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DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



February 22, 2024

Vivian Ho, Associate Environmental Planner  
California Department of Transportation, District 8  
464 West 4<sup>th</sup> Street  
San Bernardino, CA 92401

**Subject: Initial Study/Mitigated Negative Declaration, SR-91/Adams Street Interchange Project (Project), State Clearinghouse No. 2024010787, County of Riverside**

Dear Ms. Ho:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the California Department of Transportation (Caltrans) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

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.

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<sup>1</sup> 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.

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.)

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Caltrans, District 8

**Objective:** The objective of the Project is to reconfigure the State Route 91 (SR-91)/Adams Street interchange to improve traffic flow along the freeway and circulation within local streets surrounding the interchange between post mile (PM) 15.1 and PM 16.2 in the City of Riverside in Riverside County, California.

**Description:** The Project proposes to configure a hook ramp for the SR-91/Adams Street interchange, eliminating the intersection between the eastbound ramps and Adams Street. The Project will widen off ramps, widen the on-ramp lane at Indiana Street, and widen Indiana Street from two to three lanes. In addition, the existing Adams Street Bridge will be replaced, a pump station located near the eastbound off ramp will be relocated, and a bioretention basin associated with the pump station will be resized. The total Project area is approximately 86 acres.

**Location:** The Project site is located at the Adams Street and SR-91 interchange, from PM 15.1 to PM 16.2, in the City of Riverside in Riverside County at Latitude 33.927328 and Longitude -117.419635.

**Timeframe:** Approximately 24 months from Project initiation (Unknown).

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below and in Attachment A to assist Caltrans, District 8 in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)**

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. To demonstrate consistency with the MSHCP, as part of the CEQA review, Caltrans shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the

MSHCP; and demonstrates compliance with: 1) the policies set forth in Section 6.6.2; and 2) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

## Specific Comments

### Comment #1: Bats

#### Section #2.2.4.2, Page #2-154

**Issue:** The Project has the potential to impact hoary bat (*Lasiurus cinereus*), California western mastiff bat (*Eumops perotis californicus*), pocketed free-tailed bat (*Nyctinomops femorosaccus*), and western yellow bat (*Lasiurus xanthinus*), all which are CDFW Species of Special Concern (SSC). The IS/MND did not consider the potential presence of the Mexican free-tailed bat (*Tadarida brasiliensis*), which are very common throughout California and are known to use bridges to roost in Riverside County (i.e., West Prado Bridge).

The IS/MND states that no bat sign (e.g. guano, staining) was observed during daytime field surveys; however, absent details for the methods used during the daytime field survey and a lack of nighttime exit count and acoustic surveys, CDFW is concerned with potential impacts to bats.

**Specific impact:** The Project contains suitable habitat for bats, including palm trees and bridge structures. Project activities and construction, such as bridge replacement and tree trimming may result in loss of bat habitat and/or injury or mortality to bats using the Adams Street Bridge or palm trees for roosts. Project activities, such as noise and vibration may also disrupt the behavior of bats and may result in abandonment of a roost (e.g., maternity roost).

**Why impact would occur:** Removal or trimming of palm trees, may impact hoary bats, western mastiff bats, pocketed free-tailed bats, and western yellow bats, which are known to roost in palm trees. Removal of the Adams Street Bridge may impact western mastiff bat and Mexican free-tailed bat, which use urban infrastructure, such as bridges to roost.

