

US-95 Pavement Rehabilitation

San Bernardino County, California

District 08

08-SBd-95 (PM R57.207-
64.5) EA 08-1L240/PN
0819000167

Initial Study Mitigated Negative Declaration



Prepared by the
State of California Department of Transportation



May 2024

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General Information About This Document

What's in this document:

The California Department of Transportation (Caltrans) has prepared this Initial Study, which examines the potential environmental impacts of alternatives being considered for the project in San Bernardino County, California. The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of the overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way, with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in Burlington Northern Santa Fe (BNSF) right of way. The document describes the project, the existing environment that could be affected by the project, potential impacts from the project, and measures.

Alternative formats:

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Department of Transportation, Attn: Gabrielle Duff, Senior Environmental Planner, 464 West Fourth Street, San Bernardino, 92401, or use the California Relay Service 1(800) 735-2929 (TTY to Voice), 1(800) 735-2922 (Voice to TTY), 1(800) 855-3000 (Spanish TTY to Voice and Voice to TTY), 1(800) 854-7784 (Spanish and English Speech-to-Speech) or 711.

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SCH#202
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08- SBD-
95- PM
R57.207/6
5.5, EA
08-1L240/ PN
0819000167

Pavement Rehabilitation on U.S. Route 95 from R57.207/64.5 in San Bernardino
County, California

**INITIAL STUDY
with Mitigated Negative Declaration**

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

THE STATE OF CALIFORNIA
Department of Transportation

5/30/2024

Date

Kurt Heidelberg

Kurt Heidelberg
Deputy District Director
California Department of
Transportation
CEQA Lead Agency

The following persons may be contacted for more information about this document:

Gabrielle Duff, Senior Environmental Planner
California Department of Transportation,
District 8, 464 West 4th Street
San Bernardino, CA 92410-1400
Phone: (909) 501-5142

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CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title: U.S. Route 95 Pavement Rehabilitation

Lead agency name: Caltrans District 8

Address: 464 West 4th Street,
San Bernardino, CA 92401

Contact person: Gabrielle Duff

Phone number: (909) 501-5142

Project sponsor's name: Caltrans District 8

Address: 464 West 4th Street
San Bernardino, CA 92401

Project Location: US-95 San Bernardino County from PM R57.207/64.5

General plan description: N/A

Zoning: Resource Conservation

Description of project: The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way.

Surrounding land uses and setting: The project is located northwest of Needles, CA, straddles the Dead Mountains Wilderness Area to the east and Mojave National Preserve to the west. The area is entirely desert and rural, underdeveloped land.

Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements): California Department of Fish and Wildlife, Regional Water Quality Control Board, and U.S. Army Corps of Engineers.

NATIVE AMERICAN CONSULTATION

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code (PRC) section 21080.3.1? ☒ Yes ☐ No

If yes, ensure that consultation and heritage resource confidentiality follow PRC sections 21080.3.1 and 21080.3.2 and California Government Code 65352.4

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96

and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.
Please see the checklist beginning on page 4 for additional information.

- | | |
|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Biological Resources |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality Land |
| <input type="checkbox"/> Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Mandatory Findings of Significance | |

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MITIGATED NEGATIVE DECLARATION

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2024030440

DIST-CO-RTE-PM: 08-SBd-95 (PM R57.207-64.5)

EA: 1L240

Project Description

The California Department of Transportation (Caltrans) will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way.

The project extends approximately a 5-mile distance between US-95 (PM R57.207/64.5) and is located in one U.S. Geological Survey (USGS) 7.5-minute quadrangle (Table 1). The project crosses through one range and township, as indicated below:

Table 1. Project Township, Range, and Section Data

USGS 7.5-minute Quadrangle	Township	Range	Section(s)
Bannock	T09N	R21E	2, 3, 11
Bannock	T10N	R21E	19, 20, 27, 28, 29, 34

Determination

This Mitigated Negative Declaration (MND) is included to give notice to interested agencies and the public that it is Caltrans' intent to adopt an MND for this project.

Caltrans has prepared an Initial Study for this project and has determined from this study that the project 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, Geology and Soils, Energy, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.
- In addition, the project will have less-than-significant effects on Air Quality, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, and Transportation and Traffic.
- With the following measures incorporated, the project will have less-than-significant effects on Biological Resources:

BIO-1 (BIO-General-1 Equipment Staging, Storing, and Borrow Sites): All staging, storing, and borrow sites require the approval of the Caltrans Biologist.

BIO-2 (BIO-General-6 Species Avoidance): If during project activities a special-status plant species, desert bighorn sheep, nesting bird, or desert tortoise is discovered within the project site, all construction activities must stop within 125 feet for bighorn sheep, 100 feet for birds, 265 feet for burrowing owls, 10 feet for plants, and 50 feet for tortoises and the Caltrans Biologist and Resident Engineer must be notified. Coordination with CDFW and USFWS may be required prior to restarting activities.

BIO-3 (BIO-General-7 Worker Environmental Awareness Program (WEAP)): A Contractor Supplied biologist must present a biological resource information program/WEAP for desert tortoise, special-status plant species, and protected natural communities, prior to project activities to all personnel that will be present within the project limits for longer than 30 minutes at any given time.

BIO-4 (BIO-General-8: Biological Monitoring): The qualified biologist must monitor project activities weekly to ensure that measures are being implemented and documented and daily at locations where nesting birds were found during preconstruction surveys.

BIO-5 (BIO-General-9: Environmentally Sensitive Area): To address impacts to smoketree wash woodland, arrow weed thickets, jurisdictional waters, and desert tortoise critical habitat, delineate this area as an ESA as shown on the plans and/or described in the specifications.

BIO-6 (BIO-General-10: ESA Fence Monitoring): Integrity inspections of the temporary desert tortoise fence and enclosures (onsite cleared areas) must occur throughout the duration of the project weekly, and prior to commencing project activities, and after activities are completed. If during construction the fence fails, work must stop until it is repaired, and the Qualified biologist inspects (and clears) the job site.

BIO-7 (BIO-General-11: ESA Fence Removal): All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.

BIO-8 (BIO-General-14: Predator prevention): Project personnel are prohibited from feeding wildlife or bringing pets on the job site.

BIO-9 (BIO-General-16: Invasive Weed Control): To address impacts to natural communities, critical habitat, and special status plant species, a Qualified Biologist must identify invasive species within the Project Impact Area during shoulder backing. Treatment and disposal methods must be approved by the Caltrans Biologist prior to vegetation removal.

BIO-10 (BIO-Plant-1: Rare Plant Surveys, Flagging, and Fencing): Within the appropriate identification periods for special-status plants and sensitive natural communities prior to the start of construction, surveys shall be conducted according to CDFW 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Plant Populations and Sensitive Natural Communities (found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>). In addition, three days prior to construction, preconstruction surveys shall be conducted by a CDFW approved Qualified Biologist with a minimum of five years of professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and 150 feet from the PIA. Special-status species and sensitive natural communities shall be flagged for visual identification to construction personnel for work avoidance outside of shoulder backing areas. Special-status plant species detected that feature multiple plants in a single location must be fenced off with Environmentally Sensitive Area (ESA) high visibility fencing. Sensitive Natural Communities detected outside of shoulder backing areas shall be flagged or fenced off with ESA high visibility fencing.

BIO-11 (BIO-Arthropod-1 Rare Insect Host Plant Preconstruction Clearance Survey, Flagging, and Fencing): No more than 3 days prior to project activities, a Contractor Supplied biologist must perform a preconstruction survey for rare insect host plants (i.e. milkweed). Should any rare insect host plants be found, the Resident Engineer and Caltrans biologist must be contacted, and host plants must be flagged by the Contractor Supplied biologist for visual identification to construction personnel for work avoidance. Should multiple plants in a single location be found, the groupings must be fenced with Environmentally Sensitive Area (ESA) temporary fencing.

BIO-12 (BIO-Arthropod-PSM-2: Plant Seed Mix): Seed mixes must contain a diverse array of native pollinator plant species.

BIO-13 (BIO-Reptile-1 Equipment Flagging): Project personnel must attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for special-status reptile species - desert tortoise - before operating equipment at any time.

BIO-14 (BIO-Reptile-2 Pre-Project Surveys): To assess the number of listed reptile species that may be potentially impacted, pre-project surveys for desert tortoise must be

conducted within the PIA, and adjacent to the PIA where Project activities could affect desert tortoise. Desert tortoise surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2009 desert tortoise methodology (see: <https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf>). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to the CDFW prior to the start of Project activities. If the survey confirms presence of desert tortoise, or if a desert tortoise is observed at any time, Caltrans shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of the desert tortoise. If complete avoidance of desert tortoise cannot be achieved, a 2081 ITP will be obtained.

BIO-15 (BIO-Reptile-3: Construction Monitoring): Project activities must be monitored by USFWS authorized biologist weekly to ensure that measures are being implemented and documented.

BIO-16 (BIO-Reptile-4: Authorized Biologist Clearance Surveys): Clearance desert tortoise surveys shall be conducted by a USFWS authorized and CDFW approved qualified biologist 3 days prior to project activities within the entire PIA. If a desert tortoise (dead or alive) is located, the Resident Engineer and Caltrans biologist shall be contacted and additional measures/agency coordination will be required. Desert tortoise may be removed from work areas and out of harm's way to the nearest suitable habitat or translocated, following the most recent CDFW and USFWS guidelines if authorized and in accordance with a CDFW ITP. A CDFW ITP will be required and shall be obtained prior to any desert tortoise being handled.

BIO-17 (BIO-Reptile-5 Trash/Predation): Caltrans must implement measures to reduce the attractiveness of job sites to ravens, and other subsidized predators by controlling trash and educating workers.

BIO-18 (BIO-Reptile-6: Temporary Demarcation): Temporary demarcation in the form of temporary desert tortoise fencing shall be established following the most recent USFWS methods for construction fencing at any equipment staging, storage, and borrow sites and sites where the qualified biologist has determined contain suitable habitat for desert tortoise, as shown on the plans prior to construction to exclude desert tortoise. All temporary demarcation materials must be removed once construction has been completed.

BIO-19 (BIO-Reptile-7: Permanent Fencing): Permanent desert tortoise fencing must be installed following the most recent USFWS protocol for construction fencing to exclude desert tortoise from PM 61.4 to PM 64.5 on US-95, where feasible, to exclude desert tortoise from the roadways within critical habitat, while ensuring connectivity via tie-ins to culverts or other USFWS approved connectivity strategies.

BIO-20 (BIO-DT-1 Agency Notification & Reporting Requirements): Any desert tortoises within or near the job site found alive, injured, or dead during the implementation of the Project must provide immediate notification to the Resident Engineer and Caltrans biologist. Caltrans biologist must then notify USFWS and CDFW. Veterinary treatment and/or final deposition must follow USFWS and CDFW approval.

BIO-21 (BIO-Avian-1 Pre-Construction Nesting Bird Survey): Project activities shall not result in impacts to nesting birds, or result in the take or removal of nests or eggs in

accordance with CDFW and USFWS regulations. Preconstruction nesting bird surveys must be conducted within the Caltrans Right of Way and adjacent to the PIA where Project activities have the potential to affect nesting birds no later than 3 days prior to construction by a qualified biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures in order to locate and avoid nesting birds. Concurrent and additional surveys shall occur as the Project construction progresses, as the nature of the Project is linear in fashion. If an active avian nest is located, a no disturbance buffer shall be established and monitored by the qualified biologist based on the professional judgement of the qualified biologist, but at least 100 feet for non- passerine, 300 feet for passerine, and 500 feet for raptors or Fed/State listed birds. This buffer may be increased based on any nesting bird behavioral responses associated with Project related activities, including any synergistic responses of ambient baseline disturbances compounding with Project related activities. Any active nests shall be continuously monitored by a Qualified Biologist during the course of the Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the Qualified biologist if any nesting bird shows behavior responses related to project activities.

BIO-22 (BIO-Plant-PSM-2: Top Soil Conservation): To preserve the seed bank, any areas with ground disturbing activities or shoulder backing will have the top soil scrapped off and stored after the removal of invasive species. After project activities are completed, the top soil will be redistributed throughout the Caltrans ROW to reestablish the seed bank.

BIO-23 (BIO-Avian-2: Preconstruction Burrowing Owl Surveys):

The following burrowing owl preconstruction surveys must be performed: One survey 14 to 30 days prior to vegetation removal or ground disturbing activities, and one survey 24 hours prior to vegetation removal or ground disturbing activities. Both surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>). If preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted.

BIO-24: (BIO-Avian-PSM-3: Burrowing Owl Plan): If the presence of burrowing owl is found during the burrowing owl surveys, the Qualified Biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approved prior to commencing project activities and implementing the measures of the Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and

management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

Signature

Kurt Heidelberg

Kurt Heidelberg
Deputy District Director Caltrans
District 8

5/30/2024

Date

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Chapter 1 Introduction

Project Description and Background

Project Title:	US-95 Pavement Rehabilitation
Lead Agency Name and Address:	California Department of Transportation, District 8 464 West 4th Street San Bernardino, CA 92401-1400
Contact Person and Telephone Number:	Gabrielle Duff, Senior Environmental Planner Email address: gabrielle.duff@dot.ca.gov
Project Location:	US-95 San Bernardino County from PM R57.207/64.5
Project Sponsor's Name and Address:	California Department of Transportation, District 8, 464 West 4th Street San Bernardino, CA 92401-1400
General Plan Description:	N/A
Zoning:	N/A
Description of Project:	The project will restore, preserve, and extend the service life of the existing pavement on US Route 95 (US- 95) from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way, with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way.
Surrounding Land Uses and Setting:	The project is located northwest of Needles, CA, straddling the Dead Mountains Wilderness Area to the east and Mojave National Preserve to the west. The area is entirely desert, rural, and underdeveloped land.
Other Public Agencies Whose Approval is:	California Department of Fish & Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (USACE).

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Chapter 2 CEQA Environmental Checklist

DIST-CO-RTE:08-SBd-95

**PM/PM: R57.207-
64.5**

EA/Project No.: 1L240/0819000167

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

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I. **AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

Question	CEQA Determination
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
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

Response to Item a) No Impact. According to the Visual Impact Assessment (VIA) (Caltrans 2022), no noticeable visual changes to the environment are proposed. Therefore, visual impacts on scenic vistas are not anticipated as the project will involve pavement rehabilitation.

Response to Item b) No Impact. According to Caltrans' State Scenic Highway Program, US-95 is not designated as a state scenic highway. The project site contains no structures and will not damage any scenic resources or historic buildings.

Response to Item c) No Impact. The site's existing visual character or quality and its surroundings will remain the same as current conditions; therefore, the project will not substantially degrade the area.

Response to Item d) No Impact. The project will not implement or create new light sources or glare that will adversely affect day or nighttime views in the area.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Aesthetics.

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. 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. Would the project:

Question	CEQA Determination
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	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

Response to Item a) No Impact. According to the California Department of Conversation Farmland Mapping and Monitoring Program, no farmlands or vacant lands are mapped as Prime Farmlands, Unique Farmlands, Farmlands of Statewide Importance, or Farmlands of Local Importance within the vicinity of the project.

Response to Item b) No Impact. There are no areas within the study area under the Williamson Act contract.

Response to Item c) No Impact. The project will not impact forest lands because there are no forest lands located within the project area. The project will not conflict with existing zoning for or cause rezoning of forest land, timberland, or timberland zoned Timberland Production.

Response to Item d) No Impact. The project will not result in forest land loss or conversion.

Response to Item e) No Impact. No forest lands, timberlands, or agricultural lands are within the project site. The project will not involve changes that would convert farmland to non-agricultural use or forest land to non-forest use.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Agriculture and Forest Resources.

III. 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. Would the project:

Question	CEQA Determination
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?	Less Than Significant Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	Less Than Significant Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No Impact

Response to Item a) No Impact. California is divided geographically into 15 air basins to manage the state's air resources on a regional basis. Each air basin generally has similar meteorological and geographic conditions throughout. Local districts are responsible for preparing the State Implementation Plan (SIP) portion applicable within their boundaries.

The project is in the Mojave Desert Air Basin (Basin). The Mojave Desert Air Management District (MDAQMD) is responsible for managing the air resources for the portion of the Basin in which the project is located and is responsible for bringing the Basin into attainment for federal and state air quality standards. To achieve this goal, MDAQMD prepares plans for attaining air quality standards and maintenance of those standards once completed.

The project, as currently proposed, is listed in the region's conforming Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) and 2021 Federal Transportation Improvement Program (FTIP) regional transportation planning documents. As such, project emissions are consistent with applicable air quality plans.

Response to Item b) Less-than-Significant Impact.

Construction

During construction, short-term degradation of air quality may occur due to the release of particulate emissions (airborne dust) generated by grading and other construction-related activities. Emissions from construction equipment are also expected and will include carbon monoxide (CO), nitrogen oxides (NOX), volatile organic compounds (VOCs), directly emitted particulate matter (PM10 and PM2.5), and toxic air contaminants such as diesel exhaust particulate matter. Ozone is a regional pollutant derived from NOX and VOCs in the presence of sunlight and heat.

Site preparation and roadway construction typically involve clearing, cut/fill, trenching, and grading. Construction-related effects on air quality from most highway projects will be greatest during the site preparation phase because most engine emissions are associated with the excavation, handling, and transport of soils to and from the site.

These activities could temporarily generate enough PM10, PM2.5, and small amounts of CO, sulfur dioxide (SO2), NOX, and VOCs to be of concern.

Fugitive dust sources include disturbed soils at the construction site and trucks grading and paving the roadway. Unless properly controlled, vehicles leaving the site could deposit mud on local streets, which could be an added source of airborne dust after it dries. PM10 emissions will vary daily, depending on the nature and magnitude of construction activity and local weather conditions. PM10 emissions will depend on soil moisture, silt content, wind speed, and the amount of equipment operating. Larger dust particles will settle near the source, while fine particles will be dispersed over greater distances from the construction site.

In addition to dust-related PM10 emissions, heavy-duty trucks, and construction equipment powered by gasoline and diesel engines will generate CO, SO2, NOX, VOCs, and some soot particulate (PM10 and PM2.5) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic will increase slightly while those vehicles are delayed. These emissions will be temporary and limited to the immediate area surrounding the construction site.

SO2 is generated by oxidation during combustion of organic sulfur compounds contained in diesel fuel. Under California law and California Air Resources Board (ARB) regulations, offroad diesel fuel used in California must meet the same sulfur and other standards as on-road diesel fuel (not more than 15 parts per million of sulfur), so SO2-related issues due to diesel exhaust will be minimal. Most of the construction impacts on air quality are short-term and, therefore, will not result in long-term adverse conditions. Implementation of standardized measures, such as compliance with MDAQMD Rule 403 to reduce onsite fugitive dust, will reduce any air quality impacts resulting from construction activities to a less-than-significant level.

Operation

Because the project will not increase the number of travel lanes on US-95, it will not likely lead to a substantial or measurable increase in vehicle travel and, therefore does not require a travel analysis. The project will not increase roadway capacity on US-95 and, subsequently, will not increase emissions of criteria pollutants and their precursors following the construction period. No operational impacts related to violation of air quality standards will occur.

As discussed above, project construction will generate criteria pollutants and their precursors. However, such emissions will be short-term and transitory, and fugitive dust will be limited through compliance with MDAQMD Rule 403. No net increase in operational emissions will occur, as traffic volumes will be the same under the Build Alternative and No-Build Alternative. Implementing the proposed project will not increase roadway capacity on US-95 will not increase emissions of criteria pollutants and their precursors following the construction period. Because project construction will result in short-term generation of emissions, but no increases will occur for project operation, impacts related to a cumulatively considerable net increase of any criteria pollutants will be less than significant.

Response to Item c) Less Than Significant. ARB characterizes sensitive land uses as simply as possible by using the example of residences, schools, daycare centers, playgrounds, and medical facilities. However, a variety of facilities are encompassed. For example, residences can include houses, apartments, and senior living complexes. Medical facilities can include hospitals, convalescent homes, and health clinics. Playgrounds could be play areas associated with parks or community centers.

Emissions from construction will be short-term and transitory, and fugitive dust will be limited through compliance with MDAQMD Rule 402. Implementing the project will not increase criteria pollutants and their precursors following the construction period. Since the construction of this project will result in short-term generation of emissions, though no increases will occur during project operation, impacts related to exposing sensitive receptors to substantial pollutant concentration will result in a less than significant impact.

Response to Item d) No Impact. According to ARB, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting areas, refineries, landfills, dairies, and fiberglass molding facilities. No impacts will occur because the project will not include any of these types of uses, and no sensitive land uses are located along the project alignment.

Avoidance, Minimization, and/or Mitigation Measures

AQ-1: During construction, the contractor shall comply with Caltrans Standard Specifications Section 7-1.02A and 7-1.02C, Emissions Reductions, and comply with all applicable laws and certify they are aware of all and will comply with all Air Resources Board (ARB) emission reduction regulations.

AQ-2: During construction, the contractor shall comply with Caltrans Standard Specifications, Section 14-9.02, "Air Pollution Control," for exhaust and particulate matter emissions control to comply with air-pollution-control rules, regulations, ordinances, and statutes.

IV. BIOLOGICAL RESOURCES

Would the project:

Question	CEQA Determination
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 NOAA Fisheries?	Less Than Significant
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less Than Significant with Mitigation
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?	Less Than Significant
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact

Response to Items a), d) Less Than Significant. The information from this section is based on the Natural Environment Study Minimal Impacts (NESMI) (Caltrans 2023). The Biological Study Area (BSA) consists of the Project Impact Area (PIA) in addition to a 500-foot buffer

from these limits for wildlife and plant species. The Jurisdictional Delineation (JD) and vegetation community mapping performed by ECORP used a 20-foot buffer from the PIA. The project has the potential to affect special status biological resources are protected and/or regulated by the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and Regional Water Quality Control Board (RWQCB).

Vegetation/Natural Communities

Arrow weed thickets were located near and within a riparian area and was dominated within the BSA by arrow weed, with small patches of cattail (*Typha latifolia*), honey mesquite (*Prosopis glandulosa*), and Mexican fan palm (*Washingtonia robusta*). This community was found in one small area near the southern portion of the BSA. Smoketree wash woodland was found near the southern end of the BSA. This community was dominated within the BSA by smoketree with low cover of catclaw acacia (*Senegalia greggii*) and allscale.

Potential impacts to natural communities of concern may occur in association with the project due to disturbances associated with vegetation removal, ground disturbance, and shoulder backing. The PIA has some disturbed areas and areas with fewer disturbances. Indirect impacts such as water quality and litter control are addressed through avoidance and minimization measures.

Indirect impacts may result to natural communities due to nonnative species introduction and increased dust, both of which could reduce the quality of habitat or affect the survival and reproductive fitness of the plant species comprising the community. Indirect impacts, such as water quality and litter control, are addressed through avoidance and minimization measures.

Plant Species

Ribbed cryptantha (*Johnstonella costata*) is a California Native Plant Society (CNPS) Ranked 4.3 species. This is an annual herb that blooms from February to May. It can be found in elevations from -60 to 500 m (-195 to 1640 ft). It prefers sandy soils in desert dunes, Mojavean Desert scrub, and Sonoran Desert scrub habitats (CNPS, 2023). Spiney-hair blazing star (*Mentzelia tricuspsi*) is a CNPS Ranked 2B.1 species. This is an annual herb that blooms from March to May. It can be found in elevations from 150 to 1280 m (490 to 4100 ft). It prefers Mojavean Desert scrub habitat on slopes and washes and in gravelly or sandy soils. Ribbed cyrptantha and spiney-hair blazing star were not observed during 2023 surveys. CNDDDB (California Natural Diversity Database) also does not have any recent observations of these species within 2 miles of the BSA.

