Wamble Road Left-Turn Channelization Project

State Route 120 in Stanislaus County
10-STA-120-8.94/9.54
EA 10-1N330 and Project Number 1021000168
State Clearinghouse Number 2024101278

Initial Study with Mitigated Negative Declaration

Volume 1 of 2

Prepared by the
State of California Department of Transportation

January 2025

General Information About This Document

The draft Initial Study circulated to the public for 33 days between October 30, 2024, and December 2, 2024. Comments received during this period are included in Appendix D. Elsewhere, language has been added throughout the document to indicate where a change has been made since the circulation of the draft environmental document. Minor editorial changes and clarifications have not been so indicated.

Accessibility Assistance

Caltrans makes every attempt to ensure our documents are accessible. Due to variances between assistive technologies, there may be portions of this document that are not accessible. Where documents cannot be made accessible, we are committed to providing alternative access to the content. Should you need additional assistance, please contact us at the phone number in the box below.

For individuals with sensory disabilities, this document can be made available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please write to or call Caltrans, Attention: Laura Cook, District 10 Environmental, 1976 East Doctor Martin Luther King Junior Boulevard, Stockton, California 95205; 209-662-2261 (Voice), or use the California Relay Service 1-800-735-2929 (Teletype to Voice), 1-800-735-2922 (Voice to Teletype), 1-800-855-3000 (Spanish Teletype to Voice and Voice to Teletype), 1-800-854-7784 (Spanish and English Speech-to-Speech), or 711.

State Clearinghouse Number 2024101278
10-STA-120-8.94/9.54
EA 10-1N330 / Project ID 1021000168

Install left-turn channelization on State Route 120 turning onto Wamble Road, east of the City of Oakdale in Stanislaus County

INITIAL STUDY
with Mitigated Negative Declaration

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

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

C. Scott Guidi
C. Scott Guidi
Office Chief, District 10 Environmental
California Department of Transportation
CEQA Lead Agency

01/30/2025
Date

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

Laura Cook, 1976 East Doctor Martin Luther King Junior Boulevard, Stockton, California 95205, email: Laura.Cook@dot.ca.gov; phone: 209-662-2261

Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2024101278

District-County-Route-Post Mile: 10-STA-120-8.94/9.54

EA/Project Number: EA 10-1N330 / Project ID 1021000168

Project Description

The California Department of Transportation (Caltrans) proposes to install left-turn channelization for westbound and eastbound traffic on State Route 120 turning onto Wamble Road. The left-tum channelization will include asymmetrical widening with a centerline shift to the south. The improvements will include widening the intersection and drainage work throughout the project limits. The project is located in Stanislaus County, on State Route 120, east of the City of Oakdale.

Determination

An Initial Study has been prepared by Caltrans District 10. On the basis of this study, it is determined that the action with the incorporation of the identified mitigation measures will not have a significant effect on the environment for the following reasons:

- BIO-16: Compensate for the Permanent and Temporary Loss of California Tiger Salamander Upland Habitat. To compensate for the permanent loss of 1.486 acre and the temporary loss of 5.390 acres under Alternative 1 of suitable California tiger salamander upland habitat (blue oak woodland and annual grassland), Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of special-status species habitat. The compensation ratio will be a minimum of 3:1 (3 acres of California tiger salamander upland habitat credit for every 1 acre of impact) for permanent impacts and a minimum of 1:1 for temporary impacts.

C. Scott Guidi

C. Scott Guidi
Office Chief, District 10 Environmental
California Department of Transportation

01/30/2025

Date

Table of Contents

Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) is the lead agency under the California Environmental Quality Act (known as CEQA) and the lead agency under the National Environmental Policy Act (known as NEPA). The project will take place in a primarily agricultural area east of the City of Oakdale in Stanislaus County and will add left-turn channelization for westbound and eastbound traffic on State Route 120 turning onto Wamble Road. At the project location, State Route 120 is a two-lane conventional highway and Wamble Road is a two-lane county road with access controlled by stop signs.

The project is the result of a traffic accident investigation performed by the Caltrans District 10 Traffic Safety Branch. A traffic investigation was initiated as a result of concerns received from a citizen regarding left-turn movement traffic at this location. Collision data for the period between January 1, 2015, and November 30, 2015, showed that 10 of the total 16 collisions at the intersection were left turn related. This project was amended into the 2022 State Highway Operation and Protection Program (SHOPP) under the Reactive Safety Program (201.010) for the delivery in Fiscal Year 2025/26.

1.2 Purpose and Need

1.2.1 Purpose

The purpose of the project is to reduce the number and severity of left turn related collisions by installing left-turn channelization on State Route 120.

1.2.2 Need

The project is needed to improve safety conditions in this section of SR 120. A pattern of rear end collisions has been identified due to no left-turn lane available for turning left onto Wamble Road. The number of collisions and their severity need to be reduced. The project aligns with Caltrans Highway Safety Implementation guidelines.

1.3 Project Description

The California Department of Transportation (Caltrans) proposes to install left-tum channelization for westbound and eastbound traffic on State Route

120 turning onto Wamble Road. The left-tum channelization will include asymmetrical widening with a centerline shift to the south. The improvements will include widening the intersection and drainage work throughout the project limits. The project is located in Stanislaus County, on State Route 120, east of the City of Oakdale.

Figure 1-1 Project Vicinity Map

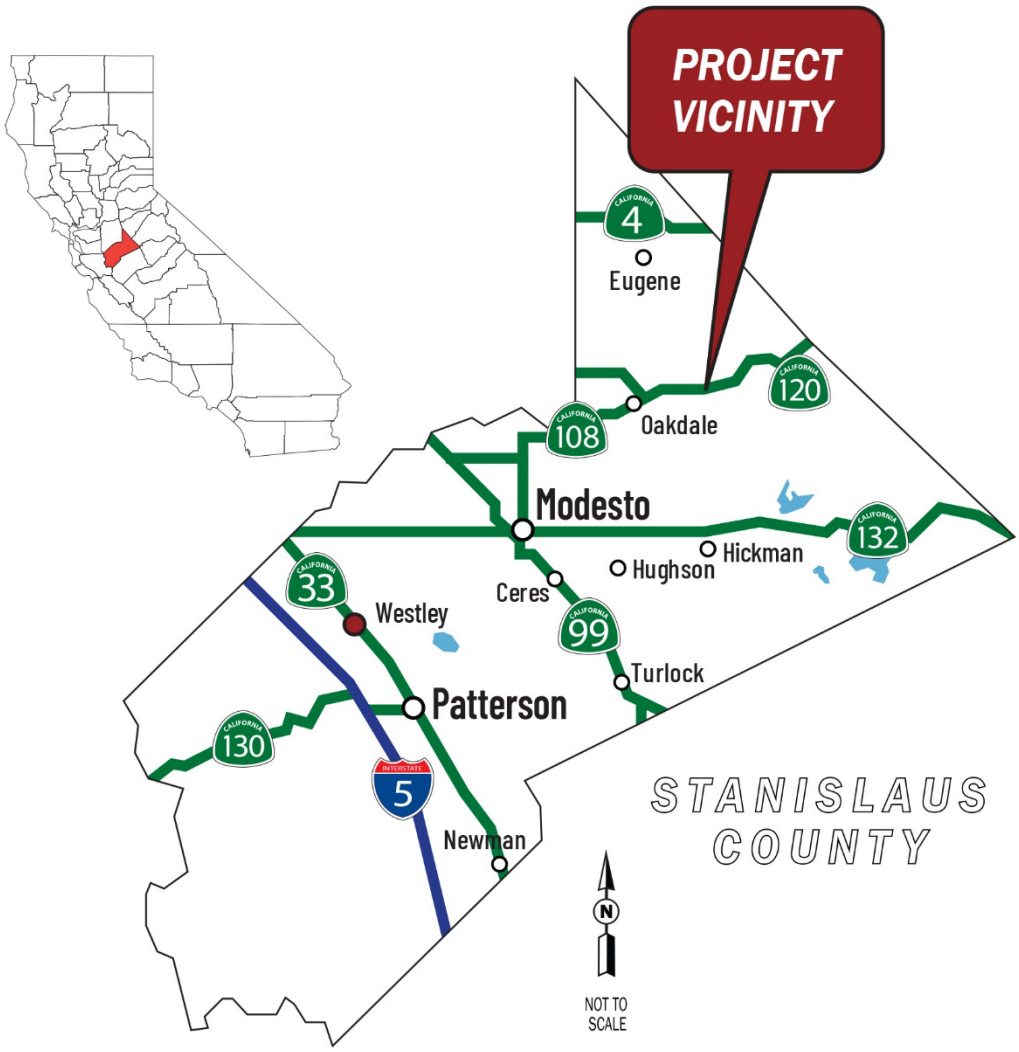
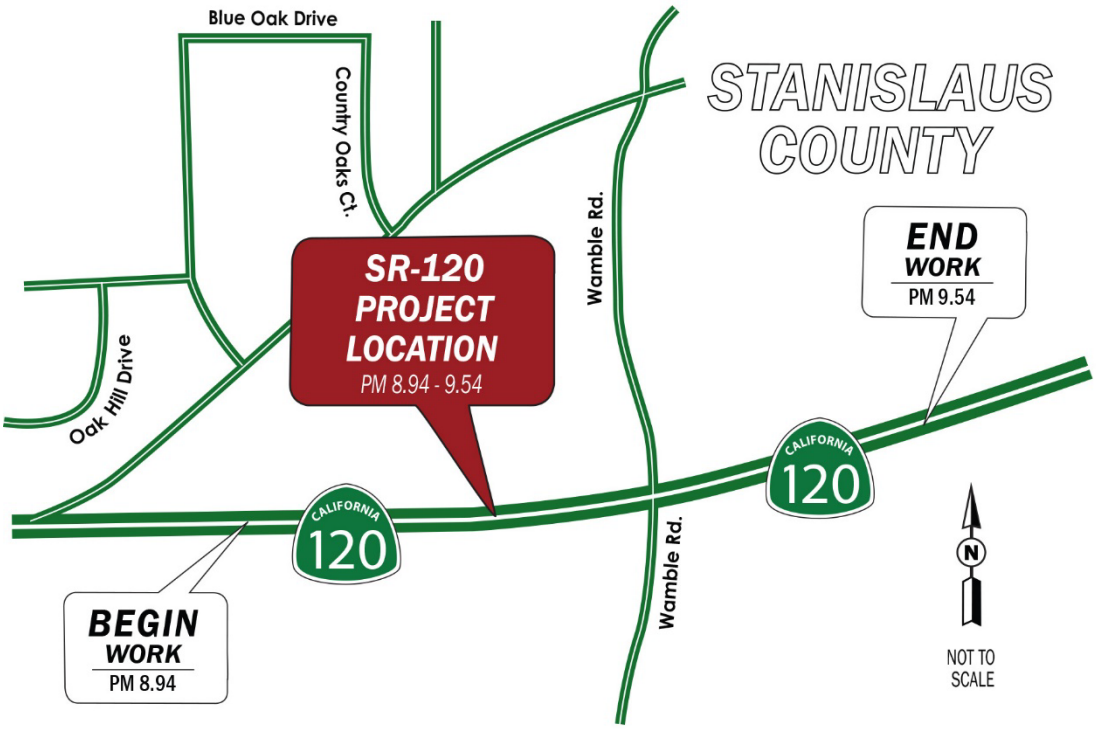


Figure 1-2 Project Location Map



1.4 Project Alternatives

The project included two Build Alternatives, and a No-Build Alternative. Following circulation of the draft environmental document, a preferred alternative was selected and is discussed in Section 1.5 of this document.