**Evidence impact would be significant:** Bats are important for pest management as the primary predators of nocturnal flying insects, but bat populations are declining throughout southern California due to the loss of roosting habitat from development and a low reproductive turnover. Most bat species only have one young per year and juvenile mortality is very high. It can take many years for a bat colony to recover from any impacts that result in mortality or a decrease in reproductive ability. The protection of bat roosting habitat, particularly habitat identified as maternity or nursery sites, is vitally important to prevent adverse effects to, and further loss of,

remaining bat populations. Impacts to bat maternity colonies, could be considered potentially significant.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure # BIO-2, 4, and 5:** CDFW appreciates the incorporation of biological (BIO) measures BIO-2, BIO-3, BIO-4, and BIO-5 to avoid and minimize impacts to bats. CDFW recommends the below minor revisions to BIO-2, BIO-4, and BIO-5 (edits are in ~~strike through~~ and **bold**):

**BIO-2:**

Prior to the start of project construction **and during appropriate weather conditions and appropriate time of year for the species**, a daytime assessment ~~shall will~~ be conducted by a qualified bat biologist to re-examine areas that are suitable for bat use, including maternity roosts. ~~If bat sign is observed at that time, then~~ Prior to the start of project construction **and during appropriate weather conditions and appropriate time of year for the species**, nighttime bat **emergence** surveys ~~shall will~~ be conducted to confirm whether the areas with suitable habitat ~~identified during the daytime assessment~~ are utilized by bats for day roosting and/or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to visually determine the approximate number of bats utilizing the roosts. Acoustic monitoring ~~shall will~~ also be used during these surveys to identify the bat species present and index relative bat activity for the site on that specific evening. The qualified bat biologist, in coordination with Caltrans and CDFW, ~~shall could~~ use the results of these surveys to inform development and implementation of additional avoidance and minimization measures, including exclusion. **Project activities at a given structure shall must begin within a year of the survey or the survey shall be repeated.**

**BIO-3**

Prior to tree removal or trimming, large trees and snags should be examined by a qualified bat biologist to ensure that no roosting bats are present. Palm frond trimming, if necessary, ~~shall should~~ be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November– February).

**The qualified bat biologist shall supervise the following two-step process of tree removal that shall occur over a 2-day period outside of the maternity season (April 1 – August 31) and hibernation season (November– February) to avoid direct mortality of foliage-roosting species: (1) On Day 1, branches and limbs that do not contain crevices or cavities shall be removed using hand tools or chainsaws. The goal is to create a disturbance sufficient to cause any**

**bats roosting in the tree to leave that night and not return, but not at a level of intensity that will cause bats to fly out of the tree during the disturbance itself (i.e., during the daytime, when leaving the roost will likely result in predation) and (2) On Day 2, the remainder of the tree may be removed.**

**BIO- 4:**

If maternity sites are identified during the preconstruction bat habitat suitability assessment **in measure BIO-2**, construction activities at that location **shall will** not be allowed during the maternity season (i.e., April 1–August 31), unless a qualified bat biologist has determined that the young have been weaned. If eviction or exclusion is necessary and maternity sites are present, ~~and it is anticipated that construction activities cannot be completed outside the maternity season, then~~ bat eviction and exclusion at maternity roost sites **shall will** be completed under the direction of CDFW and the qualified bat biologist ~~as soon as possible after the young have been weaned or outside the maternity season, or as otherwise approved by the qualified bat biologist in coordination with CDFW.~~ **Caltrans shall replace bat roosts lost due to the Project with alternate roosting habitat/structures (as approved by CDFW) and shall be placed by Caltrans several weeks before eviction. Monitoring of the new roosting habitat/structures shall occur for a period of 3 years.**

**BIO-5**

Should nighttime construction activities occur, shields to direct lighting away from suitable bat roosting habitat within and adjacent to the project footprint **shall will** be installed to minimize potential impacts on bat activities and behavior from nighttime lighting. **Noise suppression devices such as mufflers or enclosures for generators shall be used to minimize potential impacts on bat activities and behavior from noise.**

**Comment #2: Nesting Bird**

**Section #2.4.2.1, Page #2-1**

**Issue:** The Project may have impacts on nesting birds, including CDFW SSC and common birds that are subject to Fish and Game Code Sections 3503 and 3513, and the Migratory Bird Treaty Act of 1918.

