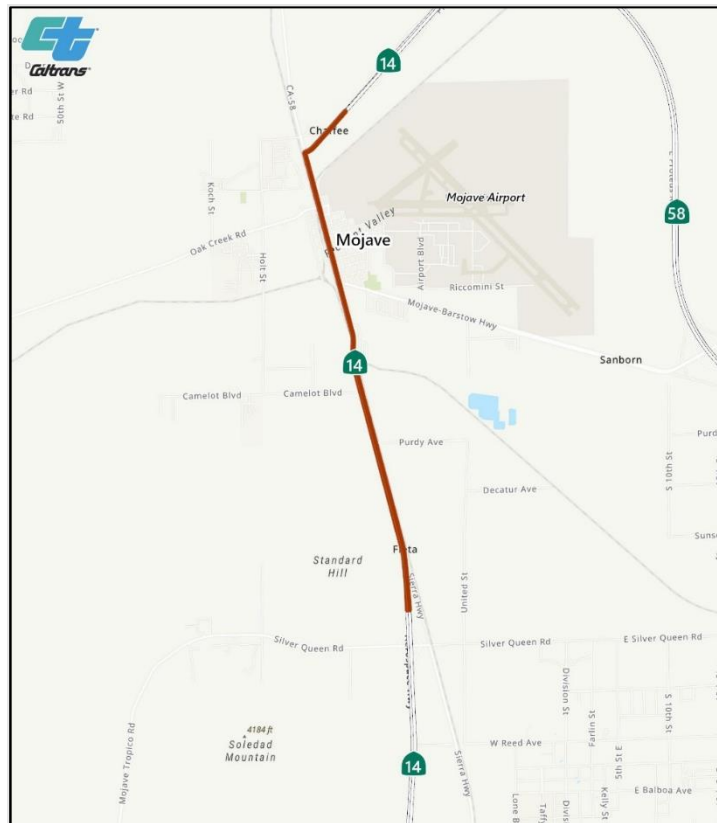


Mojave Pavement

Kern County, California
District 09-KER-014-post miles R12.6 to16.7
EA 09-37520/Project ID 0918000036
State Clearinghouse Number: 2022060289

Initial Study with Negative Declaration

Volume 1 of 2



Prepared by the
State of California Department of Transportation

June 2023



General Information About This Document

Document prepared by: Dana Grevenkamp, Environmental Scientist

What's in this document:

The following appendix has been added to the document since the Initial Study with Proposed Negative Declaration was circulated for public review and comment:

Appendix B Comment Letters and Responses

The Initial Study with Proposed Negative Declaration was circulated to the public for 30 days between April 10, 2023, and May 10, 2023. Comments received during this period are included in Appendix B. Elsewhere, language has been added throughout the document to indicate where a change has been made since the circulation of the draft environmental document. Minor editorial changes and clarifications have not been so indicated.

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Restore pavement, upgrade existing roadway facilities to meet current standards, and improve accessibility and highway operations on State Route 14 from post miles R12.6 to 16.7 in Kern County.

**INITIAL STUDY
with Negative Declaration**

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

THE STATE OF CALIFORNIA
Department of Transportation

Responsible Agency: California Transportation Commission,
California Department of Fish and Wildlife,
Lahontan Regional Water Quality Control Board



Kirsten Helton
Deputy District Director, Planning and Environmental Analysis
California Department of Transportation
CEQA Lead Agency

6/12/2023

Date

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Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2022060289

District-County-Route-Post Mile: 09-KER-14-R12.6/16.7

EA/Project Number: EA 09-37520/Project ID 0918000036

Project Description

The California Department of Transportation (Caltrans) proposes improvements to a 5-mile stretch of State Route 14 in Kern County. The project would begin south of the community of Mojave at post mile R12.6, about 0.5 mile north of Silver Queen Road overcrossing, and extend through downtown Mojave, ending about 0.6 mile north of north junction Business Route 58 at post mile 16.70. The project would rehabilitate the existing roadbed, upgrade existing bridge railing and metal beam guardrail, upgrade drainage systems, reconfigure the north and south junction of Business Route 58 and State Route 14, construct an acceleration lane at Purdy Avenue, construct sidewalks and driveways, and bring curb ramps up to Americans with Disabilities Act standards.

Determination

An Initial Study has been prepared by Caltrans District 9. On the basis of this study, it is determined that the proposed action will not have a significant effect on the environment for the following reasons:

- The project will have no impact to Aesthetics, Agriculture and Forest Resources, Air Quality, Cultural Resources, Energy, Geology and Soils, Land Use and Planning, Mineral Resources, Population and Housing, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.
- The project will have less than significant impacts to Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Greenhouse Gas Emissions.

A handwritten signature in black ink that reads 'Kirsten Helton'. The signature is written in a cursive style and is positioned above a horizontal line.

Kirsten Helton
Deputy District Director, Planning and Environmental Analysis
California Department of Transportation

6/12/2023

Date

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Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) proposes improvements to a 5-mile stretch of State Route 14 in Kern County. The project would begin south of the town of Mojave at post mile R12.6, about half a mile north of Silver Queen Road overcrossing and extend through downtown Mojave, ending a little over half a mile north of north junction Business Route 58 at post mile 16.70. The project would rehabilitate the existing roadbed, upgrade existing bridge railing and metal beam guardrail, upgrade drainage systems, reconfigure the north and south junction of Business Route 58 and State Route 14, construct an acceleration lane at Purdy Avenue, construct sidewalks and driveways, and bring curb ramps up to Americans with Disabilities Act (ADA) standards.

1.2 Purpose and Need

The project “purpose” is a set of objectives the project intends to meet. The project “need” is the transportation deficiency that the project was initiated to address.

1.2.1 Purpose

The purpose of the project is to:

- Restore and extend the service life of the pavement to a condition that will require minimal maintenance.
- Upgrade existing highway features to current standards.
- Improve operations.
- Increase and improve access and connectivity for multiple modes of transportation.

1.2.2 Need

Address Pavement Needs

The stretch of State Route 14 from post miles R12.6 to 16.7 has exceeded its useful lifespan, and the pavement is deteriorating. Extensive damage to the road surface is contributing to poor ride quality and requires continual maintenance. According to the 2020 Automated Pavement Condition Survey,

the pavement conditions within the project are in fair to poor condition and will continue to degrade over time if not addressed.

Upgrade Highway Elements

- Existing guardrail throughout the project limits was constructed to prior standards and needs to be replaced with the standard Midwest Guardrail System railing meeting current standards.
- Existing bridge rails on northbound Bridge 50-0402R at post mile 15.4 must be reconstructed to meet current standards.
- Existing concrete barrier end blocks on southbound Bridge 50-0402L at post mile 15.4 will need to be replaced to allow connection of standard transition railing.
- The bridge deck on the Oak Creek overcrossing (Bridge 50-049) is cracking and needs repair.
- Several culverts within the project limits lie within the clear recovery zone and need to be extended.
- Existing pavement delineation and signs need to be upgraded to meet current standards for material type and reflectivity.

Improve Operations

Intersections within the project limits do not allow for smooth traffic flow. The intersection at Purdy Avenue and State Route 14 does not provide adequate distance for vehicles to accelerate when merging onto State Route 14, and the addition of increased traffic as a result of proposed commercial development is anticipated to further compromise traffic operations at this location. The south intersection at State Route 14 and Business Route 58 does not provide adequate room for large tractor-trailers to turn onto State Route 14. The north intersection of State Route 14 and Business Route 58 allows vehicles to make the “free right” turn at a higher rate of speed, thereby increasing the potential for collisions involving pedestrians or cyclists.

Improve Accessibility for All Modes of Transportation

The project extends through a commercial part of Mojave and serves a variety of businesses, including restaurants, hotels, gas stations, convenience stores, grocery stores and other community services. The sidewalk and curb ramps within the project limits need to be upgraded to meet current Americans with Disabilities Act (ADA) standards. There are multiple gaps between sidewalks, and portions of the existing sidewalk facilities are failing. The current sidewalk conditions within the project limits do not allow for continuous pedestrian travel through the commercial center of Mojave.

1.3 Project Description

The project proposes to address multiple Caltrans facilities on State Route 14, from post miles R12.6 to 16.7, within and directly adjacent to the community of Mojave in Kern County. Figure 1-1 shows a map of the general vicinity of the project, and Figure 1-2 shows the specific project location.

The project would rehabilitate four travel lanes of State Route 14 (two southbound and two northbound) and the center median turn lane to improve ride quality, extend the service life of the facility and reduce maintenance needs. The project would also make intersection improvements; improve drainage; upgrade guardrail; improve existing sidewalks and construct new sidewalks where there are gaps; upgrade curb ramps and driveways; improve three bridges (Bridge 50-0402R, Bridge 50-0402L, and Bridge 50-049); and install new pavement markings, stripes and rumble strips to meet current standards.

Under consideration for the project were a Build Alternative—with three pavement strategies using continuously reinforced concrete pavement with a design option for using hot mix asphalt for the proposed pavement—and a No-Build Alternative.