1.4.1 Build Alternatives

Build Alternative 1 will add a westbound and eastbound left-turn lane on State Route 120 at the Wamble Road intersection by widening the existing two-lane highway on the eastbound side of the highway. The left-turn lanes will be 630 feet long preceded by a 720-foot approach taper. The project will include standard 8-ft shoulders. A cold plane overlay will be applied to new and existing pavement throughout the project limits. The superelevation of the project area will be adjusted from 2% to 3.3% to meet the required standard for freeways and highways. Utility involvement and relocation will be necessary, as well as relocating posted signs and light fixtures.

A new culvert will be installed across the southern leg of Wamble Road within the existing State right-of-way, which will drain from west to east. The western end will connect to a concrete-lined drainage ditch on the west side of the intersection, directing water from the dikes along State Route 108. The

eastern end of the culvert will connect to a separate, trapezoidal drainage ditch that will funnel the runoff into a proposed detention basin. The detention basin will be placed along State Route 120, beginning at the end of the proposed drainage ditch, and extending approximately 1,000 feet east (between post miles 9.28 and 9.5).

Build Alternative 2 would implement the same improvements as Alternative 1, with the exception of the detention basin. The water would instead drain from the proposed trapezoidal ditch to the existing drainage basin on private property at the southeast intersection of State Route 120 and Wamble Road.

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

Common Design Features of the Build Alternatives

Both Build Alternatives would add a westbound and eastbound left-turn lane by widening on the eastbound side of the highway. Both Alternatives would apply a cold plane overlay throughout the project limits and would adjust the superelevation of the project area from 2% to 3.3%. Utility, signs, and light fixture relocations would be necessary for both Build Alternatives, and both would install a new culvert across the southern leg of Wamble Road that would connect to a concrete drainage ditch on the west side and a trapezoidal drainage ditch on the east side.

Unique Features of the Build Alternatives

Alternative 1

The only difference in the design of the two Build Alternatives is the detention basin. Build Alternative 1 will construct a new detention basin within Caltrans right-of-way along the south edge of State Route 120. The basin will extend approximately 1,000 feet east from the end of the proposed trapezoidal drainage ditch and will be located between post miles 9.28 and 9.5.

Alternative 2

Build Alternative 2 would instead use the existing detention basin to the south, outside of Caltrans right-of-way. This existing basin is within private property and would involve coordination with the property owner for use of the basin for drainage from the widened roadway.

1.4.2 No-Build (No-Action) Alternative

The No-Build Alternative would leave the State Route 120 and Wamble Road intersection in its current state and would not address the purpose or need of the project.

1.5 Identification of a Preferred Alternative

After consideration and circulation of the draft environmental document, Build Alternative 1 was identified as the preferred alternative for the project.

While Build Alternative 2 would involve less ground disturbance, the project development team noted that the proposed intersection widening would result in additional stormwater runoff from the added impervious surface area. Using the existing basin for this runoff would potentially have unintended stormwater and water quality impacts to the private property owner's basin. Build Alternative 1, which includes the construction of a new detention basin within State right-of-way, was identified as the preferred option to ensure that Caltrans retains access and control over the basin and the additional stormwater runoff.

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

The following best management practices are anticipated to be implemented on the project, where applicable. The final list of best management practices will be submitted by the contractor and approved for inclusion in the construction contract by Caltrans later in the project design phase as part of the preparation of a Stormwater Pollution Prevention Plan or Water Pollution Control Plan.

- SC-1 through SC-10: Temporary Sediment Control
- SS-1 through SS-10: Temporary Soil Stabilization
- NS-3: Paving, Sealing, Sawing, Grooving and Grinding Activities
- NS-6: Illegal Connection and Illicit Discharge Detection and Reporting
- NS-8: Vehicle and Equipment Cleaning
- NS-9: Vehicle and Equipment Fueling
- NS-10: Vehicle and Equipment Maintenance
- NS-12: Concrete Curing
- NS-14: Concrete Finishing
- TC-1 through TC-3: Temporary Tracking Control
- WM-1: Material Delivery and Storage

- WM-2: Material Use
- WM-3: Stockpile Management
- WM-4: Spill Prevention and Control
- WM-5: Solid Waste Management
- WM-6: Hazardous Waste Management
- WM-7: Contaminated Soil Management
- WM-8: Temporary Concrete Washouts
- WM-9: Sanitary and Septic Waste Management
- WM-10: Liquid Waste Management

The following measures from the 2023 Caltrans Standard Specifications will also be implemented in the project, where applicable:

- Section 4-1.13: Scope of Work—Cleanup
- Section 7-1.02A: General (Legal Compliance)
- Section 7 1.02C: Emissions Reduction
- Section 10-5: Dust Control
- Section 13: Water Pollution Control
- Section 14-2.03A: Previously Unidentified Archaeological Resources
- Section 14-6.03A: General Species Protection
- Section 14-6.03B: Bird Protection
- Section 14-8.02: Noise Control
- Section 14-9.02: Air Pollution Control
- Section 20-1.03C(3): Weed Control
- Section 72-2: Rock Slope Protection
- Section 90: Concrete

1.7 Discussion of the NEPA Categorical Exclusion

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

1.8 Permits and Approvals Needed

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

Agency	Permit/Approval	Status
Central Valley Regional Water Quality Control Board	Porter-Cologne Water Quality Control Act: Water Quality Certification	Permit will be obtained in the design phase of the project.
Central Valley Regional Water Quality Control Board	Clean Water Act Section 402: National Pollutant Discharge Elimination System Permit	Permit will be obtained in the design phase of the project.
U.S. Fish and Wildlife Service	Endangered Species Act Section 7: Biological Opinion	The Biological Opinion was received June 10, 2024.

Chapter 2 CEQA Evaluation

2.1 CEQA Environmental Checklist

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

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

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

2.1.1 Aesthetics

Considering the information in the Scenic Resource Evaluation dated March 15, 2022, and the Landscape Architecture Recommendation Memorandum dated May 23, 2024, the following significance determinations have been made:

Except as provided in Public Resources Code Section 21099:

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

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

2.1.2 Agriculture and Forestry Resources

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

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

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

2.1.3 Air Quality

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

Considering the information in the Air Quality Memorandum dated July 9, 2024, the following significance determinations have been made:

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

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

2.1.4 Biological Resources

Considering the information in the Natural Environment Study dated August 13, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration Fisheries?	**Less Than Significant Impact With Mitigation Incorporated**
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	**Less Than Significant Impact**
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?	**Less Than Significant Impact**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	**No Impact**
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	**No Impact**

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

Affected Environment

The project is within an approximately 0.5-mile section of State Route 120 and is located about 2 miles east of the City of Oakdale in Stanislaus County. The topography is relatively flat, with a gentle slope from the west end to the east end of the project area.

Eleven days of biological surveys of the project area were conducted between May 2023 and April 2024 to assess the project area for natural communities, habitat, wildlife, vegetation, and special status species.

Natural Communities

The project area contains two common natural communities. The majority of the area consists of annual grassland, with a very small portion of blue oak woodland near the northwest corner of the intersection of State Route 120 and Wamble Road. The project area also supports one natural community of special concern: stormwater drainage ditch. The remainder of the project area is considered either disturbed or developed.

Wetlands and Other Waters

The stormwater drainage ditch on the southeast corner of the State Route 120 and Wamble Road intersection qualifies as artificial non-wetland waters of the State. However, due to a lack of connectivity to a traditional navigable water, it likely would not be considered waters of the United States.

The drainage ditch is less than ten feet wide, and is fed by rainwater runoff from State Route 120 and surrounding uplands. Water flow along the ditch appears to be slow, as it lacks clear indicators of an ordinary high-water mark. The ditch is less than five percent vegetated, containing curly dock and rye grass, and therefore does not meet wetland vegetation criteria.

Plant Species

The project area is dominated by upland annual grasses, perennial ryegrass, and native and nonnative forbs. The area also contains a few scattered interior live oaks and blue oaks.

Animal Species

The project area supports common birds and mammals typical of roadside habitats in the valley regions of central California. Multiple common bird and mammal species were observed during field surveys, including California ground squirrel, muskrat, American goldfinch, California scrub jay, American bullfrog, western fence lizard, and several others. Active California ground squirrel complexes occur within and adjacent to the project area.

Additionally, four large bullfrog tadpoles were captured during sampling and five adult bullfrogs and multiple common fish species were observed in the detention basin at the southeast corner of the State Route 120 and Wamble Road intersection. These occurrences are notable as they imply predation in the area that would reduce the likelihood of successful breeding or survival for other species, including California tiger salamander and western spadefoot.

Threatened and Endangered Species

Based on review of the California Natural Diversity Database, California Native Plant Society rare plant inventory, and U.S. Fish and Wildlife Service list of endangered, threatened, and proposed species within the project region, fifteen special-status plant species were identified as potentially occurring in the project vicinity. However, no special-status plants were located during field surveys.

Based on review of the California Natural Diversity Database, U.S. Fish and Wildlife Service list of endangered, threatened, and proposed species within the project region, and species distribution and habitat data, the surrounding region potentially supports four special-status fish species. However, the project area lacks any suitable habitat and falls outside the species' current and historical range. As such, no special-status fish species are anticipated to occur in the project area.

Additionally, 18 special-status wildlife species have the potential to occur in the surrounding region. After assessing the species ranges and available habitat, as well as completing field surveys, it was determined that only 10 of the species have the potential to occur in the project area: pallid bat, western mastiff bat, western red bat, tricolored blackbird, burrowing owl, Swainson's hawk, Northern California legless lizard, northwestern pond turtle, California tiger salamander, and western spadefoot.

Several large trees on either side of the intersection were identified as suitable habitat for roosting bats and nesting birds, and the annual grassland and detention basin are suitable foraging habitat for bats, birds, and several other listed species with the potential to occur in the project area. Potential special-status bats were observed in the project area during surveys, though they were at too great a distance to visually identify. No tricolored blackbird, burrowing owl, Swainson's hawk, Northern California legless lizard,

northwestern pond turtle, California tiger salamander, or western spadefoot were observed during field surveys.

The project area contains no U.S. Fish and Wildlife Service or National Marine Fisheries Service-designated critical habitat or essential fish habitat. However, there is a designated critical habitat unit for California tiger salamander approximately two miles northwest of the area, near Kerr Park.

Invasive Species

Several of the dominant grasses and plant species in the project area are invasive species, including wild oat and ripgut brome. In total, 26 invasive plant species were observed during field surveys in the project area.

Environmental Consequences

Natural Communities

Roadway widening, drainage improvements, utility relocation, and vegetation removal for the project will result in temporary and permanent impacts to the annual grassland and blue oak woodland natural communities in the project area.

Alternative 1 will temporarily impact 5.323 acres and permanently impact 1.474 acre of annual grassland, as well as temporarily impact 0.067 acre and permanently impact 0.012 acre of blue oak woodland. Alternative 2 will temporarily impact 4.951 acres and permanently impact 1.846 acre of annual grassland, as well as temporarily impact 0.067 acre and permanently impact 0.012 acre of blue oak woodland.

The impact to natural communities is considered less than significant, and will be further reduced with the implementation of avoidance and minimization measures. Impacts to annual grassland and blue oak woodland will also result in impacts to plant and animal species, which are detailed in the following sections.

Wetlands and Other Waters

The project is anticipated to have the following impacts on the stormwater drainage ditch that qualifies as artificial non-wetland waters of the State. Alternative 1 is anticipated to permanently impact 0.002 acre and temporarily impact 0.0013 acre of the stormwater drainage ditch during the roadway widening, retention basin construction, modification of the existing culvert outlet, and placement of riprap at the culvert outlet. Alternative 2 would permanently impact 0.005 acre and temporarily impact 0.011 acre of the stormwater drainage ditch from roadway widening, modification of the existing culvert, and placement of riprap at the culvert outlet.

