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November 26, 2024

Gita Tokhmafshan
Acting Branch Chief
California Department of Transportation, District 8
464 West 4th Street, MS 827
San Bernardino, CA 92401

Subject: Draft Environmental Impact Report
Interstate 15 Express Lanes Project Southern Extension (Project)
State Clearinghouse No. 2019100381

Dear Gita Tokhmafshan,

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the California Department of Transportation (Caltrans), District 8 for the 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 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

Proponent: Caltrans, District 8

Objective: The objective of the Project is to construct four tolled express lanes in the median of Interstate 15 (I-15). Primary Project activities include vegetation removal, excavation, grading, paving the median, widening up to 15 bridges, construction of drainage systems, and installation of riprap and trash capture devices.

[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.

Location: The Project site is located along 16.9 miles of I-15 adjacent to Temescal Wash and Bedford Wash, from postmile (PM) 21.2 to PM 38.1 in the City of Lake Elsinore, in the unincorporated area of Temescal Valley, and in the City of Corona, County of Riverside.

Timeframe: The Project is proposed to begin construction in the spring of 2027 and to be completed in the fall of 2030.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on narrow endemic plants, burrowing owl, Crotch's bumble bee (*Bombus crotchii*), and nesting birds. CDFW requests that Caltrans include in the final EIR the suggested mitigation measures (see Attachment A) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

The Project occurs within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) area and is subject to the provisions and policies of the MSHCP. Thus, CDFW has included recommendations regarding the MSHCP to improve the final EIR.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 1: Narrow Endemic Plants

Sections 2.4.3 and 2.4.5, Pages 1185-1254 and 1347-1426

Issue: The Project may impact narrow endemic plant species. CDFW appreciates that focused plant surveys were conducted in the spring and summer of 2020 and 2021 and followed CDFW's Protocols for Surveying and Evaluating Impacts to Special-status Plant Populations and Sensitive Natural Communities (CDFW, 2018). However, CDFW wrote a CEQA comment letter regarding this Project's Notice of Preparation on November 20, 2019, pointing out that CDFW generally considers assessments for rare plants valid for a period of up to three years. Considering that the Project is anticipated to begin in 2027, the plant surveys should be repeated no more than three years before the Project starts to identify plant species present.

Specific impact: Portions of the Project site fall within the MSHCP Narrow Endemic Plant Species Survey Areas (Section 6.1.3) and in a Criteria Area Plant Species Survey Area (Section 6.3.2). These areas have the potential to support narrow endemic plant species, including Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), slender-horned spineflower (*Dodecahema leptoceras*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California orcutt grass (*Orcuttia californica*), San Miguel savory (*Clinopodium chandleri*), Hammitt's clay-cress (*Sibaropsis hammittii*), Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*), and Brand's phacelia (*Phacelia stellaris*), as well as criteria area plant species, including thread-leaved brodiaea (*Brodiaea filifolia*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), Parish's saltscale (*Atriplex parishii*), round-leaved filaree (*California macrophylla*), smooth tarplant (*Centromadia pungens*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), and little mousetail (*Myosurus minimus*). The California Natural Diversity Database (CNDDB) includes observations of many of these species within one mile of the Project site, including Munz's onion, Coulter's goldfields, many-stemmed dudleya, San Diego ambrosia, slender-horned spineflower, and smooth tarplant.

Why impact would occur: As noted in the DEIR, the Project occurs within MSHCP Section 6.1.3 and 6.3.2 survey areas for the plant species listed above. The DEIR notes that focused plant surveys were conducted in the spring and summer of 2020

and 2021, now more than three years ago. None of the narrow endemic or criteria area plant species listed above were detected during those focused surveys. The Project proposes to begin construction in 2027, and plant species, including those listed above, may have established in the Project area in the six or seven years since focused surveys were performed. Recent surveys are needed to ensure proper identification and conservation of these species if present on the Project site.