**Specific Impacts:** Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of vegetation onsite.

**Why Impacts Would Occur:** Project activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009).

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting nesting birds. This may result in take of nesting birds. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

**Evidence Impact Would be Significant:** It is the Project proponent's responsibility to avoid take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #BIO 7:** To address the above issues and help avoid unlawfully taking of nesting birds, CDFW requests Caltrans revise the following mitigation measures in the final MND as follows (edits are in ~~strikethrough~~ and **bold**).

## BIO-7

**Project activities requiring ground disturbance, construction activities, removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season to the greatest extent feasible.** ~~In the event that vegetation clearing is necessary during the breeding bird season (i.e., February 1–September 30),~~ a **A** qualified biologist ~~will~~ **shall** conduct a preconstruction survey of construction areas **and all suitable habitat for birds, including trees, shrubs, bare ground, burrows, cavities, and structures (e.g., bridges)**, and an appropriate buffer no more than 3 days prior to construction to identify the locations of avian nests. Should nests be found, an appropriate buffer ~~will~~ **shall** be established around each nest site, based on the professional judgment of a qualified biologist. Buffers ~~will~~ **shall** be delineated by temporary flagging or other means and remain in effect as long as construction is occurring or until the nest is no longer active. ~~To the extent feasible,~~ **No** construction will take place within the buffer until the young have fledged and left the nest, **as determined by the qualified biologist.** ~~In the event that construction must occur within the buffer,~~ The biological monitor ~~will~~ **shall** take steps to ensure that construction activities will not disturb or disrupt nesting activities. If the biological monitor determines that construction activities are disturbing or disrupting nesting activities, the biologist ~~will~~ **shall** have the authority to halt construction to reduce noise and/or disturbance at the nests, **and adjust/increase the avoidance buffer** as appropriate.

## 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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/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 IS/MND and assist Caltrans, District 8 in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to CDFW staff Steven Recinos, Environmental Scientist at 909-731-5954 or [Steven.Recinos@wildlife.ca.gov](mailto:Steven.Recinos@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov).

## REFERENCES

- Francis, C.D., C.P. Ortega, and A. Cruz. 2009. Noise Pollution Changes Avian Communities and Species Interactions. *Current Biology* 19:1415–1419.
- Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. *Journal of Applied Ecology* 48:210–219.
- Patricelli, G. L., & Blickley, J. L. 2006. Avian Communication in Urban Noise: Causes and Consequences of Vocal Adjustment. *The Auk*, 123(3), 639–649.  
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**Attachment A: Draft Mitigation and Monitoring Reporting Plan (MMRP)**

CDFW recommends the following language to be incorporated into the final MND for the Project.

<b>Biological Resources (BIO)</b>			
	<b>Mitigation Measure (MM)</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>Bats</b>	<p><b>BIO-2:</b></p> <p>Prior to the start of project construction <b>and during appropriate weather conditions and appropriate time of year for the species</b>, a daytime assessment <del>shall will</del> be conducted by a qualified bat biologist to re-examine areas that are suitable for bat use, including maternity roosts. <del>If bat sign is observed at that time, then</del> Prior to the start of project construction <b>and during appropriate weather conditions and appropriate time of year for the species</b>, nighttime bat <b>emergence</b> surveys <del>shall will</del> be conducted to confirm whether the areas with suitable habitat <del>identified during the daytime assessment</del> are utilized by bats for day roosting and/or night roosting, ascertain the level of bat foraging and roosting activity at each of these locations, and perform exit counts to visually determine the approximate number of bats utilizing the roosts. Acoustic monitoring <del>shall will</del> also be used during these surveys to identify the bat species present and index relative bat activity for the site on that specific evening. The qualified bat biologist, in coordination with Caltrans and CDFW, <del>shall could</del> use the results of these surveys to inform development and implementation of additional avoidance and minimization measures, including exclusion. <b>Project activities at</b></p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<b>a given structure shall must-begin within a year of the survey or the survey shall be repeated.</b>		
<b>Bats</b>	<p><b>BIO-3</b></p> <p>Prior to tree removal or trimming, large trees and snags should be examined by a qualified bat biologist to ensure that no roosting bats are present. Palm frond trimming, if necessary, should be conducted outside the maternity season (i.e., April 1–August 31) to avoid potential mortality to flightless young and outside the bat hibernation season (November– February).</p> <p><b>The qualified bat biologist shall supervise the following two-step process of tree removal that shall occur over a 2-day period outside of the maternity season (April 1 – August 31) and hibernation season (November– February) to avoid direct mortality of foliage-roosting species: (1) On Day 1, branches and limbs that do not contain crevices or cavities shall be removed using hand tools or chainsaws. The goal is to create a disturbance sufficient to cause any bats roosting in the tree to leave that night and not return, but not at a level of intensity that will cause bats to fly out of the tree during the disturbance itself (i.e., during the daytime, when leaving the roost will likely result in predation) and (2) On Day 2, the remainder of the tree may be removed.</b></p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
<b>Bats</b>	<p><b>BIO- 4:</b></p> <p>If maternity sites are identified during the preconstruction bat habitat suitability</p>	Prior to commencing ground- or	Project proponent

