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State Route 1 (SR-1/Lincoln Boulevard) Multimodal Improvements Project, Draft Environmental Impact Report, SCH #2018031048, Los Angeles County, CA

Dear Karl Price:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) from the California Department of Transportation (Caltrans; Lead Agency) for the State Route 1 (SR-1/Lincoln Boulevard) Multimodal Improvements Project (Project). 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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 State 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, including 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.), or CESA-listed rare plant

pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The proposed Project will create a new multimodal corridor along SR 1/Lincoln Boulevard to improve traffic operations and increase access for transit, bicyclists, and pedestrians. The Project would include construction of an additional southbound lane, sidewalks, protected bicycle lanes, and other related improvements along an approximate 0.61-mile segment of Lincoln Boulevard. As part of the Project, two bridges (Lincoln Boulevard Bridge over Ballona Creek and Culver Boulevard Bridge over Lincoln Boulevard and Culver Boulevard) will be demolished, replaced, and widened. Four build alternatives and a no project alternative are proposed in the DEIR.

Alternative 1: No Build Alternative – Alternative 1 would involve the continued maintenance and operation of Lincoln Boulevard and Culver Boulevard in their existing configurations. The existing Lincoln Boulevard bridge over Ballona Creek and the Culver Boulevard bridge over Lincoln Boulevard would remain unchanged. No multimodal or public access improvements would occur, and no water quality best management practices would be implemented.

Alternative 2: Base Alternative – Alternative 2 includes the realignment of the Lincoln Boulevard, addition of one southbound lane alongside Lincoln Boulevard for approximately 1,800 feet and the demolition, replacement, and widening of two bridges (Lincoln Boulevard Bridge over Ballona Creek and Culver Boulevard Bridge over Lincoln Boulevard and Culver Boulevard). Sidewalks and protected bicycle lanes would be constructed on both sides of Lincoln Boulevard. Project activities would include utility relocation, landscaping, low-intensity street lighting, drainage, and water quality improvements. The Project would require acquisition of right-of-way and temporary construction easements, primarily within the Ballona Wetlands Ecological Reserve (BWER). To accommodate future transit facility installations not covered by this Project, a striped center median allowing 130 feet of space would be installed. This Alternative would result in three through lanes in the northbound and southbound directions of Lincoln Boulevard between Fiji Way and Jefferson Boulevard, with left turn lanes at the intersections of Jefferson Boulevard, Culver Loop, and Fiji Way.

Alternative 2A: Design Variation A – Retaining Wall Along the West Side of Lincoln Boulevard North of the Culver Boulevard Bridge – Alternative 2A would include all the activities in Alternative 2, plus the addition of a retaining wall along a portion of the west side of Lincoln Boulevard north of the Culver Bridge. This retaining wall would avoid 0.65 acres of temporary construction easements within the BWER on the West Side of Lincoln Boulevard compared to Alternative 2.

Alternative 2B: Design Variation B – Cantilevered Sidewalks over Fiji Ditch – Alternative 2B is the same as Alternative 2, except for an incorporated cantilevered sidewalk on both sides of Lincoln Boulevard above Fiji Ditch. This sidewalk would be used in place of the conventional culvert expansion in Alternative 2 and would be built without footings from the edge of the future roadway deck. Alternative 2B would avoid approximately 403 square feet of temporary construction easements and approximately 107 square feet of right of way acquisition from a Southern California Edison parcel located on the west side of Lincoln Boulevard. This Alternative would also avoid approximately 763 square feet of temporary construction easements and 191 square feet of right of way acquisition from a Los Angeles County Flood Control District parcel of land on the east side of Lincoln Boulevard. Both parcels contain a portion of the Fiji Ditch.

