



DEPARTMENT OF FISH AND WILDLIFE
Central Region
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Fresno, California 93710
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 9, 2023

Cecilia Boudreau
California Department of Transportation
District 9 Environmental Division
500 South Main Street
Bishop, California 93514



**Subject: Mojave Pavement Project (Project)
Negative Declaration
State Clearinghouse No: 2022060289**

Dear Cecilia Boudreau:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the California Department of Transportation (Caltrans), as lead agency, for the above-referenced 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, 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 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 and Game Code section 711.7, subdivision (a) and section 1802; California Public Resources Code, section 21070; CEQA Guidelines, section 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 (Fish and Game Code section 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.

¹ CEQA is codified in the California Public Resources Code, 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 also submitting comments as a **Responsible Agency** under CEQA (California Public Resources Code section 21069; CEQA Guidelines, section 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 and Game Code section 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 and Game Code section 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Bird Protection: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Protected Furbearing Mammals: CDFW has jurisdiction over furbearing mammals pursuant to Title 14, California Code of Regulations section 460, which states "Fisher, marten, river otter, desert kit fox, and red fox may not be taken at any time". This includes all forms of take as defined in Fish and Game Code section 86. CDFW cannot authorize the take of desert kit fox.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

As a responsible agency, 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: California Department of Transportation (Caltrans)

Objective: Caltrans proposes improvements to a 5-mile stretch of State Route (SR) 14 in Kern County. The Project would rehabilitate the existing roadbed, upgrade existing bridge railing and metal beam guardrail, upgrade drainage systems, reconfigure the north and south junction of Business Route 58 and SR 14, construct an acceleration lane at Purdy Avenue, construct sidewalks and driveways, and bring curb ramps up to Americans with Disabilities Act standards.

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Location: The proposed Project is located on SR 14 near the community of Mojave in Kern County, California. The Project would begin south of Mojave at post mile (PM) R12.6, about 0.5 mile north of Silver Queen Road overcrossing, and extend through downtown Mojave, ending about 0.6 mile north of north junction Business Route 58 at PM 16.70. The Project spans portions of several sections in Township 11 N and Range 12 W and portions of Section 4 in Township 10 N, Range 12 W of the Mojave U. S. Geological Survey 7.5-minute quadrangle map, all within the Mount Diablo Base and Meridian.

Timeframe: No timeframe provided.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The attached Mitigation Monitoring and Reporting Program (MMRP) provides a summary of CDFW's additional impact minimization, mitigation and monitoring recommendations that are described below. Editorial comments or other suggestions may also be included to improve the document.

The NES in support of the ND identified that the project area is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the studies and conclusions in the ND for evaluating, avoiding, minimizing and minimizing impacts to the following special status species: State threatened Mohave ground squirrel (*Xerospermophilus mohavensis*); Federally and State threatened desert tortoise (*Gopherus agassizii*); State candidate species western Joshua tree (*Yucca brevifolia*) and Crotch's bumble bee (*Bombus crotchii*); State species of special concern burrowing owl (*Strix nebulosa*), American Badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), and western mastiff bat (*Eumops perotis californicus*); and State no-take fur-bearer desert kit fox (*Vulpes macrotis*).

COMMENT 1: Project Location and Biological Study Area

The ND identifies that north end of the Project is at PM 16.70, whereas the project description includes several project elements that extend to PM 17.38, including pavement rehabilitation, sidewalk improvements, and guardrail replacement. The Biological Study Area in the Natural Environment Study (NES) in support of the ND extended to PM 16.7, and therefore biological studies have not addressed the full geographic area of the Project.

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CDFW recommends that Caltrans update their technical studies and CEQA document to ensure that it sufficiently covers the entire project scope, particularly the NES. CDFW recommends that Caltrans complete additional general plant, animal and species-specific protocol surveys following the methods utilized in the NES, within the areas that were not evaluated, including appropriate buffer areas.

COMMENT 2: Type of CEQA Document

The CEQA document is identified as a “Negative Declaration,” but there are several measures both in the ND and in the NES that are considered mitigation under California Code of Regulations, Title 14, section 15370, including species impact avoidance and impact minimization measures, measures to offset permanent impacts to jurisdictional waters, and measures to restore impacted habitats. In addition, as demonstrated in the comments below, CDFW has concerns about impacts assessment and mitigation measures for several special status species and has recommended modifying the relevant CEQA Significance Determination for Biological Resources. As such, CDFW recommends that Caltrans change the type of document to a “Mitigated Negative Declaration.”

