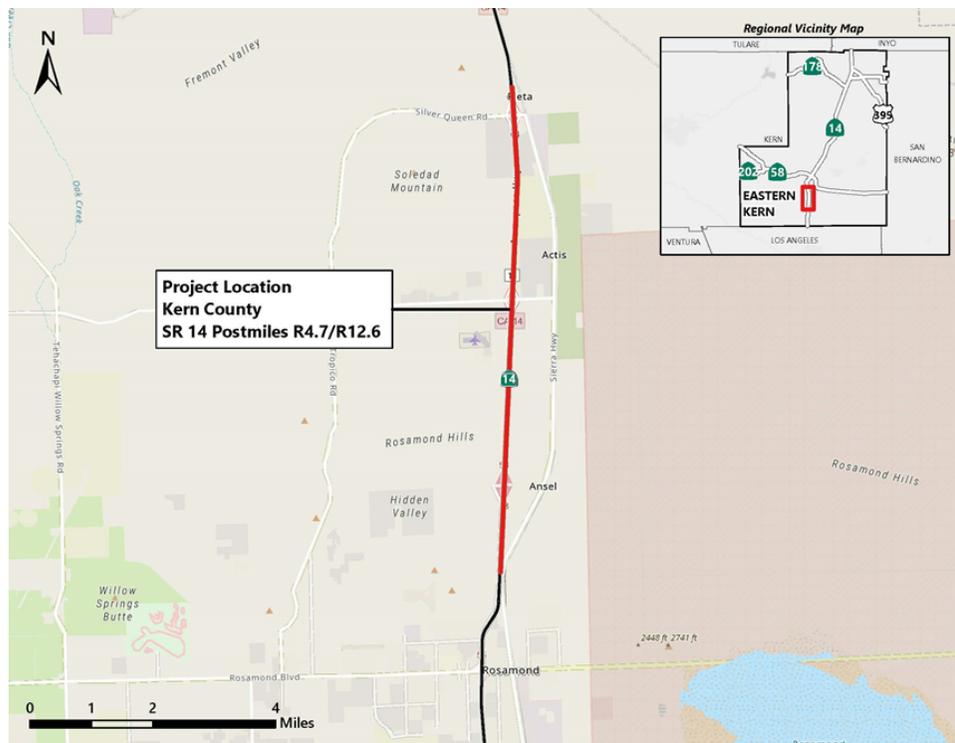


Rosamond Mojave Pavement Rehabilitation

Kern County, California
District 9 – KER – 14 – PM R4.7/R12.6
EA/Project ID: 09-36740/0916000025
State Clearinghouse Number 2018068462

Initial Study with Mitigated Negative Declaration

Volume 1 of 2



Prepared by the
State of California Department of Transportation

March 2022



General Information About This Document

Project History:

The California Department of Transportation (Caltrans) is currently constructing the “Rosamond Mojave Pavement Rehabilitation” project to repair pavement and upgrade facilities on US 14 in Kern County from 1.4 miles south of Dawn Road Overcrossing (postmile 4.7) to 0.5 mile north of Silver Queen Road Overcrossing (postmile 12.6). Construction is anticipated to be complete in the Spring of 2022. During the environmental review phase of the project, environmental studies were conducted and found that the project would not impose significant impacts to the environment. All work was to occur within Caltrans right of way on previously disturbed areas. Therefore, Caltrans prepared a California Environmental Quality Act (CEQA) Categorical Exemption (CE) on June 20, 2018, providing environmental approval, allowing the project to proceed to the design and construction phases of project development. The Categorical Exemption and all related technical studies and memos are hereby incorporated by reference into this document.

On November 1, 2019, California Department of Fish and Wildlife (CDFW) accepted a petition for western Joshua tree as a threatened species for listing under the California Endangered Species Act (CESA). CDFW determined that listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened or endangered under CESA may be warranted. As a CESA candidate species, western Joshua tree is granted the full protection of a threatened species under CESA. Possession or removal of any trees, portions of trees, and/or dead trees may require a permit under CESA. During the spring of 2020, an inventory of all Joshua trees within the project vicinity was conducted and verified approximately 19 Joshua tree individuals were present within the study area. As an avoidance measure, channelizers were placed near Joshua tree individuals to prevent construction staff and vehicles from approaching Joshua trees in the vicinity of the project area.

In August 2021, take of six individual Joshua trees along with 0.86 acres of Joshua tree habitat disturbance occurred on site when a construction vehicle drove over vegetation that was protected behind the channelizers. Of the six that were run over, four were observed to be dead or in critical condition and two were observed to be injured. Caltrans reported the take of Joshua trees to the California Department of Fish and Wildlife (CDFW). Caltrans received a Notice of Violation (NOV) from CDFW stating that the take of Joshua trees violated Section 2080.1 of California Fish and Game Code and CESA. The NOV required Caltrans to submit an application for Incidental Take Permit Authorization. In coordination with CDFW, Caltrans is anticipating the permit to require mitigation for the impacts to Joshua Tree habitat. Caltrans is proposing to purchase credits from a CDFW approved mitigation bank. The purchase of the credits should fulfill mitigation requirements for impacts to the six Joshua trees and the associated habitat loss.

