FINDING OF NO SIGNIFICANT IMPACT

Proposed Bakersfield Community-Based Outpatient Clinic

Bakersfield, California

U.S. Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

April 2025

Finding of No Significant Impact
Proposed Bakersfield Community-Based Outpatient Clinic

The U.S. Department of Veterans Affairs (VA) proposes to construct and operate a replacement community-based outpatient clinic (CBOC) in Bakersfield, California. As required by the National Environmental Policy Act of 1969 (NEPA; 42 U.S. Code 4321-4370) and VA's regulations implementing NEPA (38 Code of Federal Regulations Part 26), VA prepared an environmental assessment (EA) evaluating the Proposed Action. The Final EA was completed in April 2025 and is incorporated by reference.

Purpose and Need

The purpose of the Proposed Action is to provide enhanced and expanded primary care and mental health services, and add a comprehensive array of specialty care outpatient services to serve Veterans in Bakersfield and the surrounding communities in a modern, state-of-the art facility. The Proposed Action would provide area Veterans timely, convenient access to health care and mental health services in a facility that provides specialty treatment programs and has the current and future capacity to serve an increasing patient population.

The Proposed Action is needed to address current and future projected health care needs of Veterans in Kern County. VA market analysis data indicate a growing need for ambulatory care and mental health services in the area. The existing clinic at 1801 Westwind Drive was established in 1992 and operated under a previous long-term lease whose term has now expired. Currently, many elderly or disabled Veterans must travel to the West Los Angeles or Sepulveda VA Medical Centers, which are 3 hours and 1.5 hours away from Bakersfield, respectively, to receive specialized care. Expanding the specialty care and mental health services at Bakersfield would ensure that Veterans can access these services closer to home. A new outpatient clinic would further help to decompress the overloaded health care delivery system at the West Los Angeles and Sepulveda VA Medical Centers. In addition, the new outpatient clinic, with expanded services and advanced equipment, would substantially improve patient outcomes and support greater employee satisfaction, thus increasing the clinic's ability to attract and retain high-quality health care staff.

Proposed Action

The real estate parcel for the proposed clinic is approximately 10 acres of vacant, undeveloped land in the northern portion of the City of Bakersfield, east of Knudsen Street, west of Landco Drive, north of Hageman Road, and south of Olive Drive. The clinic building would have a gross building floor area of approximately 40,000 square feet with a net usable area of 30,100 square feet, and associated surface parking and other site improvements. The Proposed Action would also include street development and improvements along all frontages. The Proposed Action

may include the developer of the new clinic providing an interim location in an existing building from which clinic services would be offered until construction of the new CBOC is complete. The Proposed Action includes no further operation of the existing leased VA CBOC at 1801 Westwind Drive after clinic services are moved to the new CBOC or to a potential interim location. The new clinic would be constructed on a build-to-suit basis and then leased to VA for up to 20 years.

Alternatives

The EA examined two alternatives—the Proposed Action and the No Action alternative—defined as follows:

- **Proposed Action:** VA would construct and operate a replacement CBOC at the Knudsen Street/Olive Drive location, which may include the developer of the new clinic providing an interim location in an existing building from which clinic services would be offered until construction of the new CBOC is complete. There would be no further operation of the existing leased Bakersfield VA CBOC after services are moved.
- **No Action Alternative:** VA would not construct the new CBOC at the project site in Bakersfield. Because the lease term for the existing VA Bakersfield CBOC has expired, clinic services would cease to be provided from that location, and Veterans would have to either travel to other VA clinics in the region or seek health care from community providers. The No Action alternative does not meet VA's purpose and need.

Potential Environmental Effects

The potential environmental effects associated with implementing the alternatives as analyzed in the Final EA are summarized in Table 1. The terms "effects" and "impacts" have the same meaning in this NEPA review.

Resource	Potential Effects of Proposed Action	Potential Effects of No Action
Aesthetics	Less than significant: Minor impacts to aesthetics due to change from a vacant lot to a developed site. No impact on scenic resources. Consistent with urban characteristics of surrounding area.	No impacts anticipated.
Air Quality	Less than significant: Estimated construction and operational emissions of criteria pollutants and hazardous air pollutants are below applicable federal and regional thresholds.	Less than significant: Adverse effects from Veterans having to travel to the West Los Angeles or Sepulveda VA Medical Centers to receive specialized care, resulting in increased mobile emissions affecting regional air quality.

Resource	Potential Effects of Proposed Action	Potential Effects of No Action
Cultural and Historic Resources	No impacts anticipated: There are no historic properties identified in the area of potential effects for the Proposed Action; therefore, no historic properties would be affected. If cultural resources are discovered during ground disturbing activities, finds will be assessed for eligibility and VA will seek consulting party input.	No impacts anticipated.
Geology and Soils	Less than significant: Potential for soil erosion and sedimentation impacts during construction would be managed through permit and regulatory compliance. There are no known paleontological resources in the project area, although there is a low to moderate potential for their presence; impacts would be managed through measures for identification and treatment of such resources.	No impacts anticipated.
Hydrology and Water Quality	Less than significant: Short-term, adverse impact from construction activity would be managed through permit and regulatory compliance. Project design and regulatory compliance would ensure no significant impacts during operation.	No impacts anticipated.
Wildlife and Habitat	Less than significant: Mitigation measures will address adverse effects to protected species, including the federally listed endangered San Joaquin kit fox.	No impacts anticipated.
Noise	Less than significant: Construction, operational, and traffic noise and vibration levels are expected to be below levels of concern for receptors near the project site.	No impacts anticipated.
Land Use	No impacts anticipated: Proposed use of the project site is allowable under current zoning provisions and is consistent with surrounding uses.	No impacts anticipated.
Floodplains, Wetlands, and Coastal Zone	No impacts anticipated: The project site contains no wetlands and is outside of floodplains and the coastal zone.	No impacts anticipated.
Community Services	No adverse impacts anticipated: Replacing the existing clinic with the new CBOC is not expected to increase demand for community services. Continued beneficial impact based on continued local availability of outpatient health care services for Veterans.	Significant adverse effect: Loss of local VA outpatient health care services for Veterans. Slight beneficial impact based on decreased demand for community police, fire, and emergency services availability for clinic operations.