I. Environmental Setting and Related Impacts

A. Would the Project have a substantial adverse 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 the United States Fish and Wildlife Service (USFWS)?

COMMENT 3: CEQA Significance Determination

Issue: Based on the information provided in the ND and the NES, as well as additional recommendations by CDFW listed below, CDFW believes that a more appropriate determination for this CEQA question is “Less than Significant with Mitigation Incorporated.”

COMMENT 4: Mojave Ground Squirrel (MGS)

Issue: The ND did not address MGS whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address MGS, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Without appropriate avoidance and minimization measures for MGS, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals. Any take of

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MGS without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for MGS:

CDFW recommends that a qualified biologist conduct protocol surveys for MGS within the full project area as part of the biological studies conducted in support of the CEQA document, following the methods described in the NES that were approved by CDFW for this Project. Results of the MGS surveys are advised to be submitted to the CDFW. CDFW recommends that the CEQA document include the species-specific avoidance and minimization measures for MGS that are in the NES. Because the surveys are valid for one year, CDFW recommends that the first measure be modified that protocol surveys will be conducted at the appropriate season within a year prior to the start of ground-disturbing activities.

COMMET 5: Desert Tortoise (DETO)

Issue: The ND did not address DETO whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address DETO, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. The Project is within range of the DETO and suitable habitat for the species is present within and adjacent to project impact areas. Desert tortoise have been observed less than two miles feet from the Project site (CDFW 2023). Even though evidence of DETO was not found during the field surveys completed in 2021, the species is highly mobile and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Without appropriate avoidance and minimization measures for DETO, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals. Take of DETO without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for DETO:

CDFW recommends that a qualified biologist conduct protocol surveys within the full project area for DTS following the approved protocol (USFWS 2019) as part of the biological studies conducted in support of the CEQA document. Results of the DTS surveys are advised to be submitted to the CDFW. CDFW recommends that the CEQA document incorporate the species-specific avoidance and minimization measures for DTS that are in the NES.

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COMMENT 6: Western Joshua Tree (WJT)

Issue: The ND did not address WJT whereas the NES provides details on suitable habitat in the area studied, performance of protocol surveys for the species, and several avoidance and minimization measures. Because the ND did not address WJT, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. The NES identified the presence of WJT directly adjacent to the project impact area. WJT is a candidate species pursuant to CESA. During the candidacy period, the status of the WJT as a candidate species under CESA (Fish & G. Code § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA (CEQA Guidelines section 15380).

Without appropriate avoidance and minimization measures for WJT, potentially significant impacts associated with ground-disturbing activities include destruction of plants, compaction of roots and WJT soils that may lead to death of plants or could make substrates unstable for growth of WJT, loss of seed bank, and erosion of substrates supporting the species which could cause plants and seeds to be uprooted, washed away, or buried. Take of any life stage of WJT without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for WJT:

CDFW recommends that a qualified biologist conduct surveys for WJT within 300 feet of the full project area as part of the biological studies conducted in support of the CEQA document. CDFW recommends the implementation of 290-foot no-disturbance buffers for WJT to not only avoid impacts to individual trees, but also to avoid potential impacts to the seed bank as well. Vander Wall et al. (2006) documented 290 feet as maximum distance of seeds dispersed carried by rodents. If a 290-foot buffer around each individual WJT is not feasible, CDFW recommends that Caltrans consult with CDFW to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities would be necessary to comply CESA. Authorization for take would occur through issuance of an Incidental Take Permit (ITP) by CDFW, pursuant to Fish and Game Code section 2081, subdivision (b). If it is determined that an ITP is necessary to avoid unauthorized take of WJT, CDFW recommends that the list of permits in the CEQA document (section 1.7) identify if an ITP would be obtained for the project.

COMMENT 7: Crotch's Bumblebee (CBB)

Issue: The ND did not address CBB, and the NES identified that suitable habitat is present for the species but did not identify if surveys were conducted to search for CBB. Suitable CBB habitat includes areas of grasslands, openings in woodlands, and upland scrub that contain requisite habitat elements, such as small mammal

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burrows. CBB primarily nest underground in abandoned small mammal burrows in late February through late October but may also nest under perennial bunch grasses or thatched annual grasses, under brush- piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2015). Overwintering sites utilized by CBB mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014).