Wildlife

CNDDDB has several historical records of special status or rare species in the Project area. These include desert bighorn sheep (*Ovis canadensis nelsoni*), desert tortoise (*Gopherus agassizii*), and summer tanager (*Piranga rubra*). No special status wildlife species was observed within the BSA during the botanical survey.

Invertebrate Species

The Monarch butterfly (*Danaus plexippus*) is a federally listed Candidate for federal listing species under the Federal Endangered Species Act (FESA). Milkweed is required for monarch habitat for egg laying and to provide food for larvae. The species ranges from South America to Canada and overwintering populations are found in Mexico, California, Arizona, and along the US East Coast. They require access to streams, plenty of sunlight, and appropriate roosting vegetation that is relatively free from predators. While breeding, monarchs can be found in agricultural fields, pastureland, prairie remnants, urban and suburban residential areas, gardens, trees, and roadsides. One species of milkweed was documented near the BSA, and a total of 41 desert milkweed (*Asclepias subulate*) were documented throughout the BSA and were mostly found near the road shoulder. Because of milkweed's importance in the Monarch butterfly's lifecycle, there is suitable habitat present in both the BSA and PIA.

The project has the potential to directly impact Monarch butterfly by the removal of host plants for construction. Temporary impacts include vegetation removal, ground disturbance, and staging areas. Indirect, permanent impacts include habitat conversion through the introduction of invasive species that are addressed in the avoidance and minimization measures. Based on the avoidance and minimization measures provided in this section, Caltrans anticipates the Project will have *no effect* on the Federal Candidate Monarch butterfly.

Reptile Species

Desert tortoise (*Gopherus agassizii*) is a federally threatened and State threatened species. The desert tortoise spends up to 95% of its life underground. It lives in a variety of habitats, from sandy flats to rocky foothills, including alluvial fans, washes, and canyons where suitable soils for den construction might be found. Their diet generally consists of wildflowers, grasses, and cacti. The Mojave and Sonoran deserts are where the desert tortoise is usually found, specifically in southeastern California. During the Jurisdictional Delineation and Rare Plant Surveys in 2023, no signs of Desert Tortoise were observed. There is suitable habitat in the form of Mojavean desert scrub throughout the BSA and PIA. This species is not anticipated to be burrowing in the PIA due to disturbance. However, individuals may still be found in the PIA as they search for food and water. Furthermore, this project is partially within Desert Tortoise Critical Habitat from PM 61.4 to PM 64.5. The side-blotched lizard (*Uta stansburiana*) was observed during 2023 surveys.

Although desert tortoise was not observed within the BSA during 2023 surveys, suitable habitat is present within the BSA. As such, desert tortoises have the potential to occur within the BSA at any time. The project has the potential to directly impact these species via crushing or other forms of injury while they are traversing the PIA. Project activities may also destroy burrows. Indirect effects include temporary surface/vibration disturbances because individuals may be deterred from inhabiting or foraging in areas near such activities. Additional indirect impacts could occur from construction-related dust, trash, sedimentation, and erosion along the site edges, which have the potential to alter offsite conditions.

Impacts to desert tortoise resulting from project activities include direct and indirect impacts. Desert tortoise may be removed or crushed from equipment, leading to mortality or decreased fitness, and thus is considered a direct impact that could be permanent if individuals are not able

to recover. Loss of vegetation or degradation of vegetation, even temporarily, may indirectly impact the desert tortoises. Permanent impacts are analyzed as portions of the PIA where shoulder backing occurs. Temporary impacts are analyzed as portions of the PIA that will contain no permanent structures or materials and are planned to be restored to pre-project conditions. Temporary impacts that were evaluated include staging areas, limits of ground disturbance, and vegetation removal. Caltrans has determined that the project will result in a no effect determination to the desert tortoise and its designated critical pursuant to Section 7(a)(2) of the Federal Endangered Species Act (FESA), Caltrans has determined that there will be *no take* of desert tortoise under California Endangered Species Act (CESA).

Avian Species

Costa's hummingbird (*Calypte costae*) is a Bird of Conservation Concern. This species lives primarily in desert, semi-desert, arid brushy foothills, and chaparral. Typically breeds in the southwestern US, including the southeastern border of California. This species is most likely to be seen in the BSA during March.

Lawrence's goldfinch (*Carduelis lawrencei*) is a Bird of Conservation Concern. This species breeds primarily in coast ranges and the foothills of the Sierra Nevada and in the Baja highlands. Outside of the breeding season, they move into the coastal lowlands and the lower part of the California desert. Typical nesting habitat is dry and open woods that are near both brushy areas and in fields of tall annual weeds, usually within 0.5 m of a small body of water. May nest in rural residential areas but not in deserts or dense forests. Outside of the nesting season, it may occur in deserts, suburbs, and city parks. Likely to be seen within the BSA in March.

Both species were not observed within the BSA during 2023 surveys. There is suitable habitat within the BSA, however, and could be affected by auditory or visual disturbance. They may occur in the BSA and may be indirectly affected by project activities. Temporary impacts involving ground disturbance and vegetation removal could impact species in the area. The Project is not anticipated to substantially reduce foraging habitat or nesting habitat for special-status bird species. Any foraging individuals will avoid the work area during construction. Therefore, substantial impacts to these species are not anticipated. The shoulder backing could permanently remove suitable habitat for foraging birds.

There could be temporary impacts on these species if nesting occurs within the BSA, including loss of nesting habitat, nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation, and degradation of suitable habitat. However, nesting bird species are not anticipated to nest within the PIA due to disturbance. In addition, the avoidance and minimization efforts listed below, including preconstruction nesting bird surveys and monitoring, will ensure impacts on nesting birds, should they be present, do not occur. Caltrans anticipates *no take* for birds protected under the Migratory Bird Treaty Act.

Mammal Species

Desert bighorn sheep (*Ovis canadensis nelsoni*) is a CDFW Fully Protected species. This species inhabits rocky slopes, cliffs, canyons, washes, and alluvial fans. They prefer rugged and open

habitats with grasses and forbs for grazing. It lives in sagebrush, desert scrub, southwestern shrubsteppe, chaparral-mountain shrub, pinyon-juniper, and desert grasslands.

Desert bighorn sheep were not observed during 2023 surveys. However, there is suitable habitat present within the BSA, and CNDDB has a historical observance of them from 1986, approximately 0.56 miles east of the project location. Coyote (*Canis latrans*) was observed during 2023 surveys. Based on the results of a literature search, special-status mammal species have the potential to occur within the BSA and in the vicinity. Impacts to vegetation communities that could provide suitable foraging habitat for special-status mammal species may occur in association with the project due to disturbances associated with construction along with a permanent loss of foraging habitat.

Temporary impacts involving ground disturbance and vegetation removal could impact species in the area. The project is not anticipated to substantially reduce foraging habitat or nesting habitat for special-status mammal species. Any foraging individuals will avoid the work area during construction. Therefore, substantial impacts to these species are not anticipated. The shoulder backing could permanently remove suitable habitat for special-status mammal species. Caltrans does not anticipate project impacts to cause these species to trend towards a State or federal listing status.

Habitat Connectivity

A major reason for regional declines in native species is the pattern of habitat loss. Species that once moved freely through a mosaic of natural vegetation types are now confronted with a manmade labyrinth of barriers that fragment formerly expansive natural landscapes. Roads, railroads, canals, and urbanization – especially massive new renewable energy projects – are the major obstacles to wildlife movement. Populations of many species of concern are becoming increasingly isolated from one another, leading to reduced genetic diversity and risk of extirpation.

Road (and railroad) effects extend far beyond the road itself and include road mortality, disruption of animal movements, the spread of exotic species, and increases in pollution, noise, light, and fire in wildlife habitats. Roads, railroads, and canals can fragment large habitat areas into smaller patches that support smaller populations, which are consequently more prone to local extinction. Many of these effects can be mitigated, for instance, by strategically placing crossing structures (over or under, as appropriate) to facilitate wildlife movement across these barriers.

This project is within the Fontana Plains and Calimesa Terraces EcoRegion SubSection and the Southern California Mountain and Valley EcoRegion Section. The landscape is moderate-elevation narrow ranges and broad fault blocks. Granitic formations are beneath the uplands, with areas of marine and nonmarine sedimentary rocks elsewhere. Vegetation consists of chaparral-mountain shrub, western hardwoods, and ponds.

CDFW's Areas of Conservation Emphasis (ACE) dataset contains terrestrial conservation information on species Biodiversity, Significant Habitats, and Climate Resilience. The Terrestrial Connectivity layer, one of four ACE key components, was developed to support conservation planning efforts by allowing users to spatially evaluate an area's relative contribution to terrestrial

connectivity based on statewide, regional, and other connectivity analyses. Connectivity information is represented on maps by multi-colored hexagons based on information regarding mapped corridors or linkages and their connectivity to large, contiguous, natural areas (Appendix C). ACE Connectivity Ranks are of 1-5, with Rank 1 being low potential (represented by a light color) and Rank 5 being high potential (represented by a dark color). Such ranks are based on the conservation importance of connectivity and the best available data. The California Department of Fish and Wildlife's (CDFW) Areas of Conservation Emphasis (ACE) dataset contains terrestrial conservation information on species Biodiversity, Significant Habitats, and Climate Resilience. The Terrestrial Connectivity layer, one of four ACE key components, was developed to support conservation planning efforts by allowing users to spatially evaluate an area's relative contribution to terrestrial connectivity based on statewide, regional, and other connectivity analyses. ACE Connectivity Ranks are of 1-5, with Rank 1 being low potential and Rank 5 being high potential. This project is within ACE Rank 4: Conservation Planning Linkages.

Response to Item b) Less Than Significant with Mitigation

Regional Species and Habitats and Natural Communities of Concern

A literature search identified nine (9) special status plants and animals and two (2) natural communities of concern as potentially occurring within the vicinity of the Project. Information, including common name, scientific name, legal status, habitat requirements, and potential to occur for each special-status biological resource includes the following species: Smoketree ash woodland, Arrow weed thickets, Howe's hedgehog cactus (*Echinocereus engelmannii*), Ribbed cryptantha (*Johnstonella costata*), Spiny-hair blazing star (*Mentzelia tricuspis*), Monarch butterfly (*Danaus plexippus*), Desert tortoise (*Gopherus agassizii*), Summer tanager (*Piranga rubra*), Costa's hummingbird (*Calypte costae*), Lawrence's goldfinch (*Carduelis lawrencei*), Desert bighorn sheep (*Ovis canadensis nelson*).

Jurisdictional Waters

The BSA is within an arid region; therefore, streamflows are episodic and there is little natural perennial surface water. As a result of the variability of rainfall, surface hydrology is dominated by ephemeral washes, flowing only during and immediately after storm events and remaining dry for most of the year. The hydrologic regime for the area follows the general Mediterranean climate, with cool, wet winters and warm, dry summers.

The BSA is located within the Piute Wash Watershed (Hydrological Unit Code [HUC]-8 15030102) in the lower Colorado Basin. More specifically, the BSA extends through the Town of Bannock (HUC-12 150301020209), Crestview Wash (HUC-12 150301020306), Sacramento Springs-Piute Wash (HUC-12 150301020307), and Hacienda Wash-Piute Wash (HUC-12 150301020308) sub-watersheds (Watershed Boundary Dataset [WBD] 2023).

The Piute Wash watershed drains from the southeastern portion of Nevada and San Bernardino County, California, and collects water from the Piute Range to the east, the Newberry Mountains to the north, and the Dead Mountains to the southeast. Water flows

south through Piute Valley and Piute Wash and drains into the Colorado River just north of Needles.

Features recorded within the BSA consisted mostly of natural ephemeral drainages, which are linear features that only convey stormwater runoff for short periods of time, during and immediately following rain events. Some of the ephemeral drainages correspond to historical blue line streams and most of the mapped ephemeral streams are visible on aerial photography. Indicators of OHWM within the ephemeral streams included breaks in bank slope, scouring, change in average sediment texture, sediment deposits, and changes in vegetation species. The majority of the streams were unvegetated or contained upland vegetation species; however, 31 of the drainages were associated with desert riparian vegetation. Many of these plant species occurred along the banks of the features rather than within the channels themselves.

Temporary impacts are considered as portions of the project area that will contain no permanent structures or materials and are planned to be restored to pre-project conditions. Temporary impacts that were evaluated include areas within an aquatic resource area that will be used as access for equipment access and construction. Permanent impacts are considered to be portions of the project area where permanent structures or materials are to be placed within an aquatic resource. The only permanent impact associated with the project is the shoulder backing, which will be installed in an area 4 feet in width from the ETW. The shoulder backing will be placed within drainages at some locations.

Agency coordination or permits for wetlands and other waters is anticipated. Caltrans has determined a USACE 404 of the Clean Water Act Non-Reporting Permit, RWQCB 401 of the Clean Water Act, and CDFW – Section 1602 Lake and Streambed Alteration Agreement of the CFGC will likely be required.

Response to Items c) No Impact

There are no State or Federally protected wetlands in the project area.

Response to Item e): No Impact. Chapter 88.01 of the San Bernardino County Development Code (SBCDC) provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership. The intent of the regulations is to promote and sustain the health, vigor, and productivity of plant life and aesthetic values within the County through appropriate management techniques. Section 88.01.060 provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. Desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits). However, removal of regulated trees or plants shall not apply to lands owned by the United States or State of California and is exempt under Section 88.01.030. Therefore, Caltrans is exempt under Section 88.01.030.

Response to Item f): No Impact. The project is not located within the boundaries of an established HCP, NCCP, or other natural resources conservation plan. The project footprint is not located within Federally designated Critical Habitat for any listed species. Therefore, the project will not conflict with the provisions of an adopted HCP,

NCCP, or other approved local, regional, or state habitat conservation plan.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will be included with implementation of the project:

BIO-1 (BIO-General-1 Equipment Staging, Storing, and Borrow Sites): All staging, storing, and borrow sites require the approval of the Caltrans Biologist.

BIO-2 (BIO-General-6 Species Avoidance): If during project activities a special-status plant species, desert bighorn sheep, or desert tortoise is discovered within the project site, all construction activities must stop within 125 feet for bighorn sheep, 100 feet for birds, 265 feet for burrowing owls, 10 feet for plants, and 50 feet for tortoises and the Caltrans biologist and Resident Engineer must be notified. Coordination with CDFW and USFWS may be required prior to restarting activities.

BIO-3 (BIO-General-7 Worker Environmental Awareness Program (WEAP)): A Contractor Supplied biologist must present a biological resource information program/WEAP for desert tortoise, special-status plant species, and protected natural communities, prior to project activities to all personnel that will be present within the project limits for longer than 30 minutes at any given time.

BIO-4 (BIO-General-8: Biological Monitoring): The qualified biologist must monitor project activities weekly to ensure that measures are being implemented and documented and daily at locations where nesting birds were found during preconstruction surveys.

BIO-5 (BIO-General-9: Environmentally Sensitive Area): To address impacts to smoketree wash woodland, arrow weed thickets, jurisdictional waters, and desert tortoise critical habitat, delineate this area as an ESA as shown on the plans and/or described in the specifications.

BIO-6 (BIO-General-10: ESA Fence Monitoring): Integrity inspections of the temporary desert tortoise fence and enclosures (onsite cleared areas) must occur throughout the duration of the project weekly, and prior to commencing project activities, and after activities are completed. If during construction the fence fails, work must stop until it is repaired, and the Qualified biologist inspects (and clears) the job site.

BIO-7 (BIO-General-11: ESA Fence Removal): All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.

BIO-8 (BIO-General-14: Predator prevention): Project personnel are prohibited from feeding wildlife or bringing pets on the job site.

BIO-9 (BIO-General-16: Invasive Weed Control): To address impacts to natural communities, critical habitat, and special status plant species, a Qualified Biologist must identify invasive species within the Project Impact Area during shoulder backing. Treatment and disposal methods must be approved by the Caltrans Biologist prior to vegetation removal.

BIO-10 (BIO-Plant-1: Rare Plant Surveys, Flagging, and Fencing): Within the appropriate identification periods for special-status plants and sensitive natural communities prior to the start of construction, surveys shall be conducted according to CDFW 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Plant Populations and Sensitive Natural Communities (found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>). In addition, three days prior to construction, preconstruction surveys shall be conducted by a CDFW approved Qualified Biologist with a minimum of five years of professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and 150 feet from the PIA. Special-status species and sensitive natural communities shall be flagged for visual identification to construction personnel for work avoidance outside of shoulder backing areas. Special-status plant species detected that feature multiple plants in a single location must be fenced off with Environmentally Sensitive Area (ESA) high visibility fencing. Sensitive Natural Communities detected outside of shoulder backing areas shall be flagged or fenced off with ESA high visibility fencing.

BIO-11 (BIO-Arthropod-1 Rare Insect Host Plant Preconstruction Clearance Survey, Flagging, and Fencing): No more than 3 days prior to project activities, a Contractor Supplied biologist must perform a preconstruction survey for rare insect host plants (i.e. milkweed). Should any rare insect host plants be found, the Resident Engineer and Caltrans biologist must be contacted, and host plants must be flagged by the Contractor Supplied biologist for visual identification to construction personnel for work avoidance. Should multiple plants in a single location be found, the groupings must be fenced with Environmentally Sensitive Area (ESA) temporary fencing.

BIO-12 (BIO-Arthropod-PSM-2: Plant Seed Mix): Seed mixes must contain a diverse array of native pollinator plant species.

BIO-13 (BIO-Reptile-1 Equipment Flagging): Project personnel must attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for special-status reptile species - desert tortoise and coast horned lizard - before operating equipment at any time.

BIO-14 (BIO-Reptile-2 Pre-Project Surveys): To assess the number of listed reptile species that may be potentially impacted, pre-project surveys for desert tortoise must be conducted within the PIA, and adjacent to the PIA where Project activities could affect desert tortoise. Desert tortoise surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2009 desert tortoise methodology (see: <https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf>). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to the CDFW prior to the start of Project activities. If the survey confirms presence of desert tortoise, or if a desert tortoise is observed at any time, Caltrans shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of the desert tortoise. If complete avoidance of desert tortoise cannot be achieved, a 2081 ITP will be obtained.

BIO-15 (BIO-Reptile-3: Construction Monitoring): Project activities must be monitored by USFWS authorized biologist weekly to ensure that measures are being implemented and documented.

BIO-16 (BIO-Reptile-4: Authorized Biologist Clearance Surveys): Clearance desert tortoise surveys shall be conducted by a USFWS authorized and CDFW approved qualified biologist 3 days prior to project activities within the entire PIA. If a desert tortoise (dead or alive) is located, the Resident Engineer and Caltrans biologist shall be contacted and additional measures/agency coordination will be required. Desert tortoise may be removed from work areas and out of harm's way to the nearest suitable habitat or translocated, following the most recent CDFW and USFWS guidelines if authorized and in accordance with a CDFW ITP. A CDFW ITP will be required and shall be obtained prior to any desert tortoise being handled.

BIO-17 (BIO-Reptile-5 Trash/Predation): Caltrans must implement measures to reduce the attractiveness of job sites to ravens and other subsidized predators by controlling trash and educating workers.

BIO-18 (BIO-Reptile-6: Temporary Demarcation): Temporary demarcation in the form of temporary desert tortoise fencing shall be established following the most recent USFWS methods for construction fencing at any equipment staging, storage, and borrow sites and sites where the qualified biologist has determined contain suitable habitat for desert tortoise, as shown on the plans prior to construction to exclude desert tortoise. All temporary demarcation materials must be removed once construction has been completed.

BIO-19 (BIO-Reptile-7: Permanent Fencing): Permanent desert tortoise fencing must be installed following the most recent USFWS protocol for construction fencing to exclude desert tortoise from PM 61.4 to PM 64.5 on US-95, where feasible, to exclude desert tortoise from the roadways within critical habitat, while ensuring connectivity via tie-ins to culverts or other USFWS approved connectivity strategies.

BIO-20 (BIO-DT-1 Agency Notification & Reporting Requirements): Any desert tortoises within or near the job site found alive, injured, or dead during the implementation of the Project must provide immediate notification to the Resident Engineer and Caltrans biologist. Caltrans biologist must then notify USFWS and CDFW. Veterinary treatment and/or final deposition must follow USFWS and CDFW approval.

BIO-21 (BIO-Avian-1 Pre-Construction Nesting Bird Survey): Project activities shall not result in impacts to nesting birds, or result in the take or removal of nests or eggs in accordance with CDFW and USFWS regulations. Preconstruction nesting bird surveys must be conducted within the Caltrans Right of Way and adjacent to the PIA where Project activities have the potential to affect nesting birds no later than 3 days prior to construction by a qualified biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures in order to

locate and avoid nesting birds. Concurrent and additional surveys shall occur as the Project construction progresses, as the nature of the Project is linear in fashion. If an active avian nest is located, a no disturbance buffer shall be established and monitored by the qualified biologist based on the professional judgement of the qualified biologist, but at least 100 feet for non-passerine, 300 feet for passerine, and 500 feet for raptors or Fed/State listed birds. This buffer may be increased based on any nesting bird behavioral responses associated with Project related activities, including any synergistic responses of ambient baseline disturbances compounding with Project related activities. Any active nests shall be continuously monitored by a Qualified Biologist during the course of the Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the Qualified biologist if any nesting bird shows behavior responses related to project activities. .

BIO-22 (BIO-Plant-PSM-2: Top Soil Conservation): To preserve the seed bank, any areas with ground disturbing activities or shoulder backing will have the top soil scrapped off and stored after the removal of invasive species. After project activities are completed, the top soil will be redistributed throughout the Caltrans ROW to reestablish the seed bank.

BIO-23 (BIO-Avian-2: Pre-Construction Burrowing Owl Surveys): The following burrowing owl preconstruction surveys must be performed: One survey 14 to 30 days prior to vegetation removal or ground disturbing activities, and one survey 24 hours prior to vegetation removal or ground disturbing activities. Both surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>). If preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted.

BIO-24 (BIO-Avian-PSM-3: Burrowing Owl Plan): If the presence of burrowing owl is found during the burrowing owl surveys, the Qualified Biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approved prior to commencing project activities and implementing the measures of the Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and

management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

V. CULTURAL RESOURCES

Would the project:

Question	CEQA Determination
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	Less than Significant Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Less than Significant Impact
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No Impact

Response to items a), b): Less than Significant Impact. Information from this section was taken from the Historic Property Survey Report (HPSR) (Caltrans 2023). Caltrans uses a single process to fulfill its CEQA and National Historic Preservation Act (NHPA) Section 106 responsibilities. The Area of Potential Effect (APE) was established from the direct project footprint, including all cut and fill limits, all work areas, and potential staging areas. The maximum vertical depth of the APE is four feet to replace guardrail.