CDFW will not authorize incidental take for the Project under its current level of environmental review (CE). For that reason, Caltrans has prepared this Initial Study with Mitigated Negative Declaration to satisfy requirements of CEQA for impacts to Joshua trees and associated mitigation. No other resources have been or will be impacted by the project, therefore this document will only analyze impacts to Joshua trees and associated habitat.

The Draft Initial Study circulated to the public for 31 days between February 16, 2022, and March 18, 2022. No comments were received during this period.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please write to or call Caltrans, Attention: Attention: Kirsten Helton, District 09 Environmental Division, 500 South Main Street, Bishop, CA 93514, Phone Number 760-874-8333 (Voice), or use the California Relay Service 1-800-735-2929 (Teletype to Voice), 1-800-735-2922 (Voice to Teletype), 1-800-855-3000 (Spanish Teletype to Voice and Voice to Teletype), 1-800-854-7784 (Spanish and English Speech-to-Speech), or 711.

Rehabilitate pavement and upgrade facilities on US 14 from 1.4 miles south of Dawn Road Overcrossing (postmile 4.7) to 0.5 mile north of Silver Queen Road Overcrossing (postmile 12.6) in Kern County. Unanticipated impacts to Joshua trees occurred during construction, therefore Caltrans has prepared this Initial Study and Mitigated Negative Declaration to disclose the project's impact to Joshua trees, and associated mitigation measures to be implemented to offset those impacts.

INITIAL STUDY with Mitigated 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



Kirsten Helton
Deputy District Director, Planning and Environmental
California Department of Transportation District 9
CEQA Lead Agency

3/25/2022
Date

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

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Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2018068462

District-County-Route-Post Mile: 09-KER-14-R4.7/R12.6

EA/Project Number: 09-36740/0916000025

Project Description

The California Department of Transportation (Caltrans) is currently rehabilitating pavement and upgrading facilities on US 14 from 1.4 miles south of Dawn Road Overcrossing (postmile 4.7) to 0.5 mile north of Silver Queen Road Overcrossing (postmile 12.6) in Kern County. Construction is anticipated to be complete in the Spring of 2022. Prior to construction, during the environmental review period, environmental studies indicated that the Rosamond Mojave Rehabilitation project would not impose significant impacts to the environment. Therefore, Caltrans prepared a California Environmental Quality Act (CEQA) Categorical Exemption (CE), approving the project.

During construction, unanticipated impacts to Joshua trees occurred. As a candidate species under the California Endangered Species Act (CESA), impacts to the Joshua trees resulted in a violation to Fish and Game code Section 2081.1. Both CEQA and CESA require that these impacts be mitigated. Caltrans is proposing to purchase mitigation credits to fulfill mitigation requirements for impacts to six Joshua trees and the associated habitat loss.

Caltrans has prepared this Initial Study and Mitigated Negative Declaration to disclose the project's impact to Joshua trees as well as the associated mitigation measures to be implemented to offset those impacts.

Determination

An Initial Study has been prepared by Caltrans, District 9.

On the basis of this study, it is determined that the action with the incorporation of the identified mitigation measures will not have a significant effect on the environment for the following reasons:

- With the following mitigation measures, the project will have less than significant impacts to Biological Resources:

BIO 1: Compensatory mitigation - In coordination with CDFW, Caltrans is anticipating mitigation for the impacts to Joshua Tree habitat. Caltrans is proposing to purchase credits from a CDFW approved mitigation bank from either the Coso Preserve or the Antelope Conservation Bank. The purchase of the credits should fulfill mitigation

Negative Declaration

requirements for impacts to the six Joshua trees and the associated habitat loss.

Kirsten Helton

Kirsten Helton
Deputy District Director, Planning and Environmental
District 9
California Department of Transportation

3/25/2022

Date

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Chapter 1 Project under Construction

1.1 Introduction

The California Department of Transportation (Caltrans) is currently rehabilitating pavement and upgrading facilities on US 14 from 1.4 miles south of Dawn Road Overcrossing (postmile 4.7) to 0.5 mile north of Silver Queen Road Overcrossing (postmile 12.6) in Kern County. Construction is anticipated to be complete in the Spring of 2022. Prior to construction, during the environmental review period, environmental studies indicated that the Rosamond Mojave Rehabilitation project did not have the potential to result in environmental impacts. Therefore, Caltrans prepared a California Environmental Quality Act (CEQA) Categorical Exemption (CE), approving the project.