Evidence impact would be significant: Narrow endemic plant species are highly restricted by their habitat requirements, and specific conservation measures have been identified in the MSHCP if the species are present. Focused surveys are required to ensure proper identification and conservation of the species if present on the Project site. The MSHCP specifies that survey results shall be documented in map and text formats and shall be presented for review. Therefore, CDFW recommends that Caltrans adopts Bio-Plant-1 below to properly identify narrow endemic plants, ensure avoidance, minimization, and mitigation strategies are implemented for narrow endemic species, and to demonstrate consistency with MSHCP requirements.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the below mitigation measure, (additions are in ***bold italics***), in the final EIR to ensure impacts to narrow endemic plants are avoided, minimized, and mitigated.

Natural Communities (NC)-21 (New):

Rare Plant Surveys. No more than 3 years prior to construction and during the appropriate blooming season for each plant with the potential to occur on-site, a qualified biologist shall conduct a pre-construction plant survey according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018). The survey shall be considered valid for up to three years. Special-status plants must be flagged for visual identification to construction personnel for work avoidance. Special-status plants detected that feature multiple plants in a single location must be fenced with stakes and flagging to temporarily identify the environmentally sensitive area (ESA). If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.

COMMENT 2: Nesting Birds

Section 2.4.4-92, Page 1346

Issue: The DEIR does not disclose impacts to nesting birds. Instead, the DEIR proposes to develop a Nesting Bird Management Plan in the future to address potential impacts to nesting birds. This plan is broadly described in measure Animal Species (AS)-5 (BIO-28) (see below for measure).

Specific impact: The Project may impact suitable nesting and foraging habitat for least Bell's vireo (*Vireo bellii pusillus*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), California horned lark (*Eremophila alpestris actia*), Bell's sparrow (*Artemisiospiza belli belli*), coastal California gnatcatcher (*Polioptila californica californica*), tricolored blackbird (*Agelaius tricolor*), white-tailed kite (*Elanus leucurus*), yellow-breasted chat (*Icteria virens*), and osprey (*Pandion haliaetus*). All of these species are reported on CNDDB within one mile of the Project site.

Evidence impact would be significant: CDFW recommends the completion of pre-construction nesting bird surveys regardless of the time of year to ensure that

impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding.[2] CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates.

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). CDFW therefore recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Recommended Potentially Feasible Mitigation Measure: Absent a Nesting Bird Management Plan for CDFW to review and approve, CDFW recommends that the pre-construction nesting bird survey in **Animal Species (AS)-5 (BIO-28)** be included in the final EIR as **Animal Species (AS)-6 (BIO-29)** as follows (deletions are in ~~strikethrough~~ and additions are in ***bold italics***) to ensure impacts to nesting birds are avoided, minimized, and mitigated.

Animal Species (AS)-6 (BIO-29) (NEW) Within ~~7~~ ***three*** days prior to the commencement of construction activities ~~(if between January 15 and September 1)~~, a qualified biologist will perform a nesting bird and raptor survey that will consist of at least two site visits to each area with potential nesting habitat to determine whether there are active nests within ~~200~~ ***500*** feet of the LOD. This survey will also identify the species, and to the degree feasible, nesting stage (e.g., incubation of young, feeding of young, near fledging). Nests will be mapped (not by using GPS as close encroachment may cause nest abandonment). If active nests are found ***during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance*** ~~construction will not occur within 200 feet of the nest, or as directed by a qualified biologist, until the nesting attempt has been completed and/or abandoned because of non-project related reasons~~.

COMMENT 3: Western Burrowing Owl (*Athene cunicularia hypugaea*)

[2] Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

Sections 2.4.1 and 2.4.4, Pages 875 and 1255-1346

Issue: CDFW appreciates that focused burrowing owl surveys were conducted in the spring and summer of 2020 and 2021, following the 2006 MSHCP survey protocols. However, CDFW generally considers biological field assessments for wildlife to be valid for one to three years depending on the species and the Project proposes to begin construction in 2027. Thus, the timeline for this Project warrant updated surveys.