Alternative 2C: Design Variation C – Wider Culver Boulevard Bridge – Alternative 2C contains the same activities as Alternative 2, except it includes a wider Culver Boulevard Bridge over Lincoln Boulevard. The new Bridge would be approximately 12-feet-wider to accommodate a two-lane bicycle/pedestrian path. Alternative 2 proposes the construction of a bridge that could be initially used by CDFW to transport earthen fill between Area A and Area C, which has already been proposed by CDFW as part of the Ballona Wetlands Restoration Project. The bridge would be 8-feet narrower in this Alternative than what CDFW has proposed but would have no associated construction or maintenance cost for CDFW. Pedestrians and bicyclists would jointly utilize the two-lane 12-foot path along the bridge in this Alternative. This Alternative would increase temporary construction easements by approximately 240 square feet and partial right-of-way acquisition by approximately 1,260 square feet within the BWER.

Alternative 2D: Design Variation D – Bicycle/Pedestrian Ramp from South Side of Culver Boulevard Bridge to West Side of Lincoln Boulevard – Alternative 2D would be the same as Alternative 2 except it would provide a bicycle and pedestrian ramp built along the south side of the Culver Boulevard Bridge near the entrance to the Ballona Creek Bike Path. Most of the construction would occur within the footprints of Alternative 2, however, additional grading and permanent improvements would be required. These improvements include a permanent bicycle/pedestrian ramp, low-level pedestrian lighting, cable-railing along the edges of the ramp, and landscaping within a part of the BWER (APN 4211-015-900). Alternative 2D would require approximately 840 square feet of additional permanent right-of-way and would leave the ramp to be managed and owned by the City of Los Angeles.

Location: The Project area is located in western Los Angeles County along Lincoln Boulevard and unincorporated Los Angeles County in the northwestern portion of the Project. The Project extends on Lincoln Boulevard from Jefferson Boulevard to Fiji way, including both intersections as well as the intersection with Culver Boulevard. Two bridges, the Culver Boulevard bridge crossing Lincoln Boulevard and the Lincoln Boulevard bridge crossing Ballona Creek, exist within the Project Site. A portion of the

Project crosses over Ballona Creek, beneath the Culver Boulevard overcrossing, and through the BWER.

Biological Setting: The Project area is located between the communities of Marina del Rey, Del Rey, and Playa Vista within the 128-square mile Ballona Creek sub-watershed. Ballona Creek runs through the center of the Project site and a portion of the Project area falls within the CDFW managed BWER.

The BWER is a unique, tidally influenced coastal salt marsh connecting Ballona Creek into the ocean. CDFW owns most of the 566-acre BWER, with a 24-acre portion owned by the California State Lands Commission (CDFW 2017). Since 1978, more than 260 species of birds and 23 endangered and special status species have been observed in restored areas of the reserve. Currently, BWER supports multiple threatened or endangered species including Belding's savannah sparrow (*Passerculus sandwichensis beldingi, CESA-listed endangered*), El Segundo blue butterfly (*Euphilotes battoides allyni, Endangered Species Act (ESA)-listed endangered*), and least Bell's vireo (*Vireo bellii pusillus, CESA and ESA-listed endangered)*. There are additional threatened, endangered, and/or sensitive plant and wildlife species that occasionally occur or have suitable habitat present within BWER. These include the Ventura marsh milkvetch (*Astragalus pycnostachyus var. lanosissimus, ESA-listed endangered*), Menzie's golden bush (*Isocoma menziesii, California Sensitive Natural Community (SNC)*), alkali weed (*Cressa truxillensis, SNC*), arroyo willow (*Salix lasiolepis, SNC*), California bulrush (*Schoenoplectus californicus, SNC*), pickleweed (*Salicornia pacifica, SNC*), southern California steelhead (*Oncorhynchus mykiss irideus*, CESA-listed as a candidate endangered species and ESA-listed endangered), California least tern (*Sterna antillarium browni, CESA and ESA-listed endangered, fully protected*), western snowy plover (*Chiradrius nivosus nivosus, ESA-listed threatened and California Species of Special Concern (SSC*)), least bittern (*Lxobrychus exilis, SSC*), coastal California gnatcatcher (*Polioptila californica, ESA-listed threatened and SSC*), pallid bat (*Antrozous pallidus, SSC),* western red bat (*Lasiurus blossevillii, SSC*), south coast marsh vole (*Microtus californicus stephensi, SSC)* southern California legless lizard (*Anniella stebbinsi,* SSC), and burrowing owl (*Athene cunicularia, SSC*).

