

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



May 31, 2024

Lucas Marsalek
California Department of Transportation
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Guadalupe Active Partnership for Signalization and CAPM to Santa Maria (GAPS-CAPM), Proposed Mitigated Negative Declaration, SCH #2024041206, Santa Barbara County, CA

Dear Lucas Marsalek:

The California Department of Fish and Wildlife (CDFW) has reviewed the proposed Mitigated Negative Declaration (MND) from the California Department of Transportation (Caltrans) for the Guadalupe Active Partnership for Signalization and Capital Preventive Maintenance to Santa Maria (GAPS-CAPM; Project). 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's 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 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 & G. Code, § 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 State 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, including 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

Lucas Marsalek
California Department of Transportation
Page 2 of 17
May 31, 2024

Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The proposed Project will improve pavement, upgrade, or replace 93 curb ramps to meet Americans with Disabilities Act standards, replace nine signs, and upgrade 1,637 linear feet of guardrail. Furthermore, the proposed Project will add 5,550 linear feet of sidewalk to the north and south sides of State Route 166 (SR-166), add 1.04 miles of Class 2 bike lanes on the eastbound and westbound lanes of SR-166, and improve 2,000 linear feet of drainage features on the south side of SR-166. The drainage improvements include sediment control features to reduce sediment buildup during increased flow events.,

Three intersections and one railroad crossing will be improved as part of this proposed Project: SR-166 and State Route 1 (SR-1) Intersection, SR-166 and Obispo Street Intersection, SR-166 and Flower Avenue Intersection, and the Union Pacific Railroad at-grade crossing. The Project will upgrade transportation management systems, add turn lanes, raise a median, and add marking and striping.

Location: The Project is located on SR-166 and SR-1 in the Cities of Guadalupe and Santa Maria in Santa Barbara County. The Project extends between post miles 0.0 and 8.9 on SR-166 and between post miles 48.5 to 48.8. on SR-1. The Assessor's Parcel Numbers (APN) associated with the Project site include 113-070-025, 113-070-020, and 113-070-005.

Timeframe: The Project is anticipated to occur from November 2026 to August 2027.

Biological Setting: The Project site consists of vacant, agricultural, and residential land. The section of the Project from post miles 0.4 to 6.5 on SR-166 is mostly agricultural with a few agricultural service buildings. A portion of the Project takes place within the city of Gaudalupe, extending from post miles 48.8 to 48.5. The land in this area is residential, but most of the Project site is agricultural. Despite an increase in suburbanized acreage, the area remains mostly rural due in large part to abundant cropland.

The Project will occur within the Santa Maria River watershed. An unnamed intermittent stream flows through the Project site towards the Santa Maria River. Flow originates from agricultural fields located south of the Project site and flows westward along the south side of SR-166 before crossing north in a culvert under SR-166.

Lucas Marsalek
California Department of Transportation
Page 3 of 17
May 31, 2024

Four sensitive species plant studies and general reconnaissance-level wildlife surveys were conducted in 2023. The total size of the Biological Study Area is just under 166 acres, including 1.20 acres of impacted waters and riparian habitat. No sensitive vegetation communities were observed during appropriately timed floristic surveys, in part because of the large portion of farmland surrounding the Project site.

There is potential habitat for California red-legged frog (*Rana draytonii*; Endangered Species Act (ESA) threatened and California Species of Special Concern (SSC)) and southwestern pond turtle (*Actinemys pallida*; ESA proposed threatened and SSC) in the Project site. Additionally, CNDDDB records show a likely extant population of western spadefoot (*Spea hammondi*; ESA proposed threatened and SSC) in the agricultural ditches adjacent to SR-166. Mitigation measures to avoid, minimize, and/or mitigate adverse Project impacts on California red-legged frogs, southwestern pond turtles, and nesting birds were incorporated into the Initial Study and MND.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately avoiding and/or mitigating the Project's impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

COMMENT #1: Impacts to Streams

Issue: The Project may impact unnamed streams within the Project site.

Specific impacts: Project construction, drainage modifications, and ground-disturbing activities as described in the MND may result in impacts to streams. Although the details of the modifications to streams are not clearly defined within the document, it states that a Lake and Streambed Alteration (LSA) Agreement may be required.