During construction, unanticipated impacts to Joshua trees and their associated habitat occurred. As a candidate species under the California Endangered Species Act (CESA), impacts to the Joshua trees resulted in a violation to Fish and Game code Section 2081.1. Both CEQA and CESA require that these impacts be mitigated. Caltrans is proposing to purchase mitigation credits to fulfill mitigation requirements for impacts to the six Joshua trees and the associated 0.86 acres of habitat that was disturbed.

Caltrans has prepared this Initial Study and Mitigated Negative Declaration to disclose the project's impact to Joshua trees as well as the associated mitigation measures to be implemented to offset those impacts.

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. The project currently under construction received Environmental approval under the June 20, 2018 CEQA CE, and included the following purpose and need:

1.2.1 Purpose

The purpose of the project under construction is to restore the pavement to good service condition, extend the service life of the pavement and reduce maintenance costs.

1.2.2 Need

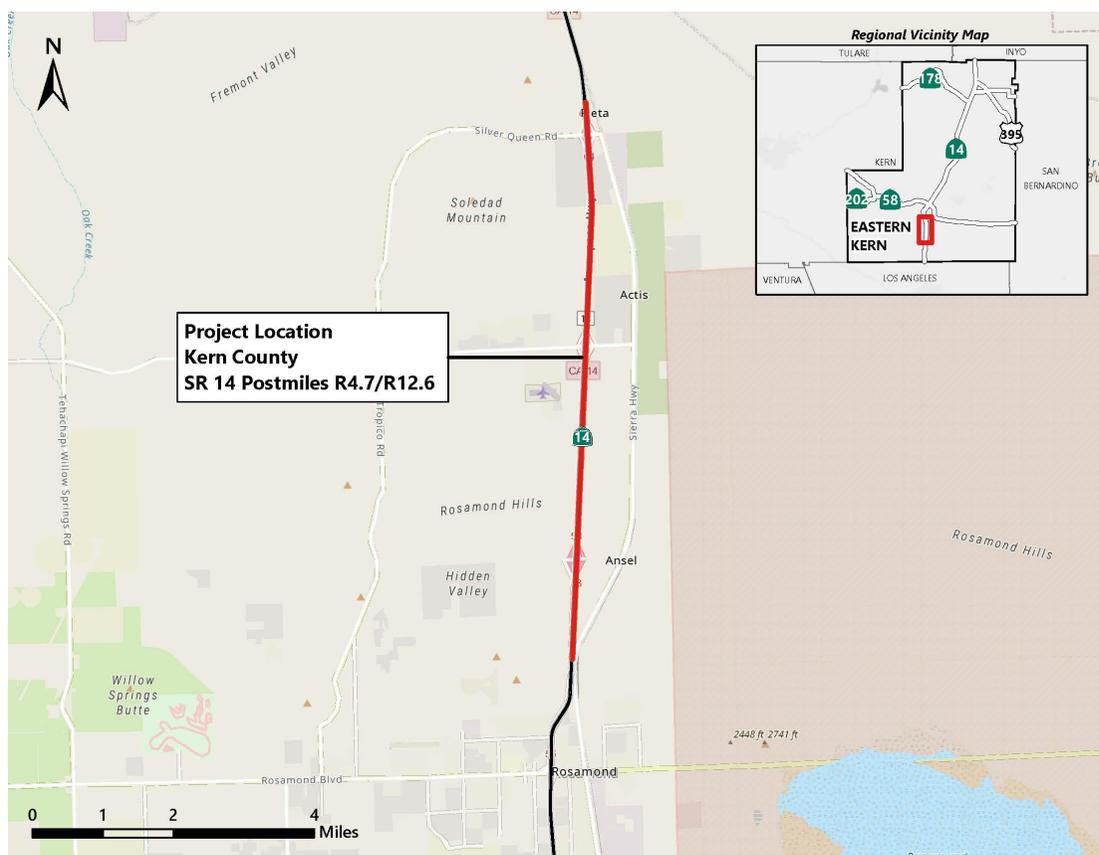
The need of the project under construction is that the existing pavement has structural problems. The distress is beyond what can reasonably be maintained by Caltrans Maintenance staff. The continued deterioration of the pavement will decrease the ride quality of existing roadway.

1.3 Project Description

The project under construction received Environmental approval under the June 20, 2018 CEQA CE. The project is currently rehabilitating pavement, replacing guardrail, constructing rumble strip, replacing signs, replacing dike, and refreshing pavement delineation on US 14 from 1.4 miles south of Dawn Road Overcrossing (postmile R4.7) to 0.5 mile north of Silver Queen Road Overcrossing (postmile R12.6) in Kern County.

