

June 2016



Cottonwood East Rehabilitation

Initial study with Mitigated Negative Declaration



Rehabilitate State Route 58 between Cottonwood Road and State Route 184



06-KER-58-PM R55.4/R59.7
06-1500048

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SCH# 2016051008



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Rehabilitate State Route 58 in Bakersfield between Cottonwood Road and State Route 184

**INITIAL STUDY
with Mitigated Negative Declaration**

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

THE STATE OF CALIFORNIA
Department of Transportation

6-9-16
Date of Approval

Richard Putler
Richard Putler, Acting Branch Chief
Sierra Pacific Environmental Analysis Branch
California Department of Transportation

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Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) will rehabilitate approximately 4 miles of State Route 58 in Bakersfield from Cottonwood Road at post mile R55.4 to State Route 184 at post mile R59.7. The outside shoulder will also be repaved. This segment of State Route 58 is a three-lane freeway with rigid pavement.

Determination

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

The project will have no impact on: aesthetics, agriculture and forest resources, air quality, cultural resources, paleontological resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

In addition, the project will have a less than significant impact on biological resources and hazards and hazardous materials because the following mitigation measures will reduce potential effects to insignificance:

Biological Resources

- Mitigation measures are detailed in the Letter of Concurrence from the U.S. Fish and Wildlife Service for impacts to the San Joaquin kit fox as shown in Appendix C.
- Standard special provisions will be included in the construction contract to minimize potential impacts to burrowing owls, Swainson's hawks and migratory birds.

Hazardous Waste

- Special contract provisions will be included in the construction contract for proper handling, disposal and worker safety issues.


Richard Putler, Acting Branch Chief
Sierra Pacific Environmental Analysis Branch
California Department of Transportation


Date

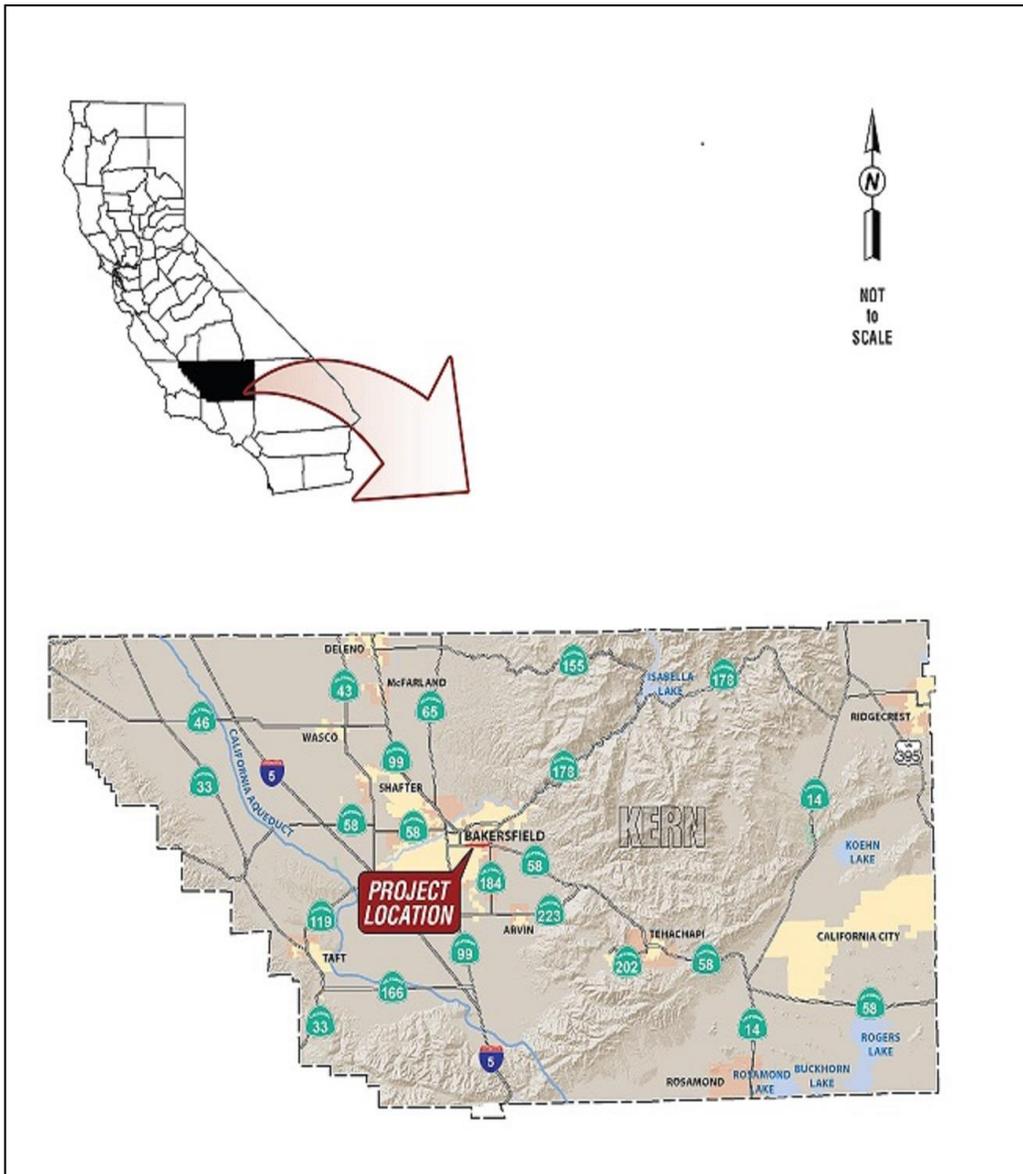
Project Description and Background

Project Title

State Route 58 Cottonwood East Rehabilitation.

Project Location

The project is located on State Route 58 in southeastern Bakersfield, between Cottonwood Road and State Route 184. This portion of State Route 58 is a three-lane freeway in each direction, constructed of Portland concrete cement.



Project Vicinity Map



Project Location Map

Description of Project

Caltrans will rehabilitate 4 miles of State Route 58 in Bakersfield from Cottonwood Road at post mile R55.4 to State Route 184 at post mile R59.7. In addition, the outside shoulder pavement will be repaved. Trenching and boring will also be required to install Intelligent Transportation System equipment and permanent changeable message signs.

Construction is anticipated to begin in fall 2017. The project is estimated to take approximately 220 days to complete.

No additional right-of-way is anticipated for construction of the proposed project. No traffic detours are anticipated. Lane closures will be required for worker safety during

construction, and night work will occur. The proposed work will not involve work within water channels, changes to existing drainages or culverts, cut and/or fill, or utility relocation.

Surrounding Land Uses and Setting

A mix of land uses is located along the State Route 58 corridor parallel to the project area. The area surrounding State Route 58 has been developed mostly with residential and commercial land uses, with a few agricultural parcels and vacant parcels remaining to be developed.

Potential Permits, Approvals and Agreements for the Proposed Project

Agency	Permit/Approval	Status
U.S. Fish and Wildlife Service	Letter of Concurrence	The Letter of Concurrence was received on May 27, 2016 and is provided in Appendix C.

CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicated no impacts. A NO IMPACT answer in the last column reflects this determination. Where a clarifying discussion is needed, the discussion either follows the applicable section in the checklist or is placed within the body of the environmental document itself. The words “significant” and “significance” used throughout the following checklist are related to CEQA—not NEPA—impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. 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, Forest Legacy Assessment Project, and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, 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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:

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 or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See Additional Explanations for Questions in the Impacts Checklist that follows this checklist for discussion of threatened and endangered species.

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	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 for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

See Additional Explanations for Questions in the Impacts Checklist that follows this checklist for a discussion of aerially deposited lead.

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES: Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional Explanations for Questions in the Impacts Checklist

IV. Biological Resources (checklist question a)

Affected Environment

Caltrans completed a Natural Environment Study for the project in February 2016. Caltrans biologists completed field studies in September 2015. The biological study area included the project impact area plus adjacent right-of-way areas on both sides of the State Route 58 corridor. Although the project area is mostly urban in character, the habitat within the Caltrans right-of-way is generally similar: compacted, bare ground with non-native annual grasses and weedy (ruderal) vegetation. Eucalyptus and pepper trees are scattered along the length of the project area. Oleander bushes sit within the highway median in some places.

Threatened and Endangered Species and Special-Status Species

Six special-status species have the potential to occur in or near the proposed project: northern leopard frog, San Joaquin kit fox, burrowing owl, Swainson's hawk, pallid bat, and American badger.

Northern leopard frog (*Lithobates pipiens*)

The northern leopard frog is a California Species of Special Concern. This medium-sized frog is slender with a narrow head and long legs. Adults average 2 to 4.75 inches long. Adults are generally green, tan, or brown on their back and creamy white on their abdomen. Well-defined, cream-colored back-to-side folds extend from the shoulders to the rump.

