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July 7, 2020

Governor's Office of Planning & Research

Jul 07 2020

Matthew Fowler, Environmental Branch Chief
Environmental Planning Division
California Department of Transportation, District 5
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STATE CLEARINGHOUSE

Subject: Comments on the Draft Mitigated Negative Declaration (MND) for the Santa Maria River Bridge Replacement Project; SCH 2020050455; Santa Barbara County

Dear Mr. Fowler:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Mitigated Negative Declaration (MND) for the Santa Maria River Bridge Replacement Project (Project). The California Department of Transportation (Caltrans) is the lead agency preparing an MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 *et seq.*) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the 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 & 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 regulatory authority (Fish & Game 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 & Game Code, § 2050 *et seq.*), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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and Game Code, §1900 *et seq.*) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The proposed Project will replace the Santa Maria River Bridge (Bridge Number 49-0042) on State Route 1 at the border of San Luis Obispo County and Santa Barbara County, north of the City of Guadalupe. The new bridge would be built approximately 34 feet east from the center line of the existing bridge. The bridge deck would be thicker, and the elevation of the bridge deck would be raised by two feet. The new bridge would be approximately 1,300 feet long, consisting of 12 spans and 12 pier structures; each pier structure will consist of three columns. New bridge abutments will also be constructed to accommodate the wider bridge structure.

The new bridge would include two 12-foot-wide lanes with 8-foot-wide outside shoulders and an 8-foot-wide protected pathway, on the southbound (west) side, for pedestrian and cyclists. The new design will reduce the number of engineered, structural elements in the river and is not expected to alter the existing levee structure along the river. Standard traffic and pedestrian railings would be installed as well.

The new bridge would be constructed in two stages. The first stage would construct the new northbound lane on a new alignment to the east of the existing bridge and remove the existing northbound lane after construction of the new northbound lane is complete. The second stage would construct the new southbound lane on a new alignment west of the new northbound lane and remove the remaining existing southbound lane after the new southbound lane is complete. During Project construction, both the northbound and southbound lanes will be maintained for traffic use. Traffic will be directed to use lanes on either the existing bridge or on the new bridge depending on the stage of construction. The existing roadway transitions north and south of the bridge structure will require pavement adjustments and restriping to fit the new alignment.

Permanent impacts total approximately 1.4 acres and are expected to occur predominantly where the new State Route 1 alignment would be shifted. Permanent impacts would also occur at each of the 12 new pier structures. However, the Project would remove the existing 23 piers walls, resulting in a net gain of streambed habitat. Due to the highway realignment, there are areas of existing road that would no longer be a part of the highway system.

Temporary impacts include equipment staging areas, access roads, and work areas needed to construct the new bridge and remove the existing bridge. These impacts would include tree and vegetation removal, grading, compaction by construction equipment, and foot traffic required to construct the new bridge. Temporary impacts would total approximately 6.4 acres; these impacts would occur along the east and west sides of the highway and the areas surrounding the existing and proposed Santa Maria River Bridge, and access roads on the northeast and southwest sides of the bridge.

The Project would require temporary construction access and work areas through the riparian area, unvegetated streambank, and streambed. Temporary impacts would include tree and vegetation removal, clearing and grubbing, ground compaction, and disturbance.

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Comments and Recommendations

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

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Plant Communities

Issue: Avoidance, Minimization, and Mitigation Measures, detailed in the Wetland and Other Waters section of the MND, indicates mitigation for loss trees removed "[...] will be replaced at a 1:1 or 3:1 ratio depending on their species." In addition, Davidson's saltscall (*Atriplex serenana* var. *davidsonii*), statewide ranking of S1, is known to occur within the vicinity of the Project but is not discussed in the MND.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

Why impact would occur: Project implementation includes grading, vegetation clearing for construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, 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 or U.S. Fish and Wildlife Services (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends conducting focused surveys for sensitive/rare plants on-site and disclosing the results in the Mitigated Negative Declaration. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." The final CEQA documentation should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and

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association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, mitigating at a ratio of no less than 5:1 for impacts to S3 ranked communities and 7:1 for S2 communities should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Comment #2: Impacts to Streams & Associated Watershed Functions

Issue: Construction of the Project, as proposed, would likely result in impacts to stream associated habitats (e.g., wetland, riparian, and/or salt marsh habitat).

Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of the Project site.

Why impacts would occur: Ground disturbing activities from grading and filling, water diversions, and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat on the Project site. Biological resources beyond the Project development footprint may also be impacted by Project related releases of sediment and altered watershed effects (e.g., changes in flow regimes, infiltration, runoff, and slope stability) resulting from Project activities.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the Project site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. 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 a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for an LSA may be obtained by accessing CDFW's web site at www.wildlife.ca.gov/habcon/1600.

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CDFW's issuance of an LSA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. However, the MND does not meet CDFW's standard at this time. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document 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.

Mitigation Measure #2: Any LSA permit issued for the Project by CDFW may include additional measures protective of streams on and downstream of the Project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

Comment #3 Impacts to Fish Passage

CDFW is in support of the use of free-span bridges with no concrete-in-channel designs and would not support a change in design that would include instream hardening of the streambed. To confirm that the Project will not block, obstruct, impede, fish passage, both up and downstream of the bridge, please provide CDFW with an opportunity to review and comment on 65% Design Plans and the Basis of Design at your earliest convenience.

Comment #4: Relying on Preconstruction surveys for Presence of CESA-listed and CEQA-rare species.

Issue 1: The use of pre-construction surveys, in lieu of appropriate protocol surveys, is not adequate for detection of CESA-listed and CEQA-rare (including species of special concern (SSC)), per Fish and Game Code, section 2081 (b) and California Code of Regulations, sections 783.2-783.8.

Protocol surveys were not conducted for the following CESA-listed species that have a likelihood of presence in or adjacent to the Project: southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and Swainson's hawk (*Buteo swainsoni*).

Protocol surveys were not conducted for the SSC California red-legged frog (*Rana draytonii*) and western spadefoot (*Spea hammondi*) which have been documented in the Santa Maria River and have a potential to be present in or adjacent to the Project.

Specific Impact:

Amphibians

The MND should contain survey results to demonstrate presence or absence of SSC California red-legged frog and western spadefoot to provide an accurate assessment of the aforementioned species population that may be impacted (CEQA Guidelines, § 15126.4, subd. (a)(1)(B)).

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Listed Birds:

The MND's mitigation measures for nesting birds do not appear adequate to demonstrate avoidance or minimization of take of CESA-listed species (southwestern willow flycatcher, Swainson's hawk, and least Bell's vireo). Language within the MND calls for removal of trees outside of the bird nesting season. This language does not acknowledge that take of habitat, at any time of the year, that is documented to support least Bell's vireo, Swainson's hawk and/or southwestern flycatcher may still trigger take under CESA and could necessitate an incidental take permit (ITP). CESA, as defined by State law, prohibits take of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.) Birds that display high site fidelity, such as least Bell's vireo, return to the same nesting site annually. Take of known nesting habitat, even outside of the nesting season, could still be considered take subject to CESA.

Why impact would occur:

The Project may result in impacts to CEQA-rare (including SSC) or CESA-listed species without including any specific disclosure or analysis in the MND. Deferring impact assessment and disclosure to pre-construction surveys does not allow adequate disclosure of impacts during the CEQA review period. Potential occurrences of CEQA-rare (including SSC) or CESA-listed species within the Project area are supported by suitable habitat and California Natural Diversity Database observations of these species in the vicinity of the Project. Surveys should be conducted to determine presence or absence so the MND can analyze the Project's impact to any CEQA-rare (including SSC) or CESA-listed species present and provide specific avoidance and mitigation measures. The species analysis should be included in the MND, including location (map), population/occurrence size estimates, and an assessment of specific impacts with avoidance and minimization measures containing specific performance criteria (Save Agoura Cornell Knoll v. City of Agoura Hills).

