

Delano 3R Rehabilitation Project

State Route 155 in Delano in Kern County

06-KER-155-R0.04/R1.33

Project ID 0617000303

State Clearinghouse Number 2021120064

Initial Study with Negative Declaration

Volume 1 of 2



Prepared by the
State of California Department of Transportation

March 2022



General Information About This Document

Document prepared by: Jason Adair, Associate Environmental Planner.

The Initial Study circulated to the public for 32 days between December 6, 2021 and January 6, 2022. Comments received during this period are included in Appendix D, which has been added since the draft environmental document was circulated.

Elsewhere, language has been added throughout the document to indicate where a change has been made since the circulation of the draft environmental document.

Minor editorial changes and clarifications have not been so indicated.


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Resurface, restore and rehabilitate the eastbound and westbound lanes of
State Route 155 from post miles R0.04 to R1.33 in Kern County

**INITIAL STUDY
with Negative Declaration**

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

THE STATE OF CALIFORNIA
Department of Transportation
and
Responsible Agency: California Transportation Commission



Jennifer H. Taylor
Environmental Office Chief, District 6
California Department of Transportation
CEQA Lead Agency

03/09/2022

Date

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Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2021120064

District-County-Route-Post Mile: 06-KER-155-R0.04/R1.33

EA/Project Number: 06-0W810/0617000303

Project Description

The California Department of Transportation (Caltrans) proposes to resurface, restore, and rehabilitate the eastbound and westbound lanes of State Route 155 from post miles R0.04 to R1.33 in Kern County.

Determination

An Initial Study has been prepared by Caltrans, District 6.

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

- The project will have no effect on aesthetics, agriculture and forest resources, air quality, cultural resources, energy, land use and planning, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources and wildfires.
- The project will have no significant effect on biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise and utilities and service systems.

Jennifer H. Taylor

Jennifer H. Taylor
Environmental Office Chief, District 6
California Department of Transportation

03/09/2022

Date

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Chapter 1 **Proposed Project**

1.1 Introduction

This project proposes to resurface, restore, and rehabilitate about 1.3 miles of roadway on State Route 155 in the City of Delano (see Figure 1-1 and Figure 1-2 for vicinity and location maps). State Route 155 serves as a major arterial roadway for eastbound and westbound traffic in Kern County, and connects to State Route 99, State Route 65 and State Route 178.

State Route 155 is an important component of the circulation system for the City of Delano and Kern County. State Route 155 is a two-lane conventional highway with paved and unpaved shoulders. Curb widths vary, with some adjacent sidewalks within the project limits. A railroad crossing with crossing lights and arms also occurs in the project area. Commuter, recreational, and truck traffic uses State Route 155 within the project limits.

1.2 Purpose and Need

The purpose and need sections discuss the reasons for the proposed project and provide structure for the development of alternatives.

1.2.1 Purpose

The purpose of the project is to:

- Rehabilitate the roadway to a state of good repair.
- Improve accessibility for pedestrians and bicyclists.

1.2.2 Need

The condition of the pavement within the project limits has deteriorated due to storm damage and the high volume of large-truck traffic. These circumstances have resulted in increased costs to maintain the existing pavement. Restoring the roadway to a state of good repair will minimize maintenance costs and result in smoother pavement surfaces that could lead to improved vehicle operations, reduced emissions, increased service life of the pavement and reduced energy consumption.

Improvements for pedestrians and bicyclists include constructing or upgrading Americans with Disabilities Act-compliant curb ramps, sidewalks, driveways, and a continuous bike lane in both directions of State Route 155. Additional bike lanes and sidewalks will encourage other modes of travel and could result in reduced vehicle miles traveled, which will offset energy usage.

Installing Americans with Disabilities Act-compliant curb ramps will provide an accessible route that people with disabilities can use to safely transition from the roadway to the curbed sidewalk.

1.3 Project Description

The project proposes to resurface, restore, and rehabilitate about 1.3 miles on State Route 155 in the City of Delano, from Fremont Street to 0.13 mile west of Browning Road. A Build Alternative and a No-Build Alternative are under consideration for the project. The total cost of the project is estimated to be \$16,740,000. This resurfacing, restoration, and rehabilitation project (known as a “3R” project, as noted in the project name) will be funded under the State Highway Operation and Protection Program.

Figure 1-1 Project Vicinity Map

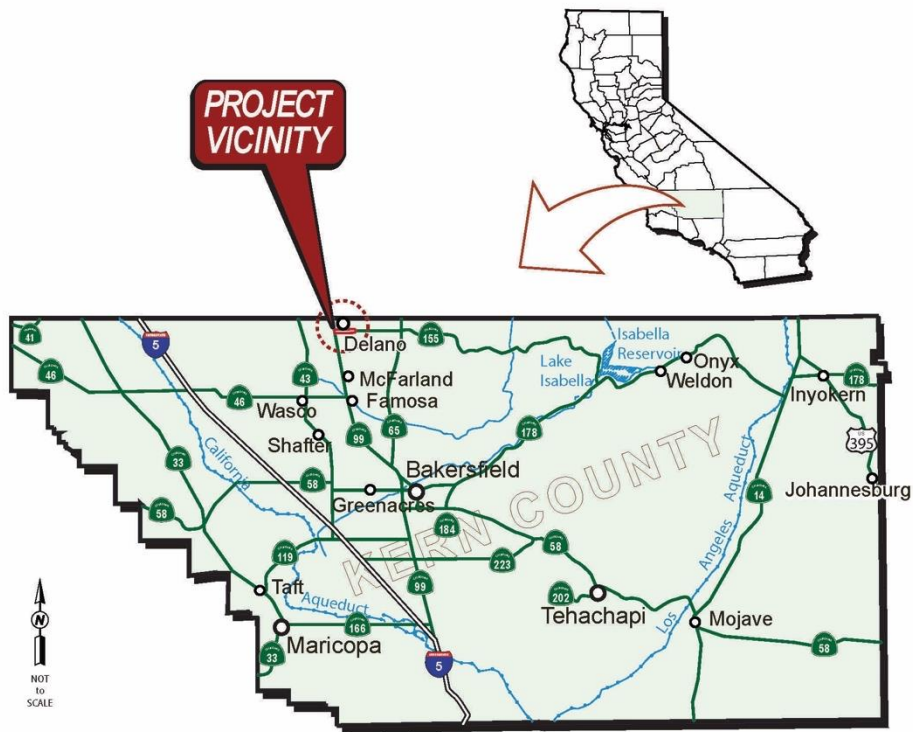
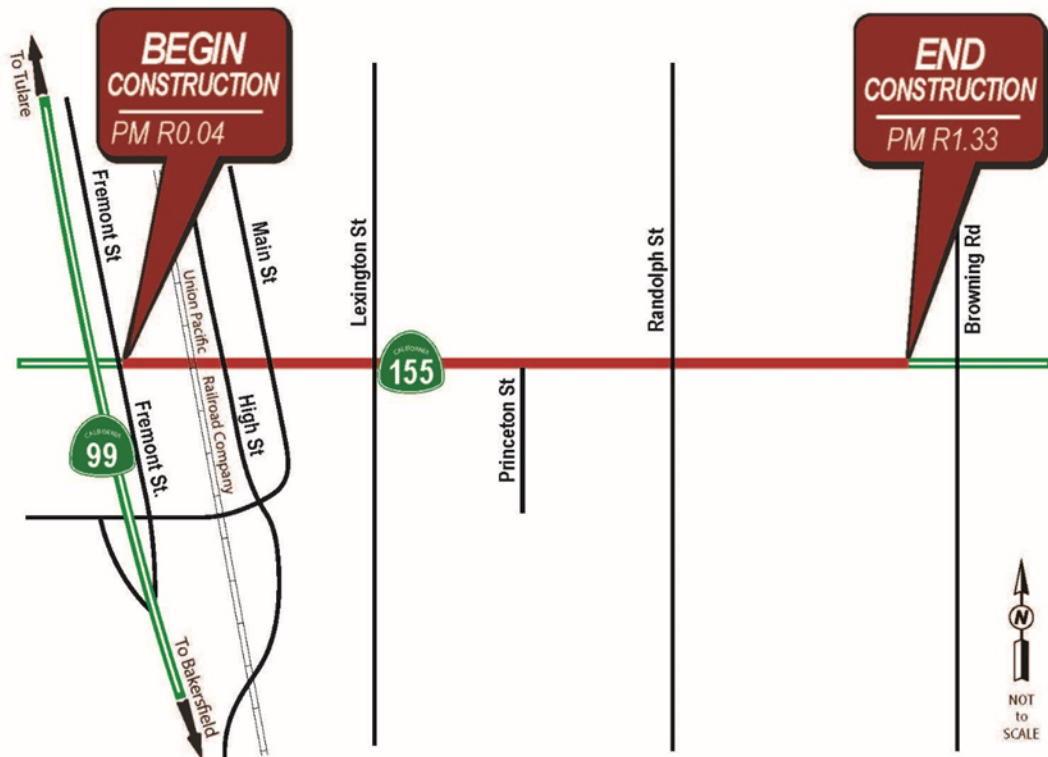


Figure 1-2 Project Location Map



1.4 Project Alternatives

A Build Alternative and a No-Build Alternative are being considered for the project.

1.4.1 Build Alternative

This project proposes to resurface, restore, and rehabilitate State Route 155 in the City of Delano, from Fremont Street to 0.13 mile west of Browning Road. Roadway work on the existing eastbound and westbound lanes of State Route 155 includes reconstructing travel lanes from post mile R0.04 to post mile R1.33 and upgrading intersections and shoulders to meet current standards.

Bike lanes, sidewalks, and curb ramps will be added within the project limits. Existing curb ramps and sidewalks will be updated to comply with current Americans with Disabilities Act standards (see Appendix B for the project preliminary plans). Currently, vehicles are encroaching on state right-of-way for parking purposes along portions of State Route 155. The addition of Americans with Disabilities Act-compliant sidewalks could impact the ability for vehicles to park within the state right-of-way after project construction. However, certain areas within the project area could provide parallel parking opportunities along the newly constructed Americans with Disabilities Act-compliant sidewalks.

Traffic Control Systems, traffic signals, loop detectors, pull boxes and other elements will be improved and upgraded. Lighting will be upgraded throughout the project limits, and a total of nine new traffic-count stations are proposed. Upgrading the existing transit stop located just east of the State Route 155 and Oxford Street intersection is being considered in addition to building new transit stops throughout the project limits as needed. Coordination with the City of Delano and Delano Area Rapid Transit will be required to determine the location of new transit stops.

Utility lines near the central portion of the project area will be relocated due to clear-recovery-zone requirements. Additional utility relocation will require adjustments to gas, water, sewer, telecommunication, and fiber optic lines to accommodate for newly installed drainage features. Relocation of power poles and telephone poles is anticipated because the current pole locations may conflict with the proposed sidewalk and drainage work.

Drainage improvements involve installing new drainage inlets, building a drainage basin, and building side ditches between post miles R0.71 and R1.33 to address the existing flooding in the area (see Appendix B). Also, three 18-inch-diameter corrugated steel pipe culverts will be replaced with three 24-inch-diameter reinforced concrete pipe culverts. The three culverts

are located on State Route 155 near the intersections of Fremont Street, Glenwood Street and High Street.

Traffic detours are not anticipated for construction activities. Typically, a flagger on either side of the construction work zone will control the flow of traffic intermittently with one direction closed and the other direction open to traffic. Temporary lane closures may be necessary for small sections of the project.

Tree and vegetation removal will be required for project construction, and additional right-of-way will be required.

This project contains a number of standardized project measures that are used on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed project. These measures are listed later in this chapter under “Standard Measures and Best Management Practices Included in All Build Alternatives.”

1.4.2 No-Build (No-Action) Alternative

Under the No-Build Alternative, State Route 155 will remain as it currently exists. There will be no improvements to the roadway, which will lead to increased maintenance costs and an unimproved roadway surface with non-standard roadway features.