Resource	Potential Effects of Proposed Action	Potential Effects of No Action
Solid Waste and Hazardous Materials	Less than significant: Generation, handling, and disposal of solid waste and petroleum and hazardous substances during construction and operation would comply with federal and local requirements, including recycling.	No adverse impacts anticipated. Minor beneficial impact from ceasing VA clinic operations, which would decrease the area's waste generation and use/storage of hazardous materials.
Traffic and Transportation	Less than significant: Short-term effects from construction traffic. No long-term operational impact anticipated to level of service, roadway capacity, or vehicle miles traveled.	No impacts anticipated.
Utilities	Less than significant: Utilities adequate for the CBOC already service the site area. Utility consumption levels for the new CBOC would be similar to or less than those of the existing clinic.	Minor beneficial effect due to reduction in utility consumption once VA clinic operations at Bakersfield cease.
Socioeconomics	Short-term localized beneficial impact to the local economy from construction employment and material purchases. No impact from operations anticipated.	Less than significant adverse effects due to loss of clinic jobs.

The project-specific protection, mitigation, and compliance measures listed in Attachment A are incorporated into the Proposed Action and would ensure the potential effects would be less than significant. VA would require the developer to construct and operate the project in accordance with these measures and VA would comply with the agreements developed in the Endangered Species Act and National Historic Preservation Act (NHPA) consultation processes.

Public Comment and Agency Consultation

VA requested public scoping input in October 2023 and published the Draft EA and the Supplemental Draft EA for public comment in September and November, 2024, respectively. In each case, newspaper notices were published in *The Bakersfield Californian* and VA notified agencies, tribes, elected officials, and other stakeholders via email.

VA received seven scoping comment submissions, eight comment submissions on the Draft EA, and three comment submissions on the Supplemental Draft EA. Comments were considered in developing the EA. Responses to each comment submission are included in the Final EA.

VA consulted with the U.S. Fish and Wildlife Service on potential effects of the Proposed Action to the federally listed endangered San Joaquin kit fox under Section 7 of the Endangered Species Act. The Final EA includes the consultation correspondence and summarizes the outcome of the consultation, including the Service's conclusion that the project is not likely to jeopardize the continued existence of the kit fox.

VA consulted under Section 106 of the NHPA with the California State Historic Preservation Office and federally recognized tribes on potential effects of the Proposed Action on historic properties. The Final EA includes the consultation correspondence and summarizes the outcome of the consultation, including the State Historic Preservation Office's concurrence with VA's finding of no historic properties affected.

Finding of No Significant Impact

Based on the analyses in the Final EA, which is summarized and incorporated by reference herein, VA concludes that implementing the Proposed Action would not have a significant adverse impact on the quality of the natural or human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, preparation of an environmental impact statement is not required.

CHRISTINE MODOVSKY

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Christine Modovsky
Environmental Engineer
VA Office of Construction & Facilities Management

ROBERT MERCHANT

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Robert C. Merchant, FACHE
Medical Center Director
VA Greater Los Angeles Health Care System

Protection, Mitigation, and Compliance Measures Incorporated into the Proposed Action

Resource	Protection, Mitigation, and Compliance Measures
Aesthetics	**AE-1** Prior to the approval of building permits and other permits and approvals that authorize construction, the City of Bakersfield would review the construction documents and plans to assure the following: a. All lighting fixtures shall comply with applicable City of Bakersfield Municipal Code requirements pertaining to lighting and illumination of buildings, parking areas, and signs. (AES DF-1) Additional clarifying details: Comply with City of Bakersfield Municipal Code Section 17.71, Outdoor Lighting, which among other things requires that all outdoor lighting be fully shielded and aimed downward so as to not shine onto adjacent property or streets and produce a nuisance or disabling glare.
	AE-2 Prior to the approval of building permits and other permits and approvals that authorize construction, the City of Bakersfield would review the construction documents and plans to assure the following: b. All landscaping shall be installed to comply with all applicable City of Bakersfield Municipal Code standards pertaining to perimeter landscaping and minimum shade cover. (AES DF-1) Additional clarifying details: Comply with the landscaping requirements of City of Bakersfield Municipal Code Section 17.61, Landscape Standards, which establishes requirements for landscape design, automatic irrigation system design, and water-use efficiency.
Air Quality	**AQ-1** The Project is required to be constructed and operated in compliance with all applicable SJVAPCD Rules, including but not limited to the following: a. SJVAPCD Rule 4601, Architectural Coatings, which limits VOC emissions from architectural coatings. b. SJVAPCD Rule 4102, Nuisance, which prohibits the discharge of air contaminants and other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property. c. SJVAPCD Rule 4641, Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations, which limits VOC emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations. *(AIR RR-2)*
	AQ-2 The project would also comply with SJVAPCD Rule 8021, *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*, which limits fugitive dust emissions from these activities.
	AQ-3 In compliance with SJVAPCD Rule 9510 (Indirect Source Review), the Project Applicant or its successor in interest shall submit an Air Impact Assessment application to the SJVAPCD, which will identify emission reduction measures for emissions of nitrous oxides and PM_{10}. The performance measures listed below can be met through any combination of on-site emission reduction measures or off-site fees.