The Biological Study Area includes 23.14 acres of land that may be directly impacted, both temporarily and permanently, by project activities plus a 500-foot buffer around all permanent impact areas. This area contains non-vegetated portions including developed (12.11 acres), open water (2.87 acres), and parks and landscaping (0.01 acres). The vegetation types include California sagebrush scrub (1.22 acres), coyote brush scrub (0.29 acres), Menzie's golden bush scrub (0.31 acres), quailbush scrub (0.04 acres), annual brome grassland (0.15 acres), hyssop-leaved bassia stand (0.95 acres), semi-natural herbaceous stand (1.76 acres), upland mustards (3.13 acres), California bulrush marsh (0.002 acres), and arroyo willow thicket (0.29 acres). Project Alternatives will permanently impact 2.62 acres of BWER land. All Project build plans and Alternatives will require the acquisition of CDFW owned land within BWER.

Caltrans is proposing a land exchange for 1.17-acres of land required for the Project. In this proposal, 1.17-acres of City-owned land adjacent to BWER would be traded for the 1.17-acres of land along SR-1/Lincoln Boulevard within BWER that are needed.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately avoiding and/or mitigating the Project's impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

COMMENT #1: Connectivity

Issue: The Project may impact wildlife connectivity.

Specific Impact: Project activities may have the potential to impact wildlife movement of native resident wildlife species, such as coyotes (*Canis latrans),* raccoons *(Procyon lotor*), Virginia opossum (*Didelphis virginiana*), desert cottontail (*Sylvilagus audubonii*), and striped skunk (*Mephitis mephitis*), by expanding the road and increasing human traffic through the addition of active transportation improvements (sidewalks and protected bicycle lands on both sides).

Why impact would occur: The *Local Movement* section of the DEIR states that "existing roads (e.g., SR-1/Lincoln Boulevard, Culver Boulevard, and Jefferson Boulevard) and associated chain link fencing provide a barrier to wildlife movement" (page 537). Roads can negatively impact wildlife by increasing mortality, decreasing habitat connectivity, size, and quality, and altering behavior (Dean et al. 2019; Riley et al. 2014). According to the DEIR, 654 animals were killed due to vehicle strikes within the BWER over the course of three-years, including multiple small mammal and bird species (page 537, Johnston et al 2014). Although wildlife connectivity is addressed as "not result[ing] in additional habitat fragmentation or barriers" (page 537), CDFW is concerned that the project will have negative effects on an already impacted location. The ecological footprint of roads extends beyond its physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer et al, 2010). Limiting movement and passage of species can lead to the reduction of genetic fitness in populations making them more vulnerable to changing or extreme conditions, the inability for populations to recolonize habitat after disturbance events (e.g. fires, floods, droughts), the loss of resident wildlife populations by altered community structure (e.g. species composition, distribution), and/or partial or complete loss of populations of migrant species due to blocked access to critical habitats (CDFW, 2009; Haddad et al., 2015; Nicholson et al., 2006).

Evidence impact would be significant: Changes to road width and levels of human disturbance are reasonable potential direct and indirect physical changes in the environment that will likely impact wildlife connectivity. Habitat conversion and fragmentation forces many California species to migrate in search of replacement habitat, and it also risks continued survival of species by compromising genetic diversity, among other things. (Fish & G. Code, § 1955 (b).) California wildlife is losing the ability to move as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (Fish & G. Code, § 1955 (c).) Habitat connectivity and wildlife migratory corridors are essential to the continued survival of many California species. (Fish & G. Code, § 1955 (d).) Habitat connectivity is also necessary to reduce wildlife-vehicle collisions, which put people and wildlife at risk of injury or death. (Fish & G. Code, § 1955 (e).) 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 (Fish & G. Code, § 711.7.)

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Wildlife Connectivity – Caltrans shall provide wildlife connectivity along state route 1 between Fiji Way and Culver Blvd prior to completion of the project. Connectivity structures shall be designed for medium-bodied animals according to the Caltrans' *Wildlife Crossings Guidance Manual.* Designs for connectivity structures (such as culverts and directional wildlife fencing) shall be developed in coordination with and approved by CDFW.