Although the species is widely distributed in North America, the northern leopard frog is uncommon and localized in California. Northern leopard frogs are a highly aquatic species that occurs in or near quiet, permanent and semi-permanent water in many habitats including grasslands, wet meadows, woodlands, brushlands, springs, canals, bogs, marshes, and reservoirs. In the Central Valley, the species is known to occur in irrigated portions of Tulare and Kern counties, where natural dispersal occurs along systems of irrigation canals. These frogs are opportunistic feeders, taking a variety of aquatic and terrestrial prey. In California, breeding and egg-laying occur from December to June depending on local conditions.

San Joaquin kit fox (*Vulpes macrotis mutica*)

The San Joaquin kit fox is listed as a federally endangered and state threatened species. The San Joaquin kit fox is the smallest fox in North America, with an average body length of 20 inches and weight of about 5 pounds. This fox has large ears that are set close together, a slim body, and a long, bushy, black-tipped tail that is carried low and straight. Its coat ranges from a buff tan during summer months to a silver-gray in the winter.

San Joaquin kit foxes are active year-round and inhabit grassland, scrubland, oak woodland, alkali sink scrubland, vernal pool, and alkali meadow communities. They

are present, but generally less abundant, in agricultural landscapes such as row crops, irrigated pastures, orchards, and vineyards. These foxes require underground dens for temperature regulation, shelter, predator avoidance, and reproduction. San Joaquin kit foxes typically dig their own dens located in loose soils on slopes less than 40 degrees, but also commonly modify existing burrows. They have also been known to use human-made structures (culverts or abandoned pipelines) as den sites.

Burrowing owl (*Athene cunicularia*)

The burrowing owl is a California Species of Special Concern and is the only owl in North America that nests in underground burrows. This small owl (approximately 9 inches long, 5 to 8 ounces in weight, with a 15-inch wingspan) is brown with white spots on the wings and back, with an off-white breast with brown bars. The eyes are yellow, and the face is highlighted by a white eyebrow. The burrowing owl has long legs and spends a great deal of time standing on the ground or on a small mound near the burrow entrance, or perched on low perches such as brush and fence posts.

Burrowing owls can be active during the day or night. They often inhabit old rodent burrows (typically that of the California ground squirrel), but are capable of digging their own. Their habitat consists of open, dry annual or perennial grasslands, deserts, or open scrublands with low vegetation, soils suitable for digging, and a suitable prey base of burrowing rodents, small reptiles, and insects. Several owl pairs may nest close to one another and form loose colonies, but adult owls will aggressively defend their own burrow against other burrowing owls and predators. Burrowing owl predators include larger raptors, badgers, skunks, snakes, and feral or domestic dogs and cats (particularly near human habitation). Rodent control efforts, such as poisoning and trapping, can reduce the availability of prey and may also contribute to secondary poisoning. Because the burrowing owl often flies low to the ground, collisions with vehicles is another mortality factor for the burrowing owl.

The burrowing owl can be found throughout much of California where suitable habitat occurs. Much of its habitat has been lost to urban and agricultural development, particularly throughout the San Joaquin Valley. Small, isolated populations can be found in pockets of remaining habitat, but the overall population trend has been down over the last several decades.

Swainson's hawk (*Buteo swainsoni*)

The Swainson's hawk is listed as a state threatened species. The species is also protected by the Migratory Bird Treaty Act. This hawk is slender, with long, pointed wings and a long tail. It displays a great variety in plumage across individuals.

The Swainson's hawk occupies a wide variety of open habitats, though in Central California most nests are located within riparian forests or remnant riparian trees. Nest placement depends on proximity to foraging habitat. Suitable foraging habitat includes native grasslands or lightly grazed dryland pasture, alfalfa and other hay crops, and row crops. In the Central Valley, Swainson's hawks arrive to nesting

locations in late-February and early March and may stay until the start of migration in September.

Pallid bat (*Antrozous pallidus*)

The pallid bat is a California Species of Special Concern. The species can be distinguished from all other California bat species by a combination of large size, large eyes, large ears, light tan color, a pig-like snout, and distinctive skunk-like odor. The pallid bat is found throughout most of California, except for the highest elevations of the Sierra Nevada mountain range.

Pallid bats typically roost in small colonies in rock crevices and human-built structures, usually near water. They feed mostly on large insects that are taken from the ground or from the surfaces of vegetation. Males are largely absent from the maternity colony.

American badger (*Taxidea taxus*)

The American badger is a California Species of Special Concern. This badger can be distinguished by its white cheeks and a narrow white strip located in the center of its face above the snout. The species is an uncommon, permanent resident that can be found throughout most of the state.

Suitable habitat is characterized by herbaceous shrub and open stages of most habitats with dry, friable soils. In the western United States, badgers feed on ground squirrels and other ground-dwelling animals that use the squirrels' burrow systems. American badgers are active yearlong, day and night, with variable periods of torpor in the winter.

Migratory birds

Potentially suitable nesting habitat for a variety of bird and raptor species occurs within the project area, such as the San Joaquin Valley Railroad undercrossing and trees. Migratory birds that may use the project area include raptors such as the red-tailed hawk (*Buteo jamaicensis*) or red-shouldered hawk (*Buteo lineatus*); and passerines, such as the cliff swallow (*Petrochelidon pyrrhonota*) or house finch (*Haemorrhous mexicanus*). Birds within California have an approximate breeding and nesting season of mid-February to early September.

Environmental Consequences

A Natural Environment Study was completed for the project in February 2016. No permanent impacts to habitat are anticipated by the project.

Northern leopard frog

No amphibians were observed during the September 2015 biological reconnaissance surveys. There is a California Natural Diversity Database record from June 1965 within the biological study area. The 1965 record is just south of State Route 58, near

the East Side Canal. At the time of the 2015 reconnaissance survey, the canal was dry.

The biological study area contains suitable habitat for northern leopard frogs at the East Side Canal and at two unnamed freshwater ponds outside of the highway right-of-way. While the East Side Canal is piped underneath State Route 58, portions of the canal outside the right-of-way are not. Because the canal outside the right-of-way is exposed, there is a potential that a frog could be in the project area. No direct impacts are expected to the northern leopard frog because there will be no work in the water.

San Joaquin kit fox

Reconnaissance-level surveys for San Joaquin kit fox dens were done in September 2015. All accessible areas within a 250-foot boundary from the right-of-way was surveyed. In general, the field surveys did not include private residential or commercial property. Inaccessible areas were visually surveyed using binoculars.

During the survey, Caltrans biologists walked transects within the accessible survey areas; transects varied in separation to include 100 percent visual coverage. Data collected during the surveys included information on potential dens. Potential dens were further described in field notes by the number of entrances, global positioning unit coordinates, and proximity to the nearest road. Data categories are further described below.

Potential Den: A potential den is any subterranean hole that has entrances of appropriate dimensions and for which available evidence is insufficient to conclude that it is being used or has been used by a kit fox. Dens were not described as having kit fox potential if there were signs of active use by a squirrel (fresh scat, tracks).

Much of the high-density urban environment on the western end of the biological study area was found to be unsuitable for the kit fox and yielded no sign of presence. Low-quality habitat was found near the center of the biological study area, between Mt. Vernon Avenue and Quantico Avenue; a similar quality of habitat was found south of State Route 58 at the East Side Canal where an open, sparsely vegetated basin provides foraging opportunity. The eastern end of the project is a low-density mix of residential and agricultural development. No kit fox or kit fox sign was observed on the eastern end of the project.

Two potential dens were found. The potential dens will not be directly impacted by construction, as all construction activity in the vicinity of the potential dens will be limited to the existing roadway. Surveys will be conducted prior to construction to determine the appropriate buffer distance to place around the potential dens based on observed sign or activity.

The project will not permanently impact any San Joaquin kit fox habitat. The inside shoulder will be widened toward the median east of State Route 184; all additional impacts will take place in existing Caltrans right-of-way or on existing roadways. The permanent impacts due to the shoulder widening are considered to be minimal due to

their small extent and proximity to the heavily traveled highway. Trenching, boring, and staging areas occurring outside of the existing roadway will be surveyed for San Joaquin kit fox sign prior to use. With the implementation of avoidance, minimization and mitigation measures, the project may affect, and is likely to adversely affect, the San Joaquin kit fox. Formal consultation with the U.S. Fish and Wildlife Service was initiated on February 9, 2016.

Burrowing owl

No burrowing owl or burrowing owl sign was observed during the September 2015 biological reconnaissance survey. There are a number of California Natural Diversity Database occurrences from May 2007 approximately 0.4 mile south of State Route 58 near both Cottonwood Road and South Mt. Vernon Avenue. Small mammal burrows created by ground squirrels were found within the biological study area and throughout much of the State Route 58 right-of-way and may provide suitable habitat for burrowing owls.

Construction noise may impact breeding behavior, should construction occur during the breeding season. Construction activity will be limited to the existing roadway and a portion of the median, east of State Route 184. Trenching and boring will occur within the current Caltrans right-of-way. Trenching, boring, and staging areas occurring outside of the existing roadway will be surveyed for burrowing owl sign prior to use. Avoidance and minimization efforts will be enforced to reduce the potential to impact the species.