Resource	Protection, Mitigation, and Compliance Measures
	a. Related to construction-related emissions, the exhaust emissions for construction equipment greater than 50 horsepower used or associated with the project shall be reduced by the following amounts from the statewide average as estimated by the Air Resources Board: 20 percent of the total nitrous oxides emissions, and 45 percent of the total PM_{10} exhausts emissions. Construction emissions can be reduced by using less polluting construction equipment, which can be achieved by utilizing addon controls, cleaner fuels, or newer lower emitting equipment. b. Related to operational emissions, nitrous oxides emissions shall be reduced by 33.3 percent of the project's operational baseline nitrous oxides emissions over a period of ten years as quantified in the approved Air Impact Assessment. PM_{10} emissions shall be reduced by 50 percent of the project's operational baseline PM_{10} emissions over a period of ten years as quantified in the approved Air Impact Assessment. (AIR-RR-1)
Greenhouse Gases and Climate Change (*not considered by VA decision-maker; measures are those committed to during CEQA process*)	**GR-1** Construction contractors shall assure that construction equipment greater than 150 horsepower that achieves or is equivalent to or better than USEPA/CARB Tier 4 emissions standards, or Tier 3 standards if Tier 4 equipment is not available at the time of construction. Prior to grading and building permit issuance, the construction contractor(s) shall submit an equipment list to the City of Bakersfield's Development Services Director confirming that the equipment used is compliant. *(GHG MM-1)*
	GR-2 Construction contractors shall assure that hand tools, forklifts, and pressure washers used for construction are electric-powered and shall designate an area of the construction site where electric-powered construction vehicles and equipment can charge. The City of Bakersfield shall verify the location of the designated charging area in association with grading and building permit issuance. *(GHG MM-2)*
	GR-3 Project construction contractors shall tune and maintain all construction equipment in accordance with the equipment manufacturer's recommended maintenance schedule and specifications. Maintenance records for all pieces of equipment shall be kept on-site for the duration of construction activities and shall be made available for periodic inspection by City of Bakersfield or its designee. *(GHG MM-3)*
	GR-4 The EIR states **"**The building shall be constructed in compliance with Title 24 of the Uniform Building Code to minimize total consumption of energy. The City of Bakersfield shall confirm Title 24 compliance prior to the issuance of building permits." *(GHG RR-4)* *Additional clarifying details:* This measure is further clarified in this EA as compliance with CCR Title 24. The project would be constructed in compliance with 2022 CCR Title 24 or any subsequent version of the Title 24 in effect at the time of building permit issuance, which requires building construction to minimize total consumption of energy and water, and thereby would limit GHG operational emissions (as further described in Section **Error! Reference source not found.**, **Error! Reference source not found.**).
Cultural and Historic Resources	**CU-1** Prior to construction and as needed throughout the construction period involving ground disturbing construction activities, a construction worker cultural awareness training program shall be provided to all new construction workers within one week of employment at the project site. The training shall be prepared and conducted by a qualified cultural resources specialist that meets the U.S. Secretary of the Interior's Professional Qualification Standards. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request. *(CR-MM-1)*

Resource	Protection, Mitigation, and Compliance Measures
	CU-2 If suspected historical or archaeological resources are encountered during ground disturbance activities, the construction contractor(s) shall be required by their contract to immediately cease work within 100 feet of the resources and have the area partitioned off until a qualified cultural resource specialist that meets the U.S. Secretary of the Interior's Professional Qualification Standards can evaluate the resources found and make recommendations. If the specialist determines that the discovery represents a potentially significant cultural resource, additional investigations may be required. If cultural resources are discovered that may have relevance to Native Americans, the specialist or Project Applicant must provide written notice to the City of Bakersfield, Tejon Indian Tribe, NAHC, and any other appropriate individuals, agencies, and/or groups as determined by the specialist in consultation with the City of Bakersfield to receive input regarding treatment and disposition of the resource, which may include avoidance, testing, and/or excavation to prevent destruction of the resource and/or to allow documentation of the resource for research potential. All reports, correspondence, and determinations regarding the discovery shall be submitted to the California Historical Resources Information System's SSJVIC at California State University Bakersfield. (*CR-MM-2*)
	CU-3 During construction, if human remains are discovered, further ground disturbance shall be prohibited pursuant to California Health and Safety Code Section 7050.5. The specific protocol, guidelines, and channels of communication outlined by the NAHC, in accordance with Health and Safety Code Section 7050.5, Public Resources Code 5097.97, and Senate Bill 447 shall be followed. In the event of the discovery of human remains, at the direction of the county coroner, Health and Safety Code Section 7050.5® shall guide Native American consultation. Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, pursuant to the specific exemption set forth in California Government Code Section 6254(r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254(r). (*CR-MM-3*)
Geology and Soils	**GS-1** In compliance with City of Bakersfield Municipal Code Chapter 15.05, California Building Code, construction of the Project is required to adhere to the California Building Standards Code and its requirement to prepare and adhere to site-specific recommendations contained in a geotechnical report prepared for the Project site. As such, compliance with the recommendations provided in the Project's geotechnical study prepared by Krazan & Associates, Inc., and dated May 6, 2019, (contained as Technical Appendix E to the EIR) is required. *(GEO RR-5)*
	GS-2 To address wind erosion, the Project construction activities are required to comply with the provisions of Chapter 15 Section 104.12 of the Bakersfield Municipal Code to ensure that dust abatement measures comply with the current standards set for by SJVAPCD. *(GEO-RR-6)*