The subsurface potential for this project is exceptionally low as a majority of the work will occur on the existing pavement (dike replacement, mill, and overlay, localized digouts, grinding of rumble strips, and restriping), and sign panel replacement has no potential for subsurface disturbance. Clean fill dirt is expected to be imported to construct shoulder backing. The guardrails that will be replaced are going into the existing already disturbed area of the older guardrail. Caltrans performed a cultural resources review, which included a review of location maps, project plans, aerial photography, Historical USGS quads, Caltrans As-Built, National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), National Historic Landmark (NHL), California Historical Landmarks (CHL), California Points of Historical Interest, California Historical Resources Information System (CHRIS) the Native American Heritage Commission (NAHC) Sacred Lands File, Caltrans Cultural Resource Database (CCRD), and Caltrans Historic Bridge Inventory.

Caltrans sent a Sacred Lands file request to the NAHC on October 22, 2022. A response with a negative Sacred Lands File finding and a contact list were returned. After consultation with the District Native American Coordinator (DNAC), the following tribes were contacted: Fort Mojave Indian Tribe, Twentynine Palms Band of Mission Indians, Colorado River Indian Tribe, and Chemehuevi Reservation. Chemehuevi Reservation, Ron Escobar, Environmental Director, was sent an initial letter on October 24, 2022, and Mr. Escobar responded the same day requesting to consult. Caltrans emailed Mr. Escobar on January 9, 2023, with project updates. Mr. Escobar responded the same day, requesting notification of the final cultural report.

Caltrans sent a draft copy of the Archaeological Survey Report (ASR) to Mr. Escobar on March 14, 2023. Caltrans received comments regarding the draft ASR from Mr. Escobar on March 24, 2023. Caltrans edited the language in the Ethnographic sections per the Tribe's request. They addressed the comments appropriately, relative to the Caltrans ASR Format and Content Guide pursuant to the Caltrans Section 106 PA. The Colorado River Indian Tribe, Brian Etsitty, Tribal Historic Preservation Officer, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date. Caltrans sent an initial letter on October 24, 2022 to the Fort Mojave Indian Tribe, Linda Otero, Director AhaMaKav Cultural Society, and follow-ups were sent on December 19, 2022 and February 23, 2023. Ms. Otero responded on February 24, 2023, stating they will send comments next week. There has been no further response to date. The Twenty-Nine Palms Band of Mission Indians, Sarah Bliss, Cultural Resource Manager, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date.

Caltrans determined that the following cultural resources are within the APE: 54 0870 Route 95/40 Separation, CHL - 985 Desert Training Center and California - Arizona Maneuver Area (DTC/C-AMA), Route 66 (36-002910), AT&SF Railroad (36-006693) and Bridge 54 0870 Route 95/40 was previously determined not eligible for listing in the NRHP in the Caltrans Historic Bridge Inventory. CHL - 985 Desert Training Center and California - Arizona Maneuver Area (DTC/C-AMA) is considered eligible for this project only, and the Cultural Studies Office (CSO) approved the eligibility under all four criteria with a period of significance (POS) of 1942-1944 on December 16, 2022. Route 66 (36-002910) has undergone modification, including minor realignment and at least three curve corrections. Still, it retains integrity, remains primarily intact, and travels through a minimally altered landscape. The resource was determined eligible for the National Register of Historic Places in 2011 as part of a Multiple Property Determination form. During a CHRIS record search, results indicated that the AT&SF Railroad (36-006693) was determined eligible for the National Register of Historic Places in 1994. Caltrans, pursuant to Section 106 PA Stipulation X.B.2, has determined a finding of "No Adverse Effect without Standard Conditions" is appropriate for this undertaking and requested SHPO's concurrence in this determination, which was received on August 1, 2023.

Response to Item c): No Impact. No human remains were discovered during field surveys conducted for the project, and no formal cemeteries are located within the project site. If buried cultural materials, including human remains, are encountered during construction, it is Caltrans' policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find. If human remains are discovered, California Health and Safety code (H&SC) Section 7050.5 will be followed, which, in summary, states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. If the remains are thought to be Native American, the Native American Heritage Commission will be contacted, who pursuant to PRC Section 5097.98 will then notify the Most Likely Descendent (MLD), as further detailed in measure **CR-2**.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will be included with implementation of the project:

CR-1: Treatment of Previously Unidentified Cultural Resources. If cultural materials are discovered during construction, all earthmoving activity within 60 feet of the discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CR-2: Treatment of Human Remains. In the event that human remains are found the county coroner shall be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Ashley Bowman, DEBC: (909) 472-7730 and Gary Jones, DNAC: (909) 261-8157. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

VI. ENERGY

Would the project:

Question	CEQA Determination
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

Response to a) and b) No Impact. The project will not result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation, as the project involves the restoration, preservation, and extension of the service life of the existing pavement on US-95 from PM R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. The project will not conflict with or obstruct state or local renewable energy or energy efficiency plans.

Caltrans promotes energy-efficient development by incorporating statewide goals from California's Energy Efficiency Strategic Plan, setting policies, codes, and actions. Implementing these actions will assist in energy conservation and will minimize the impact on climate change.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Energy.

VII. GEOLOGY AND SOILS

Would the project:

Question	CEQA Determination
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 on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No Impact

Response to Item a.i), a.ii): No Impact. None of the project segments are near an Alquist-Priolo Special Studies Zone; therefore, no impacts are anticipated. Like most of Southern California, the project area is located in a seismically active area. According to the California Division of Mines and Geology (CDMG) Preliminary Fault Activity Map, there are several faults in the area, mostly concentrated around the Dead Mountains, east of the project area.

Compliance with the most current Caltrans procedures regarding seismic design, standard practice on all Caltrans projects, is anticipated to avoid or minimize any significant impacts related to seismic ground shaking. The seismic design will also meet county requirements under the Uniform Building Code. Therefore, through the incorporation of standard seismic design practices, the project will result in no impact because project construction and operation will have no opportunity to rupture a known earthquake fault or cause seismic shaking as the project will primarily consist of constructing a four-foot median buffer widening of existing roadbed.

Response to Item a.iii), a.iv): No Impact. According to CDMG liquefaction zone map, the project is not located in a liquefaction zone. Compliance with the most current Caltrans procedures regarding seismic design, standard practice on all Caltrans projects, is anticipated to avoid or minimize any significant impacts related to liquefaction and seismic risk. The seismic design will also meet city and county requirements under the Uniform Building Code. Therefore, by incorporating standard seismic design practices, the project will have no impact because construction or operation will not cause any seismic-related ground failure, including liquefaction.

Response to Item b): No Impact. The project to restore, preserve, and extend the service life of the existing pavement on US Route 95 (US-95) from post mile (PM) R57.20700 to 64.500. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the state's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. Construction site BMPs, standard practices for erosion and water quality control, will be used on the project site and include street sweeping, temporary cover for materials storage, and equipment parking at staging areas and side slopes. Construction methods related to water conservation practices, vehicle and equipment cleaning, fueling, and maintenance will be followed.

Response to Item c) and d): No Impact. According to the CDMG liquefaction zone map, the project is not located in a liquefaction zone. The project will not create substantial direct or indirect risks to life or property. Any earthwork in the project area will be performed per the most current edition of the Caltrans Standard Specifications; therefore, the project will have no impact.

Response to Item e): No Impact. The project will not affect existing or septic tanks or alternate wastewater disposal systems, nor will septic tanks be involved during construction. Therefore, no impacts will occur.

Response to Item f): No Impact. Based on limited ground disturbance, the project is expected to have no effect on paleontological resources.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Geology and Soils.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

Response to Item a): Less Than Significant. It is anticipated that the project will not increase vehicle capacity on US-95 and will not increase vehicle miles traveled (VMT). While the project will result in GHG emissions during construction, no increase in operation emissions is anticipated. With the implementation of construction GHG-reduction measures, the impact will be less than significant. See the extensive climate change section.

Response to Item b): No Impact. The project does not conflict with any applicable plan, policy, or regulation. See the extensive climate change section.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will be implemented for Greenhouse Gases:

TRF-1: Implementation of a TMP will involve strategies to maintain traffic safety through the construction zone and to minimize traffic delays.

GHG-1: Maximize use of recycled asphalt.

GHG-2: Use right sized equipment for the job.

GHG-3: The project will maintain equipment in proper tune and working condition.

GHG-4: Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment (with some exceptions).

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

Response to Items a), b): No Impact. Implementation of the project is not expected to result in the creation of any new health hazards or expose people to potential new health hazards, because the project proposes to restore, preserve, and extend the service life of the existing pavement on US Route 95 (US-95) from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. The Initial Site Assessment (ISA) Checklist completed for this project determined that the potential for hazardous waste involvement is low risk.

Following construction of the project, operations are not expected to result in the creation of any

new health hazards or expose people to potential new health hazards because the action of pavement rehabilitation with improvement of other assets will not result in an impact with the inclusion of minimization and avoidance measures listed at the end of this section.

Response to Item c): No Impact. No schools are within one-quarter mile of the project site; therefore, no impacts will occur.

Response to Item d): No Impact. The DTSC EnviroStor database did not identify any sites containing hazardous material near the project. No impacts are expected to occur from project activities.

Response to Items e): No Impact. The project is not located within or near an airport land use plan or, where such a plan has not been adopted. The project will create a temporary impact during construction regarding safety hazards or excessive noise for people residing or working in the project area. Still, it will not result in a permanent impact.

Response to Item f): No Impact. The project is not anticipated to interfere with any adopted local emergency response or evacuation plans. Applicable traffic controls (e.g., flag person, signage), as identified in the Transportation Management Plan (TMP), will be implemented to minimize any potential interference with any adopted emergency response plan or evacuation plan (measure **TRF-1**).

Response to Item g): No Impact. The project area is surrounded by underdeveloped, commercial, and residential land. The project is not located in the State Responsibility Area. The project will not introduce new structures or uses that exacerbate fire risk or will be vulnerable to fire damage.

Avoidance, Minimization, and/or Mitigation Measures

The following measures will be included with implementation of the project:

HAZ-1: Prior to any site preparation, disturbance, grading, and construction, the Resident Engineer will require the Construction Contractor to remove and test any yellow traffic striping and pavement marking material in accordance with SSP 14-11.12.

HAZ-2: SSP 14-11.14 includes specifications for handling, storing, transporting, and disposing of treated wood waste. Manage treated wood waste under Health & Safety Code §25230 et seq.

Dispose of treated wood waste at one of the following:

1. An approved California disposal site operating under a RWQCB permit that includes acceptance of treated wood waste
2. California disposal site operating under a DTSC permit that includes acceptance of treated wood waste

X. HYDROLOGY AND WATER QUALITY

Would the project:

Question	CEQA Determination
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less than Significant
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site;	No Impact
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or 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

Response to Item a): Less Than Significant.

The project's potential temporary effects on the water quality in the area will come from runoff during construction, including erosion. The National Pollution Discharge Elimination System (NPDES) permits issued by the RWQCB set limits on discharges, schedules for compliance, special conditions, and monitoring programs. These permits also limit discharges, set water quality standards, and establish a monitoring program for waste discharge. Permitting underground storage tanks and cleanup of waste discharge is also enforced by RWQCB. Grading during the project's construction will require the limited removal of vegetation and moving of soils. This will temporarily increase the exposure of soils to wind and water erosion and could increase the amount of sediments entering downstream drainages and waterways. Sediments can adversely affect water quality and negatively affect fish, aquatic plants, and other organisms.

The project will use stormwater controls, as required, to minimize the amount of

roadway pollution from the project area during construction. Compliance with the NPDES requirements will further reduce such polluting impacts. Projects within Caltrans' right of way must comply with the latest Caltrans and RWQCB water quality standards relative to the treatment of post-construction stormwater runoff. Determination and implementation of BMPs within the right of way are defined based on the evaluation of existing site constraints, constituents of concern at the receiving waters, soil conditions, and hydraulic conditions.

Response to Item b): No Impact. The project will restore, preserve, and extend the service life of the existing pavement on US-95 from PM R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. The project will be within an area of rural desert without major infrastructure. It is not expected to deplete groundwater supplies or interfere substantially with groundwater recharge. The project is not expected to affect the amount of water consumed regionally through increased withdrawals from groundwater sources.

Response to Items c (i): No Impact. Pavement rehabilitation and improvement of other assets will not alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river or through the addition of impervious surfaces in a manner that will result in substantial erosion or siltation on or off-site.

Response to Items c (ii): No Impact. Pavement rehabilitation and improvement of other assets will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river or through the addition of impervious surfaces in a manner that will substantially increase the rate or amount of surface runoff in a manner which will result in flooding or siltation on or off-site.

Response to Items c (iii): No Impact. Pavement rehabilitation and improvement of other assets will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river or through the addition of impervious surfaces in a manner that will substantially increase the rate or amount of surface runoff in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Response to Items c (iv): No Impact. Pavement rehabilitation and improvement of other assets will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river or through the addition of impervious surfaces in a manner that will substantially increase the rate or amount of surface runoff in a manner which will create or contribute runoff water.

Response to Item d): No Impact. Based on the FEMA Flood Insurance Rate Map (FIRM), the project is located outside a floodplain. The project is not anticipated to risk the release of pollutants due to project inundation.

Response to Item e): No Impact. Pavement rehabilitation and improvement of other assets will not conflict with or obstruct of a water quality control plan or sustainable groundwater management plan.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Hydrology and Water Quality.

XI. LAND USE AND PLANNING

Would the project:

Question	CEQA Determination
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

Response to Items a), b): No Impact. According to the San Bernardino County Land Use Plan – Public San Bernardino County Map Viewer, the project area is mapped as Resource Conservation. There are no established communities in the project vicinity. The project is not a new alignment or realignment of an existing highway. Thus, the current project is not dividing the communities. The project includes pavement rehabilitation and improvement of other assets. The project will not conflict with any land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. The project improvements will occur within Caltrans' right of way and additional right of way, but no detours will be required.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Land Use and Planning.

XII. MINERAL RESOURCES

Would the project:

Question	CEQA Determination
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

Response to Items a), b): No Impact. No classified or designated mineral deposits of statewide or regional significance are known to occur within the project area. Also, the project is located outside of mineral resource recovery sites; therefore, no impacts are anticipated.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Mineral Resources.

XIII. NOISE

Would the project result in:

Question	CEQA Determination
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No Impact

Response to Item a): No Impact. There are structures sparsely located near the alignment; therefore, there are noise-sensitive receptors located near the project. Temporary construction noise impacts will occur because the noise receptors are near to the project area. Additionally, construction noise will be short-term and intermittent during the 80-day (working days) construction period, and construction will be conducted in accordance with Caltrans Standard Specifications Section 14.8-02 (measures **NOI-1** and **NOI-2**). The project will not expose people to or generate noise levels in excess of standards established in a general plan or noise ordinance, or applicable standards of other agencies.

Response to Item b): No Impact. Any groundborne noise or vibration will be limited to the 80-working days and will be short in duration.

Response to Item c): No Impact. There is no airport or private airstrip near the project vicinity. The project will comply with Caltrans' Standard Specifications as outlined in **NOI-1** and **NOI-2**, no impacts will occur.

Avoidance, Minimization, and/or Mitigation Measures

The following Noise measures will be implemented to minimize potential impacts located in Caltrans' provisions in Section 14-8, "Noise Control," of the 2022 Standard Specifications and Special Provisions:

NOI-1: The contractor shall comply with all local sound control and noise level rules, regulations, and ordinances that apply to any work performed pursuant to the contract.

NOI-2: Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler or a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler

XIV. POPULATION AND HOUSING

Would the project:

Question	CEQA Determination
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

Response to Item a): No Impact. The project is a State Highway Operation and Protection Program (SHOPP) project and will not induce population growth in an area, either directly or indirectly. The project will not result in any construction of new homes, businesses, or the need for roads or other infrastructure that will facilitate an increase in population. No impacts are anticipated in this regard.

Response to Item b): No Impact. The project will not require additional right-of-way acquisition. A Temporary Construction Easement (TCE) is needed to replace the existing guardrail in BNSF's right of way. No residents or businesses will need to be relocated due to the implementation of the project. The project will not require the relocation of any existing developments and/or people. No impacts are anticipated in this regard.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Population and Housing.

XV. PUBLIC SERVICES

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 following public services:

Question	CEQA Determination
a) Fire protection?	No Impact
b) Police protection?	No Impact
c) Schools?	No Impact
d) Parks?	No Impact
e) Other public facilities?	No Impact

Response to a) Fire Protection: No Impact. The City of Needles provides fire protection in the project vicinity. Needles Station #32 is the only fire station near the project vicinity. The project involves pavement rehabilitation and facility upgrades, which will not result in an increase in population and, therefore, not increase the demand for community services. In addition, the project will not induce growth or increase population in the study area or the greater community beyond that previously planned for and will not result in the need for additional fire protection. No fire stations will be acquired or displaced.

Response to b) Police Protection: No Impact. As appropriate, the San Bernardino County Sheriff's Department and California Highway Patrol (CHP) provide police protection in the project vicinity. The project will not induce population growth in the area beyond that previously planned for and will not require additional police protection. No impacts on police protection from operation of the project will occur. Implementation of a construction- period TMP (**TRF-1**, refer to Section XVII for measure), which is prepared for all Caltrans highway projects, will ensure that access is maintained to and from the project area and that the police service providers are notified prior to the start of construction activities: therefore, there are no anticipated impacts.

Response to c) Schools: No Impact. There are no schools located within the project vicinity. The project will not result in accessibility problems to existing schools in the vicinity of the project and is not expected to result in any other impacts on school services.

Response to d) Parks: No Impact. There are no parks located within the project vicinity. Thus, there will be no impact on parks.

Response to e) Other Public Facilities: No Impact. There are no other public facilities in the immediate project area and, as such, there will be no impacts on public facilities as a result of construction or operation of the project.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Public Services.

XVI. RECREATION

Question	CEQA Determination
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

Response to Items a) and b): No Impact. Project implementation does not have the capacity to generate a substantial increase to any existing neighborhood, regional parks, or other recreational facilities such that substantial physical deterioration will occur, nor will it require the construction or expansion of existing recreational facilities.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Recreation.

XVII. TRANSPORTATION

Would the project:

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

Response to Items a) and b): No Impact. The project will not conflict with any adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities. Accordingly, no impacts in this regard are expected. The project will not increase traffic because no new land uses are proposed. The project will accommodate existing traffic demand, but it will not create new demand, directly or

indirectly. The project will also not reduce congestion and/or improve the level of service of traffic. The project will not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. No impacts are anticipated.

Response to Item c): No Impact. Due to the nature and scope of the project, no change in road alignment including curves or intersections are proposed.

Response to Item d): Less Than Significant Impact. Construction activities have the potential to result in temporary, localized, site-specific disruptions during the 80 working day construction period. This could lead to an increase in delay times for emergency response vehicles during construction; however, the proposed project will include the preparation and implementation of a Transportation Management Plan (TMP) (measure **TRF-1**), which will avoid or minimize any potential impacts. Applicable traffic controls (e.g., flag person, signage), as identified in the TMP, will be implemented to minimize any potential interference with any adopted emergency response plan or evacuation plan. Impacts will be less-than-significant during the construction period.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance and/or minimization measure will be implemented to minimize potential traffic impacts.

TRF-1: Prior to construction, a Traffic Management Plan will be developed by Caltrans to minimize potential impacts on emergency services and commuters during construction.

XVIII. TRIBAL CULTURAL RESOURCES

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 Determination
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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No Impact

Response to Item a) No Impact. Caltrans sent a Sacred Lands file request to the NAHC on October 22, 2022. A response with a negative Sacred Lands File finding and a contact list were returned. After consultation with the District Native American Coordinator (DNAC), the following tribes were contacted: Fort Mojave Indian Tribe, Twentynine Palms Band of Mission Indians, Colorado River Indian Tribe, and Chemehuevi Reservation. Chemehuevi Reservation, Ron Escobar, Environmental Director, was sent an initial letter on October 24, 2022, and Mr. Escobar responded the same day requesting to consult. Caltrans emailed Mr. Escobar on January 9, 2023, with project updates. Mr. Escobar responded the same day, requesting notification of the final cultural report. Caltrans sent a draft copy of the Archaeological Survey Report (ASR) to Mr. Escobar on March 14, 2023. Caltrans received comments regarding the draft ASR from Mr. Escobar on March 24, 2023. Caltrans edited the language in the Ethnographic sections per the Tribe's request. They addressed the comments appropriately, relative to the Caltrans ASR Format and Content Guide pursuant to the Caltrans Section 106 PA. The Colorado River Indian Tribe, Brian Etsitty, Tribal Historic Preservation Officer, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date. Caltrans sent an initial letter on October 24, 2022 to the Fort Mojave Indian Tribe, Linda Otero, Director AhaMaKav Cultural Society, and follow-ups were sent on December 19, 2022 and February 23, 2023. Ms. Otero responded on February 24, 2023, stating they will send comments next week. There has been no further response to date. The Twenty-Nine Palms Band of Mission Indians, Sarah Bliss, Cultural Resource Manager, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date. No Tribal Cultural Resources have been identified within the project footprint.

Response to Item b) No Impact. There are no significant resources for a California Native American tribe identified near or within the project study area.

Avoidance, Minimization, and/or Mitigation Measures

CR-1: Treatment of Previously Unidentified Cultural Resources. If cultural materials are discovered during construction, all earthmoving activity within 60 feet of the discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

CR-2: Treatment of Human Remains. In the event that human remains are found the county coroner shall be notified and ALL construction activities within 60 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Ashley Bowman, DEBC: (909) 472-7730 and Gary Jones, DNAC: (909) 261-8157. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

Question	CEQA Determination
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?	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No Impact

Response to Item a): No Impact. Construction of the project will not generate the need for additional wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. No impacts will occur.

Response to Item b): No Impact. The project will not require a water supply, as there are no existing entitlements or resources within the project area. No impacts will occur.

Response to Item c): No Impact. The project will not require wastewater treatment. As a result, there will be no impact.

Response to Item d), e): No Impact. The project will be in compliance with all federal, state, and local solid waste statutes and regulations; therefore, there will be no impact.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Utility and Service Systems.

XX. WILDFIRE

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

Question	CEQA Determination
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

Response to Item a): No Impact. The project is not located in any very high fire severity zones. Construction activities have the potential to result in temporary, localized, site-specific disruptions during 80-day construction period. This could lead to an increase in delay times for emergency response vehicles during construction. However, the project will include the preparation and implementation of a TMP (measure **TRF-1**), which will avoid or minimize any potential impacts.

Response to Item b): No Impact. The project area is surrounded by rural, commercial, and residential land. Based on Cal Fire, Fire Hazard Severity Zones Map of the County of

San Bernardino, the project is outside the State Responsibility Area. The project will not introduce new structures or uses that exacerbate fire risk or will be vulnerable to fire damage.

Response to Item c), and d): No Impact. The project is not located in any State Responsibility Areas. The project will restore, preserve, and extend the service life of the existing pavement on US-95 from PM R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones, thus the project will not install infrastructure that may result in increased fire risk. The project will not significantly alter drainage patterns that will cause downslope or downstream flooding or landslides should a fire occur.

Avoidance, Minimization, and/or Mitigation Measures

No measures are required for Wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Response to Item a): Less-than-Significant Impact with Mitigation Incorporated.

Agency coordination or permits for waters will be required. Jurisdictional waterway permits will be required for the project. Permits are anticipated to be required from the California Department of Fish and Wildlife (CDFW) - Section 1602 of the California Fish and Game Code (CFGF) for Lake and Streambed Alteration Agreement; Regional Water Quality Control Board (RWQCB) Section 401 permit of the federal Clean Water Act (CWA); or the U.S. Army Corps of Engineers (USACE) Section 404 of the CWA permit.

