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November 14, 2022

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Subject: San Gabriel River Bridge Rail Upgrade and Widening, Joint Negative Declaration/Environmental Assessment, SCH #2022100105

Dear Mr. Price:

The California Department of Fish and Wildlife (CDFW) reviewed the joint Negative Declaration/Environmental Assessment (ND/EA) from the California Department of Transportation (Caltrans) for the San Gabriel River Bridge Rail Upgrade and Widening Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] In addition, CDFW has reviewed the ND/EA's supplemental documents, which include a Natural Environmental Study (NES).

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 Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered

[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.

Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Objective: To improve safety of the San Gabriel Bridge on State Route 1 (SR-1), Caltrans proposes to widen the bridge that crosses the San Gabriel River in the City of Long Beach. The current bridge has two 12-foot-wide travel lanes, a 5-foot-wide shoulder, and a 5-foot-wide sidewalk in each direction, along with a 2-foot-wide median. The non-standard 5-foot-wide shoulders would be increased to eight feet on each side. The Project proposes to widen the sidewalk to 8 feet on both sides of the bridge to meet current standards and to provide a more comfortable width for pedestrians. Also, the Project proposes to extend the sidewalk on the southwest side of the bridge to provide continuous sidewalk access. In addition, the Project will upgrade the existing bridge railing system for safety.

There are three alternatives proposed. Alternative 1 is the No Build Alternative. Alternative 2 proposes to widen the bridge symmetrically. Alternative 3 proposes to widen the bridge on one side only.

Build Alternative 2 would widen the bridge by 11 feet and 9 inches on each side. This would provide two standard 12-foot lanes, a standard 8-foot outside shoulder, and a standard 8-foot sidewalk in each direction with a standard 12-foot median. Widening will require the installation of 24 cast in steel shell (CISS) piles to support the widened bridge. Retaining walls would be added on the southwest end the northwest end of the Project. Approximately 190 feet of new sidewalk is proposed to provide continuity to the gap in sidewalk on the southwest end of the bridge. The bridge deck and approaches would be resurfaced, and pavement delineation would be added to accommodate the new widened bridge. The guardrail will be upgraded.

Build Alternative 2 would also include installation of four (4) access road driveway ramps – two (2) access driveway ramps to the San Gabriel River Bike Trail at the south end and two (2) access driveway ramps to the maintenance access road at the north end of the bridge. The adjoining roadway at each end of the bridge would be widened as it transitions back to the existing width of SR-1. No right of way acquisition is anticipated. However, Temporary Construction Easements (TCE) for construction staging would be required from various property owners to construct the proposed retaining wall for the transition pavement off the bridge. Two existing light poles will be relocated within Caltrans' Right-of-Way. The utilities under the existing bridge that overhang on either side of the bridge would be impacted. All other utilities would need to be protected in place. Utility relocation and coordination with utility providers is required.

Build Alternative 3 would widen the bridge by 23 feet and 6 inches on the northeast side of the bridge. This alternative would provide two standard 12-foot-wide lanes, a standard 8-foot outside shoulder, and a standard 8-foot sidewalk in each direction with a standard 12-foot median. Widening will require the installation of 24 CISS piles to support the widened bridge. A retaining wall would be added on the southeast end of the Project site. Approximately 200 feet of new sidewalk is proposed to provide continuity to the gap in sidewalk on the southwest end of the bridge. A replacement sidewalk is proposed on the northeast side until North Studebaker Road. The adjoining roadway at each end of the bridge would require widening as it transitions back to the existing width of SR-1, and the existing roadway would be realigned to accommodate the new widened bridge. New curb and gutter will be added to accommodate the roadway transition on either side of the bridge. The bridge deck and approaches would be resurfaced, and pavement delineation would be added to accommodate the new widened bridge. One ADA curb ramp would be added at the southwest corner of the SR-1 and North Studebaker Road intersection.

Build Alternative 3 would also include the installation of four access road driveway ramps – two access driveway ramps to San Gabriel River Bike Trail at the south end and two access driveway ramps to the maintenance access road at the north end of the bridge. Right of way acquisition is anticipated in addition to TCEs. TCEs for construction staging would be required from various property owners to construct the proposed retaining wall for the transition pavement off the bridge. Four existing light poles on the south side of the bridge and three existing light poles on the north side would be relocated. Utilities under the bridge that overhang on the east side of the bridge would be impacted and would have to be relocated. All other utilities would need to be protected in place. Utility relocation and coordination with utility providers is required. The existing railing would be upgraded with concrete barriers.