Resource	Protection, Mitigation, and Compliance Measures
	GS-3 The Project Applicant is required, pursuant to the State Water Resources Control Board, to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES permit). Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP will specify the best management practices that construction contractors will be required to implement during construction activities to ensure that waterborne pollution – including erosion/sedimentation – is prevented, minimized, and/or otherwise appropriately treated prior to surface runoff being discharged from the subject property. Examples of best management practices that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. *(GEO-RR-7)*
	GS-4 Once construction is completed, any soil erosion impacts would be managed by maintaining appropriately designed stormwater management features associated with the proposed CBOC.
	See measure AQ-2 (Comply with SJVAPCD Rule 8021)
	GS-5 Prior to construction and as needed throughout the construction period involving ground-disturbing construction activities, a construction worker paleontological resource awareness training program shall be provided to all new construction workers within one week of employment at the project site, if their work will involve ground-disturbing construction activities greater than six feet in depth in older alluvium soils. The training shall be prepared and conducted by a professional paleontologist. Workers attending the training shall sign a form that shall be kept by the Project Applicant and made available to the City of Bakersfield upon request. *(GEO MM-1)*
	GS-6 If paleontological resources are encountered, all work within 100 feet of the resources shall halt until a qualified paleontologist can be called to the site to evaluate the resources and make recommendations. Paleontological resource materials may include fossils, plant impressions, or animal tracks that have been preserved in rock. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations and fossil recovery may be required to mitigate adverse impacts to less than significant levels. Construction within 100 feet of the resources found shall not resume until the appropriate mitigation measures are implemented or the materials are determined to be to be less than significant by the paleontologist. *(GEO MM-2)*
	GS-7 Recovered specimens, if any, shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storages shall be required for discoveries of significance as determined by the paleontologist. *(GEO MM-3)*
	GS-8 A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Bakersfield prior to final building inspection. *(GEO MM-4)*
Hydrology and Water Quality	**HY-1** The Project Applicant and construction contractor are required to comply with the requirements of a NPDES permit, and SWPPP. Compliance with the NPDES permit and the SWPPP require an effective combination of erosion control and sediment control measures

Resource	Protection, Mitigation, and Compliance Measures
	(i.e., Best Management Practices) to reduce or eliminate discharges to surface water from storm water and non-stormwater discharges during construction activities. *(HYD RR-1)* *Additional clarifying details:* The NPDES permit would be obtained from the Central Valley RWQCB.
	HY-2 During construction, Project construction contractors are required to comply with the requirements of the 2022 California Green Building Standards Code (CalGreen) in Part 11 of Title 24, California Code of Regulations, or any subsequent version of the Title 24 in effect at the time of building permit issuance, which requires among other items the installation of low water-use features. *(HYD-RR-2)* *Additional clarifying details:* VA lease contract provisions also require the use of WaterSense fixtures.
	HY-3 In compliance with Section 438 of the Energy Independence and Security Act, stormwater runoff from the project site is proposed to be captured and filtered into the ground by on-site retention basins. These proposed basins would be sized to accommodate the volume of a 100-year, 24-hour storm event over the entire project area following development of the site.
	HY-4 The final design and construction of stormwater management infrastructure will be subject to review and approval by the City of Bakersfield Public Works and Planning Departments, including issuance of a grading permit.
	HY-5 If any connections are required to stormwater infrastructure in adjacent parcels that are in unincorporated Kern County, those plans will require review and approval by the Kern County Public Works Engineering Department.
Wildlife and Habitat	**WH-1 – WH-11**: see separate table below
Solid Waste and Hazardous Materials	**SW-1** Construction contractors shall be required to comply with all applicable federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited to requirements imposed by the USEPA, California Department of Toxic Substances Control, and the Central Valley RWQCB. *(HAZ-RR-1)*
	SW-2 Construction contractors would develop and implement a plan to recycle and/or salvage for reuse a minimum of 65 percent of construction and demolition debris waste in accordance with the State of California Green Building Code.
	SW-3 If VA handles hazardous materials as defined in Section 25500 of California Health and Safety Code, Division 20, Chapter 6.95, it shall be required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which requires immediate reporting to the Kern County Fire Department and the State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business, and to prepare a Hazardous Materials Business Emergency Plan. *(HAZ-RR-2)*
	SW-4 Activities involving the collection and disposal of medical wastes are required to comply with California's Medical Waste Management Act of 2017. *(HAZ-RR-3)*
	SW-5 All transporters of medical wastes must be registered hazardous waste haulers with a valid Hazardous Waste Transporter Registration through the California Department of Toxic Substances Control. *(HAZ-RR-4)*

Resource	Protection, Mitigation, and Compliance Measures
	SW-6 The proposed Project would be required to comply with the Kern County Operational Area Hazardous Materials Area Plan to ensure compliance with established procedures, rules, and regulations for emergency responses in the event of a hazardous materials incident. *(HAZ-RR-5)*
	SW-7 The CBOC would be required to obtain a CUPA permit, which is required in California for all businesses that store, handle, or use hazardous materials in reportable quantities. The City of Bakersfield Fire Department, Fire Prevention Division, and the Kern County Environmental Health Services Department serve as the CUPAs for hazardous materials handling facilities located in the City of Bakersfield.
Traffic and Transportation	**TR-1** Prior to issuance of building permits, the developer shall pay appropriate Traffic Impact Fees at the rates then in effect in accordance with Chapter 15.84 of the City of Bakersfield Municipal Code. *(TRN RR-1)*
	TR-2 All off-site roadway improvements shall comply with applicable provisions of City of Bakersfield Municipal Code Title 10 (Vehicles and Traffic) and Chapter 13.12 (Development Improvements Standards and Specifications). *(TRN RR-2)*
Utilities	See measures **GR-4** (Greenhouse Gases and Climate Change) and **HY-2** (Hydrology and Water Quality).