Response to Item b): No Impact. The project's impacts are either temporary and/or avoidable. In the case of temporary impacts, Caltrans standard measures will be implemented to avoid and/or minimize potential impacts. In the case of biological resources, specific measures will be implemented to minimize potential impacts or avoid impacts altogether. Therefore, there will be no cumulatively considered impacts.

Response to Item c): No Impact. The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Avoidance, Minimization, and/or Mitigation Measures

No measures that have not already been identified for other topics are required for Mandatory Findings of Significance.

Climate Change

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the Earth's climate system. The Intergovernmental Panel on Climate Change, established by the United Nations and World Meteorological Organization in 1988, is devoted to greenhouse gas (GHG) emissions reduction and climate change research and policy. Climate change in the past has generally occurred gradually over millennia, or more suddenly in response to cataclysmic natural disruptions. The research of the Intergovernmental Panel on Climate Change and other scientists over recent decades, however, has unequivocally attributed an accelerated rate of climatological changes over the past 150 years to GHG emissions generated from the production and use of fossil fuels.

Human activities generate GHGs consisting primarily of carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), tetrafluoromethane, hexafluoroethane, sulfur hexafluoride (SF₆), and various hydrofluorocarbons (HFCs). CO₂ is the most abundant GHG; while it is a naturally occurring and necessary component of Earth's atmosphere, fossil-fuel combustion is the main source of additional, human-generated CO₂ that is the main driver of climate change. In the U.S. and in California, transportation is the largest source of GHG emissions, mostly CO₂.

The impacts of climate change are already being observed in the form of sea level rise, drought, more intense heat, extended and severe fire seasons, and historic flooding from changing storm patterns. Both mitigation and adaptation strategies are necessary to address these impacts. The most important mitigation strategy is to reduce GHG emissions. In the context of climate change (as distinct from CEQA and NEPA), "mitigation" involves actions to reduce GHG emissions or to enhance the "sinks" that store them (such as forests and soils) to lessen adverse impacts. "Adaptation" is planning for and responding to impacts to reduce vulnerability to harm, such as by adjusting transportation design standards to withstand more intense storms, heat, and higher sea levels. This analysis will include a discussion of both in the context of this transportation project.

REGULATORY SETTING

This section outlines federal and state efforts to comprehensively reduce GHG emissions from transportation sources.

Federal

To date, no national standards have been established for nationwide mobile-source GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level.

The National Environmental Policy Act (NEPA) (42 United States Code [USC] Part 4332) requires federal agencies to assess the environmental effects of their actions prior to making a decision on the action or project.

The Federal Highway Administration (FHWA) recognizes the threats that extreme weather, sea level change, and other changes in environmental conditions pose to valuable transportation infrastructure and those who depend on it. FHWA therefore supports a sustainability approach that assesses vulnerability to climate risks and incorporates resilience into planning, asset management, project development and design, and operations and maintenance practices (FHWA

2022). This approach encourages planning for sustainable highways by addressing climate risks while balancing environmental, economic, and social values— “the triple bottom line of sustainability” (FHWA n.d.). Program and project elements that foster sustainability and resilience also support economic vitality and global efficiency, increase safety and mobility, enhance the environment, promote energy conservation, and improve the quality of life.

The federal government has taken steps to improve fuel economy and energy efficiency to address climate change and its associated effects. The most important of these was the Energy Policy and Conservation Act of 1975 (42 USC Section 6201) as amended by the Energy Independence and Security Act (EISA) of 2007; and Corporate Average Fuel Economy (CAFE) Standards. This act established fuel economy standards for on-road motor vehicles sold in the United States. The U.S. Department of Transportation’s National Highway Traffic and Safety Administration (NHTSA) sets and enforces the CAFE standards based on each manufacturer’s average fuel economy for the portion of its vehicles produced for sale in the United States. The Environmental Protection Agency (U.S. EPA) calculates average fuel economy levels for manufacturers, and also sets related GHG emissions standards under the Clean Air Act. Raising CAFE standards leads automakers to create a more fuel-efficient fleet, which improves our nation’s energy security, saves consumers money at the pump, and reduces GHG emissions (U.S. DOT 2014).

U.S. EPA published a final rulemaking on December 30, 2021, that raised federal GHG emissions standards for passenger cars and light trucks for model years 2023 through 2026, increasing in stringency each year. The updated GHG emissions standards will avoid more than 3 billion tons of GHG emissions through 2050. In April 2022, NHTSA announced corresponding new fuel economy standards for model years 2024 through 2026, which will reduce fuel use by more than 200 billion gallons through 2050 compared to the old standards and reduce fuel costs for drivers (U.S. EPA 2022a; NHTSA 2022).

State

California has been innovative and proactive in addressing GHG emissions and climate change by passing multiple Senate and Assembly bills and executive orders (EOs) including, but not limited to, the following:

EO S-3-05 (June 1, 2005): The goal of this EO is to reduce California’s GHG emissions to: (1) year 2000 levels by 2010, (2) year 1990 levels by 2020, and (3) 80 percent below year 1990 levels by 2050. This goal was further reinforced with the passage of Assembly Bill (AB) 32 in 2006 and Senate Bill (SB) 32 in 2016.

Assembly Bill (AB) 32, Chapter 488, 2006, Núñez and Pavley, The Global Warming Solutions Act of 2006: AB 32 codified the 2020 GHG emissions reduction goals outlined in EO S-3-05, while further mandating that the California Air Resources Board (ARB) create a scoping plan and implement rules to achieve “real, quantifiable, cost-effective reductions of greenhouse gases.” The Legislature also intended that the statewide GHG emissions limit continue in existence and be used to maintain and continue reductions in emissions of GHGs beyond 2020 (Health and Safety Code [H&SC] Section 38551(b)). The law requires ARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions.

EO S-01-07 (January 18, 2007): This order sets forth the low carbon fuel standard (LCFS) for California. Under this EO, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by the year 2020. ARB re-adopted the LCFS regulation in September 2015, and the changes went into effect on January 1, 2016. The program establishes a strong framework to promote the low-carbon fuel adoption necessary to achieve the governor's 2030 and 2050 GHG reduction goals.

Senate Bill (SB) 375, Chapter 728, 2008, Sustainable Communities and Climate Protection: This bill requires ARB to set regional emissions reduction targets for passenger vehicles. The Metropolitan Planning Organization (MPO) for each region must then develop a "Sustainable Communities Strategy" (SCS) that integrates transportation, land-use, and housing policies to plan how it will achieve the emissions target for its region.

SB 391, Chapter 585, 2009, California Transportation Plan: This bill requires the State's long-range transportation plan to identify strategies to address California's climate change goals under AB 32.

EO B-16-12 (March 2012) orders State entities under the direction of the Governor, including ARB, the California Energy Commission, and the Public Utilities Commission, to support the rapid commercialization of zero-emission vehicles. It directs these entities to achieve various benchmarks related to zero-emission vehicles.

EO B-30-15 (April 2015) establishes an interim statewide GHG emission reduction target of 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. It further orders all state agencies with jurisdiction over sources of GHG emissions to implement measures, pursuant to statutory authority, to achieve reductions of GHG emissions to meet the 2030 and 2050 GHG emissions reductions targets. It also directs ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent (MMTCO_{2e}). [GHGs differ in how much heat each traps in the atmosphere, called global warming potential, or GWP. CO₂ is the most important GHG, so amounts of other gases are expressed relative to CO₂, using a metric called "carbon dioxide equivalent," or CO_{2e}. The global warming potential of CO₂ is assigned a value of 1, and the GWP of other gases is assessed as multiples of CO₂.] Finally, it requires the Natural Resources Agency to update the state's climate adaptation strategy, *Safeguarding California*, every 3 years, and to ensure that its provisions are fully implemented.

SB 32, Chapter 249, 2016, codifies the GHG reduction targets established in EO B-30-15 to achieve a mid-range goal of 40 percent below 1990 levels by 2030.

SB 1386, Chapter 545, 2016, declared "it to be the policy of the state that the protection and management of natural and working lands ... is an important strategy in meeting the state's greenhouse gas reduction goals, and will require all state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands."

SB 743, Chapter 386 (September 2013): This bill changes the metric of consideration for transportation impacts pursuant to CEQA from a focus on automobile delay to alternative methods focused on vehicle miles traveled, to promote the state's goals of reducing greenhouse gas

emissions and traffic related air pollution and promoting multimodal transportation while balancing the needs of congestion management and safety.

SB 150, Chapter 150, 2017, Regional Transportation Plans: This bill requires ARB to prepare a report that assesses progress made by each metropolitan planning organization in meeting their established regional greenhouse gas emission reduction targets.

EO B-55-18 (September 2018) sets a new statewide goal to achieve and maintain carbon neutrality no later than 2045. This goal is in addition to existing statewide targets of reducing GHG emissions.

AB 1279, Chapter 337, 2022, The California Climate Crisis Act: This bill mandates carbon neutrality by 2045 and establishes an emissions reduction target of 85% below 1990 level as part of that goal. This bill solidifies a goal included in EO B-55-18. It requires ARB to work with relevant state agencies to ensure that updates to the scoping plan identify and recommend measures to achieve these policy goals and to identify and implement a variety of policies and strategies that enable carbon dioxide removal solutions and carbon capture, utilization, and storage technologies in California, as specified.

ENVIRONMENTAL SETTING

The project is in rural areas of San Bernardino County along US-95 from PM 57.2 to PM 64.5. The project area begins in near the junction of I-40 and US-95. Within the project limits, US 95 consists of two-lane highway, which is surrounded by rural, undeveloped desert, state, and federal lands. A metropolitan or regional transportation plan (RTP)/sustainable communities' strategy (SCS) by Southern California Association of Governments (SCAG) guides transportation and housing development in the project area. The San Bernardino County General Plan Sustainability element addresses GHGs in the project area.

GHG Inventories

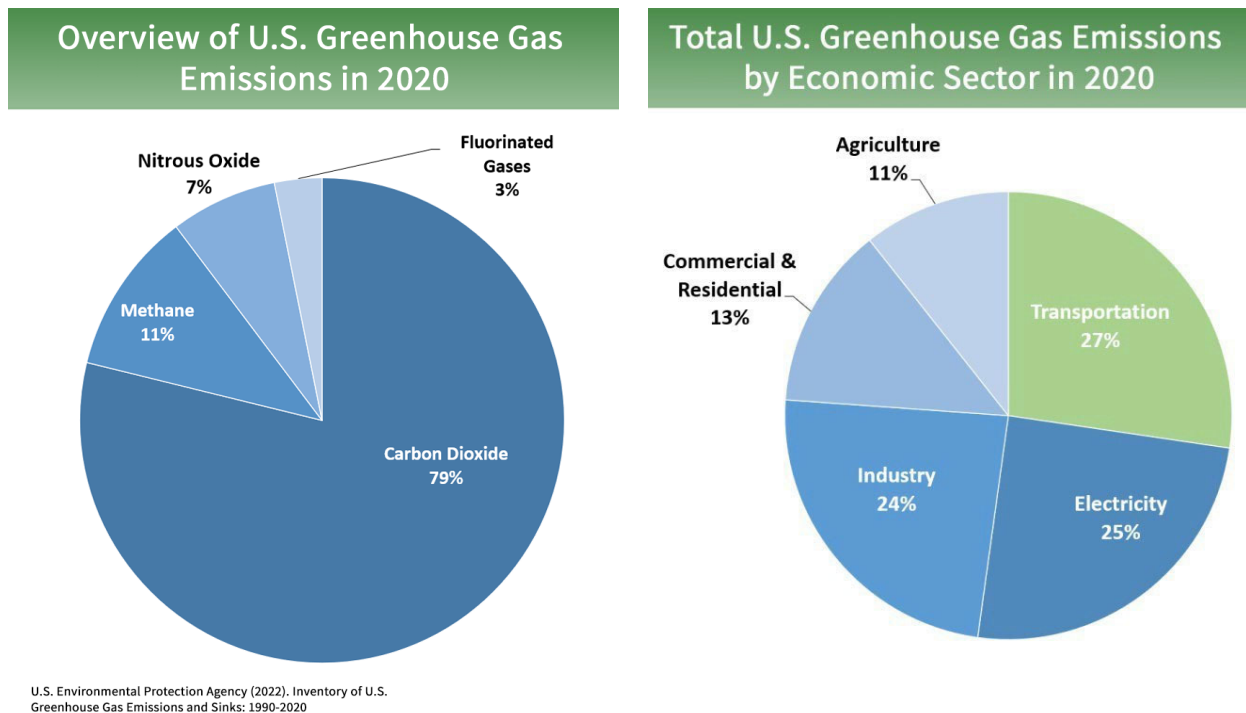
A GHG emissions inventory estimates the amount of GHGs discharged into the atmosphere by specific sources over a period of time, such as a calendar year. Tracking annual GHG emissions allows countries, states, and smaller jurisdictions to understand how emissions are changing and what actions may be needed to attain emission reduction goals. U.S. EPA is responsible for documenting GHG emissions nationwide, and the ARB does so for the state, as required by H&SC Section 39607.4. Cities and other local jurisdictions may also conduct local GHG inventories to inform their GHG reduction or climate action plans.

NATIONAL GHG INVENTORY

The annual GHG inventory submitted by the U.S. EPA to the United Nations provides a comprehensive accounting of all human-produced sources of GHGs in the United States. Total GHG emissions from all sectors in 2020 were 5,222 million metric tons (MMT), factoring in deductions for carbon sequestration in the land sector. Of these, 79 percent were CO₂, 11 percent were CH₄, and 7 percent were N₂O; the balance consisted of fluorinated gases. Total GHGs in 2020 decreased by 21% from 2005 levels and 11% from 2019. The change from 2019 resulted

primarily from less demand in the transportation sector during the COVID-19 pandemic. The transportation sector was responsible for 27 percent of total U.S. GHG emissions in 2020, more than any other sector (Figure 1), and for 36% of all CO₂ emissions from fossil fuel combustion. Transportation CO₂ emissions for 2020 decreased 13 percent from 2019 to 2020, but were 7 percent higher than transportation CO₂ emissions in 1990 (Figure 1) (U.S. EPA 2022b).

Figure 1. U.S. 2020 Greenhouse Gas Emissions (Source: U.S. EPA 2022b)



STATE GHG INVENTORY

ARB collects GHG emissions data for transportation, electricity, commercial/residential, industrial, agricultural, and waste management sectors each year. It then summarizes and highlights major annual changes and trends to demonstrate the state's progress in meeting its GHG reduction goals. The 2022 edition of the GHG emissions inventory reported emissions trends from 2000 to 2020. Total California GHG emissions in 2020 were 369.2 MMTCO₂e, a reduction of 35.3 MMTCO₂e from 2019 and 61.8 MMTCO₂e below the 2020 statewide limit of 431 MMTCO₂e. Much of the decrease from 2019 to 2020, however, is likely due to the effects of the COVID-19 pandemic on the transportation sector, during which vehicle miles traveled declined under stay-at-home orders and reductions in goods movement. Nevertheless, transportation remained the largest source of GHG emissions, accounting for 37 percent of statewide emissions (Figure 2). (Including upstream emissions from oil extraction, petroleum refining, and oil pipelines in California, transportation was responsible for about 47 percent of statewide emissions in 2020; however, those emissions are accounted for in the industrial sector.) California's gross domestic product (GDP) and GHG intensity (GHG emissions per unit of GDP) both declined from 2019 to 2020 (Figure 3). It is expected that total GHG emissions will increase as the economy recovers over the next few years (ARB 2022a).

Figure 2. California 2020 Greenhouse Gas Emissions by Scoping Plan Category (Source: ARB 2022a)

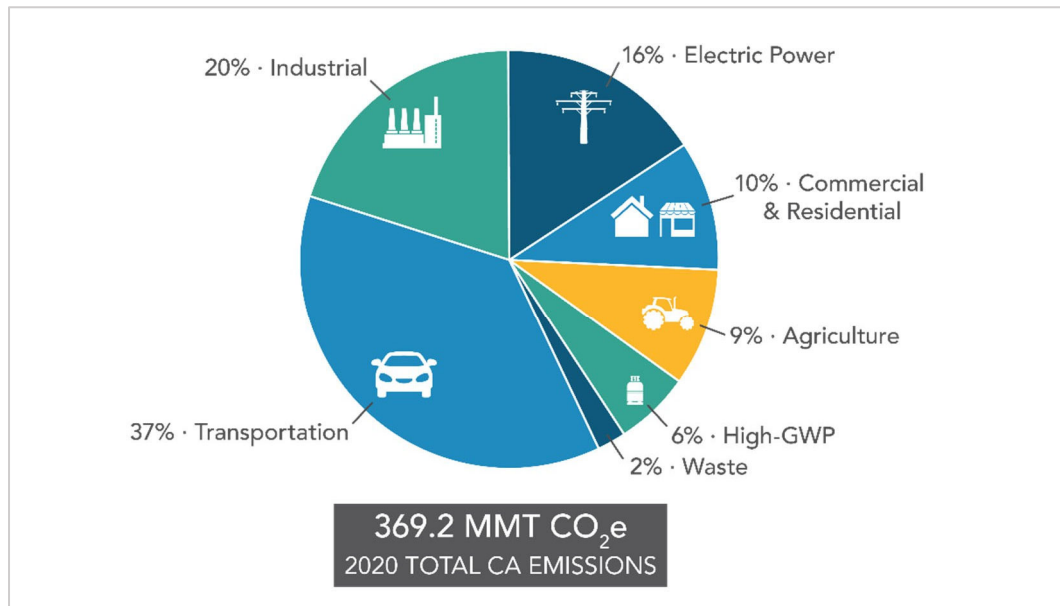
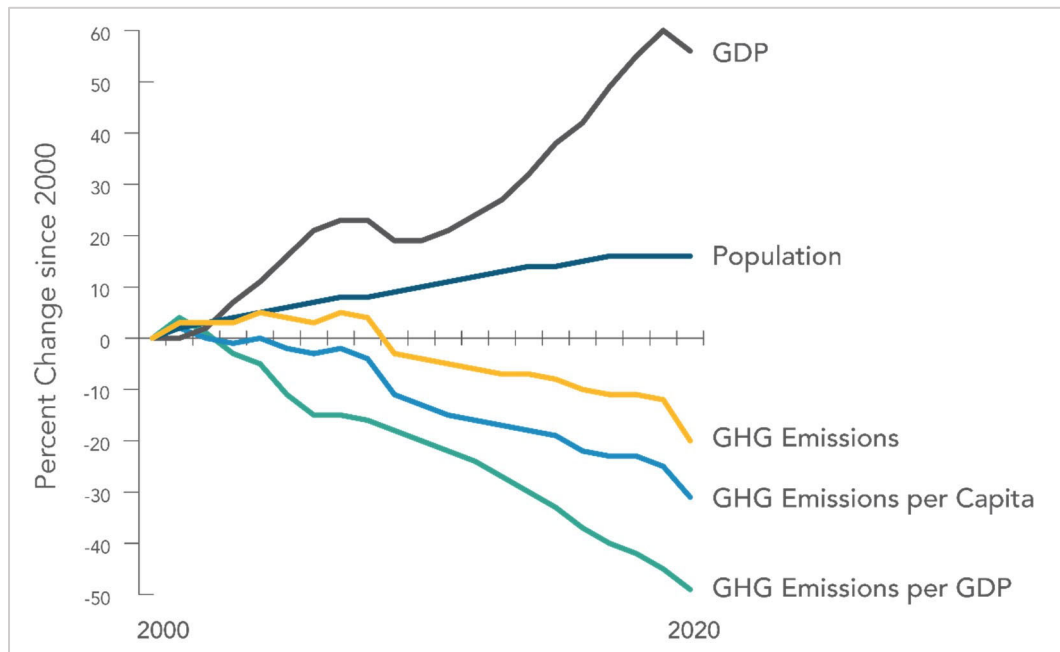


Figure 3. Change in California GDP, Population, and GHG Emissions since 2000 (Source: ARB 2022a)



AB 32 required ARB to develop a Scoping Plan that describes the approach California will take to achieve the goal of reducing GHG emissions to 1990 levels by 2020, and to update it every 5 years. ARB adopted the first scoping plan in 2008. The second updated plan, *California's 2017 Climate Change Scoping Plan*, adopted on December 14, 2017, reflects the 2030 target established in EO B-30-15 and SB 32. The draft 2022 Scoping Plan Update additionally lays out a path to achieving carbon neutrality by 2045 (ARB 2022b).

Regional Plans

ARB sets regional GHG reduction targets for California's 18 metropolitan planning organizations (MPOs) to achieve through planning future projects that will cumulatively achieve those goals, and reporting how they will be met in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Targets are set at a percent reduction of passenger vehicle GHG emissions per person from 2005 levels. The project is included in the 2020- 2045 RTP/SCS for Southern California Association of Governments (SCAG), Connect SoCal. The regional reduction target for SCAG is 19 percent by 2035 (ARB 2022c).

Table 2. Regional and Local Greenhouse Gas Reduction Plans

Title	GHG Reduction Policies or Strategies
Southern California Association of Governments <i>2020- 2045 Regional Transportation Plan/Sustainable Communities Strategy</i> (adopted September 2020)	<ul style="list-style-type: none"> • Improve mobility, accessibility, reliability, and travel safety for people and goods • Enhance the preservation, security, and resilience of the regional transportation system • Increase person and goods movement and travel choices within the transportation system • Reduce greenhouse gas emissions and improve air quality • Adapt to a changing climate and support an integrated regional development pattern and transportation network • Leverage new transportation technologies and data-driven solutions that result in more efficient travel
<i>San Bernardino County Regional Greenhouse Gas Reduction Plan</i> (adopted March 2021)	<ul style="list-style-type: none"> • OffRoad-2: Idling Ordinance • OnRoad-3: Transportation Demand management and Synchronization • OnRoad-4: Expand Bike Routes

PROJECT ANALYSIS

GHG emissions from transportation projects can be divided into those produced during operation of the State Highway System (SHS) (operational emissions) and those produced during construction. The primary GHGs produced by the transportation sector are CO₂, CH₄, N₂O, and HFCs. CO₂ emissions are a product of burning gasoline or diesel fuel in internal combustion

engines, along with relatively small amounts of CH₄ and N₂O. A small amount of HFC emissions related to refrigeration is also included in the transportation sector.

The CEQA Guidelines generally address greenhouse gas emissions as a cumulative impact due to the global nature of climate change (Pub. Resources Code, § 21083(b)(2)). As the California Supreme Court explained, “because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself.” (Cleveland National Forest Foundation v. San Diego Assn. of Governments (2017) 3 Cal.5th 497, 512). In assessing cumulative impacts, it must be determined if a project’s incremental effect is “cumulatively considerable” (CEQA Guidelines Sections 15064(h)(1) and 15130).

To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. Although climate change is ultimately a cumulative impact, not every individual project that emits greenhouse gases must necessarily be found to contribute to a significant cumulative impact on the environment.

Operational Emissions

The project will restore, preserve, and extend the service life of the existing pavement on US-95 from PM R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the state's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. These project elements will not increase the vehicle capacity of the roadway. This type of project generally causes minimal or no increase in operational GHG emissions. Because the project will not increase the number of travel lanes on US-95, no increase in vehicle miles traveled (VMT) will occur as result of project implementation. While some GHG emissions during the construction period will be unavoidable, no increase in operational GHG emissions is expected.