Why impact would occur: The MND states that drainage systems will be changed along SR-166, with some portions being converted to closed culverts and others being modified. Based on *Appendix C. Project Design Maps* in the Initial Study of the MND, the project footprint includes at least two unnamed tributaries. However, *Appendix D. Biological Impact Areas* does not identify streams within post miles 5-5.1 and 3.7-3.8 as impacted locations. In addition, on page four in the *Drainage* section of the Initial Study, the Project description also references sediment control features and a restoration ditch but does not provide specific details about these features. Without further details on potential location and extent of potential stream impacts, CDFW is concerned that Project activities may result in varying levels of impact to stream channels.

Lucas Marsalek
California Department of Transportation
Page 4 of 17
May 31, 2024

Evidence impact would be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which include rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- 1) Divert or obstruct the natural flow of any river, stream, or lake;
- 2) Change the bed, channel, or bank of any river, stream, or lake;
- 3) Use material from any river, stream, or lake; or,
- 4) Deposit or dispose of material into any river, stream, or lake.

The Project may adversely affect the existing streams directly east of the Project site. Inadequate avoidance and mitigation measures will result in the Project continuing to have 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.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: Project Design Plans – Caltrans should revise the MND to include maps indicating the streams that will be impacted directly by construction activities and include detailed descriptions of the sediment control features that include the location and area (acres) of the activities.

Mitigation Measure #1: LSA – The Project proponent shall notify CDFW pursuant to Fish and Game Code section 1602. The LSA notification shall include a hydrology report which evaluates potential scour or erosion due to a 100, 50, 25, 10, 5, and 2-year frequency storm events for existing and proposed conditions. If an LSA agreement is issued by CDFW, Caltrans shall follow the avoidance, minimization, and mitigation measures required. Please visit CDFW's [Lake and Streambed Alteration Program](#)¹ webpage for more information (CDFW 2024a).

Mitigation Measure #2: Mitigation – If impacts to streams are unavoidable, Caltrans shall provide compensatory mitigation for impacts on streams and associated plant communities. Any off-site mitigation should occur where a stream supports the same plant communities impacted by the project and preferably within the same watershed.

COMMENT # 2: Wildlife Connectivity

Issue: The Project may impact wildlife connectivity.

¹ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

Lucas Marsalek
California Department of Transportation
Page 5 of 17
May 31, 2024

Specific Impact: Project activities may have the potential to significantly impact wildlife movement of native resident wildlife species, such as the California red-legged frog (*Rana draytonii*), southwestern pond turtle (*Actinemys pallida*), and western spadefoot (*Spea hammondi*), by replacing natural bottomed streams with a culvert.

Why impact would occur: It is unclear whether wildlife connectivity was analyzed and taken into consideration when creating additional drainage structures. Streams, including drainage ditches, provide wildlife habitat and movement corridors (Sánchez-Montoya et al., 2023). Converting the drainage ditches to pipes will eliminate habitat which includes native substrate and vegetation. The usage of incorrect pipes can be non-conductive to wildlife movement due to the lack of natural substrate, increased depth and velocities of flow, and lack of light within the pipes (Jackson and Griffin, 2000). Limiting movement and passage of species can lead to the reduction of genetic fitness in populations making them more vulnerable to changing or extreme conditions, the inability for populations to recolonize habitat after disturbance events (e.g., fires, floods, droughts), the loss of resident wildlife populations by altered community structure (e.g., species composition, distribution), and/or partial or complete loss of populations of migrant species due to blocked access to critical habitats (CDFW, 2009; Haddad et al., 2015; Nicholson et al., 2006). The drainage ditches may be utilized by a variety of species and their enclosure may result in a loss of usable habitat and an increase in fragmentation.

The ecological footprint of roads extends beyond its physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer et al, 2010).

Evidence impact would be significant: Changes to hydrology and channel morphology, both within a project area and downstream, are reasonable potential direct and indirect physical changes in the environment. Said changes and their potential impacts on biological resources should be analyzed and disclosed in an environmental document. Adequate disclosure is necessary for CDFW to assist a lead agency in adequately identifying, avoiding, and/or mitigating a project's significant, or potentially significant, direct, and indirect impacts on biological resources. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in a continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW, USFWS, and/or National Marine Fisheries Service (NMFS). This is a potentially significant impact under CEQA that should have been analyzed and addressed (CEQA Guidelines § 15071(e)).