However, vegetation within the stormwater drainage ditch is routinely managed through mowing or other means for fire prevention, which affects quality of habitat and should be factored into impact analysis and recommended measures, including compensation ratios and requirements. Because the ditch is heavily disturbed and the area of permanent impacts is so small, the impact to artificial non-wetland waters of the State is considered less than significant.

The placement of temporary and permanent fill materials would likely be covered under the Porter-Cologne Water Quality Control Act. A Water Quality Certification will be obtained prior to construction of the project. A Clean Water Act Section 402 permit will also be obtained prior to construction of the project. The small, less than significant loss of artificial non-wetland waters of the State will be minimized for with the below compensatory measure.

Plant Species

As discussed above, the project will result in temporary and permanent loss of annual grassland and blue oak woodland, including impacts to common plant species. However, the impact to common, unlisted plant species is considered less than significant due to their widespread range and the limited scope of impacts. The loss of common plant species in the project area will be reduced with the use of the avoidance and minimization measures listed below.

Animal Species

Temporary and permanent impacts to natural communities in the project area will potentially affect common animal species through habitat disturbance, including the active California ground squirrel burrows identified during field surveys. the impact to common, unlisted animal species is considered less than significant due to their widespread range and the limited scope of impacts. Impacts to common animal species in the project area will be reduced with the use of the avoidance and minimization measures listed below.

Threatened and Endangered Species

Special-Status Bats

To accommodate the roadway widening, both alternatives would remove and temporarily disturb suitable foraging habitat and remove up to two trees that contain potential bat roosting habitat. Furthermore, lighting used during night work may impact bat foraging opportunities in and adjacent to the project area. However, these impacts are not cumulatively considerable, and are considered less than significant. Impacts will also be reduced with the use of the avoidance and minimization measures outlined below.

Tricolored Blackbird

Under both alternatives the project would not directly impact suitable nesting habitat for tricolored blackbird, but both would impact annual grassland that serves as potential foraging habitat. Permanent loss of foraging habitat is anticipated due to the roadway widening and construction of drainage ditches proposed under both alternatives. However, the construction of the new retention basin under Alternative 1 will be a temporary impact since the area will continue to function and provide the same foraging value in a relatively short period of time.

The project will not result in substantial loss of foraging habitat for tricolored blackbird since most of the disturbance will be temporary and restricted to a narrow strip of roadside habitat. Temporarily impacted areas will be restored and revegetated post-construction. Impacts to foraging habitat, as well as noise and visual disturbances from construction activities, are considered less than significant, and will be further reduced through the use of the avoidance and minimization measures outlined below.

Burrowing Owls

The project area contains potential nesting and wintering habitat for burrowing owls, including numerous ground squirrel burrows typically used by breeding burrowing owls. Under both alternatives, the project would permanently remove suitable burrowing owl nesting habitat as a result of roadway widening and construction of drainage ditches. Alternative 1 will also temporarily impact nesting habitat with the construction of the new retention basin. However, impacts to nesting habitat, as well as noise and visual disturbances from construction activities, are considered less than significant, and will be further reduced through the use of the avoidance and minimization measures outlined below.

Swainson's Hawk

Potential nesting habitat for Swainson's hawk consists of large trees within and adjacent to the project area. Suitable foraging habitat within the annual grasslands is also present. Under both alternatives, potential nesting habitat impacts may result from the removal of up to two trees during construction. The project will also result in temporary and permanent impacts to annual grassland that serves as potential foraging habitat. However, these impacts are considered less than significant. There is plentiful nesting tree and foraging habitat in the immediate vicinity, and impacts will be further reduced with tree replanting and other avoidance and minimization measures outlined below.

Northern California Legless Lizard

Northern California legless lizard is a California Department of Fish and Wildlife species of special concern. The sandy loam soils within the annual grassland and blue oak woodland are marginally suitable habitat for the species. Both alternatives would result in potential temporary and permanent impacts to vegetative communities that may qualify as marginally suitable habitat for Northern California legless lizard. However, these impacts are considered less than significant due to the habitat's marginal suitability for Northern California legless lizard. Avoidance and minimization measures will be implemented to reduce any potential impacts to the species, as outlined below.

Northwestern Pond Turtle

Northwestern pond turtle is a California Department of Fish and Wildlife species of special concern and was proposed for threatened status under the Federal Endangered Species Act in October 2023. This species requires aquatic habitat and upland habitat that are in close proximity and connected to each other. There is a low likelihood that the species would occur in the project area as it is adjacent to a heavily traveled roadway and is regularly disturbed by vehicles pulling off the roadway, and none were observed during field surveys. Furthermore, the project construction will take place outside the overwintering period for the species, so it would be unlikely for the area to be used as overwintering habitat.

The project will result in temporary and permanent impacts to annual grassland that would serve as suitable nesting and dispersal habitat. Indirect impacts could also occur if construction activities result in sedimentation or contamination of aquatic habitat. These unlikely indirect effects to water quality of aquatic features were considered to extend 250 feet outside of the project action area. However, over the long term, the site will continue to function for northwestern pond turtle as it currently functions. Impacts will also be further reduced with the use of the avoidance and minimization measures outlined below. The project **may affect, but is not likely to adversely affect** northwestern pond turtle.

As the species is currently not listed under the Federal Endangered Species Act, Section 7 consultation is not currently required. However, Caltrans plans to obtain concurrence on this impact determination from the U.S. Fish and Wildlife Service prior to construction, through informal Section 7 conferencing for unlisted species.

California Tiger Salamander

California tiger salamander is listed as threatened in both the California Endangered Species Act and Federal Endangered Species Act. Annual grassland and blue oak woodland in the project area are suitable upland

habitat for California tiger salamander. Large ground squirrel complexes were observed in the northeast and southwest corners of the intersection that could be used for dry-season refuge or dispersal habitat. There are also nine moderately suitable and one highly suitable aquatic habitat locations within 1.3 miles of the project area. The stormwater drainage ditch is not considered suitable aquatic breeding habitat, as it only periodically holds water, but the detention basin at the southeast corner of the intersection is inundated throughout the year and is suitable breeding habitat. However, no individuals were observed during surveys, and the high number of predators in the water makes the survival of any offspring unlikely. The project is 2 miles from the nearest designated critical habitat for the species, but the project area is not within the critical habitat area.

Roadway widening, drainage improvements, utility relocation, and vegetation removal will result in temporary and permanent impacts to annual grassland and blue oak woodland, both of which are suitable tiger salamander upland habitat. Indirect impacts could also result if project activities lead to sedimentation or contamination of aquatic habitat. These unlikely indirect effects to water quality of aquatic features were considered to extend 250 feet outside of the project action area.

However, with the implementation of the measures outlined below, the potential impacts to California tiger salamander upland habitat will be avoided, minimized, and mitigated to the maximum extent practicable. The project **may affect, and is likely to adversely affect** California tiger salamander.

A Biological Assessment documenting this finding was submitted to the U.S. Fish and Wildlife Service on April 11, 2024 for their concurrence as part of the formal Section 7 consultation process. The U.S. Fish and Wildlife Service provided their concurrence on the finding in their Biological Opinion, received by Caltrans on June 10, 2024.

Western Spadefoot

Western spadefoot is a California Department of Fish and Wildlife species of special concern and was proposed for threatened status under the federal Endangered Species Act in December 2023. There is a low likelihood that the species would occur in the project area, as the annual grassland is marginally suitable upland habitat for summer dormancy, and the area is disturbed by the heavily traveled roadway. Aquatic habitat is only present in the detention basin on the southeast corner of the State Route 120 and Wamble Road intersection. No individuals were observed or heard calling during the field surveys, night surveys, or aquatic surveys conducted in 2023 and 2024. Bullfrogs and numerous fish were detected in the detention basin during sampling, so if any western spadefoot did attempt to breed in the basin, their offspring would be unlikely to survive due to the high number of predators.

The project will result in temporary and permanent impacts to annual grassland that serves as suitable western spadefoot upland habitat. Indirect impacts may also result from potential sedimentation and exposure to contaminants from construction materials or equipment. These unlikely indirect effects to water quality of aquatic features were considered to extend 250 feet outside of the project action area.

The impacts to western spadefoot are considered less than significant, and will be further reduced with the avoidance and minimization measures outlined below. The project **may affect, but is not likely to adversely affect** western spadefoot.

As the species is currently not listed under the Federal Endangered Species Act, Section 7 consultation is not currently required. However, Caltrans plans to obtain concurrence on this impact determination from the U.S. Fish and Wildlife Service prior to construction, through informal Section 7 conferencing for unlisted species.

Migratory Birds

Suitable nesting habitat for migratory birds and raptors is present within annual grassland, blue oak woodland, and disturbed habitat within and adjacent to the project area. No active nests were observed within the project area during the spring and summer 2023 surveys. Both project alternatives have the potential to affect vegetation-nesting migratory birds either through direct injury or mortality during ground-disturbing activities, or by disrupting normal behaviors like nesting. However, these impacts are considered less than significant, and will be further reduced with the use of the avoidance and minimization measures outlined below.

Invasive Species

Both alternatives of the proposed project would create additional disturbed areas for a temporary period. Areas where temporary disturbance occurs will be more susceptible to colonization or spread by invasive plants. Temporary construction disturbance within this area could promote additional growth of invasive plant species. However, invasive species control is incorporated as part of the project features and standard measures, so the project is anticipated to have no impact.

Avoidance, Minimization, and/or Mitigation Measures

The following avoidance, minimization, and mitigation measures will be included for potential impacts to biological resources. Full descriptions of the measures can be found in Appendix B of this environmental document.

Waters of the State

The following avoidance and minimization measures will be included for potential impacts to artificial, non-wetland waters of the State.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-3: Compensate for the Permanent Loss of Waters of the State. To compensate for the permanent loss of 0.002 acre under Alternative 1 of artificial non-wetland waters of the State associated with project activities, Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of aquatic resource functions and values. The compensation ratio will be a minimum of 1:1 (1 acre of aquatic resource habitat credit for every 1 acre of impact) to ensure no net loss of habitat functions and values.

Special-Status Bats

The following avoidance and minimization measures will be included for potential impacts to bat species.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-4: Conduct Preconstruction Clearance Surveys for Suitable Bat Roosting Habitat

Tricolored Blackbird

The following avoidance and minimization measures will be included for potential impacts to tricolored blackbird.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats

- BIO-6: Conduct Preconstruction Surveys for Nesting Migratory Birds and Raptors, and Special-Status Species, and Establish Protective Buffers

Burrowing Owl

The following avoidance and minimization measures will be included for potential impacts to burrowing owl.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-7: Conduct Preconstruction Surveys for Burrowing Owl and Establish Exclusion Zones, if Necessary
- BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal

Swainson's Hawk

The following avoidance and minimization measures will be included for potential impacts to Swainson's hawk.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-6: Conduct Preconstruction Surveys for Nesting Migratory Birds and Raptors, and Special-Status Species, and Establish Protective Buffers
- BIO-9: Conduct Preconstruction Surveys for Swainson's Hawk

Northern California Legless Lizard

The following avoidance and minimization measures will be included for potential impacts to Northern California legless lizard.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel

- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal
- BIO-10: Provide Escape Ramps or Cover Open Trenches
- BIO-11: Implement Protection Measures for Northern California Legless Lizard

Northwestern Pond Turtle

The following avoidance and minimization measures will be included for potential impacts to northwestern pond turtle.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal
- BIO-10: Provide Escape Ramps or Cover Open Trenches
- BIO-12: Conduct Preconstruction Surveys for Northwestern Pond Turtle and Allow Turtles to Leave Work Area Unharmed

California Tiger Salamander

The following avoidance and minimization measures will be included for potential impacts to California tiger salamander.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal
- BIO-10: Provide Escape Ramps or Cover Open Trenches

- BIO-13: Retain a Biologist to Conduct Preconstruction Surveys for California Tiger Salamander and Western Spadefoot
- BIO-14: Avoid Potential Indirect Impacts on Habitat for California Tiger Salamander and Western Spadefoot
- BIO-15: Work Restrictions During Rain Events

The following compensatory measure will also be included to mitigate potentially significant impacts to California tiger salamander.