Construction Emissions

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

Use of long-life pavement, improved traffic management plans, and changes in materials, can also help offset emissions produced during construction by allowing longer intervals between maintenance and rehabilitation activities.

The Cal-CET model was used to estimate construction-related GHG emissions for the project. Construction is expected to require 80 working days and to result in approximately 335 tons of CO₂-equivalent (CO_{2e}).

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

CEQA Conclusion

While the project will result in GHG emissions during construction, it is anticipated that the project will not result in any increase in operational GHG emissions. The project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. With implementation of construction GHG reduction measures, the impact will be less than significant.

Caltrans is firmly committed to implementing measures to help reduce GHG emissions. These measures are outlined in the following section.

GREENHOUSE GAS REDUCTION STRATEGIES

Statewide Efforts

In response to AB 32, California is implementing measures to achieve emission reductions of GHGs that cause climate change. Climate change programs in California are effectively reducing GHG emissions from all sectors of the economy. These programs include regulations, market programs, and incentives that will transform transportation, industry, fuels, and other sectors, to take California into a sustainable, low-carbon and cleaner future, while maintaining a robust economy (ARB 2022d).

Major sectors of the California economy, including transportation, will need to reduce emissions to meet 2030 and 2050 GHG emissions targets. The Governor's Office of Planning and Research identified five sustainability pillars in a 2015 report: (1) increasing the share of renewable energy in the State's energy mix to at least 50 percent by 2030; (2) reducing petroleum use by up to 50 percent by 2030; (3) increasing the energy efficiency of existing buildings by 50 percent by 2030; (4) reducing emissions of short-lived climate pollutants; and (5) stewarding natural resources, including forests, working lands, and wetlands, to ensure that they store carbon, are resilient, and enhance other environmental benefits (OPR 2015). OPR later added strategies related to achieving statewide carbon neutrality by 2045 in accordance with EO B-55-18 and AB 1279 (OPR 2022).

The transportation sector is integral to the people and economy of California. To achieve GHG emission reduction goals, it is vital that the state build on past successes in reducing criteria and toxic air pollutants from transportation and goods movement. GHG emission reductions will come from cleaner vehicle technologies, lower-carbon fuels, and reduction of vehicle miles traveled (VMT). Reducing today's petroleum use in cars and trucks by 50% is a key state goal for reducing greenhouse gas emissions by 2030 (California Environmental Protection Agency 2015).

In addition, SB 1386 (Wolk 2016) established as state policy the protection and management of natural and working lands and requires state agencies to consider that policy in their own decision making. Trees and vegetation on forests, rangelands, farms, and wetlands remove carbon dioxide from the atmosphere through biological processes and sequester the carbon in above- and below-ground matter.

Subsequently, Governor Gavin Newsom issued Executive Order N-82-20 to combat the crises in climate change and biodiversity. It instructs state agencies to use existing authorities and resources to identify and implement near- and long-term actions to accelerate natural removal of carbon and build climate resilience in our forests, wetlands, urban greenspaces, agricultural soils, and land conservation activities in ways that serve all communities and in particular low-income, disadvantaged, and vulnerable communities. To support this order, the California Natural Resources Agency (2022a) released *Natural and Working Lands Climate Smart Strategy*, with a focus on nature-based solutions.

Caltrans Activities

Caltrans continues to be involved on the Governor's Climate Action Team as the ARB works to implement EOs S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. EO B-30-15, issued in April 2015, and SB 32 (2016), set an interim target to cut GHG emissions to 40 percent below 1990 levels by 2030. The following major initiatives are underway at Caltrans to help meet these targets.

CLIMATE ACTION PLAN FOR TRANSPORTATION INFRASTRUCTURE

The California Action Plan for Transportation Infrastructure (CAPTI) builds on executive orders signed by Governor Newsom in 2019 and 2020 targeted at reducing GHG emissions in transportation, which account for more than 40 percent of all polluting emissions, to reach the state's climate goals. Under CAPTI, where feasible and within existing funding program structures, the state will invest discretionary transportation funds in sustainable infrastructure projects that align with its climate, health, and social equity goals (California State Transportation Agency 2021).

CALIFORNIA TRANSPORTATION PLAN

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet our future mobility needs and reduce GHG emissions. It serves as an umbrella document for all the other statewide transportation planning documents. The CTP 2050 presents a vision of a safe, resilient, and universally accessible transportation system that supports vibrant communities, advances racial and economic justice, and improves public and environmental health. The plan's climate goal is to achieve statewide GHG emissions reduction targets and increase resilience to climate change. It demonstrates how GHG emissions from the transportation sector can be reduced through advancements in clean fuel technologies; continued shifts toward active travel, transit, and shared mobility; more efficient land use and development practices; and continued shifts to telework (Caltrans 2021a).

CALTRANS STRATEGIC PLAN

The *Caltrans 2020–2024 Strategic Plan* includes goals of stewardship, climate action, and equity. Climate action strategies include developing and implementing a Caltrans Climate Action Plan; a robust program of climate action education, training, and outreach; partnership and collaboration; a VMT monitoring and reduction program; and engaging with the most vulnerable communities in developing and implementing Caltrans climate action activities (Caltrans 2021b).

CALTRANS POLICY DIRECTIVES AND OTHER INITIATIVES

Caltrans Director's Policy 30 (DP-30) Climate Change (June 22, 2012) established a Department policy to ensure coordinated efforts to incorporate climate change into Departmental decisions and activities. *Caltrans Greenhouse Gas Emissions and Mitigation Report* (Caltrans 2020) provides a comprehensive overview of Caltrans' emissions. The report documents and evaluates current Caltrans procedures and activities that track and reduce GHG emissions and identifies additional opportunities for further reducing GHG emissions from Department-controlled emission sources, in support of Departmental and State goals.

Project-Level GHG Reduction Strategies

The following measures will also be implemented in the project to reduce GHG emissions and potential climate change impacts from the project.

TRF-1: Implementation of a TMP will involve strategies to maintain traffic safety through the construction zone and to minimize traffic delays.

GHG-1: Maximize use of recycled asphalt.

GHG-2: Use right sized equipment for the job.

GHG-3: The project will maintain equipment in proper tune and working condition.

GHG-4: Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment (with some exceptions).

ADAPTATION

Reducing GHG emissions is only one part of an approach to addressing climate change. Caltrans must plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, variability in storm surges and their intensity, and in the frequency and intensity of wildfires. Flooding and erosion can damage or wash out roads; longer periods of intense heat can buckle pavement and railroad tracks; storm surges combined with a rising sea level can inundate highways. Wildfire can directly burn facilities and indirectly cause damage when rain falls on denuded slopes that landslide after a fire. Effects will vary by location and may, in the most extreme cases, require that a facility be relocated or redesigned. Accordingly, Caltrans must consider these types of climate stressors in how highways are planned, designed, built, operated, and maintained.

Federal Efforts

Under NEPA Assignment, Caltrans is obligated to comply with all applicable federal environmental laws and FHWA NEPA regulations, policies, and guidance.

The *Fourth National Climate Assessment*, published in 2018, presents the foundational science and the “human welfare, societal, and environmental elements of climate change and variability for 10 regions and 18 national topics, with particular attention paid to observed and projected risks, impacts, consideration of risk reduction, and implications under different mitigation pathways.”

The U.S. DOT Policy Statement on Climate Adaptation in June 2011 committed the federal Department of Transportation to “integrate consideration of climate change impacts and adaptation into the planning, operations, policies, and programs of DOT in order to ensure that taxpayer resources are invested wisely, and that transportation infrastructure, services and operations remain effective in current and future climate conditions” (U.S. DOT 2011). The U.S. DOT Climate Action Plan of August 2021 followed up with a statement of policy to “accelerate reductions in greenhouse gas emissions from the transportation sector and make our transportation infrastructure more climate change resilient now and in the future,” following this set of guiding principles (U.S. DOT 2021):

- Use best-available science
- Prioritize the most vulnerable
- Preserve ecosystems
- Build community relationships
- Engage globally

U.S. DOT developed its climate action plan pursuant to the federal EO 14008, *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021). EO 14008 recognized the threats of climate change to national security and ordered federal government agencies to prioritize actions on climate adaptation and resilience in their programs and investments (White House 2021).

FHWA order 5520 (*Transportation System Preparedness and Resilience to Climate Change and Extreme Weather Events*, December 15, 2014) established FHWA policy to strive to identify the risks of climate change and extreme weather events to current and planned transportation systems. FHWA has developed guidance and tools for transportation planning that foster resilience to climate effects and sustainability at the federal, state, and local levels (FHWA 2019).

State Efforts

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system. A number of state policies and tools have been developed to guide adaptation efforts.

California’s Fourth Climate Change Assessment (Fourth Assessment) (2018) is the state’s effort to “translate the state of climate science into useful information for action.” It provides information that will help decision makers across sectors and at state, regional, and local scales protect and build the resilience of the state’s people, infrastructure, natural systems, working lands, and waters. The State’s approach recognizes that the consequences of climate change occur at the intersections of people, nature, and infrastructure. The Fourth Assessment reports that if no measures are taken to reduce GHG emissions by 2021 or sooner, the state is projected to experience a 2.7 to 8.8

degrees Fahrenheit increase in average annual maximum daily temperatures, with impacts on agriculture, energy demand, natural systems, and public health; a two-thirds decline in water supply from snowpack and water shortages that will impact agricultural production; a 77% increase in average area burned by wildfire, with consequences for forest health and communities; and large-scale erosion of up to 67% of Southern California beaches and inundation of billions of dollars' worth of residential and commercial buildings due to sea level rise (State of California 2018).

Sea level rise is a particular concern for transportation infrastructure in the coastal zone. Major urban airports will be at risk of flooding from sea level rise combined with storm surge as early as 2040; San Francisco airport is already at risk. Miles of coastal highways vulnerable to flooding in a 100-year storm event will triple to 370 by 2100, and 3,750 miles will be exposed to temporary flooding. The Fourth Assessment's findings highlight the need for proactive action to address these current and future impacts of climate change.

In 2008, then-governor Arnold Schwarzenegger recognized the need when he issued EO S-13-08, focused on sea level rise. Technical reports on the latest sea level rise science were first published in 2010 and updated in 2013 and 2017. The 2017 projections of sea level rise and new understanding of processes and potential impacts in California were incorporated into the *State of California Sea-Level Rise Guidance Update* in 2018. This EO also gave rise to the *California Climate Adaptation Strategy* (2009), updated in 2014 as *Safeguarding California: Reducing Climate Risk* (Safeguarding California Plan), which addressed the full range of climate change impacts and recommended adaptation strategies. The Safeguarding California Plan was updated in 2018 and again in 2021 as the *California Climate Adaptation Strategy*, incorporating key elements of the latest sector-specific plans such as the *Natural and Working Lands Climate Smart Strategy*, *Wildfire and Forest Resilience Action Plan*, *Water Resilience Portfolio*, and the CAPTI (described above). Priorities in the 2021 California Climate Adaptation Strategy include acting in partnership with California Native American Tribes, strengthening protections for climate-vulnerable communities that lack capacity and resources, nature-based climate solutions, use of best available climate science, and partnering and collaboration to best leverage resources (California Natural Resources Agency 2022b).

EO B-30-15, signed in April 2015, requires state agencies to factor climate change into all planning and investment decisions. This EO recognizes that effects of climate change in addition to sea level rise also threaten California's infrastructure. At the direction of EO B-30-15, the Office of Planning and Research published *Planning and Investing for a Resilient California: A Guidebook for State Agencies* in 2017, to encourage a uniform and systematic approach.

AB 2800 (Quirk 2016) created the multidisciplinary Climate-Safe Infrastructure Working Group to help actors throughout the state address the findings of California's Fourth Climate Change Assessment. It released its report, *Paying it Forward: The Path Toward Climate-Safe Infrastructure in California*, in 2018. The report provides guidance to agencies on how to address the challenges of assessing risk in the face of inherent uncertainties still posed by the best available science on climate change. It also examines how state agencies can use infrastructure planning, design, and implementation processes to address the observed and anticipated climate change impacts (Climate Change Infrastructure Working Group 2018).

Caltrans Adaptation Efforts

CALTRANS VULNERABILITY ASSESSMENTS

Caltrans completed climate change vulnerability assessments to identify segments of the State Highway System vulnerable to climate change effects of precipitation, temperature, wildfire, storm surge, and sea level rise.

The climate change data in the assessments were developed in coordination with climate change scientists and experts at federal, state, and regional organizations at the forefront of climate science. The findings of the vulnerability assessments guide analysis of at-risk assets and development of Adaptation Priority Reports as a method to make capital programming decisions to address identified risks.

Project Adaptation Analysis

SEA LEVEL RISE

The project is outside the coastal zone and not in an area subject to sea level rise. Accordingly, direct impacts to transportation facilities due to projected sea level rise are not expected.

PRECIPITATION AND FLOODING

According to the Federal Emergency Management Agency Flood Insurance Rate Map, the project area is located within Zone D (Areas of Undetermined Flood Hazards). The Caltrans Climate Change Vulnerability Assessment Map for District 8 maps projected changes in 100-year storm precipitation depths under climate change scenario. In the project area, storm depth is projected to increase by 2.1% by 2055 and 1.7% by 2085 (Caltrans 2019). Effects of climate change on precipitation are not likely to adversely affect the project.

WILDFIRE

The area surrounding the project is comprised of rural, commercial, and residential land. Based on the Cal Fire "Fire Hazard Severity Zones Map" for San Bernardino County, the project is outside the State Responsibility Area. Per the Caltrans District Vulnerability Assessment for District 8, the project area has a moderate risk of wildfire between 2040 to 2069. The project will not introduce new structures or uses that exacerbate fire risk or will be vulnerable to fire damage. Caltrans 2018 revised Standard Specification 7-1.02M(2) mandates fire prevention procedures during construction, including a fire prevention plan. Accordingly, the project is not anticipated to exacerbate the impacts of wildfires intensified by climate change.

TEMPERATURE

The Caltrans District 8 Climate Change Vulnerability Assessment Map (Caltrans 2019) indicates temperature changes during the project's design life. Based on the Caltrans District 8 Climate Change Vulnerability Assessment Map (Caltrans 2019), the average minimum air temperature in

the project area is projected to increase by 0.9 degree Fahrenheit by 2025 and by 3.8 degrees Fahrenheit by 2055, and by 7.2 degrees Fahrenheit by 2085. The average maximum temperature, over seven consecutive days in the project area, is projected to increase by up to 2.4 degrees Fahrenheit by 2025 and up to 6.46 degrees Fahrenheit by 2055., and by up to 9.9 degrees Fahrenheit by 2085. Therefore, the overall minimum and maximum temperatures of the day in the project area are projected to continue to increase between 2022 and 2085. Project area climate was considered during pavement selection. Therefore, the project is anticipated to be resilient to temperature change.

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Public Involvement

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. It helps planners determine the scope of environmental documentation and the level of analysis required, and to identify potential impacts and avoidance, minimization, and/or mitigation measures and related environmental requirements. Agency and tribal consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including interagency coordination meetings and Project Development Team (PDT) meetings. This section summarizes the results of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

U.S. Fish and Wildlife Service

A list of threatened and endangered species was obtained from the USFWS on October 16, 2023.

Native American Tribes

Caltrans sent a Sacred Lands file request to the NAHC on October 22, 2022. A response with a negative Sacred Lands File finding was returned, as well as a contact list. After consultation with the District Native American Coordinator (DNAC), the following tribes were contacted: Fort Mojave Indian Tribe, Twentynine Palms Band of Mission Indians, Colorado River Indian Tribe, and Chemehuevi Reservation. Chemehuevi Reservation, Ron Escobar, Environmental Director, was sent an initial letter on October 24, 2022, and Mr. Escobar responded the same day requesting to consult. Caltrans emailed Mr. Escobar on January 9, 2023, with project updates. Mr. Escobar responded the same day, requesting notification of the final cultural report. Caltrans sent a draft copy of the ASR to Mr. Escobar on March 14, 2023. Caltrans received comments regarding the draft ASR from Mr. Escobar on March 24, 2023. Caltrans edited the language in the Ethnographic sections per the Tribe's request and addressed the comments appropriately, relative to the Caltrans ASR Format and Content Guide pursuant to the Caltrans Section 106 PA. The Colorado River Indian Tribe, Brian Etsitty, Tribal Historic Preservation Officer, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date. Caltrans sent an initial letter on October 24, 2022 to the Fort Mojave Indian Tribe, Linda Otero, Director AhaMaKav Cultural Society, and follow-ups were sent on December 19, 2022 and February 23, 2023. Ms. Otero responded on February 24, 2023, stating they will send comments next week. There has been no further response to date. The Twenty-Nine Palms Band of Mission Indians, Sarah Bliss, Cultural Resource Manager, was sent an initial letter on October 24, 2022, and follow-ups were sent on December 19, 2022 and February 23, 2023. There has been no response to date.

Public Participation

The Draft Initial Study with Mitigated Negative Declaration (ISMND) was prepared for the project and circulated for a 30-day public circulation period that began on March 13, 2024 and concluded on April 15, 2024. A Notice of Intent to Adopt a Mitigated Negative Declaration was published on the State Clearing house CEQAnet website on March 13, 2024. A Notice of Intent to Adopt a Mitigated Negative Declaration was published in San Bernardino Sun Newspaper on March 13, 2024. The public notice informed the public of the locations where the Draft ISMND was available for review, the start and end dates of the review period, and how to submit comments on the Draft US-95 Pavement Rehabilitation ISMND. The published notice was also distributed by postmail according to the distribution list, as included in Appendix B.

Additionally, a Notice of Completion was transmitted to the State Clearinghouse on March 13, 2024. The State Clearinghouse distributed the Draft ISMND to selected State agencies. Comments were received from a member of the public on April 1, 2024, and CDFW on April 15, 2024. Below are the responses to comment letters, the State Clearinghouse CEQAnet receipt, and published newspaper notices.

Letter A – Member of Public

From: [Mike Cegielski](#)
To: [Comments for 08-11240@DOT](#)
Cc: senator.padilla@senate.ca.gov; assemblymember.eduardo.garcia@assembly.ca.gov
Subject: US-95 Pavement Rehab
Date: Monday, April 1, 2024 7:10:27 PM

EXTERNAL EMAIL. Links/attachments may not be safe.

ATTN: Gabriella Duff
California Department of Transportation
Senior Environmental Planner

This letter is in regards to US-95 Pavement Rehabilitation Project that is currently open for comment.

A-1 | As a California resident that uses this road, I am opposed to this project. I feel the money budgeted would be better utilized towards adding lanes in both directions. I drive US-95 approximately 24 times per year (both directions) and it is extremely dangerous on the California section. The highway use has increased significantly since the Nevada portion was improved to a 4-lane highway, leaving the California side to dangerously languish.

I realize that the Nevada side was in US Dem senator Harry Reid's district and he appropriated funds while our two Dem senators at the time only cared about their San Francisco/Sacramento connections. I also realize that all other California representatives for this area are not really local and could probably care less about appropriating any funds to this roadway. Further, I realize that the work in Nevada probably had the same cost as CA will spend on a blacktop chip seal and repaint project. None of these realizations should be excuses for not doing what is right and necessary.

A-2 | As I mentioned, this is a needlessly dangerous section of road. Since Nevada's improvement has increased traffic, there are now lines of diesel rigs, RVs, boat trailers, cars, and motorcycles traveling the California section at all rates of speeds. There is very dangerous passing, often without concerns for oncoming traffic. Just last December, I had to rapidly divert to the sandy shoulder to avoid an oncoming car passing a line of three semi trucks (fortunately, this time, I was in my 4x4 truck without the trailer). Also along that highway are plenty of memorial crosses signifying a lost loved one.

So don't just put lipstick on this pig. Don't throw away taxpayer money. Do the job right and secure the funding and finish widening this remaining stretch of US-95. Nevada did it on a longer stretch of road because they had representatives that cared.

In fact, and I'd hate to suggest this, but if you were to do nothing to this highway and let it degrade further, it probably would be safer by virtue of slowing down traffic!

Thank you for your consideration.

Mike Cegielski
Norco, CA

Response to Comment A-1 and A-2:

Thank you for your comment. Caltrans has criteria for the addition of traffic lanes by considering when the generated traffic volume exceeds the capacity of an existing facility. However, the analysis of the most current traffic data for both directions of US-95 completed on March of 2023 on US-95 at the Nevada State Line shows an hourly traffic count of 426 per hour, which constitutes approximately 25 percent of the roadway's current operational capacity (based on 55 MPH posted speed limit), indicating that the roadway can accommodate the current traffic volumes. In addition, the examination of the most current Traffic Accident Surveillance and Analysis (TASAS) data, which Caltrans utilizes regarding all traffic investigations, from October 2, 2020, through September 30, 2023, shows the Actual Rate of Collisions, within this segment of US-95, is below the Average Collision Rates in comparison with similar State Highway facilities in California, and there were no pattern in collisions related to congestions, thus not warranting the need for the addition of traffic lanes at this time. Additionally, the project will change a portion of the existing centerline striping from passing to non-passing zones.

Letter B – CDFW Letter



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 15, 2024

Gabrielle Duff, Senior Environmental Planner
California Department of Transportation, District 8
464 West Fourth Street, Sixth Floor, MS 829
San Bernardino, CA 92401

**Subject: Initial Study/Mitigated Negative Declaration, US-95 Pavement
Rehabilitation (Project), State Clearinghouse No. 2024030440, County of
San Bernardino**

Dear Gabrielle Duff:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the California Department of Transportation (Caltrans) for the 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, we appreciate 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 & 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 their habitats 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.

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

Gabrielle Duff
California Department of Transportation, District 8
April 15, 2024
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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.), the Project proponent may seek related take authorization as provided by Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans District 8

Objective: The objective of the Project is to restore, preserve, and extend the service life of the existing pavement, as well as other existing roadway infrastructure and improve deficiencies along United States Route 95 (US-95) in San Bernardino County.

Description: The Project will rehabilitate the pavement from Postmile (PM) R57.207 to PM 64.5. Primary Project activities include:

- Overlay on the existing paved mainline and shoulders.
- Mill at transition locations.
- Repair distressed areas with localized dig-outs.
- Replace asphalt concrete dikes.
- Restripe traffic lanes.
- Reinstall rumble strips.
- Place four feet wide shoulder backing.
- Replace one sign panel.
- Replace guardrails.
- Change portion of the existing centerline striping from passing to non-passing zones.

Location: The Project site is located along the US-95 northwest of the City of Needles, in an unincorporated section of San Bernardino County, California 92356; from PM R57.207 to PM 64.5; approximate center coordinate of Latitude 34.922687 and Longitude -114.778372.

Timeframe: An estimated timeline of construction or completion for the Project was not included within the IS/MND.

COMMENTS AND RECOMMENDATIONS

Gabrielle Duff
California Department of Transportation, District 8
April 15, 2024
Page 3 of 24

CDFW offers the following comments and recommendations below to assist Caltrans District 8 in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the Final MND.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 1: Special-status and Sensitive Plants, and Sensitive Natural Communities

Chapter 2, Section IV a), b); Pages 10, 11, 12, and 15

Issue: The Project has the potential to result in permanent and temporary impacts to special-status plants such as Spiny hair blazing-star (*Mentzelia tricuspis*) (California Rare Plant Rank (CRPR) 2B.1), Chaparral dodder (*Cuscuta californica* var. *apiculata*) (CRPR 3), Utah vine milkweed (*Funastrum utahense*) (CRPR 4.2), and Sensitive Natural Communities such as arrow weed thickets (State Rarity Rank (S) S3), and smoke tree woodland (S3), and the habitats thereof.

