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OCT 16 2019

October 16, 2019

STATE CLEARINGHOUSE

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California Department of Transportation, District 7
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Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the SR-110 Arroyo Seco Parkway Safety and Operational Improvement Project

Dear Ms. Ewing-Toledo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the SR-110 Arroyo Seco Parkway Safety and Operational Improvement Project (Project) Environmental Impact Report (DEIR) prepared by the California Department of Transportation, District 7 (Caltrans) pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.)

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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; 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 (Public 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 (LSA) regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & Game Code, §

1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Project Location: The limits of the proposed Project will be along a 4.81-mile segment on Arroyo Seco Parkway (SR-110) between the Figueroa Street off-ramp (PM 25.78) within the City of Los Angeles and Orange Grove Avenue (PM 30.59) within the City of South Pasadena, California.

Project Description/Objective: Caltrans is proposing improvements along the SR-110 Arroyo Seco Parkway (Parkway). The Project consists of enhancing safety and operations along a 4.81-mile section of the southbound and northbound Parkway between the Figueroa Street off-ramp (PM 25.78) and Orange Grove Avenue (PM 30.59). The improvements would address existing traffic conflicts by allowing vehicles more efficient ingress and egress from the on- and off-ramps along the Parkway.

Project Alternatives:

- *Alternative 1 No Build Alternative:* No action alternative.
- *Alternative 2 Hard Shoulder Running:* The existing outside lane (lane #3) would be converted to permanent shoulder to be used as a part time travel lane during peak periods when volumes are high. This would be accomplished by using Dynamic Message Signs (DMS) located strategically along the project corridor to dynamically switch shoulder/through lane mode of operations in response to prevailing traffic conditions. The improvement includes a Queue Warning System on the southbound direction between Avenue 60 and Avenue 64 and modification of four emergency pull-out areas (2 locations in each direction).
- *Alternative 3 Dynamic Flex Lane:* The outside lane (lane #3) on both directions will be utilized as an acceleration/deceleration/auxiliary lane during off-peak commute hours. The task will be accomplished by using Dynamic Message Signs (DMS) located strategically along the length of the project, and the switching between these two types of operations will be completely automated based on traffic demand. The improvement includes a Queue Warning System on the southbound direction between Avenue 60 and Avenue 65 and modification of 4 emergency pull-out areas (2 locations in each direction).
- *Alternative 4 Speed Reduction:* To reduce the current posted speed limit of 55 miles per hour (mph) to 45 mph. The improvement includes modification of 4 emergency pull-out areas (2 locations in each direction).
- *Alternative 5: Two-Lane Option:* To reduce the parkway to two lanes (Lanes #1 and #2) in each direction and convert Lane #3 to a combination shoulder and acceleration/deceleration lane.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Caltrans (Lead Agency) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW also recommends that Caltrans include in the DEIR measures or revisions below in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

Specific Comments

- 1) LSA: The Project crosses the Arroyo Seco Channel at Bridge #53-276 (PM 30.08). As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether an LSA Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA (available at www.wildlife.ca.gov/habcon/1600).
 - a. The Project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW (Cowardin et al. 1970). Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
 - b. In areas of the Project site which may support ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
 - c. Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- 2) Monarch Butterfly Habitat: Monarch butterfly wintering sites, which are considered sensitive by CDFW, have been documented in the vicinity of the Project. The Monarch Waystation is located adjacent to the Project Area along the Arroyo Seco. The proposed Project is anticipated to result in the removal of vegetation that may support monarch butterfly habitat. To avoid direct impacts, CDFW's recommends that a qualified biologist identify, delineate, and preserve existing larval monarch habitat with ESA fencing. Where preservation of individual milkweed plants is not feasible, CDFW recommends that individual plants have their seeds collected, stored, and propagated, and replanted

in suitable on site restoration areas at a ratio of 5:1. CDFW recommends seeding with a sterile or locally native seed mixed mix should be sourced locally and include *Asclepias* spp. (such as *A. eriocarpa*, *A. californica*, *A. fascicularis*, *A. sublata*) that will benefit monarch larvae.

- 3) Revegetation/Restoration Plan: Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
 - a. CDFW recommends that local on-site propagules from the Project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.
 - b. The following best management practices “identify key steps that State Departments of Transportation (DOTs) can take to improve the quality of roadside habitat for pollinators including: 1) adjusting roadside vegetation management techniques to accommodate pollinator resource needs, and 2) enhance and restoring native roadside vegetation to include plant materials that improve pollinator habitat.” (Hopwood et al. 2015)
 - c. Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks and brush piles (Mayer and Laudenslayer, 1988).

General Comments

- 4) Project Description and Alternatives: To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a. A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,

- b. A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 5) CESA: CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or State-listed rare plant species that results from the Project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent 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 and 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 in order 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 for a CESA ITP.
- 6) Avoidance, Minimization, and Mitigation for Sensitive Plants: The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al., 2008).
- 7) Biological Baseline Assessment: To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats, the DEIR should include the following information:
 - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)];
 - b. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2009);
 - c. Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should also be used to

inform this mapping and assessment (Sawyer et al. 2008). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

- d. A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the project. CDFW's California Natural Diversity Data Base (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;
 - e. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California SSC and California Fully Protected Species (Fish and Game Code §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare or threatened species (see CEQA Guidelines § 15380). Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the USFWS; and,
 - f. A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 8) Biological Direct, Indirect, and Cumulative Impacts: To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a. A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - b. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian

ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish and G .Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;

- c. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR; and,
 - d. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 9) Compensatory Mitigation: The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 10) Translocation/Salvage of Plants and Animal Species: Translocation and transplantation is the process of moving an individual from the Project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 11) Moving out of Harm's Way: The proposed Project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on-site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss. If the project requires species to be removed, disturbed, or otherwise handled, we recommend that the DEIR clearly identify that the designated entity shall obtain all appropriate state and federal permits.

- 12) Wildlife Movement and Connectivity: The Project area supports significant biological resources and is located adjacent to a regional wildlife movement corridor. The Project area contains habitat connections and supports movement across the broader landscape, sustaining both transitory and permanent wildlife populations. On-site features that contribute to habitat connectivity should be evaluated and maintained. Aspects of the Project that could create physical barriers to wildlife movement, including direct or indirect Project-related activities, should be identified and addressed in the DEIR. Indirect impacts from lighting, noise, dust, and increased human activity may displace wildlife in the general Project area.
- 13) Tree Replacement: To compensate for any loss of trees, CDFW recommends replacing all non-native trees removed as a result of the proposed work activities at a 1:1 ratio with native trees. CDFW recommends replacing native trees at a 3:1 ratio with a combination of native trees and/or appropriate understory and lower canopy plantings. CDFW recommends that any loss of oaks shall be replanted at a minimum 10:1 ratio. Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP for the SR-110 Arroyo Seco Parkway Safety and Operational Improvement Project. If you have any questions or comments regarding this letter, please contact Mary Ngo, Senior Environmental Scientist (Specialist), at (562) 342-2140 or by email at Mary.Ngo@wildlife.ca.gov.

Sincerely,



Erinn Wilson

Environmental Program Manager I

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REFERENCES

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