[The following heading and paragraph about the preferred alternative have been added since the draft environmental document was circulated.]

1.5 Identification of a Preferred Alternative

The Build Alternative was selected as the preferred alternative because it will provide the needed improvements to bring the roadway to a state of good repair and improve accessibility for pedestrians and bicyclists. Restoring the roadway to a state of good repair will also minimize maintenance costs and result in smoother pavement surfaces that will lead to improved vehicle operations, reduced emissions, increased service life of the pavement and reduced energy consumption. The Build Alternative is the only alternative that meets the purpose and need of the project.

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

7-1.02A General: Pertains to compliance with laws, regulations, orders, and decrees applicable to the project.

7-1.02C Emissions Reduction: The contractor will submit a certification acknowledging compliance with emissions reduction regulations managed by the California Air Resources Board.

13-1.01 Water Pollution Control: Pertains to general specifications for preventing, controlling, and abating water pollution within waters of the State.

14-1.02 Environmentally Sensitive Area: Pertains to environmentally sensitive areas marked on the ground. Do not enter an environmentally sensitive area unless authorized. If breached, immediately stop all work, secure the area, and notify the engineer.

14-2.03 Archaeological Resources: Pertains to archaeological resources discovered within or near construction limits. Do not disturb the resources and immediately stop all work, secure the area, and notify the engineer. Do not move archaeological resources or take them from the job site. Do not resume work within the radius of discovery until authorized. Archaeological mitigation may include monitoring.

14-6.03 Species Protection: Pertains to protecting regulated species and their habitat that occur within or near the job site. Upon discovery of a regulated species, immediately stop all work within a 500-foot radius of the discovery and notify the engineer.

14-6.03B Bird Protection: Pertains to protecting migratory and nongame birds, their occupied nests and their eggs. Upon discovery of an injured or dead bird or migratory or nongame bird nests that may be adversely affected by construction activities, immediately stop all work within a 500-foot radius of the discovery and notify the engineer. Exclusion devices, nesting-prevention measures, and removing constructed and unoccupied nests may be applied.

14-7.03 Discovery of Unanticipated Paleontological Resources: If paleontological resources are discovered at the job site, do not disturb the resources and immediately stop all work within a 25-foot radius of the discovery, secure the area, and notify the engineer. Do not move paleontological resources or take them from the job site.

14-8.02 Noise Control: Pertains to controlling and monitoring noise resulting from work activities. Noise levels are not to exceed 86 decibels at 50 feet from the job site from 9:00 p.m. to 6:00 a.m.

14-9.02 Air Pollution Control: Comply with air pollution control rules, regulations, ordinances, and statutes that apply to work performed under the construction contract.

14-11 Hazardous Waste and Contamination: Includes specifications relating to hazardous waste and contamination.

14-11.02 Discovery of Unanticipated Asbestos and Hazardous Substances: Upon discovery of unanticipated asbestos or a hazardous substance, immediately stop work and notify the engineer.

14-11.04 Dust Control: Excavation, transportation, and handling of material containing hazardous waste or contamination must result in no visible dust migration. When clearing, grubbing, and performing earthwork operations in areas containing hazardous waste or contamination, provide a water truck or tank on the job site.

14-11.12 Removal of Yellow Traffic Stripe and Pavement Marking with Hazardous Waste Residue: Includes specifications for removing, handling, and disposing of yellow thermoplastic and yellow painted traffic stripe and pavement marking. The residue from the removal of this material is a generated hazardous waste (lead chromate). Removal of existing yellow thermoplastic and yellow painted traffic stripe and pavement marking exposes workers to health hazards that must be addressed in a lead compliance plan.

14-11.13C Safety and Health Protection Measures: Applies to worker protective measures for potential lead exposure.

14-11.14 Treated Wood Waste: Includes specifications for handling, storing, transporting, and disposing of treated wood waste.

1.7 Discussion of the NEPA Categorical Exclusion

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

1.8 Permits and Approvals Needed

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

Agency	Permit/Approval	Status
San Joaquin Valley Air Pollution Control District	Dust Control Plan	A Dust Control Plan will be submitted before construction starts.

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Checklist

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

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

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

2.1.1 Aesthetics

Considering the information in the Caltrans Scenic Resource Evaluation and Visual Impact Assessment dated August 2021, the following significance determinations have been made:

Except as provided in Public Resources Code Section 21099:

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

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

2.1.2 Agriculture and Forest Resources

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

Considering the information in the California Department of Conservation Important Farmland Finder dated April 2021 and the Caltrans Right-of-Way Data Sheet dated September 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Agriculture and Forest Resources
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact

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

2.1.3 Air Quality

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

Considering the information in the Caltrans Air Quality Memorandum dated June 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Air Quality
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	No Impact

Question—Would the project:	CEQA Significance Determinations for Air Quality
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

2.1.4 Biological Resources

Considering the information in the Caltrans Biological Compliance Memorandum dated May 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic Atmospheric Administration Fisheries?	Less Than Significant Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact

Question—Would the project:	CEQA Significance Determinations for Biological Resources
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

a) Affected Environment

The studied area is limited to the Caltrans right-of-way and adjacent agricultural or highly disturbed lands. Developed lands within the project area include residential areas, businesses, and medical facilities. The shoulders along State Route 155 contain mostly weedy plants and bare ground. A row of trees stands on the north side of State Route 155 beginning near the proposed water storage basin site and continuing for about 1,000 feet to the State Route 155 and Randolph Street intersection.

The project biologist conducted site visits to the project area in March and April 2021. Bird nests were found in some of the trees near the proposed water storage basin site; the nests were not occupied during the time of the site visit.

San Joaquin kit foxes and western spadefoot toads were not seen during either site visit. However, observations of these two species have occurred within 6 miles of the project area.

Environmental Consequences

Build Alternative

Construction activities could impact nesting birds in the area near the proposed water storage basin by removing trees. Nearby agricultural land or roadside swales that could be used by San Joaquin kit foxes or western spadefoot toads will not be impacted by project activities.

Implementing standard conditions or Best Management Practices designed to reduce or eliminate impacts to San Joaquin kit foxes, western spadefoot toads and nesting birds as part of the project will reduce impacts to less than significant.

No-Build Alternative

No impacts to biological resources are expected under the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Build Alternative

Caltrans and the contractor will follow Best Management Practices during construction. Also, the following standard measures will be implemented:

[Bullets 2, 3 and 4 below have been added or revised since the draft environmental document was circulated.]

- Preconstruction environmental awareness training by a qualified biologist for migratory birds, the San Joaquin kit fox, and the western spadefoot toad will be required prior to initiation of construction activities.
- Caltrans will conduct pre-construction surveys for the San Joaquin kit fox within the project limits and in areas where Caltrans has legal authority to do so.
- If during pre-construction surveys evidence of the San Joaquin kit fox is found to be present onsite, Caltrans will coordinate with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service to determine an appropriate no-disturbance buffer.
- Preconstruction surveys for migratory birds will be required if construction is to occur during the avian nesting season (February 1 to September 30). Surveys for migratory birds and raptors will be completed by a qualified biologist no more than 30 days prior to construction. Any nests that Caltrans finds that may be at risk of take (under the Fish and Game Code and Migratory Bird Treaty Act) will be monitored by a Caltrans biologist. Caltrans will implement no-work buffers at distances that Caltrans deems appropriate to prevent take of migratory birds and Swainson's hawks during construction. No-work buffers, if needed, will be based on preconstruction surveys and monitoring results.
- If staging areas are required, they must be approved by the project biologist and will be clearly designated with stakes/flagging. Storage of equipment and materials will not extend beyond the designated staging area.
- Wildlife will be allowed to leave the project area of its own volition.
- Ground disturbance will be limited to the minimum amount necessary.
- Notify biology staff immediately of any changes to the project scope of work.
- Caltrans biology will monitor initial ground disturbance for the proposed basin.
- If trees are removed, the biologist will have to survey trees for nests before removal.
- Remove trees outside of nesting season to avoid delays to the project, if possible.

No-Build Alternative

No avoidance, minimization and/or mitigation measures are expected under the No-Build Alternative.

2.1.5 Cultural Resources

Considering the information in the Caltrans Historic Property Survey Report for the Delano 3R Rehabilitation Project dated June 2021, and a State Historic Preservation Officer letter dated August 2021, the following significance determinations have been made:

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

2.1.6 Energy

Considering the information in the Energy section of the Caltrans Standard Environmental Reference dated April 2021, the following significance determinations have been made:

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

2.1.7 Geology and Soils

Considering the information in the California Department of Conservation Earthquake Zone Map dated April 2021, California Department of Conservation Landslide Map dated April 2021, Alquist-Priolo Earthquake Fault Zoning Map dated April 2021, and Caltrans Paleontological Identification/Evaluation Report and Preliminary Mitigation Measures dated July 2021, the following significance determinations have been made:

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

f) Affected Environment

The project sits within the Great Valley Geomorphic Province, a topographic and structural basin that is bound on the east by the Sierra Nevada Mountains and to the west by the Coast Range. The Sierra Nevada, a fault block dipping gently to the southwest, is composed of igneous and metamorphic rocks of pre-Tertiary age that make up the basement complex beneath the valley. The subsurface of the Great Valley is characterized by a

thick sequence of unconsolidated to semi-consolidated sediments. Surface sediments underlying the project area consist of Quaternary alluvial fan deposits. These deposits represent the youngest and uppermost geologic units at the surface of the San Joaquin Valley; the Geologic Atlas of California identifies the Quaternary alluvial fan deposits as the Modesto Formation. The Modesto Formation has high paleontological sensitivity, based on multiple fossil localities attributed to this geological formation.

Environmental Consequences

Build Alternative

Ground-disturbing activities in the project area that reach or exceed 1 foot in depth from the original ground surface have the potential to impact scientifically significant non-renewable fossil resources of the underlying Modesto Formation.

Based on the dimensions of the proposed drainage basin and linear excavations, previously undisturbed materials of the Modesto Formation with high paleontological potential may be disturbed.

No-Build Alternative

No impacts to paleontological resources are expected under the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Build Alternative

The following measures must be applied:

- A Paleontological Mitigation Plan (PMP) will be prepared for applicable excavations within the project area; this document will be prepared, reviewed, and approved by a qualified paleontologist in accordance with the guidance provided in the Caltrans Standard Environmental Reference and Standard Special Provision 14-7.04. The Paleontological Mitigation Plan will be prepared by a paleontological subconsultant under contract/task order to Caltrans. The Paleontological Mitigation Plan will also be certified by a California-Licensed Professional Geologist. Applicable excavations are defined as ground disturbance activities extending into previously undisturbed portions of the Modesto Formation (i.e., not previously backfilled materials) at depths greater than 1 foot below original grade.
- A Caltrans- and consultant-prepared Code of Safe Practices will be reviewed, understood, signed, and adhered to by all consultant or in-house personnel.
- All construction and project personnel must complete a construction safety orientation. A procedure for interfacing paleontological and construction

personnel will need to be developed in consultation with the Resident Engineer.

- A pre-construction paleontological sensitivity training for earth-moving personnel is to be conducted; documentation of the training (sign-in sheets, hardhat stickers) will be kept with the project records (filed onsite and in the Department Task Order Manager's office).
- The professional paleontologist will designate the paleontological monitor(s) to be present during qualifying earth-moving activities, as previously defined.
- Spot Checking: Excavation of project areas from 1 foot below original grade to 3 feet below original grade: composed of less than 8-hour shifts and non-continuous field inspections of cuts, spoils piles, and graded surface, and screening of exposed sediment for fossilized macroscopic and microscopic material.
- Continuous Monitoring: Excavation of project areas from 3 feet below original grade to total depth: composed of continuous field inspections of cuts, spoils piles, and graded surface, and screening of exposed sediment for fossilized macroscopic and microscopic material.
- If paleontological resources are discovered during earth-moving activities, the construction crew will immediately cease work within a 25-foot radius of the find and immediately notify the Resident Engineer.
- Recovered specimens will be prepared for identification (not exhibition) by competent qualified specialists to a point of maximum specificity. Ideally, identification is of individual specimens to element, genus, and species and stabilized for repository requirements.
- The curation facility should be identified, and a draft curation agreement included (if possible) prior to monitoring or mitigation activities. Because the cost of curation is usually dictated by volume, all excess matrix should, to the greatest extent possible, be removed from the fossil during analysis or pre-curation preparation.
- Specimens will be cataloged, and a complete list will be prepared of specimens introduced into the collections or a repository by the curator of the museum or academic institution.
- A Paleontological Mitigation Report will be prepared following completion of project earth-moving activities and upon completion of all paleontological monitoring activities. The Paleontological Mitigation Report will document compliance with all mitigation measures and include a summary of the field and laboratory methods, site geology and stratigraphy, faunal list, and a brief statement of the significance and relationship of the site to similar fossil localities.
- Guidance provided in Standard Special Provision 14-7.04 will be followed during all phases of the project.