COMMENT #2: <u>Impacts to Streams</u>

Issue: The Project may impact Ballona Creek.

Specific impacts: Bridge demolition and replacement, Project construction, and ground-disturbing activities (e.g., equipment staging, mobilization, and road expansion) may result in fugitive dust, runoff, and encroachment on Ballona Creek. CDFW is concerned that bridge demolition, replacement, and widening of the Lincoln Boulevard Bridge and road expansion of Lincoln Boulevard may result in impacts to the creek, sensitive species, and encroach into the riparian zone.

Why impact would occur: Ballona Creek carries water from the Santa Monica Mountains to the Santa Monica Bay as part of the Ballona Creek watershed. Based on *Figure 2.3.1-3* in the DEIR and Environmental Assessment, the proposed strategies for bridge improvement would impact Ballona Creek. The DEIR states that a section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur, however, Project activities described in *Alternative 2 – Base Alternative: Construction Effects* discuss direct impacts within Ballona Creek to demolish the existing bridge, including a possible partial water flow diversion to allow for vehicle access. These activities, and others such as pile driving, have the potential to

negatively impact species utilizing Ballona Creek. CDFW requests the Project proponent notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to Project activities.

Evidence impact would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

1) Divert or obstruct the natural flow of any river, stream, or lake;
2) Change the bed, channel, or bank of any river, stream, or lake;
3) Use material from any river, stream, or lake; or,
4) Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect Ballona Creek in the middle of the Project site. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #2: LSA – The Project proponent shall notify the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to Project activities. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of any potential scour or erosion at the Project site due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. Please visit CDFW's Lake and Streambed Alteration Program[1] webpage for more information (CDFW 2024a).

Mitigation Measure #3: Compensatory Mitigation – If impacts to streams are unavoidable, Caltrans should provide compensatory mitigation for impacts on streams and associated plant communities. Any off-site mitigation should occur where a stream supports the same plant communities impacted by the project and preferably within the same watershed.

[1] https://wildlife.ca.gov/Conservation/LSA

COMMENT #3: <u>Impacts on Southern California Steelhead</u>

Issue: The Project may impact southern California steelhead during steelhead migration season.

Specific impacts: Project activities (e.g. dewatering, bridge demolition, pile driving, etc.) within Ballona Creek would have an impact on aquatic species, especially southern steelhead.

Why impact would occur: No focused surveys were conducted for special status fish, however, steelhead were observed upstream of the Project location in 2008. There is connectivity from the ocean to the Project site indicating aquatic species. Biological Mitigation Measure 26 through Mitigation Measure 33 are intended to minimize impacts to aquatic fish species known to inhabit the Project area. While CDFW appreciates the effort to reduce significant impacts to this species, we believe the measures as written may result in negative impact to steelhead during Project activities within Ballona Creek. The Mitigation Measures fail to establish in-channel seasonal working periods outside of the steelhead migration season. Although December to March is the primary window for returning adult steelhead, the time frames should be expanded to account for weather variability and emigrating smolts. Smolts generally migrate to the ocean between March through May (Booth 2020). Project activities conducted in months outside of the proposed time frame may result in incidental take and/or disruption of migration.

The mitigation measures do not define what hours of the day in-creek work can occur. Nighttime work can negatively impact steelhead by increasing their risk of predation and slowing the downstream migration of smolt (Nelson et al 2021, Tabor et al 2004). All construction activities associated with the demolition and construction of the Lincoln Boulevard Bridge should be conducted during daylight hours to minimize impact. The DEIR also states that a flow diversion may be required but “fish passage by the impact areas would still be available and potential species migration would not be prevented from occurring” (page 619). More information such as the width of the portion of Ballona Creek that would remain accessible for steelhead during diversion and how flow diversion would impact water velocities is needed to properly assess the Mitigation Measures. CDFW is requesting more information to determine if the Project is appropriately mitigating the risk to steelhead.