- **BIO-16: Compensate for the Permanent and Temporary Loss of California Tiger Salamander Upland Habitat.** To compensate for the permanent loss of 1.486 acre and the temporary loss of 5.390 acres under Alternative 1 of suitable California tiger salamander upland habitat (blue oak woodland and annual grassland), Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of special-status species habitat. The compensation ratio will be a minimum of 3:1 (3 acres of California tiger salamander upland habitat credit for every 1 acre of impact) for permanent impacts and a minimum of 1:1 for temporary impacts.

Western Spadefoot

The following avoidance and minimization measures will be included for potential impacts to western spadefoot.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal
- BIO-10: Provide Escape Ramps or Cover Open Trenches
- BIO-13: Retain a Biologist to Conduct Preconstruction Surveys for California Tiger Salamander and Western Spadefoot
- BIO-14: Avoid Potential Indirect Impacts on Habitat for California Tiger Salamander and Western Spadefoot

Migratory Birds

The following avoidance and minimization measures will be included for potential impacts to migratory birds.

- BIO-1: Conduct Environmental Awareness Training for Construction Personnel
- BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources
- BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats
- BIO-6: Conduct Preconstruction Surveys for Nesting Migratory Birds and Raptors, and Special-Status Species, and Establish Protective Buffers

Invasive Plants

The following avoidance and minimization measure will be included for impacts to nearby communities of special concern due to the potential introduction and spread of invasive plants.

- BIO-25: Avoid and Minimize the Spread of Invasive Plant Species during Project Construction

2.1.5 Cultural Resources

Considering the information in the Section 106 Programmatic Agreement Screening Memorandum dated September 17, 2024, the following significance determinations have been made:

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

2.1.6 Energy

Considering the information in the Energy Analysis Memorandum dated August 2, 2024, the following significance determinations have been made:

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

2.1.7 Geology and Soils

Considering the information in the Geotechnical Memorandum dated August 5, 2024, and the Paleontology Memorandum dated May 21, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	**No Impact**
ii) Strong seismic ground shaking?	**No Impact**
iii) Seismic-related ground failure, including liquefaction?	**No Impact**
iv) Landslides?	**No Impact**
b) Result in substantial soil erosion or the loss of topsoil?	**No Impact**

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	**No Impact**
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	**No Impact**
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	**No Impact**
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**No Impact**

2.1.8 Greenhouse Gas Emissions

Considering the information in the Climate Change Study dated July 29, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	**Less Than Significant Impact**
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	**No Impact**

Affected Environment

The project is in a primarily agricultural area approximately 2 miles east of the City of Oakdale in Stanislaus County. State Route 120 is a major transportation route to and through the area. It is primarily used by automobile drivers, but also sees occasional use by other methods of transportation. The area is heavily and frequently traveled due in part to its proximity to the City of Oakdale. State Route 120 also connects to Wamble Road in the project area, which is a major intersection for local travelers to get on State Route 120 or get off onto local roads.

Environmental Consequences

The purpose of the project is to add left-turn channelization to this intersection of State Route 120 and Wamble Road. This will involve asymmetrical widening of State Route 120 to accommodate the turn lane, with a centerline shift to the south. However, this left-turn lane will not constitute a new travel lane, will not add vehicle capacity, and is not expected to induce a significant increase in vehicle miles traveled. As such, the project is not expected to result in an increase in operational greenhouse gas emissions. While some temporary emissions during the construction period will be unavoidable, they will be avoided and minimized with the measures outlined in the below section.

Construction emissions for the project were calculated using the Caltrans' Construction Emissions Tool, version 1.1. Project construction for Alternative 1 is expected to generate approximately 30,317 tons of carbon dioxide during the 120 working days duration. Project construction for Alternative 2 is expected to generate approximately 24,320 tons of carbon dioxide during the 120 working days duration.

Avoidance, Minimization, and/or Mitigation Measures

Standard conditions and best management practices will be implemented to reduce or eliminate construction Greenhouse Gas emissions. All construction contracts include Caltrans Standard Specifications Section 7-1.02A and 7 1.02C: Emissions Reduction, which require contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all California Air Resources Board emission reduction regulations. Additionally, Section 14-9.02: Air Pollution Control, requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes.

The following project-specific avoidance and minimization measures will be included to reduce less than significant impacts from greenhouse gas emissions during construction. Full descriptions of the measures are included in Appendix B of this environmental document.

- GHG-1: Limit equipment idling
- GHG-2: Schedule truck trips
- GHG-3: Equipment fuel efficiency

2.1.9 Hazards and Hazardous Materials

Considering the information in the Initial Site Assessment dated May 20, 2024, the following significance determinations have been made:

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

2.1.10 Hydrology and Water Quality

The project will require a Porter-Cologne Water Quality Certification and a Clean Water Act Section 402 permit for biological impacts to artificial non-wetland waters of the State. However, considering the information in the Water Compliance Memorandum dated August 20, 2024, and the Floodplain Study dated November 20, 2023, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality?	**No Impact**
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	**No Impact**
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation onsite or offsite;	**No Impact**
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	**No Impact**
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	**No Impact**
(iv) impede or redirect flood flows?	**No Impact**
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	**No Impact**

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	**No Impact**

2.1.11 Land Use and Planning

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

2.1.12 Mineral Resources

Considering the information in the Geotechnical Memorandum dated August 5, 2024, the following significance determinations have been made:

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

2.1.13 Noise

Considering the information in the Noise Compliance Study dated August 20, 2024, the following significance determinations have been made:

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**No Impact**
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**

2.1.14 Population and Housing

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

2.1.15 Public Services

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

2.1.16 Recreation

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

2.1.17 Transportation

Considering the information in the Community Impact Memorandum dated August 12, 2024, the following significance determinations have been made:

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

2.1.18 Tribal Cultural Resources

Considering the information in the Section 106 Programmatic Agreement Screening Memorandum dated September 17, 2024, the following significance determinations have been made:

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

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	**No Impact**

Question:	CEQA Significance Determinations for Tribal Cultural Resources
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	**No Impact**

2.1.19 Utilities and Service Systems

Considering the information in the Community Impact Memorandum dated August 12, 2024, and the Water Compliance Memorandum dated August 20, 2024, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	**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**

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	**No Impact**

2.1.20 Wildfire

Considering the information in the Community Impact Memorandum dated August 12, 2024, the Climate Change Study dated July 29, 2024, and the Floodplain Study dated September 11, 2024, the following significance determinations have been made:

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

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

2.1.21 Mandatory Findings of Significance

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
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 Impact 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.)	**Less Than Significant Impact**
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	**No Impact**

Affected Environment

The project takes place in Stanislaus County, in a predominantly agricultural area 2 miles east of the City of Oakdale. The project area includes the intersection of State Route 120 and Wamble Road and will install left-turn channelization. This will involve roadway widening and drainage work, with Alternative 1 including the construction of a new retention basin in Caltrans right-of-way, while Alternative 2 would use the existing basin on private property along the southeast corner of the intersection. Project impacts are largely less than significant, with the exception of potentially significant impacts to California tiger salamander upland habitat as discussed in the following section.

Environmental Consequences

The project will result in a very small but permanent loss of artificial, non-wetland waters of the State. There will be a permanent loss of 0.002 acre

under Alternative 1 and a loss of 0.005 acre under Alternative 2. While the scope of this impact is considered marginal and less than significant, the permanent loss of waters of the State will be compensated for with the measure listed below.

Biological cumulative impacts due to habitat loss are anticipated for the following species: burrowing owl, Swainson's hawk, Northern California legless lizard, northwestern pond turtle, California tiger salamander, western spadefoot. However, with the implementation of avoidance and minimization measures, the project's incremental contribution to cumulative impacts is not cumulatively considerable. The project will also incrementally contribute to the cumulative spread of invasive plant species but it will be prevented with the project features and standard measures incorporated into the project design.

Furthermore, the project is expected to have potentially significant impacts to California tiger salamander through loss of upland habitat, and will require compensatory mitigation to reduce the impact to less than significant levels. There will be a permanent loss of 1.486 acre and the temporary loss of 5.390 acres under Alternative 1 or the permanent loss of 1.858 acre and temporary loss of 5.018 acres under Alternative 2 of suitable California tiger salamander upland habitat (including both blue oak woodland and annual grassland). This impact is considered potentially significant and will be mitigated with the below compensatory mitigation measure.

Avoidance, Minimization, and/or Mitigation Measures

The permanent but less than significant loss of artificial, non-wetland waters of the State will be compensated for with the following measure.

- BIO-3: Compensate for the Permanent Loss of Waters of the United States/Waters of the State**.** To compensate for the permanent loss of 0.002 acre under Alternative 1 of waters of the State associated with project activities, Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of aquatic resource functions and values. The compensation ratio will be a minimum of 1:1 (1 acre of aquatic resource habitat credit for every 1 acre of impact) to ensure no net loss of habitat functions and values.

The potentially significant loss of California tiger salamander upland habitat will be mitigated below significance with the following compensatory mitigation measure.

- **BIO-16: Compensate for the Permanent and Temporary Loss of California Tiger Salamander Upland Habitat.** To compensate for the permanent loss of 1.486 acre and the temporary loss of 5.390 acres under Alternative 1 of suitable California tiger salamander upland habitat (blue oak woodland and annual grassland), Caltrans will

purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of special-status species habitat. The compensation ratio will be a minimum of 3:1 (3 acres of California tiger salamander upland habitat credit for every 1 acre of impact) for permanent impacts and a minimum of 1:1 for temporary impacts.

Chapter 3 Coordination

The following coordination has been conducted on the project.

Biological Resources

Caltrans obtained technical assistance from Jen Schofield, a U.S. Fish and Wildlife Service Caltrans Liaison, for the proposed project in August 2023. This technical assistance included a review of the Biological Assessment document and providing guidance on elements that should be incorporated into the document. Caltrans submitted the Biological Assessment that addresses California tiger salamander to Jen Schofield on April 11, 2024 in order to initiate formal consultation with the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service provided concurrence on the impact finding for California tiger salamander in their Biological Opinion, received by Caltrans on June 10, 2024.

An addendum to the Biological Assessment that addresses northwestern pond turtle and western spadefoot has been prepared and will be submitted to the U.S. Fish and Wildlife Service to initiate informal conferencing for unlisted species. Concurrence is expected to be documented in a Conferencing Opinion from the U.S. Fish and Wildlife Service, to be obtained prior to construction of the project.

Caltrans obtained an official list of threatened and endangered species for the proposed project from the U.S. Fish and Wildlife Service Sacramento Field Office through the Information for Planning and Consultation website on May 17, 2023, and updated the list on January 12 and May 02, 2024 (Project Code 2024-0017398).