Ground disturbance and vegetation removal associated with Project implementation may significantly impact local CBB populations, if present. CBB was once common throughout most of the central and southern California; however, it now appears to be absent from most of it, especially in the central portion of its historic range within California's Central Valley (Hatfield et al. 2014). Analyses by the Xerces Society et al. (2018) suggest there have been sharp declines in relative abundance by 98% and persistence by 80% over the last ten years. Without appropriate avoidance and minimization measures for CBB, potentially significant impacts associated with ground-disturbing activities include burrow collapse, inadvertent entrapment, reduced reproductive success, loss of nectar and habitat features, and mortality of individuals. Take of CBB without take authorization would be a violation of Fish and Game Code section 2080 and would be considered a significant impact under CEQA.

Recommended Avoidance, Minimization, and/or Mitigation Measures for CBB:

CDFW recommends that a qualified biologist with experience in invertebrate, and particularly bee species, conduct focused surveys for CBB and their requisite habitat features as part of the biological studies conducted in support of the CEQA document. The U.S. Fish and Wildlife Rusty Patch Bumble Bee (*Bombus affinis*) Survey Protocol (USFWS 2019) may be used to inform a focused survey method for this species. However, CDFW recommends that a qualified biologist modify the rusty patch bumble bee protocol as needed for CBB within the project area and submit the proposed CBB survey method for review and written approval to CDFW.

If CBB is observed in the project area, CDFW recommends a 50-foot avoidance buffer for CBB and its habitat features and consulting with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Authorization for take would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081, subdivision (b). Mitigation, in the form of habitat protection, would be required for loss of CBB nests and restoration would be required for CBB habitat disturbed by construction activities.

COMMENT 8: Burrowing Owl (BUOW)

Issue: The Project is within range of the BUOW and suitable habitat for the species is present within and adjacent to project impact areas. As described above, the 2021

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field surveys for the ND did not appear to cover the entire project area. Habitat loss and degradation are considered the greatest threats to BUOW in California (Gervais et al. 2008). Potentially significant direct impacts associated with Project activities include burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. In addition, and as described in CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA. Construction activities near active burrows could result in potentially significant impacts to nesting or overwintering owls.

Recommended Avoidance, Minimization, and/or Mitigation Measures for BUOW:

CDFW recommends that a qualified biologist conduct protocol surveys within the full project area for BUOW following guidelines by the California Burrowing Owl Consortium (CBOC 1993) and CDFW (CDFG 2012) as part of the biological studies conducted in support of the CEQA document. Specifically, CBOC and CDFW recommend three or more surveillance surveys conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (April 15 to July 15), when BUOW are most detectable.

CDFW recommends no-disturbance buffers, as outlined in the "Staff Report on Burrowing Owl Mitigation" (CDFG 2012), be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting sites	April 1-Aug 15	200	500	500
Nesting sites	Aug 16-Oct 15	200	200	500
Nesting sites	Oct 16-Mar 31	50	100	500

COMMENT 9: American Badger (AMBA)

Issue: The ND did not address AMBA whereas the NES provides details on suitable habitat in the area studied, performance of field surveys for these species, and several avoidance and minimization measures. Because the ND did not address AMBA, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. Even though AMBA were not documented during the

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field surveys completed in 2021, this is a highly mobile species and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Potentially significant impacts on AMBA associated with a construction project like this may involve burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for AMBA and DKF:

CDFW recommends that the CEQA document include the species-specific avoidance and minimization measures for AMBA that are in the NES.

COMMENT 10: Desert kit fox (DKF)

Issue: The ND did not address DKF whereas the NES provides details on suitable habitat in the area studied, performance of field surveys for these species, and several avoidance and minimization measures. Because the ND did not address DKF, it is not clear if the impact avoidance and minimization measures in the NES will be adopted for the Project. DKF is protected under the California Code of Regulations, chapter 5, section 460, which prohibits “take” of the species for any reason. Even though DKF were not documented during the field surveys completed in 2021, this is a highly mobile species and lack of findings during one survey period does not preclude the potential for species presence in the future. Furthermore, as described above, the 2021 field surveys did not appear to cover the entire project area. Potentially significant impacts on DKF associated with a construction project like this may involve burrow collapse, inadvertent entrapment, reduced reproductive success, and mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for AMBA and DKF:

CDFW advises that a qualified biologist conduct pre-activity clearance surveys using transects, to detect DKF dens within the Project site and a 250-foot buffer of the Project site within 30 days prior to project implementation. CDFW recommends implementing no-disturbance buffers that were developed by the U. S. Fish and Wildlife Service for San Joaquin kit fox (*Vulpes macrotis mutica*), as described in the USFWS’ “Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance” (USFWS 2011) around potentially suitable or known DKF den sites, summarized in the table below. If any active or potential dens are found on the Project site during these surveys, consultation with CDFW is warranted for guidance on “take” avoidance measures for the desert kit fox. CDFW recommends that the CEQA document include these species-specific avoidance and minimization measures.