Figure 1-1 Project Vicinity Map

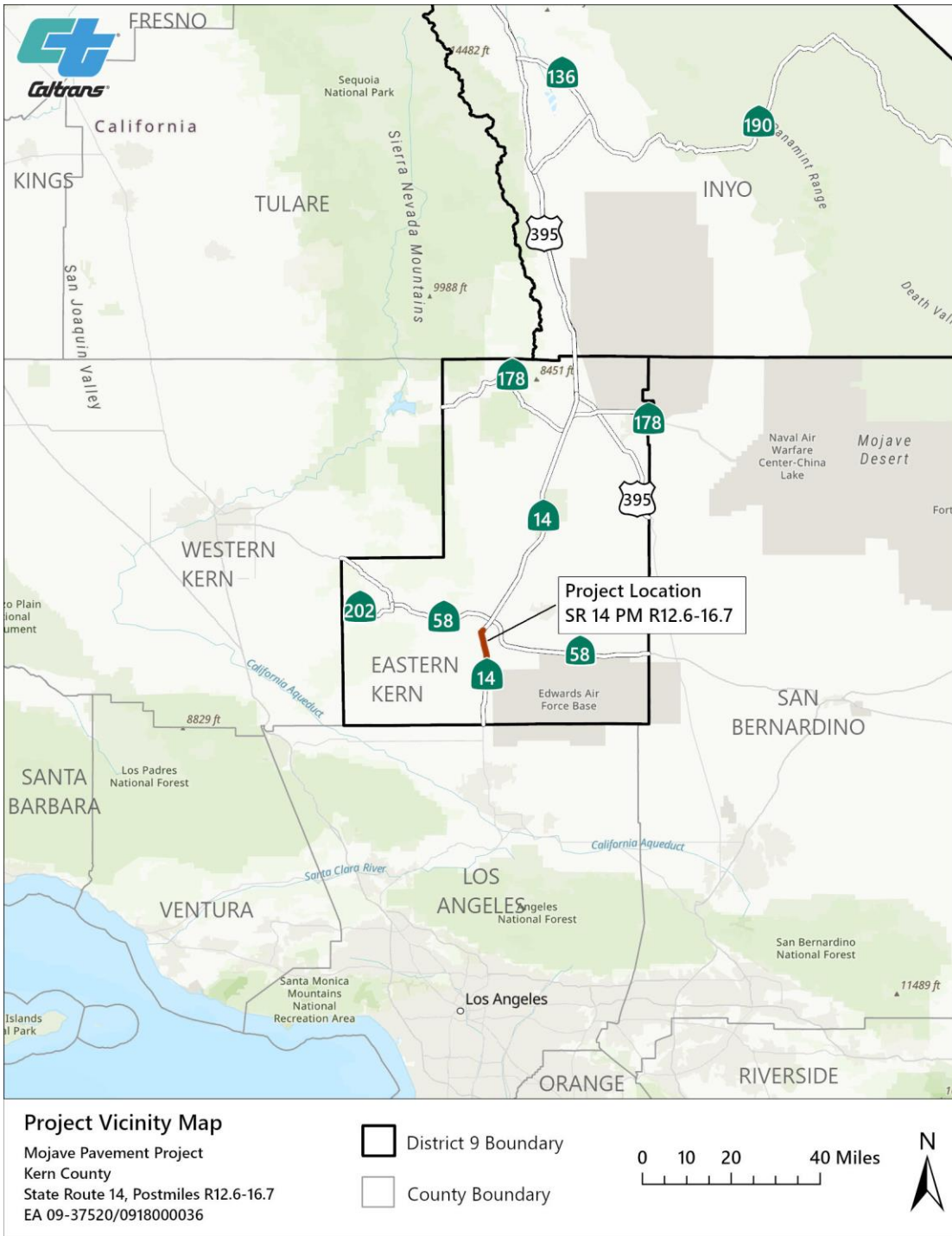
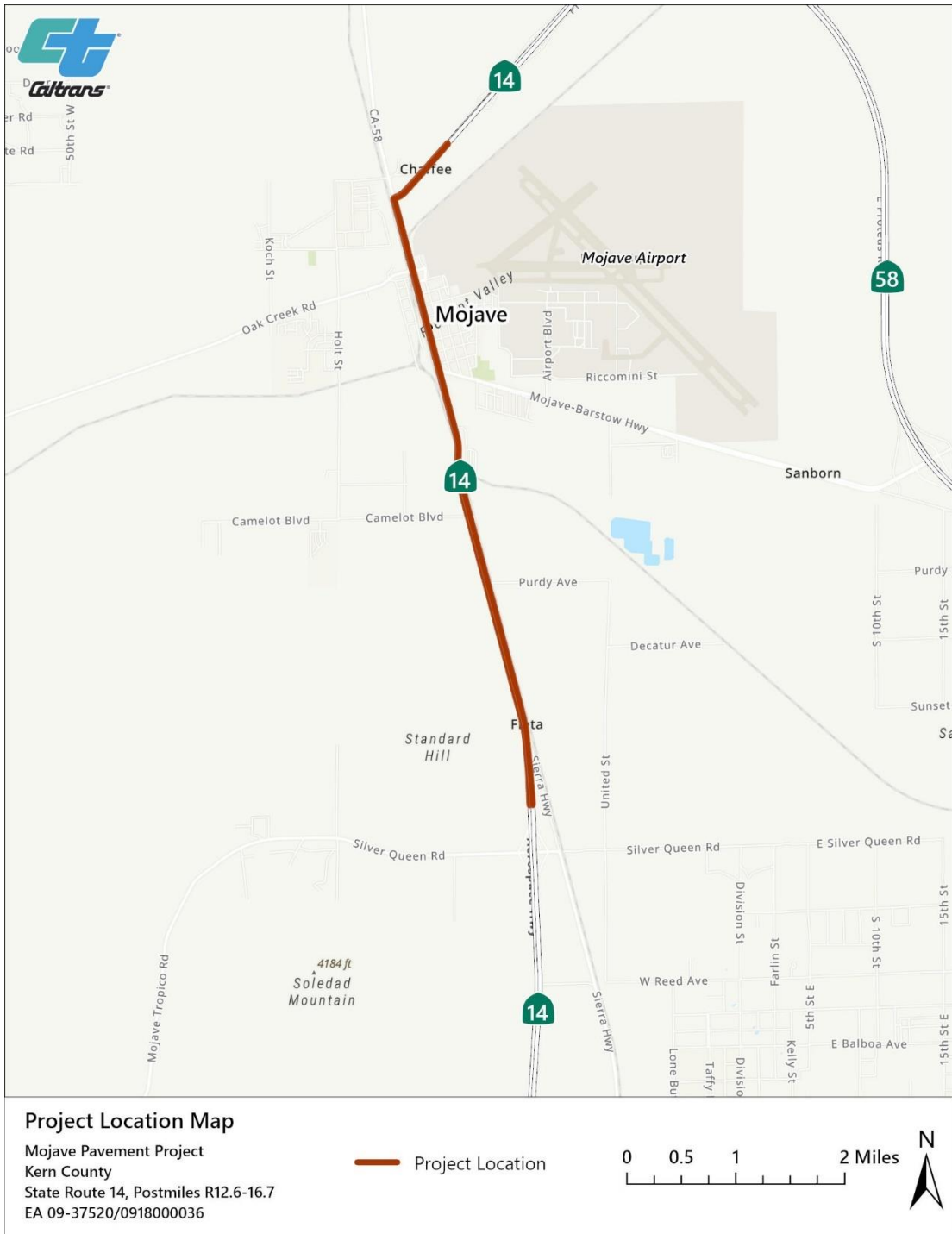


Figure 1-2 Project Location Map



1.4 Project Alternatives

Two alternatives were considered: a Build Alternative and a No-Build Alternative.

1.4.1 Build Alternative

The Build Alternative would rehabilitate four travel lanes of State Route 14 (two southbound and two northbound) and the center median turn lane. The work would also make intersection improvements, upgrade curb ramps and driveways, and install new pavement markings, stripes and rumble strips to meet current standards. This alternative would improve existing sidewalks and construct new sidewalks where there are gaps, improve drainage, rehabilitate road shoulders, improve three bridges, and upgrade guardrail within the project limits.

Pavement Rehabilitation Strategies

(The pavement rehabilitation strategies have been updated since the draft Initial Study with Proposed Negative Declaration circulated for public review from April 10 to May 10, 2023, the update was made to match the currently proposed pavement strategies as outlined the project report. The pavement footprint has not changed only the proposed pavement strategy has been finalized.)

Due to the level of truck traffic, the pavement condition in the Number Two lane is significantly worse than the Number One lane. As a result, the asphalt pavement in the Number Two lane will be removed entirely and replaced with new asphalt pavement. In addition to removing the poor asphalt, this will also provide access to the underlying base materials to install a subgrade reinforcing fabric. A 0.2 feet of rubberized hot mix asphalt overlay would then be placed on the entire roadway. In order to meet existing physical constraints, two different pavement strategies are required. The Build Alternative includes the following pavement rehabilitation strategies for the two segments of the project:

PM R12.6 - R15.31 (Divided highway)

Remove 1.0 feet of existing asphalt pavement, install subgrade reinforcing fabric, and place 1.0 feet of new hot mix asphalt in the Number Two lane. Existing concrete slabs below the northbound Number Two lane will be removed. Place 0.2 feet rubberized hot mix asphalt overlay from edge of pavement to edge of pavement.

PM R15.43 – 16.7 (Undivided highway)

Remove 0.7 feet of existing asphalt pavement and 0.3 feet of existing base, install subgrade reinforcing fabric, and place 1.0 feet of new hot mix asphalt in the Number Two lane. Remove 0.2 feet of existing asphalt pavement in the Number One lane, shoulders, and median and place 0.2 feet rubberized hot mix asphalt overlay from edge of pavement to edge of pavement. Due to the presence of concrete slabs under the northbound Number One lane, the existing asphalt pavement in the Number One lane will also be removed and

replaced between poste mile R15.43 and 16.03, so that the concrete slabs can be removed and a subgrade reinforcing fabric can be installed.

Pedestrian Facilities Upgrades

Existing pedestrian facilities on State Route 14 in the community of Mojave would be upgraded to meet current Americans with Disabilities Act (ADA) standards. New sidewalks would be constructed where sidewalks are missing, or existing sidewalks would be reconstructed where conditions are poor to create continuous access along the northbound shoulder through Mojave from post miles R15.91 to 16.35. A portion of new sidewalk would intersect with an at-grade crossing of the Union Pacific Railroad line (at post mile L17.06) and would be constructed to allow train and pedestrian traffic across the at-grade crossing. Additional work would replace approximately 19 curb ramps and 15 driveways that do not comply with current Americans with Disabilities Act (ADA) standards. See Table 1 for a list of the proposed sidewalk and curb ramp work.

Table 1. Proposed Sidewalk and Curb Ramp Work

Post Mile Begin	Post Mile End	Length (Linear Feet)	Proposed Work
R15.97	R16.05	368	Reconstruct sidewalk and driveways
L16.07	L16.08	43	Reconstruct sidewalk
L16.08	L16.13	168	No work proposed
L16.15	L16.18	153	Reconstruct sidewalk and driveways
L16.18	L16.23	250	No work proposed
L16.25	L16.28	190	Reconstruct sidewalk and driveways
L16.28	L16.32	194	No work proposed
L16.34	L16.41	394	No work proposed
L16.43	L16.46	149	No work proposed
L16.46	L16.48	127	Reconstruct sidewalk
L16.48	L16.50	123	No work proposed
L16.52	L16.53	80	Reconstruct sidewalk
L16.53	L16.56	170	No work proposed
L16.56	L16.59	151	Reconstruct sidewalk and driveways
L16.61	L16.67	346	No work proposed
L16.67	L16.68	54	Reconstruct sidewalk and driveways
L16.70	L16.73	150	No work proposed
L16.73	L16.75	88	Reconstruct sidewalk and driveways
L16.75	L16.77	139	No work proposed
L16.79	L16.85	306	No work proposed

Drainage Systems Improvements

Existing culverts within the project limits are within the clear recovery area, which is defined as 20 feet of reasonably flat area beyond the edge of the pavement that maintains safety in the roadway shoulder area (Highway Design Manual, Section 309.1). Any culvert that is within the clear recovery zone would be extended so that the culvert outlet is beyond 20 feet from the edge of the pavement. Table 2 shows a list of culverts that would be extended. Each of the culverts would require installation of flared end sections to convey flows, dissipate energy and reduce erosion at the culvert outlets. Temporary construction easements would be required to construct the culvert extensions, but no permanent right-of-way would be required.

Table 2. Proposed Culvert Extensions

Post Mile	Direction	Length (Feet)	Description of Work
R13.35	Northbound	10	Extend culvert and install flared end section, right shoulder
R14.06	Northbound	10	Extend culvert and install flared end section, right shoulder
R14.25	Northbound	10	Extend culvert and install flared end section, right shoulder
R14.71	Northbound	10	Extend culvert and install flared end section, right shoulder

A new drainage easement is proposed at post mile R15.95 on the east side of the roadway to allow construction of a drainage pipe from the roadway edge to connect to an existing drainage channel. A maintenance agreement with Kern County to use the County's existing drainage easement will allow construction of a channel to promote flow away from the outlet of the drainage system. The channel is anticipated to be a shallow V-ditch about 20 feet wide. Existing vegetation within the easement area would be removed to construct the ditch.

Bridge Improvements

Three bridges within the project limits require improvements: Bridge 50-0402R, Bridge 50-0402L, and Bridge 50-049.