Specific impact: The Project site intersects with the MSHCP Burrowing Owl Survey Area and has the potential to provide suitable foraging and/or nesting habitat for western burrowing owl. The MSHCP provides take coverage for impacts to western burrowing owl, but only if the Project is consistent with the MSHCP. The Project has not yet established consistency with the MSHCP and Caltrans and the Western Riverside County Regional Conservation Authority (RCA) are in the process of preparing the Determination of Biologically Equivalent or Superior Preservation (DBESP) for the Project. Further, on October 10, 2024, the California Fish and Game Commission accepted a petition to list western burrowing owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. As a candidate species, western burrowing owl is granted full protection of a threatened species under CESA. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

Why impact would occur: The DEIR states that surveys detected suitable burrowing owl habitat on the Project site, including unoccupied burrows. The DEIR also notes that while burrowing owl were absent, burrowing owls are highly mobile and can move into the Project area. Burrowing owl observations are reported within two miles of the Project site. Given that the burrowing owl focused surveys were performed over three years ago and the Project is due to start in 2027, owls may be present at the time of construction and impacts to burrowing owl may occur.

Evidence impact would be significant: Figure 2.4.2-2 in the DEIR shows that burrowing owl surveys in 2020 and 2021 detected at least 140 potential burrowing owl burrows. Given the age of the focused surveys, the recent candidate listing status of this species, and the absence of take coverage from MSHCP consistency, this Project could have significant impacts on burrowing owl habitat and individuals. Please note that if Caltrans does not achieve consistency with the MSHCP, Caltrans does not have incidental take coverage for burrowing owl habitat.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the below mitigation measure, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final EIR to ensure impacts to burrowing owls are avoided, minimized, and mitigated.

Animal Species (AS)-2 (Natural Environment Study (NES) BIO-25). Burrowing Owl Management Plan (Revised)

A Burrowing Owl Management Plan will be prepared by a qualified biologist and will include:

a) ***Habitat Assessment and*** Focused Survey for Burrowing Owl: Include within the plan the results of the MSHCP protocol survey conducted. ***The survey***

results shall be no more than three years old. ***The survey shall be performed according to the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (Survey Instructions).[3] The Survey Instructions specify that first a habitat assessment is conducted. Results of the habitat assessment shall be provided to CDFW in a written report with photographs, indicating whether or not the project site contains suitable burrowing owl habitat. If suitable habitat is found, then focused surveys at the appropriate time of year (March 1 to August 31), time of day, and weather conditions shall be completed. Surveys shall not be performed during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. The surveys shall include focused burrow surveys and burrowing owl surveys. For the focused burrow surveys, the location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed shall be recorded and mapped, including GPS coordinates in the report. The focused burrowing owl surveys shall include site visits on four separate days. Site visits shall be at least a week apart to avoid missing owls that may be using the site. The report shall also include an impact assessment evaluating the extent to which burrowing owls and their habitat may be impacted, directly or indirectly by Project activities. A final report discussing the survey methodology, transect width, duration, conditions, and results of the survey shall be submitted to the RCA, USFWS, and CDFW.***

b) Preconstruction Survey for Burrowing Owl: Surveys by a qualified biologist shall be conducted in areas containing burrows and/or suitable habitat for burrowing owl within 14 days prior to ground disturbance ***following the survey instructions in the "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area"***. The Biological Study Area (BSA) shall be the LOD and a 500-foot BSA.

c) Protocol for Presence: Take steps necessary for ***addressing*** ~~handling~~ the presence of burrowing owl (if found during either of the two surveys), which ***shall include proper take authorization and*** ~~may~~ include full avoidance~~, if feasible,~~ or passive relocation by a qualified biologist. ***Avoidance and minimization measures shall also include intensive monitoring (monitors on site daily, and trail cameras at burrows), noise abatement, time/date windows for construction, and plans to pause construction in case of owl distress.***

d) Agency Approval: The plan will need approval ***by*** USFWS and CDFW. Additional approval of the plan will be required by RCA if RCA-owned lands are involved.