Evidence impact would be significant: Southern steelhead are designated as a candidate species under CESA and afforded full protection. Southern steelhead also meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Impacts on southern steelhead may require a mandatory finding of significance because the Project would have the potential to threaten to eliminate a plant or animal community and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §15065). The reduction in the number of southern steelhead, either directly or indirectly through habitat loss, would constitute a significant impact absent appropriate mitigation.

Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative 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 Wildlife Agencies.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #4: MM BIO 31 – MM BIO 32 – Mitigation Measure BIO 31 through Mitigation Measure BIO 33 shall be revised to incorporate the underlined language and omit the language in strikethrough:

> **MM BIO-31:** Bubble curtains shall be used for in-water work within Ballona Creek to minimize underwater noise disturbance from construction. The bubble curtains shall entirely encircle the active in-water work area (e.g., the pile being removed/installed, placement of riprap; etc.), allowing sufficient space for construction crews to operate. The bubble curtains shall also act as a barrier to prevent green turtle (and other aquatic wildlife) from entering the work area. The bubble curtains shall be moved as the active work area progresses across the channel; at no time shall the bubble curtains entirely eliminate movement up and down the channel (e.g., the bubble curtains shall not span the channel). Bubble curtains will be used in combination with turbidity curtains to manage sediment and silt transport resulting from construction activities. A qualified biologist shall be present daily ~~during the initiation of work within the water and shall conduct site visits on an as-needed basis~~ to confirm that bubble curtains are being used effectively. The qualified biologist shall provide monitoring reports to the City and Caltrans following site visits.
>
> **MM BIO-32**: Sound pressure levels resulting from pile-driving activities shall comply with the most recent finalized technical guidance found on the National Marine Fisheries webpage (https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance#revised-technical-guidance-2018) ~~Interim Criteria for Injury to Fish from Pile Driving Activities (e.g., 206 decibels [dB] peak for all size of fish; 187 dB accumulated sound exposure level [SEL] for fish 2 grams or greater; and 183 dB accumulated SEL for fish less than 2 grams)~~. An acoustical technician shall conduct noise monitoring in collaboration with the biological monitor to ensure that sound pressure levels do not exceed these criteria. A noise monitoring report shall be submitted to the City and Caltrans documenting implementation of noise monitoring requirements.

Mitigation Measure #5: Seasonal In Channel Work Window - Project activities in and around the stream channel shall be limited between June 1 and October 31 to avoid impacts to migrating steelhead.

Mitigation Measure #6: Hours of Operation and Lighting - Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited and light shall be shielded from

adjacent habitat.

COMMENT #4: <u>Impacts to BWER</u>

Issue: The Project may negatively impact sensitive species and habitat within the BWER.

Specific impacts: Project activities including construction staging and storage may result in fugitive dust, temporary loss of wildlife connectivity, and temporary loss of natural habitat within the BWER. CDFW is concerned that the staging and storage areas required for all Build Alternatives will result in negative impacts to sensitive species and their associated habitats.

Why impact would occur: The DEIR states that Project areas may be temporarily impacted "through vegetation removal, grading, and/or use as a staging or construction work area…" (page 15). According to *Table 2.3.1-2 – Vegetation Types and Other Areas that would be Impacted by Alternative 2* in the DEIR, the proposed construction, staging, and storage areas would impact the following native plant communities: 1.216 acres of California sagebrush scrub, 0.313 acre of Menzie's golden bush scrub, 0.290 acres of coyote brush scrub, and 0.286 acres of arroyo willow thicket. These natural communities provide suitable habitat for a variety of species including special status species within the Project site. One least Bell's vireo was detected in an arroyo willow thicket within the Biological Study Area during protocol surveys in 2017. Although "temporary impact areas would be replanted in consultation with property owners…" (page 15), replanting would not occur for approximately 24 months and there would be a subsequent waiting period for plants to become habitable. The impacts are described as temporary due to replanting efforts, however road and bridge widening are permanent impacts to the BWER. In addition, temporary impacts in staging and storage areas may have unforeseen lasting effects and may not rebound to pre-impact conditions.