Direct impacts via habitat removal, noise, percussive vibration, human disturbance, channel diversion, sedimentation in the channel affecting food supply, increased exposure to predation, and direct take would reasonably occur during the Project. Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). The MND analyzed noise and vibration affects only to human-based sensitive receptors and without analyzing these impacts to sensitive wildlife species or providing any minimization or mitigation measures for impacts to sensitive species.

Increased ambient lighting levels can increase predation risks and disorientation and disrupt normal behaviors in adjacent feeding, breeding, and roosting habitat (Longcore and Rich).

Evidence impact would be significant: CEQA Guidelines, sections 15070 and 15071 require the MND to analyze if the Project may have a significant effect on the environment as well as review if the Project will avoid the effect or mitigate to a point where clearly no significant effects would occur. In order to analyze if a project may have a significant effect on the environment,

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the Project related impacts, including protocol survey results for CEQA-rare (including SSC) or CESA-listed species that occur in the Project footprint need to be disclosed. This disclosure is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

The loss of occupied habitat or reductions in the number of Swainson's hawk, least Bell's vireo, and/or southwestern willow flycatcher, either directly or indirectly through nest abandonment or reproductive suppression, may constitute a significant impact absent appropriate mitigation. Furthermore, nests of all native bird species are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act (MBTA; U.S.C., §§ 703 - 712) and California Fish and Game Code, sections 3503 and 3503.5, respectively.

Absent survey data, CDFW is unable to provide meaningful avoidance, minimization, or mitigation measures related to biological resources. CDFW recommends the lead agency conduct appropriate, species-specific, protocol biological surveys and to consult with CDFW for avoidance, minimization, and mitigation measures prior to finalizing the MND.

Recommendations:

CDFW recommends protocol surveys be conducted by a qualified biologist to determine the presence of Swainson's hawk, southwestern willow flycatcher, least Bell's vireo, California red-legged frog, and western spadefoot. Surveys should be conducted within the Project and an adjacent 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines, §15125).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends coordinating with CDFW regarding impacts to California red-legged frog and western spadefoot that may occur during construction. The Project, as proposed, may detrimentally impact the species, which are both SSC.

Mitigation Measure #2: CDFW recommends that Caltrans develop mitigation strategies, with specific performance criteria, that appropriately offset detrimental impacts to California red-legged frog, western Spadefoot, and their associated habitat. The mitigation site should provide equivalent function/value, be protected with a conservation easement (or equivalent) and include appropriate management and monitoring with sufficient funding to ensure long-term protection of the habitat. To account 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 would 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 pursued. If off-site mitigation is selected, CDFW recommends it be at a state-approved mitigation bank or via an entity that has been approved by CDFW to hold and manage mitigation lands pursuant to AB 1094 (2012), which amended Government Code, sections 65965-65968. All mitigation and mitigation plans should be provided in advance of any Project entitlements and the MND should include the specific performance standards detailed in these plans. CDFW can provide guidance to Caltrans regarding appropriate mitigation ratios.

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Mitigation Measure #3: CDFW recommends monitoring noise generated by Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent and nearby habitat areas. The MND should set acceptable noise thresholds that would be part of a long-term monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect. The MND should provide noise and vibration analysis with contour maps, and provide specific avoidance, minimization, mitigation, monitoring and reporting commitments to assure identified minimization measures are effective.

Mitigation Measure #4: CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9 a.m.). Generators should not be used except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), or small wind turbine systems. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.

Comment #5: Project Impact to Bats

Issue: Inadequate bat reconnaissance work completed. Given the abundant evidence of bat presence, night surveys should be performed to ensure a maternity colony and/or day roosting is not occurring on the structure.