Comment 4: Least Bell's Vireo (*Vireo bellii pusillus*)

Section 2.4.2-8, Page 1026, and elsewhere

Issue: The DEIR reports that Least Bell's vireo (LBV) were detected in the Project area in 2020 and 2021, and that the Project was redesigned to avoid LBV-occupied areas (section 2.4.2-8, page 1026). The DEIR acknowledges that LBV-occupied areas can shift from year to year (section 3-21, page 1513). Given that the focused surveys for LBV are now more than three years old, and that the Project is not planned to start construction until 2027, Caltrans should conduct new focused surveys to accurately determine impacts to LBV.

[3] Available at: https://www.wrc-rca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf

The DEIR also proposes a mitigation measure to ensure that impacted LBV-occupied lands are replaced with equivalent lands (Threatened and Endangered Species (TE)-3 / NES BIO-23, page 2054). The measure proposes mitigating at a ratio of at least 1:1. CDFW is unlikely to approve a mitigation ratio of less than 3:1 in a DBESP for LBV-occupied lands, regardless of whether impacts occur when LBV is present or not in California. If mitigation lands are not immediately available, appropriately vegetated, and occupied by LBV, CDFW will also need to account for temporal losses. Temporal losses would increase the mitigation ratio beyond 3:1.

Specific impact: The Project has the potential for take of LBV and their habitat due to construction activities, including vegetation removal that reduces foraging and nesting habitat and habitat quality.

Evidence impact would be significant: LBV is an endangered species pursuant to CESA (Fish & G. Code, § 2050 et seq.) and the federal Endangered Species Act, and is additionally afforded protection under Fish and Game Code sections 3503, 3503.5, and 3513. CDFW is concerned with potential impacts to LBV, including take and loss of foraging habitat that may result from ground-disturbing activities and vegetation removal. Impacts to birds, their nests, or their habitat would be considered a significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below revised mitigation measure in the final EIR to ensure impacts to LBV are avoided, minimized, and mitigated. Deletions are in ~~strikethrough~~ and additions are in ***bold italics.***

TE-3 (NES BIO-23). LBV ~~Habitat Compensation~~ (Revised)

a) If CDFW and/or the USFWS determine that a recent protocol-level survey according to USFWS' 2001 Least Bell's Vireo Survey Guidelines (https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf) is needed prior to start of construction, Caltrans shall conduct surveys and provide survey results to CDFW and USFWS to determine LBV-occupied habitat and appropriate mitigation thereof.

b) Because the federally and State-listed as endangered LBV occupies the riparian/riverine areas at Temescal Wash and associated tributaries proposed for impact, compensation for both riparian/riverine and LBV will be integrated and approval of the equivalency analysis by RCA and wildlife agencies shall occur to ensure any occupied LBV lands affected by construction are replaced with equivalent lands (i.e., mitigation lands are occupied or restored to occupation). Final mitigation ratios will be determined after consultation with RCA and wildlife agencies survey; however, at least ~~1~~ ***3***:1 mitigation consisting of establishment or re-establishment of occupied~~, or potentially occupied,~~ lands will occur to ensure no net loss of occupied habitat. Final approval ***by CDFW and USFWS of mitigation for LBV*** will occur prior to the start of Project construction, including any ground disturbance work and/or vegetation clearing.

COMMENT 5: Crotch's Bumble Bee (*Bombus crotchii*)

Section 2.4.5, Page 1367

Issue: Crotch's bumble bee (*Bombus crotchii*) is a candidate species for listing under CESA, and it forages in sage scrub and nests in rodent burrows, bunch grasses, and grass thatches. The Project has the potential to impact sage scrub, grassland, and rodent burrows. The DEIR does not propose any measure to avoid impacts to Crotch's bumble bee because according to the DEIR, there is only low potential for the species to occur in impacted areas of the Project. The DEIR also reports that no survey work was performed for Crotch's bumble bee. CDFW is

concerned with potential impacts to Crotch's bumble bee and their habitat considering that the Project's design plans indicate disturbance of areas that appear to contain suitable habitat for Crotch's bumble bee.