A comment letter from the California Department of Fish and Wildlife was received on December 2, 2024, during the circulation period for the draft environmental document. Responses to the comments are included in Appendix C of this final environmental document.

Tribal Cultural Resources

Due to the level of environmental document, NEPA Categorical Exclusion and CEQA Initial Study, Assembly Bill-52 Notification was required for CEQA compliance. Native American consultation was conducted. A request was submitted to the to the Native American Heritage Commission for a Sacred Lands File search and Native American Contacts List Request for Stanislaus County, via email on August 10, 2023.

A negative Sacred Lands File search and Native American Contact List was received on September 8, 2023. Initial Assembly Bill-52 Notification and

Section 106 Consultation Request letters were sent out to all tribes who are known to have Cultural Affiliation to Stanislaus County, via email on August 15, 2023.

On August 21, 2023, Chairperson Silvia Burley responded via email that the California Valley Miwok Tribe has no comment or concerns regarding the proposed project. Follow up emails were sent to all other previously notified tribes on September 12, 2023. On September 12, 2023, Chairperson Katherine Perez of the North Valley Yokuts Tribe, responded via email, stating that her tribe is not interested in consulting on this project. No additional responses or communications were received from any Tribes since September 12, 2023.

Appendix A Title VI Policy Statement

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS–49 | SACRAMENTO, CA 94273–0001
(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.

TONY TAVARES
Director

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

Appendix B Avoidance, Minimization, and Mitigation Measures

Biological Resources

The following measures will avoid or minimize the project's potential impacts to biological resources, as discussed in Section 2.1.4 of this document.

- **BIO-1: Conduct Environmental Awareness Training for Construction Personnel.** Prior to the start of work, a biologist(s) will conduct an environmental awareness training program for all construction personnel, including contractors, subcontractors, and contractor's representatives, covering sensitive habitats (including wetlands and non-wetland waters); the status of all listed species; how to identify these species and their habitats (including special-status bat species, burrowing owl, Swainson's hawk, Northern California legless lizard, northwestern pond turtle, California tiger salamander, and western spadefoot); how to avoid impacts on the species; what to do if these species are encountered during construction activities; and the laws that protect them. In addition, the training will review the required permits and associated permit conditions that the contractor should be aware of during construction. New construction personnel who are added to the project after the training is first conducted will also be required to take the training. Documentation of the training, including sign-in sheets, will be kept on file.

- **BIO-2: Measure 2: Install Fencing and/or Flagging to Protect Sensitive Biological Resources.** Prior to the start of construction, high-visibility temporary fencing and/or flagging will be installed along the perimeter of the work area adjacent to environmentally sensitive areas proposed for avoidance (e.g., aquatic resources, trees, upland refuge habitat for special-status species). Caltrans will ensure that the final construction plans show the locations where the fencing and/or flagging will be installed and define the installation procedures. The biologist(s) will ensure that the fencing/flagging is maintained for the duration of construction and will be repaired or replaced if necessary. Fencing will be of an appropriate material that will not risk entangling wildlife. All temporary fencing and/or flagging will be removed upon the completion of construction.

- **BIO-3: Compensate for the Permanent Loss of Waters of the United States/Waters of the State.** To compensate for the permanent loss of 0.002 acre under Alternative 1 of waters of the State associated with project activities, Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee

program to ensure no net loss of aquatic resource functions and values. The compensation ratio will be a minimum of 1:1 (1 acre of aquatic resource habitat credit for every 1 acre of impact) to ensure no net loss of habitat functions and values.

- **BIO-4: Conduct Preconstruction Clearance Surveys for Suitable Bat Roosting Habitat.** Between April and September before construction begins, a qualified biologist will survey trees within the project work limits and identify any snags, hollow trees, or other trees with cavities that may provide suitable roosting habitat for sensitive or non-sensitive bats. If no suitable roosting trees are found, construction may proceed. If snags, hollow trees, or other trees with suitable cavities are found, they will be examined for roosting bats. If bats are not found and there is no evidence of use by bats, construction may proceed. If bats are found or evidence of use by bats is present, the California Department of Fish and Wildlife shall be consulted for guidance on measures to avoid or minimize disturbance to the colony.

- **BIO-5: Retain a Biologist to Conduct Periodic Monitoring during Construction in Sensitive Habitats.** To ensure that all construction personnel are trained, that avoidance and minimization measures are properly implemented, that required exclusion barrier fencing is installed and maintained, and that sensitive habitats are avoided, a biologist will conduct periodic monitoring during all construction activities occurring adjacent to sensitive habitats. The biologist will determine the appropriate timing and frequency of this monitoring in coordination with Caltrans and, if necessary, with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.

- **BIO-6: Conduct Preconstruction Surveys for Nesting Migratory Birds and Raptors, and Special-Status Species, and Establish Protective Buffers.** Caltrans will retain a qualified wildlife biologist to conduct nesting bird surveys if construction, including equipment staging, will occur between February 1 and September 30. These nesting bird surveys will include a minimum of two separate surveys to look for active nests of migratory birds, including raptors. Surveys will include a search of all trees and shrubs, and ruderal areas that provide suitable nesting habitat for birds within 100 feet of construction disturbance. In addition, a 0.5-mile area from the biological study area will be surveyed for nesting raptors in order to identify raptors that might be affected by construction disturbances. The biologists conducting the surveys will have experience with all special-status birds that could potentially nest within the survey area. In areas where access is not permitted, the surveyors will use binoculars and spotting scopes to inspect any potential nest trees, particularly large trees and snags. Surveys will occur during the height of the breeding season, April 1 to June 1, with one survey occurring within 1 week prior to the

start of construction. If no special-status raptor species or active nests are detected during these surveys, no additional measures are required. If an active nest is found in the survey area, a no-disturbance buffer will be established to avoid disturbance or destruction of the nest site until the end of the breeding season, September 30, or until after a qualified wildlife biologist determines that the young have fledged and moved out of the construction area (this date varies by species). The extent of these buffers will be determined by the Caltrans designated biologist in coordination with any applicable agencies, as appropriate for the species, and will depend on the level of noise or construction disturbance taking place, line-of-sight between the nest and the disturbance, ambient levels of noise and other non-project disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species; however, a minimum of 50 feet for songbirds and 300 feet for raptors is typical, extending up to 0.25 mile for special-status species.

The following paragraph has been added to BIO-6 after publication of the draft environmental document. The qualified biologist will also survey for any incidentally observed wildlife, including special-status bee and amphibian species, prior to the start of construction. If a special-status species is found in the survey area, a no-disturbance buffer will be established to avoid disturbance or destruction of their occupied refugia until a qualified wildlife biologist determines that the refugia is no longer occupied. The extent of these buffers will be determined by the Caltrans designated biologist in coordination with any applicable agencies (as determined by species) and will depend on the level of noise or construction disturbance taking place, line-of-sight between the occupied refugia and the disturbance, ambient levels of noise and other non-project disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species; however, a minimum of 50 feet will be delineated around the occupied refugia.

- **BIO-7: Conduct Preconstruction Surveys for Burrowing Owl and Establish Exclusion Zones, if Necessary.** A qualified biologist will conduct two separate preconstruction surveys for burrowing owl: the first no less than 14 days prior to, and the second within 48 hours of, initiating ground-disturbing activities within suitable habitat. The preconstruction survey area will encompass the designated work area, including permanent and temporary impact areas, and a 500-foot buffer around this area where access is permitted. Areas inaccessible by foot will be surveyed using binoculars. To the maximum extent feasible (i.e., where the construction footprint can be modified), construction activities within 500 feet of active burrowing owl burrows will be avoided during the nesting season, February 1 to August 31. If an active burrow is identified near a proposed work area and work

cannot be conducted outside of the nesting season, February 1 to August 31, a qualified biologist will establish a no-activity zone that extends a minimum of 250 feet around the burrow. If burrowing owls are present at the site during the non-breeding season, September 1 through January 31, a qualified biologist will establish a no-activity zone that extends a minimum of 150 feet around the burrow. If the designated no-activity zone for breeding or non-breeding burrowing owls cannot be established, a wildlife biologist experienced in burrowing owl behavior will evaluate site-specific conditions and, in coordination with California Department of Fish and Wildlife, recommend a smaller buffer (if possible) that still minimizes the potential to disturb the owls and is deemed to still allow reproductive success during the breeding season. The site-specific buffer will consider the type and extent of the proposed activity occurring near the occupied burrow, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity to background activities.

- **BIO-8: Monitor during Initial Ground Disturbance and Vegetation Removal.** A qualified biological monitor will be present during initial Project activities requiring ground disturbance (e.g., grading and excavation) or vegetation removal within the construction area.

- **BIO-9: Conduct Preconstruction Surveys for Swainson's Hawk.** The year the project is scheduled to commence, a qualified biologist will conduct a one-time preconstruction survey in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Swainson's Hawk Technical Advisory Committee 2000~~)~~. Surveys will be conducted within each of the recommended survey periods leading up to the start of construction. All potential nest trees within 0.50 miles of the project footprint will be visually examined for potential Swainson's hawk nests, as accessible. If no active Swainson's hawk nests are identified on or within 0.50-mile of the project, no additional measures are required. If active Swainson's hawk nests are found within 0.50 miles of construction activities, an avoidance and minimization plan will be developed prior to the start of construction, in coordination with California Department of Fish and Wildlife. The avoidance plan will identify measures to minimize impacts to the active Swainson's hawk nest depending on the exact location of the nest. These measures may include, but are not limited, to establishing a buffer zone and work schedule to avoid impacting the nest during critical periods and having a fulltime biological monitor present to monitor the nest during construction activities. The biological monitor will have the authority to halt construction activities if he or she determines that the construction activities are disturbing the nest.

- **BIO-10: Provide Escape Ramps or Cover Open Trenches.** To avoid entrapment of wildlife, all excavated steep-walled holes or trenches more than 6 inches deep will be provided with one or more escape ramps constructed of earth fill (with no more than a 2:1 slope) or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches will be covered with plywood or similar materials. Providing escape ramps or covering open trenches will prevent injury or mortality of wildlife resulting from falling into trenches and becoming trapped. The trenches will be thoroughly inspected for the presence of federally listed species at the beginning of each workday. Any species observed will be allowed to voluntarily move outside of the work area on its own. If at any time a trapped listed animal is discovered, an escape ramp or other appropriate structures will be installed to allow the animal to escape, and the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, as appropriate for the species, will be contacted for further guidance and if needed, to reinitiate consultation.

- **BIO-11: Implement Protection Measures for Northern California Legless Lizard.** The following measures will be implemented prior to and during construction to protect Northern California legless lizard.
    - A qualified biologist will conduct a preconstruction Northern California legless lizard survey in suitable upland habitat no more than 24 hours before construction. The construction area will be re-surveyed whenever there is a lapse in construction activity of 2 weeks or more. If Northern California legless lizard is detected during the preconstruction surveys, the California Department of Fish and Wildlife will be notified prior to the start of construction to determine if additional protection measures are necessary to avoid and minimize adverse effects to the species.
    - No monofilament plastic mesh or line or jute netting will be used for erosion control. Approved erosion control material includes burlap-wrapped fiber rolls, coconut coir matting, sediment fencing, and tackified hydroseeding compounds.

- **BIO-12: Conduct Preconstruction Surveys for Northwestern Pond Turtle and Allow Turtles to Leave Work Area Unharmed.** To avoid potential injury to or mortality of northwestern pond turtles, Caltrans will retain a qualified biologist to conduct a preconstruction survey for pond turtles immediately prior to construction activities, including vegetation removal, within the biological study area. The biologist will survey the upland habitat within the construction area immediately prior to disturbance. The biologist will survey for signs of northwestern pond turtles and/or northwestern pond turtle nesting activity (i.e., recently excavated nests, nest plugs), or nest depredation (partially to fully

excavated nest chambers, nest plugs, scattered eggshell remains, eggshell fragments).