Specific Impact: The MND states “[e]vidence of [bat] night roosting was observed under most of the bridge spans in corners where the bridge deck meets the pier walls. Dark stains and bat excrements were found in most corners of the bridge spans, indicating much of the bridge structure can support night roosting by bats. During wildlife surveys, no bats were seen roosting in the day. No cracks or crevices suitable for day roosting were found. Based on these surveys, it is inferred that the Santa Maria River Bridge serves as a large night roosting structure for bats using the Santa Maria River to feed and forage.” The MND clearly articulates bat presence on the existing structure. Therefore, the presence of day roosting bats, and a potential maternity colony, cannot be ruled out until appropriate night surveys have been performed.

The daytime roosting bat survey Caltrans conducted looked for external signs of bat presence but did not include visual inspections inside swallow nests or inside bridge structures that could be supporting bats. Abandoned swallow nests have routinely been documented to host bats, even with swallows still using the bridge to actively nest. In addition, bats have often been found in drain holes comparable to the ones discussed in the MND.

Since bats are not typically ever active during the day, CDFW questions the reliance on solely using a daytime visual survey for a bridge that very likely supports bat species. At a minimum, a simple dusk exit survey should be performed.

Specific Impact: The MND states several species of bats have the potential to occur onsite; however, surveys were not conducted prior to circulation of the MND to inform species specific usage of the bridge. Therefore, the MND does not adequately disclose the potential for impacts to bats.

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Bats in southern California can be active year-round, however, all potential breeding species are most active between March 15 and September 15. Surveys should be conducted at different times of year for at least one year and include at least one survey in the middle of the above dates and at least one in fall/winter during periods of warm weather. Each bat species has unique habitat needs, such as specific gap size of cracks and seasonality, that should be used to formulate appropriate mitigation into the Project CEQA document and to minimize impacts to sensitive bat species. The MND should document the presence of any bats to the species level and include species specific mitigation measures to reduce impacts to below a level of significance.

Evidence Impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment, (Fish and Game Code, § 4150, California Code of Regulations, § 251.1). Several bat species are also considered SSC and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the Lead Agency, (CEQA Guidelines, § 15065).

Each bat species has unique habitat needs, such as specific gap size of cracks and seasonality that should be used to formulate appropriate mitigation into the Project CEQA document and to minimize impacts to sensitive bat species. The MND should document the presence of any bats and include species specific mitigation measures to reduce impacts to below a level of significance, which include providing replacement roosting habitat. Without specific species presence information, CDFW cannot recommend appropriate species-specific habitat features such as designing false gaps into the bridge, creating swallow nest habitat, or any other habitat feature that would provide meaningful mitigation for impacts to bat roosting habitat.

Recommended Feasible Mitigation Measures:

Mitigation Measure #1: CDFW recommends bat surveys be conducted by a qualified bat specialist to determine bat presence within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines, §15125). CDFW recommends the MND include the use of acoustic recognition technology to maximize detection of bats and determine species presence, for disclosure in the CEQA document.

To avoid the direct loss of bats that could result from removal of the bridge, swallow nests, trees, rock crevices, structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), CDFW recommends that the following steps should be implemented:

1. Identify the species of bats present on the site;
2. Determine how and when these species utilize the site and what specific habitat requirements are necessary [(thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (height, aspect, etc.)];
3. Avoid the areas being utilized by bats for hibernacula/roosting; If avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;

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4. The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition);
5. If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW;
6. A monitoring plan should be prepared and submitted to the Lead Agency and the specific details outlined in the MND. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,
7. Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the CDFW for five years following relocation or until performance standards are met, whichever period is longer.

Mitigation Measure #2: CDFW recommends any new bridge be designed to include design features to replace niches of the bridge currently used by bats including allowing future swallow nests to be rebuilt. Suitable conditions required for swallow nesting habitat include horizontal ledges or rough vertical surfaces with a sheltered overhang, allow swallow to freely enter and exit nests, and ensure a design to deter predators. New bridge design should also include weep holes, (faux) expansion cracks to mimic any current bat habitat, and any other bridge features that currently supports bat roosting.

