qualified biologist will be present on-site to monitor initial ground disturbance as well as all off-pavement work. Otherwise, the biologist will be available on-call during all construction periods in the event that any of the species are observed either on-site or in proximity to the action area. Any off-pavement staging and storage areas will be approved by the qualified biologist.
- Where vegetation must be removed to do work, removal will be done between October 1 and January 31, prior to the bird nesting season.
- To prevent inadvertent entrapment of the San Joaquin kit fox, giant kangaroo rat, blunt-nosed leopard lizard, or other wildlife during construction of the project, all excavated, steep-walled openings more than 6 inches deep will [either] be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured species is discovered, Caltrans will stop work immediately and contact the U.S. Fish and Wildlife Service.

- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored on the construction site for one or more overnight periods will be thoroughly inspected for listed species before burying, capping, or otherwise using the structures. If an individual is discovered during this inspection, the structure will not be disturbed until it leaves of its own accord.
- All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
- The use of temporary artificial lighting on-site will be limited, except when necessary for construction, or for driver and pedestrian safety. Any artificial lighting used during construction will be confined to areas within the construction footprint and directed away from surrounding habitat. Caltrans will limit non-target casting of light by installing shielding to the light source to further confine the illumination so as to minimize its effects on the species.
- To eliminate the potential for disturbance or injury to, or death of, any species resulting from the presence of pets and firearms, neither (with the exception of firearms carried by authorized law enforcement officials) will be allowed on the project site.
- No pesticides or pest/rodent traps will be used on the project site during construction.
- All project-related vehicles will observe a daytime speed of no more than 20 miles per hour in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with written guidance on vehicle use and speed limits on unpaved roads.
- Following the completion of all construction activities, Caltrans will revegetate areas that were subject to temporary ground disturbance, clearing/grubbing, and vegetation removal (i.e., staging areas; areas around the culverts, signs, traffic count stations, and electrical box). On-pavement equipment will be used to hydro-seed these areas with an appropriate, weed-free native plant seed mixture.
- If any wildlife are discovered within the action area, work would be stopped to allow the lizards to move out of the area voluntarily and unharmed.

San Joaquin Coachwhip (Coluber flagellum ruddocki)

- Conduct a pre-construction survey for sensitive reptiles and amphibians.
- Conduct a worker environmental education program.
- Staging will occur on roadways to the maximum extent practical and may be limited to previously disturbed areas.

- If San Joaquin coachwhips are discovered within the action area and cannot be avoided by construction, then a qualified biologist may move them outside the project area. Work in the area would be stopped, and a protective no-work buffer would be established.

Migratory Birds

- Construction is scheduled to take place during the fall and winter. If construction activities continue into the nesting season (February 1 to September 30) a qualified biologist will conduct surveys for nesting birds to ensure that no nests would be disturbed.
- A qualified biologist would conduct these surveys no more than 7 days before the start of construction or ground disturbance activities. If an active nest is found close enough to work areas to be disturbed by these activities, the biologist would determine the extent of a buffer zone that would be established around the nest. Buffer zones are typically 500 feet for raptors and 100 feet for other birds. Work in the area would be stopped and a protective no-work buffer would be established.

No compensatory mitigation is proposed for the San Joaquin kit fox, American badger, giant kangaroo rat, short-nosed kangaroo rat, blunt-nosed leopard lizard, San Joaquin coachwhip, or migratory bird species.

2.1.5 Cultural Resources

Considering the information included in the Historic Property Survey Report dated February 26, 2020, and the Supplemental Historic Property Survey Report dated April 14, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Cultural Resources
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

Affected Environment

Caltrans completed an Archaeological Survey Report in December 2019. The report included extensive database research and reported the results of pedestrian archaeological field surveys of the project area.

The project archaeological study area is within the Temblor Range, which is an inner spur of the South Coast Ranges. The project is within the Little Santa Maria Valley, as well as the foothills just northwest of the town of McKittrick.

Environmental Consequences

Construction work will be performed in areas within and immediately next to State Route 58, from post mile 6.00 through post mile 15.40. The area of potential effects depth is based on information received from the project design team. The maximum depth of subsurface soil disturbance for the culverts and associated construction activities for this project would be, at most, 4 feet and will occur in areas with previously disturbed soils with no risk to disturb previously undiscovered cultural deposits.

New archaeological surveys will be required if project plans are changed to include areas that have not been previously surveyed. Expanding the area of potential effects for construction easements, if these are needed, would trigger the requirement for supplemental cultural resources studies.