Wildlife and Habitat Protection and Mitigation Measures Incorporated into the Proposed Action

	Final EIR Mitigation Measures	Proposed Additional Mitigation and Clarification on EIR Measures
WH-1	**BIO MM-1:** Surveys to detect **burrowing owls** shall be conducted by a professional biologist in consultation with CDFW no more than 30 days prior to any ground disturbance activities on the Project site and can be conducted concurrently with the preactivity surveys required per BIO MM-2, BIO MM-3 and BIO MM-4. Occupied burrows shall not be disturbed during the nesting season (February 1 through September 15) unless a professional biologist verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If burrowing owls are observe using burrows during the surveys, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFW protocols, Staff Report on Burrowing Owl Mitigation, shall be implemented. In such case, exclusion devices shall not be placed until the young have fledged and are no longer dependent upon the burrow, as determined by a professional biologist. Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a professional biologist.	
WH-2	**BIO MM-2:** If vegetation clearing or initial ground disturbing construction activity occurs during the **migratory bird** nesting season (February 1 to September 15) a professional avian biologist shall conduct a nesting bird survey to identify any active nests present within the proposed work area. If active nests are found, initial ground disturbance shall be postponed or halted within a buffer area, established by the professional avian biologist, that is	**Clarification on BIO MM-2:** Pre-construction avian surveys will include both migratory birds and locally breeding raptor species Surveys will be conducted no more than 14 days prior to construction activities. The nesting bird survey will include a 300-foot buffer (where access is granted) to survey for common raptors that may be

	Final EIR Mitigation Measures	**Proposed Additional Mitigation and Clarification on EIR Measures**
	suitable to the particular bird species and location of the nest, until juveniles have fledged or the nest has been abandoned, as determined by the biologist. The construction avoidance area shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. Specific to Swainson's hawk, if the Project's vegetation clearing or initial ground-disturbance construction activity will commence during the migratory bird nesting season, the pre-construction nesting bird survey shall follow survey methodology developed by the species' SWHA Technical Advisory Committee (SWHA TAC 2000). If Swainson's hawk is nesting within one-half mile of the Project site, construction activities may not commence unless an ITP is obtained from the CDFW or 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.	nesting within 300 feet of the site.
WH-3	**BIO MM-3:** Prior to vegetation clearing or initial ground-disturbing construction activities, a professional biologist shall conduct a survey to determine the presence of suitable foraging, nesting, or over-wintering habitat for the **Crotch's bumblebee (CBB)** within or immediately adjacent to the work limits. If suitable habitat is present, at least 2 visual surveys shall be conducted by a professional biologist between April 1 and May 30 to detect CBB on or within 100 feet of the work limits prior to vegetation removal/initial ground disturbance. The surveys shall target the peak flowering period of CBB preferred nectar plants and shall be conducted by a professional biologist who is familiar with CBB behavior and life history to determine presence/absence of CBB within one year of vegetation removal/initial ground disturbance. CBB individuals shall only be handled for identification if appropriate authorizations are issued. Surveys shall be conducted under suitable conditions for observation of bumble bees. Methods shall be in accordance agency protocols if issued. If no agency protocols have been issued at the time of the surveys, the following survey parameters will be	

	Final EIR Mitigation Measures	**Proposed Additional Mitigation and Clarification on EIR Measures**
	applied: the professional biologist will walk slow (≤2 mph) meandering transects covering all portions suitable habitat; surveys will be conducted no earlier than 2 hours after sunrise and 3 hours before sunset, on mostly sunny days with temperature between 65° and 90°F; surveys will not be conducted on cloudy days (≥90 percent cloud cover) or under wet or windy conditions (≥8 mph). Surveyors will search for bumble bees in flight and potential nest sites. All potential CBB nests found in small mammal burrows, under thatched grasses, brush piles or other suitable ground locations shall be further examined based on observations of entering or exiting CBB. Observations of potential CBB nest sites shall be conducted for no less than 15 minutes per location where CBB are possibly entering/exiting, or a longer period as determined by the professional biologist. If no CBB or their nests are detected, no further measures will be necessary provided that vegetation removal/initial ground disturbance occurs prior to March 1 of the year following the negative survey. If vegetation/initial ground disturbance does not occur before March 1 of the year following the negative survey, the survey shall be repeated following the above procedure. If CBB is found to be present, BIO MM-5 shall apply.	
WH-4	**BIO MM-4:** No more than 30 days prior to vegetation clearing or initial ground-disturbing construction activities, pre-construction surveys for **San Joaquin kit fox and American badger** shall be conducted by a professional biologist. The purpose of the preconstruction survey is to provide current biological information in order to implement all avoidance and minimization measures that are required based on any previous observations of special-status species and to update observations shall any new site occupation by special-status species occur. If any known San Joaquin kit fox dens are detected, implementation of the most recent USFWS protocols (Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)) is required per BIO MM-5 unless protocols are issued by either CDFW or USFWS that supersede these protocols. If American badger is present, BIO MM-5	**Clarification on BIO MM-4** Preconstruction survey will include a 250-foot buffer during the San Joaquin kit fox pupping season (February through May) or a 100-foot buffer during all other months (where access is permitted). All San Joaquin kit fox dens observed during the preconstruction survey will be mapped and characterized as to type. Den types are defined as: Potential Den: a suitable subterranean den or burrow within the range of San Joaquin kit fox that has an opening of at least 4 inches and for which available evidence is insufficient to conclude whether it is currently being used or has been used by San Joaquin kit fox. Known Den: A known den is any existing natural den structure that is in use by San