Location: This Project is located on SR-1 in the City of Long Beach where it crosses over the San Gabriel River in the County of Los Angeles (33.752111, -118.10625).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below 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.

Comment #1: Impacts to Southern Tarplant

Issue: The Project could impact southern tarplant (*Centromadia parryi* ssp. *australis*), which has a California Rare Plant Rank (CRPR) of 1B.1.

Specific impacts: Project construction and activities involving ground disturbance, vegetation clearing, and vehicle, equipment, and foot traffic may bury, excavate, crush, trample, or disturb rare plants. Soil disturbance may result in permanent loss of rare plants and rare plant seed bank. Impacts to rare plants may result in local population declines or extirpation of a species. Insufficient mitigation may result in prolonged temporal or permanent impacts to a rare plant species range, distribution, and population in the State.

Why impacts would occur: According to page 2-159 of the ND/EA, southern tarplant was observed "growing in a small population near the northwest corner of the bridge" during an August 17, 2021 site visit. It is not evident from the ND/EA or the NES that species-specific plant surveys were conducted for southern tarplant. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including protocol survey results for CEQA-rare, SSC, or CESA-listed species that could occur in the Project footprint need to be disclosed.

CDFW concurs with Mitigation Measure PS-2, which establishes a protective buffer around the identified population of tarplant and Mitigation Measure PS-4, which requires work to be postponed in response to observations of species of concern during any phase of construction. However, Mitigation Measure PS-3 states that a qualified botanist should relocate any sensitive plant species observed within the Project footprint. Rare plant relocation should not be considered as a measure to mitigate for impacts to rare plants below a significant level under CEQA (Fiedler 1991; Fahselt 2007; Godefroid 2010). Studies have shown that these efforts are experimental and the outcome unreliable (CNPS 1998). Additionally, rare plants are habitat specialists that require specific habitat conditions to exist and persist. For example, they may require a particular soil type, set of pollinators, mycorrhizal fungi, associate plant species, and microclimate. Relocation of rare plants to an area not suitable to support the species may result in the mortality of rare plants and propagules. Furthermore, CDFW is concerned with translocating or moving collected seed to an undisclosed location. The biological implication of mixing genes and specific alleles into new areas

is not supported by CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near. Conducting species-specific surveys at the appropriate time of year to determine if southern tarplant is present elsewhere in the project footprint would assist in planning for additional plant occurrences.

Evidence impact would be significant: Plants with a CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2020). Impacts to special status plants should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance and mitigation measures will result in the Project having a substantial adverse direct 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 the United States Fish and Wildlife Service.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends Caltrans perform at least two species specific surveys at the peak and near the end of flowering season for southern tarplant within the Project footprint. Focused surveys should be conducted according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Species-specific surveys would allow for identification of any areas where these species occur and if possible, how these areas/impacts may be avoided, as well as inform appropriate minimization and mitigation measures.

Mitigation Measure #2: CDFW recommends a summary of survey methods, including negative findings, be provided in the CEQA document, and a full survey report provided as an Appendix. If southern tarplant is found, CDFW recommends the document include a detailed map in to show the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. A complete survey report should provide the following information:

a) A description and map of the survey area;
b) Field survey conditions that should include name(s) of qualified biologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
c) If a qualified biologist does not find southern tarplant, provide a detailed discussion to support how this determination was made;
d) If southern tarplant is found, provide a map showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project construction and activities that would require mitigation; and
e) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where southern tarplant was found.

Mitigation Measure #3: If avoidance of southern tarplant, a CRPR 1 plant, is not feasible, the Project shall compensate for the loss of the species to ensure that there is no net loss of the species. Caltrans shall provide adequate analysis ensuring no net loss with proposed

compensation. A plan for mitigation shall be fully developed and executed prior to Project construction.

A restoration plan should be prepared by a qualified botanist and/or restoration specialist and include the following information: a) the specific location of restoration sites and assessment of reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; c) a schematic depicting the mitigation area; d) a local seed and cuttings and planting schedule; e) a description of the irrigation methodology; f) measures to control exotic vegetation on site; g) specific success criteria; h) a detailed monitoring program; and i) contingency measures should the success criteria and providing for conservation of the mitigation on site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

Mitigation Measure #4: After construction activities, temporary fencing should be removed in phases depending on construction progress and replaced with permanent fencing to preserve rare plants and habitat.