No archaeological resources were identified within the area of potential effects, resulting in a finding of No Historic Properties Affected. Caltrans has determined that there are resources in the project area that are not significant under CEQA. However, there is an archeological site near the project that warrants protective measures that are outlined below.

If cultural materials or remains are encountered during construction, it is Caltrans' policy that work must stop in that area until a qualified archaeologist can evaluate the nature and significance of the discovery.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities must cease in any area or nearby area suspected to overlie remains, and the county coroner contacted. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission within 24 hours. Pursuant to Public Resources Code Section 5097.98, the Native American Heritage Commission would then identify a Most Likely Descendant. The District 6 Environmental Branch would be informed of the discovery immediately by personnel responsible for the exposure. The Native American Heritage Commission would facilitate discussions with the property owner, Caltrans, and the Most Likely Descendant on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and minimization measures will be implemented to avoid potential impacts to the archaeological site referred to above during construction:

- Implement Caltrans' Best Management Practices during construction.
- No soil-disturbing activities would take place next to the site.
- An Environmentally Sensitive Area will be designated in this area.
- Construction activities would remain on the existing roadway in the vicinity of the site.
- Archaeological and Native American Monitors will be present during construction at the culturally sensitive area.

2.1.6 Energy

Question—Would the project:	CEQA Significance Determinations for Energy
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

2.1.7 Geology and Soils

Considering the Alquist-Priolo Earthquake Fault Zones viewed on the California Department of Conservation website on February 18, 2020, and the information included in the Negative Paleontological Identification Report dated March 27, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: ii) Strong seismic ground shaking?	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) Seismic-related ground failure, including liquefaction?	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iv) Landslides?	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No Impact

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

2.1.8 Greenhouse Gas Emissions

Considering the information included in the Climate Change technical memo for the project dated April 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No Impact

Affected Environment

The project is in a rural area consisting mainly of open space with sparse vegetation. Some areas within the project vicinity contain mineral and petroleum refineries. State Route 58 is the main transportation route to and through the area for both passenger and commercial vehicles. The nearest alternative route is State Route 166, which is 27 miles to the south.

The California Air Resources Board sets regional targets for California's 18 Metropolitan Planning Organizations to use in their Regional Transportation Plan/Sustainable Communities Strategy to plan future projects that will cumulatively achieve greenhouse gas reduction goals. Targets are set at a percent reduction of passenger vehicle greenhouse gas emissions per person from 2005 levels. The Kern Council of Governments is the Metropolitan Planning Organization and regional transportation planning agency for the project area. The project is included in the Kern Council of Governments' 2018 Regional Transportation Plan/Sustainable Communities Strategy.

Environmental Consequences

Operational Emissions

The purpose of the project is to replace the deteriorating pavement and several culverts; the project will not increase the vehicle capacity of the

roadway. This type of project causes minimal or no increase in operational greenhouse gas emissions. Because the project will not increase the number of travel lanes on State Route 58, it will not cause an increase in vehicle miles traveled. While some greenhouse gas emissions during the construction period would be unavoidable, no increase in operational greenhouse gas emissions is expected.

Construction Emissions

Construction greenhouse gas emissions would result from material processing, on-site construction equipment, and traffic delays due to construction. These emissions would be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the greenhouse gas emissions produced during construction can be offset to some degree by longer intervals between maintenance and rehabilitation activities.

All construction contracts include Caltrans Standard Specifications Section 7-1.02A and 71.02C, Emissions Reduction, which require contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all California Air Resources Board emission reduction regulations. Construction contracts also include Section 14-9.02, Air Pollution Control, which requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Certain common regulations, such as equipment idling restrictions that reduce construction vehicle emissions also help reduce greenhouse gas emissions.

Although the project would cause greenhouse gas emissions during construction, the project is not expected to cause an increase in operational greenhouse gas emissions. The project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. With the implementation of construction greenhouse gas emissions reduction measures, the impact will be less than significant.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will reduce greenhouse gas emissions and potential climate change impacts from the project:

- Caltrans staff will enhance the environmental training provided for contractor staff by adding a module on greenhouse gas emissions reduction strategies, including limiting equipment idling time as much as possible.