	Final EIR Mitigation Measures	**Proposed Additional Mitigation and Clarification on EIR Measures**
	shall apply.	Joaquin kit fox or has historically been used at any time in the past by San Joaquin kit fox. Atypical Den: a manmade structure which is being occupied by San Joaquin kit fox. Atypical dens may include pipes, culverts, and diggings beneath stored materials and structures Natal (or Pupping) Den: A natal den is any den that has historically been used or is currently being used by San Joaquin kit fox to whelp and/or rear pups. All San Joaquin kit fox dens (i.e., potential, known, atypical, and natal) will be mapped and photo documented and described in the preconstruction survey report, which also will include the results of any camera or track medium monitoring. The qualified Biologist will prepare a survey findings report documenting compliance with this measure for submittal to VA to forward to USFWS prior to start of ground-disturbing activities. If potential dens are present, the dens will be monitored for a minimum of four consecutive nights with a trail camera or tracking medium to evaluate den status and determine the presence/absence of San Joaquin kit fox. If there is a risk that cameras may be stolen or vandalized at a site, monitoring may be conducted using tracking medium only with prior concurrence from the USFWS. Minimize Disturbance of Known, Atypical, and Natal Dens during construction. If a known, atypical, or natal den is present within or adjacent to the work area, the following measures will be implemented to minimize disturbance of the den(s) and disruption of San Joaquin kit fox activities: Establish No-Work Exclusion Zone. A non-disturbance exclusion zone will be established around known and atypical dens and a no-work exclusion zone will be established around natal dens. Exclusion zones around known and atypical dens will be clearly marked by Environmentally

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		Sensitive Area fencing. Exclusion zone widths may be adjusted based on the conditions of the site with the USFWS' concurrence. Avoid No-work Exclusion Zones. No construction activities will be conducted in the no-work exclusion zones without USFWS concurrence. Conduct Monitoring of Construction Activities. A qualified biologist will be present in the work area to verify compliance with avoidance and minimization measures, including during ground- or vegetation-disturbing activities in or adjacent to Environmentally Sensitive Areas (e.g., occupied or potentially occupied habitat), wildlife exclusion fencing, construction exclusion fencing (exclusion fencing), and no-work zones. Monitoring will be required when trenches or holes are present and when materials stored on site provide potential dens for San Joaquin kit fox.
WH-5	**BIO MM-5:** If California or Federal listed threatened or endangered species are found occupying burrows, dens, or nests on the Project site or any such species could be injured or killed due to Project-related activities, the CDFW and/or USFWS (as appropriate) shall be contacted for further guidance. Should either agency determine that incidental take authorization is required prior to construction, the appropriate CESA/FESA [California Endangered Species Act, Federal Endangered Species Act] authorization shall be obtained by the Project Applicant. CESA and FESA authorizations shall include measures addressing the respective state and/or federal listed species and shall include the following at a minimum: Implementation of standardized biological resource protective measures included in BIO MM-4; Biological preconstruction surveys conducted by qualified biologists approved by each applicable agency no more than 30 days prior to conducting work on the Project site; If any known San Joaquin kit fox dens are detected, implementation of the most recent USFWS protocols (Standardized Recommendations for Protection of	**Clarifications on BIO MM-5:** Implement Passive Deterrence. If construction activities cannot avoid an active known or atypical den or the no-work exclusion zone around it, the project implementation team may initiate passive, non-injurious measures that result in minor alterations in behavior after receiving concurrence from the USFWS. Implement Den Excavation. Dens in the Project footprint may be excavated under the direct supervision of a qualified biologist the next day after no San Joaquin kit fox are detected for a minimum of four consecutive nights of den monitoring using trail cameras. If there is a risk that cameras may be stolen or vandalized at a site, monitoring may be conducted using tracking medium only with prior concurrence from the USFWS. If a San Joaquin kit fox is observed at the den during the monitoring period, the den will continue to be monitored until at least four consecutive nights have passed without San Joaquin kit fox detection at the den. If the

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	the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (2011)) unless protocols are issued by either CDFW or USFWS that supersede these protocols. Destruction of San Joaquin kit fox dens shall follow the monitoring and excavation procedures in USFWS (2011). If CBB individuals or nests are detected during any surveys conducted per BIO MM-3, and the CBB remains a state candidate species or is listed under CESA, the Project Applicant shall obtain take authorization from CDFW prior to vegetation removal/initial ground disturbance. A CBB Mortality Reduction Plan shall be submitted for CDFW approval no less than 30 days prior to initial vegetation removal or ground disturbance and the Plan shall contain the following information at a minimum: Active CBB nests shall be avoided by 50 feet. If CBB nests cannot be avoided, the Plan shall include seasonal restrictions for disturbance within 50 feet of any nest and procedures for determining when nest impacts will be minimized. Vegetation removal/initial ground disturbance shall be limited to the period when impacts to individual CBB that may be underground will be minimized (e.g., after nests have become inactive). Prior to vegetation removal/initial ground disturbance, small mammal burrows that may harbor overwintering CBB queens shall be excavated by hand. The Plan shall include timing and excavation methods. In addition, the Plan shall include procedures for handling and disposition of CBB if encountered during burrow excavations. The Plan shall include procedures for handling and disposition of individual CBB if they are encountered in the work limits or on construction equipment during construction activities. Biological monitoring of initial ground disturbance during each phase of grading; Provision for compliance reporting to be provided to each agency as required in respective take authorizations; Compensation for habitat disturbance acceptable to CDFW (state listed species) and/or USFWS (federal	San Joaquin kit fox does not leave the den, the Project may initiate passive harassment measures. After a den is determined to be unoccupied as confirmed through four consecutive nights of den monitoring or one night of monitoring after the initiation of passive harassment, it may be excavated under the direction and supervision of a San Joaquin kit fox qualified biologist. Dens will be fully excavated to the end of all tunnels, and then backfilled with dirt and compacted to ensure that San Joaquin kit fox cannot reenter or use the den site during construction activities.

