



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



July 13, 2020

Governor's Office of Planning & Research

San Li
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110
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Jul 13 2020

STATE CLEARINGHOUSE

Dear San Li:

San Diego – Coronado Bay Bridge Physical Suicide Deterrent Project (PROJECT)
NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR)
SCH# 202060290

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) from the University of California, Irvine (UCI) for the Project pursuant 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

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.

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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.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Transportation

Objective: The objective of the Project is to reduce suicides and suicide attempts while also reducing the closures of the San Diego – Coronado Bridge (Bridge) due to these events. Primary Project activities include installation of a permanent physical suicide deterrent on the bridge. The Project Proponent proposes three alternatives: 1) a horizontal barrier, 2) a vertical barrier constructed on the existing bridge rails, and 3) a vertical barrier constructed on new bridge rails. The horizontal barrier would be horizontal metal netting. Design variations proposed for vertical barriers include wire mesh fence, pivoting wire mesh fence, sliding vertical cable fence, reverse folding wave, vertical net, and horizontal cable fence. The Project would also install minor improvements to the transportation management system elements at the Glorietta Toll Plaza, the Bridge, and the Interstate 5/State Route 75 (I-5/SR-75) Interchange.

Location: The Project site is located at the Bridge, Glorietta Toll Plaza, and the I-5/SR-75 Interchange in San Diego County. According to a personal communication with a representative of the Lead Agency², all work will be conducted from the bridge deck and will not involve any activities in San Diego Bay.

Biological Setting: Special status species with the potential to occur near the Bridge include osprey (*Pandion haliaetus*), federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) listed endangered, as well as California Fully Protected Species (FP), California least tern (*Sternula antillarum browni*) and American peregrine falcon (*Falco peregrinus anatum*; FP). Additionally, the Project has the potential to impact seabirds in flight utilizing the San Diego Bay. There is also potential for crevice-roosting/nesting species such as swifts, swallows, and bats to occupy the bridge deck.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW agrees that an Environmental Impact Report (EIR) is appropriate for the Project.

² Scatolini, Susan. California Department of Transportation. Dated June 25, 2020. Personal verbal communication regarding the Project’s possible impacts to biological resources.

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1. The NOP identifies California least tern as an endangered species. While California least tern is CESA and ESA-listed as endangered, it is also a Fully Protected species under Fish and Game Code section 3511. CDFW and the Lead Agency are also aware that Fully Protected American peregrine falcons utilize the bridge infrastructure. Pursuant to Fish and Game Code section 3511, these species may not be taken or possessed at any time and CDFW does not have a mechanism for issuing take for Fully Protected species.

2. The Lead Agency indicated in the June 25, 2020 conversation that bat species could potentially be roosting within the bridge deck. Additionally, crevice-nesting birds such as swifts and/or swallows may utilize the structure for nesting. To confirm, the EIR should include a habitat assessment and, if habitat is present, surveys for roosting bats and crevice-nesting birds. If the results are positive, the EIR should include measures to avoid and minimize impacts to any such species, including but not limited to humane exclusion outside the breeding season and restrictions on night-time work and activities during the breeding season.

3. The NOP indicates that the Project may affect California least terns “and other types of waterfowl and migratory birds” flying close to the bridge deck. Since the NOP does not identify the other bird species that may be affected, it is possible that the Project may impact CESA-listed species in addition to those listed above. CDFW considers adverse impacts to a species protected by CESA, for the purposes of CEQA, to be significant without mitigation. As to 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, §§ 2080, 2085). Consequently, if the Project, Project construction, or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and G. Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project’s CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

4. The NOP includes a brief discussion of the Project but does not provide sufficient detail to conduct a comprehensive analysis of the potential impacts. To enable CDFW to adequately review and comment on the Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the EIR.

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- a. The document should contain a complete discussion of the purpose and need for, and description of, the Project, including all staging areas and access routes to the construction and staging areas.
 - b. A range of feasible alternatives should be included to ensure that alternatives to the Project are fully considered and evaluated; the alternatives should avoid or otherwise minimize impacts to sensitive biological resources.
5. The NOP does not provide a full assessment of the fauna within the Project's area of potential effect. The EIR should provide a complete assessment of the fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a complete faunal species compendium of the entire Project site, undertaken at the appropriate time of year. The EIR should include the following information:
- a. CEQA Guidelines, section 15125(c), specifies that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. A current inventory of the biological resources associated with each habitat type on-site and within the area of potential effect. CDFW's California Natural Diversity Data Base in Sacramento should be contacted at <https://www.wildlife.ca.gov/Data/BIOS> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
 - c. An inventory of rare, threatened, endangered and other sensitive species onsite and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380). This should include sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service.
6. The NOP does not provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources. To enable CDFW to adequately review and comment on the Project's potential impacts on biological resources, the EIR should include a detailed discussion of potential impacts as well as specific measures to offset such impacts. The following should be addressed in the EIR.
- a. A discussion of potential adverse impacts from lighting, noise, exotic species, and human activity should also be included. Mitigation measures proposed to alleviate such impacts should be included.
 - b. Discussions regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian

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ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR.

- c. A cumulative effects analysis should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar wildlife habitats.

7. Bird species flying near the bridge may be impacted by construction activities and the barriers themselves. Additionally, if the Lead Agency selects the horizontal barrier alternative, raptors may utilize the wire netting as nesting platforms. Therefore, we provide the following recommendations.

- a. The EIR should include mitigation measures for adverse Project-related impacts to sensitive animals and habitats. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration or enhancement should be discussed in detail.
- b. In order to avoid impacts to nesting birds, the EIR should require that, when biologically warranted, construction would occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- c. CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).)

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Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by 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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of an EIR to assist the Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Simona Altman, environmental scientist at (805) 338-0474 or simona.altman@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Jennifer Turner acting for Erinn Wilson-Olgin
Environmental Program Manager
South Coast Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Susan Howell