The contractor would be required to:

- Incorporate measures to reduce the use of potable water.
- Operate construction equipment with improved fuel efficiency by:
 - Properly tuning and maintaining equipment.
 - Limiting equipment idling time.
 - Using the right-size equipment for the job.
- Caltrans Standard Specification 14-9.02, Air Pollution Control requires contractors to comply with all air-pollution control rules, regulations, ordinances, and statutes. Measures that reduce construction vehicle emissions also help reduce greenhouse gas emissions.
- A Traffic Management Plan will be developed to minimize delays and traffic idling.

The project design will include the following:

- Some of the asphalt ground up by cold planing operations will be reused for shoulder backing, and the excess materials may be salvaged.
- The top layer of new paving will be Rubberized Hot Mix Asphalt, which contains recycled rubber.
- The project will update the existing traffic monitoring station with Intelligent Transportation System elements at two locations.

2.1.9 Hazards and Hazardous Materials

Considering the information included in the Initial Site Assessment dated April 1, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact

2.1.10 Hydrology and Water Quality

Considering the information included in the Noise and Water Quality Study dated April 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality?	Less Than Significant Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	No Impact

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site;	No Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	No Impact
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	No Impact
(iv) impede or redirect flood flows?	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No Impact

Affected Environment

The existing highway through the area is a two-lane road with paved shoulders. Most stormwater runoff flows off the roadway and into side storage ditches or bordering rangelands.

Potential waters of the U.S and State were identified within the project footprint. Twenty-nine ephemeral drainages and six intermittent drainages were identified within the action area. Ephemeral drainages are typically shallow and have flowing water for brief periods in response to rainfall. Intermittent drainages have flowing water for at least some part of the year from surface runoff and groundwater discharge.

No drinking water reservoirs and/or recharge facilities have been identified within the project limits. No Total Maximum Daily Loads have been identified with any water bodies in the area.

Environmental Consequences

The total disturbed soil area is about 0.05 acre where the culverts will be removed and replaced. Project construction will not cause a net gain of an impervious surface area.

Project construction activities are not expected to cause short-term or long-term water quality impacts.

By incorporating proper and accepted engineering practices and Best Management Practices, the project will not significantly impact water quality during construction or its operation.

Replacing culverts during construction is expected to temporarily impact potential waters of the U.S. or waters of the State. Permanent impacts could result but have not been estimated.

The project will apply for a 1602 Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife, a Section 401 Permit from the Central Valley Regional Water Quality Control Board, and a Section 404 Permit from the U.S. Army Corps of Engineers.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and minimization measures will be implemented to protect water quality:

- The project would comply with the provisions of the Caltrans Statewide National Pollutant Discharge Elimination System Permit (Order 2012-0011-DWQ), which became effective July 1, 2013, and if applicable, the Construction General Permit (Order 2009-0009-DWQ).
- Before starting any ground-disturbing activities, the contractor will be required to prepare a Water Pollution Control Plan (per the Construction General Permit Order 2009-0009-DWQ) that includes erosion-control measures and construction waste containment measures so that waters of the U.S. and/or State are protected during and after project construction.

2.1.11 Land Use and Planning

Considering the information obtained from the Kern County Planning and Natural Resources Department website and a Google web search dated February 19, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Land Use and Planning
a) Physically divide an established community?	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	No Impact

2.1.12 Mineral Resources

Considering the information obtained in the Kern County General Plan Land Use, Open Space, and Conservation Element viewed on March 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Mineral Resources
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No Impact

2.1.13 Noise

Considering the information included in the Noise and Water Quality Study dated April 3, 2020, the following significance determinations have been made:

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No Impact

Question—Would the project result in:	CEQA Significance Determinations for Noise
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

2.1.14 Population and Housing

Considering the information obtained from a Google web search on March 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Population and Housing
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No Impact

2.1.15 Public Services

Considering the information obtained from a Google web search on March 3, 2020, the following significance determinations have been made:

Question:	CEQA Significance Determinations for Public Services
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?	No Impact
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

2.1.16 Recreation

Considering the information obtained from a Google web search on February 19, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Recreation
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No Impact

2.1.17 Transportation

Considering the information obtained from the Kern County General Plan on March 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	No Impact
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

2.1.18 Tribal Cultural Resources

Considering the information included in the Historic Property Survey Report dated February 26, 2020, and the Supplemental Historic Property Survey Report dated April 14, 2020, the following significance determinations have been made:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact

Question:	CEQA Significance Determinations for Tribal Cultural Resources
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

Please refer to Section 2.1.5 Cultural Resources.

2.1.19 Utilities and Service Systems

The type of project proposed, repaving the highway and repairing and replacing existing culverts, would not trigger the need for any new or additional utilities or service systems within the surrounding area.