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Den Type	Buffer (feet)	Protective Measure
Potential	50	No-disturbance markers
Atypical	50	No-disturbance markers
Known	100	Exclusionary fencing
Natal/Pupping	Contact USFWS and CDFW	

COMMENT 10: Special Status Bats

Issue: The Project is within range of pallid, Townsend’s big-eared, spotted and western red bats as well as other bats, and suitable habitat for these species is present within and adjacent to project impact areas. As described above, the 2021 field surveys did not appear to cover the entire project area. Bats are particularly more likely to utilize man-made structures even near busy highways and urban areas when natural habitat is limited, such as in the project vicinity. Without appropriate avoidance and minimization measures for bats, project activities may result in potentially significant impacts to roosting or maternal bats, including potential inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Recommended Avoidance, Minimization, and/or Mitigation Measures for Bats:

CDFW advises that a qualified biologist conduct focused surveys for bats and potential roosting habitat within 400 feet of project impact areas prior to the start of ground-disturbing activities. Avoidance whenever possible is encouraged via delineation and observance of no-disturbance buffers according to activity and species, as recommended in Table 7-1 of “Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions” (H. T. Harvey & Associates 2021), ranging from 100 feet to 400 feet. If roosting bats are observed on the Project site and buffer areas, CDFW recommends that Caltrans stop work in the buffer area and coordinate with CDFW for site-specific impact minimization recommendations.

To mitigate for potential Project impacts on bats, CDFW encourages Caltrans to incorporate bat habitat into the project design.

II. Editorial Comments and/or Suggestions

Federally Listed Species: CDFW recommends that Caltrans consult with the USFWS regarding potential impacts to federally listed DT. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any project activities.

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Lake and Streambed Alteration. The Project is subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent, as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration Program at (559) 243-4593. It is important to note that CDFW is required to comply with CEQA, as a Responsible Agency, when issuing a Lake or Streambed Alteration Agreement. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA Lake and Streambed Alteration Agreement until CEQA analysis for the Project is complete. This may lead to considerable Project delays.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area would need to be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW recommends closely evaluating the need for a cumulative impacts analysis for the following species as part of the CEQA document due to these species being in poor or declining health or at risk: MGS, DETO, WJT, CBB, BUOW, AMBA, DKF, and bats. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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 (California Public Resources Code section 21003 subdivision (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to 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. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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FILING FEES

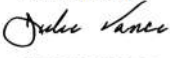
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (California Code of Regulations, Title 14, section 753.5; Fish and Game Code section 711.4; California Public Resources Code, section 21089).

CONCLUSION

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

If you have any questions, please contact Mindy Trask, Senior Environmental Scientist (Specialist), at the address provided on this letterhead, by telephone at (559) 939-0282, or by electronic mail at Mary.Trask@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENTS

Literature Cited

Recommended Mitigation Monitoring and Reporting Program (MMRP)

ec: State Clearinghouse, Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov.

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

PROJECT: Mojave Pavement Project

CDFW provides the following measures be incorporated into the MMRP for the Project:

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Surveys for Mojave ground squirrel (MGS)	
Surveys for desert tortoise (DT)	
Surveys for western Joshua tree (WJT)	
Potential WJT Section 2081 Incidental Take Permit	
Potential mitigation for removal of WJT	
Surveys for Crotch bumble bee (CBB)	
Potential CBB Section 2081 Incidental Take Permit	
Potential mitigation for removal of CBB nests	
Surveys for burrowing owl (BUOW)	
Surveys for bats	
<i>During Construction</i>	
MGS no-disturbance buffer	
DT no-disturbance buffer	
WJT no-disturbance buffer	
CBB no-disturbance buffer	
BUOW no-disturbance buffer	
Bat no-disturbance buffer	
<i>After Construction</i>	
Restoration of WJT habitat	
Restoration of CBB habitat	
Replacement of bat habitat	