Mitigation Measure #3: Prior to the demolition of the current bridges, temporary nesting/roosting habitat should be provided. Nesting structures must be created before the onset of demolition activities during a period bats are active and able to move to the new roosting habitat.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife resources, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (California Code of Regulations, tit. 14, § 753.5; Fish and Game Code, § 711.4; Public Resources Code, § 21089).

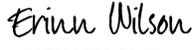
Conclusion

We appreciate 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. Questions regarding this

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letter and further coordination on these issues should be directed to Baron Barrera,
Environmental Scientist (Specialist), at (858) 354-4114 or Baron.Barrera@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erinn Wilson
Environmental Program Manager I

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Matt Chirdon – Los Alamitos
Cindy Hailey – San Diego

Scott Morgan (State Clearinghouse)

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

Biological Resources			
	Mitigation Measure	Timing	Responsible Party
MM-BIO-1-Protocol Surveys and MND Recirculation	<p>CDFW recommends protocol surveys be conducted by a qualified biologist to determine the presence of California red-legged frog, western spadefoot, Swainson's hawk, southwestern willow flycatcher, and least Bell's vireo. Surveys should be conducted within the Project and an adjacent 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines, §15125).</p> <p>Surveys for these species should follow accepted scientific protocol to allow the Department to determine the extent of impacts to the species associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. The Department recommends the MND be recirculated after these surveys are completed to fully disclose the potential impacts to these species.</p> <p>The MND should be recirculated after these surveys are completed to fully disclose the potential impacts to the number and kind of California red-legged frog, western spadefoot, Swainson's hawk, least Bell's vireo, and willow flycatcher.</p>	Prior to Finalizing the MND	Caltrans
MM-BIO-2-CESA	CDFW recommends initiating consultation for this Project under CESA.	Prior to construction	Caltrans
MM-Bio-3-Habitat Mitigation	CDFW recommends that Caltrans develop mitigation strategies, with specific performance criteria, that appropriately offset detrimental impacts to the aforementioned listed species (including SSC) and their associated habitat. The mitigation site should provide equivalent function/value, be protected with a conservation easement (or equivalent) and include appropriate management and monitoring with sufficient funding to ensure long-term protection of the habitat. To account 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 would 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 pursued. If off-site mitigation is selected, CDFW recommends it be at a state-approved	Prior to Finalizing the MND	Caltrans

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	mitigation bank or via an entity that has been approved by CDFW to hold and manage mitigation lands pursuant to AB 1094 (2012), which amended Government Code, sections 65965-65968. All mitigation and mitigation plans should be provided in advance of any Project entitlements and the MND should include the specific performance standards detailed in these plans. CDFW can provide guidance to Caltrans regarding appropriate mitigation ratios.		
MM-Bio-4-Noise Monitoring	CDFW recommends monitoring noise generated by Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent wetland/riverine/upland habitat. The MND should set acceptable noise thresholds that would be part of a long-term monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect. The MND should provide noise and vibration analysis with contour maps, and provide specific avoidance, minimization, mitigation, monitoring and reporting commitments to assure identified minimization measures are effective.	Prior to Finalizing the MND	Caltrans
MM-Bio-5-Construction Monitoring	CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at night or in early morning before 9am). Generators should not be used except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), or small wind turbine systems. CDFW recommends use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.	Prior to Finalizing the EIR	Caltrans
MM-Bio-6-Bats	CDFW recommends bat surveys be conducted by a qualified bat specialist to determine bat presence within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines, §15125). CDFW recommends the MND include the use of acoustic recognition technology to maximize detection of bats and determine species presence, for disclosure in the CEQA document. Bats in southern California can be active year-round, however, all potential breeding species are most active between March 15 and September 15. Surveys should be conducted at different times of year for at least one year and include at least one survey in the middle of the above dates and at least 1 in fall/winter during periods of warm weather. Each bat species has unique habitat needs, such as specific gap size of cracks and seasonality, that should be used to formulate appropriate mitigation into the Project CEQA document and	Prior to Finalizing the MND	Caltrans