Comment #2: Impacts Green Sea Turtle

Issue: The Project may impact green sea turtle (*Chelonia mydas*), which is listed as threatened under the Endangered Species Act (ESA).

Specific impact: Green sea turtles that utilize the San Gabriel River may be affected by Project activities during in-stream construction. Also, in-stream construction may result in impacts to eelgrass downstream.

Why impacts would occur: According to page 36 of the NES, green sea turtles are expected to occur at the Project site. According to page 2-93 of the ND/EA, the build alternatives propose to install 24 CISS piles in the channel. Page 2-169 of the ND/EA states that the Project “may affect not likely to adversely affect the seasonal foraging of green sea turtles in the San Gabriel River Channel.” However, in channel work will impact the behavior of green sea turtles that use the San Gabriel River. In addition, the installation of CISS piles require pile driving that may impact sea turtles with high intensity sound waves and vibrations. Therefore, CDFW is concerned that impacts from placing CISS piles in the stream channel were not adequately assessed and addressed.

CDFW concurs with Mitigation Measure TE-3 which requires a District Biologist to survey prior to commencement of construction. CDFW also concurs with Mitigation Measure TE-1 which requires a biologist to monitor for green sea turtles during Project activities. However, daily monitoring may not prevent unanticipated impacts to these species.

Evidence impacts would be significant: CEQA Guidelines section 15380 defines rare, threatened, and endangered species. Impacts to rare, threatened, and endangered species must be evaluated under CEQA. Project construction and activities may result in impacts to green sea turtle, which is listed as threatened under the ESA. Inadequate avoidance and mitigation measures will result in the Project having a substantial adverse effect on a species identified as a candidate, sensitive, or special status species by CDFW or U.S. Fish and Wildlife Service.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #5: If pile driving will occur within the channel, an underwater sound attenuation monitoring plan shall be developed. The plan should describe underwater sound

monitoring methods and mitigation measures to avoid injurious sound pressure levels to fish, marine mammals, and sea turtles during in-water construction work. According to the Interim Criteria for Injury to Fish from Pile Driving Activities, the sound pressure levels should not exceed 206 decibels (dB) peak level, and 187 dB accumulated sound exposure level (SEL) for all listed fish except those that are less than two grams. In that case, the criteria for the accumulated SEL should be 183 dB. The NMFS Marine Mammal Acoustic Technical Guidance provides thresholds for underwater noise impacts to marine mammals. Monitoring results should be provided to CDFW and other appropriate regulatory agencies for review.

Mitigation Measure #6: CDFW concurs with Mitigation Measures TE-3 and TE-4 proposed in the Project's CEQA document. However, CDFW recommends Caltrans revise the Mitigation Measure TE-1 by incorporating the underlined language and removing the language with strikethrough:

> "Biological monitor is needed when construction is taking place in the stream channel. ~~at Post Mile 0.04~~. The District Biologist will monitor <u>each morning prior to the start of construction</u> for green sea turtles and California least tern during construction to prevent unanticipated impacts to these species. <u>If green sea turtles are present, construction should pause until they leave on their own volition</u>."

Comment #3: Impacts to Bats

Issue: The Project may have impacts to bats, such as Mexican free-tailed bats (*Tadarida brasiliensis*), Yuma myotis (*Myotis yumanensis*), and big brown bats (*Eptesicus fuscus*).

Specific impacts: The Project may result in direct and indirect impacts to bats. Modification of bridges and culverts where bats are roosting and removal of trees that provide bat roosting habitat can directly impact bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, additional artificial light, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment.

Why impacts would occur: According to page 11 of the NES, "bridge joints, creek, perennial water supply, and insect abundance at this location provide suitable roosting and foraging habitat." Although page 2-184 of the ND/EA states, "No potential roosting within the BSA would be impacted," it is unclear how the ND/EA came to that conclusion. CDFW is concerned that widening the bridge would impact bats and their roosting habitat. Modifications to roost sites can have significant impacts on the bats' usability of the roost and can impact the bats' fitness and survivability (Johnston et al. 2004). Even if construction doesn't directly impact the bridge joints of the bridge where bats may be roosting, indirect impacts such as noise, light, and vibration may lead to the abandonment of roosts (Johnston et al. 2004). In addition, it is unclear whether the bridge supports a maternity roost of bats based on the information presented in the NES and ND/EA. Nighttime emergence surveys are required to determine if a maternity roost is present. If a maternity roost is present and construction on the bridge is required during the maternity season, then impacts may occur.