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	listed species) at a ratio of no less than 3:1 for permanent impacts and 1.1:1 for temporary impacts to listed species habitat. The only existing approved conservation bank for impacts to San Joaquin kit fox habitat in Kern County is the Kern Water Bank Authority Conservation Bank. Lands used to mitigate for San Joaquin kit fox must be contiguous with other potentially occupied lands, provide suitable foraging and denning habitat for San Joaquin kit fox, and be located in the southern San Joaquin Valley portion of Kern County below 1,500' in elevation; Compensation land shall be funded for maintenance, protection, and management through establishment of a long-term funding mechanism such as an endowment. The endowment must be a non-wasting account that is acceptable to both CDFW and USFWS.	
WH-6		**Establish and Maintain Environmentally Sensitive Areas, and No-Work and Wildlife Exclusion Zones.** Fencing or stakes, flags, and rope will be used to establish non-disturbance exclusion zones to restrict construction equipment and personnel from environmentally sensitive areas or restrict San Joaquin kit fox from entering construction areas, where feasible based on site-specific constraints. Two types of fencing, high-visibility environmentally sensitive area fence and wildlife exclusion fence, will be used for these purposes. **Delineation and Marking Environmentally Sensitive Areas, No-Work and Wildlife Exclusion Zones, and Wildlife Exclusion Fences.** The location of environmentally sensitive areas, wildlife exclusion fence, and exclusionary zones will be delineated by a qualified biologist based on the results of any preconstruction surveys. Also prior to construction activities, the contractor will mark environmentally sensitive areas with posted signs, posting stakes, flags, or rope or cord, and will place high visibility fencing as necessary to minimize the disturbance of sensitive areas per avoidance and minimization measures. A qualified biologist

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		will also direct the installation of WEF to prevent San Joaquin kit fox from entering work areas. The WEF will have one-way escape points installed by the contractor under the supervision of a qualified biologist along the boundary of the Project footprint for the length of the adjoining suitable habitat to allow animals that may be inside the work area to leave the area. A qualified biologist will also direct the installation of construction exclusionary zone fencing, as appropriate, to avoid and minimize impacts to San Joaquin kit fox. Fencing installation will be monitored by a qualified biologist or Biological Monitor to ensure that San Joaquin kit fox are not injured or killed during installation. The environmentally sensitive area, wildlife exclusion fence, and exclusionary zone locations will be identified and depicted on an exclusion fencing exhibit. The purpose of the environmentally sensitive areas and wildlife exclusion fence will be explained at WEAP training and the locations of the environmentally sensitive areas and wildlife exclusion fence areas will be noted during worker tailgate sessions. **Construction Activity Avoidance in Environmentally Sensitive Areas/No-Work Exclusion Zones.** The contractor will enforce exclusion of construction personnel and equipment from all environmentally sensitive areas. These areas will be monitored by a qualified biologist during all site preparation and subsequent construction activities. **Maintenance of Environmentally Sensitive Area Markings.** The contractor will maintain all fencing, stakes, flags, and signage until the completion of construction. The environmentally sensitive area, wildlife exclusion fence, and exclusionary zones will be regularly inspected by a qualified biologist to ensure its integrity and that wildlife are not trapped. Environmentally sensitive area fences, wildlife exclusion fence, stakes, flags,

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		and signage will be removed by the contractor when construction is complete, or the resource has been cleared.
WH-7	**BIO MM-6:** All biological monitors working on the Project site shall be required by their contract to notify the USFWS and CDFW of the discovery of any protected species identified on the site other that nesting birds, Crotch bumblebee, San Joaquin kit fox and American badger which are addressed by BIO MM-1, BIO MM-2, BIO MM-3, BIO MM-4, and BIO MM-5. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.	
WH-8	**BIO MM-7:** The Project Applicant shall ensure that the Project's construction contractors adhere to the following best management practices. Construction contractors shall be required by their contracts to comply with these best practices and permit periodic inspection of the construction site by City of Bakersfield staff or its designee to confirm compliance. A note that requires compliance is required on all grading and building plans approved by the City of Bakersfield. Traffic restraints and signs shall be established to minimize temporary disturbances during construction beyond the construction site boundaries. All construction traffic shall be restricted to designated access roads and routes, Project site, storage areas, and staging and parking areas. Off-road traffic outside designated Project boundaries shall be prohibited. A 15 mile-per-hour (24 kilometer per-hour) speed limit shall be observed in all Project construction areas, except as otherwise posted on county roads and state and federal highways. All construction personnel involved in ground disturbing construction activities shall attend a worker orientation program. The worker orientation program shall present measures required to avoid, minimize, and mitigate impacts to biological resources and shall include, at a minimum, the following subjects: A summary of the Federal Endangered Species Act (FESA), California Endangered Species Act (CESA), and the Migratory Bird Treaty Act current construction area; life history information for the species of concern; biological resource avoidance, minimization, and mitigation	**Clarification on BIO MM-7:** Dogs recognized as service animals under titles II and III of the Americans with Disabilities Act are exempted from this rule. At end of each workday, all excavated, steep-walled holes or trenches that are more than eight inches deep with sidewalls steeper than a 1:1 (45 degree) slope will be inspected for trapped animals and, at the close of each day, will be covered with plywood or similar materials or provided a minimum of one escape ramp constructed of fill earth per 100 feet of trenching. Prior to construction requiring nighttime lighting, the Contractor will prepare a Lighting Plan verifying how the Contractor will shield nighttime construction lighting and direct it downward in such a manner to minimize the light that falls outside the work area. The Lighting Plan will be submitted to VA for review and approval prior to any work requiring nighttime lighting. All nightwork will occur within the boundaries of previously disturbed, cleared and grubbed areas. Within nightwork construction areas immediately adjacent to areas where San Joaquin kit fox or their dens are present or may be present, at least one qualified biologist, will be continuously present from one-half hour after sunset to one-half hour before sunrise. iii. Prior to working at night, all construction