No-Build Alternative

Avoidance, minimization, and mitigation measures are not required under the No-Build Alternative.

2.1.8 Greenhouse Gas Emissions

Considering the information in the Caltrans Climate Change and Greenhouse Gas Emissions Memorandum dated July 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less Than Significant Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less Than Significant Impact

a, b) Affected Environment

The project sits along State Route 155, a two-lane roadway in Kern County. Land use along State Route 155 varies widely, ranging from agricultural and vacant land to newer subdivisions and businesses to older businesses and communities. Truck traffic and urban traffic use this section of State Route 155.

The 2018 Kern County Regional Transportation Plan by the Kern Council of Governments guides transportation and housing development in the project area. Chapter 4 of the plan—the Sustainable Communities Strategy—discusses the emission reduction strategy for the region. The Sustainable Communities Strategy strives to reduce air emissions from passenger vehicle and light-duty truck travel by better coordinating transportation expenditures with forecasted development patterns and helping to meet greenhouse gas targets for the region.

Environmental Consequences

Build Alternative

Greenhouse gas emissions impacts of non-capacity-increasing projects like the Delano 3R Rehabilitation project are considered less than significant under CEQA because there will be no increase in operational emissions.

However, construction equipment, traffic delays, material processing and delivery may generate short-term greenhouse gas emissions during construction. Carbon dioxide emissions generated from construction equipment were estimated using the Caltrans Construction Emissions Tool

v1.1. The estimated emissions will be 295 tons of carbon dioxide per 70 working days.

While some construction greenhouse gas emissions will be unavoidable, implementing standard conditions or Best Management Practices designed to reduce or eliminate emissions as part of the project will reduce impacts to less than significant.

No-Build Alternative

No impacts on greenhouse gas emissions are associated with the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Build Alternative

Measures to reduce project-level greenhouse gas emissions include the following:

- Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment.
- Schedule truck trips outside of peak morning and evening commute hours.
- Reduce construction waste and maximize the use of recycled materials (reduces consumption of raw materials, reduces landfill waste, and encourages cost savings).
- Incorporate measures to reduce consumption of potable water.
- Construction Environmental Training: Supplement existing training with information regarding methods to reduce greenhouse gas emissions related to construction.
- Earthwork Balance: Reduce the need for transport of earthen materials by balancing cut and fill quantities.

No-Build Alternative

Avoidance, minimization, and mitigation measures are not required for the No-Build Alternative.

2.1.9 Hazards and Hazardous Materials

Considering the information in the updated Caltrans Initial Site Assessment dated August 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less Than Significant Impact

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

a) Affected Environment

The Initial Site Assessment included review of regulatory databases and other site-related record sources. Residential, commercial, industrial, and agricultural land uses are found within the project limits. The project area also includes some vacant and undeveloped land.

Environmental Consequences

Build Alternative

The Build Alternative will generate excess soil because of project activities. Aerially deposited lead information is available for a portion of the project area from a previous study. Analytical results from the study indicate that excess

soil generated by project activities will be considered non-hazardous and can be reused or relinquished without restriction.

The Build Alternative will also include the removal of yellow painted traffic-stripe, yellow painted pavement marking, yellow thermoplastic traffic stripe, or yellow thermoplastic pavement marking that will produce hazardous waste residue.

Implementing standard conditions or Best Management Practices designed to reduce or eliminate hazardous waste/materials impacts as part of the project will reduce impacts to less than significant.

No-Build Alternative

There are no hazardous waste or material concerns with the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Build Alternative

The following measures are required:

- Yellow thermoplastic and paint striping removed during construction may require special handling and disposal requirements.

No-Build Alternative

Avoidance, minimization, and/or mitigation measures are not required for the No-Build Alternative.

2.1.10 Hydrology and Water Quality

Considering the information in the Caltrans Water Quality Memorandum dated July 2021 and the updated Caltrans Hydraulic Recommendation dated September 2020, the following significance determinations have been made:

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

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

a, c) Affected Environment

The drainage system on State Route 155 in the project area consists of drainage inlets on both sides of State Route 155 and culverts that combine to move water from rainfall into the existing City of Delano stormwater system.

Ponding water is an issue at various locations on State Route 155 within the project limits. Building a drainage basin at Princeton Street and State Route 155 and drainage ditches alongside the roadway will reduce the standing water conditions that exist within the project limits. The project is not in a 100-year base floodplain.

Environmental Consequences

Build Alternative

Installing new drainage inlets, replacing culverts and building a drainage basin are not expected to cause long-term water quality impacts on surface

waters. Short-term potential impacts to nearby surface water and groundwater could occur due to the handling, storage, and disposal of construction materials containing pollutants. Also, the maintenance and operation of construction equipment can contribute to fuel, oil, antifreeze, or other fluid leaks on the construction site, which are common sources of stormwater pollution and soil contamination. Also, the maintenance and operation of construction equipment in addition to earth-moving activities may generate soil erosion.

Implementing standard conditions or Best Management Practices designed to reduce or eliminate water quality impacts as part of the project will reduce impacts to less than significant.

No-Build Alternative

No short-term or long-term impacts on water quality are associated with the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Build Alternative

If the project disturbs 1 or more acres of soil, the following standard minimization measures will be required:

- A Notification of Intent is to be submitted to the appropriate Regional Water Quality Control Board at least 30 days prior to the start of construction.
- A Stormwater Pollution Prevention Plan is to be prepared and implemented during construction to the satisfaction of the Resident Engineer.
- A Notice of Termination is to be submitted to the Regional Water Quality Control Board upon completion of construction and site stabilization. A project will be considered complete when the criteria for final stabilization in the Construction General Permit are met.

If the project disturbs less than 1 acre of soil, a Water Pollution Control Program is required to be prepared by the contractor per the Caltrans 2018 Standard Specification Section 13-1 – Water Pollution.

By incorporating proper and accepted engineering practices and Best Management Practices, the project will minimize erosion or siltation onsite or offsite during construction or its operation.

No-Build Alternative

Avoidance, minimization, and/or mitigation measures are not required for the No-Build Alternative.

2.1.11 Land Use and Planning

Considering the information in the 2045 City of Delano General Plan Update, the following significance determinations have been made:

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

2.1.12 Mineral Resources

Considering the information in the 2045 City of Delano General Plan Update, the following significance determinations have been made:

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

2.1.13 Noise

Considering the information in the Caltrans Noise Study Memorandum dated July 2021, the following significance determinations have been made:

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less Than Significant Impact

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

a, b) Affected Environment

The area within the project limits and adjacent to the project is suburban. Land uses designated for this area are composed of residences, small businesses and government offices. Residences are located on both sides of State Route 155, set back at distances as close as approximately 50 feet from the edge of the traveled way.

Environmental Consequences

Build Alternative

No long-term noise impacts are expected under the Build Alternative. However, local noise levels near the project will increase during project construction. The amount of the increase will vary with the types and models of equipment used. Noise levels from normal construction activities range from 80 to 88 decibels at 50 feet. Noise produced by construction equipment will be reduced over a distance at a rate of 6 decibels per doubling of distance. Project construction is expected to take about 70 working days.

Implementing standard conditions or Best Management Practices designed to reduce or eliminate noise impacts as part of the project will reduce impacts to less than significant.

No-Build Alternative

Noise impacts are not expected under the No-Build Alternative.

Avoidance, Minimization, and/or Noise Abatement Measures

Build Alternative

- Construction noise is regulated by Caltrans Standard Specifications Section 14-8.02 Noise Control, which states construction noise resulting from work activities should not exceed 86 decibels at 50 feet from the job site from 9:00 p.m. to 6:00 a.m.

- All internal combustion engines should be equipped with the manufacturer-recommended muffler. Do not operate an internal combustion engine on the job site without the appropriate muffler.

No-Build Alternative

Avoidance, minimization, and/or noise abatement measures are not required for the No-Build Alternative.

2.1.14 Population and Housing

Considering the information in the Caltrans Right-of-Way Data Sheet dated September 2021, and the U.S. Census Bureau dated May 2021, the following significance determinations have been made:

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

2.1.15 Public Services

Considering the information in the 2045 City of Delano General Plan Update and the Caltrans Traffic Management Data Sheet dated July 2021, the following significance determinations have been made:

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

Question:	CEQA Significance Determinations for Public Services
Police protection?	No Impact
Schools?	No Impact
Parks?	No Impact
Other public facilities?	No Impact

2.1.16 Recreation

Considering the information in the 2045 City of Delano General Plan Update, the following significance determinations have been made:

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

2.1.17 Transportation

Considering the information in the 2045 City of Delano General Plan Update and the Caltrans Traffic Management Plan Data Sheet dated July 2021, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	No Impact
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	No Impact

Question—Would the project:	CEQA Significance Determinations for Transportation
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No Impact
d) Result in inadequate emergency access?	No Impact

2.1.18 Tribal Cultural Resources

Considering the information in the Caltrans Historic Property Survey Report for the Delano 3R Rehabilitation project dated June 2021, and a State Historic Preservation Officer letter dated August 2021, the following significance determinations have been made:

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

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	No Impact
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

2.1.19 Utilities and Service Systems

Considering the information in the Caltrans Right-of-Way Data Sheet dated September 2021, the following significance determinations have been made:

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

a) Affected Environment

Utilities

The following is a list of potential utility owners and associated utilities within the project limits:

- Caltrans – Electrical, Fiber Optic and Telecommunication Facilities
- Pacific Bell Telephone Company – Telecommunication
- Pacific Gas & Electric – Electrical and Gas
- Southern California Edison – Electrical
- Southern California Gas – Gas
- Sprint Communication Company – Telecommunication and Fiber Optic
- Time Warner Cable – Telecommunication and Fiber Optic

- Triangle Eye Institute – Telecommunication and Fiber Optic
- City of Delano – Sewer, Water, Irrigation and Storm Drains
- AT&T – Telecommunication and Fiber Optic

Service Systems

A water storage basin and storm drainage system will be constructed between post miles R0.71 and R1.33 to address flooding in the project area. The water storage basin will be constructed near the Princeton Street and State Route 155 intersection. In addition to the water storage basin, drainage ditches will be constructed from the basin area on the north side of State Route 155 and continue east for about 3,000 feet. The drainage ditches will collect storm water from the surface and shoulder of State Route 155, then move it into the water storage basin.

Environmental Consequences

Utilities

Build Alternative

Several utilities located under the pavement and shoulders of State Route 155 will be impacted by the Build Alternative. Overhead utilities throughout the project area will be impacted as well. Gas, sewage, water, fiber optic and telecommunication lines will be uncovered and inspected prior to and during construction activities. Utility relocation costs will be the shared responsibility of Caltrans and the affected utility companies.

Implementing standard conditions or Best Management Practices designed to reduce or eliminate utility relocation impacts as part of the project will reduce impacts to less than significant.

No-Build Alternative

Utility relocation is not required under the No-Build Alternative.

Service Systems

Build Alternative

About 3.29 acres of new right-of-way will be required from three parcels to construct the water storage basin and associated drainage ditches (see Appendix B for the project preliminary plans). Table 2.1 shows the estimated right-of-way acquisition for this project.