Specific impact: The Project, as described, will require vegetation removal in mass associated with grading and road construction in areas currently undeveloped where special-status plants, and/or Sensitive Natural Communities are potentially present. The Project as described holds the potential to take special-status plants, and Sensitive Natural Communities (*i.e.*, those with a rank of S1 through S3.2) through mortality by paving earthen road shoulders, the installation of Project materials such as shoulder backing and wildlife exclusion fencing, modifying hydrology, causing latent effects associated with introduction or proliferation of invasive species, and changing habitat composition.

Why impact would occur: The IS/MND indicates that special-status plants would be flagged for avoidance within the Project Impact Area (PIA) or within 50-feet of the PIA when found present during presence/absence surveys carried out within three-days prior to construction. Direct or indirect impacts to special-status plants may occur as a consequence of inadequate surveys. For instance, not all species may be detectable during a limited three-day survey period scheduled around a construction start date. Further, survey protocols were not provided for in the IS/MND, so it is unclear whether proposed surveys would be effective in identifying and avoiding impacts. Without special-status plant surveying periods indicated within the IS/MND as part of an approved protocol, individual plants, or locally significant populations thereof, may be impacted upon ground disturbance where their underground structures (*e.g.*, bulbs, corms, roots, *etc.*) may lay dormant underground, or in the case of annual species, the seed banks may be present in the PIA. Direct impacts to

Response to Comments B-1:

Response to Issue: Thank you for the comment. While Caltrans does use the California Native Plant Society (CNPS) to determine potential rare plants within the project impact area (PIA), these plants do not have legal status unless otherwise stated. The plants listed in this comment are not CESA-listed and are not, by themselves, 1600 resources. Caltrans has estimated permanent and temporary impacts, and will be applying for the appropriate permits as soon as plans are finalized.

Response to Specific Impact: Caltrans has estimated the amount of "take" to CDFW-protected sensitive natural communities based on design files. Caltrans will continue to monitor permanent and temporary impacts as design plans are finalized and will use the definitions under 1600 and 1602 of the California Fish and Game Code to determine impacts and any necessary permits and mitigation. To avoid specific impacts Caltrans will conduct pre-construction surveys for these resources. If found these resources will be properly dealt with through the appropriate Title 14 regulation or Desert Native protection Plant Act procedures.

B-1

special-status plants within the PIA include grading, vegetation removal, paving of an existing earthen shoulder, construction of a new four-foot-wide shoulder for the length of the Project which will include the use of shoulder backing, and ongoing road shoulder maintenance. Indirect impacts to special-status plants include modified hydrology, dust, increased risk of wildfire, and a reduction in pollinators associated with vehicle strike.

The IS/MND indicates that Sensitive Natural Communities would be potentially impacted. The IS/MND states on Page 11, "Indirect impacts may result to natural communities due to nonnative species introduction and increased dust, both of which could reduce the quality of habitat or affect the survival and reproductive fitness of the plant species comprising the community. Indirect impacts, such as water quality and litter control, are addressed through avoidance and minimization measures." However, the IS/MND does not disclose any potential impacts to special-status plants. Whereas absence of two species of special-status plants is discussed on Page 11 (ribbed cryptantha (*Jonhstonella costata*) and spiny-hair blazing star), no further information regarding impacts to special-status plants is provided.

Evidence impact would be significant: The Project as described may result in direct take of special-status plants and parts thereof, and would result in the loss of the habitats on which they depend on. The IS/MND indicates that botanical surveys were conducted on January 4th, 5th, 6th, 10th, 11th, and 12th of 2023 for the Project's proposed area and a 20-foot buffer. These surveys were conducted outside of the identification and flowering period for many of the CRPR-listed plants with the potential to occur within the PIA, and the IS/MND's Natural Environmental Survey – (Minimal Impacts) (NESMI) acknowledged the limitations and shortcoming of the survey timing on Page 8 of the Botanical Survey held within. Further, surveying was not conducted in total for the PIA, as the surveying team declined to survey areas due to road shoulder constraints. Surveying was additionally performed through the use of binoculars in some circumstances. For these reasons, the results of the Botanical Survey are unlikely to fully disclose impacts to special-status plants, and as such, the proposed mitigation of the IS/MND is likely insufficient in mitigating the impacts to special-status plants to a level of less than significant.

San Diego State University (Howe, 1969) and the University of California (Hoover, 1968) hold records, including isotypes, of spiny-hair blazing star growing within and adjacent to the PIA, or within a reasonable dispersal distance for the species. A recent observation of the species was made in 2019 adjacent to the PIA (Ramirez, 2019). The IS/MND's NESMI recognizes that special-status species are known to occur within the Project Area, but the Mitigation Measures of the IS/MND (e.g., BIO-Plant-1: Rare Plant Surveys, Flagging, and Fencing) do not include conducting floristic field surveys in accordance with an accepted protocol for special-status plants, and instead proposes a pre-construction presence/absence survey to be performed within three days of construction to flag or fence for avoidance special-

Response to Why Impact Would Occur:

Caltrans has updated the avoidance and minimization measures based on your suggestions to minimize impacts to sensitive natural communities and special status/rare plant species. Caltrans will conduct preconstruction surveys within the appropriate bloom time for these species. These surveys will follow CDFW protocol for Surveying and Evaluating Impacts to Special-Status Plant Populations and Sensitive Natural Communities. Furthermore, to protect the seedbank, Caltrans has added measures to preserve the top soil and redistribute it after project activities are completed. A discussion of special-status plant species can be found in "Section IV Biological Resources", Page 38 of the ISMND. No CESA protected plants were observed during surveys or listed within 2 miles of the BSA based on CNDDDB data. Seeds are "parts thereof" and this applies to CESA listed species. Special-status species are not CESA listed. Sensitive natural communities that are riparian and protected under 1600 of the California Fish and Game Code are discussed in "Section IV Biological Resources", pages 38 and 45 through 47 of the ISMND.

status plants in the Project site and within 50 feet. Additionally, a time of year, or season is not provided for this survey period.

With the large acreage and linear footprint of the Project, and with the Project's area being subject to unpredictable weather patterns that may not align with the expected flowering period of special-status plants, the use of presence/absence surveys alone as proposed in the IS/MND would not be appropriate to detect special-status plants, and thus Mitigation Measure BIO-10 (BIO-Plant-1) would not mitigate the impacts to special-status plants to a level of less than significant. Moreover, special-status plants with the potential to occur within and adjacent to the PIA hold propagule vectoring habits that exceed 50 feet in dispersal (e.g., Utah vine milkweed), and as such, the proposed 50-foot buffer would be insufficient at adequately being able to detect special-status plants. Thus, the Project would not mitigate to a level of less than significant. The IS/MND also does not propose compensatory mitigation for any permanent impacts to special-status plants, their habitats, or for Sensitive Natural Communities. Additionally, the IS/MND does not propose mitigation for any temporary impacts to special-status plants and their habitats, and/or Sensitive Natural Communities, for example restoration and/or monitoring for success. CDFW considers the take of special-status plants, the loss of their habitats, and the loss of Sensitive Natural Communities as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below revisions to BIO-10 (edits are in ~~strike through~~ and additions are in **bold italics**) and the adoption of BIO-10.1 in the Final MND to ensure impacts to special-status plants and the habitats thereof, and Sensitive Natural Communities, are mitigated to a level of less than significant.

BIO-10 (BIO-Plant-1: ~~Rare~~ Special-status Plant and Sensitive Natural Communities Surveys, Flagging, and Fencing) (Revised):

Within the appropriate identification periods for special-status plants and Sensitive Natural Communities, surveys shall be conducted according to the CDFW 2018 Protocols for Surveying and Evaluating Impacts to Special-status Plant Populations and Sensitive Natural Communities (found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>). In addition, three days prior to construction, ~~a~~ preconstruction surveys must be conducted by a CDFW approved Qualified Biologist with a minimum of five years of professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and 150 feet of the PIA. Special-status species and Sensitive Natural Communities must be flagged for visual identification to construction personnel for work avoidance. Special-status plant species detected that feature multiple plants in a single location must be fenced off with Environmentally Sensitive

Response to Why Impact Would Be Significant:

The plants listed in the comment are not protected under CESA. They are not listed as Fully Protected, Species of Special Concern, State Endangered, State Threatened, or State Candidate. Therefore, they are not protected under CESA. Any plant species that are indicative of 1600 resources, such as those that are riparian or riverine species, will be properly mitigated for pending appropriate 1600 permits and in consultation with CDFW. As stated in "Section IV Biological Resources", page 46 of the ISMND, the only permanent impact associated with the project is shoulder backing, which will be installed in an area 4 feet in width from the Edge of Travel Way (ETW). Any shoulder backing to be placed in drainages has been noted as a permanent impact and will be mitigated properly with the application for a 1602 permit. For the plant species known to occur in the area based on CNDDDB observations, no observations were recorded during 2023 surveys, as stated in "Section IV Biological Resources", page 37 of the ISMND.

Response to Recommended Potentially Feasible Mitigation Measures: Caltrans thanks CDFW for recommending avoidance and minimization measures that will reduce impacts to sensitive communities and potentially present rare plants. BIO-Plant-1 has been updated and added to the ISMND. However, Caltrans is unable to apply for an ITP for the plants listed in the comment as they are not

indirect take associated with Project operations, reduction of habitat associated with road infrastructure expansion, and reduction of species movement.

Why impact would occur: The IS/MND indicates that desert tortoise could be directly impacted during construction and for the life of the Project, including the collapsing of burrows as part of Project activities in addition to loss and/or degradation of habitat. The IS/MND also indicates that permanent and temporary impacts associated with the Project's construction would occur to desert tortoise habitat. The IS/MND notes on Pages 12, "There is suitable habitat in the form of Mojavean desert scrub throughout the Biological Study Area (BSA) and PIA. This species [desert tortoise] is not anticipated to be burrowing in the PIA due to disturbance. However, individuals may still be found in the PIA as they search for food and water. Furthermore, this project is partially within Desert Tortoise Critical Habitat from PM 61.4 to PM 64.5." Impacts to desert tortoise are further discussed on Page 12 and 13 as, "Impacts to desert tortoise resulting from project activities include direct and indirect impacts. Desert tortoise may be removed or crushed from equipment, leading to mortality or decreased fitness, and thus is considered a direct impact that could be permanent if individuals are not able to recover. Loss of vegetation or degradation of vegetation, even temporarily, may indirectly impact the desert tortoises. Permanent impacts are analyzed as portions of the PIA where shoulder backing occurs. Temporary impacts are analyzed as portions of the PIA that will contain no permanent structures or materials and are planned to be restored to pre project conditions. Temporary impacts that were evaluated include staging areas, limits of ground disturbance, and vegetation removal."

Evidence impact would be significant: The IS/MND indicates that desert tortoise was not found during the January 2023 surveys and is not expected to occur within the PIA due to baseline disturbance, yet the species could enter the Project area at any time. Thirty-two unprocessed records for the species are found within CDFW's Biogeographic Information and Observation System (BIOS) adjacent to the Project site within three miles or within the same watershed with unimpeded habitat (Robinson, & others, 2014-2024). All of these records occur within a continuous band of unimpeded habitat for which desert tortoise could be moving through and into the Project site in search for mates, food, water, or habitat. In addition, the Project, as described, would remove potential habitat for desert tortoise. CDFW considers the take of desert tortoise and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant.

The IS/MND's BIO-16 (BIO-Reptile-4: Authorized Biologist Clearance Surveys) includes that desert tortoise individuals, if found on site, would be moved out of harm's way following the most recent CDFW and USFWS guidelines. Mitigation Measure BIO-16 (BIO-Reptile-4) suggests handling of CESA-listed species, which constitutes take under CESA in the form of catch, pursue, capture, and/or attempting to catch, pursue, and/or capture. The IS/MND indicates on page 18, "A CDFW 2081

IV Biological Resources", pages 49 through 53, will decrease impacts to desert tortoise suitable habitat.

Response to Why Impact Would Occur:

Caltrans would like to thank CDFW for this comment. It has been noted and desert tortoise specific avoidance and minimization measures have been updated to better protect desert tortoise and desert tortoise habitat from direct and indirect impacts.

Response to Evidence Impact Would be Significant: According to 78

Ops.Cal.Atty.Gen137 (1995) "The present inquiry is whether indirect harm to a state-listed endangered or threatened species resulting from habitat modification which actually kills or injures one or more members of an endangered or threatened species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering, is prohibited by section 2080. We conclude that it is not." Furthermore "It is evident that the words hunt, pursue, catch, and capture in section 86 each connote a particular activity and purpose beyond the act of habitat modification alone. Hence the critical issue is whether the remaining word kill contained in the statute includes the death of one or more members of a species by way of habitat modification." The FESA has harm in the definition of take and it means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures

permit [ITP] will be required if a desert tortoise is handled," but does not include that an ITP would be sought prior to the implementation of Project activities.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below revisions to BIO-14, BIO-15, and BIO-16 (edits are in ~~strike through~~ and additions are in ***bold italics***), and the adoption of BIO 20.1 in the Final MND to ensure impacts to desert tortoise, and the habitats thereof, are mitigated to a level of less than significant.

BIO-14 (Bio-Reptile-14 Pre-Project Surveys) (Revised):

To assess the number of listed reptile species that may be potentially impacted, pre-project surveys for desert tortoise must be conducted within ~~the shoulder widening and culvert drainage project impact area~~ ***the PIA, and adjacent to the PIA where Project activities could affect desert tortoise according to the current protocol provided by the USFWS. Desert tortoise surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2009 desert tortoise survey methodology (see: <https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf>)***. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise does not enter the Project area. A CDFW-approved biologist shall be present to monitor construction at all times when and where desert tortoise has the potential to enter an active construction area of the Project. If the survey confirms presence of desert tortoise, or if a desert tortoise is observed at any time, Caltrans shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, CDFW recommends that Project activities be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

BIO-15 (BIO-Reptile-3: Construction Monitoring) (Revised):

Project activities must be monitored by USFWS authorized ***and CDFW approved qualified biologist during the course of Project activities that could impact desert tortoise weekly*** to ensure that measures are being implemented and documented.

BIO-16 (BIO-Reptile-4: Authorized Biologist Clearance Surveys) (Revised):

wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. *Palila v Hawaii Dept. of Land and Natural Resources* (9th Cir. 1981) 639 F.2d 495, 497) included habitat modification in the definition of the term 'harm' and was already judicially observed. State legislation proposed a CESA amendment in 1984, this would have added section 2066 to expand the definition of "take" to include harass and harm. However, on 4/23/1984, the proposed definitional expansion was deleted in the Senate. These events suggest that the Legislature was aware of the broader federal definition and intentionally departed from it. Based on this history, while habitat is protected under FESA, it is not protected under CESA. Therefore, Caltrans will not be pursuing an ITP or conducting habitat mitigation for desert tortoise habitat. Should a desert tortoise individual be impacted under the definition of 'take' by CESA, appropriate permits, mitigation, and consultation will be conducted. Furthermore, BIO-16 (BIO-Reptile-4) includes the handling of desert tortoise as a contingency. No signs of desert tortoise were observed during 2023 surveys, therefore Caltrans will not be pursuing a 2081 ITP. The clearance and preconstruction surveys will further determine potential of desert tortoise to be present. Should a desert tortoise be found, Caltrans will discuss options including potentially applying for an ITP

Clearance desert tortoise surveys must be conducted by a USFWS authorized *and CDFW approved qualified* biologist 3 days prior to project activities within the entire PIA. *Daily construction monitoring for desert tortoise shall occur, when applicable, in accordance with the species-specific measures of this document.* If a desert tortoise (*dead or alive*) is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination ~~may be~~ *is* required. Desert tortoise *may be* removed from work areas ~~may be moved from and out of~~ *harm's way* to the nearest suitable habitat or translocated, following the most recent CDFW and USFWS guidelines *if authorized and in accordance with a CDFW ITP.* A CDFW ITP ~~2081 permit~~ will be required *and shall be obtained prior to any if a desert tortoise is being handled.*

BIO-20.1 (Bio-DT-2 Desert Tortoise Compensatory Mitigation) (New):

Permanent impacts to desert tortoise habitats shall be mitigated at a minimum 3:1 (mitigated to impacted) ratio by acreage area. Temporary impacts to desert tortoise habitats shall be restored onsite at a 1:1 (mitigated to impacted) ratio by acreage area. If areas temporarily impacted will not return to their baseline ecological state and form within one-calendar-year of occurring impacts, additional compensatory mitigation to address temporal losses of habitat shall occur. Compensatory mitigation for desert tortoise habitat impacts by total area (i.e., the combined total acreage of permanent and temporary impacts calculated post-ratios) shall be conducted either on-site through restoration activities, or through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition, conservation, and management, or a combination of both, in coordination with CDFW.

COMMENT 4: Burrowing Owl (*Athene cunicularia*)

Chapter 2, Section IV a); Page 13, and elsewhere

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to burrowing owl habitat. Direct take of burrowing owl may also occur during the course of Project activities and for the life of the Project.

B-3

Specific impact: The Project includes the potential for the collapsing of burrows, entombment, displacement, direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, reduction of habitat and habitat quality associated with road infrastructure expansion. The Project as described will cause permanent and temporary impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: Burrowing owl could be directly impacted during construction and for the life of the Project through the removal of potential foraging

so the animal may be moved. However, depending on where the individual is found, other options may include delaying the project until the animal moves on its own, or working on a different section of the project to avoid impacts to the animal until it moves. These options do not require a 2081 ITP because Caltrans has not seen recent evidence of desert tortoise in the project area. At this time, it has been decided a 2081 ITP is not necessary. Should that change, the proper steps will be completed to ensure proper handling of desert tortoise (if needed) and mitigation, in consultation with CDFW.

Response to Comments B-3:

Response to Issue: Caltrans would like to thank CDFW for the comment and shall be including appropriate avoidance and minimization measures to decrease temporary and permanent impacts as well as risk to directly impacting burrowing owl individuals.

Response to Specific Impact: Avoidance and minimization measures have been added to the ISMND to minimize impacts to burrowing owl.

Response to Why Impact Would Occur: In "Section IV Biological Resources", page 8 of the ISMND, the road widening is not part of this project. Project activities include: overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes,

habitat, and loss of habitat features caused by road widening and the installation of shoulder backing. Nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation and degradation of suitable habitat could also all lead to significant impacts to burrowing owl individuals and local populations. Habitat conversion may occur indirectly through the introduction of invasive species, which could also negatively affect burrowing owls. The IS/MND does not disclose the potential for burrowing owl impacts and the habitats thereof as the species was not assessed in the Biological Resources section or within the Project's NESML. Burrowing owls are known to occur within a reasonable dispersal distance of the Project area (Davenport, 2005; Stratton, 2016; Wilkerson, *et al.*, 2006) and potential nesting and foraging habitat occurs within and adjacent to the Project area.

Evidence impact would be significant: Burrowing owls are regulated under Fish and Game Code section 3503.5, are a CDFW Species of Special Concern (SSC), and have recently been petitioned for consideration to be listed as Endangered or Threatened under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. However, because the IS/MND does not include Mitigation Measures specific to burrowing owl, the IS/MND does not adequately mitigate the potential impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (*i.e.*, Fish and Game Code sections 3503.5, *etc.*) and Federal laws (*i.e.*, Migratory Bird Treaty Act). Furthermore, if burrowing owl becomes a State candidate threatened or endangered species under CESA, or later listed as threatened or endangered under CESA, and complete avoidance of burrowing owl cannot be achieved, CDFW considers the take of burrowing owl and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant which may include that Project activities be postponed until appropriate authorization (*i.e.*, a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the adoption of BIO-22 below in the Final MND to ensure impacts to burrowing owl, and the habitats thereof, are mitigated to a level of less than significant.

BIO-22 (BIO-Avian-2 Pre-construction Burrowing Owl Surveys) (New):

The following burrowing owl preconstruction surveys must be performed: one survey 14 to 30 days prior to Project activities; one survey 24 hours prior to Project activities; and burrowing owl preconstruction surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See:

restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. The 4-foot shoulder widening has been discussed as a permanent impact to biological resources. 2023 surveys did not find evidence of burrowing owls or potential burrows within the project impact area or survey BSA. Furthermore, no CNDDDB observations were listed within 2 miles of the project and were not included within the CNDDDB report for the Bannock USGS 7.5-minute quadrangle.

Response to Evidence Impact Would Be Significant: While there is potentially suitable habitat within the PIA, lack of individuals observed during 2023 surveys, listed on the CNDDDB report for the Bannock USGS 7.5-minute quadrangle, or recent observations within 2 miles of the PIA and BSA indicate that, currently, no burrowing owl populations are within the Project Impact Area. Based on this, Caltrans will not be pursuing an ITP for burrowing owls but will implement updated measures to decrease risk of impacts to burrowing owl individuals.

Response to Recommended Potential Feasible Mitigation Measures: Caltrans thanks CDFW for the comments. BIO-2 has been updated to include an avoidance buffer for burrowing owls. Caltrans has also included the standard measure for Preconstruction Burrowing

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>) prior to vegetation removal or ground disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The Qualified Biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities and implementing the measures of the Burrowing Owl Plan.

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

COMMENT 5: Nesting Birds

Chapter 2 Section IV a); Page 13, 19, and elsewhere

B-4

Issue: The Project as described will cause impacts to avian species, including CDFW SSC such as Bendire's thrasher (*Toxostoma bendirei*), CESA-listed species such as the gilded flicker (*Colaptes chrysoides*), along with common birds that are subject to Fish and Game Code sections 3503, 3503.5, 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project as described could result in direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, displacement, reduction of habitat and habitat quality associated with road infrastructure expansion. The Project as described would

Owl Surveys (BIO-23) to confirm that no burrowing owls are present within the project impact area. If burrowing owls are present within the project impact area, BIO-24 (Burrowing Owl Plan) shall be implemented.

Response to Comments B-4:

Response to Issue: The species listed in this comment were not listed on CNDDDB or IPaC. They were also not observed during 2023 surveys. Therefore, they were not discussed within the ISMND.

Response to Specific Impact: Caltrans would like to thank CDFW for their comment. The avoidance and minimization measures have been updated to provide better protections to birds potentially nesting within the PIA and BSA.

Response to Why Impact Would Occur: The project does not include road widening; therefore, no discussions of potential impacts road widening will have on habitat are not needed. Shoulder backing as a permanent impact has been discussed in "Section IV Biological Resources", page 41 of the ISMND. The avoidance and minimization measures listed in "Section IV Biological Resources", pages 49 to 54 of the ISMND (both avian specific and non-avian specific) will be implemented to minimize both direct impacts to nesting bird species, and indirect impacts to foraging habitat. Costa's hummingbird and Lawrence's goldfinch were the focus of the avian species because they were

cause permanent and temporary impacts to avian species' foraging and nesting habitat.