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	requirements; consequences for failure to successfully implement requirements; and procedures to be followed if dead or injured wildlife are located during Project activities. Upon completion of the orientation, employees shall sign a form stating that they attended the program and understand all biological resource mitigation measures. Forms verifying worker attendance shall be filed at the Project Applicant's office and be accessible to the City of Bakersfield, USFWS and CDFW staff. No untrained personnel shall be allowed to work onsite with the exception of delivery trucks that are only onsite for 1 day or less and are under the supervision of a trained employee. All equipment storage and parking during construction activities shall be confined to the designated construction area or to previously disturbed offsite areas that are not habitat for listed species. All Project construction activities involving initial surface disturbance shall occur during daylight hours. Trenches shall be inspected for entrapped wildlife each morning prior to the onset of construction. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped animals. Any wildlife so discovered shall be allowed to escape voluntarily, without harassment, before construction activities resume. A professional biologist may remove wildlife from a trench, hole or other entrapment out of harm's way if the immediate welfare of the individual is in jeopardy. State or federal listed species may not be handled. Should any state or federal listed species become entrapped, CDFW and USFWS shall be contacted as appropriate. All food-related trash items such as wrappers, cans, bottles and food scraps generated by Project construction activities shall be disposed of in closed containers and removed at least once each week from the site. Deliberate feeding of wildlife shall be prohibited. To prevent harassment of special-status species, construction personnel shall not be allowed to have firearms or pets on the Project site. All equipment and work-related materials shall be	personnel shall receive San Joaquin kit fox awareness information regarding measures to be implemented at night. Upon completion of the program, employees will sign a form stating they attended the program and understand all protection measures. The Contractor will use highly reflective markers to demarcate the boundaries of nightwork areas, if necessary. Construction vehicles will be driven no more than 10 mph within the Project footprint from one-half hour after sunset to one-half hour before sunrise

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	contained in closed containers either in the work area or on vehicles. Loose items (e.g., rags, hose, etc.) shall be stored within closed containers or enclosed in vehicles when on the work site. All liquids shall be in closed, covered containers. Any spills of hazardous liquids shall not be left unattended until clean-up has been completed. Use of rodenticides and herbicides on the Project shall be prohibited unless approved by the USFWS and the CDFW. This is necessary to prevent primary or secondary poisoning of special-status species using adjacent habitats, and to avoid the depletion of prey upon which they depend. If rodent control must be conducted, zinc phosphide shall be used because of its proven lower risk to SJKF [San Joaquin kit fox]. Any employee who inadvertently kills or injures a listed species, or who finds any such wildlife dead, injured, or entrapped on the Project site, shall be required to report the incident immediately to a designated site representative (e.g., foreman, project manager, environmental inspector, etc.). In the case of entrapped wildlife that are listed species, escape ramps or structures shall be installed immediately, if possible, to allow the subject wildlife to escape unimpeded. In the case of injured special-status wildlife, the CDFW shall be notified immediately. During business hours Monday through Friday, the phone number is (559) 243-4017. For nonbusiness hours, report to (800) 952-5400. Notification shall include the date, time, location, and circumstances of the incident. Instructions provided by the CDFW for the care of the injured animal shall be followed by the contractor onsite. In the case of dead wildlife that are listed as threatened or endangered, the USFWS and the CDFW shall be immediately (within 24 hours) notified by phone or in person, and shall document the initial notification in writing within 2 working days of the findings of any such wildlife. Notification shall include the date, time, location, and circumstances of the incident. Prior to commencement of construction, work areas not adjacent to public streets shall be clearly marked	

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	with fencing, stakes with rope or cord, or other means of delineating the work area boundaries. If any suspected federally or State protected plant or animal species is found to be present during Project-related construction activities, occupied areas shall be avoided and the construction contractor shall be required by its contract to call a CDFW-approved biologist to the site to identify the species. If the species is protected, the qualified biologist shall notify the USFWS and CDFW of any previously unreported protected species. Any take of protected wildlife shall be reported immediately to USFWS and CDFW.	
WH-9		**Inspect Pipes.** All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods will be inspected for San Joaquin kit fox before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a San Joaquin kit fox is discovered inside these structures, the structure will be treated as an atypical den until the kit fox leaves on its own accord.
WH-10		**Provide Artificial San Joaquin Kit Fox Dens.** Prior to construction activities, VA will prepare designs and specifications, and identify specific locations of at least one artificial natal den and one artificial escape den to be permanently installed and maintained within landscaped or drainage features within the Project footprint. Maintenance of the artificial dens will be the responsibility of the Bakersfield VA Outpatient Clinic. The design of the artificial dens will be consistent with the description of artificial den design recommended by Cypher et al. (2012) and Cypher et al. (2021). The den locations and plan will be developed in consultation with and approved by USFWS.
WH-11		**Work Stoppage.** During construction activities, an onsite biologist or biological monitor will have stop work authority to protect San Joaquin kit fox in the Project

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		footprint. This work stoppage will be coordinated with VA or its designee. The project developer will suspend vegetation- or ground-disturbing activities in the work area(s) where the potential construction activity could result in injury or mortality of San Joaquin kit fox; work may continue in other areas. The suspension will continue until the individual leaves voluntarily or is moved to an approved release area using USFWS-approved handling techniques and methods, or as required by the USFWS.