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GAVIN NEWSOM, Governor
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March 2, 2022
Sent via email

Mary Zambon
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Riverside County Transportation Department
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Subject: Draft Environmental Impact Report
Cajalco Road Widening and Safety Enhancement Project
State Clearinghouse No. 2011091015

Dear Mary Zambon:

The California Department of Fish and Wildlife (CDFW) received the Draft Environmental Impact Report (DEIR) on December 3, 2021, from the Riverside County Transportation Department (RCTD) for the Cajalco Road Widening and Safety Enhancement Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

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

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.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project is located along existing Cajalco Road and portions of La Sierra Avenue and El Sobrante Road, within unincorporated Riverside County between Temescal Canyon Road and Interstate 215. There are limited portions of the proposed Project within cities of Corona and Perris.

Project Description

The Project proposes to widen approximately 15.7 miles of Cajalco Road, or a combination of Cajalco Road and El Sobrante Road, between Temescal Canyon Road to the west and Interstate 215 (I-215) to the east, in Riverside County. The Project's purpose is to improve east-west mobility and provide increased capacity and improved traffic flow and safety. The project has four alternatives:

- *Alternative 1* - Widen existing Cajalco Road from Temescal Canyon Road to I-215 including minor alignment changes between Temescal Canyon Road and Gustin Road
- *Alternative 2C* - Widen existing Cajalco Road between Temescal Canyon Road and from just west of Lake Mathews Drive to Interstate 215; construct new segment of Cajalco Road between La Sierra Avenue and just west of Lake Mathews Drive
- *Alternative 4* - Widen existing Cajalco Road between I-215 and Gustin Road; widen and improve El Sobrante Road between Gustin Road and La Sierra Avenue; realign La Sierra Avenue between El Sobrante Road and Cajalco Road; widen existing Cajalco Road with minor alignment changes between La Sierra Avenue and Temescal Canyon Road.

- *No Project Alternative.* Under the No Project Alternative Cajalco Road would remain a two-lane roadway. The roadway would remain as constructed except for the portion between Brown Street to Day Street where a center turn lane is in the planning stages and is scheduled to be constructed well in advance of the proposed project.

COMMENTS AND RECOMMENDATIONS

Habitat Conservation Planning

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (established 2004) per Section 2800, *et seq.*, of the California Fish and Game Code, various agreements related to the Lake Mathews Multiple Species Habitat Conservation Plan (established 1995), and approvals related to the Stephen's Kangaroo Rat Habitat Conservation Plan (established 1996; 2081-1996-17-5), per Sections 2081, *et seq.*, of the California Fish and Game Code, herein referred to as the habitat conservation plans. These habitat conservation plans establish multiple species, and singular species, conservation programs to minimize and mitigate habitat loss and provide for the incidental take of covered species in association with activities covered under each of the permits. For the Lake Mathews Habitat Management Plan the Metropolitan Water District (MWD) provided wildlife mitigation lands which are a state-designated ecological reserve.

Compliance with approved habitat conservation plans, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the each of the habitat conservation plans as a result of this Project is necessary to address CEQA requirements.

The Riverside County Transportation Department has worked cooperatively with CDFW on the Project since its inception and CDFW appreciates the time and effort to address CDFW concerns and incorporate changes to the Project. However, CDFW has remaining concerns about the impact analysis proposed in the DEIR as they relate to the Project's ability to mitigate the significant, or potentially significant, direct, and indirect impacts to native habitats and species that rely on these habitats within the habitat conservation plan areas.

Following review of the DEIR, CDFW offers the comments and recommendations presented below to assist the RCTD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources. The comments and recommendations are also offered to enable

CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan, Lake Mathews Multiple Species Habitat Conservation Plan, and the Stephan's Kangaroo Rat Habitat Conservation Plan. CDFW recommends that completion of the habitat conservation plan requirements and addressing our comments occur prior to identification and adoption of the preferred alternative within the Final Environmental Impact Report.

Specific Comments:

1. Cajalco Road Realignment and Widening is part of Community and Environmental Transportation Acceptability Process (CETAP) described within the Western Riverside County Multiple Species Habitat Conservation Plan (Section 7.3.5) as:

"The Cajalco Road alternative would involve the realignment of existing Cajalco Road and the construction of a new four-lane divided roadway, or other configuration that could be demonstrated to meet the criteria outlined in this section, to replace the existing two-lane roadway. The road improvements will follow the CETAP alternative alignment from I-215 westerly to a location approximately 9 miles east of I-15, at roughly the intersection of existing Cajalco Road and El Sobrante Road. At that location the proposed Cajalco Road Option alignment will continue in a south and westerly direction, while the CETAP alternative alignment travels northwesterly. The greatest distance between the two alignments is approximately three miles, at a location that is south of the western end of Lake Mathews. The Cajalco Road Option joins the CETAP Alternative alignment again approximately 1 mile east of I-15. The area within the gap between the two alignments is almost entirely within the existing Lake Mathews Reserve. Should this option be selected, the CETAP Alternative north of Lake Mathews would not be constructed as a CETAP Corridor...The equivalency analysis shall demonstrate that the enhanced design features for Cajalco Road together with project specific mitigation, which shall require Conservation of land in addition to the Additional Reserve Lands, shall result in equivalent conservation value when compared to the Hemet to Corona/Lake Elsinore CETAP Alignment Alternatives, for the portion of the alignment that would be replaced by the Cajalco Road realignment and widening." (Western Riverside County Multiple Species Habitat Conservation Plan Section 7.2.3)