Evidence impact would be significant: Ecological reserves are maintained to protect (among other things) rare, threatened, or endangered native plants, wildlife, and habitat and are governed by the California Fish and Game Code sections 1580 and 1584. (See Cal. Code Regs., tit. 14, §§ 630, 550 & 550.5.) Access to, and use of, ecological reserves is, therefore, strictly limited to protect these resources, and many activities, including removing or disturbing soil, sand, gravel, rock, or any form of plant or animal life, building structures, and using motor vehicles, are generally prohibited (Cal. Code Regs., tit. 14, §§ 550 subds. (g) & (y).) The BWER supports a variety of special-status plant and animal species. It remains a critical portion of native habitat surrounded almost entirely by developed land. Loss of any habitat could result in negative impacts to special-status species. CDFW may authorize access to ecological reserves for certain activities that do not violate the regulations by issuing a permit, but please note that it is generally unlawful to enter or use ecological reserves without complying with Fish and Game Code and the California Code of Regulations, and CDFW may impose

penalties for failure to comply (See, Cal. Code Regs., tit. 14, § 550, subd. (c).)

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1 – BWER land. To conduct Project activities, permanent use of BWER land will be required. If Caltrans acquires BWER land, CDFW would expect the reserve to be made whole with additional adjacent land.

Recommendation #2 – Project Design: Caltrans should seek alternative locations for Project storage and staging to avoid additional Project impacts and temporary loss of habitat within BWER.

Recommendation #3 – **Work within the BWER:** If work is necessary in the BWER other than within Caltrans right of way, a Temporary Construction Easement obtained through the Wildlife Conservation Board will be required.

Recommendation #4 – Compensatory Mitigation: To compensate for 2.62 acres of permanent impacts to BWER land, CDFW recommends Caltrans provide compensatory mitigation at no less than 2:1 for any natural vegetation impacted, or a ratio acceptable to CDFW. Mitigation sites shall be adjacent to the BWER.

ADDITIONAL COMMENTS

Land Exchange. The DEIR states that "[T]he PDT has developed a conceptual land exchange that would involve the exchange of 1.17-acres of City-owned land adjacent to BWER for the 1.17-acres of land along SR-1/Lincoln Boulevard" (page xlv), however, a land exchange would require land of the same suitable habitat and CDFW is not aware of that land type being available and CDFW has not committed to a land exchange.

Bridge-Nesting Birds. CDFW recommends Caltrans revise **MM BIO-20** and **MM BIO-22** by incorporating the <u>underlined</u> language.

> **MM BIO-20:** <u>To avoid impacts to bridge-nesting birds and bats, a site-specific Bridge-nesting Bird and Bat Management Plan shall be submitted to CDFW for review and concurrence prior to implementation.</u> Bridge demolition or vegetation removal activities within potential bat roosting habitat shall avoid the maternity roosting season (March 1 to October 1) to the extent feasible. If work must be conducted within the maternity roosting season, prior to the start of work within or near trees, bridges or other structures within the work area, a qualified bat biologist shall conduct a preconstruction survey to determine if bats are roosting within the Project work area. If bats are not roosting, no further mitigation is required. If bats are roosting, all maternity roosts shall be avoided and an appropriate no disturbance buffer shall be established at the discretion of a qualified bat biologist. No work shall be allowed within the buffer during maternity roosting without prior approval by CDFW. A combination of acoustic surveys of habitat around structures, structure

inspection, and exit counts shall be used to survey the area that may be directly or indirectly impacted by the Project. As bats may utilize dense tree canopies, snags, or bridges over creeks/water, these habitat types should be specifically surveyed. Foraging areas should also be identified and specific flight routes to those foraging areas as well. Bats shall be identified to the most specific taxonomic level possible, and roosts shall be evaluated to determine their size and significance. Bat surveys shall include: 1) the location of all roosting sites (location shall be adequately described and drawn on a map); 2) the number of bats present at the time of visit (count or estimate); 3) all species of bat observed shall be identified to the best extent feasible (include how the species was identified); 4) the location, approximate amount and distribution of all bat droppings shall be described and shown on a map; 5) the type of roost; night roost (rest at night while out feeding) versus a day roost (maternity colony) shall also be clearly stated; and 6) all survey results shall be provided to CDFW and Caltrans.