Specific impact: Crotch's bumble bee has been observed within one mile of the Project site. The Project has the potential for take of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Evidence impact would be significant: The DEIR reports that the biological study area contains 1,100 acres of potentially-suitable habitat for Crotch's bumble bee, including needle grass - melic grass grasslands, clustered tarweed fields, wild oats and annual brome grasslands, upland mustard and star thistle fields, wild tarragon patches, brittle bush scrub, scale broom scrub, bush penstemon scrub, California buckwheat scrub, California sagebrush - black sage scrub, deerweed scrub, holly leaf cherry - toyon - greenbark ceanothus chaparral, quailbush scrub, and scrub oak chaparral. While the biological study area is larger than the area to be directly impacted by the Project through vegetation removal, there are areas of the Project that appear to host vegetation that could provide habitat for Crotch's bumble bee and Crotch's bumble bee has been documented within a reasonable dispersal distance of the Project area. The Project, as described, would remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. Impacts to Crotch's bumble bee are not covered by the MSHCP. CDFW considers the direct and indirect take of Crotch's bumble bee, and the loss of the species' habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends that the below mitigation measure be included in the final EIR to ensure that impacts to Crotch's bumble bee and its habitats are evaluated and mitigated to a level of less than significant.

Bio-Insect-1 (New):

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.

COMMENT 6: Wildlife Connectivity

Section 1.4.1.1, Page 72, and Section 2.4.1-143, Pages 1015-1018

Issue: California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure fragments habitat and cuts off migration corridors.

Specific impact: Wildlife often use culverts to travel, and the Project may prevent movement of wildlife through culverts by modifying existing drainage systems to incorporate trash-capture devices. In addition, the Project is between MSHCP Proposed Linkage 1 and Proposed Extension of Existing Core 2 and bisects Proposed Core 1. As such, the Project is required to follow the guidelines in Section 7 of the MSHCP to improve the culverts to serve as wildlife corridors particularly for Stephen's kangaroo rat (*Dipodomys stephensi*), mountain quail, bobcats, mountain lions, and other species in the area. Caltrans should ensure that any culverts that are installed follow the guidelines in Section 7 of the MSHCP to ensure proper openness ratios, avoid impediment to wildlife movement, and avoid wildlife entrapment.

Evidence impact would be significant: The Project site intersects an "irreplaceable and essential" corridor for wildlife movement at Temescal Wash, as defined by the CDFW Areas of Conservation Emphasis (ACE) dataset. Irreplaceable and essential corridors are areas that are likely to host concentrated animal movement. If the Project reduces the ability of animals to move through the site, wildlife conservation could be significantly affected on a regional scale. Wildlife connectivity is likely to be influenced by installation of trash-capture devices, since those devices are likely to cut off all animal movement through existing culverts. Without further consideration of wildlife connectivity by the Project, important wildlife linkages could be lost.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below mitigation measure in the final EIR to ensure impacts to wildlife connectivity are avoided and mitigated to a level of less than significant.

Bio-Connectivity-1 (New):

The installation of trash collection devices at culverts shall not impede the movement of wildlife, and safeguards shall be installed to avoid entrapment of wildlife.

II. Additional Comments

Western Riverside County MSHCP

Caltrans and the RCA are in the process of preparing the DBESP for the Project. The DBESP process should be completed prior to adoption of the final EIR. Thus, to demonstrate consistency with the MSHCP, as part of the CEQA review, Caltrans shall ensure the Project demonstrates compliance with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP), the policies set forth in Section 6.3.2, and the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

The DEIR proposes to use MSHCP consistency to obtain incidental take coverage for impacts to Stephens' kangaroo rat (SKR) habitat. However, the Project occurs within the SKR Habitat Conservation Plan (HCP) fee area boundary. The SKR HCP area map is available here: https://rchca.us/DocumentCenter/View/200/SKR-Plan-Area. State and federal authorizations associated with the SKR HCP provide take authorization for SKR within its boundaries. Note that the SKR HCP allows for

encroachment into the SKR Core Reserve for public projects, however, there are no provisions for encroachment into the Core Reserve for privately owned projects. If impacts to SKR habitat will occur from the proposed Project, the final EIR should specifically identify the total number of permanent impacts to SKR core habitat and the appropriate mitigation to compensate for those impacts. CDFW recommends that Caltrans coordinate with Riverside County Habitat Conservation Agency (RCHCA) to discuss potential impacts to SKR within the HCP.