Why impact would occur: Nesting avian species could be directly impacted during construction and for the life of the Project through the removal of potential foraging habitat, and loss of habitat features caused by road widening and the installation of shoulder backing. Nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations. The IS/MND acknowledges that there is potential habitat for nesting birds, and the Project description includes activities that would impact habitats and habitat features utilized by nesting birds. This is primarily noted on Page 13 of the IS/MND, which is solely directed towards Costa's hummingbird (*Calypte costae*) and Lawrence's goldfinch (*Carduelis lawrencei*) as, "There is suitable habitat within the BSA, however, and could be affected by auditory or visual disturbance. They may occur in the BSA and may be indirectly affected by project activities. Temporary impacts involving ground disturbance and vegetation removal could impact species in the area...[continued later]. There could be temporary impacts on these species if nesting occurs within the BSA, including loss of nesting habitat, nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation, and degradation of suitable habitat. However, nesting bird species are not anticipated to nest within the PIA due to disturbance."

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

The IS/MND anticipates there to be no nesting avian species within the PIA due to baseline disturbances, such as but not limited to routine road maintenance activities and ambient noise levels associated with adjacent non-Project related activities. Yet the Project as described holds the potential to affect nesting avian species within and beyond the PIA through construction impacts, vegetation removal, and road infrastructure development. Local bird species have the potential to occur within the PIA and/or adjacent to the PIA and could be affected by Project activities regardless of baseline disturbance as the project contains habitat for nesting birds. CDFW

listed on IPaC and had suitable habitat. CNDDDB observations only listed Summer Tanager within the Bannock USGS 7.5-minute quadrangle and it was determined that no suitable habitat was present within the BSA or PIA. While there are several listed and protected birds along the Colorado River, there were not observations listed within the IPaC study area nor the Bannock USGS 7.5-minute quadrangle, nor were they observed during 2023 surveys. BIO-21 does not list specific bird species to include species that may move into the PIA that may not have otherwise been captured by online databases such as CNDDDB and IPaC.

Response to Evidence Impact Would Be Significant:

BIO-21 (BIO-Avian-1: Preconstruction Bird Nesting Survey), BIO-4 (BIO-General-8: Biological Monitoring), along with BIO-2 (BIO-General-6: Species Avoidances) have been included to protect nesting birds by identifying active nests through surveys, establishing buffers, and monitoring the nests for any change in behavior that might indicate potential nest abandonment. Caltrans also anticipates the lack of nesting birds based on previous surveys and habitat assessments.

While Caltrans acknowledges that surveys will never be capable of accurately predicting future impacts as animals may move in and out of the area, limitations are inevitable for surveys, and

considers the take of any avian species nests and eggs regulated under Fish and Game Code as a result of Project activities a potentially significant impact, unless mitigated to a level of less than significant and in compliance with State (*i.e.*, Fish and Game Code sections 3503.5, *etc.*) and Federal laws (*i.e.*, Migratory Bird Treaty Act).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the below revisions to BIO-21 (edits are in ~~strike through~~ and additions are in ***bold italics***) in the Final MND to ensure impacts to common and special-status nesting birds, and the habitats thereof, are mitigated to a level of less than significant.

BIO-21 (BIO-Avian-1: Preconstruction Nesting Bird Survey) (Revised):

*Project activities shall not result in impacts to nesting birds, or result in the take or removal of nests or eggs in accordance with CDFW and USFWS regulations. ~~If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then~~ Preconstruction nesting bird surveys must be conducted *within and adjacent to the PIA where Project activities have the potential to affect nesting birds up to the limit of the BSA* no later than 3 days prior to construction by a qualified biologist experienced with: *identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures, in order to locate and avoid nesting birds. Concurrent and additional surveys shall occur as Project construction progresses, as the nature of the Project is linear in fashion.* If an active avian nest is located, a no ~~disturbance construction~~ buffer ~~(100 feet for non-passerine, 300 feet for passerine, and 500 feet for raptors)~~ shall may be established and monitored by the qualified biologist ~~based on the professional judgement of the Qualified Biologist, and on any nesting bird behavioral response associated with Project related activities including any synergistic responses of ambient baseline disturbances compounding with Project related activities.~~ Any active nests shall be continuously monitored by a Qualified Biologist or biological monitor during the course of Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the Qualified Biologist if any nesting bird shows behavioral responses resulting from Project related activities.*

II. Lake and Streambed Alteration Program

changes in the habitat due to climate change can lead to unforeseen issues, based on previous Fish and Game Code. Should birds be impacted by project activities, proper permits and surveys, Caltrans has determined the project will have “no take” of species protected under the consultations with agency will be conducted by Caltrans. BIO-2, BIO-3, and BIO-21 have been implemented to determine risk of nesting birds being present in the project area. Other measures such as BIO-9, BIO-8, and BIO-5 will be implemented to protect the habitat. No mitigation is anticipated at this time due to previous surveys, IPaC and CNDDB lists, and current avoidance and minimization measures.

Response to Recommended Potential Feasible Mitigation Measures: Caltrans would like to thank CDFW for their recommendations to improve the avoidance and minimization measures. Caltrans has removed the portion stating “Any active nests shall be continuously monitored by a Qualified Biologist or Biological Monitor” and has instead included “Any active nests shall be continuously monitored by a Qualified Biologist” as biological monitors and qualified biologists function the same when performing environmental tasks.

COMMENT 6: Lake and Streambed Alteration

Chapter 2, Section IV b); Pages 15, 16, and elsewhere

Issue: The IS/MND does not fully consider all areas subject to Fish and Game Code section 1602, nor does it consider notification of Lake and Streambed Alteration (LSA) for those resources identified as subject to Fish and Game Code section 1602. The IS/MND should also address Fish and Game Code section 5650.

Specific impact: The Project as described would include: substantial diversion or obstruction of natural flow of a stream; substantial change in the bed, bank, and channel of a stream; or deposition of debris or other materials containing ground pavement where they may pass into a stream.

Why impact would occur: Based on the review of the materials submitted with the IS/MND, and review of aerial photography, the Project as described will have impacts to Fish and Game Code section 1602 resources within the Project Area.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream, or lake" includes those that are episodic (*i.e.*, those that are dry for periods of time) as well as those that are perennial (*i.e.*, those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with subsurface flow, and the hyporheic zones thereof. The Project, as described in the IS/MND will be subject to Notification under 1602. CDFW considers substantial adverse impacts and the deposition of materials where they may pass into streams as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the adoption of BIO-23 below in the Final MND to ensure impacts to Fish and Game Code section 1602 resources are mitigated to a level of less than significant.

BIO-23: Notification to CDFW (New):

Caltrans shall notify CDFW under Fish and Game Code section 1600 et seq. for all portions of the Project that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Shoulder backing that is planned to be placed in or near channel areas that are subject to Fish and Game Code

Response to Comments B-5:

Response to Chapter 2, Section IV b;’ Pages 15, 16, and elsewhere: Caltrans has determined that shoulder backing will be installed at designated Arizona Crossings within CDFW 1602 jurisdictional areas. This may result in passage into the stream during a future flow event. Therefore, a 1602 permit will be required.

Response to Specific Impact: The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. This scope of work as described throughout the ISMND, does not include substantial diversion or obstruction of natural flow of a stream; include substantial diversion or obstruction of natural flow of a stream; substantial change in the bed, bank, and

section 1600 notification shall not consist of asphalt, bitumen, or any other substance or material that is deleterious to fish, plant life, mammals, or bird life in accordance with Fish and Game Code 5650 et seq.

To minimize significant impacts:

To ensure that any LSA notification will meet the threshold of completeness review and not generate an incomplete letter, CDFW recommends Caltrans conduct a new analysis of the Project area for where 1602 resources could be affected by the Project, including the placement of materials where they have the potential to pass into channel areas. CDFW is available for coordination and review of areas where Fish and Game Code section 1602 resources occur within the Project area. This may include site visits and analysis prior to the submittal of any LSA notification.

III. Editorial Comments and/or Suggestions

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species, whereas enforcement of this jurisdiction occurs within the entirety of the State of California, and 200 miles off of California's coastline. Within Fish and Game Code section 1600 et seq., CDFW regulates activities that affect streams, as stated, "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless... [followed by the LSA notification process]." CDFW's jurisdiction, and Fish and Game Code section 1602 language is either quoted incorrectly, or quoted in partial, within the IS/MND, including within the NESMI, and the Jurisdictional Delineation Report (JD) produced for the Project.

CDFW recommends that the Final MND consider analysis for areas where materials will be deposited that have the potential to pass into a river, stream, or lake. CDFW recommends that all temporary and permanent impacts to fish and wildlife resources be reevaluated and included in the Final MND, including those regulated under Fish and Game Code section 1602, for which it is expected that the impact areas mapped in Appendix E will increase.

Lastly, The JD incorrectly states that "Stream" is defined by CDFW regarding Streambed Alteration under California Code of Regulations (CCR) Title 14 Section 1.72. Please note that CCR Title 14 section 1 et seq. addresses sport fishing regulations adopted by the Fish and Game Commission, and as such shall not be misconstrued to apply to CDFW's Lake and Streambed Alteration Program. The JD also states that "Riparian Habitat" is defined under Fish and Game Code section 2785. Please note that the definition of "Riparian Habitat" included in this section of Fish and Game Code solely

channel of a stream; or deposition of debris or other materials containing ground pavement where they may pass into a stream.

Response to Why Impact Would Occur: The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. This scope of work as described throughout the ISMND, does not include substantial diversion or obstruction of natural flow of a stream; include substantial diversion or obstruction of natural flow of a stream; substantial change in the bed, bank, and channel of a stream; or deposition of debris or other materials containing ground pavement where they may pass into a stream.

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governs the construction of the chapter of the California Wildlife Protection Act of 1990 and shall not be misconstrued to apply to CDFW's Lake and Streambed Alteration Program.

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 filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

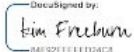
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing 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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist Caltrans District 8 in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to CDFW Senior Environmental Scientist (Specialist), Andrew Chambers, at (909) 354-0919, or by email at Andrew.Chambers@wildlife.ca.gov.

Sincerely,


KIM FREEBURN

Kim Freeburn
Environmental Program Manager

Response to Evidence Impact Would Be Significant:

“...Deposition of materials where it may pass into a stream...” is not a significant impact but a potential event. The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. The Caltrans project, as designed, would not cause a significant impact. Caltrans does not obtain permits or agreements for potential impacts, but for upfront impacts that are known and going to occur. Accidental impacts that may occur after the construction of the project would be dealt with on a case-by-case basis in consultation with resource agencies.

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ec: Office of Planning and Research, State Clearinghouse, Sacramento
state_clearinghouse@opr.ca.gov.

REFERENCES

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- Davenport, A. (2005, April 11, July 1). Burrowing owl [ds45]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved March 21, 2024, from <https://wildlife.ca.gov/Data/BIOS>.
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- Ramirez, R. (2019, March 31). *Mentzelia tricuspidis* [Observation]. Calflora: Information on California plants for education, research and conservation. [web application]. Berkeley, California: The Calflora Database [a non-profit organization]. Available: https://www.calflora.org/entry/occdetail.html?seq_num=mg80708&taxon=Mentzelia+tricuspidis (Accessed: March 25, 2024).
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- Wilkerson, R. & Seigel, R. (2006, May 26). Burrowing owl [ds45]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved March 21, 2024, from <https://wildlife.ca.gov/Data/BIOS>.

Response to Recommended Potential Feasible Mitigation Measures:

Caltrans has measures, BMPs, and standard practices that will help avoid impacts to CDFW jurisdictional areas. Since the project will not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, an river, stream, or lake, or deposit or dispose of dris, waste, or other material containing crumbled flaked, or ground pavement where it may pass into any river, stream, or lake, this recommened measure will not be needed. Additionally, the project as designed, the project would not unlawfully deposit in, permit to pass into, or place asphalt, bitumen, or any other substance or material into waters of the State.

Response to Editorial Comments and/or

Suggestions: The project will restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the

Attachment A: Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Final MND for the Project.

B-6

Biological Resources (BIO)			
Mitigation Measure (MM)		Timing	Responsible Party
BIO-Plant-1	Within the appropriate identification periods for special-status plants and Sensitive Natural Communities, surveys shall be conducted according to the CDFW 2018 Protocols for Surveying and Evaluating Impacts to Special-status Plant Populations and Sensitive Natural Communities (found at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959). In addition, three days prior to construction, preconstruction surveys must be conducted by a CDFW approved Qualified Biologist with a minimum of five years of professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and 150 feet of the PIA. Special-status species and Sensitive Natural Communities must be flagged for visual identification to construction personnel for work avoidance. Special-status plant species detected that feature multiple plants in a single location must be fenced off with Environmentally Sensitive Area (ESA) high visibility fencing. Sensitive Natural Communities detected shall be flagged or fenced off with ESA high visibility fencing. If non CESA-listed special-status plants and/or Sensitive Natural Communities are impacted by Project activities, or if protocol level surveys are not able to be conducted due to Project contracting constraints, cyclical weather constraints (i.e., drought, flooding, etc.), or other reasons conflicting with the Project's build timeline, non CESA-listed special-status plants shall be assumed present in the Project area, and mitigated	Prior to commencing ground- or vegetation disturbing activities	Project proponent

existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way. This scope of work as described throughout the ISMND, does not include substantial diversion or obstruction of natural flow of a stream; include substantial diversion or obstruction of natural flow of a stream; substantial change in the bed, bank, and channel of a stream; or deposition of debris or other materials containing ground pavement where they may pass into a stream. Additionally, Caltrans does not obtain permits or agreements for potential impacts, but for upfront impacts that are known and going to occur. Accidental impacts that may occur after the construction of the project would be dealt with on a case-by-case basis with resource agencies.

Response to Comments B-6: Caltrans added the appropriate measures to the ECR and ISMND, as discussed in the above responses to comments.

	by acreage in accordance with BIO-Plant-2. If complete avoidance of CESA-listed plants cannot be achieved, CDFW recommends that Project activities be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.		
BIO-Plant-2	Permanent impacts (i.e., areas slated for road infrastructure development such as pavement, shoulders, or shoulder backing, or areas that will not return to their baseline ecological state and form within one-calendar-year of occurring impacts) (hereafter as, 'permanent impacts') to non-CESA-listed special-status plants, shall be mitigated at a minimum 3:1 (mitigated to impacted) ratio by acreage area. Temporary impacts (i.e., areas that will return to their baseline ecological state and form within one-calendar-year of occurring impacts) (hereafter as, 'temporary impacts') to non-CESA-listed special-status plants and their habitats, and Sensitive Natural Communities, shall be restored onsite at a 1:1 (mitigated to impacted) ratio by acreage area. Compensatory mitigation for non-CESA-listed special-status plant species and Sensitive Natural Communities impacts by total area (i.e., the combined total acreage of permanent and temporary impacts calculated post-ratios) shall be conducted either on-site through restoration activities, or through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition, or a combination of both, in coordination with CDFW.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
Bio-Reptile -14	To assess the number of listed reptile species that may be potentially impacted, pre-project surveys for desert tortoise must be conducted within the PIA, and adjacent to the PIA where Project activities could affect desert tortoise. Desert tortoise surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2009 desert tortoise survey methodology (see: https://www.fws.gov/sites/default/files/documents/	Prior to commencing ground- or vegetation disturbing activities	Project proponent

	Desert-Tortoise-Field-Manual.pdf). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise does not enter the Project area. A CDFW-approved biologist shall be present to monitor construction at all times when and where desert tortoise has the potential to enter an active construction area of the Project. If the survey confirms presence of desert tortoise, or if a desert tortoise is observed at any time, Caltrans shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, CDFW recommends that Project activities be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.		
BIO-Reptile -3	Project activities must be monitored by USFWS authorized and CDFW approved qualified biologist during the course of Project activities that could impact desert tortoise to ensure that measures are being implemented and documented.	Prior to commencing ground- or vegetation disturbing activities	Project proponent
BIO-Reptile -4	Clearance desert tortoise surveys must be conducted by a USFWS authorized and CDFW approved qualified biologist 3 days prior to project activities within the entire PIA. Daily construction monitoring for desert tortoise shall occur, when applicable, in accordance with the species-specific measures of this document. If a desert tortoise (dead or alive) is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and agency coordination is required. Desert tortoise may be removed from work areas and out of harm's way to the nearest	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	suitable habitat or translocated, following the most recent CDFW and USFWS guidelines if authorized and in accordance with a CDFW ITP. A CDFW ITP will be required and shall be obtained prior to any desert tortoise being handled.		
Bio-DT-2	Permanent impacts to desert tortoise habitats shall be mitigated at a minimum 3:1 (mitigated to impacted) ratio by acreage area. Temporary impacts to desert tortoise habitats shall be restored onsite at a 1:1 (mitigated to impacted) ratio by acreage area. If areas temporarily impacted will not return to their baseline ecological state and form within one-calendar-year of occurring impacts, additional compensatory mitigation to address temporal losses of habitat shall occur. Compensatory mitigation for desert tortoise habitat impacts by total area (i.e., the combined total acreage of permanent and temporary impacts calculated post-ratios) shall be conducted either on-site through restoration activities, or through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition, conservation, and management, or a combination of both, in coordination with CDFW.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
BIO-Avian-2	The following burrowing owl preconstruction surveys must be performed: one survey 14 to 30 days prior to Project activities; one survey 24 hours prior to Project activities; and burrowing owl preconstruction surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline) prior to vegetation removal or ground disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The Qualified Biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities and implementing the measures of the Burrowing Owl Plan.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.</p>		
BIO-Avian-1	<p>Project activities shall not result in impacts to nesting birds, or result in the take or removal of nests or eggs in accordance with CDFW and USFWS regulations. Preconstruction nesting bird surveys must be conducted within and adjacent to the PIA where Project activities have the potential to affect nesting birds no later than 3 days prior to construction by a qualified biologist experienced with: identifying local and migratory bird species;</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures, in order to locate and avoid nesting birds. Concurrent and additional surveys shall occur as Project construction progresses, as the nature of the Project is linear in fashion. If an active avian nest is located, a no disturbance shall be established and monitored by the qualified biologist-based on the professional judgement of the Qualified Biologist, and on any nesting bird behavioral response associated with Project related activities including any synergistic responses of ambient baseline disturbances compounding with Project related activities. Any active nests shall be continuously monitored by a Qualified Biologist or biological monitor during the course of Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the Qualified Biologist if any nesting bird shows behavioral responses resulting from Project related activities.		
BIO-23	Caltrans shall notify CDFW under Fish and Game Code section 1600 et seq. for all portions of the Project that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Shoulder backing that is planned to be placed in or near channel areas that are subject to Fish and Game Code section 1600 notification shall not consist of asphalt, bitumen, or any other substance or	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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	material that is deleterious to fish, plant life, mammals, or bird life in accordance with Fish and Game Code 5650 et seq.		
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US-95 Pavement Rehabilitation

Summary

SCH Number	2024030440
Lead Agency	California Department of Transportation, District 8 (DOT)
Document Title	US-95 Pavement Rehabilitation
Document Type	MND - Mitigated Negative Declaration
Received	3/13/2024
Present Land Use	Desert, rural, and underdeveloped land.
Document Description	The project proposes to restore, preserve, and extend the service life of the existing pavement on US Route 95 (US-95) from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized digouts, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. All of the project is within the State's right of way, with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in BNSF's right of way.

Contact Information

Name	Gabrielle Duff
Agency Name	Caltrans
Job Title	Senior Environmental Planner
Contact Types	Lead/Public Agency
Address	464 W. 4th Street, 6th floor, MS 829 San Bernardino, CA 92401
Phone	(909) 501-5142
Email	gabrielle.duff@dot.ca.gov

Location

Cities	Unincorporated area
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Counties	San Bernardino
Regions	Countywide, Unincorporated
Cross Streets	I-40/US-95 Separation
Other Location Info	The project area is not located within a city but is located near Needles, CA.

Notice of Completion

State Review Period Start	3/13/2024
State Review Period End	4/15/2024
State Reviewing Agencies	California Air Resources Board (ARB), California Department of Fish and Wildlife, Inland Deserts Region 6 (CDPW), California Department of Parks and Recreation, California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, Colorado River Basin Region 7 (RWQCB), California Transportation Commission (CATC), Department of Toxic Substances Control, Office of Historic Preservation, California Department of Transportation, District 8 (DOT)
State Reviewing Agency Comments	California Department of Transportation, District 8 (DOT)
Development Types	Transportation: Highway/Freeway
Local Actions	N/A
Project Issues	Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Drainage/Absorption, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Public Services, Recreation, Schools/Universities, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire
Local Review Period Start	3/13/2024
Local Review Period End	4/15/2024

Attachments

Draft Environmental Document (Draft IS, NOI, NOA, Public notices, OPR Summary Form, Appx.)

1L240_DED	PDF	245 K	1L240_NOI_english_	DOC	430 K
1L240_SCHSummaryForm	PDF	550 K			

Notice of Completion (NOC) Transmittal form

NOC_1L240	PDF	230 K
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State Comment Letters (Comments from State

2024 030440_DOT comment	PDF	551 K
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Reviewing Agency(ies)]

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Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Drainage/Absorption, Flood Plain/Flooding, Geology/ Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Public Services, Recreation, Schools/Universities, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire

Local Review Period Start

3/13/2024

Local Review Period End

4/15/2024

Attachments

Draft Environmental Document [Draft IS, NOI, NOA, Public notices, OPR Summary Form, Appx,]

1L240_DED

PDF

2459 K

1L240_NOI_english_

DOC

430 K

1L240_SCH Summary Form

PDF

590 K

Notice of Completion [NOC] Transmittal form

NOC_1L240

PDF

230 K

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PUBLIC NOTICE

Notice of Intent to Adopt a Mitigated Negative Declaration US-95 Pavement Rehabilitation



WHAT'S BEING PLANNED?	The California Department of Transportation (Caltrans) proposes to restore, preserve, and extend the service life of the existing pavement on US-95 from post mile (PM) R57.207 to 64.5. The scope of work for this project consists of the overlay on the existing paved mainline and shoulders, mill at transition locations, repair distressed areas with localized dips, replace asphalt concrete dikes, restripe traffic lanes, re-install rumble strips, place 4 feet wide shoulder backing, replace one sign panel, replace guardrails, and change portion of the existing centerline striping from passing to non-passing zones. <u>All</u> of the project is within the State's right of way, with the exception of the guardrail replacement near PM 64. At this location, the existing guardrail that is to be replaced is in Burlington Northern Santa Fe (BNSF) right of way.
WHY THIS NOTICE?	Caltrans studied the effects this project may have on the environment. Our studies show the proposed project will not significantly affect the quality of the environment. The report that explains the effects of the project is called a <i>Draft Initial Study (IS)</i> . This notice is to advise you of the preparation of the <i>Initial Study with Proposed Mitigated Negative Declaration (MND)</i> and of its availability for you to read, and to offer the opportunity to request a public hearing or to provide comments, and the intent to adopt this MND.
WHAT'S AVAILABLE?	Copies of the <i>Draft IS with Proposed MND</i> , including associated maps, are available for review during regular business hours at Caltrans District 8, 464 West 4 th Street, San Bernardino, 92401-1400.
WHERE YOU COME IN	Do you have any comments about processing the project with an <i>IS with Proposed MND</i> ? Do you disagree with the findings of our study as set forth in the <i>IS with Proposed MND</i> ? Would you care to make any other comments on the project? We'd like to hear what you think. Please submit your comments in writing no later than 04/15/2024 to: California Department of Transportation ATTN: Gabrielle Duff Senior Environmental Planner 464 West 4 th Street, 6 th Floor, MS829 San Bernardino, CA 92401-1400 or via email to: comments.for.08-1L240@dot.ca.gov Please include "US-95 Pavement Rehab" in the subject line. The date we will begin accepting comments is 03/13/2024 . If there are no major comments, Caltrans will proceed with the project's design.
CONTACT	For more information about this study or this project, please contact the Caltrans District 8 Office of Public Affairs at (909)383-4631. For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please call or write to Department of Transportation, Attn: Gabrielle Duff, Senior Environmental Planner, 464 West Fourth Street, San Bernardino, 92401, or use the California Relay Service 1(800) 735-2929 (TTY to Voice), 1(800) 735-2922 (Voice to TTY), 1(800) 855-3000 (Spanish TTY to Voice and Voice to TTY), 1(800) 854-7784 (Spanish and English Speech-to-Speech) or 711.