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

2.1.20 Wildfire

Considering the information obtained from the California Department of Forestry and Fire Protection Fire Hazard Severity Zone Maps (https://osfm.fire.ca.gov/media/6687/fhszs_map15.pdf) on March 3, 2020, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Wildfire
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	Less Than Significant Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No Impact

The following are in response to question a):

Although construction of this project has the potential to affect sensitive species, potential impacts would not be substantial.

After implementing mitigation measures that will be stated in a 2081 Incidental Take Permit for the San Joaquin antelope squirrel, impacts to the species would be less than significant.

After implementing the avoidance and minimization measures proposed above for the giant kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, and Kern mallow, potential impacts would be less than significant.

The following is in response to question b):

This project would not have cumulatively considerable impacts. Most work for this project will take place on existing roadways, except for the replacement of existing culverts. The project area is remote, surrounded by ranches and oil-fields, and is not slated for development. Therefore, there is no impact.

The following is in response to question c):

The project would not have any environmental effects which could cause effects to people, either directly indirectly. Therefore, there is no impact.

Appendix A Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6130
FAX (916) 653-5776
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

November 2019

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page:
<https://dot.ca.gov/programs/business-and-economic-opportunity/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

A blue ink signature of Toks Omishakin, consisting of a stylized 'T' followed by a series of loops and a horizontal line.

Toks Omishakin
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix B Comments and Responses

This appendix contains the comments received during the public circulation and comment period from Tuesday May 19, 2020 to Thursday June 18, 2020, retyped for readability. A Caltrans response follows each comment presented. Copies of the original comment letters and documents can be found in Volume 2 of this document.

The first letter is an email from the State Clearinghouse received July 2, 2020 in response to Caltrans' inquiry:

The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet. Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your "Lead Agency"
 - If filtering by "Lead Agency"
 - Select the correct project
 - Only State Agency comments will be available in the "attachments" section: **bold and highlighted**

Thank you for using CEQA Submit.

Meng Heu

Office of Planning and Research (OPR)
State Clearing House

Note: Comment letters from two state agencies are posted on the CEQAnet web site: California Department of Fish & Wildlife and Native American Heritage Commission.

Comment Letter from California Department of Fish and Wildlife dated June 9, 2020

The comments and recommendations portion of the letter is retyped here:

COMMENTS AND RECOMMENDATIONS

The California Department of Fish and Wildlife offers the following comments to assist Caltrans in adequately identifying and sufficiently reducing to less-than-significant the potentially significant, direct and indirect Project-related impacts to fish and wildlife (biological) resources.

First comment:

Currently, the proposed Mitigated Negative Declaration indicates that the Project-related impacts to Biological Resources would be less-than-significant citing the Initial Study which both: 1) reports the negative findings of giant kangaroo rat (*Dipodomys ingens*) and blunt-nosed leopard lizard (*Gambelia sila*) surveys conducted in 2019; and 2) includes measures to avoid, minimize, and mitigate the potential Project-related impacts to San Joaquin kit fox (*Vulpes mutica macrotis*), and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). However; as currently drafted, it is unclear what Caltrans considers avoidance measures for San Joaquin kit fox and what is considered by Caltrans as an “unavoidable impact” which would potentially warrant securing take authorization from California Department of Fish and Wildlife. Specifically, California Department of Fish and Wildlife is concerned that while Caltrans proposes surveys for **individual San Joaquin kit fox** at the Project site just prior to and during Project implementation, Caltrans does not propose surveys for San Joaquin kit fox **dens** at or outside the Project site, or no-disturbance buffers around those dens. California Department of Fish and Wildlife herein suggests edits to the existing San Joaquin kit fox measures to clarify what California Department of Fish and Wildlife considers avoidance, and conversely what constitutes take which would warrant acquisition of incidental take coverage pursuant to Section 2081(b) of Fish and Game Code to comply with the California Endangered Species Act.

Response to first comment

Caltrans intends to follow the U.S. Fish and Wildlife Service standard recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance. Pre-construction surveys for individuals and dens will be conducted where Caltrans has the legal authority to do so. At this time Caltrans is not anticipating take of the species, therefore we do not plan to acquire a 2081 Incidental Take Permit.

If a natal den is present Caltrans will coordinate with U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. Appropriate buffers will be implemented after agency coordination.

I. Environmental Setting and Related Impact

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or the United States Fish and Wildlife Service (USFWS)?