MM BIO-22: If bats or bridge-nesting birds are determined by a qualified biologist to be roosting within bridges and other structures within the work area and unavoidable Project-related impacts to the roosting bats and birds are anticipated, bats and birds shall be humanely evicted and excluded from those structures. The humane eviction/exclusion shall be conducted in the fall (October or November) preceding work activities that could affect roosting bats and bridge-nesting birds. Exclusion in the fall is recommended to avoid impacts to bridge-nesting birds before they build their nests, hibernating bats (typically December through February in southern California), maternity roosts (typically April through August in southern California) when roost occupants are not able to evacuate.

CESA

Several CESA-protected species (e.g., southern steelhead, least Bell's vireo) are either present within the Project area or have the potential of being present during Project activities. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). While CDFW appreciates the avoidance and minimization measures Caltrans has incorporated into the DEIR to avoid take of special status species, incidental take may still occur. Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that Caltrans seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate

CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements of a CESA ITP.

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[2] detected during Project surveys to the California Natural Diversity Database (CNDDB)[3].

MITIGATION AND MONITORING REPORTING PLAN

CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist Caltrans in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Caltrans is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided Caltrans with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

ENVIRONMENTAL DOCUMENT AND FILING FEES

The Project, as proposed, could 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 Caltrans 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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

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[2] https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals
[3] https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that Caltrans has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Questions regarding this letter or further coordination should be direct to Connor Basile, Environmental Scientist, at Joseph.Basile@wildlife.ca.gov or (858) 203-5872.

Sincerely,

DocuSigned by:
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Environmental Program Manager
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-1: Wildlife Connectivity	Caltrans shall provide wildlife connectivity along state route 1 between Fiji Way and Culver Blvd prior to completion of the project. Connectivity structures shall be designed for medium-bodied animals according to the Caltrans' *Wildlife Crossings Guidance Manual.* Designs for connectivity structures (such as culverts and directional wildlife fencing) shall be developed in coordination with and approved by CDFW.	Prior to design completion	Project Proponent
MM-2: LSA	The Project proponent shall notify the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to Project activities. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of any potential scour or erosion at the Project site due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. Please visit CDFW's Lake and Streambed Alteration Program[1] webpage for more information (CDFW 2024a).	Prior to construction activities	Project Proponent

MM-3: Compensatory Mitigation	If impacts to streams are unavoidable, Caltrans should provide compensatory mitigation for impacts on streams and associated plant communities. Any off-site mitigation should occur where a stream supports the same plant communities impacted by the project and preferably within the same watershed.	Prior to construction activities	Project Proponent
MM-4: MM BIO 31 – MM BIO 32	**MM BIO-31:** Bubble curtains shall be used for in-water work within Ballona Creek to minimize underwater noise disturbance from construction. The bubble curtains shall entirely encircle the active in-water work area (e.g., the pile being removed/installed, placement of riprap; etc.), allowing sufficient space for construction crews to operate. The bubble curtains shall also act as a barrier to prevent green turtle (and other aquatic wildlife) from entering the work area. The bubble curtains shall be moved as the active work area progresses across the channel; at no time shall the bubble curtains entirely eliminate movement up and down the channel (e.g., the bubble curtains shall not span the channel). Bubble curtains will be used in combination with turbidity curtains to manage sediment and silt transport resulting from construction activities. A qualified biologist shall be present daily to confirm	Prior to and during construction activities in wetted areas	Project Proponent

	that bubble curtains are being used effectively. The qualified biologist shall provide monitoring reports to the City and Caltrans following site visits. **MM BIO-32**: Sound pressure levels resulting from pile-driving activities shall comply with the most recent finalized technical guidance found on the National Marine Fisheries webpage (https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance#revised-technical-guidance-2018) An acoustical technician shall conduct noise monitoring in collaboration with the biological monitor to ensure that sound pressure levels do not exceed these criteria. A noise monitoring report shall be submitted to the City and Caltrans documenting implementation of noise monitoring requirements.		
MM-5: Seasonal In Channel Work Window	Project activities in and around the stream channel shall be limited between June 1 and October 31 to avoid impacts to migrating steelhead.	During construction activities	Project Proponent