An additional 0.0464 acre of right-of-way will be required for six temporary construction easements that are needed to accommodate the construction contractor in their work.

Table 2.1 Estimated Right-of-Way Acquisition for the Project

Location	Assessor's Parcel Number	Parcel Size in Acres	Acres Needed for Project
State Route 155 and Princeton Street	424-012-24-00-7	17.00	2.20
State Route 155 and Princeton Street	424-012-12-00-2	19.03	0.71
State Route 155 and Princeton Street	424-012-13-00-5	19.32	0.38
State Route 155 and Glenwood Street-Temporary Construction Easement	422-071-01-00-7	0.35	0.021
State Route 155 and Glenwood Street-Temporary Construction Easement	037-200-12-00-1	0.20	0.021
State Route 155 and Madison Street-Temporary Construction Easement	424-111-01-00-2	0.14	0.001
State Route 155 and Madison Street-Temporary Construction Easement	424-112-01-00-9	0.13	0.001
State Route 155 and Norwalk Street-Temporary Construction Easement	424-112-13-00-4	0.15	0.0004
State Route 155 and Norwalk Street-Temporary Construction Easement	424-020-02-00-2	1.12	0.002

No-Build Alternative

Service systems are not required under the No-Build Alternative.

Avoidance, Minimization, and/or Mitigation Measures

Utilities

Build Alternative

Utility users will be informed of the date and time in advance of any service disruptions.

No-Build Alternative

Avoidance, minimization, and/or mitigation measures are not required for utilities under the No-Build Alternative.

Service Systems

Build Alternative

Caltrans will acquire the needed right-of-way from the properties listed in Table 2.1 in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (see Appendix C). However, relocations will not be required for this project.

No-Build Alternative

Avoidance, minimization, and/or mitigation measures are not required for service systems under the No-Build Alternative.

2.1.20 Wildfire

Considering the information in the Fire Hazard Severity Zone Maps dated April 2021, the following significance determinations have been made:

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

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

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
<p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<p>No Impact</p>
<p>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.)</p>	<p>No Impact</p>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<p>No Impact</p>

Appendix A Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION

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Making Conservation
a California Way of Life.

September 2021

NON-DISCRIMINATION POLICY STATEMENT

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

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

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

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

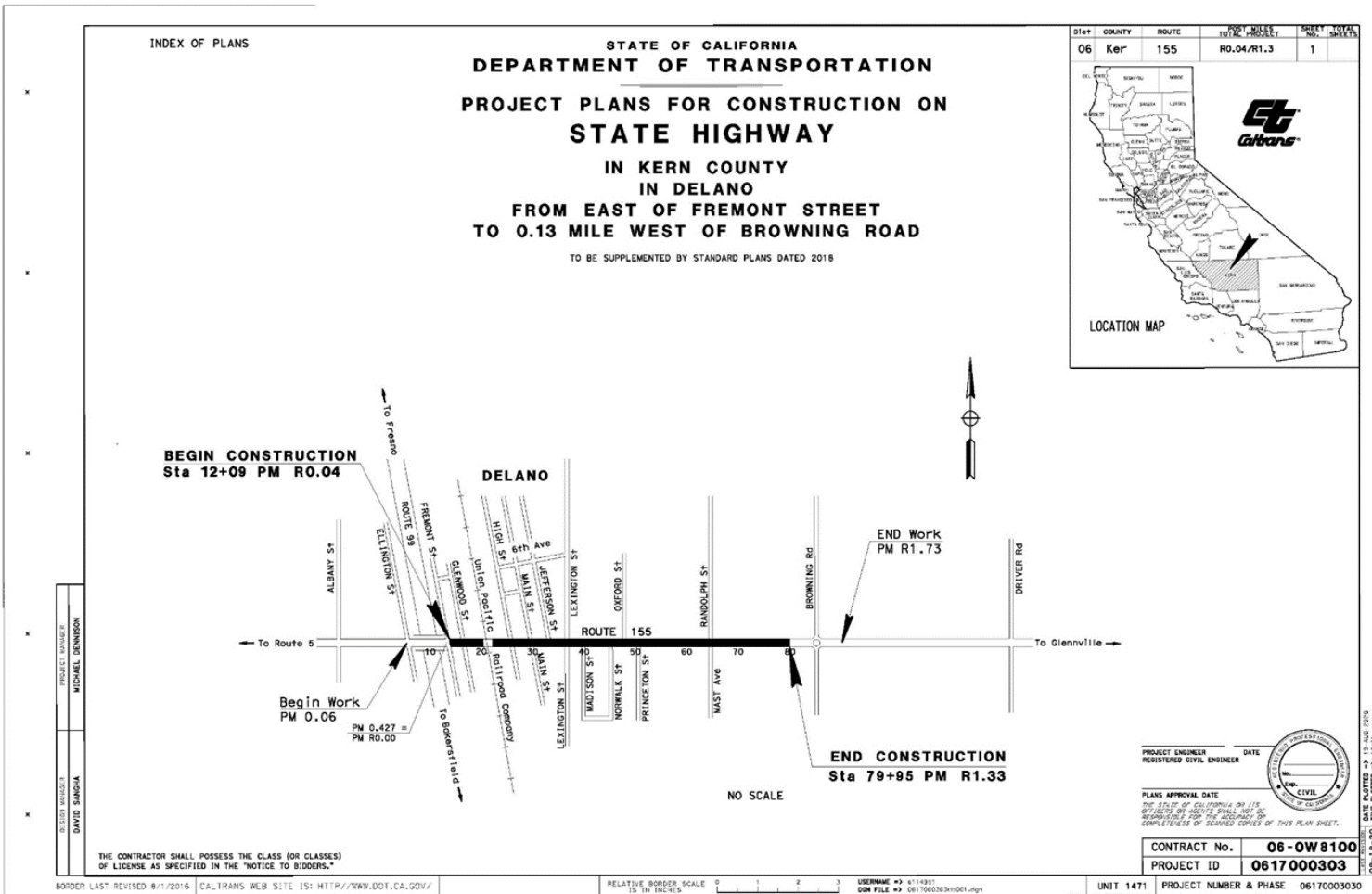
To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at 1823 14th Street, MS-79, Sacramento, CA 95811; PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

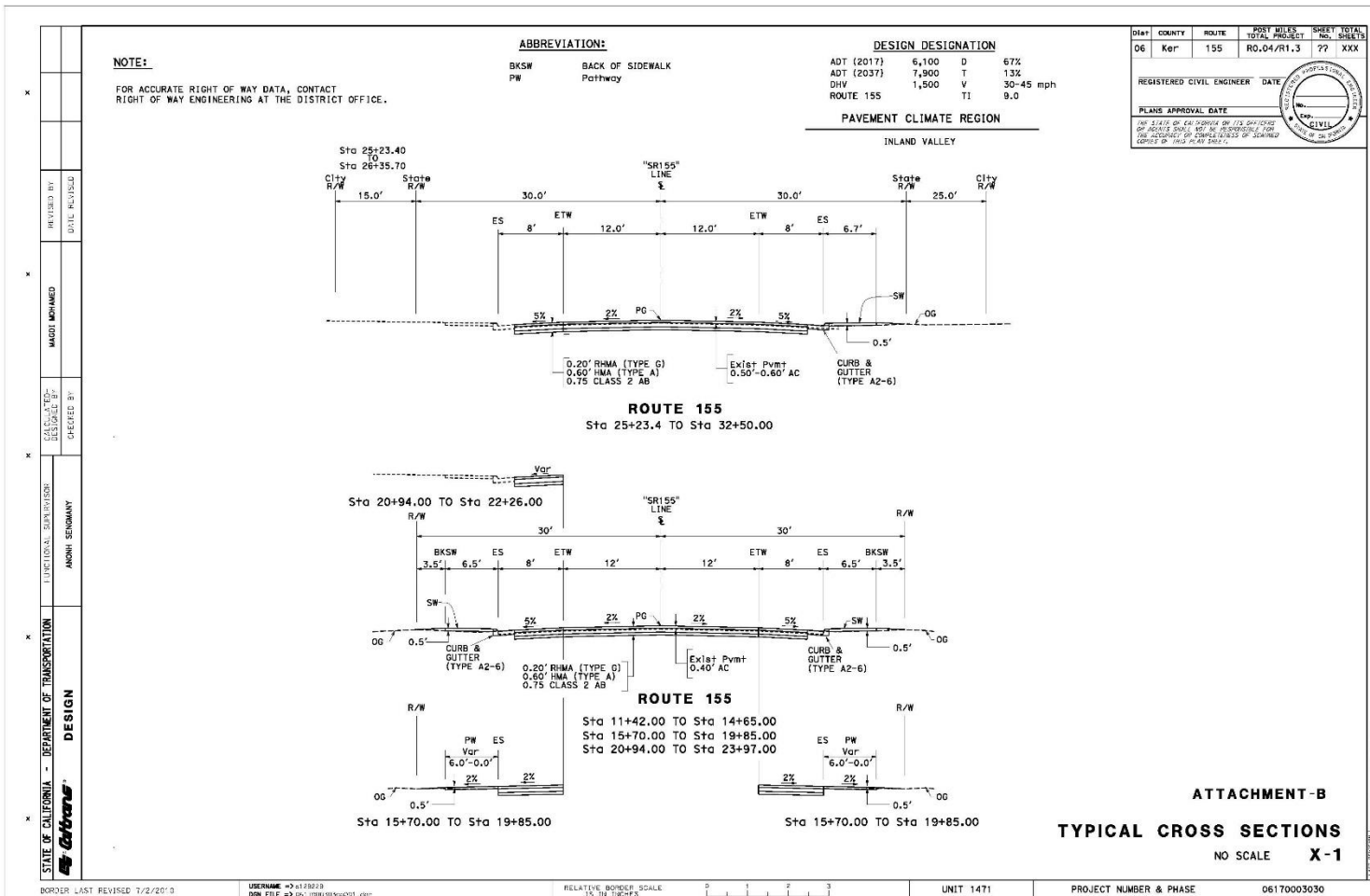
A handwritten signature in blue ink, appearing to read 'Toks Omishakin'.