In addition, roadwork in Los Angeles County often requires night work to reduce traffic congestion during lane closures due to construction activities. Night work requires additional lighting. Lighting impacts from night work were not mentioned within the ND/EA, and artificial lighting can have impacts to bats and other wildlife in the vicinity of the Project.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are 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 (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #7: CDFW recommends Mitigation Measure AS-3 be revised by incorporating the underlined language:

> "The District Biologist will conduct a nighttime emergence using acoustic recognition technology to survey Bridge 53-0060 (San Gabriel River Bridge) in the recognized bat maternity season (March 1 through October 31) prior to commencement of construction to determine if roosting bats are present. The District Biologist will also conduct a preconstruction survey at Bridge 53-0060 (San Gabriel River Bridge) no more than two weeks prior to commencement of construction to determine the presence or absence of bats. If bats are discovered at the site, no construction activities shall begin until approved bat exclusionary devices equipped with exit-only materials and roosting preventive measures are put in place on all features with potential for roosting bats that would be impacted by the proposed project activities in order to prevent bat occupation. Bat exclusionary devices shall be installed under the supervision of a CDFW-approved, qualified biologist. If bats were observed, the District Biologist will conduct daily surveys during construction to determine the presence or absence of regulated bat species. If bat maternity roosting is confirmed, construction activities shall avoid the recognized bat maternity season (March 1 through October 31) to prevent potential mortality of flightless young bats."

Mitigation Measure #8: All temporary and permanent light sources should include the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat.

Comment #4: California Fully Protected Bird Species

Issue: The Project may impact California Fully Protected bird species, specifically California least tern (*Sterna antillarum browni*). California least tern are also CESA-listed as endangered.

Specific impacts: According to page 2-163 in the ND/EA, California least tern have a potential to occur at the Project location. Project construction and activities, directly or through habitat modification, may result in injury or mortality, reduced reproductive capacity, population declines, or local extirpation of these California Fully Protected bird species. Temporal or permanent loss of foraging, breeding, nesting, or nursery habitat may occur.

Why impacts would occur: According to page 2-163 in the ND/EA, suitable foraging habitat is present for California least tern at the Project location. In addition, page 2-168 of the ND/EA states that general habitat is present within the vicinity of the Project. CDFW is concerned that the Project may impact California least terns that use the habitat in and adjacent to the Project site. Impacts to this species may occur as a result of ground-disturbing (e.g., staging, mobilization, demolition, and grading) activities, vegetation removal, increased human activity, noise disturbances, light, and dust. The Project proposes mitigation by conducting a pre-project survey prior to commencement of construction and monitoring by a District Biologist during construction. Surveying and monitoring only identify the species, but do not provide measures to avoid impacts of California Fully Protected birds. California Fully Protected species may not be taken at any time.

Evidence impact would be significant: The Project may result in adverse effects, either directly or through habitat modifications, on a California Fully Protected species. Take of any species

designated as California Fully Protected under the Fish and Game Code is prohibited. CDFW cannot authorize the take of any California Fully Protected species as defined by State law. California Fully Protected species may not be taken or possessed at any time. No licenses or permits may be issued for take, except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, § 3511).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #9: Prior to project activities, a qualified biologist should develop a robust avoidance, buffer, and demarcation plan specifically for California Fully Protected birds depending on the Project area, species, life stage(s), and scope of work. The plan should include a minimum of a 0.5 mile no-disturbance buffer around each nest of California least tern.

Mitigation Measure #10: CDFW recommends Caltrans revise Mitigation Measure AS-2 by incorporating the <u>underlined</u> language:

> "The District Biologist will monitor Bridge 53-0060 (Sab Gabriel River Bridge) for green sea turtles and California least terns during construction to prevent unanticipated impacts to these species. <u>If any California least tern nests are observed within the project area, immediately cease work and notify CDFW</u>."

Comment #5: Impacts to Southern California Distinct Population Segment of Steelhead (*Oncorhynchus mykiss*) and Fish Passage

Issue: The Project may impact southern California steelhead, a candidate species protected under CESA.

Specific impacts: The Project could result in impacts to migrating steelhead due to in-stream Project activities. In addition, the Project may not have addressed fish passage requirements.