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WHERE YOU COME IN	Do you have any comments about processing the project with an <i>IS with Proposed MND</i> ? Do you disagree with the findings of our study as set forth in the <i>IS with Proposed MND</i> ? Would you care to make any other comments on the project? We'd like to hear what you think. Please submit your comments in writing no later than 04/15/24 to: California Department of Transportation ATTN: Gabrielle Duff Senior Environmental Planner 464 West 4 th Street, 6 th Floor, MS829 San Bernardino, CA 92401-1400; or via email to: commentsfor08-1L240@dot.ca.gov Please include "US-95 Pavement Rehab" in the subject line. The date we will begin accepting comments is 03/13/2024 . If there are no major comments, Caltrans will proceed with the project's design.
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CNSB #3791152

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Appendix A Maps

- Figure 4. Project Vicinity Map
- Figure 5. Aerial Project Location Map
- Figure 6. Project Location Map

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Figure 4. Vicinity Map



Figure 5. Aerial Project Location Map



Figure 6. Project Location Map

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Appendix B Distribution List

A public notice of this IS and/or a Notice of Intent to Adopt a Mitigated Negative Declaration was distributed to federal, state, regional and local agencies, elected officials and utilities and service providers. In addition, a Notice of Intent was published in the local newspaper with instructions to access the Draft Environmental Document for public comment.

Jeff Armstrong, Fire Chief
San Bernardino County
Fire Station #32
100 Safari Dr,
Needles, CA 92363

Eduardo Garcia
State Assemblymember (District 36)
48220 Jackson Street, Suite A3
Coachella, CA 92236

John Wickum, Captain
San Bernardino County Sheriff's
Department
1111 Baily Ave,
Needles, CA 92363

Steve Padilla
State Senator (District 18)
E1224 State Street, Suite D
El Centro, CA 922243

California Department of Fish and
Wildlife Region 6
3602 Inland Empire Blvd Suite C-220
Ontario CA 91764

Bureau of Land Management
Needles Field Office
1303 US-95,
Needles, CA 92363

California Department of Water
Resources 715 P Street
Sacramento, CA

California Native American Heritage
Commission
1550 Harbor Blvd, Suite 100 West
Sacramento, CA 95691

Dionisio Martinez
Manager Public Projects (CA)
BNSF Railway
740 East Carnegie Dr
San Bernadino, CA 92408

Kevin Johnston
2288 Buena Vista Ave
Livermore, CA 94550

Colorado River Basin Regional
Water Quality Control Board
(Region 7)
73-720 Fred Waring Drive,
Suite 100
Palm Desert, CA 92260

Mike Cegielski
Norco, CA
Mike Cegielski
mikecegielski@sbcglobal.net

California Highway Patrol (CHP)
1916 J St,
Needles, CA 92363

Appendix C List of Preparers

The following personnel contributed to the preparation of this IS:

California Department of Transportation

- JaShawn Combs, Environmental Scientist (Generalist), Environmental Studies “B”
- Adam Compton, Senior Environmental Planner, Regulatory Permits
- Gabrielle Duff, Senior Environmental Planner, Environmental Studies “B”
- Mary K. Smith, Associate Environmental Planner, Cultural Studies
- Tyrha Delger, Associate Environmental Planner, Biological Studies
- Ashley Bowman, Senior Environmental Planner, Cultural Studies
- Cesar Garcia, Senior Environmental Planner, Biological Studies
- Olufemi Odufalu, Civil Engineer/Environmental Engineering, Branch Chief: Environmental Engineering “A”
- Farhana Islam, Civil Engineer/Environmental Engineering, Environmental Engineering “A”
- Fatima Islam, Civil Engineer/Environmental Engineering, Environmental Engineering “A”
- Donald Cheng, Civil Engineer/Environmental Engineering, Environmental Engineering “A”
- Sarah Gallimore, Associate Environmental Planner, Regulatory Permits

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Appendix D Title VI Policy Statement

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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



September 2023

NON-DISCRIMINATION POLICY STATEMENT

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

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

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

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 639-6392 or visit the following web page: <https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 879-6768 (TTY 711); or at Title.VI@dot.ca.gov.

A handwritten signature in black ink, appearing to read 'Tony Tavares', is positioned above the printed name.

TONY TAVARES
Director

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

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Appendix E List of Technical Studies

Historic Property Survey Report, US-95 Pavement Rehab, 08-SBD-95- PM R57.207/64.5, EA 1L240/0819000167. Prepared by Mary Smith, Caltrans, June 2023.

Visual Impact Assessment for US-95 Pavement Rehab, 08-SBD-95- PM R57.207/64.5, EA 1L240/0819000167. Prepared by Tony Calvillo, Caltrans, September 2023.

Initial Site Assessment (ISA) Checklist for US-95 Pavement Rehab, 08-SBD-95- PM R57.207/64.5, EA 1L240/0819000167. Prepared by Donald Cheng, Caltrans, July 2023.

Natural Environment Study (Minimal Impacts) (NESMI), SR-95 Pavement Rehabilitation, 08-SBD-95- PM R57.207/64.5, EA 1L240/0819000167. Prepared by Tyrha Delger, Caltrans, October 2023.

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Appendix F Environmental Commitments Record

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the Environmental Commitments Record [ECR] which follows) will be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long- term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

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Permit Type	Agency	Date Received	Expiration	Notes
1600	California Department of Fish & Wildlife	N/A	N/A	N/A
401	Report of Waste Discharge (RWD) from the State Water Resources Quality Control Board	N/A	N/A	N/A
404	U.S. Army Corps of Engineers	N/A	N/A	Non-Reporting

Date of ECR: 5/20/2024
Date: ISMND: XX/XX/XX
CE: XX/XX/XX

ENVIRONMENTAL COMMITMENTS RECORD
(US-95 Pavement Rehabilitation)

08-SBd-95
PM R57.207/64.5

Project Phase:

- ☒ PA/ED (DED/FED)
☐ PS&E Submittal _____ %
☐ Construction

EA 08-1L240
PN 0816000046
Generalist: JaShawn Combs
ECL: N/A

Avoidance, Minimization, and/or Mitigation Measures	Page	Environmental Analysis Source	Responsible for Development and/or Implementation of Measure	Timing/Phase	SSP or NSSP:	Action(s) Taken to Implement Measure/if checked No, add Explanation here	PS&E Task Complete	Mitigation for significant impacts under CEQA?	
							Date / Initials	YES	NO
CR-1: Stop work if buried cultural resources are encountered during construction until a qualified archaeologist can evaluate the nature and significance of the find. In the event that human remains, including isolated, disarticulated bones or fragments, are discovered during construction-related activity, cease in the vicinity of the human remains.	N/A	HPSR (June 2023)	District Cultural Studies/ District Design/ Resident Engineer/ Contractor	Design/ Construction	SP 14-2.03A				X

Date of ECR: 5/20/2024
 Date: ISMND: XX/XX/XX
 CE: XX/XX/XX

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							Date / Initials	YES	NO
CR-2: In the event that human remains are found, the county coroner shall be notified and ALL construction activities within 50 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the District 8 Division of Environmental Planning; Ashley Bowman, DEBC: (909) 472-7730 and Gary Jones, DNAC: (909)383-7505. Further provisions of PRC 5097.98 are to be followed as applicable.	N/A	HPSR (June 2023)	District Cultural Studies/ District Design/ Resident Engineer/ Contractor	Final Design, Construction	SP 14-2.03A				X

Date of ECR: 5/20/2024
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 CE: XX/XX/XX

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							Date / Initials	YES	NO
BIO-1 (BIO-General-1): Equipment Staging, Storing & Borrow Sites. All staging, storing, and borrow sites require the approval of the Caltrans biologist.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A				X
BIO-2 (BIO-General-6 Species Avoidance): If during project activities a special-status plant species, desert bighorn sheep, nesting bird, or desert tortoise is discovered within the project site, all construction activities must stop within 125 feet for the bighorn sheep, 100 feet for birds, 265 feet for burrowing owls, 10 feet for plants, and 50 feet for tortoises and the Caltrans biologist and Resident Engineer must be notified. Coordination with CDFW and		NESMI (October 2023); ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A			X	

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							Date / Initials	YES	NO
USFWS may be required prior to restarting activities.									
BIO-3 (Bio-General-7 Worker Environmental Awareness Program (WEAP)): A Contractor Supplied biologist must present a biological resource information program/WEAP for desert tortoise, special-status plant species, and protected communities, prior to project activities to all personnel that will be present within the project limits for longer than 30 minutes at any given time.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)				X
BIO-4 (BIO-General-8: Biological Monitoring): The qualified biologist must monitor project activities weekly to ensure that measures are		NESMI (October 2023)	District Design / District Environmental Planning / Resident	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D				X

Date of ECR: 5/20/2024
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 ECL: N/A

Avoidance, Minimization, and/or Mitigation Measures	Page	Environmental Analysis Source	Responsible for Development and/or Implementation of Measure	Timing/Phase	SSP or NSSP:	Action(s) Taken to Implement Measure/if checked No, add Explanation here	PS&E Task Complete	Mitigation for significant impacts under CEQA?	
							Date / Initials	YES	NO
being implemented and documented and daily at locations where nesting birds were found during preconstruction surveys.			Engineer / Contractor		(1); 14-6.03D (3)				
BIO-5 (BIO-General-9: Environmentally Sensitive Area): To address impacts to smoketree wash woodland, arrow weed thickets, jurisdictional waters, and desert tortoise critical habitat, delineate this area as an ESA as shown on the plans and/or described in the specifications.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction/ During Construction	SSP 14-6.03A ; 14-1.02			X	
BIO-6 (BIO-General-10: ESA Fence Monitoring): Integrity inspections of the temporary desert tortoise fence and enclosures (onsite		NESMI (October 2023)	District Design / District Environmental Planning / Resident	Preconstruction/ During Construction	SSP 14-6.03 A; 14-1.02;			X	

Date of ECR: 5/20/2024
 Date: ISMND: XX/XX/XX
 CE: XX/XX/XX

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 ECL: N/A

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							Date / Initials	YES	NO
cleared areas) must occur throughout the duration of the project weekly, and prior to commencing project activities, and after activities are completed. If during construction the fence fails, work must stop until it is repaired and the Qualified biologist inspects (and clears) the job site.			Engineer / Contractor		14-6.03 D(3)				
BIO-7 (BIO-General-11: ESA Fence Removal): All fencing must be removed as a last order of work. During removal, a qualified biologist must be present.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction/ During Construction	SSP 14-6.03A ; 14-1.02; 14-6.03D (3)				X
BIO-8 (BIO-General-14:		NESMI	District Design / District	Preconstruction/	SSP 14-				X

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							Date / Initials	YES	NO
Predator prevention): Project personnel are prohibited from feeding wildlife or bringing pets on the job site.		(October 2023)	Environmental Planning / Resident Engineer / Contractor	During Construction	6.03 A				
BIO-9 (BIO-General-16: Invasive Weed Control): To address impacts to natural communities, critical habitat, and special status plant species, a Qualified Biologist must identify invasive species within the Project Impact Area during shoulder backing. Treatment and disposal methods must be approved by the Caltrans Biologist prior to vegetation removal.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction/ During Construction	SSP 14-6.03A ; 14-6.03D (3); 14-6.05				X
BIO-10 (BIO-Plant-1: Rare Plant Surveys, Flagging, and Fencing): Within the appropriate identification		NESMI	District Design / District Environmental Planning /	Preconstruction/ During	SSP 14-6.03A			X	

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periods for special-status plants and sensitive natural communities prior to the start of construction, surveys shall be conducted according to CDFW 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Plant Populations and Sensitive Natural Communities (found at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959). In addition, three days prior to construction, preconstruction surveys shall be conducted by a CDFW approved Qualified Biologist with a minimum of five years of professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys		(October 2023); ISMND (May 2024)	Resident Engineer / Contractor	Construction	; 14-6.03D (3)				

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shall be conducted within the PIA and 150 feet from the PIA. Special-status species and sensitive natural communities shall be flagged for visual identification to construction personnel for work avoidance outside of shoulder backing areas. Special-status plant species detected that feature multiple plants in a single location must be fenced off with Environmentally Sensitive Area (ESA) high visibility fencing. Sensitive Natural Communities detected outside of shoulder backing areas shall be flagged or fenced off with ESA high visibility fencing.									
BIO-11 (Bio-Arthropod-1 Rare Insect Host Plant Preconstruction)		NESMI (October 2023)	District Design / District Environmental	Preconstruction/ During	SSP 14-6.03				X

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Clearance Survey, Flagging, and Fencing): No more than 3 days prior to project activities, a Contractor Supplied biologist must perform a preconstruction survey for rare insect host plants (i.e. milkweed). Should any rare insect host plants be found, the Resident Engineer and Caltrans biologist must be contacted, and host plants must be flagged by the Contractor Supplied biologist for visual identification to construction personnel for work avoidance. Should multiple plants in a single location be found, the groupings must be fenced with Environmentally Sensitive Area (ESA) temporary fencing.			Planning / Resident Engineer / Contractor	Construction	A; 14-6.03D(3)				

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BIO-12 (BIO-Arthropod- PSM-2: Plant Seed Mix): Seed mixes must contain a diverse array of native pollinator plant species.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconst ruction/ During Constru ction	SSP: 14- 6.03A				X
BIO-13 (BIO-Reptile-1): Equipment Flagging: After each shift, order project personnel to attach surveyor flagging tape to a conspicuous place on each piece of equipment to remind the operator to check under the equipment for desert tortoise and coast horned lizard before operating equipment during the next shift.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconst ruction/ During Constru ction	SSP 14- 6.03A				X
BIO-14 (Bio-Reptile-2 Pre-Project Surveys): To assess the number of listed reptile		NESMI	District Design / District Environmental	Preconst ruction/ During	SSP 14- 6.03A			X	

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species that may be potentially impacted, pre-project surveys for desert tortoise must be conducted within the PIA, and adjacent to the PIA where Project activities could affect desert tortoise. Desert tortoise surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2009 desert tortoise methodology (see: https://www.fws.gov/sites/default/files/documents/Desert-Tortoise-Field-Manual.pdf). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to the CDFW prior to the start of Project activities. If the survey confirms presence		(October 2023); ISMND (May 2024)	Planning / Resident Engineer / Contractor	Construction	; 14-6.03D (3)				

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of desert tortoise, or if a desert tortoise is observed at any time, Caltrans shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of the desert tortoise. If complete avoidance of desert tortoise cannot be achieved, a 2081 ITP will be obtained.									
BIO-15 (BIO-Reptile-3: Construction Monitoring): Project activities must be monitored by USFWS authorized biologist weekly to ensure that measures are being implemented and documented.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)				X

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BIO-16 (BIO-Reptile-4: Authorized Biologist Clearance Surveys): Clearance desert tortoise surveys shall be conducted by a USFWS authorized and CDFW approved qualified biologist 3 days prior to project activities within the entire PIA. If a desert tortoise (dead or alive) is located, the Resident Engineer and Caltrans biologist shall be contacted and additional measures/agency coordination will be required. Desert tortoise may be removed from work areas and out of harm's way to the nearest suitable habitat or translocated, following the most recent CDFW and USFWS guidelines if authorized and in accordance with a CDFW ITP.		NESMI (October 2023); ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)			X	

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A CDFW ITP will be required and shall be obtained prior to any desert tortoise being handled.									
BIO-17 (Bio-Reptile-5 Trash/Predation): Caltrans must implement measures to reduce the attractiveness of job sites to ravens, and other subsidized predators by controlling trash and educating workers.		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-10.01				X
BIO-18 (BIO-Reptile-6: Temporary Demarcation): Temporary demarcation in the form of temporary desert tortoise fencing shall be established following the most recent USFWS methods for construction fencing at any equipment staging, storage,		NESMI (October 2023); ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)				X

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and borrow sites and sites where the qualified biologist has determined contain suitable habitat for desert tortoise, as shown on the plans prior to construction to exclude desert tortoise. All temporary demarcation materials must be removed once construction has been completed.									
BIO-19 (BIO-Reptile-7: Permanent Fencing): Permanent desert tortoise fencing must be installed following the most recent USFWS protocol for construction fencing to exclude desert tortoise from PM 61.4 to PM 64.5 on US-95, where feasible, to exclude desert tortoise		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)			X	

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BIO-20 (Bio-DT-1 Agency Notification & Reporting Requirements): Any desert tortoises within or near the job site found alive, injured, or dead during the implementation of the Project must provide immediate notification to the Resident Engineer and Caltrans biologist. Caltrans biologist must then notify USFWS and CDFW. Veterinary treatment and/or final deposition		NESMI (October 2023)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03D (3)			X	
BIO-21 (BIO-Avian-1 Pre-Construction Nesting Bird Survey): Project activities shall not result in impacts to nesting birds, or result in the take or removal of nests or eggs in accordance with CDFW and USFWS regulations. Preconstruction nesting bird		NESMI (October 2023); ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A ; 14-6.03B ; 14-6.03D (3)			X	

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surveys must be conducted within the Caltrans Right of Way and adjacent to the PIA where Project activities have the potential to affect nesting birds no later than 3 days prior to construction by a qualified biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and									

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minimization measures in order to locate and avoid nesting birds. Concurrent and additional surveys shall occur as the Project construction progresses, as the nature of the Project is linear in fashion. If an active avian nest is located, a no disturbance buffer shall be established and monitored by the qualified biologist based on the professional judgement of the qualified biologist, but at least 100 feet for non-passerine, 300 feet for passerine, and 500 feet for raptors or Fed/State listed birds. This buffer may be increased based on any nesting bird behavioral responses associated with Project related activities, including any synergistic									

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responses of ambient baseline disturbances compounding with Project related activities. Any active nests shall be continuously monitored by a Qualified Biologist during the course of the Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the Qualified biologist if any nesting bird shows behavior responses related to project activities.									
BIO-22 (BIO-Plant-PSM-2: Top Soil Conservation): To preserve the seed bank, any areas with ground disturbing activities or shoulder backing		ISMND (May 2024)	District Design / District Environmental Planning / Resident	Preconstruction/ During Construction	SSP 14-6.03A			X	

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will have the top soil scrapped off and stored after the removal of invasive species. After project activities are completed, the top soil will be redistributed throughout the Caltrans ROW to reestablish the seed bank.			Engineer / Contractor						
BIO-23 (BIO-Avian-2: Pre-Construction Burrowing Owl Surveys): The following burrowing owl preconstruction surveys must be performed: One survey 14 to 30 days prior to vegetation removal or ground disturbing activities, and one survey 24 hours prior to vegetation removal or ground disturbing activities. Both surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See:		ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction/ During Construction	SSP 14-6.03A; 14-6.03B; 14-6.03D(3)				X

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https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline). If preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted.									
BIO-24 (BIO-Avian-PSM-3: Burrowing Owl Plan): If the presence of burrowing owl is found during the burrowing owl surveys, the Qualified Biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approved prior to commencing project activities and implementing the measures of the Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed avoidance, monitoring,		ISMND (May 2024)	District Design / District Environmental Planning / Resident Engineer / Contractor	Preconstruction / During Construction	SSP 14-6.03A; 14-6.03D(3)			X	

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relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options									

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have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the									

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							Date / Initials	YES	NO
creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.									
TR-1: Prior to construction, a Traffic Management Plan will be developed by Caltrans to minimize potential impacts on emergency services and commuters during construction.		ISMND	District Design / District Traffic Management / District Environmental Planning / Resident Engineer / Contractor	Pre-Construction					X
NOI-1: The contractor shall comply with all local sound control and noise level rules, regulations, and ordinances that apply to any		ISMND	District Design / District Environmental Engineering/Re	Construction	SP: 14-8.02				X

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Project Phase:

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☐ PS&E Submittal _____ %
☐ Construction

EA 08-1L240
 PN 0816000046
 Generalist: JaShawn
 Combs
 ECL: N/A

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							Date / Initials	YES	NO
work performed pursuant to the contract.			sident Engineer/ Contractor						
NOI-2 :Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a muffler or a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without the muffler.		ISMND	District Design / District Environmental Engineering / Resident Engineer / Contractor	Consturction	SP: 14-8.02				X
HAZ-1 : Prior to any site preparation, disturbance, grading, and construction, the Resident Engineer will require the Construction Contractor to remove and test any yellow traffic striping and pavement marking material in accordance with SSP 14- 11.12.		ISA Checklist (July 5, 2023)	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Constru ction	SSP 14-11.12				X

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							Date / Initials	YES	NO
HAZ-2: SSP 14-11.14 includes specifications for handling, storing, transporting, and disposing of treated wood waste. Manage treated wood waste under Health & Safety Code §25230 et seq. Dispose of treated wood waste at one of the following: 1. An approved California disposal site operating under a RWQCB permit that includes acceptance of treated wood waste 2. California disposal site operating under a DTSC permit that includes		ISA Checklist (July 5, 2023)	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Constru ction	SSP 14- 11.14				X

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							Date / Initials	YES	NO
acceptance of treated wood waste									
AQ-1: Fugitive Dust: Contractor must abide by Caltrans' provisions in Section 14-9, Air Quality of the 2018 Standard Specifications and Special Provisions.		ISMND	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design,	SP 14-9				X
AQ-2: Implement and follow Erosion Control and Air Quality Best Management Practices (BMPs).		ISMND	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Construction					X
AQ-3: Comply with AQMD rule 403 for Fugitive Dust and		ISMND	District Design / District	Final Design,	SP :14-9				X

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							Date / Initials	YES	NO
Caltrans Standard Specification Section 14-9.			Environmental Engineering / Resident Engineer / Contractor	Construction					
GHG-1: Maximize use of recycled asphalt.		GHG Reduction Measures Toolbox For Internal Use In Caltrans Project Development (June 2021)	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Construction					X
GHG-2: Use right sized equipment for the job.		GHG Reduction Measures Toolbox For Internal Use	District Design / District Environmental Engineering	Final Design, Construction					X

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							Date / Initials	YES	NO
		In Caltrans Project Development (June 2021)	/ Resident Engineer / Contractor						
GHG-3: The project will maintain equipment in proper tune and working condition.		GHG Reduction Measures Toolbox For Internal Use In Caltrans Project Development (June 2021)	District Design / District Environmental Engineering / Resident Engineer / Contractor	Final Design, Construction					X
GHG-4: Limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment (with some exceptions).		GHG Reduction Measures Toolbox For Internal Use In Caltrans Project	District Design / District Environmental Engineering / Resident Engineer /	Final Design, Construction					X

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							Date / Initials	YES	NO
		Developmen t (June 2021)	Contractor						