Bridge 50-0402R: On northbound State Route 14 at post mile 15.4, where the roadway passes over the Union Pacific Railroad tracks. The existing bridge overhang on both sides of the bridge would be removed and then reconstructed with an integrated concrete barrier railing and chain link railing. This work is anticipated to be performed from the existing bridge.

Bridge 50-0402L: On southbound State Route 14 at post mile 15.4 where the roadway passes over the Union Pacific Railroad tracks. This bridge would require replacement of the existing concrete barrier end transitions to allow for connection to standard transition railing off the bridge.

An existing safety shape on the median retaining wall between the northbound and southbound lanes on the north end of the bridges would be replaced with a current standard safety shape.

Bridge 50-049: At the Oak Creek overcrossing, at post mile L16.866 on State Route 14. Improvements at this bridge include repairing the deck for cracks in the concrete by applying a methacrylate seal, a resin-like substance used to seal cracks in concrete bridge decks.

Guardrail Upgrades

Existing segments of guardrail within the project limits consist of metal beam guardrail that was constructed to prior standards. The guardrail would be replaced with the Midwest Guardrail System to meet current standards. Table 3 shows the locations where guardrail would be replaced.

Table 3. Proposed Guardrail Upgrades

From Post Mile	To Post Mile	Length (Feet)	Description
R15.13	R15.32	975	Southbound bridge departure, right shoulder
R15.16	R15.28	625	Northbound bridge approach, right shoulder
R15.22	R15.29	375	Median bridge approach, left shoulder
R15.23	R15.29	350	Southbound bridge departure, left shoulder
R15.42	R15.56	800	Northbound bridge departure, right shoulder
R15.46	R15.52	350	Southbound bridge approach, right shoulder
R15.53	R15.53	Not applicable	Median crash cushion
L16.18	L16.25	300	East side of northbound railroad gate, right shoulder
L17.01	L17.03	Not applicable	Median crash cushion
L17.02	L17.06	200	West side of northbound railroad gate, right shoulder
L17.06	L17.09	175	East side of southbound railroad gate, right shoulder
L17.06	L17.09	Not applicable	Median crash cushion
L17.36	L17.43	400	Southbound signals and power pole, right shoulder
16.44	16.54	550	Southbound box culvert entrances, right shoulder

Intersections Improvements

The project would reconfigure three intersections within the project limits and add lighting to a fourth intersection.

The south junction of State Route 14 with Business Route 58 would be reconfigured to improve operations for longer-wheel-base trucks making left turns into the southbound lane and expand capacity due to increased auto and truck traffic on Business Route 58.

The north junction of State Route 14 with Business Route 58 would be reconfigured to reduce traffic conflicts and improve intersection operation.

As part of the intersection improvements, existing traffic signals and associated controller cabinets would be relocated or upgraded to current standards. Relocation of traffic signal components would be within the Caltrans right-of-way.

The intersection of State Route 14 and Purdy Avenue is the third intersection requiring improvements. This intersection would receive a southbound acceleration lane, which would require widening into the median.

The fourth intersection to be improved is the intersection of Camelot Boulevard and State Route 14, where intersection lights would be installed within the right-of-way in the outside shoulder.

Intersection improvements include the following:

- The south intersection of State Route 14 with Business Route 58 would be restriped to allow for more capacity for turns in the intersection. By reconfiguring the striping for traffic on Business Route 58 turning south onto State Route 14 and removing a portion of the pedestrian island, the project would provide more room in the intersection to enable vehicles to turn. Reconfiguring the striping and replacing one of the right-turn lanes with a left-turn lane will provide more capacity for the number of cars lined up to turn. The work would generally consist of restriping the existing intersection, but a portion of the median island would be removed as well; because of the reconfiguration, the existing traffic signals would be relocated. No new right-of-way would be required for the reconfiguration.
- The north intersection of State Route 14 with Business Route 58 would not be realigned. However, the existing “free right” turn would be removed, and stop control would be placed on the northbound right-turn movement. This change would eliminate conflicts between vehicles making the “free right” turn and southbound Business Route 58 vehicles turning left onto northbound State Route 14. This would also eliminate conflicts with bicycles and pedestrians passing through the intersection on northbound Business Route 58. This improvement would require full removal of the existing median island and relocation of one existing traffic signal.
- The median crossover at Purdy Avenue would be reconfigured to accommodate pending development on Purdy Avenue. A southbound acceleration lane would be constructed, and additional widening of the crossover may be required to allow for truck movements.

1.4.2 No-Build (No-Action) Alternative

The No-Build Alternative would maintain the facility in its current condition and would not make any of the improvements proposed in the Build Alternative. Therefore, the No-Build Alternative would not meet the purpose and need of

the project. The pavement would continue to deteriorate, and ride quality would continue to worsen. Pedestrian facilities and accessibility under the Americans with Disabilities Act (ADA) would not be improved. Intersection operations would continue to decline, and highway elements (bridges, drainage, guardrail) would not be upgraded to meet current standards. Maintenance needs would increase as the road continues to deteriorate.

1.5 Identification of a Preferred Alternative

This section on the identification of a preferred alternative has been added since the Initial Study with Proposed Negative Declaration circulated for 30 days for public review and comment, between April 10, 2023 and May 10, 2023.

After public circulation of the Initial Study with Proposed Negative Declaration and consideration of comments received, the Project Development Team selected the Build Alternative as the preferred alternative for the Mojave Pavement project. Selection of the preferred alternative occurred on May 11, 2023. The Build Alternative was chosen because it will address the purpose and need of the project. The Build Alternative will rehabilitate the failing pavement and make improvements for Americans with Disabilities Act (ADA) standards and upgrades to intersections and safety features on State Route 14.

1.6 Standard Measures and Best Management Practices Included in All Build Alternatives

This project will include Caltrans standard measures that are typically used on all Caltrans projects. Caltrans standard measures are considered features of the project and are evaluated as part of the project. Caltrans standard measures are not implemented to address any specific effects, impacts or circumstances associated with the project, but are instead implemented as part of the project's construction to address common issues encountered on projects.

The measures listed below are those related to environmental resources and are applicable to the project. These measures can be found in Caltrans 2022 Standard Specifications document.

- 7-1 Legal Relations and Responsibility to the Public
- 10-4 Water Usage
- 10-5 Dust Control
- 10-6 Watering
- 12-1 Temporary Traffic Control
- 12-3 Temporary Traffic Control Devices

- 12-4 Traffic Control Systems
- 13-1 Water Pollution Control
- 13-2 Water Pollution Control Program
- 13-4 Job Site Management
- 13-6 Temporary Sediment Control
- 13-7 Temporary Tracking Control
- 13-10 Temporary Linear Sediment Barriers
- 14-1 Environmental Stewardship
- 14-2 Cultural Resources
- 14-6 Biological Resources
- 14-7 Paleontological Resources
- 14-8 Noise and Vibration
- 14-9 Air Quality
- 14-10 Solid Waste Disposal and Recycling
- 14-11 Hazardous Waste and Contamination
- 14-12 Other Agency Regulatory Requirements
- 17-2 Clearing and Grubbing
- 18-1 Dust Palliatives
- 21-2 Erosion Control Work

Additional standard measures will be added to the project as necessary or appropriate.

1.7 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. 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—that is, species protected by the Federal Endangered Species Act).

1.8 Permits and Approvals Needed

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

Agency	Permit/Approval	Status
California Department of Fish and Wildlife	Section 1602 Streambed Alteration Agreement	To be obtained before construction.
California Water Resources Board, Lahontan Regional Water Quality Board	401 Water Quality Certification	To be obtained before construction.
U.S. Army Corps of Engineers	404 Nationwide Permit #14	To be obtained before construction.
California Transportation Commission	California Transportation Commission vote to approve funds	With approval of the final Initial Study, the California Transportation Commission will be required to vote to approve funding for the project; the vote is anticipated in August 2023.

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Checklist

This checklist identifies physical, biological, social, and economic factors that might be affected by the project. Potential impact determinations include Significant and Unavoidable Impact, Less Than Significant Impact 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 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 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

Considering the information in the Visual Impact Questionnaire dated January 10, 2023, the following significance determinations have been made:

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.

According to a search of the California Department of Conservation’s Important Farmland Mapping Tool, there are no designated Prime, Unique or Farmlands of Statewide Importance in or near the proposed project limits. The project will not have any effect on protected farmlands, including those under the Williamson Act, or convert any farmlands to non-agricultural use (<https://maps.conservation.ca.gov/DLRP/CIFF>).

Impacts to timberland are analyzed as required by the California Timberland Productivity Act of 1982 (California Government Code Sections 51100 et seq.), which was enacted to preserve forest resources. Like the Williamson Act, this program gives landowners tax incentives to keep their land in timber production. Contracts involving Timber Production Zones are on 10-year cycles. Searches of the California Department of Forestry and Fire Protection website and the California Department of Conservation website show no

designated timberlands or Timber Protection Zones in or near the project vicinity. The project will have no effect on protected timberlands since none exist in the project area.

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 in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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
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 in the Natural Environment Study (Minimal Impacts) dated January 2023, 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 Impact
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?	Less Than Significant Impact

Question—Would the project:	CEQA Significance Determinations for Biological Resources
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
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

The Natural Environment Study outlines a Biological Study Area for the project, defined as the area that encompasses all potential species and habitats present in the direct Project Impact Area, including access routes and staging areas. The project Biological Study Area is in the unincorporated community of Mojave in Kern County, California.

Mojave is 50 miles east of the city of Bakersfield and 100 miles north of the city of Los Angeles, at an elevation of 2,762 feet. The community is in the western region of the Mojave Desert, east of Oak Creek Pass and the Tehachapi Mountains. Mojave is near Edwards Air Force Base, Naval Air Weapons Station China Lake and Palmdale Regional Airport. The landscape is expansive and largely undeveloped.

The region has hot summers and cool winters. Average July temperatures reach a daily maximum of 97.7 degrees Fahrenheit and a minimum of 69.8 degrees Fahrenheit. Average January temperatures reach a daily maximum of 57.8 degrees Fahrenheit and a minimum of 34.3 degrees Fahrenheit. Average annual rainfall is 5.69 inches. Snow is relatively rare, averaging 1.7 inches per year.

Vegetation types in the Biological Study Area include Mojave creosote bush scrub and Mojave mixed woody scrub described as allscale scrub. Creosote

bush scrub has shrubs less than 10 feet tall, with an intermittent to open canopy; the herbaceous layer is open to intermittent with seasonal annuals or perennial grasses. Soils are well-drained, sometimes with desert pavement. Creosote bush scrub can be found on alluvial fans, bajadas (broad slopes), upland slopes, and minor intermittent washes.

Allscale scrub is characterized by shrubs less than 10 feet tall, with an open to continuous canopy; the herbaceous layer is variable and includes seasonal annuals. Soils may be carbonate rich, alkaline, sandy, or sandy clay loams. Allscale scrub can be found in washes, playa lake beds and shores, dissected alluvial fans, rolling hills, terraces, and at the edges of large, low gradient washes.

The project lies in paved, developed, non-vegetated, and/or highly disturbed areas with no riparian vegetation present. Within the Project Impact Area is bare ground with compacted soils along the existing dirt shoulder. These areas lack vegetation due to high use. The edges of the bare ground areas have a high presence of invasive plant species.