During construction, unanticipated impacts to Joshua trees and their associated habitat occurred. As a candidate species under CESA, impacts to the Joshua trees resulted in a violation to Fish and Game code Section 2081.1. Both CEQA and CESA require that these impacts be mitigated. Caltrans is proposing to purchase mitigation credits to fulfill mitigation requirements for impacts to the six Joshua trees and the associated 0.86 acres of habitat that was disturbed.

Figure 1-1 Project Vicinity and Location Map



1.4 Identification of a Preferred Action

The Draft Initial Study circulated to the public for 31 days between February 16, 2022, and March 18, 2022. No comments were received during this period. Therefore, Caltrans plans to move forward with finalizing and submitting the CDFW 2081 Incidental Take Permit application. Caltrans intends to move forward with implementation of mitigation requirements to offset impacts to the six Joshua trees and associated 0.86 acres of habitat outlined in the pending CDFW 2081 Incidental Take Permit.

1.5 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	2081 Incidental Take Permit	Application has been submitted and will be finalized once the Final Environmental Document is approved.

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Analysis

CEQA analysis 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 With Mitigation Incorporated, Less Than Significant Impact, and No Impact.

The project under construction received Environmental approval under the June 20, 2018 CEQA CE. Studies conducted for the CE indicated that the project would have No Impact to Environmental Resources.

The project under construction will continue to have no impact to Aesthetics, Agriculture and Forest Resources, Air Quality, Energy, Geology and Soils, Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Potential impacts to all other categories listed under the CEQA checklist remain unchanged from the original 2018 CEQA CE and are therefore not discussed further in this document.

During construction of the project, unanticipated impacts to Joshua trees occurred, which is a Biological Resource. No other resources have been or will be impacted by the project, therefore this document will only analyze impacts to Joshua trees and associated habitat.

2.1.1 Biological Resources

Considering the information in the Biological Resources Evaluation Memo dated June 19, 2018, and the Amended Biological Resources Evaluation Memo dated January 25, 2022, 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 Atmospheric Administration Fisheries?	Less Than Significant With Mitigation Incorporated

Question—Would the project:	CEQA Significance Determinations for Biological Resources
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
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

On September 22, 2020, the California Fish and Game Commission determined that listing western Joshua tree as threatened or endangered under the California Endangered Species Act (CESA) may be warranted. As a CESA candidate species, western Joshua tree is granted the full protection of a threatened species under CESA. Possession or removal of any trees, portions of trees, and/or dead trees may require a permit under CESA.

During the spring of 2020, an inventory of all Joshua trees within the project vicinity was conducted in accordance with the California Native Plant Protection Act (CNPPA). The inventory verified that approximately 19 Joshua tree individuals were present within the study area. Channelizers were placed near Joshua tree individuals to prevent construction staff and vehicles from approaching Joshua trees in the vicinity of the project area.

Environmental Consequences

In August 2021, take of 0.86 acres of Joshua tree habitat, including take of six individual Joshua trees, occurred on site when a construction vehicle drove over the vegetation that was protected behind the channelizers. Of the six that were run over, four were observed to be dead or in critical condition and two were observed to be injured. Tire track marks throughout the area indicated that a large construction vehicle had driven through this area despite the presence of channelizers that blocked off entry.

Impacts to the individual Joshua trees and their associated habitat resulted in a violation to Fish and Game code Section 2081.1. Both CEQA and CESA require that these impacts be mitigated. Caltrans is proposing to purchase mitigation credits to fulfill mitigation requirements for impacts to six Joshua trees and the associated habitat loss.

Avoidance, Minimization, and/or Mitigation Measures

Implementation of the following avoidance, minimization, and mitigation measures will offset all impacts to Joshua trees that were impacted from this project:

BIO 1: Compensatory mitigation - In coordination with CDFW, Caltrans is anticipating mitigation for the impacts to Joshua Tree habitat. Caltrans is proposing to purchase credits from a CDFW approved mitigation bank from either the Coso Preserve or the Antelope Conservation Bank. The purchase of the credits should fulfill mitigation requirements for impacts to the six Joshua trees and the associated habitat loss.

Appendix A Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Govin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

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September 2021

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 nondiscriminatory 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) 324-8379 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 1823 14th Street, MS-79, Sacramento, CA 95811; PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

A handwritten signature in blue ink, appearing to read "Toks Omishakin".

Toks Omishakin
Director

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

List of Technical Studies Bound Separately (Volume 2)

Amended Biological Resources Evaluation Memo dated January 25, 2022

Biological Resources Evaluation Memo dated June 19, 2018

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

Kristopher Bason
District 9 Environmental Division
California Department of Transportation
500 South Main Street
Bishop, CA 93514
Via e-mail: Kristopher.Bason@dot.ca.gov
Via phone: 760-784-4056

Please provide the following information in your request:
Rosamond Mojave Rehabilitation Project in Kern County, CA
EA/Project ID: 09-36740/0916000025