Why impacts would occur: CDFW is concerned that in-stream Project activities may impact migrating steelhead. The ND/EA did not consider steelhead to be present and did not address impacts to steelhead within the CEQA document. The Project location has unimpeded access from the ocean. Therefore, the Project location may have steelhead occurrences during steelhead migration season. The Project requires installing 24 CISS piles to widen the bridges. This activity likely will require dewatering or diverting water around the piles during construction. Diversions during steelhead migration season could cause impacts to these CESA-candidate species. In addition, installing CISS piles requires pile driving produce high intensity sound waves which may injure steelhead.

Fish passage of the San Gabriel Bridge was also not addressed within ND/EA. Also, Fish and Game Code section 5901 prohibits the construction or maintenance of any structure that prevents or impedes fish passage. The CDFW Passage Assessment Database (PAD) indicates that this bridge may inhibit steelhead passage. Per the results of the reconnaissance survey conducted by the California Conservation Corps on July 28, 2020, this crossing requires a detailed survey to determine potential passage constraints. Consequently, the bridge may prevent adequate fish passage as required by the California Streets and Highways Code section 156.3.

Evidence impacts would be significant: Consistent with CEQA Guidelines section 15380, the candidate status of southern California steelhead qualifies it as a special status species under CEQA. Per Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance the prevents, impedes, or tends to prevent or impeded, the passing of

fish up and downstream. Per CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: The Project has the potential to take steelhead, a candidate species under CESA. Caltrans should seek appropriate take authorization, and early consultation is encouraged. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Mitigation Measure #11: According to California Streets and Highways Code section 156.3, if a Project affects a crossing on a stream where anadromous fish are, or historically were found, Caltrans must complete an assessment of potential barriers to fish passage prior to initiating Project design. Caltrans must also submit the assessment to CDFW. Furthermore, if a structural barrier exists, Caltrans shall include remediation of the barrier in the design plans, and Caltrans shall develop the Project in consultation with CDFW.

Mitigation Measure #12: To avoid impacts to steelhead all work within the stream channel shall be limited to the non-migratory season (November 1 through April 30).

Additional Recommendations

Lake and Streambed Alteration Notification**.** CDFW concurs with the Project's proposed Mitigation Measure WQ-3 which would require Caltrans to notify CDFW pursuant to section 1600 *et seq*. of the Fish and Game Code. Please visit CDFW's Lake and Streambed Alteration Program webpage for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal. Please note, CDFW's issuance of an LSA Agreement 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. 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 streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Nesting Bird Season. Birds nest generally between February 1 to September 1. Mitigation Measure AS-5 in the ND/EA incorrectly requests that construction should occur during nesting season. CDFW recommends this measure be rewritten to correspond with PF-BIO-1, which states the intent of the measure correctly.

Mitigation and Monitoring Reporting Plan. CDFW recommends updating the proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist Caltrans in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Caltrans is

welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided Caltrans with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

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. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 MND to assist Caltrans in identifying and mitigating project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that Caltrans has to our comments. Questions regarding this letter or further coordination should be directed to Erika Cleugh Senior Environmental Scientist (Specialist) at (949) 619-5228 or Erika.Cleugh@wildlife.ca.gov.

Sincerely,

DocuSigned by:
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-1	Caltrans shall perform at least two species specific surveys at the peak and near the end of flowering season for southern tarplant within the Project footprint. Focused surveys shall be conducted according to CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.	Prior to Project activities	Caltrans
MM-2	A summary of survey methods, including negative findings, shall be provided in the CEQA document, and a full survey report provided as an Appendix. If southern tarplant is found, the document shall include a detailed map in to show the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. A complete survey report shall provide the following information: a) A description and map of the survey area; b) Field survey conditions that should include name(s) of qualified biologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched; c) If a qualified biologist does not find southern tarplant, provide a detailed discussion to support how this determination was made; d) If southern tarplant is found, provide a map showing the location of individual plants or populations, and number of plants or density of plants per square feet occurring at each location. Use appropriate symbology, text boxes, and other map elements to show and distinguish between species found and which plants/populations will be avoided versus impacted by Project	Prior to project activities	Caltrans