Swainson's hawk

No Swainson's hawk or evidence of Swainson's hawk presence (feathers or nests) was observed during the September 2015 biological reconnaissance survey. A nine-quad California Natural Diversity Database query revealed one Swainson's hawk occurrence, from April 1935, near the western edge of the biological study area. The present-day western edge of the biological study area has since been developed and no longer provides nesting or foraging habitat.

During the biological reconnaissance survey, low-quality foraging habitat was identified within the biological study area, east of State Route 184. The low-quality foraging habitat is made up of fallow field to the north of State Route 58. The vineyard south of State Route 58 is considered unsuitable foraging habitat due to the unavailability of prey during most of the breeding season. Nest placement depends on proximity to foraging habitat. The potential foraging habitat in the project area is mostly orchards and vineyards that are low in both availability and abundance of prey.

The project will not directly impact any Swainson hawk foraging or nesting habitat. Disturbance may result from equipment noise, vibrations, dust, and human presence, should Swainson's hawks appear in the area. Avoidance and minimization efforts will be enforced to reduce the potential disturbance of the species.

Pallid bat

No pallid bats were observed during the September 2015 biological reconnaissance survey. A nine-quad California Natural Diversity Database query returned one pallid bat occurrence from 1998. The occurrence was near Walker Basin Creek, approximately 8.3 miles southeast of the project site.

The pallid bat is particularly sensitive to disturbance. Disturbance as minor as hiking has been known to cause the bat to abandon a roosting area completely. Given the high level of disturbance from the heavy traffic of State Route 58, it is unlikely that pallid bats use any of the human-made structures within the biological study area. Therefore, the biological study area does not contain suitable roosting habitat for the pallid bat, and no direct impacts are expected to the pallid bat.

American badger

No American badgers were observed during the September 2015 biological reconnaissance survey. The biological study area contains suitable habitat for the American badger along portions of the study area where friable soils are present, mostly on the eastern end of the biological study area. Though suitable habitat is located within the biological study area, all direct project impacts will occur outside of the suitable habitat. No direct impacts are expected to the American badger.

Migratory birds

No trees are being removed by the project. Project-related construction activities could result in dust, vibration, and noise disturbance to birds nesting near the project impact area.

Avoidance, Minimization, and/or Mitigation Measures

Northern leopard frog, pallid bat, and American badger

No impacts to the northern leopard frog, pallid bat or American badger will occur. Therefore, no compensatory mitigation is proposed.

San Joaquin kit fox

Standard avoidance and minimization measures have been developed from recommendations described in the U.S. Fish and Wildlife Service *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and during Ground Disturbance* (USFWS 2011).

Construction and Operational Requirements: Construction activities will adhere to the applicable standard construction and operational requirements as described in the U.S. Fish and Wildlife Service *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to and during Ground Disturbance*.

Applicable standard construction and operational requirements include the following:

- Project-related vehicles will observe a daytime speed limit of 20 miles per hour throughout the site in all project areas, except on county roads and state and federal highways. Project-related vehicles will observe a nighttime speed limit of 10 miles per hour. Off-road traffic outside of designated project areas will be prohibited.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day with plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes are filled, they will be thoroughly inspected for trapped animals. If at any time an injured or entrapped kit fox is discovered, the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife will be notified.
- All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe will not be moved until the U.S. Fish and Wildlife Service has been consulted. If necessary, and under direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed at least once a week from the project site.
- No pets, such as dogs or cats, will be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
- No firearms (except those carried by permitted public safety agents) will be allowed on the project site.
- Nighttime construction will maintain aggressive dust control measures to improve driver and worker visibility at night.
- New sightings of kit fox will be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed will also be provided to the U.S. Fish and Wildlife Service.
- Disturbance to any known San Joaquin kit fox dens will be avoided.

- Potential and atypical dens that are located at least 50 feet from construction will be protected with a 50-foot zone. Known dens that are located at least 100 feet from construction will be protected with a 100-foot zone. In instances where 50 feet or 100 feet exclusion zones cannot be maintained, potential and/or known dens will be blocked temporarily (via sandbagging or installation of a one-way door) for the duration of the project.
- If a natal/pupping den is discovered either within the project footprint or within 200 feet of the footprint, Caltrans will notify the U.S. Fish and Wildlife Service immediately.

Pre-Activity Surveys: Pre-activity clearance surveys for the San Joaquin kit fox will be completed at least 14 days prior to but no more than 30 days before the initiation of project activities. Surveys for the San Joaquin kit fox and its dens will be performed throughout the project footprint as well as within 200 feet of the footprint. A letter report and map of potential and known kit fox dens will be submitted to the U.S. Fish and Wildlife Service.

Construction Monitoring: For activities occurring during the nighttime hours, a qualified biologist will conduct at least one worksite spot check between the hours of dusk and dawn for the San Joaquin kit fox. In the event that pre-construction surveys, or during-construction spot checks find evidence of the San Joaquin kit fox or its sign, a qualified biologist will be present onsite during all project-related activities occurring at that location where the species and/or sign was identified.

Environmental Awareness Training Program: A Caltrans biologist will conduct an environmental awareness training for all construction crew members before ground-disturbing activities. The purpose of this training is to inform construction crew members of the potential for kit fox to occur at a site and be affected by construction activities. The training will be repeated to all new crew members. Following the training, crew members will sign an attendance sheet stating that they attended the training and understand the protection measures and construction restrictions. Training materials and records of attendance will be submitted to the U.S. Fish and Wildlife Service. Caltrans will provide monthly San Joaquin kit fox awareness training reminders to night crew personnel.

Burrowing owl

- Prior to the initiation of project activities, a qualified biologist will conduct a search for burrowing owls within the biological study area. Should a burrowing owl or burrowing owl sign be observed within the biological study area, no-disturbance buffers will be enforced around active burrows.
- No disturbance will occur within 160 feet of occupied burrows during the non-breeding season (September 1–January 31) or within 250 feet during the breeding season (February 1–August 31). Once applied, nesting season

disturbance buffers will remain in place until a qualified biologist verifies that juveniles are foraging independently and are capable of independent survival.

Swainson's hawk

- A special provision for migratory birds will be included in the construction contract to ensure that no potentially nesting migratory birds are affected during construction. In the event that work occurs during the nesting season, a qualified biologist will conduct pre-construction nesting surveys. If nesting Swainson's hawks are observed onsite, the nest will be designated as an environmentally sensitive area, with a 600-foot no-work buffer around the nest until it has been determined by a qualified biologist that the young have fledged. If tree removal is required as a result of construction, removal will occur outside of the nesting season.

Migratory birds

Although tree, shrub and vegetation removal is not anticipated, if removal is ultimately deemed necessary, it will occur outside of the nesting season. If a tree needs to be removed during nesting season, it will be surveyed by a qualified biologist prior to removal.

VIII. Hazards and Hazardous Materials (checklist question a)

Affected Environment

Soils adjacent to the freeway have been known to contain high lead levels from historic gasoline emissions. A Preliminary Site Investigation was completed in December 2015 to determine whether aerially deposited lead was present in the project limits. Soil samples were collected and then analyzed. Sixty borings were collected, yielding 180 total samples from depths of 0.0 to 1.0 foot, 1.0 to 2.0 feet and 2.0 to 3.0 feet.

Environmental Consequences

Due to high soluble lead values in the shoulder areas, soil excavated to a depth of 1.0 foot would be classified as a California hazardous waste. The 90% and 95% upper confidence limits for soluble lead were 5.1 and 5.5 milligrams per liter for eastbound State Route 58; and 5.9 and 6.3 milligrams per liter for westbound State Route 58, exceeding the Soluble Threshold Limit Concentration of 5 milligrams per liter. Underlying soils (1.0 to 3.0 feet) would not be considered hazardous. Soil from the median is also considered non-hazardous.

Avoidance, Minimization, and/or Mitigation Measures

- Lead-contaminated soils on the eastbound and westbound shoulders to a depth of 1.0 foot would be handled and disposed of as a hazardous waste. Soils considered non-hazardous can be reused onsite, relinquished to the contractor, or disposed of as non-hazardous soil with respect to the lead content. Special

contract provisions will be included in the construction contract for proper handling, disposal and worker safety issues.

Appendix A Effects Determinations

The following species list, obtained from the U.S. Fish and Wildlife Service on January 5, 2016, shows the effect determination for each species. There are no critical habitats within the project area. See Appendix B for the Service's official species list.