Toks Omishakin
Director

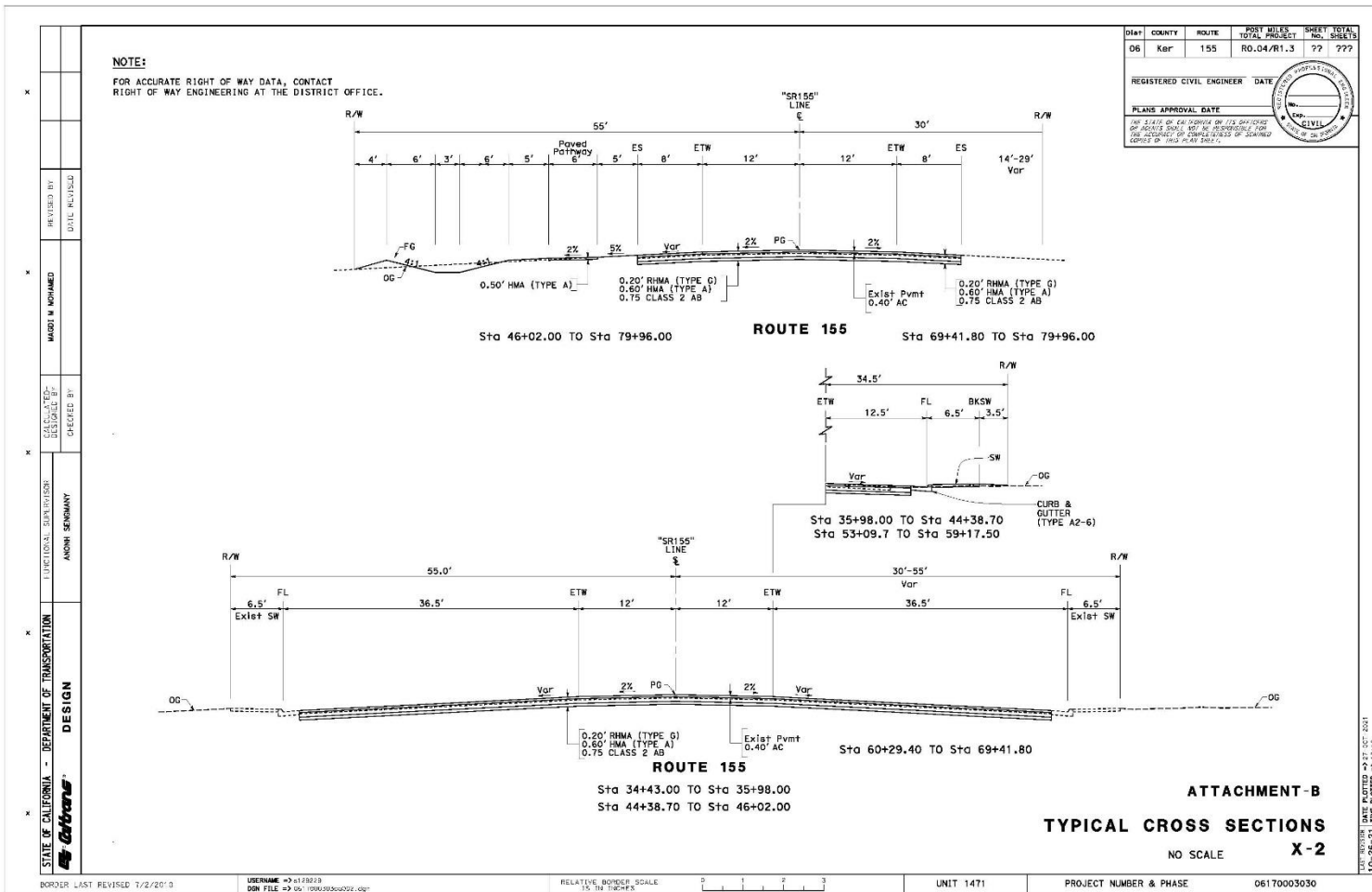
"Provide a safe and reliable transportation network that serves all people and respects the environment."