If the northern alignment is not chosen (approximately the current Alternative 4), the Western Riverside County Multiple Species Habitat Conservation Plan identifies that an equivalency analysis shall be provided by the Riverside County Transportation Commission for review and concurrence by the United State Fish and Wildlife Service and CDFW in narrative and graphic form comparing the effects/benefits of the proposed project with the northerly CETAP alternative. CDFW requests that the equivalency

analysis is completed as part of the implementation of the Western Riverside County Habitat Conservation Plan before approval of the Final Environmental Impact Report.

2. CDFW and the United States Fish and Wildlife Service provided formal comments regarding the revised alternatives for the Project on December 11, 2015. The letter outlined the preferred alternatives by both agencies. CDFW supports further evaluation of Alternative 4 and Alternative 1 alignments, with regards to their consistency with the habitat conservation plans, or the no build alternative. Alternative 4 is CDFW's preferred alternative as it primarily avoids the MWD-owned mitigation lands in the Lake Matthews Multiple Species Habitat Conservation Plan and has the least impacts to core reserve areas within all three habitat conservation plan areas.

3. The DEIR Section 3.17.1.3 includes CDFW comments provided during a June 9, 2021, conference call. However, CDFW is clarifying that while we support further evaluation of Alternative 4 and Alternative 1, CDFW does not support alternatives that would result in impacts to the existing Lake Mathews Multiple Species Habitat Conservation Plan area. CDFW continues to encourage RCTD to coordinate with all responsible parties, especially MWD, to avoid and minimize impacts that could result in the modification of the Lake Mathews Multiple Species Habitat Conservation Plan.

4. CDFW recommends the removal of the proposed Alternative 2C alignment as it:

- a. Traverses the Lake Mathews/Estelle Mountain core reserve lands currently conserved and managed for the benefit of the Stephens' kangaroo rat (*Dipodomys stephensi*) under the Stephen's Kangaroo Rat Habitat Conservation Plan, and
- b. Degrades functional habitat values by inducing further fragmentation, which would result in the direct and indirect effects to listed and sensitive species and the resources upon which they depend in the conservation area.

5. Currently the DEIR quantifies and analyzes the short-term effects of constructing each of the three proposed alternative alignments for the Project. CDFW recommends that additional analysis be provided on the long-term effects, following completion of the Project, on existing habitat resources specifically those impacts not contemplated for the Lake Mathews Habitat Conservation Plan. These effects include, but are not limited to, noise, light pollution from vehicles and road infrastructure, wildlife connectivity, habitat fragmentation, ground vibrations, effects of increased nitrogen deposition on the habitat, and fire risk.

6. The DEIR makes inaccurate statements regarding which parties are involved in Lake Mathews and Estelle Mountain Reserve ownership and management. The following section indicates that the United State Fish and Wildlife Service own portions of the

reserve. While the United States Fish and Wildlife Service do participate within the reserve through implementation of the habitat conservation plans, they do not have ownership; please revise as appropriate:

- a. Chapter 3 (Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures) – Section 3.1.1.1 (Habitat Conservation Plan and Natural Community Plan Areas) and Table 3.1-9 (pages 3.1-3 and 3.1-73 respectively);
 - b. Chapter 3 (Paleontology) – section 3.12.2.4 (page 3.12-11); and
 - c. Appendix A 4(f) – Section 7.1 Description of 4(f) property (page 7.1)
7. CDFW recommends revision of Section 3.17.4 NC-1 to require nesting bird monitoring during vegetation clearance and ground disturbance rather than nesting bird monitoring requirements varying with the type of vegetation communities.

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 the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

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

FILING FEES

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

Mary Zambon, Environmental Project Manager
Riverside County Transportation Department
March 2, 2022
Page 7

CORRESPONDENCE TO CDFW

All correspondence regarding this project should be sent digitally to CDFW to R6CEQA@wildlife.ca.gov.

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR for the Cajalco Road Widening and Safety Enhancement Project, proposed by the Riverside County Transportation Department (SCH#2011091015). CDFW recommends that our comments be addressed prior to adoption of the Final Environmental Impact Report. If you should have any questions pertaining to the comments provided in this letter, please contact Carly Beck, Senior Environmental Scientist Specialist, at Carly.Beck@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

ec: Heather Pert, CDFW
Senior Environmental Scientist, Supervisor
Inland Deserts Region