Common Name	Scientific Name	Status	Effect Determination
California red-legged frog	<i>Rana draytonii</i>	FT	No effect on species or habitat.
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE	No effect on species or habitat.
Vernal pool fairy shrimp	<i>Branchinecta lunchi</i>	FT	No effect on species or habitat.
Delta smelt	<i>Hypomesus transpacificus</i>	FT	No effect on species or habitat.
Bakersfield cactus	<i>Optunia treleasei</i>	FE	No effect on species or habitat.
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE	May affect, likely to adversely affect.
Tipton kangaroo rat	<i>Dipodomys nitratoides nitratoides</i>	FE	No effect on species or habitat.
Blunt-nosed leopard lizard	<i>Gambelia silus</i>	FE	No effect on species or habitat.
Giant garter snake	<i>Thamnophis gigas</i>	FT	No effect on species or habitat.

FT-Federal Threatened FE-Federal Endangered

Appendix B Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
FEDERAL BUILDING, 2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
PHONE: (916)414-6600 FAX: (916)414-6713



Consultation Code: 08ESMF00-2016-SLI-1336

April 25, 2016

Event Code: 08ESMF00-2016-E-02907

Project Name: 06-0S470

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2)

of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0S470

Official Species List

Provided by:

Sacramento Fish and Wildlife Office
FEDERAL BUILDING
2800 COTTAGE WAY, ROOM W-2605
SACRAMENTO, CA 95825
(916) 414-6600

Consultation Code: 08ESMF00-2016-SLI-1336

Event Code: 08ESMF00-2016-E-02907

Project Type: TRANSPORTATION

Project Name: 06-0S470

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0S470

Endangered Species Act Species List

There are a total of 9 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana draytonii</i>) Population: Entire	Threatened	Final designated	
Birds			
Southwestern Willow flycatcher (<i>Empidonax traillii extimus</i>) Population: Entire	Endangered	Final designated	
Crustaceans			
Vernal Pool fairy shrimp (<i>Branchinecta lynchi</i>) Population: Entire	Threatened	Final designated	
Fishes			
Delta smelt (<i>Hypomesus transpacificus</i>) Population: Entire	Threatened	Final designated	
Flowering Plants			
Bakersfield cactus (<i>Opuntia treleasei</i>)	Endangered		

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United States Department of Interior
Fish and Wildlife Service

Project name: 06-0S470

Mammals			
San Joaquin Kit fox (<i>Vulpes macrotis mutica</i>) Population: wherever found	Endangered		
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>) Population: Entire	Endangered		
Reptiles			
Blunt-Nosed Leopard lizard (<i>Gambelia silus</i>) Population: Entire	Endangered		
Giant Garter snake (<i>Thamnophis gigas</i>) Population: Entire	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0S470

Critical habitats that lie within your project area

There are no critical habitats within your project area.



Summary Table Report
 California Department of Fish and Wildlife
 California Natural Diversity Database



Query Criteria: Quad (Lamont (3511838))

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks					Population Status		Presence				
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extrip.	Extrip.	
<i>Astragalus hornii</i> var. <i>hornii</i> Horn's milk-vetch	G4G5T2T3 S1	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	400 400	14 S:1	0	0	0	0	0	1	1	0	1	0	0	
<i>Athene cunicularia</i> burrowing owl	G4 S3	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern USFWS_BCC-Birds of Conservation Concern	350 400	1882 S:11	0	0	0	0	1	10	0	11	10	1	0	
<i>Atriplex tularensis</i> Bakersfield smallscale	GX SX	None Endangered	Rare Plant Rank - 1A	350 350	3 S:1	0	0	0	0	1	0	1	0	0	0	1	
<i>Chloropyron molle</i> ssp. <i>hispidum</i> hispid salty bird's-beak	G2T2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	400 400	35 S:1	0	0	0	0	0	1	1	0	1	0	0	
<i>Eumops perotis californicus</i> western mastiff bat	G5T4 S3S4	None None	BLM_S-Sensitive CDFW_SSC-Species of Special Concern WBGW_H-High Priority	450 450	293 S:1	0	0	0	0	0	1	1	0	1	0	0	
<i>Gambelia sila</i> blunt-nosed leopard lizard	G1 S1	Endangered Endangered	CDFW_FP-Fully Protected IUCN_EN-Endangered	620 620	312 S:1	0	0	1	0	0	0	0	1	1	1	0	0
<i>Layia leucopappa</i> Comanche Point layia	G1 S1	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive	850 850	8 S:1	0	0	0	0	0	1	1	0	1	0	0	
<i>Lithobates pipiens</i> northern leopard frog	G5 S2	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern	425 425	22 S:1	0	0	0	0	0	1	1	0	1	0	0	
<i>Lytta moesta</i> moestan blister beetle	G2 S2	None None		560 560	12 S:1	0	0	0	0	0	1	1	0	0	0	1	0
<i>Lytta morrisoni</i> Morrison's blister beetle	G1G2 S1S2	None None		560 560	10 S:1	0	0	0	0	0	1	1	0	0	0	1	0
<i>Navarretia setiloba</i> Piute Mountains navarretia	G2 S2	None None	Rare Plant Rank - 1B.1 BLM_S-Sensitive USFS_S-Sensitive	600 600	22 S:1	0	0	0	0	1	0	1	0	0	0	0	1



Summary Table Report
 California Department of Fish and Wildlife
 California Natural Diversity Database



Name (Scientific/Common)	CNDDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks					Population Status		Presence				
						A	B	C	D	X	U	Historic > 20 yr	Recent <= 20 yr	Extant	Poss. Extirp.	Extirp.	
<i>Opuntia basilaris</i> var. <i>treleasei</i> Bakersfield cactus	G5T1 S1	Endangered Endangered	Rare Plant Rank - 1B.1 SB_RSABG-Rancho Santa Ana Botanic Garden	500 500	49 S:1	0	0	0	0	1	0	1	0	0	0	0	1
<i>Taxidea taxus</i> American badger	G5 S3	None None	CDFW_SSC-Species of Special Concern IUCN_LC-Least Concern		487 S:1	0	0	0	0	0	1	1	0	1	0	0	0
<i>Valley Saltbush Scrub</i> Valley Saltbush Scrub	G2 S2.1	None None		340 340	19 S:1	0	0	0	0	0	1	1	0	1	0	0	0
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	G4T2 S2	Endangered Threatened		340 750	977 S:5	0	0	0	0	0	5	4	1	5	0	0	0

Plant List

5 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quad 35118C8

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank
Astragalus hornii var. hornii	Horn's milk-vetch	Fabaceae	annual herb	1B.1	S1	G4G5T2T3
Atriplex tularensis	Bakersfield smallscale	Chenopodiaceae	annual herb	1A	SX	GX
Chloropyron molle ssp. hispidum	hispid bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	1B.1	S2	G2T2
Eriastrum hooveri	Hoover's eriastrum	Polemoniaceae	annual herb	4.2	S3	G3
Opuntia basilaris var. releasei	Bakersfield cactus	Cactaceae	perennial stem succulent	1B.1	S1	G5T1

Suggested Citation

CNPS, Rare Plant Program. 2016. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website <http://www.rareplants.cnps.org> [accessed 25 April 2016].

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Contributors

[The California Database](#)

[The California Lichen Society](#)

Appendix C Letter of Concurrence



In Reply Refer to:
08ESMF00-
2016-1-0219

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846



MAY 17 2016

Javier Almaguer
Chief, Central Region Biology Branch – Environmental Stewardship
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721

Subject: Informal Consultation on the Cottonwood East Rehabilitation Project, Kern County, California (California Department of Transportation 06-KER-58-PM R55.4/R59.7; EA 06-0S470)

Dear Mr. Almaguer:

This letter is the U.S. fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) letter requesting the initiation of informal consultation on its action to construct the proposed Cottonwood East Rehabilitation Project (project) in Kern County, California.

Caltrans has assumed the Federal Highway Administration's (FHWA) responsibilities under the National Environmental Policy Act (NEPA) for section 7 consultation per the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) in accordance with 23 U.S.C. 327 and as described in the NEPA assignment Memorandum of Understanding between the FHWA and Caltrans (effective October 1, 2012).

Pursuant to 50 CFR 402.12(j), you submitted a letter, dated November 24, 2015, which we received in this office on November 27, 2015, along with a biological assessment for our review; you requested concurrence with the findings presented therein. These findings concluded that the proposed project may affect, but is not likely to adversely affect the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*). Following discussion with us, you revised your determination for the San Joaquin kit fox on February 9, 2016, in a letter we received on February 17, 2016, concluding that the proposed project may affect, and is likely to adversely affect this species. Following further discussion with us, and the introduction of new information, you again revised your determination for the San Joaquin kit fox via letter on April 19, 2016, which we received on April 20, 2016, concluding that the proposed project may affect, but is not likely to adversely affect the species.

In considering your request, we based our evaluation on the following: (1) Caltrans' original November 24, 2015 letter and its supporting *Cottonwood East Rehab Biological Assessment*, dated November 2015; (2) email and telephone correspondence between the Service and Caltrans; (3) Caltrans' February 9, 2016 letter revising its determination for the San Joaquin kit fox; (4) Caltrans' April 19, 2016 letter providing additional information to support another revision of its determination for the San Joaquin kit fox; and (5) other information available to the Service.