In the south portion of the project, along with restoring pavement, the project would construct a stormwater drainage channel, extend four culverts, and add an acceleration lane at Purdy Avenue for southbound traffic. The project would not change the outside edge of the roadway footprint. The acceleration lane at Purdy Avenue for southbound traffic would be constructed in the already-disturbed median. The culvert extensions would be on the east side of the northbound lane in the disturbed area between the roadway and the railroad right-of-way. The stormwater drainage channel would be placed at a previous drainage channel, and a 20-foot-wide shallow V-ditch would be constructed. No riparian or wetland plants were found at this site.

Animal Species (CEQA Question a)

Bat Species (Pallid Bat, Western Mastiff Bat and Townsend's Big-Eared Bat)

The pallid bat, western mastiff bat, and Townsend's big-eared bat are considered Species of Special Concern by the California Department of Fish and Wildlife. All bat species are protected under Section 2126 of the California Department of Fish and Wildlife Code. Bat roosts are considered a sensitive resource by the California Department of Fish and Wildlife where avoidance, minimization, and/or replacement of habitat should be addressed.

Bat habitat can consist of crevices, cavities, and tree/shrub foliage. Within the Project Impact Area, habitat artificially provided by humans includes things such as riprap, expansion joints in bridges, and a variety of other structures with cavities and crevices. Artificially provided bat habitat has been identified on the bridge at Silver Queen Road overpass, at the southern end of the project limit, and at drainage culverts within the project limit. Weep holes for water runoff on the Silver Queen Road overpass were identified as marginal bat-roosting habitat.

Burrowing Owl

The burrowing owl (*Athene cunicularia*) is a species of special concern and protected under the Migratory Bird Treaty Act. This owl is a relatively small bird with a short tail and long legs. It requires underground burrows for breeding and year-round roosting and refuge. Typically, burrowing owls use burrows dug by other animals (e.g., ground squirrels, foxes, or badgers), but they can excavate their own burrows too.

Migratory Nesting Birds

The Migratory Bird Treaty Act protects over 800 species of birds in the U.S. from the pursuit, hunt, take, capture or kill; attempt to take, capture or kill; or possess or sell migratory birds, living or dead. The Biological Study Area has potentially suitable low-quality habitat for several bird species. No state or federally listed birds are known or expected to occur in or near the Biological Study Area, and critical habitat for listed bird species does not occur within or near the Biological Study Area.

Plant Species (CEQA Question a)

Western Joshua Tree

(The Western Joshua Tree sections are new to this document since the draft Initial Study with Proposed Negative Declaration circulated for public review from April 10 to May 10, 2023, to address comments received from the California Department of Fish and Wildlife.)

The Western Joshua Tree (*Yucca brevifolia*) is a candidate species under the California Endangered Species Act effective October 9, 2020. It is a tree-like, grass-like, flowering plant that ranges from southern California to Utah. Western Joshua Tree inhabit Joshua tree woodland, Mojave mixed steppe, and Mojave mixed woody scrub; the latter is found within the Biological Study Area.

Jurisdictional Waters (CEQA Question b)

“Waters of the State” is a term that captures all the various aquatic resources regulated by numerous state agencies. It includes rivers, streams, lakes, wetlands, mudflats, vernal pools, and other aquatic sites. The project proposes to extend four existing drainage culverts to allow for wider shoulders to meet the clear recovery space of 20 feet on the road shoulder. The four culverts were determined to lie within ditches identified as State jurisdictional water resources. All four ditches are identified as Riverine system, Intermittent (4) subsystem, and Streambed; they are in an Intermittently Flooded water regime. The culverts convey runoff into open areas for infiltration and are likely considered Waters of the State and under the jurisdiction of the Lahontan Regional Water Board and state jurisdictional waters in accordance with the California Department of Fish and Wildlife Lake Streambed Alteration Agreement (California Department of Fish and Wildlife 1600 permit). These ditches/channels contain flowing water for only part of

the year. When the water is not flowing, it may remain in isolated pools or surface water may be absent.

The project would also reshape and modify the drainage channel at post mile 15.95 to convey flow away from the outlet. This channel was determined to fall under the jurisdiction of the California Department of Fish and Wildlife and would be temporarily impacted by construction to direct flow away from the outlet of the existing drainage system at post mile 16.0. This channel is a constructed and maintained channel for stormwater runoff only. The existing vegetation in the channel consists of invasive species, including Russian thistle (*Salsola spp*), Bermuda grass (*Cynodon dactylon*), and saltcedar (*Tamarix ramosissima*).

Environmental Consequences

The following section analyzes environmental consequences as they pertain to each CEQA significance determination.

Response to a) Less Than Significant Impact

Bat Species

The California Natural Diversity Database (BIOS and RareFind) search provided four documented special-status bat observations within a 9-U.S. Geological Survey 7.5-inch quadrangle search around the project area (CDFW 2021). These observations include one pallid bat, two Townsend's big-eared bat, and one western mastiff bat, all in the vicinity of Soledad, particularly around the Arroyo Seco Wash. All entries were based on specimens collected prior to 1950, and no modern (within the last 20 years) observations in the project vicinity have been documented for any special-status bat species.

When surveyed, the Silver Queen Road overpass had no bats present. The culverts were determined poor habitat, did not meet all requirements for bat habitat, and did not provide adequate refuge from predators.

Construction activities may result in indirect temporary impacts (noise, human activities, etc.) to bat species, if found within or adjacent to the Biological Study Area. Construction activities that occur near potential bat-roosting locations would likely result in noise and/or vibration, but would be of short duration at any given location. The greatest potential indirect impacts to bat species from the project are related to work near the Silver Queen Road bridge (overpass). However, the bridge was determined to be marginal roosting habitat for bat species, and no observations of bats or signs of roosting were found during surveys.

No permanent impacts are anticipated to bats or bat roosts from the project.

Burrowing Owl

A protocol-level burrowing owl habitat assessment and survey conducted from April to June 2021 determined the Biological Study Area had suitable and marginal owl habitat consisting mostly of Mojave creosote bush scrub and Mojave mixed woody scrub. Surveys were conducted during nesting season. Ten burrow sites were found within the project site. No burrowing owl or sign (evidence of the species), except for some whitewash in one burrow, was observed. It is assumed the burrows that did not have any owl sign were used by larger mammals.

Construction activities that occur near potential burrowing owl den locations would likely result in noise and/or vibration but would be of short duration at any given location.

No permanent impacts from the project are anticipated for burrowing owls.

Migratory and Nesting Birds

Bird surveys found no special-status bird species within the Biological Study Area. The California Natural Diversity Database quadrangle search identified the Swainson's hawk as potentially occurring within the Biological Study Area. However, during field surveys, it was determined that habitat for the Swainson's hawk was not present within the Biological Study Area or adjacent area. The project would involve minimal vegetation removal along the road edge, and no trees would be removed as a result of the project. Excavation of the culvert outlets to add the extension and flared end section would require some minor vegetation removal. Outside the existing disturbed shoulder, work is proposed to reshape an existing drainage ditch; at that location, invasive plants would be removed to construct the ditch.

(The following sentence has been modified since public circulation of the draft environmental document.) No permanent impacts to migratory and nesting birds are anticipated as a result of this project.

Western Joshua Tree

(The Western Joshua Tree sections are new to this document since the draft version circulated for public review from April 10, 2023 to May 10, 2023 to address comment received from the California Department of Fish and Wildlife.)

General vegetation surveys were conducted in the biological study area from March to July, during the peak flowering period. Surveys followed standard protocols outlined by the California Department of Fish and Wildlife, California Native Plant Society, and the United States Fish and Wildlife Service. During general plant surveys, Caltrans Biologists found Joshua trees intermittently within the biological study area, primarily in the southern portion of the project from post mile R12.2 to R15.2. Additionally, Biologists identified four adult

western Joshua trees adjacent to the project impact area. However, no Joshua trees were identified within the direct project impact area.

There is a very low potential for the project to result in direct or indirect impacts to Western Joshua tree.

Response to b) Less Than Significant Impact

Jurisdictional Waters of the State

The project would extend four culverts in the southern portion of the project and reshape a drainage ditch at post mile 15.95. The culvert extension work would consist of excavation of the culvert outlet (east side) to allow for a 2-foot extension to be added. Each of the culverts would have new flared end sections installed to dissipate flow energy. Temporary impacts would occur to provide equipment access, minor grading of the channel bottom, and upland vegetation removal. Vegetation trimming and removal would be minimal and be limited to the minimum necessary to accomplish the work. The anticipated total area of impact required for the culvert extensions, permanent and temporary, would be less than 0.10 acre. Therefore, a U.S. Army Corps of Engineers non-reporting Nationwide 14 permit would be used for this work.

The drainage reshaping work would temporarily impact the California Department of Fish and Wildlife jurisdictional drainage conveying flow away from the outlet of the existing drainage system. Once modified, the channel would consist of a shallow V-ditch approximately 20 feet wide. The existing invasive vegetation within the drainage easement area would be removed to construct the ditch. This work is anticipated to provide for minor enhancements of the existing jurisdictional resource by improving water flow and removing non-native invasive plants.

The following sentence has been added since the public circulation of the draft environmental document. Coordination with the California Department of Fish and Wildlife will take place in the next project phase for a Lake and Streambed Alteration Agreement for the culvert extensions and the drainage channel reshaping work.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and minimization measures will be implemented for this project:

(CEQA Question a)

Bat Species

BIO-1: Pre-construction bat surveys of culverts and any other potential roosting habitat will be conducted at least 48 hours before construction.

BIO-2: If bats are found within the Project Impact Area, then a bat exclusionary plan will be developed in coordination with the California

Department of Fish and Wildlife and an Environmentally Sensitive Area (ESA) may be delineated to ensure no impacts occur to bats or active roosting habitat.

Burrowing Owl

BIO-3: (This measure has been modified since public circulation of the draft environmental document.)

Pre-construction surveys for burrowing owl will be conducted two-weeks prior to construction on all land within and adjacent to the direct impact area. This survey will also assess the project impact area for the presence of other wildlife species including Mohave Ground Squirrel, Desert Tortoise, Desert kit fox and American Badger. If determined necessary by a Caltrans Biologist, a pre-construction survey for burrowing owls will be conducted 72 hours before ground disturbance in areas containing burrows or suitable habitat to avoid direct impact to burrowing owls. This measure will serve to ensure no impacts to other general wildlife species.

BIO-4: (This measure has been modified since public circulation of the draft environmental document.)

If burrowing owls, or any other candidate, sensitive or special-status species are found during pre-construction surveys, coordination with the California Department of Fish and Wildlife and the US Fish and Wildlife Service will occur immediately. If a federally listed species such as Desert Tortoise is found during pre-construction surveys, Caltrans will initiate consultation with the United States Fish and Wildlife Service.

BIO-5: (This measure has been modified since public circulation of the draft environmental document.)

If burrowing owl are found, buffers for occupied burrows shall be established at approximately 500 meters during the breeding season (February 1 to August 31) and at approximately 50 meters during the non-breeding season. Buffer zones will be clearly marked with flagging and/or construction fencing. Passive relocation techniques shall be implemented if an occupied burrow cannot be avoided. Passive relocation includes encouraging owls to move from occupied burrows to alternate natural burrows outside of the 500-meter buffer. California Department of Fish and Wildlife guidance indicates that passive relocation must be conducted between September 1 and January 31 (California Department of Fish and Wildlife 2012). Occupied burrows shall not be disturbed during the breeding season.

