



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Jan 31 2022**

## STATE CLEARINGHOUSE

January 31, 2022

Heather Adamson, Planning Director  
Association of Monterey Bay Area Governments  
24580 Silver Cloud Court  
Monterey, California 93940  
hadamson@ambag.org

**Subject: AMBAG 2045 Metropolitan Transportation Plan/Sustainable Communities Strategy and Regional Transportation Plans (MTP/SCS) (Project)  
Draft Environmental Impact Report (DEIR)  
State Clearinghouse No. 2020010204**

Dear Ms. Adamson:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (DEIR) from the Association of Bay Area Governments (AMBAG) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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, CDFW appreciates 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 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 and 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,

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<sup>1</sup> 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.

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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.), related authorization as provided by the Fish and Game Code will be required.

In this role, CDFW is responsible for providing, as available, biological expertise during public agency environmental review efforts (e.g., CEQA), focusing specifically on project activities that have the potential to adversely affect fish and wildlife resources. CDFW provides recommendations to identify potential impacts and possible measures to avoid or reduce those impacts.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** AMBAG

**Objective:** The proposed Project is the region's long range land use and transportation plan through 2045. The Project will guide the development of the Regional and Federal Transportation Improvement Programs as well as other transportation programming documents and plans throughout the three-county region. Specifically, the Project is intended to implement regional goals regarding future mobility needs and identify programs, actions and a plan of projects intended to address these needs consistent with adopted goals and policies. The SCS is included as a component of the Project pursuant to Senate Bill 375 and provides a framework for land use patterns that would effectively meet Senate Bill 375 greenhouse gas emission requirements.

**Location:** The Project site is the three-county AMBAG region, including Monterey, San Benito, and Santa Cruz counties.

**Timeframe:** 2045 is the horizon year of the proposed Project.

## **COMMENTS AND RECOMMENDATIONS**

CDFW previously commented on the Notice of Preparation for the Project in a letter dated February 10, 2020. Our February 10, 2020 letter (Attachment 2) provided recommendations for listed plant and wildlife species, and concerns for Project impacts

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to waterways/waterbodies. CDFW recognizes that some of the recommendations from that letter were included in the DEIR for the Project. CDFW maintains the same recommendations for advised survey methods and mitigations measures that are not included in the DEIR. CDFW has the following recommendations on specific mitigation measures be included in the DEIR in regard to compliance with CESA and Fish and Game Code section 1600 *et seq.*

### **Mitigation Measure BIO-1(c)**

Mitigation Measure BIO-1(c) states that if special-status plants species cannot be avoided, all impacts shall be mitigated at an appropriate ratio to fully offset project impacts. While CDFW agrees that this mitigation measure is important, CDFW recommends the DEIR also include that the project proponent pursue take coverage and acquire an Incidental Take Permit (ITP) from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b), if plants listed pursuant to CESA or the Native Plant Protection Act cannot be avoided prior to any ground-disturbing activities.

### **Mitigation Measure BIO-1(e)**

Mitigation Measure BIO-1(e) in the DEIR states that if occupied habitat cannot be avoided, or if the implementing agency assumes presence of listed animal species, the implementing agency shall purchase credits at a CDFW-approved conservation bank. While the purchase of credits are important for the conservation of species, CDFW continues to recommend that the project proponent pursue take authorization through acquisition of an ITP from CDFW, pursuant to Fish and Game Code section 2081 subdivision (b), for potential impacts to CESA listed species prior to any ground-disturbing activities.

### **Mitigation Measure BIO-2(a)**

Mitigation Measure BIO-2a in the DEIR states that an aquatic resources delineation shall be completed for projects that occur within or adjacent to wetland, drainage, or riparian habitat and the results shall be submitted to the implementing agency for review and approval. In addition to submittal of the aquatic resources delineation, CDFW recommends notification to CDFW's Lake and Streambed Alteration Program pursuant to Fish and Game Code section 1600 *et seq.*, prior to conducting any project activities that have the potential to impact or change the bed, bank, and channel of rivers, streams, and other waterways.

## **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

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

## FILING FEES

If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW appreciates the opportunity to comment on the Project to assist the AMBAG in identifying and mitigating the Project's impacts on biological resources. If you have any questions for Project activities in Santa Cruz County, please contact Serena Stumpf, Environmental Scientist, by telephone at (707) 337-1364, or by electronic mail at [Serena.Stumpf@wildlife.ca.gov](mailto:Serena.Stumpf@wildlife.ca.gov). For any questions regarding Project activities in Monterey and San Benito Counties, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3203, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...  
Julie A. Vance  
Regional Manager

ec: LSA/1600  
Jeff Cann  
Kelley Nelson  
Serena Stumpf  
California Department of Fish and Wildlife

**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
(MMRP)**

**PROJECT: AMBAG 2045 Metropolitan Transportation  
Plan/Sustainable Communities Strategy and Regional  
Transportation Plans**

**SCH No.: 2020010204**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Mitigation Measure 1: State-listed Wildlife Species Take Authorization	
Mitigation Measure 2: Special-Status Plant Take Authorization	
<i>Before Impacting the Bed, Bank, or Channel of any Stream or River</i>	
Mitigation Measure 3: Notification to CDFW's Lake and Streambed Alteration Program	