Description of the Action

Caltrans proposes to remove and replace the existing concrete slabs on the east- and westbound outside lanes (the # 2 and #3 lanes) of SR 58 between Cottonwood Road and SR 184 in the City of Bakersfield in Kern County. The failed Portland Cement Concrete (PCC) slabs in the #2 lane will be removed and replaced with rapid set PCC using dowels. The #3 truck lane will be removed and replaced with Continuously Reinforced Concrete Pavement (CRCP). There also will be new isolation joints installed between the #2 and #3 lanes. Caltrans further proposes to reconstruct the entire length of the existing outside shoulders (in both east- and westbound directions) with Jointed Plain Concrete Pavement, as well as the entire length of the existing inside shoulders (in both east- and westbound directions) with Hot-Mix Asphalt. There will be no widening of the outside shoulders; however, an approximately 1,000-foot (ft.) segment of the inside shoulder (in both east- and westbound directions), located east of the SR 58/184 interchange will be widened from 5-ft. to 10-ft. in order to meet current FHWA standards.

Caltrans also will reconstruct the gore areas, as well as the ramps leading up to the nose of the gore areas. Twelve approach/departure slabs will be replaced from edge of pavement to edge of pavement. To accomplish this, the existing slabs will be removed, the dirt will be compacted, and new structural concrete and aggregate base will be installed. Traffic will be routed to the on- and off-ramps through the local streets during placement of the slabs. Lighting, guardrails, and traffic signs also will be upgraded throughout the project area.

Intelligent Transportation Systems (ITS) elements will be installed based on recommendations by Traffic Electrical Design. These elements include Changeable Message Signs, Closed Circuit Television Camera systems, and Combined Traffic Monitoring Station/Vehicle Classification Stations.

The rehabilitation of this approximately 4.3-mile (mi) segment of SR 58 (postmiles R55.4 - R59.7) is necessary given the considerable amount of past maintenance activity that has been required to repair the slabs due to damage from storms and heavy truck traffic. Without the proposed project, the freeway pavement will continue to deteriorate, resulting in escalated maintenance expenditures and increased exposure of maintenance personnel to high-speed traffic.

Project Staging

During Stage 1, the #1 lanes in both east- and westbound directions will be closed in order to reconstruct the inside shoulders; the #2 and #3 lanes will remain open to traffic. Reconstruction of the #2 lanes will follow. During Stage 2, the #3 lanes in each direction will be closed in order to reconstruct a 14-ft. wide section of CRCP plus the 8-ft. wide outside shoulder; the #1 and #2 lanes, plus the reconstructed inside shoulders will be open to traffic.

Staging Areas

Specific staging areas have not yet been determined, but this may change depending on Caltrans' decisions during the final phases of project design. For the purpose of this project, all staging areas will occur within the project footprint, as described on page 5 of this document under the Action Area heading. Any location the contractor uses that is outside this area will need to be evaluated and may require Caltrans either to revise its informal consultation or initiate formal consultation.

K-rail

Temporary k-rail barriers will be installed on-site to prevent traffic from entering the work zones and to protect personnel in these areas. Approximately 90,800-ft. of these structures will be used during the course of construction. During Stage 1 of the project, k-rail will be placed approximately 8-ft. from the inside edge of the #1 lanes (in both east- and westbound directions), i.e., between the #1 and #2 lanes. During Stage 2 of the project, k-rail will be placed approximately 2-ft. from the inside joint of the #3 lanes (in both east- and westbound directions), i.e. between the #2 and #3 lanes. There will be only one layer of k-rail installed in each direction.

Scheduling

Caltrans proposes to begin construction in October 2017 and to finish by July 2019. The project is expected to take approximately 220 working days to complete. Due to the heavy volume of daytime traffic throughout the project area, approximately 60 nights of work are proposed in order to minimize construction-related traffic delays and to improve safety for the traveling public and construction personnel. Work activities expected to be conducted at night include the removal and replacement of the approach and departure slabs along the full extent of the project.

Conservation Measures

Caltrans and its contractor will implement the following measures to reduce the potential for adverse effects to the San Joaquin kit fox. For the purpose of this consultation, a "qualified biologist," as referenced in this document, refers to an individual who, at a minimum, holds a four-year degree in a relevant biological field and who has demonstrated knowledge of, and experience with, the San Joaquin kit fox.

1. Preconstruction surveys will be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Surveys for the San Joaquin kit fox and its dens will be performed throughout the project footprint as well as within 200-ft. of the footprint.
 - a. Caltrans will submit to the Service a letter report and map showing the results of the surveys and the locations of any potential and/or known dens.
2. Prior to the start of construction, a qualified biologist(s) will conduct an environmental awareness training program for all construction personnel covering the status of the San Joaquin kit fox along with a description of suitable habitat for the species, the importance of avoiding construction impacts to the species, and the penalties for not complying with minimization requirements. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. All personnel will sign an attendance sheet stating that they attended the training and understand the protective measures and construction restrictions.
3. Caltrans will ensure that the speed limit for daytime construction-related traffic within the work zones will be limited to a maximum of 20-mph (except on State highways).
4. For work activities occurring during nighttime hours, Caltrans proposes to:

- a. ensure that the speed limit for construction-related traffic within the work zones will be limited to a maximum of 10-mph in order to prevent equipment/vehicle strikes. Off-road traffic outside of designated areas will be prohibited;
 - b. implement dust control measures to improve driver visibility at night;
 - c. provide monthly San Joaquin kit fox awareness training reminders to night crew personnel (per measure #2 above); and
 - d. have a qualified biologist(s) conduct at least one worksite spot check per night between the hours of dusk and dawn for the San Joaquin kit fox.
5. Disturbance to any potential or known San Joaquin kit fox dens will be avoided.
- a. Potential and atypical dens that are located at least 50-ft. from construction will be protected with a 50-ft. zone. Known dens that are located at least 100-ft. from construction will be protected with a 100-ft. zone. In instances where 50-ft. or 100-ft. exclusion zones cannot be maintained, potential and/or known dens will be monitored; once these dens are verified to be unoccupied, they will be blocked temporarily (via sandbagging or installation of a one-way door) for the duration of the project.
 - b. If a natal/pupping den is discovered either within the project footprints or within 200-ft. of the footprint, Caltrans will notify the Service immediately.
6. In the event that preconstruction surveys, or during-construction spot checks find evidence of the San Joaquin kit fox or its sign, a qualified biologist(s) will be present on-site during all project-related activities occurring at the location where the species and/or its sign was identified.
7. Caltrans will report any new sightings of the San Joaquin kit fox to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the individual was observed will be provided to the Service.
8. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
9. All construction pipes, culverts, or similar structures stored on-site with a diameter of 4-inches or greater will be inspected for the San Joaquin kit fox prior to the structures being buried, capped, or moved. If a San Joaquin kit fox is discovered, that section of the structure will not be moved until the Service has been contacted and the San Joaquin kit fox is allowed to leave the site of its own accord, without harassment from construction personnel or equipment.
10. To prevent the inadvertent entrapment of the San Joaquin kit fox during construction, all excavated, steep-walled holes or trenches more than 2-ft. deep will be covered at the close of each work day or provided with escape ramps constructed of fill or wooden planks. These will be checked daily for the duration that they are covered. Prior to any holes or trenches being filled, they will be thoroughly inspected for trapped individuals.
11. No pets or firearms (except those carried by permitted public safety agents) will be allowed on the project site.

Action Area

The action area is defined in 50 CFR § 402.02, as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” The action area for the proposed project is composed of the project footprint (defined by Caltrans as the project impact area that will be directly affected by construction), which encompasses 1) a 4.3-mi segment of eastbound and westbound SR 58, plus outside and inside shoulders; and 2) portions of ruderal land within both the median (east of the SR 58/184 interchange) and Caltrans’ ROW where work activities will occur. The action area also includes land extending approximately 200-ft. from the edge of the footprint, which will experience further-reaching effects of construction activities such as noise and visual disturbance.

Effects Analysis

Habitat Description

The action area is located within metropolitan Bakersfield in an area dominated by development (such as commercial buildings, residential homes, roads/highways, and parking lots) and associated ornamental landscaping. The project footprint is composed of the SR 58 roadscape and ruderal areas. The original natural vegetation in the action area has been altered significantly over time through urbanization such that no natural habitats currently exist. Caltrans conducts maintenance activities along SR 58 by grading the shoulders and mowing vegetation. As a result of this disturbance, the vegetation there consists primarily of disturbance-favoring, invasive species like Russian thistle (*Salvola tragus*), yellow star thistle (*Centaurea solstitialis*), and other weedy species.

Surveys

According to the California Natural Diversity Database (CNDDDB, 2016)¹, there are no San Joaquin kit fox records identified within the action area. The closest record is located approximately 0.12-mi north of SR 58 on East Brundage Lane and dates from 1985. Three additional records are located within approximately 3-mi of the project footprint.