- If a northwestern pond turtle is found within the immediate work area during the preconstruction survey or during project activities, work will cease in the area until the turtle is able to move out of the work area on its own. Information about the location of turtle(s) seen during the preconstruction survey will be included in the environmental awareness training (BIO-1) and provided directly to the construction crew working in that area to ensure that areas where turtles were observed are inspected each day prior to the start of work to ensure that no turtles are present. The California Department of Fish and Wildlife and U.S. Fish and Wildlife Service will be notified of the observation within 48 hours.
- If an active northwestern pond turtle nest containing eggs or hatchlings is identified within the construction work area, the biologist will establish a no-disturbance buffer to ensure avoidance of the nest and consult with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.
- If a northwestern pond turtle nest is discovered during the preconstruction survey or during project construction, the biologist will establish a no-disturbance buffer to ensure avoidance of the nest and Caltrans will coordinate with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.
- If a northwestern pond turtle individual is found in the construction area during project activities, work will immediately stop within a 50-foot radius of the individual. The individual will be allowed to leave the project site on their own and construction may resume once it is determined that the individual has moved away safely from the construction zone. The California Department of Fish and Wildlife and U.S. Fish and Wildlife Service will be notified within 48 hours.

- **BIO-13: Retain a Biologist to Conduct Preconstruction Surveys for California Tiger Salamander and Western Spadefoot.** No more than 14 days prior to the start of construction, U.S. Fish and Wildlife Service-approved biologist(s) will conduct a visual encounter preconstruction survey for California tiger salamander and western spadefoot within the biological study area. The survey will pay particular attention to detecting any burrows, crevices, and other cover sites that could be used as refugia by the species. If any burrows are

discovered, they will be flagged or otherwise marked, and avoided to the extent feasible.

- **BIO-14: Avoid Potential Indirect Impacts on Habitat for California Tiger Salamander and Western Spadefoot.** The following avoidance and minimization efforts will be implemented prior to and during construction to protect habitat for California tiger salamander and western spadefoot.

    - Consistent with BIO-2 (Install Fencing and/or Flagging to Protect Sensitive Biological Resources), a qualified biologist will guide the installation of wildlife exclusion fencing prior to the start of construction activities, including non-ground-disturbing activities such as pavement overlay. The exclusion fencing will be installed along the edge of the construction limits. The exclusion fencing will consist of orange construction barrier or erosion control fencing or a combination of fencing (i.e., orange sediment-control fencing), that will be buried a minimum of 6 inches or secured with weighted material (e.g., sandbags, rock, concrete blocks), and has a minimum 4-inch lip at the top of the fence that will face away from the construction area. The exclusion fencing will have directional end sections that will redirect individuals that reach the end of the fencing away from the work area. The exclusion fencing will have funnel openings (with the wide end measuring 10-inch in diameter) attached to the outside of the exclusion fence with five or six zip ties at the end to create a one-way door. The funnels will be spaced every 150 feet. The exclusion fencing will prevent inadvertent discharge of hazardous materials into adjacent areas aquatic resources and limit the movement of sensitive species from entering the roadway during construction activities.
    - All construction activities in areas identified as suitable upland and aquatic habitat for California tiger salamander and western spadefoot will be limited to May 1 to October 31.
    - No herbicides will be applied within 100 feet of aquatic habitat.

- **BIO-15: Work Restrictions During Rain Events.** No construction activities will be conducted in aquatic or upland habitat areas where the California tiger salamander may occur if: 1) it is actively raining, 2) there is a greater than 70 percent chance of rain based on the National Oceanic and Atmospheric Administration's National Weather Service forecast on any given workday or worknight, or 3) a rain event greater than 0.25 inch has occurred within the past 48 hours. Prior to resuming work following a rain event, a U.S. Fish and Wildlife Service-approved biologist will conduct a new preconstruction visual encounter survey of

all active work areas, including access roads and staging areas, to confirm that no tiger salamanders are present.

The following mitigation measure will be included to compensate for potentially significant impacts to California tiger salamander upland habitat, as discussed in Section 2.1.4 of this document.

- **BIO-16: Compensate for the Permanent and Temporary Loss of California Tiger Salamander Upland Habitat.** To compensate for the permanent loss of 1.486 acre and the temporary loss of 5.390 acres under Alternative 1 of suitable California tiger salamander upland habitat (blue oak woodland and annual grassland), Caltrans will purchase credits at an approved mitigation bank or contribute to an agency-approved in-lieu fee program to ensure no net loss of special-status species habitat. The compensation ratio will be a minimum of 3:1 (3 acres of California tiger salamander upland habitat credit for every 1 acre of impact) for permanent impacts and a minimum of 1:1 for temporary impacts.

Greenhouse Gas Emissions

The following avoidance and minimization measures will be included to reduce less than significant impacts from temporary construction emissions of greenhouse gases, as discussed in Section 2.1.8 of this document.

- **GHG-1: Limit equipment idling.** The contractor will limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment.

- **GHG-2: Schedule truck trips.** The contractor will schedule truck trips outside of peak morning and evening commute hours.

- **GHG-3: Equipment fuel efficiency.** The contractor will improve fuel efficiency from construction equipment by maintaining equipment in proper working condition, using the right size equipment for the job, and using equipment with new technologies where feasible.

Appendix C Comment Letters and Responses

This appendix was added after the draft environmental document completed circulation. It contains the two comment letters received during the public circulation and comment period from October 30, 2024, to December 2, 2024, retyped for readability. The comment letters are stated verbatim as submitted, with acronyms, abbreviations, and any original grammatical or typographical errors included. A Caltrans response follows each comment presented. Copies of the original comment letters can be found in Volume 2 of this document.

Comment from Central Valley Regional Water Quality Control Board:

2 December 2024

Laura Cook
California Department of Transportation, District 10
1976 East Dr. Martin Luther King Jr. Boulevard
Stockton, CA 95205
Laura.Cook@dot.ca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, 10-1N330 WAMBLE ROAD LEFT-TURN CHANNELIZATION PROJECT, SCH#2024101278, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 29 October 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the 10-1N330 Wamble Road Left-Turn Channelization Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control

Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and

Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application

process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter G. Minkel

Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Caltrans Response to Comment from Central Valley Regional Water Quality Control Board:

Thank you for commenting on the Initial Study with Proposed Mitigated Negative Declaration for the Wamble Road Left-Turn Channelization project. The project will comply with all applicable laws and regulations, and any required permits or approvals will be obtained prior to construction.

Comment from the California Department of Fish and Wildlife:

December 2, 2024

Laura Cook
California Department of Transportation
1976 East Doctor Martin Luther King Junior Boulevard
Stockton, California 95205

Subject: Wamble Road Left-Turn Channelization (EA 10-1N330) (Project)
Initial Study with Proposed Mitigated Negative Declaration
State Clearinghouse # 2024101278

Dear Laura Cook:

The California Department of Fish and Wildlife (CDFW) received an Initial Study with Proposed Mitigated Negative Declaration (MND) from the California Department of Transportation (Caltrans) for the above referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as

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

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

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

Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) on potential impacts to Federally listed species. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS to comply with ESA is advised well in advance of any ground disturbing activities.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The Project will install left-turn channelization for both westbound and eastbound traffic on State Route 120 turning onto Wamble Road. The left-turn channelization would include asymmetrical widening with a centerline shift to the south. The improvements would include widening the intersection and drainage work throughout the project limits.

Location: The proposed project is located on State Route 120, at the intersection of Wamble Road, in Stanislaus County, California.

Timeframe: Construction of the proposed project is anticipated to last 6 months, beginning in March 2027.

I. COMMENTS AND RECOMMENDATIONS

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

Based on the Project location and proposed Project activities in the Initial Study, CDFW is concerned regarding potential Project related impacts to special-status species, including but not limited to the State threatened and federally threatened California tiger salamander (*Ambystoma californiense*), the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (Agelaius tricolor), and the State Candidate Western burrowing owl (*Athene cunicularia hypugaea*), and Crotch's bumble bee (*Bombus crotchii*),

California Tiger Salamander (CTS):

Issue: The Project is within the known geographic range of CTS and the MND has determined that there is potentially suitable habitat within and near the Project area. If CTS are present near the Project site, Project activities may result in potentially significant impacts, including burrow collapse, inadvertent entrapment, reduced reproductive success, and direct mortality. The Natural Environment Study (NES) prepared for the MND indicated that CTS were not found during field surveys for the Project, although it does not appear that protocol surveys were conducted. The MND provides a determination of effect under the Federal Endangered Species Act and states that federal take authorization would be obtained and mitigation for loss of CTS upland habitat was described. However, there was no analysis of the potential for take under CESA, an analysis of potential direct impacts to CTS, or an indication that CDFW would be consulted to determine if take may occur as a result of Project activities.

Recommended Mitigation Measures for CTS: Prior to ground-disturbing activities and as part of the biological studies conducted in support of the CEQA document, CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year prior to Project construction to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for

CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a minimum 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50- foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS and CTS habitat. However, it is important to note that the 250-foot no disturbance buffer would help minimize direct impacts to the breeding habitat itself but would not avoid all likely impacts to CTS individuals; CTS utilize upland areas much farther than 250 feet from breeding pools. Alternatively, the applicant can assume presence of CTS within the Project site and obtain from an ITP in accordance with Fish and Game Code section 2081(b).

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

Swainson's Hawk (SWHA):

Issue: The Project site is within the known geographic range of SWHA and there are recent occurrences documented within 2.5 miles of the Project site (CDFW 2024). The MND identifies that there are potential SWHA nest trees within and adjacent to the Project site but did not address potential impacts to nesting SWHA. This conclusion conflicts with the findings in the NES prepared for the MND, which determined that the Project could result in impacts to nesting SWHA if present near Project activities. The measures proposed in the MND are not sufficient to prevent take of SHWA if they are nesting near the Project area during Project activities. Without appropriate avoidance and minimization measures for SWHA, potentially significant impacts associated with the Project's activities include reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Mitigation Measures for SWHA: Given the presence of suitable nesting habitat within and near the Project site, CDFW recommends that following additional measures be added to the MND for SWHA. CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (2000) the year prior to Project construction. If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally.

These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities. CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Tricolored Blackbird (TRBL):

Issue: The Project site is within the known geographic range of TRB, there is a historical occurrence documented within one mile of the Project site (CDFW 2024), and based on aerial imagery, it appears the Project site and vicinity may contain suitable habitat for TRBL foraging and nesting. TRBL breed within the vicinity of fresh water, primarily in marshy areas, but may nest in agricultural row crops as are present adjacent to the Project site. Important sites for nesting colonies include heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar (Grinnell and Miller 1944). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Beedy et al. 2020).

Recommended Mitigation Measures for TRBL: CDFW recommends that construction be timed to avoid the typical bird breeding season (February 1 through September 15). However, if construction must occur during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL within the Project site and a 300-foot buffer no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts. If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a

minimum 300-foot no-disturbance buffer around the colony in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (California Department of Fish and Wildlife 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon the colony or parental care for survival. If a 300-foot no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Western Burrowing Owl (BUOW):

Issue: The MND identifies that BUOW have potential to occur and that there is suitable habitat present within and adjacent to the Project site. The California Fish and Game Commission approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, published these findings in the California Regulatory Notice Register on October 25, 2024. BUOW is now considered a candidate under CESA and as such receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, § 2074.2 & 2085). CDFW recommends that the MND be updated to reflect the candidacy and recommends the measures listed below be incorporated to avoid unauthorized take.