Regarding western spadefoot (*Spea hammondii*), the MSHCP in Section 6.1.2 recommends surveys for amphibians, which the DEIR does not consider even though the DEIR reports that "Marginally suitable habitat occurs within the BSA in grasslands and woodlands in seasonal ponds, such as along Temescal Wash" for western spadefoot (Section 2.4.4-5, page 1259). Western spadefoot has been observed within one mile of the Project site, as reported on CNDDB. Surveys for amphibians, including western spadefoot should be conducted to disclose species impacts from the Project, and help assess riparian/riverine functions and values. If western spadefoot is present, CDFW recommends mitigation at a 3:1 (mitigated to impacted) ratio for impacts to western spadefoot habitat.

The Project is adjacent to MSHCP Conservation Areas, and based on the Project design plans the Project may encroach onto Conservation Areas owned and managed by the RCA. No impacts to the Conservation Areas are allowed, and Caltrans should coordinate with the RCA to avoid impacts to Conservation Areas, if needed.

To minimize edge effects and maintain conservation values within the Conservation Areas, Caltrans is required to implement the Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4) to minimize harmful effects from drainage, toxics, lighting, noise, invasives, barriers, and grading/land development. CDFW recommends that the final EIR include an analysis of edge effects related to Project construction and operation, such as noise, lighting, trespass, and toxics, and that Project-specific mitigation measures to avoid and minimize any effects be included in the final EIR. Avoidance and minimization measures can include, but are not limited to:

1. *Lighting Plan*: A Lighting Plan that identifies existing ambient lighting conditions, analyzes the Project lighting impacts on the adjacent Conservation Area, and demonstrates that the proposed lighting plan will not significantly increase the lighting in the Conservation Area. At a minimum, the Lighting Plan should identify measures that address light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site.

2. *Noise Plan*: A Noise Plan to avoid and minimize noise impacts based on an assessment of Project noise impacts on adjacent conservation areas during construction and post-development. The MSHCP specifies that Project noise impacts in Conservation Areas should not exceed residential standards.

3. *Landscaping Plan*: A Landscaping Plan that includes the use of native plant material on the Project site and avoids the use of invasive plant species identified in Table 6-2 of the MSHCP.

4. *Fencing Plan*: A Barrier and Fencing Plan that provides specific details designed to minimize unauthorized public access, predation by domestic animals, illegal trespass, and dumping in the MSHCP Conservation Area (such as block walls along areas directly adjacent to potential conservation areas).

5. *Best Management Practice*s: The final EIR should incorporate the guidance in MSHCP Section 7.0 and Appendix C of the MSHCP regarding Best Management Practices.

Streambed Alteration Agreement Notification

CDFW appreciates that Caltrans plans to submit an application for a Lake or Streambed Alteration Agreement pursuant to Fish and Game Code section 1602 (Table 1-9, Section 1-95, page 139).

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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Chris Briggs, Senior Environmental Scientist (Specialist) at 909-758-6774 or christopher.briggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Cindy Castaneda
58B2E2CAD6624CD...
for

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline.

California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150.

United States Fish and Wildlife Service. 2001. Least Bell's Vireo Survey Guidelines. Available at: https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf.

Attachment A: Mitigation and Monitoring Reporting Plan

CDFW recommends that the following language be incorporated into the final EIR for the Project.