BIO-6: (This measure has been modified since public circulation of the draft environmental document.)

All construction personnel will receive mandatory Biological Resource Information Program (BRIP) training on the identification of burrowing owls, bats and other wildlife species and their associated habitat.

BIO-7: (This measure has been modified since public circulation of the draft environmental document.)

If burrowing owl or any sensitive status species are found during pre-construction surveys, a qualified biological monitor will be onsite to oversee all ground-disturbing activities and ensure no impacts to burrowing owls or other wildlife species occur as a result of the proposed project.

Migratory and Nesting Birds

BIO-8: Pre-construction nesting bird surveys will be conducted within 72 hours prior to any ground disturbance regardless of the time of year as species nesting times vary within and outside of the normal nesting period.

BIO-9: If a nest is found within the Project Impact Area, an appropriate no-work buffer will be implemented as determined by the project Biologist to reduce potential impacts caused by construction until the nesting season has finished, nesting activities have completed, and the bird nestling has fledged and left the area. No-work buffers can vary in size depending on listing status and species. Buffers as large as a half-mile may be used for the Swainson's hawk; 500 feet for other nesting raptors; 250 feet for nesting songbirds. Any nest found within the Project Impact Area will be monitored by a qualified Biologist. If a nest is found outside the Project Impact Area, but within a specified buffer distance based on the type of bird species, a no-work buffer may be implemented, and monitoring may occur by a qualified Biologist. If the construction activities do not appear to be disrupting nesting activities (parent birds not exhibiting stressed behavior, territorial behavior, or abandoning nest, etc.), then the qualified Biologist may clear the area for construction to proceed.

Western Joshua Tree

Biological measures ten through twelve below have been added since public circulation of the draft environmental document.

BIO-10: Pre-construction surveys to confirm presence or absence of Western Joshua Tree within and adjacent to the direct project impact area will occur two-weeks prior to construction during general wildlife surveys.

BIO-11: All construction personal will receive mandatory Biological Resource Information Program (BRIP) on identification, status, protection, consequences of violation, and protective measures for Joshua tree.

BIO-12: All Joshua trees located within 50 feet of the project impact area will be marked with temporary high visibility fencing to mark Environmentally Sensitive Areas to prevent unintended damage or take.

(CEQA Question b)

Jurisdictional Waters of the State

BIO-13: Fiber rolls and/or silt fencing (with no plastic mesh) will be used to protect water resources and delineate the edge of the permanent impact area.

BIO-14: During work in jurisdictional areas, a full-time qualified Biologist will be present to monitor during temporary clear water diversion activities and during all work in the jurisdictional drainage.

BIO-15: In the event that water is present in the jurisdictional drainages, pump screens will be used during clear water diversion and will be in compliance with Caltrans Standard Specifications (SSP) for Species Protection (SSP 14- 6.02).

BIO-16: Environmentally Sensitive Area (ESA) fencing will be placed at the temporary impact boundaries to prevent unnecessary impacts beyond the area needed to conduct the work.

2.1.5 Cultural Resources

Considering the information in the Section 106-Cultural Resources Review for the Mojave Pavement Project (EA: 09-37520) in Kern County, California dated January 17, 2023, 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

2.1.6 Energy

Considering the information in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, the following significance determinations have been made:

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 information in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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: <ul style="list-style-type: none"> 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
ii) Strong seismic ground shaking?	No Impact
iii) Seismic-related ground failure, including liquefaction?	No Impact
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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
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 waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
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 in the Climate Change Analysis dated January 30, 2023, 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 lies in and adjacent to the community of Mojave in Kern County, California on State Route 14. The project is in a rural area, with a mostly natural resources- and transportation-based economy. State Route 14 is the main transportation route to and through the area for both passenger and commercial vehicles. The nearest alternate route is U.S. Route 395, which is 36 miles to the east. Traffic counts in the project area are moderate. The Union Pacific Railroad—Mojave Subdivision rail tracks run parallel to the Caltrans State Route 14 right-of-way, carrying freight trains each day. The Kern Council of Governments guides transportation development in the project area. The Kern County General Plan Circulation, Safety, and Traffic elements address greenhouse gases in the project area.

Environmental Consequences

The following section analyzes environmental consequences as they pertain to each CEQA significance threshold.

Response to a) Less Than Significant Impact

The purpose of the project is to rehabilitate existing pavement and bring highway facilities (curbs, sidewalks, gutters, and driveways) to current Americans with Disabilities Act (ADA) standards. The project would not increase the vehicle capacity of the roadway. This type of project generally causes minimal or no increase in operational greenhouse gas emissions. Because the project would not increase the number of travel lanes on State Route 14, no increase in vehicle miles traveled would occur as a result of project implementation. Construction greenhouse gas emissions were estimated using the California Construction Emission Tool (CAL-CET2021). The project is estimated to require 200 working days and is estimated to produce 1,523 tons of carbon dioxide (CO₂) total.

Once complete, the project is anticipated to increase the pedestrian traffic, in turn, reducing vehicle greenhouse gas emissions.

Avoidance, Minimization, and/or Mitigation Measures

To the extent feasible, the following measures will be implemented:

GHG-1: Where feasible, use material sources and borrow sites as close to the project location as possible, reducing the number of haul trips and distance traveled per trip.

GHG-2: Where feasible, use recycled water or reduce consumption of potable water for construction.

GHG-3: Where feasible, schedule truck trips outside of peak morning and evening commute hours.

GHG-4: Where feasible, use alternative fuels such as renewable diesel for construction equipment.

GHG-5: Use solar-powered signal boards, if feasible.

GHG-6: Where feasible, limit idling of vehicles and equipment onsite for delivery and dump trucks and other diesel-powered equipment.

GHG-7: For improved fuel efficiency from construction equipment, do the following:

- Perform regular vehicle and equipment maintenance.
- Use right sized equipment for the job.

- Use equipment with new technologies.

2.1.9 Hazards and Hazardous Materials

Considering the information in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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?	Less Than Significant 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
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

Affected Environment

Surveys and studies were conducted by specialists to assess the project's existing hazards and hazardous waste, including an Initial Site Assessment (ISA) and Asbestos and Lead-Containing Paint Survey. The Initial Site Assessment was performed by GeoCon Inc. in August 2022. The Initial Site Assessment identified multiple properties adjacent to the project with Leaking Underground Storage Tanks or permitted underground storage tanks that have the potential to leak contaminants. The Initial Site Assessment also identified the potential to encounter lead-contaminated soils adjacent to State Route 14 resulting from deposition by vehicle exhaust with leaded gasoline (aerially deposited lead, known as ADL). Aerially deposited lead testing is also scheduled prior to construction in conjunction with the Preliminary Site Investigation to determine actual amounts of lead in the roadside soil.

An Asbestos and Lead-Containing Paint Survey was performed for the project by GeoCon Inc. in August 2022. This report sampled and analyzed bridge materials on Bridges 50-0402L and 50-0402R. The survey report found Category I/nonfriable/nonhazardous asbestos material in the sheet packing shims under the existing bridge railing. Lead-containing paint was identified in graffiti abatement gray paint currently on the bridge columns and deck. The concentration of lead within the paint is not considered a California or federal hazardous waste; however, all paint on the bridges should be treated as lead-containing for the purpose of worker health and safety.

The existing guardrails within the project have treated wood for support posts. Where guardrail is expected to be replaced, treated wood waste will be produced and require safe handling and proper disposal.

Environmental Consequences

The following section analyzes environmental consequences as they pertain to each CEQA significance determination.

Response to a) Less Than Significant Impact

The multiple properties adjacent to the project with Leaking Underground Storage Tanks or permitted underground storage tanks have the potential to leak contaminants. The general project work is not expected to go deeper than the existing road prism and therefore is not expected to unearth any potential contaminated soil from leaking storage tanks. However, a Preliminary Site Investigation will be performed prior to construction for properties identified for in-fee right-of-way acquisition and at properties where work activities could extend into sub-soils to confirm the depth and extent of potentially contaminated soils.

The Asbestos and Lead-Containing Paint Survey Report found minor amounts of asbestos and lead in the bridge construction and paint. The bridge shims have been identified as a Category I asbestos material and do

not need to be removed prior to other bridge work or treated as a hazardous waste. Lead paint was identified as graffiti abatement paint on the bridge columns. The concentration of lead within the paint is not considered a California or federal hazardous waste; however, all paints on the bridges should be treated as lead-containing for the purpose of worker health and safety. Aerially deposited lead (ADL) from the historical use of leaded gasoline exists along roadways throughout California. There is the likely presence of soils with elevated concentrations of lead as a result of aerially deposited lead on the state highway system right-of-way within the limits of the project alternatives. Soil determined to contain lead concentrations exceeding stipulated thresholds must be managed under the July 1, 2016, Aerially Deposited Lead Agreement between Caltrans and the California Department of Toxic Substances Control. This Aerially Deposited Lead Agreement allows such soils to be safely reused within the project limits if all requirements of the Aerially Deposited Lead Agreement are met.

The removal and replacement of treated wood guardrail posts will generate treated wood waste. Caltrans standard specifications for the handling, storage, transportation, and disposal of Treated Wood Waste will be included in the project.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and minimization measures will be implemented for this project:

HW1—If contaminated soils are encountered during construction activities, work would stop in the affected area, and Caltrans would implement the Emergency Construction Contract and independently hire a Class A contractor with a hazardous substance removal and remedial actions certification from the California State License Board to remove the contaminated soil material before resuming construction. This would be done per the provisions of the Caltrans Construction Manual.

HW2—Samples and analyses for aerially deposited lead-contaminated roadside soils will be conducted prior to construction in conjunction with the Preliminary Site Investigation. If sampling confirms that soils contain lead in amounts above regulatory limits, excess soil shall be disposed of as hazardous waste unless it can be reused within the project limits per the terms of the July 2016 Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils issued by the Department of Toxic Substances Control.

HW3—For worker health and safety, a lead compliance plan will be required to be produced by a certified Industrial Hygienist prior to construction. This plan will include notifications, trainings, and procedures to ensure worker safety when working around aerially deposited lead in soils and leaded paint on bridges.

HW4—Treated Wood Waste: Standard specifications for handling, storage and disposal will be included in the contract.

HW5—The contractor will be required to notify Eastern Kern Air Pollution Control District at least 10 days prior to starting demolition work on bridges.

HW6—Standard Special Provision 36-4 will be included in the specifications package requiring a lead compliance plan to cover the removal of paint stripping from the existing highway.

2.1.10 . Hydrology and Water Quality

Considering the information in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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?	No 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
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 onsite or offsite;	Less Than Significant Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	No Impact

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
(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 [CEQA Question c(i)]

Waters of the U.S. include all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. Waters of the U.S. are under the jurisdiction of the U.S. Army Corps of Engineers. The determination of jurisdictional waters can be made after a specialist has prepared a wetland/waters delineation report that the U.S. Army Corps of Engineers reviews and verifies and then approves the Jurisdictional Determination; the wetlands or waters are then referred to as “jurisdictional areas.” A preliminary jurisdictional determination is non-binding, but a written indication that wetlands/waters of the U.S. could be present on the project site without performing a detailed wetland/waters delineation report.