Caltrans performed a reconnaissance level survey on September 30, 2015 to inventory plant communities, as well as plant and animal species present within the project footprint and all accessible areas within 250-ft. of Caltrans’ right-of-way (ROW). Caltrans determined that the western end of the project footprint was unsuitable for the San Joaquin kit fox given the surrounding high-density urban environment. Although no natural habitats exist within the project footprint, the urban population of San Joaquin kit foxes in Bakersfield is known to utilize ruderal habitat, and Caltrans did identify some low quality ruderal habitat both within, and adjacent to, the central part of the project footprint from Mt. Vernon Avenue to just east of Quantico Avenue. Caltrans also identified similar quality ruderal habitat within, and adjacent to, the eastern end of the project footprint (a sparsely vegetated basin by the East Side Canal that may provide potential foraging opportunities for the San Joaquin kit fox, and areas located immediately east of the SR 58/SR 184 interchange). During the September survey, Caltrans observed California ground squirrels (*Otospermophilus beecheyi*) utilizing burrows located along the westbound SR 58 embankments immediately west of SR 184; this indicates that there is a suitable and available prey source for the San Joaquin kit fox in the project area.

¹ California Natural Diversity Database. 2016. Natural Heritage Division, California Department of Fish and Wildlife. RareFind 5. Sacramento, California. Accessed April 26, 2016.

No San Joaquin kit fox individuals or sign were observed within the project footprint. However, Caltrans did identify two potential dens located outside of the footprint in the area between eastbound SR 58 and exit 117 to SR 184.

Habitat Impacts

A total of 0.70 acre (ac) of ruderal habitat will be permanently lost as a result of widening the approximately 1,000-ft. segments of the SR 58 east- and westbound inside shoulders east of SR 184. However, this habitat is unlikely to be suitable for, or used by, the San Joaquin kit fox given its location in the median of a high-traffic 6-lane freeway. A total of 2.4 ac of ruderal habitat within Caltrans' ROW along multiple segments of eastbound SR 58 will be affected temporarily as a result of trenching activities associated with the installation of the ITS elements. The loss of, and disturbance to, this habitat is unlikely to result in adverse effects to the San Joaquin kit fox since the amount of land to be permanently and temporarily impacted is minimal and of impaired quality. All remaining project activities will occur on the existing freeway. The potential dens discovered outside of the project footprint will not be affected by construction activities since all work in this area will be limited to the pavement.

Other Construction Activities

Adverse effects to the San Joaquin kit fox from project-related equipment/vehicle strikes are unlikely to occur given the implementation of the proposed conservation measures, such as preconstruction surveys, night monitoring, personnel training, and speed-limit restrictions.

Temporary K-rail Barriers

Caltrans anticipates using standard temporary k-rail barriers on the project site and has concluded that the presence of these structures will be unlikely to adversely affect the San Joaquin kit fox. The action area is located within the Metropolitan Bakersfield satellite recovery area for the San Joaquin kit fox (Service, 2010)² so there is potential for the species to occur in the action area. However, the potential for occurrence along this particular segment of SR 58 is likely to be low for the following reasons: (1) no observations of San Joaquin kit fox individuals or associated sign have been observed during previous survey efforts in 2008 and 2011, or during an extensive 18 month period of daily construction monitoring, all conducted for an earlier project (Cottonwood Gap Widening, EA 06-UG850) located immediately west of the current project between postmiles 52.4 - 55.5; (2) some segments of SR 58 are situated above- and below-grade, which limits the species' access to the freeway; (3) there are existing chain-link ROW fences and soundwalls situated along SR 58 that are likely to act as physical barriers to San Joaquin kit fox access and movement into the freeway corridor; (4) the species is unlikely to cross a busy, multi-lane freeway (B. Cypher, personal communication, March 21-22, 2016) - the large size of SR 58 (six lanes), along with its very high traffic volume, therefore are likely to inhibit the San Joaquin kit fox from even attempting to cross the freeway directly at grade; and (5) there are existing corridor features, including four undercrossings along roads and two undercrossings along railroads, that could provide alternative potential movement and crossing opportunities under SR 58 for the San Joaquin kit fox.

² U.S. Fish and Wildlife Service. 2010. San Joaquin Kit Fox (*Vulpes macrotis nutschii*) 5-Year Review: Summary and Evaluation. Sacramento Fish and Wildlife Office, Sacramento, California. 122 pp.

Determination

The Service concurs with Caltrans' conclusion that the action may affect, but is not likely to adversely affect the San Joaquin kit fox because the potential for the action to affect the species is discountable. This conclusion is based on the results of 2015 surveys, the absence of observable sign within the project footprint, the impaired quality of habitat within the action area, the low likelihood that the species will occur along this particular segment of SR 58, and the conservation measures proposed to reduce potential effects to the species.

Closing Statement

This concludes the Service's review of Caltrans' action to construct the Cottonwood East Rehabilitation Project and the Service's consideration of the project's effects on the San Joaquin kit fox. No further coordination with the Service under the Act is necessary at this time. Note that take of listed species is not exempted from the prohibitions described under section 9 of the Act. If conditions change so that the project may adversely affect listed species, initiation of formal consultation, as provided in 50 CFR § 402.14, is required.

If you have questions regarding this letter, please contact Jen Schofield (jen_schofield@fws.gov) or me (thomas_leeman@fws.gov) at the letterhead address, by e-mail, or at (916) 414-6544.

Sincerely,



Thomas Leeman
Chief, San Joaquin Valley Division

cc:
Craig Bailey, California Department of Fish and Wildlife, Fresno, California

Appendix D Comments and Responses

This appendix contains the comments received during the public review and comment period. A Caltrans response follows each comment.

Comments from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

 EDMUND G. BROWN JR. GOVERNOR	STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH STATE CLEARINGHOUSE AND PLANNING UNIT	 KEN ALEX DIRECTOR
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June 2, 2016

Richard Putler
California Department of Transportation, District 6
805 M St, Ste 200
Fresno, CA 93721

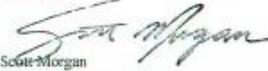
Subject: Cottonwood East Rehab
SCH#: 2016051008

Dear Richard Putler:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on June 1, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,


Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016051008
Project Title Cottonwood East Rehab
Lead Agency Caltrans #6

Type MND Mitigated Negative Declaration
Description Restore and repair (rehab) SR 58 from Cottonwood Road to SR 184.

Lead Agency Contact

Name Richard Putler
Agency California Department of Transportation, District 6
Phone 559-445-5286 **Fax**
email
Address 805 M St, Ste 200
City Fresno **State** CA **Zip** 93721

Project Location

County Kern
City Bakersfield
Region
Lat / Long
Cross Streets SR 58 between Cottonwood and SR 184
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways SR 58, 184
Airports
Railways
Waterways
Schools
Land Use

Project Issues Biological Resources; Toxic/Hazardous

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Regional Water Quality Control Bd., Region 5 (Fresno); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 05/03/2016 **Start of Review** 05/03/2016 **End of Review** 06/01/2016

Response to Comments from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

Thank you for your comments on the project.

Response to comment 1: The State Clearinghouse letter dated June 2, 2016 acknowledges Caltrans' compliance with the requirements for draft environmental documents pursuant to the California Environmental Quality Act.

Comments from Luis A. Topete with the City of Bakersfield Thomas Road Improvement Program (TRIP)

From: Luis A. Topete [mailto:ltopete@bakersfieldfreeways.us]
Sent: Monday, May 16, 2016 2:39 PM
To: Putler, Richard C@DOT <richard.putler@dot.ca.gov>
Subject: FW: Scan from the Bizhub C452 MFP

Richard,

On the attached notice about Caltrans' Project. Are you considering the City's noise ordinance within residential areas?

I know that we have received some complaints about noise within the BOI project limits for work performed during the night. Something to think about.

Luis

1

Response to Comments from Louis A. Topete with the City of Bakersfield Thomas Road Improvement Program (TRIP)

Thank you for your comment on the project.

Response to comment 1:

Caltrans acknowledges that there are residential units at various locations within the project area that could be impacted by construction noise that will be intermittent with varying intensity. Construction noise is regulated by Caltrans Standard Specifications section 14-8.02 "Noise Control." The Section includes specification relating to noise control, as follows:

- Noise levels generated during construction should not exceed 86 dB at 50 feet from job site activities from 9:00 p.m. to 6:00 a.m.
- Control and monitor noise resulting from work activities.
- Equip an internal combustion engine with the manufacturer-recommended muffler.

In addition, Kern County Noise Ordinance section 8.36.020 prohibits noise from construction between the hours of nine (9:00) p.m. and six (6:00) a.m. on weekdays and nine (9:00) p.m. and eight (8:00) a.m. on weekends, which is audible to a person with average hearing faculties or capacity at a distance of one hundred fifty (150) feet from the construction site, if the construction site is within one thousand (1,000) feet of an occupied residential dwelling except if the development services agency director or his designated representative, for good cause, exempts some construction work for a limited time.