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #3: Wildlife Connectivity – The Project proponent shall install culverts designed to ensure that wildlife can safely and easily utilize the culvert systems for passage. All culverts installed as part of this project shall follow *Measures to Reduce Road Impacts on Amphibians and Reptiles in California: Best Management Practices*

Lucas Marsalek
California Department of Transportation
Page 6 of 17
May 31, 2024

and *Technical Guidance* dated March 2021 found at: [Measures to Reduce Road Impacts on Amphibians and Reptiles in California](#)² (DOT 2021). Culverts shall be placed below grade, sized to at least 100-year flow capacity, and installed at the appropriate invert to avoid future perching or scour. Rock slope protection at inlet and outlet of the culverts shall be avoided.

Recommendation #2 - Project Design – Caltrans should revise the Project design to maintain agricultural ditches or incorporate ditch restoration near the locations where piped material is being installed.

COMMENT #3: Impacts on California Species of Special Concern

Issue: The Project may impact several SSC that utilize the natural resources within the Project site.

Specific impacts: Direct impacts to wildlife designated as SSC could result in the form of trampling and crushing from Project construction activities, including equipment staging, mobilization, grading, and vegetation clearing. Project activities such as vegetation removal will also result in habitat destruction. This project could result in the loss of California red-legged frog (*Rana draytonii*), southwestern pond turtle (*Actinemys pallida*), and western spadefoot (*Spea hammondi*) within the Project area.

Why impact would occur: The Initial Study and MND state that the Project site provides marginal habitat for these SSC species. Although these species were not observed during the general survey it should not exclude the possibility of these species being present during Project activities given that marginal habitat is present. One unknown turtle was observed and although it was not confirmed to be a southwestern pond turtle, that possibility cannot be ruled out. A CNDDDB query showed a presumed extant population of western spadefoot within the Project vicinity. As direct surveys for this species have not been conducted as part of this Project, it is possible that individuals may inhabit the Project area. Without appropriate avoidance or minimization measures, the Project may continue to impact SSC through direct harm and/or loss of occupied habitat.

Evidence impact would be significant: A California SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;

² dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/bmp-guide-rev-4-16-2021-a11y.pdf

Lucas Marsalek
California Department of Transportation
Page 7 of 17
May 31, 2024

- if the species meets the State definition of threatened or endangered but has not formally been listed;
- if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA-threatened or -endangered status (CDFW 2024a).

CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). The MND does not provide mitigation for potential impacts on SSC. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #4: Western Spadefoot – The Project proponent shall ensure that a qualified biologist conducts focused preconstruction surveys to determine the presence of the western spadefoot prior to onset of project activities. Any of these species that are found in the area prior to construction shall be relocated to a suitable habitat area outside of the construction site by a qualified biologist with all required permits. The results of the survey shall be sent to CDFW within one week of survey completion.

Mitigation Measure #5: Wildlife Relocation and Avoidance Plan - The Project proponent shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan shall include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the project site.

Mitigation Measure #6: Biological Monitor - To avoid direct injury and mortality of SSC, the Project proponent shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. The qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until

Lucas Marsalek
California Department of Transportation
Page 8 of 17
May 31, 2024

the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #7: Permits - The Project proponent shall retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).

Mitigation Measure #8: Negatively Impacted SSC - If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

COMMENT #4: Impacts to Nesting Birds and Raptors

Issue: The mitigation measure and its timing proposed in the MND may not be sufficient to minimize Project impacts on nesting birds and raptors.

Specific impact: Project activities may result in mortality, injury, or disturbance to individual birds and raptors present within the Project site. Additionally, Project activities during breeding season of nesting birds could result in nest abandonment and/or incidental loss of fertile eggs or nestlings.