The project engineer identified four existing drainage culverts that would need to be extended within the project limit to allow for clear recovery space on the road shoulder. The culverts convey drainage waters that seem to flow into an internally draining basin in the Mojave Desert and therefore are unlikely to be considered waters of the U.S.; however, an Approved Jurisdictional Determination from the U.S. Army Corps of Engineers is not available. This means Caltrans will either need to apply for a new Approved Jurisdictional Determination to verify the waters are not federally jurisdictional, or alternatively, prepare a Preliminary Jurisdictional Determination and accept federal jurisdiction over the waters in the project area. Due to the very small area of impact, Caltrans will prepare a Preliminary Jurisdictional Determination, accept federal jurisdiction, and use the Nationwide Permit 14 procedures for a non-reporting 404 permit.

The culverts convey runoff into open areas for infiltration and are likely considered waters of the state and under the jurisdiction of the Lahontan Regional Water Quality Control Board and California Department of Fish and Wildlife. The culvert extensions would have minimal permanent impact areas, and each culvert would have new flared end sections installed to dissipate the water flow energy on the outlet end. The minimal permanent impact area may meet the criteria for a low-impact discharge under Section 401 of the Clean Water Act.

Environmental Consequences

The following section analyzes environmental consequences as they pertain to each CEQA significance determination.

Response to c)(i) Less Than Significant Impact

The project would disturb more than 1 acre of soil that would then be vulnerable to erosion and siltation. The soil disturbance is therefore covered under the Construction General Permit requiring the development of a Stormwater Pollution Prevention Plan. The plan would be prepared by the contractor for Caltrans' and the Lahontan Regional Water Quality Control Board's approval prior to the start of construction activities.

The project would extend four culverts in the southern portion of the project. The culvert extension work would excavate the culvert outlet (east side) to allow for a 2-foot extension to be added. Each of the culverts would have new flared end sections installed to dissipate flow energy. Temporary impacts would occur to provide equipment access, minor grading of the channel bottom, and upland vegetation removal. The anticipated total area of impact, permanent and temporary, for the culvert extension would be below the threshold for reporting U.S. Army Corps of Engineers Nationwide 14 Permit, less than 0.10 acre.

Avoidance, Minimization, and/or Mitigation Measures

WQ-1: Implementation of biological minimization measures BIO-13 through Bio-16 will serve in avoiding and minimizing impacts to waters under the jurisdiction of the U.S. Army Corps of Engineers and the Lahontan Regional Water Quality Control Board.

WQ-2: A 401 Water Quality Certification from the Lahontan Regional Water Quality Control Board and a U.S. Army Corps of Engineers 404 (non-reporting) permit are anticipated for this project. All Permit Conditions will be implemented as part of the project.

2.1.11 Land Use and Planning

Considering the information in the Community Impact: Memo to File dated January 17, 2023, 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 in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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 in the Air/Noise/Hazardous Waste/Water/Paleontology Study Memo dated January 4, 2023, 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?	Less Than Significant Impact

Affected Environment

The project area is rural with no sensitive noise receptors next to the work area. The baseline noise condition of this section of the project area is a four-lane highway that experiences moderate to heavy truck and vehicle traffic. Work would occur within the highway lanes and shoulders, and construction noise levels would not be significantly elevated above the baseline condition.

In the northern half of the project, at about post mile 15.40, State Route 14 approaches the industrialized portion of downtown Mojave and becomes a commercialized main street. This portion of the project is bounded on the east (northbound) side by multiple food establishments, motels, and gas stations and bounded on the west by Union Pacific Railroad facilities. No residences were identified directly adjacent to the proposed work area in preliminary reviews via Google Earth imagery, except for the Tierra Grand Mobile Home Park, which is offset from the highway near post mile 15.5 (see Figure 2-1).

Figure 2-1: Map of State Route 14 at Railroad Undercrossing and Tierra Grand Mobile Home Park (in relation to project boundary)



Environmental Consequences

The following section analyzes environmental consequences as they pertain to each CEQA significance determination.

Response to c) Less Than Significant Impact

The project is defined as a Class III project for noise abatement and analysis under 23 CFR 772. Noise abatement is not required for this project because the project does not alter the alignment of the highway, nor does it increase vehicular capacity. Post-construction noise levels throughout the project limits would not increase as a result of the project.

A portion of the project is within 2 miles of the Mojave Air and Space Port. During construction activities, elevated noise levels would be created from construction activities, but are not anticipated to affect the Air and Space Port.

Avoidance, Minimization, and/or Noise Abatement Measures

In accordance with normal Caltrans procedures, it is recommended the Public Information Office perform pre-construction outreach and notification for adjacent businesses, the mobile home park, and motels so that noise-sensitive residents and guests are aware of the upcoming construction noise. Along with normal Caltrans public outreach, a public meeting was held during the public comment period for the draft environmental document, which had a 30-day circulation period for review and comment.

No night work is anticipated at this time. Such work would be avoided in the downtown Mojave area. However, if the contractor requests to perform night work, a noise analysis may be required.

2.1.14 Population and Housing

Considering the information in the Community Impacts: Memo to File dated January 17, 2023, 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 in the Community Impact: Memo to File dated January 17, 2023, 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 in the Community Impact: Memo to File dated January 17, 2023, 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 in the Community Impact: Memo to File dated January 17, 2023, 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 in the Section 106 - Cultural Resources Review for the Mojave Pavement Project (EA: 09-37520) in Kern County, California dated January 17, 2023, 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

No tribal cultural resources were identified within the Project Impact Area. On January 25, 2022, letters pursuant to Assembly Bill 52 were sent to six tribes that had previously identified affiliation with the project area: Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, 29 Palms Band of Mission Indians, Cabazon Band of Mission Indians, Fernandeño Tataviam Band of Mission Indians, and Torres Martinez Desert Cahuilla Indians. On January 25, 2022, a response was received from Jairo F. Avila (Tribal Historic and Cultural Preservation Officer, Fernandeño Tataviam Band of Mission Indians) confirming the tribe’s interest in consulting on the project. Consultation with the Native American Heritage Commission was completed on April 4, 2022.

2.1.19 Utilities and Service Systems

Considering the information in the Community Impact: Memo to File dated January 17, 2023, the following significance determinations have been made:

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

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
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
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 in the Climate Change Analysis dated January 17, 2023, the following significance determinations have been made:

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones:

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

Question—Would the project:	CEQA Significance Determinations for Wildfire
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?	No 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

Appendix A Title VI Policy Statement

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49 | SACRAMENTO, CA 94273-0001
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September 2022

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."

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a non-discriminatory manner.

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) 639-6392 or visit the following web page: <https://dot.ca.gov/programs/civil-rights/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 Civil Rights, at PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 879-6768 (TTY 711); or at Title.VI@dot.ca.gov.

A handwritten signature in black ink, appearing to read 'Tony Tavares', is written over a horizontal line.

TONY TAVARES
Director

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Appendix B Comment Letters and Responses

This appendix contains the comments received during the public circulation and comment period of the Initial Study with Proposed Negative Declaration from April 10, 2023 to May 10, 2023. The comments have been retyped for readability. The comment letters are stated verbatim as submitted, with acronyms, abbreviations, and any original grammatical or typographical errors included. 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 Initial Study with Proposed Negative Declaration was posted to the State Clearinghouse for the 30-day public comment period (April 10, 2023 to May 10, 2023). In addition to public availability of the document via the State Clearinghouse online portal, the document was available for download from the Caltrans District 9 website and available to view in printed format at the Caltrans District 9 Office and the Mojave Branch of the Kern County Public Library during normal business hours.

The Caltrans Project Development Team hosted a virtual public information meeting during the 30-day public comment period. The meeting was held on April 25, 2023, from 5:30 p.m. to 6:30 p.m. Several members of the Project Development Team presented information on the project's scope, cost, and schedule, and noted the comment period for the environmental document. Following the presentation, project subject matter experts were available for questions and comments brought forth by the public.

Caltrans received two comments during the 30-day comment period. The comments are provided on the following pages. The Caltrans Project Development Team will continue with public outreach efforts throughout the life of the project.

Comment from: Deborah Crocoll (submitted via project website)

Comment 1:

Your Mojave pavement project looks fantastic. Thank you for considering Mojave for this level of improvement and repair.

Caltrans Response to Comment 1 from Deborah Crocoll:

Thank you for your input on the Mojave Pavement project. The Project Development Team appreciates your support, and the team has decided to move forward with the selection of the Build Alternative for this project. The team looks forward to providing upgrades and new facilities that will help benefit the community of Mojave.

Comment from: California Department of Fish and Wildlife



DocuSign Envelope ID: E5BCD576-0540-4167-BE1B-64EE7F17D2E3
State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Ave
Fresno, California 93710
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 9, 2023

Cecilia Boudreau
California Department of Transportation
District 9 Environmental Division
500 South Main Street
Bishop, California 93514

**Subject: Mojave Pavement Project (Project)
Negative Declaration
State Clearinghouse No: 2022060289**

Dear Cecilia Boudreau:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the California Department of Transportation (Caltrans), as lead agency, for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and Game Code section 711.7, subdivision (a) and section 1802; California Public Resources Code, section 21070; CEQA Guidelines, section 15386, subdivision (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish and Game Code section 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code, section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

CDFW is also submitting comments as a **Responsible Agency** under CEQA (California Public Resources Code section 21069; CEQA Guidelines, section 15381. CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish and Game Code section 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code section 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Protected Furbearing Mammals: CDFW has jurisdiction over furbearing mammals pursuant to Title 14, California Code of Regulations section 460, which states "Fisher, marten, river otter, desert kit fox, and red fox may not be taken at any time". This includes all forms of take as defined in Fish and Game Code section 86. CDFW cannot authorize the take of desert kit fox.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

As a responsible agency, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Transportation (Caltrans)

Objective: Caltrans proposes improvements to a 5-mile stretch of State Route (SR) 14 in Kern County. The Project would rehabilitate the existing roadbed, upgrade existing bridge railing and metal beam guardrail, upgrade drainage systems, reconfigure the north and south junction of Business Route

58 and SR 14, construct an acceleration lane at Purdy Avenue, construct sidewalks and driveways, and bring curb ramps up to Americans with Disabilities Act standards.

Location: The proposed Project is located on SR 14 near the community of Mojave in Kern County, California. The Project would begin south of Mojave at post mile (PM) R12.6, about 0.5 mile north of Silver Queen Road overcrossing, and extend through downtown Mojave, ending about 0.6 mile north of north junction Business Route 58 at PM 16.70. The Project spans portions of several sections in Township 11 N and Range 12 W and portions of Section 4 in Township 10 N, Range 12 W of the Mojave U. S. Geological Survey 7.5-minute quadrangle map, all within the Mount Diablo Base and Meridian.

Timeframe: No timeframe provided.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The attached Mitigation Monitoring and Reporting Program (MMRP) provides a summary of CDFW's additional impact minimization, mitigation and monitoring recommendations that are described below. Editorial comments or other suggestions may also be included to improve the document.