Appendix B Project Preliminary Plans

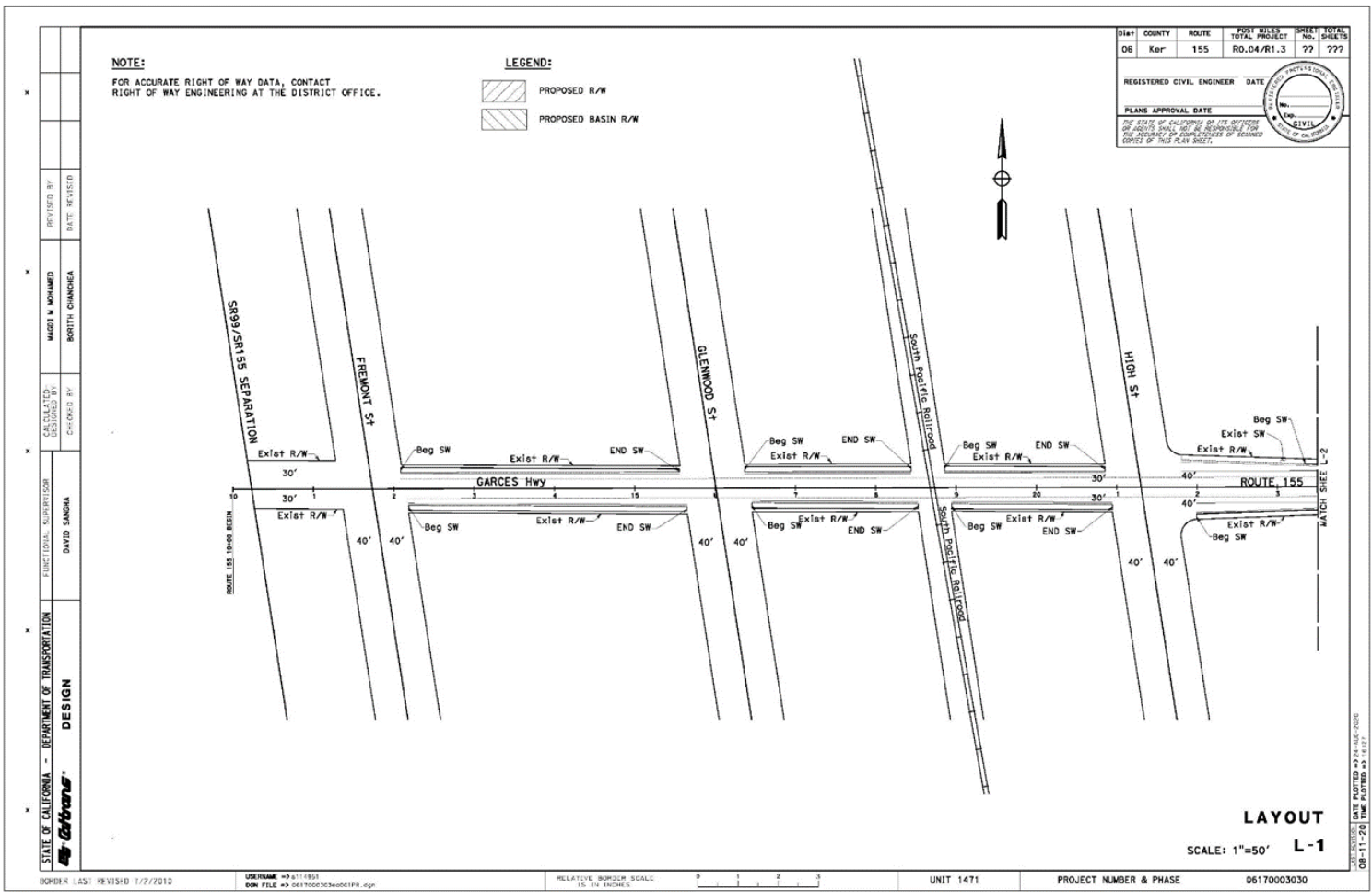




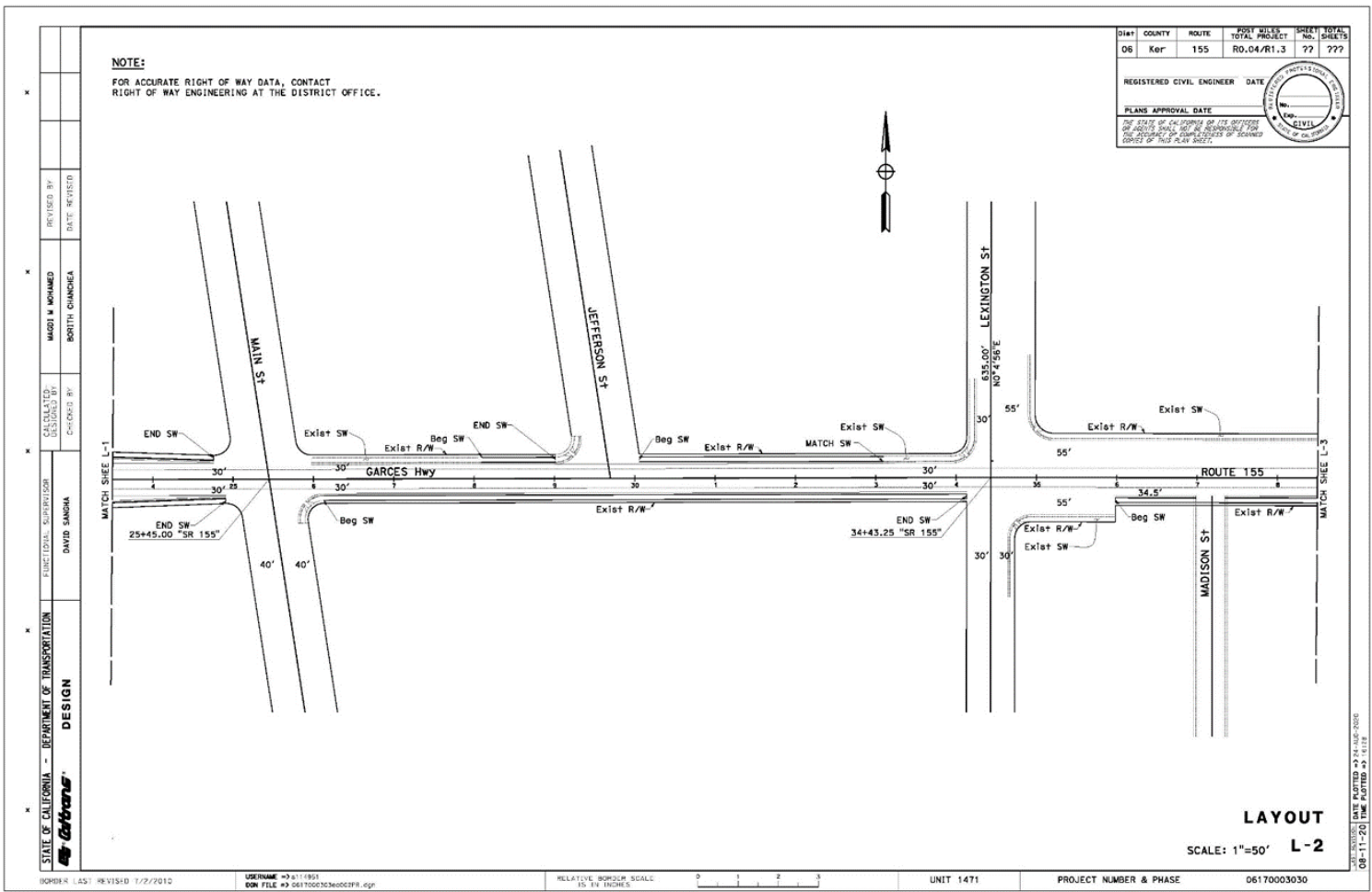
Appendix B • Project Preliminary Plans



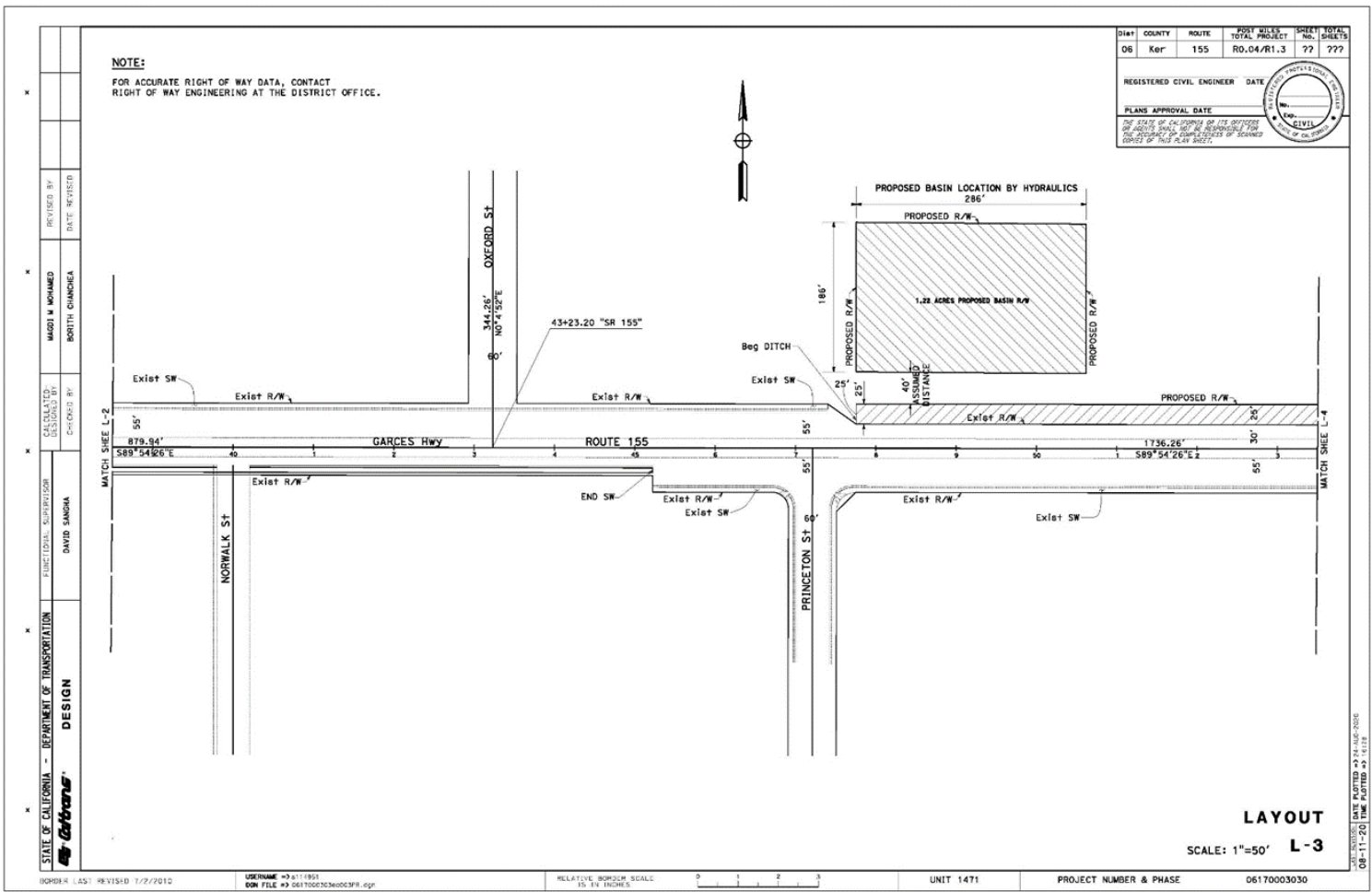
Appendix B • Project Preliminary Plans



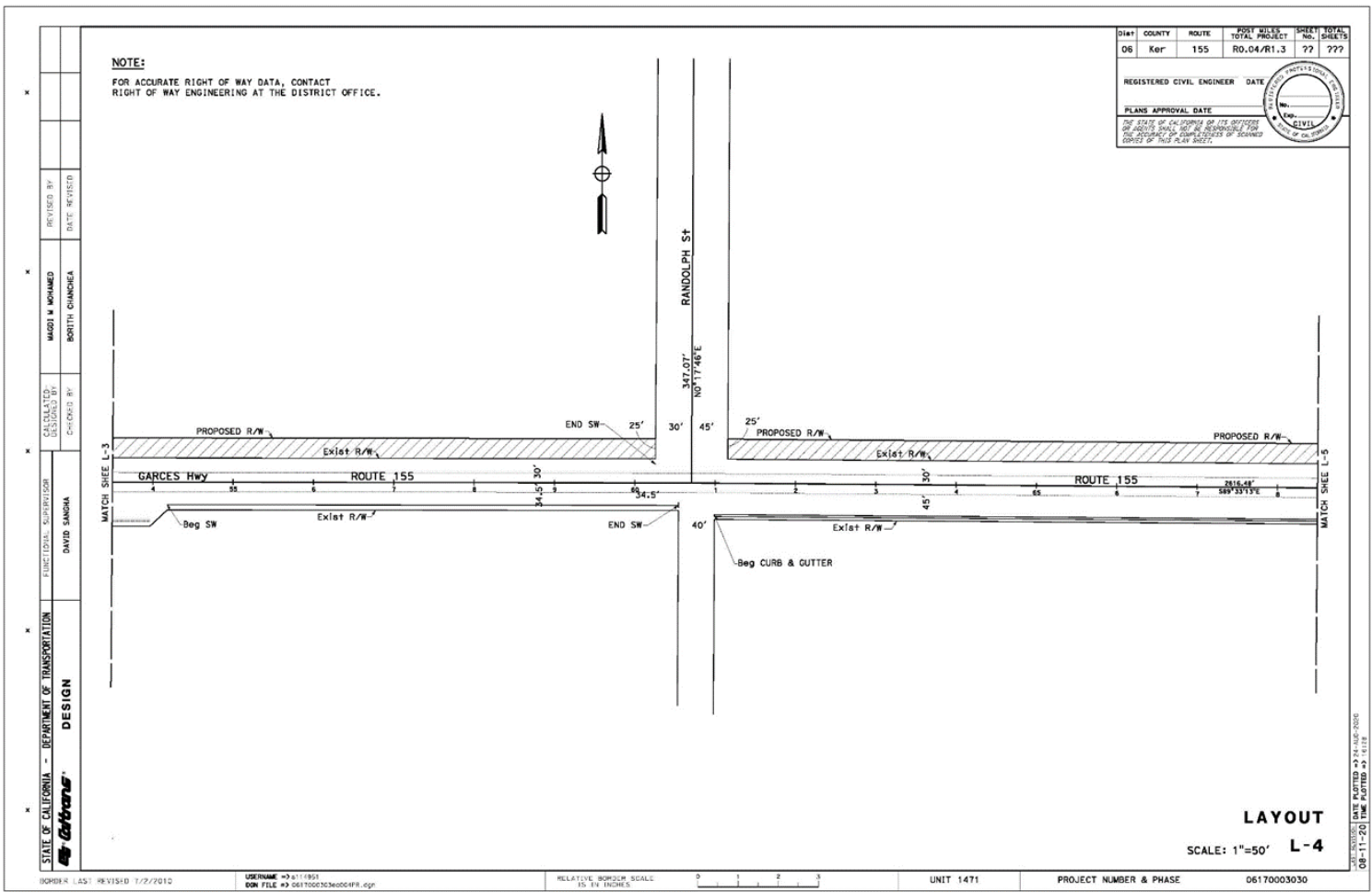
Appendix B • Project Preliminary Plans



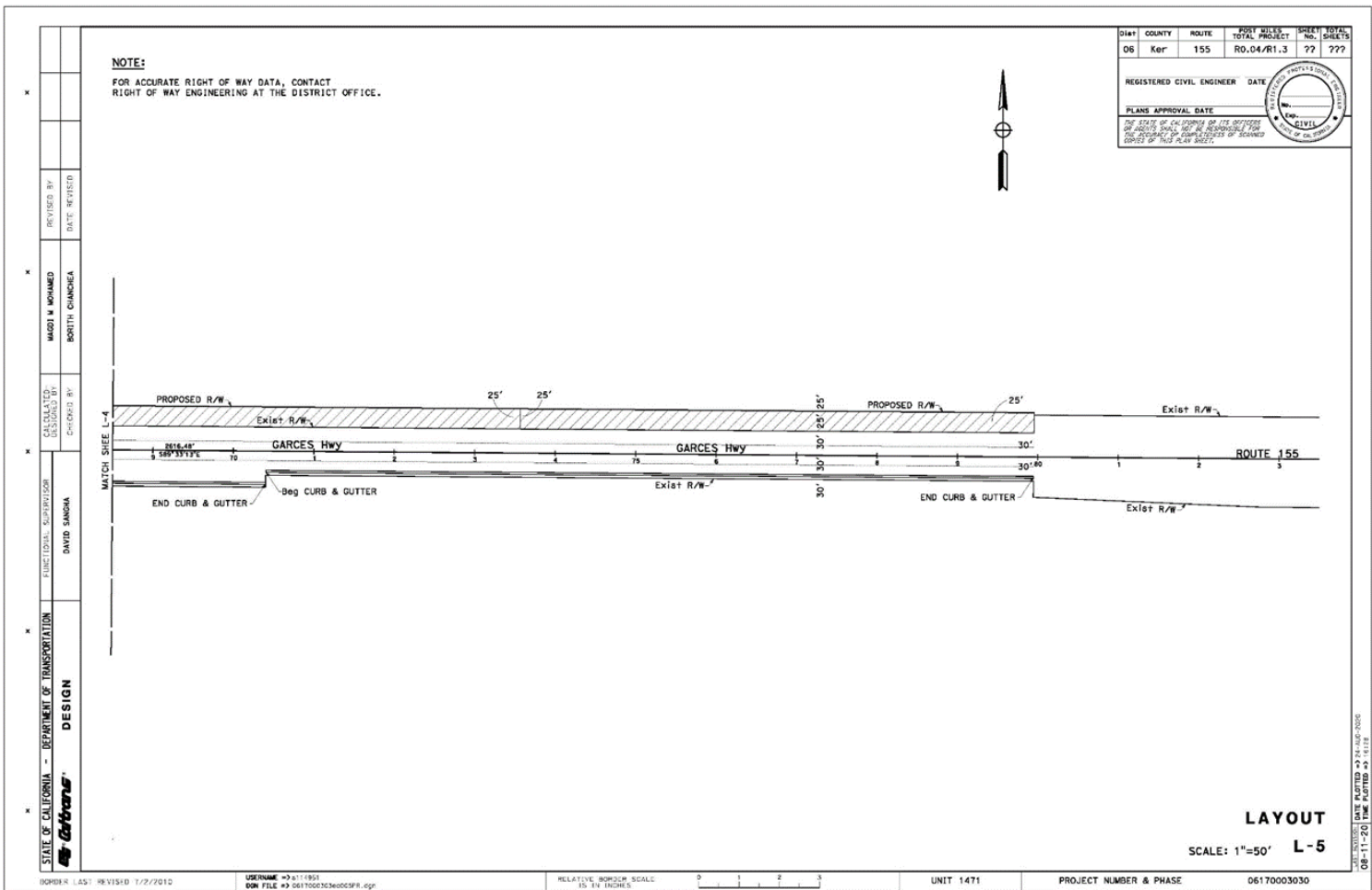
Appendix B • Project Preliminary Plans



Appendix B • Project Preliminary Plans



Appendix B • Project Preliminary Plans



Appendix C California Department of Transportation Relocation Assistance Program

DECLARATION OF POLICY

“The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.”

The Fifth Amendment to the U.S. Constitution states, “No Person shall...be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.” The Uniform Act sets forth in statute the due process that must be followed in Real Property acquisitions involving federal funds. Supplementing the Uniform Act is the government-wide single rule for all agencies to follow, set forth in 49 Code of Federal Regulations (CFR) Part 24. Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and financial benefits, as discussed below.

FAIR HOUSING

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This act, and as amended, makes discriminatory practices in the purchase and rental of most residential units illegal. Whenever possible, minority persons shall be given reasonable opportunities to relocate to any available housing regardless of neighborhood, as long as the replacement dwellings are decent, safe, and sanitary and are within their financial means. This policy, however, does not require the Department to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Any persons to be displaced will be assigned to a relocation advisor, who will work closely with each displacee in order to see that all payments and benefits are fully utilized and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments. At the time of the initiation of negotiations (usually the first written offer to purchase), owner-occupants are given a detailed explanation of the state’s relocation services. Tenant occupants of properties to be acquired are contacted soon after the initiation of negotiations and also are given a detailed explanation of the Caltrans Relocation Assistance Program. To avoid loss of possible benefits, no individual, family, business, farm, or nonprofit organization should commit to purchase or rent a replacement property without first contacting a Department relocation advisor.

RELOCATION ASSISTANCE ADVISORY SERVICES

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Department will provide relocation advisory assistance to any person, business, farm, or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. The Department will assist eligible displacees in obtaining comparable replacement housing by providing current and continuing information on the availability and prices of both houses for sale and rental units that are “decent, safe, and sanitary.” Nonresidential displacees will receive information on comparable properties for lease or purchase (for business, farm, and nonprofit organization relocation services, see below).

Residential replacement dwellings will be in a location generally not less desirable than the displacement neighborhood at prices or rents within the financial ability of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, comparable replacement dwellings will be offered to displacees that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include the supplying of information concerning federal and state assisted housing programs and any other known services being offered by public and private agencies in the area.

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without first being given at least 90 days written notice. Residential occupants eligible for relocation payment(s) will not be required to move unless at least one comparable “decent, safe, and sanitary” replacement dwelling, available on the market, is offered to them by the Department.