An exemption to the Kern County Noise Ordinance will be requested for approximately 60 nights of work as needed to minimize the number of day time construction related traffic delays and to improve safety for the traveling public and construction personnel. Approximately 40 nights of work will involve removal/place of new slab in the #2 lane. This is the only 'loud' night work anticipated. Additional night work will include lane closures, placing of K-rail and restriping which will not generate significant noise.

Additional control measures can be implemented in order to minimize noise and vibration disturbances at sensitive receptors during periods of construction:

1. Use newer equipment with improved muffling and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. Newer equipment will generally be quieter in operation than older equipment. All construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding, etc.).

2. Use and relocate temporary barriers, if needed, to protect sensitive receptors from excessive construction noise generated by small items such as compressors, generators, pneumatic tools, and jackhammers. Noise barriers can be made of heavy plywood, or moveable insulated sound blankets.
3. Utilize construction methods or equipment that will provide the lowest level of noise and ground vibration impact such as alternative low noise pile installation methods.
4. Turn off idling equipment.
5. During construction the Resident Engineer shall implement a construction noise and vibration-monitoring program to limit noise and vibration impacts.
6. Plan noisier operations during times of least sensitivity to receptors.
7. Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.
8. The Resident Engineer shall notify the District 6 Public Information officer to place notice of the proposed project in local news media in advance of construction. The notice will give estimated dates of construction and mention potential noise impacts.
9. Construction activities would be minimized near any residential areas during evening, nighttime, weekend, and holiday periods. Noise impacts are typically minimized when construction activities are performed during daytime hours. When possible, noisier construction tasks exceeding 86 dBA within 50 feet of residential areas would be limited to weekdays from 7:00 a.m. to 5:00 p.m.
10. In case of construction noise complaints by the public, the construction manager would be notified and the specific noise-producing activity may be changed, altered, or temporarily suspended. District noise staff would be consulted if specific noise-producing activities cannot be adequately reduced in the field.

A combination of abatement techniques can be selected to provide the most effective means to minimize the effects of construction activity impacts. Application of abatement measures will reduce the construction impacts; however, temporary increases in noise and vibration would likely occur.

Comments from the California Highway Patrol (CHP)

State of California—Transportation Agency

EDMUND G. BROWN, Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
4040 Buck Owens Boulevard
Bakersfield, CA 93308
(661) 864-4444
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



June 2, 2016

File No.: 420.14785.12904

Richard Putler
California Department of Transportation
805 M Street, Suite 200
Fresno, CA 93721

Dear Mr. Putler,

The Bakersfield Area of the California Highway Patrol (CHP) received a "Notice of Completion" of the environmental document for the proposed Cottonwood East Rehab Project, State Clearinghouse #2016051008. The proposal concerns restoration and repair of State Route (SR) 58, between Cottonwood Road and SR 184. The project site is entirely within the limits of the jurisdiction of the CHP Bakersfield Area.

Upon review, Bakersfield Area has determined during the construction phase, this project will significantly impact the flow of traffic for both the east and westbound lanes of SR-58, thus increasing traffic incidents. Accordingly, additional resources will be needed to mitigate traffic congestion as well as restore order in the event of a significant occurrence. Upon project completion, response times to emergency incidents will improve.

Any question regarding this response can be directed to Sergeant Blaine Haight at BHaight@chp.ca.gov or by telephone at (661) 864-4444.

Sincerely,

A handwritten signature in black ink that reads "R. Sheldon" followed by "FD 15230 1/02".

R. SELDON, Captain
Commander
Bakersfield Area

cc: Central Division
Special Projects Section

Safety, Service, and Security



An Internationally Accredited Agency

1

M e m o r a n d u m

Date: May 26, 2016

To: Bakersfield Area (420)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A09293.A07786.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2016051008

Special Projects Section (SPS) recently received a "Notice of Completion" environmental document from the State Clearinghouse outlining the information contained in the attached project.

Due to the project's geographical proximity to the Bakersfield Area, please assess its potential impact to local Area operations and public safety. This project was received late in SPS and has a SCH comment due date of June 1, 2016. However, if it is determined that departmental input is advisable, comments should be provided directly to the lead agency at the address provided below no later than June 6, 2016.

Richard Putler
California Department of Transportation
805 M Street, Suite 200
Fresno, CA 93721

Ensure the SCH number is referenced in your written comments.

Refer to Highway Patrol Manual 41.1, Transportation Planning Manual, Chapter 6, Environmental Impact Documents, for information and guidance when reviewing these transportation-related documents.

For project tracking purposes, SPS must be notified of Bakersfield Area's assessment of the project. Via electronic mail (e-mail), please respond "no impact to local operations or public safety," or forward copies of the submitted written comments to the analyst listed below, and the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814.

If you have any questions, please call Associate Transportation Planner Leslie Sullivan at (916) 843-3365, or e-mail leslie.sullivan@chp.ca.gov.

Appendix C
2016051008

Notice of Completion & Environmental Document Transmittal
 Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Drop Address: 1400 Turk Street, Sacramento, CA 95814

SCFH #

Project Title: Cottonwood East Rehab
 Lead Agency: Caltrans
 Contact Name: Richard Polter
 Phone: (916) 445-0298
 Mailing Address: 805 "M" Street, Ste. 200
 City: Fresno
 Zip: 93721

Project Location: County: Butte City/Village/Community: Butteville Zip Code: _____
 Give Street: SR 58 between Cottonwood and SR 184
 Longitude/Latitude (degrees, minutes and seconds): _____ "N" _____ "W" Third Axis: _____
 Accuracy: Percent (N): _____ Section: _____ Twp: _____ Range: _____
 Width of Mile: State Hwy #: SR 58, SR 184 Waterway: _____
 Airport: _____ Railway: _____

Document Type:
 CEQA: NCP Draft EIR NFA NEI Other: Min. Document
 Study Cont. Supplemental/Revised EIR EA Final Report/Statement
 Neg. Dec. (Permit EIR) Draft EIR General/Unusual
 Mit. Neg. Dec. Other: _____ FONSI

Local Action Type:
 General Plan Update Specific Plan Rezoning STATE CLEARINGHOUSE
 General Plan Amendment Master Plan Rezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other: _____

Development Type:
 Residential: Urban _____ Acres _____ Employees _____
 Office: Sq. Ft. _____ Acres _____ Employees _____
 Commercial: Sq. Ft. _____ Acres _____ Employees _____
 Industrial: Sq. Ft. _____ Acres _____ Employees _____
 Educational: _____
 Recreational: _____
 Water Facility: Type _____ MOD _____
 Other: _____

Project Issues Discussed in Document:
 Aesthetics/Visual Noise Recreation/Recreation Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Parks/Land Use Issues Sensitive Systems Water Supply/Cross-border
 Archaeological/Historic Dredging/Sediment Sewer Capacity Wetlands/Riparian Growth Inducement
 Biological Resources Milewide Soil Erosion/Collapse/Sliding Land Use Other: _____
 Coastal Zone Noise Solid Waste Land Use Other: _____
 Drainage/Obstruction Population/Housing Release Toxic/Hazardous Land Use Other: _____
 Hazardous/Toxic Public Services/Utilities Traffic/Circulation Land Use Other: _____

Present Land Use/Zoning/General Plan Designation:
 Project Description: (please use a separate page if necessary)
 Restore and repair (rehab) State Route 58 from Cottonwood Road to State Route 184

State Clearinghouse Contact: (916) 445-0613
 Date Review Begins: 05.17.2016
 CEQA COMPLIANCE: 06.01.2016

- Project Sent to the following State Agencies
- | | |
|--|--|
| <input checked="" type="checkbox"/> Resources | State/Consumer Svcs |
| <input checked="" type="checkbox"/> Boating & Waterways | General Services |
| <input checked="" type="checkbox"/> Coastal Comm | Cal RFA |
| <input checked="" type="checkbox"/> Colorado Rte Bd | ARB: Airport & Freight |
| <input checked="" type="checkbox"/> Conservation | ARB: Transportation Projects |
| <input checked="" type="checkbox"/> CDFW & W | ARB: Major Industrial/Energy |
| <input checked="" type="checkbox"/> Delta Protection Comm | SWRCD: Div. of Drinking Water |
| <input checked="" type="checkbox"/> Cal Fire | SWRCD: Div. Drinking Water |
| <input checked="" type="checkbox"/> Historic Preservation | SWRCD: Div. Financial Assist. |
| <input checked="" type="checkbox"/> Parks & Rec | SWRCD: Water Quality |
| <input checked="" type="checkbox"/> Central Valley Flood Prot. | SWRCD: Water Rights |
| <input checked="" type="checkbox"/> Bay Cons. & Dev. Comm. | Reg. WQCB @ SCF |
| <input checked="" type="checkbox"/> DWR | <input checked="" type="checkbox"/> Toxic Sub. Cont. CTC |
| <input checked="" type="checkbox"/> DES | VH/ADR Corrections |
| <input checked="" type="checkbox"/> Bureau, Reg. & Factory | Corrections |
| <input checked="" type="checkbox"/> CalSTA | |
| <input checked="" type="checkbox"/> Aeronautics | Independent Comm |
| <input checked="" type="checkbox"/> CHP | Energy Conservation |
| <input checked="" type="checkbox"/> Caltrans | <input checked="" type="checkbox"/> NARC |
| <input checked="" type="checkbox"/> Trans Planning | Public Utilities Comm |
| Other | State Lands Comm |
| HCD | Tobacco Reg. Agency |
| Food & Agriculture | Conservancy |
| | Other |

Please note State Clearinghouse Number (SCFH) on all Comments
2016051008
 SCFH:
 Please forward into comments directly to the Lead Agency

AQMD/AFCD: 11

Revisions: 05/07/16



Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH#: _____

Project Title: Cottonwood East Rehab

Lead Agency: California Department of Transportation (Caltrans)

Contact Name: Richard Putler

Email: Richard.Putler@dot.ca.gov Phone Number: (559) 445-5296

Project Location: In the City of Bakersfield/Kern County on State Route 58 between Cottonwood R. and State Route 164
City County

Project Description (Proposed actions, location, and/or consequences).