	construction and activities that would require mitigation; and e) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where southern tarplant was found.		
MM-3	If avoidance of southern tarplant, a CRPR 1 plant, is not feasible, the Project shall compensate for the loss of the species to ensure that there is no net loss of the species. Caltrans shall provide adequate analysis ensuring no net loss with proposed compensation. A plan for mitigation shall be fully developed and executed prior to Project construction. A restoration plan shall be prepared by a qualified botanist and/or restoration specialist and include the following information: a) the specific location of restoration sites and assessment of reference sites; b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; c) a schematic depicting the mitigation area; d) a local seed and cuttings and planting schedule; e) a description of the irrigation methodology; f) measures to control exotic vegetation on site; g) specific success criteria; h) a detailed monitoring program; and i) contingency measures should the success criteria and providing for conservation of the mitigation on site in perpetuity. Monitoring of restoration areas shall extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.	Prior to project activities	Caltrans
MM-4	After construction activities, temporary fencing shall be removed in phases depending on construction progress and replaced with permanent fencing to preserve rare plants and habitat.	After construction activities	Caltrans
MM-5	If pile driving will occur within the channel, an underwater sound attenuation monitoring plan shall be developed. The plan shall describe underwater sound monitoring methods and mitigation measures to avoid injurious sound pressure levels to fish, marine mammals, and sea turtles during in-water construction work. The sound pressure levels shall not exceed 206 decibels (dB) peak	Prior to Project activities	

	level, and 187 dB accumulated sound exposure level (SEL) for all listed fish except those that are less than two grams. In that case, the criteria for the accumulated SEL shall be 183 dB. The NMFS Marine Mammal Acoustic Technical Guidance provides thresholds for underwater noise impacts to marine mammals. Monitoring results shall be provided to CDFW and other appropriate regulatory agencies for review.		Caltrans
MM-6	"Biological monitor is needed when construction is taking place in the stream channel. at Post Mile 0.04. The District Biologist will monitor each morning prior to the start of construction for green sea turtles and California least tern during construction to prevent unanticipated impacts to these species. If green sea turtles are present, construction should pause until they leave on their own volition."	During construction activities	Caltrans
MM-7	"The District Biologist will conduct a nighttime emergence using acoustic recognition technology to survey Bridge 53-0060 (San Gabriel River Bridge) in the recognized bat maternity season (March 1 through October 31) prior to commencement of construction to determine if roosting bats are present. The District Biologist will also conduct a preconstruction survey at Bridge 53-0060 (San Gabriel River Bridge) no more than two weeks prior to commencement of construction to determine the presence or absence of bats. If bats are discovered at the site, no construction activities shall begin until approved bat exclusionary devices equipped with exit-only materials and roosting preventive measures are put in place on all features with potential for roosting bats that would be impacted by the proposed project activities in order to prevent bat occupation. Bat exclusionary devices shall be installed under the supervision of a CDFW-approved, qualified biologist. If bats were observed, the District Biologist will conduct daily surveys during construction to determine the presence or absence of regulated bat species. If bat maternity roosting is confirmed, construction activities shall avoid the recognized bat maternity season (March 1 through October 31) to prevent potential mortality of flightless young bats."	Prior to Project activities	Caltrans

MM-8	All temporary and permanent light sources shall include the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat.	During construction	Caltrans
MM-9	Prior to Project activities, a qualified biologist shall develop a robust avoidance, buffer, and demarcation plan specifically for California Fully Protected birds depending on the Project area, species, life stage(s), and scope of work. The plan shall include a minimum of a 0.5 mile no-disturbance buffer around each nest of California least tern.	Prior to Project activities	Caltrans
MM-10	"The District Biologist will monitor Bridge 53-0060 (Sab Gabriel River Bridge) for green sea turtles and California least terns during construction to prevent unanticipated impacts to these species. If any California least tern nests are observed within the project area, immediately cease work and notify CDFW."	During construction	Caltrans
REC-1	The Project has the potential to take steelhead, a candidate species under CESA. Caltrans should seek appropriate take authorization, and early consultation is encouraged. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.	Prior to Project construction	Caltrans
MM-11	According to California Streets and Highways Code section 156.3, if a Project affects a crossing on a stream where anadromous fish are, or historically were found, Caltrans must complete an assessment of potential barriers to fish passage prior to initiating Project design. Caltrans must also submit the assessment to CDFW. Furthermore, if a structural barrier exists, Caltrans shall include remediation of the barrier in the design plans, and Caltrans shall develop the Project in consultation with CDFW.	Prior to Project construction	Caltrans

MM-12	To avoid impacts to steelhead, all work within the stream channel shall be limited to the non-migratory season (November 1 through April 30).	During construction	Caltrans