Second comment (COMMENT 1: San Joaquin Kit Fox)

Issue: The Project activities will involve varying degrees of ground disturbance and the staging and laydown of equipment and materials at discreet [sic] locations along the 9.4-mile segment of State Route 58. Some of the Project activities may constitute a novel disturbance sufficient to cause denning San Joaquin kit fox to abandon their dens causing increased susceptibility to predation and potentially resulting in abandoned pups during the pupping season. Currently, Caltrans proposes, in part, pre-activity clearance surveys for individual San Joaquin kit fox at the Project footprint no more than 30 days prior to commencing Project activities. Caltrans also proposes equipping all excavations deeper than two feet with escape ramps, the daily inspection of these excavations, and the inspection of pipes greater than three inches in diameter prior to burying, capping, or moving in any way. However, Caltrans does not propose surveying for San Joaquin kit fox dens at or near the Project site, and Caltrans does not propose no-disturbance buffers around those dens, if any are detected.

Specific Impacts: While California Department of Fish and Wildlife agrees with Caltrans' plans to survey/monitor for individual San Joaquin kit fox propose no-disturbance buffers around those dens, if any are detected at or entering the Project site prior to and during Project implementation, the California Department of Fish and Wildlife recommends Caltrans also propose surveying for San Joaquin kit fox **dens** no less than 14 and no more than [30] days in advance of vegetation-or ground-disturbance activities at and near the Project site to detect denning individuals at or sufficiently near the Project site to be impacted by the Project-related activities. Further, the California Department of Fish and Wildlife recommends Caltrans propose maintaining no-disturbance buffers around active San Joaquin kit fox dens to avoid impacts to individuals of the species.

Evidence impact would be significant: While habitat loss resulting from agricultural, urban, and industrial development is the primary threat to San Joaquin kit fox (Cypher et al., 2013), disturbance in proximity to a den can result in unsuccessful pupping and cause individuals to become more

susceptible to predation. Both results of the Project-related disturbance could constitute significant impacts to the species.

Response to second comment (Comment 1)

Caltrans has intended to survey for San Joaquin kit fox dens as part of the preconstruction surveys for the species. This is now stated in the Biological Resources section, Environmental Consequences and Avoidance, Minimization, and/or Mitigation Measures discussions of San Joaquin kit fox. Qualified biologists will survey for San Joaquin kit fox and their dens no more than 30 days prior to the beginning of ground disturbance and/or construction activities. If denning San Joaquin kit fox are found within the project impact area Caltrans will establish exclusion zones and, in addition, will have a biological monitor.

Caltrans does not anticipate significant impacts to the species. Caltrans plans to have a biological monitor available and would stop work to avoid impacts to San Joaquin kit fox.

Recommended Potentially Feasible Avoidance and Mitigation

Measure(s) Because San Joaquin kit fox are known to occur in the general vicinity of the Project site and because dens could be present outside the Project footprint but sufficiently near the Project footprint to be affected by the Project-related activities, California Department of Fish and Wildlife recommends the following edits to the San Joaquin kit fox avoidance and minimization measure section of the Initial Study. Further, California Department of Fish and Wildlife recommends these revised measures be made conditions of Project approval.

Third comment:

Recommended Edits to Avoidance, Minimization, and Mitigation Measures for San Joaquin kit fox on page 19 of the Initial Study.

California Department of Fish and Wildlife recommends assessing presence/absence of San Joaquin kit fox by conducting surveys following the U.S. Fish and Wildlife Service “Standardized recommendations for protection of the [endangered San Joaquin kit fox] prior to or during ground disturbance” (2011). Specifically, California Department of Fish and Wildlife advises conducting these surveys no less than 14 days and no more than 30 days prior to beginning of Project activities to identify San Joaquin kit fox dens at and within 250 feet of the Project site, and that Caltrans coordinate with U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife in the event that individuals and/or dens are detected during these surveys. These surveys can be limited to 100 feet beyond the Project footprint if work commences outside the pupping season. Through the aforementioned coordination, California Department of Fish and Wildlife will recommend a 250-foot no-disturbance buffer around natal dens, a 100-foot no-disturbance

buffer around known dens, and a 50-foot no-disturbance buffer around potential or atypical dens, and absolutely no disturbance to the dens within the above buffers without contacting California Department of Fish and Wildlife and obtaining written authorization to do so. If the aforementioned buffers are not feasible or if San Joaquin kit fox detection occurs, no activities should commence until Caltrans engages in consultation with California Department of Fish and Wildlife to discuss how to avoid take, or if avoidance is not feasible, to acquire an Incidental Take Permit prior to ground-disturbing activities, pursuant to Fish and Game Code Section 2081(b).