Recommended Mitigation Measures for BUOW: CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) during the survey season immediately prior to Project construction. If a BUOW is detected, CDFW recommends that a no-disturbance buffer of 500 meters be maintained around all BUOW burrows (active and inactive). If BUOW and/or BUOW burrows are observed in the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Crotch's Bumble Bee (CBB):

Issue: The Project is within known geographic range of CBB (CDFW 2024) and suitable habitat is present within and adjacent to the Project site however, the MND does not include a description of potential impacts to this species. The NES prepared for the MND identifies that there is potentially suitable habitat within the Project study area for CBB but concludes it would not be present based on field surveys that were not consistent with CDFW's current guidance. Lack of CBB observations during one comprehensive survey does

not mean the species will not be present during Project activities. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within central California (Hatfield et al. 2015). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. CBB are known to inhabit a variety of habitats, including grasslands, scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (Xerces Society et al. 2018; CDFW 2024). Based on information provided in the NES prepared for the MND, these habitat elements are present within and adjacent to the Project site. As a result, the Project has the potential to impact CBB nesting habitat, overwintering queen refugia, and result in direct mortality of individuals.

CBB is particularly affected by habitat modification, pesticides, and herbicides (Xerces Society et al. 2018). Without appropriate avoidance and minimization measures for CCB, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of bumble bee nests, and direct mortality of individuals.

Recommended Mitigation Measures for CBB: In areas of suitable habitat, CDFW recommends that the Project require a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in CDFW (2023) "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species," during the appropriate season in the year prior to Project construction. If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided obtaining take authorization, prior to any ground disturbing activities, through the issuance of a State Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081(b), would be necessary to comply with CESA.

II. EDITORIAL COMMENTS AND/OR SUGGESTIONS

CDFW requests that the MND fully identify potential impacts to biological resources, including the aforementioned species. To adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by qualified wildlife biologists/botanists during the appropriate survey period(s) for each species in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information

assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol level surveys, and to identify any Project-related impacts under CESA and other species of concern. CDFW recommends the MND address potential impacts to these species and provide measurable mitigation measures that, as needed, will reduce impacts to less than significant levels. Information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/SurveyProtocols).

Nesting birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project area to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist counsel and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration Agreement: Project activities that will substantially change the bed, bank, and channel of streams and associated wetlands are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial. It is important to note that if Project activities require notification, CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For additional information on notification requirements, please contact our staff in the Caltrans Liaison Unit at RRR.R4@wildlife.ca.gov and the CDFW website: https://wildlife.ca.gov/Conservation/LSA. .

California Natural Diversity Database: Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine if any special status species are present.

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 CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

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

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions, please contact Grant Piepkorn, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 807-1459, or by electronic mail at Grant.Piepkorn@wildlife.ca.gov.

Sincerely,
Julie A. Vance
Regional Manager

References:

Beedy, E. C., W. J. Hamilton III, R. J. Meese, D. A. Airola, and P. Pyle. 2020. Tricolored blackbird (*Agelaius tricolor*). Version 1.0 *in* P. G. Rodewald, editor. Birds of the world. Cornell Lab of Ornithology, Ithaca, New York, USA.

California Burrowing Owl Consortium (CBOC). 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's Hawks (*Buteo swainsoni*) in the central valley of California.

California Department of Fish and Wildlife. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310

CDFW. 2024. Biogeographic Information and Observation System, Version 6 (BIOS 6). https://www.wildlife.ca.gov/Data/BIOS (accessed November 7, 2024).

Grinnell, J. and A. H. Miller. The Birds of California. Cooper Ornithological Club, Berkeley, California. 1944, 608 pp.

Hatfield, R., S. Jepsen, R. Thorp, L. Richardson, and S. Colla. 2015. *Bombus crotchii*. The International Union for Conservation of Nature red list of threatened Species. https://www.iucnredlist.org/species/44937582/46440211

Orians, G. 1961. The ecology of blackbird (*Agelaius*) social systems. Ecological Monographs 31:285-312.

Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? California State University, Chico, California, USA.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

United States Fish and Wildlife Service (USFWS). 2003. Interim guidance on site assessment and field surveys for determining presence or a negative finding of the California tiger salamander. Sacramento, California, USA.

Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Wamble Road Left-Turn Channelization (EA 10-1N330)

SCH No.: 2024101278

RECOMMENDED MITIGATION MEASURE	**STATUS/DATE/INITIALS**
Before Disturbing Soil or Vegetation	
Crotch's bumble bee (CBB) surveys	
CBB take authorization	
California tiger salamander (CTS) surveys	
CTS take authorization	
Burrowing owl (BUOW) surveys	
BUOW take authorization	
Tricolored blackbird (TRBL) surveys	
TRBL take authorization	
During Construction	
CBB avoidance buffer	
CTS avoidance buffer	
SWHA avoidance buffer	
BUOW avoidance buffer	
TRBL avoidance buffer	

Responses to Comment from the California Department of Fish and Wildlife:

Thank you for commenting on the Initial Study with Proposed Mitigated Negative Declaration for the Wamble Road Left-Turn Channelization project.

The following section contains responses to these comments prepared by Christy Lafayette, Caltrans District 10 Environmental Scientist (Biologist), with additional input from Alexandros Xides, Caltrans District 10 Environmental Scientist (Generalist). Sources referenced in the comment responses will be listed after the comment responses.

Comment 1:

California Tiger Salamander (CTS):

Issue: The Project is within the known geographic range of CTS and the MND has determined that there is potentially suitable habitat within and near the Project area. If CTS are present near the Project site, Project activities may result in potentially significant impacts, including burrow collapse, inadvertent entrapment, reduced reproductive success, and direct mortality. The Natural Environment Study (NES) prepared for the MND indicated that CTS were not found during field surveys for the Project, although it does not appear that protocol surveys were conducted. The MND provides a determination of effect under the Federal Endangered Species Act and states that federal take authorization would be obtained and mitigation for loss of CTS upland habitat was described. However, there was no analysis of the potential for take under CESA, an analysis of potential direct impacts to CTS, or an indication that CDFW would be consulted to determine if take may occur as a result of Project activities.

Recommended Mitigation Measures for CTS: Prior to ground-disturbing activities and as part of the biological studies conducted in support of the CEQA document, CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year prior to Project construction to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW and the USFWS is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a minimum 100-foot buffer around the Project area in all areas of wetland and upland habitat that could support CTS.

Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50- foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS and CTS habitat. However, it is important to note that the 250-foot no disturbance buffer would help minimize direct impacts to the breeding habitat itself but would not avoid all likely impacts to CTS individuals; CTS utilize upland areas much farther than 250 feet from breeding pools. Alternatively, the applicant can assume presence of CTS within the Project site and obtain from an ITP in accordance with Fish and Game Code section 2081(b).

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

Caltrans Response to Comment 1:

No California tiger salamander individuals were observed during the spring/summer 2023 or 2024 field surveys or during the three December 2023/January 2024 California tiger salamander night surveys. A reference site located 40 miles from the project site with a known population of California tiger salamanders was visited before or after the night surveys at the project site. The timing and weather conditions on the night survey dates were determined to be appropriate for California tiger salamander terrestrial movement because, on two of the three survey nights, California tiger salamanders were observed at the reference location.

Additionally, fish and large bullfrogs (adults and tadpoles) were observed during the aquatic surveys in the adjacent detention basin on April 18, 2024, and no California tiger salamander individuals were observed. If any California tiger salamanders did attempt to breed in the detention basin, it is unlikely that any of their offspring would survive to metamorphosis due to the high number of predators present in the detention basin.

There are 11 California Natural Diversity Database records for occurrences of California tiger salamander within 10 miles of the project area (California

Department of Fish and Wildlife, 2024). The nearest record indicates that an unknown number of California tiger salamander individuals were observed at a large temporary lake in 1993 approximately 2.5 miles northwest of the project area. There are barriers to dispersal between the nearest California Natural Diversity Database occurrences and the aquatic habitat adjacent to the project area (detention basin) including roads, residences, and domestic animals (dogs). While it is possible that California tiger salamander are present on site, it is unlikely based on the distance of the nearest observation and the completion of targeted surveys without detection of the species.

Given this low likelihood of California tiger salamander presence at the project site, Caltrans is not proposing to conduct protocol-level surveys or obtain a State Incidental Take Permit. Language has been added to Measure BIO-6 in this document to include pre-construction surveys for incidentally observed wildlife and establish appropriate no-work buffers to protect special-status species observed during surveys. Measure BIO-13 also includes specific requirements to perform pre-construction surveys for California tiger salamander and Western spadefoot.

Comment 2:

Swainson's Hawk (SWHA):

Issue: The Project site is within the known geographic range of SWHA and there are recent occurrences documented within 2.5 miles of the Project site (CDFW 2024). The MND identifies that there are potential SWHA nest trees within and adjacent to the Project site but did not address potential impacts to nesting SWHA. This conclusion conflicts with the findings in the NES prepared for the MND, which determined that the Project could result in impacts to nesting SWHA if present near Project activities. The measures proposed in the MND are not sufficient to prevent take of SHWA if they are nesting near the Project area during Project activities. Without appropriate avoidance and minimization measures for SWHA, potentially significant impacts associated with the Project's activities include reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Mitigation Measures for SWHA: Given the presence of suitable nesting habitat within and near the Project site, CDFW recommends that following additional measures be added to the MND for SWHA. CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (2000) the year prior to Project construction. If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and

maintained around each nest, regardless of whether it was detected by surveys or observed incidentally.

These buffers would remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival, to prevent nest abandonment and other take of SWHA as a result of Project activities. CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Caltrans Response to Comment 2:

Within and adjacent to the project area, trees large enough to provide potential nesting habitat for Swainson's hawk are present. Suitable foraging habitat within the annual grasslands is also present in and adjacent to the project area. No Swainson's hawks or nests were observed during the spring and summer 2023 and 2024 field surveys. Two historic nesting records are present within 10 miles of the project area. Of these two historic records, the nearest nesting tree was recorded within 3 miles of the project area in 2011. The 2011 record was of a large eucalyptus at the intersection of Emery Road and Warnerville Road that was felled by the property owner (California Department of Fish and Wildlife 2024). The other nesting record was from 2003 in a valley oak about 9 miles from the Project area near the intersection of Henry Avenue and Lee Road (California Department of Fish and Wildlife 2024).

Per CEQA section 15145, impacts to Swainson's hawks are speculative given that no Swainson's hawks have been observed over the course of the 10 surveys that took place between May 2023 and April 2024. Therefore, Caltrans is not proposing to conduct surveys for nesting Swainson's hawks following the Swainson's hawks Technical Advisory Committee (2000) methods or pursuing a State Incidental Take Permit (ITP). However, Caltrans acknowledges the locations of nests can change season by season, thus Caltrans is including an analysis of potential impacts and identifying mitigation measures to ensure that impacts would be less than significant by proposing to complete preconstruction surveys for listed species including Swainson's hawk, as described in Measures 10 and 13 of the Natural Environment Study (Measures BIO-6 and BIO-9 in this environmental document). These measures identify the establishment of protective buffers around active nests.