Why impact would occur: Various bird species and sign were observed during the general survey. While no nests were present on site, it is likely that during breeding season nests may be found on the ground, in the trees, or within small shrubs. The MND provides a mitigation measure that describes a minimum buffer and a time window when buffers are required as well as activities such as vegetation removal can occur. The minimum buffer is defined as 100 feet around any active nests that are discovered within the Project area. With a buffer of 100 feet, eggs and nestlings of certain species may continue to be impacted by noise disturbances, increased human activity, increased lighting, dust, vegetation clearing, ground-disturbing activities (e.g., staging, access, resurfacing), and vibrations caused by heavy equipment. If a buffer zone is not appropriately sized, any active nests may also be encroached upon or destroyed. This measure and activities such as vegetation removal must be properly timed to minimize impacts to nesting birds. Moreover, Project activities that are incorrectly timed or in close proximity to an active nest may result in incidental take of individual eggs or

Lucas Marsalek
 California Department of Transportation
 Page 9 of 17
 May 31, 2024

nestlings within the nest. Project disturbance activities could result in mortality or injury to nestlings, as well temporary or long-term loss of suitable foraging habitats. The qualified biologist should determine the minimum buffer required to prevent any loss and do so during the appropriate time of year.

Evidence impact may be significant: Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #9: Nesting Birds and Raptors. CDFW recommends Caltrans revise BIO-19 by incorporating the underlined language and removing the language with strikethrough:

BIO-19: Before construction, vegetation removal shall be scheduled to occur from ~~September 2 to February 14~~ September 16 to January 31, outside of the typical nesting bird season, if possible, to avoid potential impacts on nesting birds. If ~~tree removal~~ vegetation trimming, vegetation removal, or other construction activities are proposed to occur ~~within 100 feet of potential habitat~~ during the nesting season (peak nesting season occurs February 1 to September 15) (February 15 to September 1, two nesting bird surveys shall occur during the one (1)-week period prior to the initiation of Project activities, with the last survey being conducted no more than 72 hours prior to Project activities. If project activities occur between nesting bird season, one nesting bird survey shall occur within 72 hours of project activities. A nesting bird survey shall be conducted by a biologist determined qualified by Caltrans no more than three days before construction. If an active nest is found, Caltrans shall coordinate with the California Department of Fish and Wildlife to determine an appropriate buffer based on the habits and needs of the species. The buffer area shall be avoided until a qualified biologist has determined that juveniles have fledged (permanently left the nest). A qualified biologist shall be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. The qualified biologist shall document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have been abandoned or failed, the qualified biologist shall monitor the nest for a minimum of one hour (four hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database (i.e., California Natural Diversity

Lucas Marsalek
California Department of Transportation
Page 10 of 17
May 31, 2024

Database) which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Information on special status species should be submitted to the CNDDDB by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2024b). Information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2024d).

MITIGATION AND MONITORING REPORTING PLAN

CDFW recommends updating the MND's 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 DOCUMENT FILING FEES

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by Caltrans and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

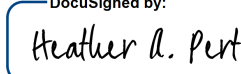
CONCLUSION

CDFW appreciates the opportunity to comment on the Project to assist Caltrans in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that Caltrans has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)].

Lucas Marsalek
California Department of Transportation
Page 11 of 17
May 31, 2024

Questions regarding this letter or further coordination should be direct to Connor Basile, Environmental Scientist, at Joseph.Basile@wildlife.ca.gov or (858) 203-5872.

Sincerely,

DocuSigned by:

DF423498814B441
Heather A. Pert
Environmental Program Manager
South Coast Region

ec: Jennifer Turner, CDFW
Erika Cleugh, CDFW
Connor Basile, CDFW

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Lucas Marsalek
California Department of Transportation
Page 12 of 17
May 31, 2024

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GAVIN NEWSOM, Governor
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		Timing	Responsible Party
MM 1 - LSA	The Project proponent shall notify CDFW pursuant to Fish and Game Code section 1602. The LSA notification shall include a hydrology report which evaluates potential scour or erosion due to a 100, 50, 25, 10, 5, and 2-year frequency storm events for existing and proposed conditions. If an LSA agreement is issued by CDFW, Caltrans shall follow the avoidance, minimization, and mitigation measures required. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2024a).	Prior to Project activities	Project Proponent
MM 2 - Mitigation	If impacts to streams are unavoidable, Caltrans shall provide compensatory mitigation for impacts on streams and associated plant communities. Any off-site mitigation should occur where a stream supports the same plant communities impacted by the project and preferably within the same watershed.	Prior to Project activities	Project Proponent
MM 3 - Wildlife Connectivity	The Project proponent shall install culverts designed to ensure that wildlife can safely and easily utilize the culvert systems for passage. All culverts installed as part of this project shall follow <i>Measures to Reduce Road Impacts on Amphibians and Reptiles in California: Best Management Practices and Technical Guidance</i> dated March 2021	During Project activities	Project Proponent