The NES in support of the ND identified that the project area is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the studies and conclusions in the ND for evaluating, avoiding, minimizing and minimizing impacts to the following special status species: State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*); Federally and State threatened desert tortoise (*Gopherus agassizii*); State candidate species western Joshua tree (*Yucca brevifolia*) and Crotch's bumble bee (*Bombus crotchii*); State species of special concern burrowing owl (*Strix nebulosa*), American Badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendi*), spotted bat (*Euderma maculatum*), and western mastiff bat (*Eumops perotis californicus*); and State no-take fur-bearer desert kit fox (*Vulpes macrotis*).

COMMENT 1: Project Location and Biological Study Area

The ND identifies that north end of the Project is at PM 16.70, whereas the project description includes several project elements that extend to PM 17.38, including pavement rehabilitation, sidewalk improvements, and guardrail replacement. The Biological Study Area in the Natural Environment Study

(NES) in support of the ND extended to PM 16.7, and therefore biological studies have not addressed the full geographic area of the Project.

CDFW recommends that Caltrans update their technical studies and CEQA document to ensure that it sufficiently covers the entire project scope, particularly the NES. CDFW recommends that Caltrans complete additional general plant, animal and species specific protocol surveys following the methods utilized in the NES, within the areas that were not evaluated, including appropriate buffer areas.

Caltrans Response to Comment 1:

Caltrans thanks the California Department of Fish and Wildlife for reviewing and commenting on the Initial Study with Proposed Negative Declaration. State Route 14 post mile L17.38/16.07 is located at the north intersection of State Route 14 and Business Route 58. The project extends from this intersection northeast to post mile 16.70 and south to post mile R12.60 on State Route 14 (see Figure 1-2 in Chapter 1). The biological study area, with associated post miles, can be viewed in the Natural Environment Study, Volume 2, Figure 2 and encompassed the full geographic area of the project. Due to previous roadway realignments and lane adjustments, the post mile designations vary throughout the project. For post mile location and information, visit the Caltrans Post Mile Services Tool at: <https://postmile.dot.ca.gov/>

COMMENT 2: Type of CEQA Document

The CEQA document is identified as a "Negative Declaration," but there are several measures both in the ND and in the NES that are considered mitigation under California Code of Regulations, Title 14, section 15370, including species impact avoidance and impact minimization measures, measures to offset permanent impacts to jurisdictional waters, and measures to restore impacted habitats. In addition, as demonstrated in the comments below, CDFW has concerns about impacts assessment and mitigation measures for several special status species and has recommended modifying the relevant CEQA Significance Determination for Biological Resources. As such, CDFW recommends that Caltrans change the type of document to a "Mitigated Negative Declaration."

I. Environmental Setting and Related Impacts

A. 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)?

COMMENT 3: CEQA Significance Determination

Issue: Based on the information provided in the ND and the NES, as well as additional recommendations by CDFW listed below, CDFW believes that a more appropriate determination for this CEQA question is "Less than Significant with Mitigation Incorporated."

Caltrans Response to Comments 2 and 3:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

While California Department of Fish and Wildlife is correct in stating that mitigation, as defined in Title 14, Section 15370, includes avoidance and minimization measures, the requirement to prepare a Mitigated Negative Declaration under CEQA Section 15369.5 occurs when an Initial Study indicates that a project has the potential to result in a significant effect on the environment. Caltrans, as the CEQA lead agency, has determined that the proposed project does not have the potential to result in a significant effect on the environment and has therefore prepared a Negative Declaration and has applied avoidance and minimization measures as a good faith effort to reduce impacts determined to be "Less than Significant."

The Mojave Pavement project's anchor asset (the project's primary focus) is pavement and shoulder rehabilitation. The project will repave and add shoulder backing to existing Caltrans facilities, as well as extend four culverts, and make complete streets improvements within the community of Mojave. All of the proposed work will be limited to paved surfaces, the disturbed median and shoulders, highly disturbed drainage areas within the state highway right-of-way, and sidewalk and curb ramps within the community of Mojave.

As confirmed in detail in the Natural Environment Study (Volume 2) that was prepared for the project, the quality of the habitat along the shoulders, within the highway median, and in the drainages slated for culvert work is very low and is not expected to support candidate, sensitive or special-status species given the high levels of vehicular travel along the state highway and the project's proximity to and through the community of Mojave.

COMMENT 4: Mohave Ground Squirrel (MGS)

Issue: The ND did not address MGS whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address MGS, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Without appropriate avoidance and minimization measures for

MGS, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals. Any take of MGS without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for MGS:

CDFW recommends that a qualified biologist conduct protocol surveys for MGS within the full project area as part of the biological studies conducted in support of the CEQA document, following the methods described in the NES that were approved by CDFW for this Project. Results of the MGS surveys are advised to be submitted to the CDFW. CDFW recommends that the CEQA document include the species-specific avoidance and minimization measures for MGS that are in the NES. Because the surveys are valid for one year, CDFW recommends that the first measure be modified that protocol surveys will be conducted at the appropriate season within a year prior to the start of ground-disturbing activities.

Caltrans Response to Comment 4:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

The Negative Declaration does not include a discussion of species that do not have the potential to be impacted by the project. Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact the Mohave ground squirrel or Mohave ground squirrel habitat. Mohave ground squirrel biologists have no confirmed record of this species west of State Route-14 in recent years. (CDFW 2019). Ten live-trapping and seven camera-trap surveys were conducted from 2013-2020 for Mohave Ground Squirrel within ten miles of the Biological Study Area; no Mohave Ground Squirrel were detected during those surveys (Leitner 2021). Furthermore, in conversations with Philip Leitner in January 2023 (Mojave ground squirrel technical expert), has indicated to Caltrans District 9 biology staff that it is highly unlikely Mohave ground squirrels would occupy the Caltrans right of way due to the high level of soil compaction and noise disturbance. The nearest known Mohave ground squirrel population is within Edwards Airforce Base approximately 12 miles east of the Biological Study Area. This population is the only known population south of State Route-58 (CDFW 2019). The maximum known dispersal distance for young males is 3.9 miles. (Leitner and Leitner 1998, Harris and Leitner 2005).

Please refer to the response to Comment 1 regarding the project post mile limits and survey area discrepancy.

Additional protocol-level surveys prior to construction for Mohave ground squirrel are not planned due to the determination that the project will not impact this species. However, to provide additional clarification on Caltrans' determination that the proposed project will result in a less than significant impact to candidate, sensitive, or special-status species, biological minimization measures BIO-3 and BIO-4 have been modified to include language for conducting general clearance surveys for all wildlife species, including Mohave ground squirrel prior to the start of construction. If the results of pre-construction surveys are positive for Mohave ground squirrel individuals or habitat, Caltrans will immediately incorporate protective measures and initiate consultation with the California Department of Fish and Wildlife.

COMMENT 5: Desert Tortoise (DETO)

Issue: The ND did not address DETO whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address DETO, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. The Project is within range of the DETO and suitable habitat for the species is present within and adjacent to project impact areas. Desert tortoise have been observed less than two miles feet from the Project site (CDFW 2023). Even though evidence of DETO was not found during the field surveys completed in 2021, the species is highly mobile and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Without appropriate avoidance and minimization measures for DETO, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals. Take of DETO without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for DETO:

CDFW recommends that a qualified biologist conduct protocol surveys within the full project area for DTS following the approved protocol (USFWS 2019) as part of the biological studies conducted in support of the CEQA document. Results of the DTS surveys are advised to be submitted to the CDFW. CDFW recommends that the CEQA document incorporate the species-specific avoidance and minimization measures for DTS that are in the NES.

Caltrans Response to Comment 5:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

The Negative Declaration does not include a discussion of species that do not have the potential to be impacted by the project. Please refer to the response to Comment 1 regarding the project post miles and survey area discrepancy. Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact the desert tortoise or desert tortoise habitat. Neither desert tortoise nor their sign was observed during the protocol-level surveys. Refer to Appendix F of the Natural Environment Study for the complete report on the Desert Tortoise survey, "Final Desert Tortoise Survey Report." The scope of the project does not extend beyond the compacted road shoulder. No permanent or temporary impacts are anticipated to desert tortoise, tortoise burrows, or their habitat from the project. This project will have no effect on the desert tortoise. Due to our findings of no impact, additional protocol-level surveys prior to construction are not planned. As mentioned above, Caltrans has modified biological measures BIO-3 and BIO-4 to provide more clarity on Caltrans' commitment to conduct pre-construction surveys for all wildlife species. If desert tortoise individuals or suitable habitat areas are discovered during these surveys, Caltrans will immediately implement protective measures and initiate consultation with the California Department of Fish and Wildlife.

COMMENT 6: Western Joshua Tree (WJT)

Issue: The ND did not address WJT whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address WJT, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. The NES identified the presence of WJT directly adjacent to the project impact area. WJT is a candidate species pursuant to CESA. During the candidacy period, the status of the WJT as a candidate species under CESA (Fish & G. Code § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA (CEQA Guidelines section 15380).

Without appropriate avoidance and minimization measures for WJT, potentially significant impacts associated with ground-disturbing activities include destruction of plants, compaction of roots and WJT soils that may lead to death of plants or could make substrates unstable for growth of WJT, loss of seed bank, and erosion of substrates supporting the species which could cause plants and seeds to be uprooted, washed away, or buried. Take of any life stage of WJT without take authorization would be a violation of Fish

and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for WJT:

CDFW recommends that a qualified biologist conduct surveys for WJT within 300 feet of the full project area as part of the biological studies conducted in support of the CEQA document. CDFW recommends the implementation of 290-foot no-disturbance buffers for WJT to not only avoid impacts to individual trees, but also to avoid potential impacts to the seed bank as well. Vander Wall et al. (2006) documented 290 feet as maximum distance of seeds dispersed carried by rodents. If a 290-foot buffer around each individual WJT is not feasible, CDFW recommends that Caltrans consult with CDFW to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities would be necessary to comply CESA. Authorization for take would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081, subdivision (b). If it is determined that an ITP is necessary to avoid unauthorized take of WJT, CDFW recommends that the list of permits in the CEQA document (section 1.7) identify if an ITP would be obtained for the project.

Caltrans Response to Comment 6:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

The CEQA checklist has been updated for the final negative declaration to include a “Less than Significant Impact” determination for the Western Joshua Tree as a result of the proposed project. Caltrans performed general vegetation surveys during the peak flowering period, from March to July. During the general plant surveys, Caltrans Biologists found Joshua trees intermittently within the biological study area, primarily in the southern portion of the project from post mile R12.2 to R15.2. Additionally, Biologists identified four adult western Joshua trees adjacent to the project impact area. However, no Joshua trees were identified within the direct project impact area. The Natural Environment Study states there are numerous Joshua trees within 290 feet of the project impact area; however, our assessment concludes that any Joshua tree seeds that could be in the project impact area (e.g., existing pavement, compacted road shoulder, the bed, bank, and channel of California Department of Fish and Wildlife jurisdictional resources) are not suitable areas for Joshua Tree germination or growth.

COMMENT 7: Crotch's Bumblebee (CBB)

Issue: The ND did not address CBB, and the NES identified that suitable habitat is present for the species but did not identify if surveys were conducted to search for CBB. Suitable CBB habitat includes areas of grasslands, openings in woodlands, and upland scrub that contain requisite habitat elements, such as small mammal burrows. CBB primarily nest underground in abandoned small mammal burrows in late February through late October but may also nest under perennial bunch grasses or thatched annual grasses, under brush- piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014).