MM-6: Hours of Operation and Lighting	Construction activities shall take place during daylight hours (30 minutes before sunrise to 30 minutes after sunset). If night work is necessary, it shall be limited, and light shall be shielded from adjacent habitat.	During construction activities	Project Proponent
REC 1 – BWER Land	To conduct Project activities, permanent use of BWER land will be required. If Caltrans acquires BWER land, CDFW would expect the reserve to be made whole with additional adjacent land.	Prior to Project Implementation	Project Proponent
REC 3 – Project Design	Caltrans should seek alternative locations for Project storage and staging to avoid additional Project impacts and temporary loss of habitat within BWER.	Prior to Project activities	Project proponent
REC 3 – Work Within the BWER	If work is necessary in the BWER other than within Caltrans right of way, a Temporary Construction Easement obtained through the Wildlife Conservation Board will be required.	Prior to Project implementation	Project Proponent/Lead Agency
REC 4 – Compensatory Mitigation	To compensate for 2.62 acres of permanent impacts to BWER land, CDFW recommends Caltrans provide compensatory mitigation at no less than 2:1 for any natural vegetation impacted, or a ratio acceptable to CDFW. Mitigation sites shall be adjacent to the BWER.	Prior to Project activities	Project Proponent
MM BIO-20 and BIO-22	**MM BIO-20:** To avoid impacts to bridge-nesting birds and bats, a site-specific Bridge-nesting Bird and Bat Management Plan shall be submitted to CDFW for review and concurrence prior to implementation. Bridge demolition or vegetation removal activities within potential	Prior to Project Activities	Project Proponent

	bat roosting habitat shall avoid the maternity roosting season (March 1 to October 1) to the extent feasible. If work must be conducted within the maternity roosting season, prior to the start of work within or near trees, bridges or other structures within the work area, a qualified bat biologist shall conduct a preconstruction survey to determine if bats are roosting within the Project work area. If bats are not roosting, no further mitigation is required. If bats are roosting, all maternity roosts shall be avoided and an appropriate no disturbance buffer shall be established at the discretion of a qualified bat biologist. No work shall be allowed within the buffer during maternity roosting without prior approval by CDFW. A combination of acoustic surveys of habitat around structures, structure inspection, and exit counts shall be used to survey the area that may be directly or indirectly impacted by the Project. As bats may utilize dense tree canopies, snags, or bridges over creeks/water, these habitat types should be specifically surveyed. Foraging areas should also be identified and specific flight routes to those foraging areas as well. Bats shall be identified to the most specific taxonomic level possible, and roosts shall be evaluated to determine their size and significance. Bat surveys shall include: 1) the location of all roosting sites (location shall be adequately described and drawn on a map); 2) the number of bats present at the time of visit (count or estimate); 3) all species of bat observed shall be identified		

	to the best extent feasible (include how the species was identified); 4) the location, approximate amount and distribution of all bat droppings shall be described and shown on a map; 5) the type of roost; night roost (rest at night while out feeding) versus a day roost (maternity colony) shall also be clearly stated; and 6) all survey results shall be provided to CDFW and Caltrans. **MM BIO-22:** If bats or bridge-nesting birds are determined by a qualified biologist to be roosting within bridges and other structures within the work area and unavoidable Project-related impacts to the roosting bats and birds are anticipated, bats and birds shall be humanely evicted and excluded from those structures. The humane eviction/exclusion shall be conducted in the fall (October or November) preceding work activities that could affect roosting bats and bridge-nesting birds. Exclusion in the fall is recommended to avoid impacts to bridge-nesting birds before they build their nests, hibernating bats (typically December through February in southern California), maternity roosts (typically April through August in southern California) when roost occupants are not able to evacuate.		