The California Department of Transportation (Caltrans) proposes to restore and repair (rehab) State Route 58 between Cottonwood Rd. and State Route 164 in the City of Bakersfield/Kern County.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Biology/Kit Fox/Burrowing Owl/Swalson's hawk -
Implement USFWS standard protection measure for Kit Fox. Conduct preconstruction surveys. Reduced speeds in construction areas. Inspect any construction piping or culverts. Remove food items and trash from site. No pets on site. Implement dust control. Species reporting to USFWS of dead, injured or any sightings. Avoid any dens. Establish buffer areas around any species. No tree or vegetation removal during nesting season unless surveyed by a biologist prior to removal.

Hazardous Waste -
Soil from the shoulders to a depth of 1.0 foot should be managed and disposed of as a hazardous waste or stockpiled and resampled to confirm waste classification per disposal facility requirements. Soil considered non-hazardous can be reused onsite, relinquished to the contractor, or disposed of as non-hazardous soil with respect to the lead content.

Revised September 2011

continued

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

N/A

Provide a list of the responsible or trustee agencies for the project.

California Department of Fish and Wildlife
California Transportation Commission
U.S. Fish and Wildlife Service

Response to Comments from the California Highway Patrol (CHP)

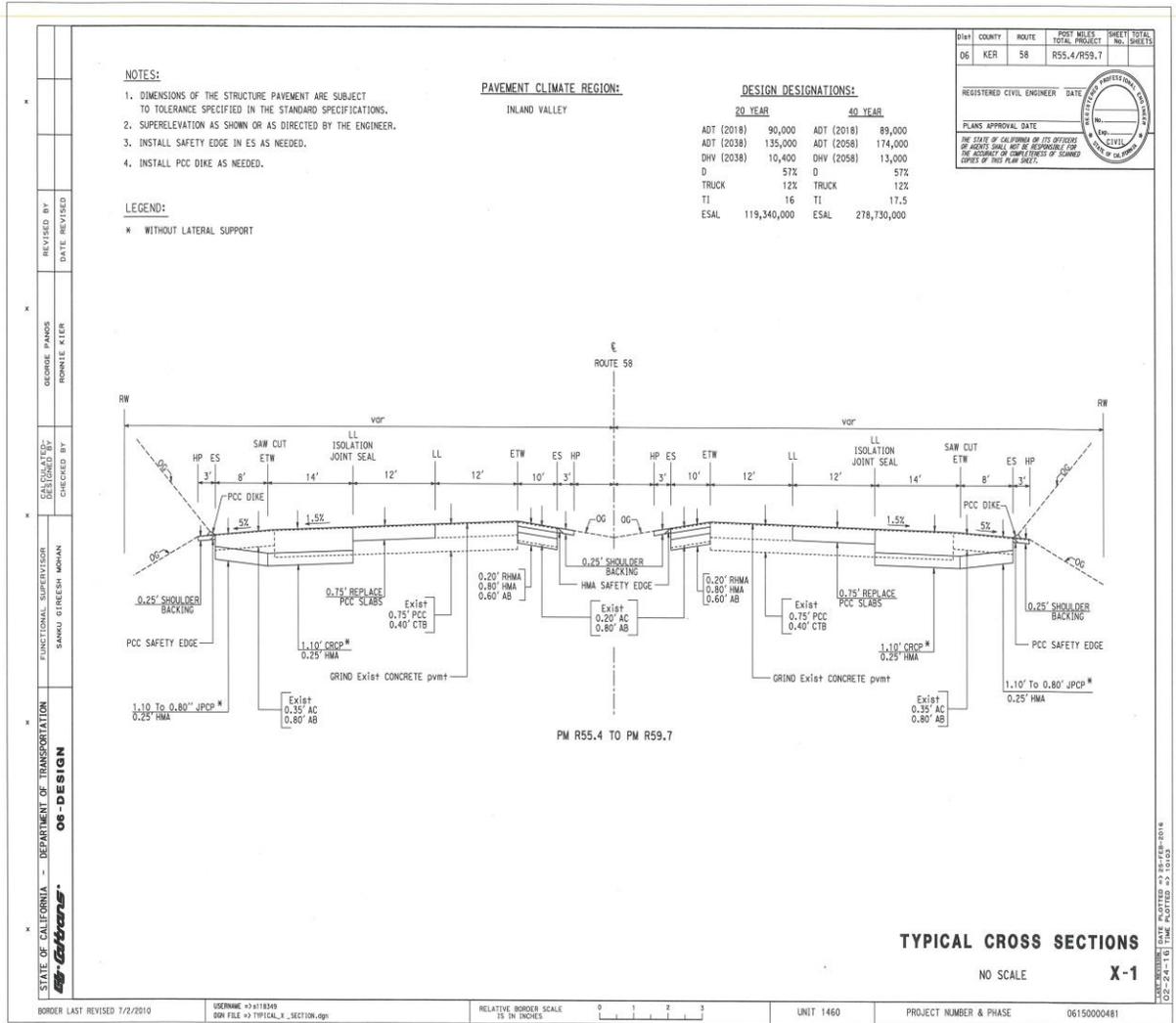
Thank you for your comment on the project.

Response to comment 1:

Caltrans acknowledges that the project will impact traffic flow and increase congestion within the project limits during construction. A Construction Zone Enhancement Enforcement Program (COZEEP) will be used on the project. The COZEEP is a Statewide Interagency Agreement (contract) between Caltrans and the California Highway Patrol (CHP). It enables Caltrans to hire the CHP to patrol project construction zones increasing traffic enforcement above normal levels, to reduce the potential for traffic accidents within a construction zone, and to reduce traffic speeds to the posted speed limits. CHP Officers may be used to slow down or assist in stopping or directing traffic to enable necessary breaks in traffic for critical movements of the Contractor's equipment and operations.

Resources needed for the COZEEP have been programmed into the project. Caltrans will coordinate with the CHP regarding the project schedule as it relates to additional traffic enforcement to be provided by the CHP.

Appendix E Typical Cross Section



List of Technical Studies and Memos

Natural Environment Study (Minimal Impact)

Preliminary Site Investigation

Air, Noise and Water Memo

Cultural Resources Screened Undertaking Memo

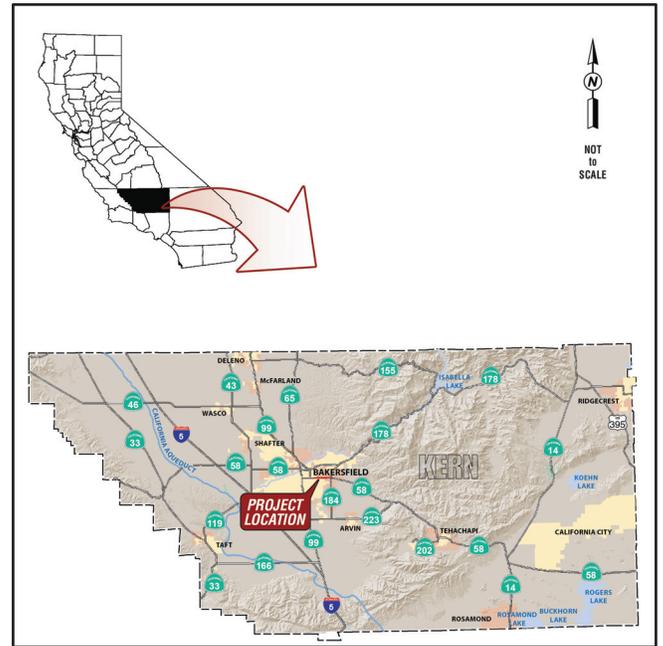
Paleontological Memo

Noise Memo



Cottonwood East Rehabilitation

Initial study with Mitigated Negative Declaration



For project updates and other project information, please go to <http://www.dot.ca.gov>

Follow us on Social Media: <http://www.dot.ca.gov/socialmedia>