RESIDENTIAL RELOCATION FINANCIAL BENEFITS

The Relocation Assistance Program will help eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for or incidental to the purchase or rental of a replacement dwelling and actual reasonable moving expenses to a new location within 50 miles of the displacement property. Any actual moving costs in excess of the 50 miles are the responsibility of the displacee. The Residential Relocation Assistance Program can be summarized as follows:

Moving Costs

Any displaced person, who lawfully occupied the acquired property, regardless of the length of occupancy in the property acquired, will be eligible for reimbursement of moving costs. Displacees will receive either the actual

reasonable costs involved in moving themselves and personal property up to a maximum of 50 miles, or a fixed payment based on a fixed moving cost schedule. Lawful occupants who move into the displacement property after the initiation of negotiations must wait until the Department obtains control of the property in order to be eligible for relocation payments.

Purchase Differential

In addition to moving and related expense payments, fully eligible homeowners may be entitled to payments for increased costs of replacement housing.

Homeowners who have owned and occupied their property for 90 days or more prior to the date of the initiation of negotiations (usually the first written offer to purchase the property), may qualify to receive a price differential payment and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate.

Rent Differential

Tenants and certain owner-occupants (based on length of ownership) who have occupied the property to be acquired by the Department prior to the date of the initiation of negotiations may qualify to receive a rent differential payment. This payment is made when the Department determines that the cost to rent a comparable “decent, safe, and sanitary” replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the tenant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitations noted under the Down Payment section below. To receive any relocation benefits, the displaced person must buy or rent and occupy a “decent, safe and sanitary” replacement dwelling within one year from the date the Department takes legal possession of the property, or from the date the displacee vacates the displacement property, whichever is later.

Down Payment

The down payment option has been designed to aid owner-occupants of less than 90 days and tenants in legal occupancy prior to the Department’s initiation of negotiations. The one-year eligibility period in which to purchase and occupy a “decent, safe and sanitary” replacement dwelling will apply.

Last Resort Housing

Federal regulations (49 CFR 24) contain the policy and procedure for implementing the Last Resort Housing Program on Federal-aid projects. Last Resort Housing benefits are, except for the amounts of payments and the methods in making them, the same as those benefits for standard residential relocation as explained above. Last Resort Housing has been designed primarily to cover situations where a displacee cannot be relocated because of lack of available comparable replacement housing, or when the anticipated replacement housing payments exceed the limits of the standard relocation procedure, because either the displacee lacks the financial ability or other valid circumstances.

After the initiation of negotiations, the Department will within a reasonable length of time, personally contact the displacees to gather important information, including the following:

- Number of people to be displaced.
- Specific arrangements needed to accommodate any family member(s) with special needs.
- Financial ability to relocate into comparable replacement dwelling which will adequately house all members of the family.
- Preferences in area of relocation.
- Location of employment or school.

NONRESIDENTIAL RELOCATION ASSISTANCE

The Nonresidential Relocation Assistance Program provides assistance to businesses, farms and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. The Relocation Advisory Assistance Program will provide current lists of properties offered for sale or rent, suitable for a particular business's specific relocation needs. The types of payments available to eligible businesses, farms, and nonprofit organizations are: searching and moving expenses, and possibly reestablishment expenses; or a fixed in lieu payment instead of any moving, searching and reestablishment expenses. The payment types can be summarized as follows:

Moving Expenses

Moving expenses may include the following actual, reasonable costs:

- The moving of inventory, machinery, equipment and similar business-related property, including: dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting of personal property. Items identified as real property may not be moved

under the Relocation Assistance Program. If the displacee buys an Item Pertaining to the Realty back at salvage value, the cost to move that item is borne by the displacee.

- Loss of tangible personal property provides payment for actual, direct loss of personal property that the owner is permitted not to move.
- Expenses related to searching for a new business site, up to \$2,500, for reasonable expenses actually incurred.

Reestablishment Expenses

Reestablishment expenses related to the operation of the business at the new location, up to \$25,000 for reasonable expenses actually incurred.

Fixed In Lieu Payment

A fixed payment in lieu of moving, searching, and reestablishment payments may be available to businesses that meet certain eligibility requirements. This payment is an amount equal to half the average annual net earnings for the last two taxable years prior to the relocation and may not be less than \$1,000 nor more than \$40,000.

ADDITIONAL INFORMATION

Reimbursement for moving costs and replacement housing payments are not considered income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the extent of eligibility of a displacee for assistance under the Social Security Act, or any other law, except for any federal law providing local "Section 8" Housing Programs.

Any person, business, farm or nonprofit organization that has been refused a relocation payment by the Department relocation advisor or believes that the payment(s) offered by the agency are inadequate may appeal for a special hearing of the complaint. No legal assistance is required. Information about the appeal procedure is available from the relocation advisor.

California law allows for the payment for lost goodwill that arises from the displacement for a public project. A list of ineligible expenses can be obtained from the Department's Division of Right of Way and Land Surveys. California's law and the federal regulations covering relocation assistance provide that no payment shall be duplicated by other payments being made by the displacing agency.

Appendix D Comment Letters and Responses

This appendix has been added since the draft environmental document was circulated.

This appendix contains the comments received during the public circulation and comment period from December 6, 2021 to January 6, 2022, retyped for readability. The comment letters are stated verbatim as submitted, with acronyms, abbreviations, and any original grammatical or typographical errors included. A Caltrans response follows each comment presented. Copies of the original comment letters and documents can be found in Volume 2 of this document.

A public notice in English and Spanish was posted in *The Bakersfield Californian* on December 6, 2021. It stated the public review and comment period for the draft environmental document would run from December 6, 2021 to January 6, 2022 and offered the public an opportunity to request a virtual public hearing. There were no requests for a virtual public hearing during the public circulation.

Four comments were received during the circulation period, from these entities: State Clearinghouse and Planning Unit, Sierra Club Kern-Kaweah Chapter, Delano Police Department, and California Department of Fish and Wildlife. Each one is presented below, followed by the Caltrans response.

Comment from the State Clearinghouse and Planning Unit

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

Filter for the SCH# of your project OR your “Lead Agency”

If filtering by “Lead Agency”

Select the correct project

Only State Agency comments will be available in the “attachments” section: bold and highlighted

Thank you for using CEQA Submit.

Mikayla Vaba

Office of Planning and Research (OPR)

State Clearing House

Response to comment: Thank you for circulating the Initial Study with Proposed Negative Declaration for the Delano 3R Rehabilitation project and acknowledging Caltrans’ compliance with California Environmental Quality Act requirements pursuant to State Clearinghouse guidelines. Caltrans has recorded the corresponding State Clearinghouse number for this project.

Comment from Stephen Montgomery, Chair, Sierra Club Kern-Kaweah Chapter

From: Stephen Montgomery <samonty@pacbell.net>

Sent: Monday, December 13, 2021 11:07 AM

To: Dennison, Michael W@DOT <michael.dennison@dot.ca.gov>

Subject: Delano 3R Rehabilitation Project (CA 155)

Michael Dennison, Project Manager

Caltrans

Dear Mr. Dennison:

This is to express our appreciation to Caltrans for the planned inclusion of bike lanes in the section of CA 155 being rehabilitated through the city of Delano.

We see this as an important component of our common goals of improving air quality in the southern San Joaquin Valley.

Thank you for your accomplishments toward good planning and design.

Stephen Montgomery, Chair

Sierra Club Kern-Kaweah Chapter

Response to comment: Thank you for your comments on the environmental document. Caltrans appreciates your support for this project.

Comment from Brianna Dixon, Delano Police Department

From: Brianna Dixon <BDixon@CityofDelano.org>

Sent: Saturday, December 18, 2021 11:57 AM

To: Dennison, Michael W@DOT <michael.dennison@dot.ca.gov>

Subject: Construction on 155

Hello Good Afternoon,

I am the traffic officer with Delano PD. I recently received the notice Cal Trans has a plan to conduct reconstruction on State Route 155. I was reaching out to inquire if there was a proposed date for this. So I can stay informed and keep my department aware of the construction.

Respectfully,

Brianna Dixon

Police Officer

Traffic | Delano Police Department

Response to comment: The project is scheduled to go to construction in the fall of 2024. The Caltrans District 6 Public Information Office will provide press releases and media alerts to local agencies and the public just prior to construction. Thank you for your comments on the environmental document.

**Comment from Annee Ferranti for Julie A. Vance, Regional Manager,
California Department of Fish and Wildlife**

December 29, 2021

Juergen Vespermann
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721

Subject: Delano 3R Rehabilitation Project (Project)
Initial Study (IS) with proposed Mitigated Negative Declaration
State Clearinghouse No. 2021120064

Dear Mr. Vespermann:

The California Department of Fish and Wildlife (CDFW) received a proposed Mitigated Negative Declaration (MND) and its supporting IS prepared by the California Department of Transportation (Caltrans) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code,

§ 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: Caltrans proposes to rehabilitate an approximately 1.3-mile segment of State Route 155 between Fremont Street to the west and Browning Road on the east (Project). All Project-related activities will occur within the existing right-of-way either within the paved travel lanes, paved shoulders adjoining the travel lanes, unpaved but compacted and engineered shoulder backing, or within the ruderal areas beyond the travel lanes and shoulder backing. The rehabilitation work would include rehabilitation of the existing pavement, utility relocation, and drainage improvements. The work will necessitate lane closures, vegetation removal, and right-of-way acquisition.

Location: The 1.3-mile segment of State Route 155 (SR 155) which will be rehabilitated exists between post mile 0.04 and post mile 1.33 in the city of Delano in Kern County. The Project segment of SR 155 is bound by urban and agricultural development along its length.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments to assist Caltrans in adequately identifying and sufficiently reducing to less-than-significant the potentially significant, direct and indirect Project-related impacts to fish and wildlife (biological) resources. Editorial comments are also included to improve the document.

Currently, the proposed MND indicates that the Project-related impacts to Biological Resources would be less-than-significant with implementation of specific avoidance and minimization efforts. However, as currently drafted, it is unclear: 1) whether some of the species-specific measures proposed in the IS sufficiently reduce to less-than-significant the potential Project-related impacts to those species, and 2) how Caltrans concluded that there will be no impacts to the State threatened Swainson’s hawk (*Buteo swainsoni*) which CDFW considers potentially present in the vicinity of the Project.

In particular, Caltrans does not address the possible presence of Swainson’s hawk in the vicinity of the Project and concludes that the proposed pre-construction environmental awareness training by a qualified biologist is

sufficient to reduce to less-than-significant the Project-related impacts on the State threatened and federally endangered San Joaquin kit fox (*Vulpes mutica macrotis*). Caltrans also considers pre-construction surveys sufficient to reduce to less-than-significant the Project-related impacts on nesting birds. CDFW does not agree with these conclusions and herein suggests measures to completely avoid Project-related impacts on these species, thereby reducing to less-than-significant Project-related impacts on them. CDFW also recommends a path forward for Caltrans in the event avoidance of either San Joaquin kit fox or listed birds is not feasible.

I. Environmental Setting and Related Impact

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

COMMENT 1: San Joaquin Kit Fox (SJKF)

Issue: The Project activities will involve varying degrees of ground disturbance and the staging and laydown of equipment and materials at discreet locations along the 1.3-mile segment of SR 155. Some of the Project activities may constitute a novel disturbance sufficient to provoke denning SJKF to abandon their dens causing increased susceptibility to predation and potentially resulting in abandoned pups during the pupping season. Caltrans proposes pre-construction environmental awareness training by a qualified biologist for SJKF but does not propose: surveys for or monitoring of potential SJKF dens, avoidance buffers around any dens at or near the Project, measures to prevent entrapment at the Project, or the potential need for incidental take coverage in the event take of individual SJKF cannot be avoided.