Ground disturbance and vegetation removal associated with Project implementation may significantly impact local CBB populations, if present. CBB was once common throughout most of the central and southern California; however, it now appears to be absent from most of it, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. Without appropriate avoidance and minimization measures for CBB, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, loss of nectar and habitat features, and mortality of individuals. Take of CBB without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for CBB:

CDFW recommends that a qualified biologist with experience in invertebrate, and particularly bee species, conduct focused surveys for CBB and their requisite habitat features as part of the biological studies conducted in support of the CEQA document. The U.S. Fish and Wildlife Rusty Patch Bumble Bee (*Bombus affinis*) Survey Protocol (USFWS 2019) may be used to inform a focused survey method for this species. However, CDFW recommends that a qualified biologist modify the rusty patch bumble bee protocol as needed for CBB within the project area and submit the proposed CBB survey method for review and written approval to CDFW.

If CBB is observed in the project area, CDFW recommends a 50-foot avoidance buffer for CBB and its habitat features and consulting with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Authorization for take would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081, subdivision (b). Mitigation, in the form of habitat protection, would be required for loss of CBB

nests and restoration would be required for CBB habitat disturbed by construction activities.

Caltrans Response to Comment 7:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

The Negative Declaration does not include a discussion of species that do not have the potential to be impacted by the project. Caltrans performed a record search of the California Natural Diversity Database which indicates the nearest record of Crotch's bumble bee near the project Biological Study Area was from 1936. The scope of the project does not extend beyond the compacted road shoulder. Suitable burrows for the species are not likely to occur within the compacted road shoulder. In addition, the area where the construction will occur is either devoid of vegetation or contains non-native, invasive plant species that bumble bees are not typically attracted to.

Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact Crotch's bumble bee or the Crotch's bumble bee underground nests. Per modified Biological Measure number three (BIO-3) burrowing owl and general wildlife pre-construction surveys will also serve to identify potential Crotch's bumble bee and/or their nests within the project Biological Study Area. If the Crotch's bumble bee is found during general pre-construction wildlife surveys, Caltrans will immediately implement protective measures, including a 50-foot avoidance buffer and consult with the California Department of Fish and Wildlife on any further measures necessary.

COMMENT 8: Burrowing Owl (BUOW)

Issue: The Project is within range of the BUOW and suitable habitat for the species is present within and adjacent to project impact areas. As described above, the 2021 field surveys for the ND did not appear to cover the entire project area. Habitat loss and degradation are considered the greatest threats to BUOW in California (Gervais et al. 2008). Potentially significant direct impacts associated with Project activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA. Construction activities near active burrows could result in potentially significant impacts to nesting or overwintering owls.

Recommended Avoidance, Minimization, and/or Mitigation Measures for BUOW:

CDFW recommends that a qualified biologist conduct protocol surveys within the full project area for BUOW following guidelines by the California Burrowing Owl Consortium (CBOC 1993) and CDFW (CDFG 2012) as part of the biological studies conducted in support of the CEQA document. Specifically, CBOC and CDFW recommend three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance: Low	Level of Disturbance: Medium	Level of Disturbance: High
Nesting sites	April 1-Aug 15	200	500	500
Nesting sites	Aug 16-Oct 15	200	200	500
Nesting sites	Oct 16-Mar 31	50	100	500

Caltrans Response to Comment 8:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will have a less than significant impact to the burrowing owl and/or burrowing owl habitat. Numerous burrowing owl occurrences are documented in California Natural Diversity Database from 2004 to 2009 near the project Biological Study Area. More recent occurrences have not been documented. Based on the results of the four protocol-level surveys conducted during their breeding season from April to June 2021, it was concluded that no burrowing owls were detected in the Biological Study Area. Additional protocol-level surveys prior to construction are not planned due to our findings. Implementation of Biological Measures three through seven (BIO-3 through BIO-7) will serve to ensure that the proposed project will have a less than significant impact to burrowing owl.

COMMENT 9: American Badger (AMBA)

Issue: The ND did not address AMBA whereas the NES provides details on suitable habitat in the area studied, performance of field surveys for these species, and several avoidance and minimization measures. Because the ND did not address AMBA, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. Even though AMBA were not documented during the field surveys completed in 2021, this is a highly mobile species and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Potentially significant impacts on AMBA associated with a construction project like this may involve burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for AMBA and DKF [see DKF below]:

CDFW recommends that the CEQA document include the species-specific avoidance and minimization measures for AMBA that are in the NES.

COMMENT 10: Desert Kit Fox (DKF)

Issue: The ND did not address DKF whereas the NES provides details on suitable habitat in the area studied, performance of field surveys for these species, and several avoidance and minimization measures. Because the ND did not address DKF, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. DKF is protected under the California Code of Regulations, chapter 5, section 460, which prohibits "take" of the species for any reason. Even though DKF were not documented during the field surveys completed in 2021, this is a highly mobile species and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Potentially significant impacts on DKF associated with a construction project like this may involve burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for AMBA and DKF:

CDFW advises that a qualified biologist conduct pre-activity clearance surveys using transects, to detect DKF dens within the Project site and a 250-foot buffer of the Project site within 30 days prior to project implementation. CDFW recommends implementing no-disturbance buffers that were developed by the U.S. Fish and Wildlife Service for San Joaquin kit fox (*Vulpes macrotis mutica*), as described in the USFWS' "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011) around potentially suitable or known

DKF den sites, summarized in the table below. If any active or potential dens are found on the Project site during these surveys, consultation with CDFW is warranted for guidance on "take" avoidance measures for the desert kit fox. CDFW recommends that the CEQA document include these species-specific avoidance and minimization measures.

Den Type	Buffer (feet)	Protective Measure
Potential	50	No-disturbance markers
Atypical	50	No-disturbance markers
Known	100	Exclusionary fencing
Natal/Pupping	Contact USFWS and CDFW	Contact USFWS and CDFW

Caltrans Response to Comments 9 and 10:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

Please refer to the response to Comment 1 regarding the survey area discrepancy.

The Negative Declaration does not include a discussion of species that do not have the potential to be impacted by the project. Field surveys were conducted for general burrowing animals between April 21, 2021 and May 17, 2022, nine burrows were found that were potentially used by American badger, coyote, or desert kit fox, however the exact species that used the burrow was not determined. Caltrans, as the CEQA lead, has determined based on field surveys and scientific research that the construction activities related to the proposed project will not impact the American badger and desert kit fox nor their associated habitat. Implementation of Biological Measure Three (BIO-3) will serve to identify the presence or absence of general wildlife species including burrowing animals. If American Badger or desert kit fox are discovered during pre-construction surveys, Caltrans will immediately implement protective measures and initiate consultation with the California Department of Fish and Wildlife.

COMMENT 10[11]: Special Status Bats

Issue: The Project is within range of pallid, Townsend's big-eared, spotted and western red bats as well as other bats, and suitable habitat for these species is present within and adjacent to project impact areas. As described above, the 2021 field surveys did not appear to cover the entire project area. Bats are particularly more likely to utilize man-made structures even near busy highways and urban areas when natural habitat is limited, such as in the project vicinity. Without appropriate avoidance and minimization measures for bats, project activities may result in potentially significant impacts to roosting or maternal bats, including potential inadvertent entrapment, reduced

reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for Bats:

CDFW advises that a qualified biologist conduct focused surveys for bats and potential roosting habitat within 400 feet of project impact areas prior to the start of ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observance of no-disturbance buffers according to activity and species, as recommended in Table 7-1 of "Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions" (H. T. Harvey & Associates 2021), ranging from 100 feet to 400 feet. If roosting bats are observed on the Project site and buffer areas, CDFW recommends that Caltrans stop work in the buffer area and coordinate with CDFW for site-specific impact minimization recommendations.

To mitigate for potential Project impacts on bats, CDFW encourages Caltrans to incorporate bat habitat into the project design.

Caltrans Response to Comment 11:

Caltrans thanks California Department of Fish and Wildlife for reviewing and commenting on the Draft Initial Study Proposed Negative Declaration.

Please refer to the response to Comment 1 regarding the survey area discrepancy.

A qualified biologist performed protocol-level surveys for bats and bat habitat that revealed the features within the project impact area are low to poor-quality roosting sites for bats. Specifically, the bridge locations and the culverts do not have adequate roosting sites. Caltrans predicts any bats that may roost within the town of Mojave are accustomed to the level of disturbance within the scope of this project. Biological Measures number one and two (BIO-1 and BIO-2) will be implemented to ensure potential impacts to bat species are less than significant.

II. Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends that Caltrans consult with the USFWS regarding potential impacts to federally listed DT. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any project activities.

Lake and Streambed Alteration. The Project is subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note that CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA Lake and Streambed Alteration Agreement until CEQA analysis for the Project is complete. This may lead to considerable Project delays.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area would need to be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW recommends closely evaluating the need for a cumulative impacts analysis for the following species as part of the CEQA document due to these species being in poor or declining health or at risk: MGS, DETO, WJT, CBB, BUOW, AMBA, DKF, and bats. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Caltrans Response to Editorial Comments:

Caltrans thanks the California Department of Fish and Wildlife for reviewing and commenting on the Mojave Pavement environmental document.

Caltrans as the CEQA lead agency has determined that the need to prepare a cumulative impact analysis for a project of this scope is not necessary. The project has very little potential to result in impacts to any species determined to be in poor or declining health. As described above, the primary scope of the project is pavement rehabilitation. All work will be performed on paved

surfaces i.e., highway mainline, sidewalks and in highly disturbed areas which include the maintained highway shoulder and degraded drainage areas.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (California Public Resources Code section 21003 subdivision (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (California Code of Regulations, Title 14, section 753.5; Fish and Game Code section 711.4; California Public Resources Code, section 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in identifying and mitigating the Project's impacts on biological resources.

If you have any questions, please contact Mindy Trask, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 939-0282, or by electronic mail at Mary.Trask@wildlife.ca.gov.

Sincerely,

Julie A. Vance
Regional Manager

ATTACHMENTS

Literature Cited

Recommended Mitigation Monitoring and Reporting Program (MMRP)

ec: State Clearinghouse, Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov.

Appendix C List of Technical Studies Bound Separately (Volume 2)

Air/Noise/Hazardous Waste/Water/Paleontology Memo—Mojave Pavement Rehab. Caltrans. January 4, 2023

Community Impact: Memo to File. Caltrans. January 17, 2023

Climate Change Analysis. Caltrans, January 30, 2023

Natural Environment Study (Minimal Impact). Caltrans. February 2023

Cultural Resources Memo: Section 106 – Cultural Resources Review for the Mojave Pavement Project (EA:09-37520) in Kern County, California. Caltrans. January 17, 2023

Visual Impacts Assessment Memo. Caltrans, January 11, 2023

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

Cecilia Boudreau
District 9 Environmental Division
California Department of Transportation
500 South Main Street, Bishop, California 93514

Or send your request via email to: Cecilia.Boudreau@dot.ca.gov
Or call: 760-874-8330

Please provide the following information in your request:

Project title: Mojave Pavement

General location information: On State Route 14, near Mojave, Kern County

District number-county code-route-post mile: 09-KER-014-R12.6/16.7

Project EA: 09-37520/Project ID: 0918000036