

DEPARTMENT OF TRANSPORTATION

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Governor's Office of Planning & Research

Oct 14 2021**STATE CLEARINGHOUSE**

Making Conservation
a California Way of Life.

October 12th, 2021

David Mayer
Environmental Program Manager I
South Coast Region
1 Civic Center Plaza
Irvine, CA 92606-9575

File: 12-ORA-405 PM 0.2/11.4

Re: Response to California Department of Fish and Wildlife (CDFW) Comments for Interstate 405 (I-405) Multi-Asset Project Initial Study with Proposed Negative Declaration (ND), dated July 21, 2021

Dear Mr. Mayer,

Thank you for your interest in the I-405 Multi-Asset Project to extend life expectancy of pavement, improve safety and efficiency for all modes of travelers, enhance traffic operations, and manage congestion, in the cities of Irvine, Costa Mesa and a portion of Unincorporated Orange County. Enclosed are the responses to CDFW Comment Letter dated July 21, 2021. Caltrans will approve the Final Environmental Document (Initial Study/Negative Declaration/Categorical Exclusion) and take action on this project by end of October 2021.

Sincerely,

Smita Deshpande

SMITA DESPHANDE
Generalist Branch Chief

Division of Environmental Analysis, Caltrans, District 12

cc: Simona Altman, CDFW – Simona.Altman@wildlife.ca.gov

Response to CDFW Comments

Comment A-1-1:

Caltrans has addressed the San Diego Creek fish passage issue as appropriate for this Project in the Natural Environment Study (Minimal Impacts) (NESMI) and Supplemental NESMI under section 3.1.4.1, Fish Passage.

Comment A-1-2:

Please see response to Comment A-1-1 regarding Fish Passage.

Comment A-1-3:

Recommendation of CDFW is acknowledged by Caltrans. Please see response to Comment A1-1 regarding Fish Passage.

Comment A-1-4:

Structures were inspected within 200 ft. buffers as part of the BSA. Implementing a 500 ft. buffer for certain work activities (i.e. pile driving and demolition) where bat maternity colony is roosting within Caltrans right of way, does not negate or conflict with a 200 ft. BSA buffer.

Section 3.1 within the NESMI describes the BSA and the physical environment. The Appendices for the NESMI and Supplemental NESMI include the Bat Habitat Assessments and Nighttime Surveys that were performed for this Project and the methods used to analyze the Project's activities and their potential impact to bats within the Project's BSA.

Comment A-1-5:

This Project will not have a Bat Mitigation Plan since this Project will not have any permanent impacts to bats. The Appendices for the NESMI (September 2020) and Supplemental NESMI (February 2021) include the Bat Habitat Assessments and Nighttime Surveys that were performed for this Project and the methods used to analyze the Project's activities and their potential impact to bats within the Project's BSA. The NESMI (September 2020) and Supplemental NESMI (February 2021) include bat maternity colony analysis that is appropriate for this Project. This Project will not have a Bat Mitigation Plan since this Project will not have any permanent impacts to bats. Hence, no mitigation measures are required. The NESMI and Supplemental NESMI has BIO-3

to BIO-7 avoidance and minimization measures specifically for bats within the project area.

Comment A-1-6:

The concerns from CDFW have been noted. The NESMI and Supplemental NESMI include bat maternity colony analysis that is appropriate for this Project. As stated in the NESMI and Supplemental NESMI, no permanent impacts are anticipated for bats.

Comment A-1-7:

The concerns from CDFW have been noted. Caltrans will not be creating a Bat Mitigation Plan for this Project, since no permanent impacts are anticipated for bats, as stated in the NESMI and Supplemental NESMI.

Comment A-1-8:

Caltrans notes CDFW's recommendation to amend the BSA buffer to 500 ft. but based on the NESMI and Supplemental NESMI analyses, a 200 ft. buffer was deemed appropriate.

As previously stated, a Bat Mitigation Plan will not be prepared for this Project since there are no permanent impacts anticipated for bats. In addition, not every Caltrans Project will have a two-year lead time prior to Ready to List. The 2019 Caltrans Bat Mitigation Plan is a guideline and not every recommendation will be applicable for every Caltrans Project.

Comment A-1-9:

The NESMI was written based on current site conditions. Ruderal vegetation is described in more detail within the Supplemental NESMI under Section 3.1.3.1, Vegetation/Natural Communities.

In Section 3.1.4. of the Supplemental NESMI, Habitat Connectivity is discussed, and Quail Hill Preserve is specifically mentioned as "not occurring within or adjacent to the BSA." Caltrans recognizes the importance of Quail Hill Preserve within the Supplemental NESMI and addresses it accordingly.

Comment A-1-10:

Please see response to Comment A-1-9.

Comment A-1-11:

Caltrans notes CDFW's recommendation, however in section 3.1.4 of the Supplemental NESMI, Quail Hill Preserve is addressed. Please see response to Comment A-1-9.

Comment A-1-12:

Caltrans notes CDFW's comment stating any special status species and natural communities detected during project surveys will be reported to CNDDDB.

Comment A-1-13:

Caltrans will ensure any applicable filing fee will be paid to CDFW when filing the Notice of Determination with the SCH.

Comment A-1-14:

As analyzed in the NESMI and Supplemental NESMI, and as noted in comment number A-1-5, A-1-6, and A-1-7, the project will not have any permanent impacts within the project area. Hence, no mitigation is provided.