Lucas Marsalek
 California Department of Transportation
 Page 14 of 17
 May 31, 2024

	found at: Measures to Reduce Road Impacts on Amphibians and Reptiles in California . Culverts shall be placed below grade, sized to at least 100-year flow capacity, and installed at the appropriate invert to avoid future perching or scour. Rock slope protection at inlet and outlet of the culverts shall be avoided.		
MM 4 - Western Spadefoot	The Project proponent shall ensure that a qualified biologist conducts focused preconstruction surveys to determine the presence of the western spadefoot prior to onset of project activities. Any of these species that are found in the area prior to construction shall be relocated to a suitable habitat area outside of the construction site by a qualified biologist with all required permits. The results of the survey shall be sent to CDFW within one week of survey completion.	Prior to and during construction activities	Project proponent/ Qualified Biologist
MM 5 - Wildlife Relocation and Avoidance Plan	The Project proponent shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the project site and proper avoidance, handling, and relocation protocols. The Wildlife Relocation Plan shall include species-specific avoidance buffers and suitable relocation areas at least 200 feet outside of the project site.	Prior to and Project activities	Project Proponent / Qualified Biologist
MM 6 - Biological Monitor	To avoid direct injury and mortality of SSC, the Project proponent shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected and allowed to move away on its own in a passive manner. In areas where an SSC was found, work may only occur in these	Prior to and during construction activities and	Project Proponent / Qualified Biologist

Lucas Marsalek
 California Department of Transportation
 Page 15 of 17
 May 31, 2024

	<p>areas after a qualified biologist has determined it is safe to do so. The qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.</p>	<p>vegetation removal</p>	
<p>MM 7 - Permits</p>	<p>The Project proponent shall retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).</p>	<p>Prior to and during construction activities</p>	<p>Project Proponent/ Qualified Biologist</p>
<p>MM 8 - Negatively Impacted SSC</p>	<p>If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>During construction activities</p>	<p>Qualified Biologist</p>

Lucas Marsalek
 California Department of Transportation
 Page 16 of 17
 May 31, 2024

<p>MM 9 – Nesting Birds and Raptors</p>	<p>CDFW recommends Caltrans revise BIO-19 by incorporating the <u>underlined</u> language and removing the language with strikethrough:</p> <p>BIO-19: Before construction, vegetation removal shall be scheduled to occur from September 2 to February 14 <u>September 16 to January 31</u>, outside of the typical nesting bird season, if possible, to avoid potential impacts on nesting birds. If tree removal <u>vegetation trimming, vegetation removal</u>, or other construction activities are proposed to occur within 100 feet of potential habitat during then nesting season (February 15 to September 4, <u>two nesting bird surveys shall occur during the one (1)-week period prior to the initiation of Project activities, with the last survey being conducted no more than 72 hours prior to Project activities. If project activities occur between nesting bird season, one nesting bird survey shall occur within 72 hours of project activities. A nesting bird survey shall be conducted by a biologist determined qualified by Caltrans no more than three days before construction. If an active nest is found, Caltrans shall coordinate with the California Department of Fish and Wildlife to determine an appropriate buffer based on the habits and needs of the species. The buffer area shall be avoided until a qualified biologist has determined that juveniles have fledged (permanently left the nest). A qualified biologist shall be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. The qualified biologist shall document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is</u></p>	<p>Prior to adoption of MND</p>	<p>Project Proponent</p>
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Lucas Marsalek
 California Department of Transportation
 Page 17 of 17
 May 31, 2024

	<u>suspected to have been abandoned or failed, the qualified biologist shall monitor the nest for a minimum of one hour (four hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status.</u>		
REC 1 – Project Design Plans	Caltrans should revise the MND to include maps indicating the streams that will be impacted directly by construction activities and include detailed descriptions of the sediment control features that include the location and area (acres) of the activities.	Prior to finalizing CEQA document	Project Proponent
REC 2 – Project Design	Caltrans should revise the Project design to maintain agricultural ditches or incorporate ditch restoration near the locations where piped material is being installed.	Prior to finalizing CEQA document	Project Proponent