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	<p>to minimize impacts to sensitive bat species. The MND should document the presence of any bats and include species specific mitigation measures to reduce impacts to below a level of significance. The mitigation for bats using swallow nests will be very different from the mitigation for bats using bridge cracks or holes.</p> <p>To avoid the direct loss of bats that could result from removal of the bridge, swallow nests, trees, rock crevices, structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), CDFW recommends that the following steps should be implemented:</p> <ol style="list-style-type: none"> 1. Identify the species of bats present on the site; 2. Determine how and when these species utilize the site and what specific habitat requirements are necessary [(thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (height, aspect, etc.)]; 3. Avoid the areas being utilized by bats for hibernacula/roosting; If avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW. 4. The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. CDFW requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition); 5. If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained at a nearby suitable undisturbed area. The bat habitat mitigation shall be determined by the bat specialist in consultation with CDFW; 6. A monitoring plan should be prepared and submitted to the Lead Agency and the specific details outlined in the MND. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and 		
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	disease of relocated bats; and, 7. Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to Lead Agency and the CDFW for five years following relocation or until performance standards are met, whichever period is longer.		
MM-Bio-7-Bats	CDFW recommends any new bridge be designed to include design features to replace niches of the bridge currently used by bats including allowing future swallow nests to be rebuilt. Suitable conditions required for swallow nesting habitat include horizontal ledges or rough vertical surfaces with a sheltered overhang, allow swallow to freely enter and exit nests, and ensure a design to deter predators. New bridge design should also include weep holes, (faux) expansion cracks to mimic any current bat habitat, and any other bridge feature that currently supports bat roosting.	Prior to Finalizing the MND	Caltrans
MM-Bio-8-Bats	Prior to the demolition of the current bridges, temporary nesting/roosting habitat should be provided. Nesting structures must be created before the onset of demolition activities during a period bats are active and able to move to the new roosting habitat.	Prior to Finalizing the MND	Caltrans
MM-Bio-9-CEQA-Rare Plants	Any mitigation for CEQA-rare plant impacts should include specific, measurable criteria for success. Monitoring for CNPS California Rare Plant Ranked (CEQA-rare) plants should occur for a sufficient period to allow trends to be analyzed and demonstrate the occurrence is stable over time. No negative trend in CEQA-rare plant individuals (counted separately as flowering, seed set and non-flowering individuals), and no positive trend in non-native plant cover should occur over the monitoring period. CDFW recommends a ratio of at least 2:1 for both the acreage and number of plants impacted.	Prior to Finalizing the MND	Caltrans
MM-Bio-10-CEQA-Rare Plants	CDFW recommends a Documented Conservation Seed Collection of the impacted rare plant species be made and deposited at either Santa Barbara Botanic Garden or the California Botanic Garden (formerly known as Rancho Santa Ana Botanic Garden). A Documented Conservation Seed Collection is when seed from a CNPS-ranked and/or CESA-listed plant species is collected and stored as part of a permanent genetic collection in a protected location. This collection preserves the genome, and any unique alleles that are present in any given occurrence, for future study and reintroduction projects. Funding should be provided to maintain the collection, as well as conduct periodic germination and viability tests, in perpetuity. Documented conservation collections (long-term	Prior to Finalizing the MND	Caltrans

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	storage) are important for conserving rare, gene pool representative germplasm designated for long-term storage to provide protection against extinction and as a source material for future restoration and recovery.		
MM-Bio-11-CEQA-Rare Plants	A weed management plan should be developed for the Project area and implemented during the duration of this Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds.	Prior to Finalizing the MND	Caltrans