	<p>assessment <b>in measure BIO-2</b>, construction activities at that location <b>shall will</b> not be allowed during the maternity season (i.e., April 1–August 31), unless a qualified bat biologist has determined that the young have been weaned. If eviction or exclusion is necessary and maternity sites are present, <del>and it is anticipated that construction activities cannot be completed outside the maternity season,</del> <del>then</del> bat eviction and exclusion at maternity roost sites <b>shall will</b> be completed under the direction of CDFW and the qualified bat biologist <del>as soon as possible</del> after the young have been weaned or outside the maternity season, <del>or as otherwise approved by the qualified bat biologist in coordination with CDFW.</del> <b>Caltrans shall replace bat roosts lost due to the Project with alternate roosting habitat/structures (as approved by CDFW) and shall be placed by Caltrans several weeks before eviction. Monitoring of the new roosting habitat/structures shall occur for a period of 3 years.</b></p>	<p>vegetation disturbing activities</p>	
<p><b>Bats</b></p>	<p><b>BIO-5</b></p> <p>Should nighttime construction activities occur, shields to direct lighting away from suitable bat roosting habitat within and adjacent to the project footprint <b>shall will</b> be installed to minimize potential impacts on bat activities and behavior from nighttime lighting. <b>Noise suppression devices such as mufflers or enclosures for generators shall be used to minimize potential impacts on bat activities and behavior from noise.</b></p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project proponent</p>

<p><b>Nesting Birds</b></p>	<p><b>BIO-7</b></p> <p><b>Project activities requiring ground disturbance, construction activities, removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season to the greatest extent feasible.</b> <del>In the event that vegetation clearing is necessary during the breeding bird season (i.e., February 1–September 30),</del> <b>A</b> qualified biologist <del>will</del> <b>shall</b> conduct a preconstruction survey of construction areas <b>and all suitable habitat for birds, including trees, shrubs, bare ground, burrows, cavities, and structures (e.g., bridges),</b> and an appropriate buffer no more than 3 days prior to construction to identify the locations of avian nests. Should nests be found, an appropriate buffer <del>shall will</del> be established around each nest site, based on the professional judgment of a qualified biologist. Buffers <del>shall will</del> be delineated by temporary flagging or other means and remain in effect as long as construction is occurring or until the nest is no longer active. <del>To the extent feasible,</del> <b>No</b> construction will take place within the buffer until the young have fledged and left the nest, <b>as determined by the qualified biologist.</b> <del>In the event that construction must occur within the buffer,</del> <b>The biological monitor shall will</b> take steps to ensure that construction activities will not disturb or disrupt nesting activities. If the biological monitor determines that construction activities are disturbing or disrupting nesting activities, the biologist <del>shall will</del> have the authority to halt construction to reduce noise and/or disturbance at the nests,</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>
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	<b>and adjust/increase the avoidance buffer</b> as appropriate.		