Response to third comment

Caltrans will consult with the California Department of Fish and Wildlife if there is a potential for take of San Joaquin kit fox. Caltrans will not hunt or pursue San Joaquin kit fox; Caltrans specifically analyzes the potential for construction activities to catch, capture or kill individual San Joaquin kit fox. Caltrans does not use prescribed thresholds to determine whether there is a potential for take. Analysis of the surrounding land use, existing environmental setting and understanding of species behavior is used to determine whether there is a potential for the proposed work to result in take. Caltrans has successfully implemented avoidance and minimization measures on projects including buffers, shielding, seasonal work windows, monitoring, attenuation, covering trenches, inspecting pipes and stopping construction. Based on recent Caltrans projects and current site conditions, Caltrans will be able to avoid take and will not seek an Incidental Take Permit for San Joaquin kit fox.

Comment letter from the Native American Heritage Commission dated June 1, 2020

The comments portion of the letter is retyped below.

First Comment:

There is no information in the documents [sic] of any contact or consultation with all traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list.

Response to first comment:

Records of the Native American consultation are in the Historic Property Survey Report and Archaeological Survey Report prepared for the project. Caltrans cultural resources staff sent invitations to consult under Section 106 of the NHPA, Public Resources Code 21080.3.1 and Chapter 532 of Statutes 2014 (i.e. AB52) to the fifteen individuals whose contact information was provided by the Native American Heritage Commission in their letter of January 25, 2019. Two Tribes continued to be consulting parties: the Tejon Indian Tribe, and the Salinan Tribe of Monterey.

Second comment:

The Archaeological Report shows potential for impact to Native American cultural sites or known archaeological sites near the boundaries of the project.

Response to second comment:

With the implementation of the avoidance and minimization measures listed in the Cultural Resources section of the draft environmental document (page 29 of this document) impacts to the one adjacent archaeological site are expected to be avoided.

Third comment:

There does not appear to be any evidence of what to do for inadvertent finds of Native American remains in accordance with Health and Safety Code 7050.5.

Response to third comment:

A statement of Caltrans policy regarding the discovery of human remains during construction is on page 24 of the draft environmental document (page 28-29 of this document).

Comments received via email:

From: Jackson Hurst <ghostlightmater@yahoo.com>
Sent: Tuesday, May 19, 2020 6:51 PM
To: Vespermann, Juergen@DOT <juergen.vespermann@dot.ca.gov>
Subject: Reward CAPM

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi i would like to be added to the mailing list for the Reward CAPM Project.
My mailing address is 4216 Cornell Crossing, Kennesaw, Georgia 30144.

sent from ghostlightmater@yahoo.com

From: Jackson Hurst <ghostlightmater@yahoo.com>
Sent: Monday, June 1, 2020 5:20 PM
To: Vespermann, Juergen@DOT <juergen.vespermann@dot.ca.gov>
Subject: State Route 58 Reward CAPM Public Comment regarding the Initial Study with Proposed Mitigated Negative Declaration Document

EXTERNAL EMAIL. Links/attachments may not be safe.

Name - Jackson Hurst

Address - 4216 Cornell Crossing, Kennesaw, Georgia 30144

Comment - I have reviewed the environmental document and I agree with the findings and I approve the build alternative.

sent from ghostlightmater@yahoo.com

Response:

Thank you for your comment.

List of Technical Studies Bound Separately (Volume 2)

Air Quality Compliance Study

Climate Change and Greenhouse Gas

Natural Environment Study

Historic Property Survey Report

Hazardous Waste Reports

Initial Site Assessment

Initial Paleontology Study

Noise and Water Quality Study

Final Environmental Document Addendum:

Comment Letters

Letter of Concurrence from U.S. Fish and Wildlife Service

Updated Species Lists from U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Natural Diversity Database, and California Native Plant Society

To obtain a copy of one or more of these technical studies/reports or the Initial Study, please send your request to:

Juergen Vespermann
Central Region Environmental, California Department of Transportation
855 M Street, Suite 200, Fresno, California, 93721

Or send your request via email to: juergen.vespermann@dot.ca.gov

Or call: 559-445-6369

Please provide the following information in your request:

Reward Capital Maintenance Project
State Route 58 near McKittrick in Kern County
06-KER-58-PM 6.0 to 15.4

Project ID Number 0618000057