Specific Impacts: CDFW agrees with Caltrans' plans to conduct pre-construction environmental awareness training in advance of commencing Project activities. However, to reduce to less-than-significant the potential Project-related impacts on the species, CDFW recommends that pre-activity surveys be done to detect individuals and dens at and near the Project footprint, implementation of no-disturbance buffers around those dens which are identified during the survey, and the daily inspection of pipes, excavations, and trenches which could entrap a SJKF. Additionally, CDFW recommends Caltrans consult with CDFW in the event individual SJKF or SJKF dens are detected during the surveys and/or inspections. If avoidance of take of individual SJKF is not feasible, incidental take authorization under section 2081 of Fish and Game Code may be needed.

Evidence impact would be significant: While habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF

(Cypher et al., 2013), disturbance in proximity to a den can result in unsuccessful pupping and cause individuals to become more susceptible to predation. Both results of the Project-related disturbance could constitute significant impacts to the species.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)
Because SJKF are known to occur in the general vicinity of the Project footprint and because dens could be present outside the Project footprint but sufficiently near the Project footprint to be affected by the Project-related activities, CDFW recommends the following edits to the SJKF avoidance and minimization measure section of the IS. Further, CDFW recommends these revised measures be made conditions of Project approval.

Recommended Edits to Avoidance and Minimization Measures for SJKF on page 13 of the IS.

CDFW recommends the pre-activity clearance surveys for SJKF be conducted to identify SJKF dens at and within 250 feet of the Project footprint, and that Caltrans coordinate with USFWS and CDFW in the event that individuals and/or dens are detected during these surveys. These surveys can be limited to 100 feet beyond the Project footprint if work commences outside the pupping season. CDFW further recommends a 250-foot no disturbance buffer around natal dens, a 100-foot no disturbance buffer around known dens, and a 50-foot no-disturbance buffer around potential or atypical dens, and absolutely no disturbance to the dens within the above buffers without contacting CDFW and obtaining written authorization to do so. If the aforementioned edits to the existing avoidance and minimization measures are not made, and/or the aforementioned buffers are not feasible, CDFW recommends Caltrans obtain incidental take coverage under section 2081 subdivision (b) of Fish and Game Code and that the acquisition of an Incidental Take Permit (ITP) will be specified in the revised IS. In summary, if the edited avoidance measure is not feasible, mitigation (take authorization) would be required to reduce to less-than-significant the unavoidable Project-related impacts on SJKF.

COMMENT 2: Migratory Birds including Swainson's Hawk (SWHA)

Issue: SWHA are known to have nested in the vicinity of the Project. The Project activities will involve varying degrees of ground disturbance within the right-of-way and CDFW considers it possible that the Project-related activities would represent a novel stimulus which could result in nest abandonment if they occur within ½-mile of an active SWHA nest. This nest abandonment would represent a significant impact to SWHA as well as potentially resulting in take, as it is defined in section 86 of Fish and Game Code.

Specific Impacts: In the IS, Caltrans addresses migratory birds in general, but does not specifically address the potential presence and/or Project-related

impacts to SWHA. Caltrans indicates if the Project occurs during the nesting season, surveys for migratory birds will be performed no more than 30 days prior to commencing Project activities. However, Caltrans is not clear as to whether those surveys will include areas outside the Project footprint, and Caltrans does not propose no-disturbance buffers around active nests which may be identified during those surveys. Therefore, CDFW does not agree that the proposed pre-construction survey alone reduces to less-than-significant the potential Project-related impacts on nesting birds.

Evidence impact would be significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Adoption of the MND as it is written will allow activities that will involve ground disturbance, grading, and excavation employing heavy equipment and work crews within ½-mile of active SWHA nests. These activities could negatively affect these nests and have the potential to result in nest abandonment, significantly affecting nesting SWHA.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)
Because the Project-related activities represent novel stimuli and threaten nest abandonment, CDFW recommends Caltrans propose surveying for, and maintaining a 250-foot no disturbance buffer around active passerine nests, a 500-foot no disturbance buffer around non-listed raptor nests, and a ½-mile no-disturbance buffer around listed raptor (e.g. SWHA) nests in order to reduce to less-than-significant the Project-related impacts to nesting birds. CDFW recommends edits to the Migratory Bird avoidance and minimization measures section of the IS. Further, CDFW recommends these revised measures be made quantifiable and enforceable conditions of Project approval.

Recommended Edits to Avoidance and Minimization Measures to Specifically Address Migratory Birds and SWHA on page 20 of the IS.

Currently, under the avoidance and minimization measures section of the IS, Caltrans proposes conducting surveys for nesting birds if the Project occurs during the nesting season. CDFW recommends Caltrans propose a minimum no-disturbance buffer of 250 feet around active nests of non-listed passerine bird species, and a minimum no-disturbance buffer of 500 feet around active non-listed raptor nests. Further, CDFW recommends Caltrans edit this measure to include protocol level surveys for nesting SWHA if Project-related activities will occur during, or extend into, the SWHA nesting season (February through August). CDFW recommends Caltrans require an unqualified ½-mile no-work buffer around active SWHA nests until the young have fledged and are no longer reliant on parental care for survival. If the aforementioned edits to the existing avoidance and minimization measures are not made, and/or the aforementioned buffers are not feasible, CDFW recommends Caltrans obtain incidental take coverage under section 2081

subdivision (b) of Fish and Game Code and that the acquisition of an ITP be specified in the revised IS. In summary, if the edited avoidance measure is not feasible, mitigation (take authorization) would be required to reduce to less-than-significant the unavoidable Project-related impacts to SWHA.

II. EDITORIAL COMMENTS

One of the several bulleted items constituting the Avoidance, Minimization, and/or Mitigation Measure states, “Minimize night work to the extent practicable, if night work is required.” However, night work is not mentioned anywhere else in the IS. Project related night work would present unique negative impacts on wildlife in general and the species mentioned above. If night work is in fact anticipated, Caltrans should revise the Project Description section of the IS to include a description of the extent (number of nights), nature (activities), and timing (season) of the night work. Additionally, the Environmental Consequences section should be revised to include an analysis of the potential impacts the obligate artificial lighting may have on wildlife in general and more specifically, the species mentioned above. Further, the Avoidance, Minimization, and or Mitigation Measure section should be revised to include measures Caltrans will implement to reduce the Project related impacts of that night work on wildlife in general and specifically, the species mentioned above. Some of those measures may involve efforts to ensure habitat beyond the Project footprint is not illuminated, a maximum number of consecutive nights separated by nights with no work, increased buffers around SJKF dens and active bird nests, etc.

ENVIRONMENTAL DATA

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

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested,

and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Mr. Javier Mendez, Environmental Scientist, at the address provided on this letterhead, or by electronic mail at javier.mendez@wildlife.ca.gov.

Sincerely,

Annee Ferranti for Julie A. Vance
Regional Manager

Attachment 1: Recommended Mitigation and Monitoring Reporting Program

cc: United States Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

LITERATURE CITED

CDFW. 2016. Five Year Status Review for Swainson's Hawk (*Buteo swainsoni*). California Department of Fish and Wildlife. April 11, 2016.

Cypher, B. L., S. E. Phillips, and P. A. Kelly. 2013. Quantity and distribution of suitable habitat for endangered San Joaquin kit foxes: conservation implications. *Canid Biology and Conservation* 16(7): 25–31.

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

RECOMMENDED MITIGATION MONITORING AND REPORTING
PROGRAM (MMRP)

PROJECT: Delano 3R Rehabilitation Project (Project)

SCH No.: 2021120064

RECOMMENDED MITIGATION MEASURE

STATUS/DATE/INITIALS

Before Disturbing Soil or Vegetation

Mitigation Measure 1: SJKF Avoidance

Mitigation Measure 2: SJKF Take Authorization (if avoidance is not feasible)

Mitigation Measure 3: Nesting Birds (including SWHA) Avoidance

Mitigation Measure 4: SWHA Take Authorization (if avoidance is not feasible)

Response to comment 1: Caltrans will conduct pre-construction surveys for the San Joaquin kit fox within the project limits and in areas where Caltrans has legal authority to do so.

If, during pre-construction surveys, evidence of the San Joaquin kit fox is found to be present onsite, Caltrans will coordinate with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service to determine an appropriate no-disturbance buffer.

Based on the current conditions onsite, proposed construction activities, and the avoidance and minimization measures, no direct impacts to the San Joaquin kit fox are expected; therefore, a section 2081 from the California Department of Fish and Wildlife is not anticipated to be required.

Response to comment 2:

Swainson's Hawk

According to the California Natural Diversity Database, Swainson's hawks have not been reported within 10 miles of the project in at least the last 20 years. According to the California Department of Fish and Wildlife comment for this project, Swainson's hawks have high site fidelity, yet no Swainson's hawks have been reported by the California Natural Diversity Database within 10 miles of the project. No Swainson's hawks were observed during the initial nesting bird surveys, this further supports that Swainson's hawks are unlikely in the project impact area.

The existing environment contains regular disturbance from vehicular traffic, foot traffic, trains, and business operations. This is likely because the town of Delano is at the center of the project activities and busy State Route 99 is at the west end of the project. The only trees that may be removed are directly along State Route 155 and adjacent to a hospital and would therefore provide suboptimal nesting trees for Swainson's hawk nests due to the proximity to the road and high levels of light, vehicular traffic, and foot traffic.

Given the California Natural Diversity Database literature, existing environment, and Caltrans biologist surveys, Caltrans finds that take (hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill) of the Swainson's hawk would be extremely unlikely. However, if a Swainson's hawk were to be found nesting within a half-mile of the action area, Caltrans would propose to implement a 500-foot no-disturbance buffer. It is Caltrans' opinion that the half-mile buffer is excessive. Caltrans acknowledges the concerns raised by the California Department of Fish and Wildlife, but it has been Caltrans' experience on multiple projects that a reduced buffer combined with monitoring allowed construction to continue without having any impact to nesting or foraging activities of any Swainson's hawks in the area.

Caltrans proposes to coordinate with the California Department of Fish and Wildlife once Swainson's hawk surveys have been completed; however, at this time, Caltrans is not anticipating the need to request take authorization through issuance of an incidental take permit from the California Department of Fish and Wildlife.

Migratory Birds

Pre-construction surveys for nesting birds will be conducted, and any nests that Caltrans finds that may be at risk of take (under the Fish and Game Code and Migratory Bird Treaty Act) will be monitored by a Caltrans biologist. Caltrans will implement no-work buffers at distances that Caltrans deems appropriate to prevent take of migratory birds and the Swainson's hawk. No-work buffers, if needed, will be based on pre-construction surveys and monitoring results. Prior to the California Department of Fish and Wildlife's comments, specifications for the construction contract were compiled that include no-work buffers for migratory birds and raptors. In Caltrans construction contract specifications, the no-work buffer for migratory birds is 100 feet and the no-work buffer for raptor nests is 500 feet. These buffers will be enforced by Caltrans and adjusted as needed while preventing take of the Swainson's hawk and migratory birds.

List of Technical Studies Bound Separately (Volume 2)

Air Quality Memorandum June 2021

Noise Study Memorandum July 2021

Water Quality Memorandum July 2021

Biological Compliance Memorandum May 2021

Hydraulics Recommendation and Memorandum September 2020

Climate Change/Greenhouse Gas Memorandum July 2021

Historical Property Survey Report June 2021

- Historic Resource Evaluation Report
- Historic Architectural Survey Report
- Archaeological Survey Report

Hazardous Waste Reports

- Initial Site Assessment August 2021

Scenic Resource Evaluation and Visual Impact Assessment Memorandum August 2021

Paleontological Identification/Evaluation Report and Preliminary Mitigation Measures July 2021

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

Juergen Vespermann
District 6 Environmental
California Department of Transportation
2015 East Shields Avenue, Suite 100, Fresno, CA 93726

Or send your request via email to: juergen.vespermann@dot.ca.gov
Or call: (559) 832-0051

Please provide the following information in your request:

Project title: Delano 3R Rehabilitation Project

General location information: State Route 155 in Delano in Kern County

District number-county code-route-post mile: 06-KER-155-R0.04/R1.33

Project ID number: 0617000303