Based on the comments and recommendations received, Measure 10 in the Natural Environment Study and the corresponding BIO-6 measure in this

environmental document have been reworded to require surveys that more broadly cover special-status species, as currently the measure focuses on preconstruction surveys for nesting birds. These measures have been modified to include the following additional text:

"The qualified biologist will also survey for any incidentally observed wildlife, including special-status bee and amphibian species, prior to the start of construction. If a special-status species is found in the survey area, a no-disturbance buffer will be established to avoid disturbance or destruction of their occupied refugia until a qualified wildlife biologist determines that the refugia is no longer occupied. The extent of these buffers will be determined by the Caltrans designated biologist in coordination with any applicable agencies (as determined by species) and will depend on the level of noise or construction disturbance taking place, line-of-sight between the occupied refugia and the disturbance, ambient levels of noise and other non-project disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species; however, a minimum of 50 feet would be delineated around the occupied refugia."

Comment 3:

Tricolored Blackbird (TRBL):

Issue: The Project site is within the known geographic range of TRB, there is a historical occurrence documented within one mile of the Project site (CDFW 2024), and based on aerial imagery, it appears the Project site and vicinity may contain suitable habitat for TRBL foraging and nesting. TRBL breed within the vicinity of fresh water, primarily in marshy areas, but may nest in agricultural row crops as are present adjacent to the Project site. Important sites for nesting colonies include heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar (Grinnell and Miller 1944). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting TRBL populations (Beedy et al. 2020).

Recommended Mitigation Measures for TRBL: CDFW recommends that construction be timed to avoid the typical bird breeding season (February 1 through September 15). However, if construction must occur during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL within the Project site and a 300-foot buffer no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts. If an active TRBL nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer around the colony in accordance

with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (California Department of Fish and Wildlife 2015). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon the colony or parental care for survival. If a 300-foot no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Caltrans Response to Comment 3:

The willows and emergent vegetation within and adjacent to the detention basin just outside of the project site could provide suitable nesting substrate for tricolored blackbird. The disturbed roadside habitat and annual grassland within the project site do not provide suitable nesting habitat; however, tricolored blackbirds could forage in annual grassland within and adjacent to the project site. Tricolored blackbirds were not observed during 2023 or 2024 field surveys. There are five California Natural Diversity Database (CNDDB) occurrences of nesting documented within 10 miles of the project site. The most recent occurrence of a nesting colony was recorded in 2016 along Sonora Road, approximately 8 miles north of the project site (California Department of Fish and Wildlife 2024). The nearest California Natural Diversity Database occurrence of the species is approximately 3 miles from the project site (California Department of Fish and Wildlife 2024).

No tricolored blackbirds have been observed over the course of the 10 surveys that took place between May 2023 and April 2024. Therefore, Caltrans is not proposing to conduct protocol surveys for nesting tricolored blackbird following the Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015 (California Department of Fish and Wildlife 2015) methods or pursuing a State Incidental Take Permit (ITP).

However, Caltrans acknowledges the locations of nests can change season by season. As such, Caltrans is proposing to complete preconstruction surveys for listed species including tricolored blackbird, as described in Measure 10 of the Natural Environment Study (BIO-6 in this environmental document). This measure identifies the establishment of protective buffers around active nests.

Comment 4:

Western Burrowing Owl (BUOW):

Issue: The MND identifies that BUOW have potential to occur and that there is suitable habitat present within and adjacent to the Project site. The California Fish and Game Commission approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024, published these findings in the California Regulatory Notice Register on October 25, 2024. BUOW is now considered a candidate under CESA and as such receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, § 2074.2 & 2085). CDFW recommends that the MND be updated to reflect the candidacy and recommends the measures listed below be incorporated to avoid unauthorized take.

Recommended Mitigation Measures for BUOW: CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) during the survey season immediately prior to Project construction. If a BUOW is detected, CDFW recommends that a no-disturbance buffer of 500 meters be maintained around all BUOW burrows (active and inactive). If BUOW and/or BUOW burrows are observed in the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Caltrans Response to Comment 4:

Caltrans recognizes that burrowing owl is now considered a candidate under the California Endangered Species Act and as such receives the same legal protection afforded to an endangered or threatened species (California Fish and Game Code 2074.2 and 2085).

Potential nesting and wintering habitat are present in annual grassland within and adjacent to the project site. The project site does support abundant rodent activity (including mice, vole and pocket gopher, ground squirrel). Numerous ground squirrel burrows, which are typically used by breeding burrowing owls, are located within and adjacent to the project site. Active California ground squirrel complexes were located within and adjacent to the project site. There was no sign of burrowing owls (white wash, pellets, owls) in the suitable nesting habitat within and adjacent to the project site during the 2023 and 2024 field surveys. Four surveys were conducted during the breeding season, three of which were during peak breeding season, and another four surveys were conducted during the over-wintering season, consistent with the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (California Burrowing Owl Consortium 1993) and California Department of Fish and Wildlife "Staff Report on Burrowing Owl Mitigation" (California Department of

Fish and Game 2012). There is one California Natural Diversity Database (CNDDB) occurrence from 1994 of one individual burrowing owl, that did not appear to be associated with a burrow, within 5 miles of the project site.

No burrowing owls have been observed over the course of the 8 surveys that took place between May 2023 and April 2024. Therefore, Caltrans is not proposing to conduct additional surveys for nesting burrowing owls or pursuing a State incidental Take Permit (ITP). However, Caltrans acknowledges the locations of nests can change season by season. Per Measure 11 in the Natural Environment Study and BIO-7 in this environmental document, preconstruction surveys will be completed for burrowing owls and protective buffers will be established around active nests.

Comment 5:

Crotch's Bumble Bee (CBB):

Issue: The Project is within known geographic range of CBB (CDFW 2024) and suitable habitat is present within and adjacent to the Project site however, the MND does not include a description of potential impacts to this species. The NES prepared for the MND identifies that there is potentially suitable habitat within the Project study area for CBB but concludes it would not be present based on field surveys that were not consistent with CDFW's current guidance. Lack of CBB observations during one comprehensive survey does not mean the species will not be present during Project activities. CBB was once common throughout most of central and southern California. However, it now appears to be absent from most of their range, especially in the central portion of its historic range within central California (Hatfield et al. 2015). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. CBB are known to inhabit a variety of habitats, including grasslands, scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (Xerces Society et al. 2018; CDFW 2024). Based on information provided in the NES prepared for the MND, these habitat elements are present within and adjacent to the Project site. As a result, the Project has the potential to impact CBB nesting habitat, overwintering queen refugia, and result in direct mortality of individuals.

CBB is particularly affected by habitat modification, pesticides, and herbicides (Xerces Society et al. 2018). Without appropriate avoidance and minimization measures for CCB, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of bumble bee nests, and direct mortality of individuals.

Recommended Mitigation Measures for CBB: In areas of suitable habitat, CDFW recommends that the Project require a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in CDFW (2023) "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species," during the appropriate season in the year prior to Project construction. If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take. If take cannot be avoided obtaining take authorization, prior to any ground disturbing activities, through the issuance of a State Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081(b), would be necessary to comply with CESA.

Caltrans Response to Comment 5:

A survey targeting Crotch's bumble bee was conducted on April 18, 2024 generally following the guidance provided in the California Department of Fish and Wildlife's Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (California Department of Fish and Wildlife 2023). The survey was conducted by walking transects through the annual grassland habitat within the project site. Surveyors walked transects looking for bumble bees. During the transects, one surveyor also completed a datasheet that recorded floral resources and nesting resources to assess the quality of the nesting and foraging habitat present in the project site. No bumble bees were observed during the survey, only honey bees.

Crotch's bumble bee impacts were considered unlikely due to the lack of California Natural Diversity Database (CNDDB) or iNaturalist records of the species within a 10-mile radius of the project site. The nearest California Natural Diversity Database occurrence is 11.3 miles away and the nearest iNaturalist observation is 40 miles away in La Grange, California. Therefore, Caltrans is not proposing to conduct additional surveys for Crotch's bumble bee or pursuing a State Incidental Take Permit (ITP). However, Caltrans is proposing to complete preconstruction surveys for special-status species including Crotch's bumble bee, as described in Measure 10 of the Natural Environment Study and BIO-6 of the environmental document. This measure identifies the establishment of protective buffers around active nests.

Comment 6:

CDFW requests that the MND fully identify potential impacts to biological resources, including the aforementioned species. To adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by qualified wildlife biologists/botanists during the appropriate survey period(s) for each species in order to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol level surveys, and to identify any Project-related impacts under CESA and other species of concern. CDFW recommends the MND address potential impacts to these species and provide measurable mitigation measures that, as needed, will reduce impacts to less than significant levels. Information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/SurveyProtocols).

Nesting birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project area to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non- listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance

from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist counsel and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Caltrans Response to Comment 6:

Periodic monitoring for nesting birds and other special-status species will be implemented as described in Measure 9 in the Natural Environment Study (BIO-5 in this environmental document) and preconstruction surveys for nesting birds and other special-status species will be conducted as described in Measure 10 in the Natural Environment Study (BIO-6 in this environmental document). Per Measure 9 and BIO-5, the biologist will determine the appropriate timing and frequency of this monitoring in coordination with Caltrans (and with the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service, if necessary).

Comment 7:

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Wamble Road Left-Turn Channelization (EA 10-1N330)

SCH No.: 2024101278

RECOMMENDED MITIGATION MEASURE	**STATUS/DATE/INITIALS**
Before Disturbing Soil or Vegetation	
Crotch's bumble bee (CBB) surveys	
CBB take authorization	
California tiger salamander (CTS) surveys	
CTS take authorization	
Burrowing owl (BUOW) surveys	
BUOW take authorization	
Tricolored blackbird (TRBL) surveys	
TRBL take authorization	
During Construction	
CBB avoidance buffer	
CTS avoidance buffer	
SWHA avoidance buffer	

BUOW avoidance buffer	
TRBL avoidance buffer	

Caltrans Response to Comment 7:

Caltrans has developed a Mitigation, Monitoring, or Reporting Program (MMRP) based on the mitigation measures in the environmental document. All measures included in Appendix B of this document will be implemented as part of the Mitigation, Monitoring, or Reporting Program for the project.

References Used in Comment Responses:

California Burrowing Owl Consortium (CBOC). 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

California Department of Fish and Wildlife. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310

California Department of Fish and Wildlife. 2024. Biogeographic Information and Observation System, Version 6 (BIOS 6). https://www.wildlife.ca.gov/Data/BIOS (accessed November 7, 2024).

United States Fish and Wildlife Service (USFWS). 2003. Interim guidance on site assessment and field surveys for determining presence or a negative finding of the California tiger salamander. Sacramento, California, USA.

Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's bumble bee (Bombus crotchii), Franklin's bumble bee (Bombus franklini), Suckley cuckoo bumble bee (Bombus suckleyi), and western bumble bee (Bombus occidentalis occidentalis) as Endangered under the California Endangered Species Act. October 2018.

List of Technical Studies Bound Separately (Volume 2)

Air Quality Memorandum

Noise Compliance Study

Water Compliance Memorandum

Climate Change Study

Community Impact Memorandum

Natural Environment Study

Floodplain Study

Section 106 Programmatic Agreement Screening Memorandum

Initial Site Assessment

Geotechnical Memorandum

Scenic Resource Evaluation

Landscape Architecture Recommendation Memorandum

Energy Analysis Memorandum

Paleontology Memorandum

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

Laura Cook
District 10 Environmental Division
California Department of Transportation
1976 East Doctor Martin Luther King Junior Boulevard, Stockton, California 95205

Or send your request via email to: Laura.Cook@dot.ca.gov
Or call: 209-662-2261

Please provide the following information in your request:
Project title: Wamble Road Left-Turn Channelization Project
General location information: State Route 120, east of the City of Oakdale
District number-county code-route-post mile: 10-STA-120-8.94-/9.54
Project ID number: 10-1N330 / 1021000168