Mitigation Measure		**Timing**	**Responsible Party**
NC-21	Rare Plant Surveys. No more than 3 years prior to construction and during the appropriate blooming season for each plant with the potential to occur on-site, a qualified biologist shall conduct a pre-construction plant survey according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018). The survey shall be considered valid for up to three years. Special-status plants must be flagged for visual identification to construction personnel for work avoidance. Special-status plants detected that feature multiple plants in a single location must be fenced with stakes and flagging to temporarily identify the environmentally sensitive area (ESA). If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
AS-6 (BIO-29)	Within three days prior to the commencement of construction activities, a qualified biologist will perform a nesting bird and raptor survey that will consist of at least two site visits to each area with potential nesting habitat to determine whether there are active nests within 500 feet of the LOD. This survey will also identify the species, and to the degree feasible, nesting stage (e.g., incubation of young, feeding of young, near fledging). Nests will be mapped (not by using GPS as close encroachment may cause nest abandonment). If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
AS-2 (BIO-25)	A Burrowing Owl Management Plan will be prepared by a qualified biologist and will include: a) Habitat Assessment and Focused Survey for Burrowing Owl: Include within the plan the results of the MSHCP protocol survey conducted. The survey results shall be no more than three years old. The survey shall be performed according to the Burrowing Owl Survey Instructions for the Western	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

Mitigation Measure		Timing	Responsible Party
	Riverside Multiple Species Habitat Conservation Plan Area (Survey Instructions). The Survey Instructions specify that first a habitat assessment is conducted. Results of the habitat assessment shall be provided to CDFW in a written report with photographs, indicating whether or not the project site contains suitable burrowing owl habitat. If suitable habitat is found, then focused surveys at the appropriate time of year (March 1 to August 31), time of day, and weather conditions shall be completed. Surveys shall not be performed during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. The surveys shall include focused burrow surveys and burrowing owl surveys. For the focused burrow surveys, the location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed shall be recorded and mapped, including GPS coordinates in the report. The focused burrowing owl surveys shall include site visits on four separate days. Site visits shall be at least a week apart to avoid missing owls that may be using the site. The report shall also include an impact assessment evaluating the extent to which burrowing owls and their habitat may be impacted, directly or indirectly by Project activities. A final report discussing the survey methodology, transect width, duration, conditions, and results of the survey shall be submitted to the RCA, USFWS, and CDFW. b) Preconstruction Survey for Burrowing Owl: Surveys by a qualified biologist shall be conducted in areas containing burrows and/or suitable habitat for burrowing owl within 14 days prior to ground disturbance following the survey instructions in the “Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area”. The Biological Study Area (BSA) shall be the LOD and a 500-foot BSA. c) Protocol for Presence: Take steps necessary for addressing the presence of burrowing owl (if found during either of the two surveys), which shall include proper take authorization and include full avoidance or passive relocation by a qualified biologist. Avoidance and minimization measures shall also include intensive monitoring (monitors on site daily, and trail cameras at burrows), noise abatement, time/date windows for construction, and plans to pause construction in case of owl distress. d) Agency Approval: The plan will need approval by USFWS and CDFW. Additional approval of the plan will be required by RCA if RCA-owned lands are involved.		
TE-3 (BIO-23)	a) If CDFW and/or the USFWS determine that a recent protocol-level survey according to USFWS' 2001 Least Bell's Vireo Survey Guidelines (https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf) is needed prior to start of construction, Caltrans shall conduct surveys and provide survey results to CDFW and USFWS to determine LBV-occupied habitat and appropriate mitigation thereof.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

Mitigation Measure		Timing	Responsible Party
	b) Because the federally and State-listed as endangered LBV occupies the riparian/riverine areas at Temescal Wash and associated tributaries proposed for impact, compensation for both riparian/riverine and LBV will be integrated and approval of the equivalency analysis by RCA and wildlife agencies shall occur to ensure any occupied LBV lands affected by construction are replaced with equivalent lands (i.e., mitigation lands are occupied or restored to occupation). Final mitigation ratios will be determined after consultation with RCA and wildlife agencies survey; however, at least 3:1 mitigation consisting of establishment or re-establishment of occupied lands will occur to ensure no net loss of occupied habitat. Final approval by CDFW and USFWS of mitigation for LBV will occur prior to the start of Project construction, including any ground disturbance work and/or vegetation clearing.		
Bio-Insect-1	Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee. If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
Bio-Connectivity-1	The installation of trash collection devices at culverts shall not impede the movement of wildlife, and safeguards shall be installed to avoid entrapment of wildlife.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent