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



August 26, 2024

Gita Tokhmafshan  
Senior Environmental Planner  
California Department of Transportation  
464 West 4<sup>th</sup> Street, MS 827  
San Bernardino, CA 92401

Subject: Initial Study/Mitigated Negative Declaration  
Interstate 15 Drainage System Rehabilitation (Project)  
State Clearinghouse No. 2024071066

Dear Gita Tokhmafshan:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the California Department of Transportation (Caltrans), District 8 for the Project pursuant to 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.

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 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**

**Proponent:** Caltrans, District 8

**Objective:** The objective of the Project is to rehabilitate drainage systems along Interstate 15 (I-15). Primary Project activities include vegetation removal, excavation, grading, replacing six culverts, repairing five culverts, replacing rock slope protection at five culvert outlets, and installing trash-collection devices at six culverts.

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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.

**Location:** The Project site is located along three miles of I-15 adjacent to Temescal Creek, from 0.4 miles south of Indian Truck Trail Undercrossing Bridge (post mile [PM] 30.0) to 1.1 miles north of Temescal Canyon Road Undercrossing Bridge (PM 33.0), in the unincorporated area of Temescal Valley, County of Riverside.

**Timeframe:** The Project is proposed to begin in the spring of 2026 and to be completed in the summer of 2028.

## 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 narrow endemic plants, nesting birds, Crotch's bumble bee (*Bombus crotchii*), and wildlife connectivity. CDFW is also providing additional comments on bats, staging areas, and invasive weed control. CDFW requests that Caltrans include in the final MND the suggested mitigation measures (see Attachment A) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

The Project occurs within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) area and is subject to the provisions and policies of the MSHCP. Thus, CDFW has included recommendations regarding the MSHCP to improve the final MND.

### I. Mitigation Measure or Alternative and Related Impact Shortcoming

#### COMMENT 1: Narrow Endemic Plants

##### Section 2.2.4, Pages 10-14

**Issue:** The Project may impact narrow endemic plant species and the MSHCP requirements apply for the Narrow Endemic Plant Species Survey Area (MSHCP Section 6.1.3) and Additional Survey Needs and Procedures (MSHCP Section 6.3.2). While a habitat assessment was conducted to delineate habitat for narrow endemic plants, focused surveys are needed to confirm presence or absence of narrow endemic plant species.

**Specific impact:** Portions of the Project site fall within the MSHCP Section 6.1.3 survey area and have the potential to support narrow endemic plant species, including Munz's onion (*Allium munzii*), many-stemmed dudleya (*Dudleya multicaulis*), slender-horned spineflower (*Dodecahema leptoceras*), San Diego ambrosia (*Ambrosia pumila*), spreading navarretia (*Navarretia fossalis*), San Miguel savory (*Clinopodium chandleri*), Hammitt's clay-cress (*Sibaropsis hammittii*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*).

**Why impact would occur:** As noted in the Natural Environment Study (Minimal Impacts) (NESMI), the Project Biological Study Area (BSA) occurs within MSHCP Section 6.1.3 survey areas for the narrow endemic plant species listed above. Focused surveys are needed to ensure proper identification and conservation of these species if present on the Project site. The final MND should include results from focused surveys for these species done within the appropriate times of year.

Based on rainfall in a given year, surveys for San Diego ambrosia, California Orcutt grass, and spreading navarretia are typically done at peak blooming which can be from April through the end of July. Surveys for slender-horned spineflower should be completed between April and June. Surveys for Munz's onion should be completed between March and May. Surveys for San Miguel savory should be completed between March and July. Surveys for Hammitt's clay-cress should be completed between March and April. Surveys for many-stemmed dudleya should be completed

between February and June, while surveys for Wright's trichocoronis should be completed between May and September. The survey results and discussion of the findings should be included in the Determination of Biologically Equivalent or Superior Preservation (DBESP), pursuant to MSHCP Section 6.1.3. Additionally, the DBESP process should be completed prior to adoption of the final MND.

**Evidence impact would be significant:** Narrow endemic plant species are highly restricted by their habitat requirements, and specific conservation measures have been identified in the MSHCP if the species are present. Focused surveys are required to ensure proper identification and conservation of the species if present on the Project site. The MSHCP specifies that survey results shall be documented in map and text formats and shall be presented for review. Therefore, CDFW recommends that Caltrans adopts Bio-Plant-1 below, as revised, to properly identify narrow endemic plants, ensure avoidance, minimization, and mitigation strategies are implemented for narrow endemic species, and to demonstrate consistency with MSHCP requirements.

**Recommended Potentially Feasible Mitigation Measure:** CDFW recommends the inclusion of the below Mitigation Measure, as revised (edits are in ~~strike through~~ and additions are in ***bold italics***) in the final MND to ensure impacts to narrow endemic plants are avoided, minimize, and mitigated.

***Bio-Plant-1 (Revised):***

Rare Plant Surveys, Flagging and Fencing. ~~Within 30-days P~~ Prior to construction and during the ***appropriate*** typical rare plant blooming season ***for each plant with the potential to occur onsite, (March – June)*** a qualified biologist will conduct a pre-construction plant survey ***according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018)***. Special-status plants must be flagged for visual identification to construction personnel for work avoidance. Special-status plants detected that feature multiple plants in a single location must be fenced with stakes and flagging to temporarily identify the environmentally sensitive area (ESA). ***If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.***

**COMMENT 2: Revegetation and Fish and Game Code Section 1602**

**Section 2.2.4, Pages 10-14**

**Issue:** The Project will impact riparian vegetation including Goodding's Willow Riparian Woodland and Forest (CDFW Sensitive Community), and measure Bio-Plant-2 considers mitigation for removal of native riparian species at a 2:1 ratio and tamarisk at a 1:1 ratio. CDFW is concerned that these compensation ratios may be too low to adequately mitigate for Project impacts to riparian vegetation. CDFW typically requests that mitigation for removal of willows includes replacement, in-kind, at a minimum ratio of 3:1, either on- or off-site, including maintenance and monitoring until established. Mitigation for the removal of mature trees (19 inches or greater diameter-at-breast-height [DBH]) or heritage trees (24 inches or greater DBH) should occur at a higher ratio (e.g., 5:1 to 10:1 ratio). In addition, while the IS/MND recognizes the need for a Lake or Streambed Alteration Agreement (LSAA) in Table 1-1, no measures were included in the IS/MND to address notification pursuant to Fish and Game Code section 1602. An LSAA would authorize Project impacts to streams and associated habitat, including riparian vegetation.

**Specific impact:** According to the IS/MND, "the proposed project is anticipated to directly impact a total of approximately 0.31 acres of riparian area and approximately 0.18 acres of riverine area" (Section 2.2.4, page 12).

**Why impact would occur:** The Project occurs along Temescal Creek, and riparian habitat is present within the Project site. Riparian vegetation is likely to be impacted by the installation of replacement culverts, rock slope protection, and trash-collection devices.

**Evidence impact would be significant:** Wildlife species depend on riparian vegetation for nesting, foraging, and refugia. Removal of riparian vegetation may lead to displacement of species, and deposition of sediment, turbidity, erosion, changes in stream flow, and bank destabilization. Further, the MSHCP (Section 6.1.2) offers protection to riparian/riverine resources.

**Recommended Potentially Feasible Mitigation Measure:** CDFW recommends the inclusion of the below Mitigation Measure, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final MND to ensure impacts to streams and associated habitat are avoided, minimized, and mitigated.

***Bio-Plant-2 (Revised):***

Revegetation. Revegetation of areas where vegetation has been removed must include California native species that reflect the regional ecology. In particular, riparian trees and vegetation must be replaced at a ratio of 2:1, with the exception of the tamarisk tree, which will only be replaced at a ratio of 1:1 ***as follows: tamarisk or other non-native trees shall be replaced with a similar native species local to the Project area at a minimum ratio of 1:1, native riparian habitat including willows less than 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at least 10:1. All replacement habitat shall be monitored and maintained until established. If onsite revegetation is infeasible to fully compensate for impacts, offsite planting or purchase of mitigation/conservation bank credits shall be implemented. Caltrans shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain authorization prior to initiating project activities within any river, stream, or lake.***

**COMMENT 3: Nesting Birds**

**Section 2.2.4, Pages 10-14**

**Issue:** The Project includes suitable habitat for nesting birds. Consequently, measure Bio-Avian-1 considers a pre-construction nesting bird survey during the nesting season. However, Bio-Avian-1 defines the nesting season as generally being from February 1 to September 30, but the timing of the bird 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/or 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.

**Specific impact:** The Project will remove vegetation and cause ground disturbance, which could result in impacts to nesting birds including death, displacement, and loss of foraging, nesting, and refugia habitat. The Project may impact suitable nesting habitat for riparian birds, including least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), which require protection through the MSHCP as outlined Section 6.1.2.

**Evidence impact would be significant:** It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures for all nests, all eggs, and any raptors or migratory birds as follows: 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 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. 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.).

**Recommended Potentially Feasible Mitigation Measure:** CDFW recommends the inclusion of the below Mitigation Measure, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final MND to ensure impacts are mitigated to a level of less than significant.

***Bio-Avian-1 (Revised):***

Preconstruction Nesting Bird Survey. ~~If project activities cannot avoid the nesting season, generally regarded as February 1 – September 30, then p~~ Preconstruction nesting bird surveys must be conducted 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no-construction buffer ~~may~~ ***shall*** be established and monitored by the qualified biologist and/or monitored until the young have fledged or the nest is no longer active. ***No work within the buffer shall be allowed until the qualified biologist confirms the young have fledged or the nest is no longer active.***

**COMMENT 4: Crotch's Bumble Bee**

**Section 2.2.4, Pages 10-14**

**Issue:** The Project has the potential to impact coastal sage scrub, grassland, and rodent burrows. Crotch's bumble bee is a candidate species for listing under CESA, and it forages in coastal sage scrub and nests in rodent burrows, bunch grasses, and grass thatches. The IS/MND does not propose any measure to avoid impacts to Crotch's bumble bee because according to the IS/MND, "the Project impact area primarily consists of the maintained road right-of-way and previously disturbed areas with compacted or barren soils void of suitable habitat for special-status species". However, based on aerial imagery, CDFW is concerned with potential impacts to Crotch's bumble bee and their habitat considering that the Project's design plans indicate disturbance of 100 feet minimum at each side of culverts in areas that appear to contain suitable habitat for Crotch's bumble bee.

**Specific impact:** The Project has the potential for take of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

**Evidence impact would be significant:** Direct take of Crotch's bumble bee may occur during Project activities. Crotch's bumble bee has been documented within a reasonable dispersal distance of the Project area. The Project, as described, would remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. CDFW considers the direct and indirect take of Crotch's bumble bee, and the loss of the species' habitat, as a significant impact unless mitigated to a level of less than significant.

**Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends that the below Mitigation Measure be included in the final MND to ensure that impacts to Crotch's bumble bee and its habitats are evaluated and mitigated to a level of less than significant.

***Bio-Insect-1 (New):***

***Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.***

***If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.***

**COMMENT 5: Wildlife Connectivity**

**Section 2.2.4, Pages 10-14**

**Issue:** California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure fragments habitat and cuts off migration corridors.

**Specific impact:** Wildlife often use culverts to travel, and the Project may prevent movement of wildlife through culverts by installing trash-capture devices at culvert outlets. In addition, the culvert work proposed at PM 30.4, 30.6, 30.7, and 30.9 is between MSHCP Proposed Constrained Linkage 3 and Proposed Extension of Existing Core 2. As such, the Project is required to follow the guidelines in Section 7 of the MSHCP to improve the culverts to serve as wildlife corridors particularly for bobcats, mountain lions, coyotes, and other species in the area. Caltrans should ensure that any culverts that are installed follow the guidelines in Section 7 of the MSHCP to ensure proper openness ratios, avoid impediment to wildlife movement, and avoid wildlife entrapment.

**Evidence impact would be significant:** The NESMI states that the Project site contains an "irreplaceable and essential" corridor for wildlife movement, as defined by the CDFW Areas of Conservation Emphasis (ACE) dataset. Irreplaceable and essential corridors are areas that are likely to host concentrated animal movement. If the Project reduces animals' ability to move through the site, wildlife conservation could be significantly affected on a regional scale. The IS/MND states that the Project will not interfere with wildlife corridors (page 12). However, wildlife

connectivity is likely to be influenced by installation of trash-capture devices, since those devices are likely to cut off all animal movement through existing culverts. Without further consideration of wildlife connectivity by the Project, important wildlife linkages could be lost.

**Recommended Potentially Feasible Mitigation Measure(s):** CDFW recommends the inclusion of the below Mitigation Measure in the final MND to ensure impacts to wildlife connectivity are avoided and mitigated to a level of less than significant.

***Bio-Connectivity-1 (New):***

***The installation of trash collection devices at culverts shall not impede the movement of wildlife and safeguards shall be installed to avoid entrapment of wildlife.***

## II. Additional Comments

### COMMENT 6: Bats

CDFW appreciates the incorporation of Bio-General-4 in the IS/MND, aimed at identifying bats at culverts. CDFW recommends the revisions below (edits are in ~~strikethrough~~ and **bold italics**) to help avoid, minimize, and mitigate impacts to bats.

Bio-General-4: Preconstruction Surveys: Preconstruction bat surveys must be conducted by a qualified **bat** biologist **at least 14** ~~3~~-days prior to project activities within each culvert **and at any trees to be removed. During appropriate weather conditions and appropriate time of year for the species, a daytime assessment shall be conducted by a qualified bat biologist to examine areas that are suitable for bat use, including maternity roosts. During appropriate weather conditions and appropriate time of year for the species, nighttime bat visual surveys shall be conducted to confirm whether the areas with suitable habitat are utilized by bats. If bats are found roosting within and adjacent to the Project, a qualified biologist shall conduct emergence surveys and perform exit counts to approximate the number of bats. Acoustic monitoring shall also be used during these surveys to identify the bat species present; surveys shall also identify roost type and roost status.** ~~If a-bats or signs of bats (e.g., occupied roosts, urine staining, guano masses, etc.) are~~ **is** located, the resident engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination may **shall** be required. **Additional measures shall be included in a Bat Avoidance and Monitoring Plan submitted to CDFW at least seven days prior to the start of Project activities for review and written approval. Project activities may not start until CDFW's written approval of the Bat Avoidance and Monitoring Plan has been provided. The Bat Avoidance and Monitoring Plan shall include: (1) an assessment of all Project impacts to bats, including noise disturbance during construction; (2) effective avoidance and minimization measures to protect bats, including measures for multi-step tree or snag removal; (3) compensatory mitigation for permanent impacts to roosts if impacted, such as, but not limited to, constructing artificial bat roosting habitats (e.g., bat boxes or panels). Project activities shall be avoided within 300 feet of all roosting structures in the Project area from April 1 to August 31 and November to February to avoid the maternity and hibernation season, respectively.**

### COMMENT 7: Staging Areas

CDFW appreciates the incorporation of Bio-General-1, regarding equipment staging and storing, and stockpiling of materials. CDFW recommends the revisions below

(edits are in ~~strikethrough~~ and **bold italics**) in consideration of Fish and Game Code section 1602.

Bio-General-1: Equipment Staging, Storing & Borrow Sites. All equipment staging, storing, and borrow sites require the approval of the Caltrans biologist. ***Stockpiles shall be maintained to avoid the spread of invasive plants and shall not be placed at locations subject to Fish and Game Code section 1602. Materials, including spoils and equipment shall not be placed at locations subject to Fish and Game Code section 1602.***

#### COMMENT 8: Invasive Weed Control

CDFW appreciates the incorporation of Bio-General-16 regarding the control of invasive plants. CDFW recommends the revisions below (edits are in ~~strikethrough~~ and **bold italics**) in consideration of fish and wildlife resources.

Bio-General-16: Invasive Weed Control. To address impacts to coastal scrub habitat, a qualified biologist must identify invasive species during vegetation removal. Treatment and disposal methods must be approved by the Caltrans biologist prior to vegetation removal. ***A specific targeted approach shall be implemented for any herbicide application by avoiding species that are not intended to be removed and by reducing herbicide application to the smallest possible radius around plant species that are selected for application. All herbicides utilized adjacent to Fish and Game Code section 1602 resources and other sensitive aquatic habitat areas shall be registered for aquatic use by the California Department of Pesticide Regulation (CDPR). Herbicide sprays in these areas shall only be used when wind speeds measure less than 10 mph. The mixture shall contain a dye (registered for aquatic use by CDPR) to show overspray and shall be conducted in a manner to minimize overspray onto adjacent native vegetation.***

### III. Western Riverside County Multiple Species Habitat Conservation Plan

CDFW is in the process of reviewing the DBESP for the Project. The DBESP process should be completed prior to adoption of the final MND. Thus, to demonstrate consistency with the MSHCP, as part of the CEQA review, Caltrans shall ensure the Project demonstrates compliance with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP), the policies set forth in Section 6.3.2, and 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.

The Project is adjacent to MSCHP Conservation Areas and based on the Project design plans, the Project may encroach onto Conservation Areas owned and managed by the Regional Conservation Authority (RCA). No impacts to the Conservation Areas are allowed, and Caltrans should coordinate with the RCA to avoid impacts to Conservation Areas, if needed.

To minimize edge effects and maintain conservation values within the Conservation Areas, Caltrans is required to implement the Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4) to minimize harmful effects from drainage, toxics, lighting, noise, invasives, barriers, and grading/land development. CDFW recommends that the final MND include an analysis of edge effects related to Project construction and operation, such as noise, lighting, trespass, and toxics, and that Project-specific mitigation measures to avoid and minimize any effects be included in the final MND. Avoidance and minimization measures can include, but are not limited to:

1. *Lighting Plan*: A Lighting Plan that identifies existing ambient lighting conditions, analyzes the Project lighting impacts on the adjacent Conservation Area, and demonstrates that the proposed lighting plan will not significantly increase the



lighting in the Conservation Area. At a minimum, the Lighting Plan should identify measures that address light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site.

2. *Noise Plan*: A Noise Plan to avoid and minimize noise impacts based on an assessment of Project noise impacts on adjacent conservation areas during construction and post-development. The MSHCP specifies that Project noise impacts in Conservation Areas should not exceed residential standards.
3. *Landscaping Plan*: A Landscaping Plan that includes the use of native plant material on the Project site and avoids the use of invasive plant species identified in Table 6-2 of the MSHCP.
4. *Fencing Plan*: A Barrier and Fencing Plan that provides specific details designed to minimize unauthorized public access, predation by domestic animals, illegal trespass, and dumping in the MSHCP Conservation Area (such as block walls along areas directly adjacent to potential conservation areas).
5. *Best Management Practices*: The final MND should incorporate the guidance in MSHCP Section 7.0 and Appendix C of the MSHCP regarding Best Management Practices.

## 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 to assist Caltrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Chris Briggs, Senior Environmental Scientist (Specialist) at 909-758-6774 or [christopher.briggs@wildlife.ca.gov](mailto:christopher.briggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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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**

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available at  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>.

**Attachment A: Mitigation and Monitoring Reporting Plan**

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

Mitigation Measure		Timing	Responsible Party
<b>Bio-Plant-1</b>	Rare Plant Surveys, Flagging and Fencing. Prior to construction and during the appropriate blooming season for each plant with the potential to occur onsite, a qualified biologist will conduct a pre-construction plant survey according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018). Special-status plants must be flagged for visual identification to construction personnel for work avoidance. Special-status plants detected that feature multiple plants in a single location must be fenced with stakes and flagging to temporarily identify the environmentally sensitive area (ESA). If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
<b>Bio-Plant-2</b>	Revegetation. Revegetation of areas where vegetation has been removed must include California native species that reflect the regional ecology. In particular, riparian trees and vegetation must be replaced as follows: tamarisk or other non-native trees shall be replaced with a similar native species local to the Project area at a minimum ratio of 1:1, native riparian habitat including willows less than 19 inches diameter-at-breast-	Once ground- or vegetation-disturbing activities are complete.	Project proponent

Mitigation Measure	Timing	Responsible Party	
<p>height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at least 10:1. All replacement habitat shall be monitored and maintained until established. If onsite revegetation is infeasible to fully compensate for impacts, offsite planting or purchase of mitigation/conservation bank credits shall be implemented. Caltrans shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain authorization prior to initiating project activities within any river, stream, or lake.</p>			
<p><b>Bio-Avian-1</b></p>	<p>Preconstruction Nesting Bird Survey. Preconstruction nesting bird surveys must be conducted 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no-construction buffer shall be established and monitored by the qualified biologist and/or monitored until the young have fledged or the nest is no longer active. No work within the buffer shall be allowed until the qualified biologist confirms the young have fledged or the nest is no longer active.</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>
<p><b>Bio-Insect-1</b></p>	<p>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</p> <p>If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150</a>). Surveys shall be conducted during the flying season when the species is most likely to be detected</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

Mitigation Measure	Timing	Responsible Party	
<p>above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.</p>			
<p><b>Bio-Connectivity-1</b></p>	<p>The installation of trash collection devices at culverts shall not impede the movement of wildlife and safeguards shall be installed to avoid entrapment of wildlife.</p>	<p>Once installation is complete.</p>	<p>Project proponent</p>
<p><b>Bio-General-4</b></p>	<p>Preconstruction Surveys: Preconstruction bat surveys must be conducted by a qualified bat biologist at least 14 days prior to project activities within each culvert and at any trees to be removed. During appropriate weather conditions and appropriate time of year for the species, a daytime assessment shall be conducted by a qualified bat biologist to examine areas that are suitable for bat use, including maternity roosts. During appropriate weather conditions and appropriate time of year for the species, nighttime bat visual surveys shall be conducted to confirm whether the areas with suitable habitat are utilized by bats. If bats are found roosting within and adjacent to the Project, a qualified biologist shall conduct emergence surveys and perform exit counts to approximate the number of bats. Acoustic monitoring shall also be used during these surveys to identify the bat species present; surveys shall also identify roost type and</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

Mitigation Measure	Timing	Responsible Party	
<p>roost status. If bats or signs of bats (e.g., occupied roosts, urine staining, guano masses, etc.) are located, the resident engineer and Caltrans biologist must be contacted and additional measures and agency coordination shall be required. Additional measures shall be included in a Bat Avoidance and Monitoring Plan submitted to CDFW at least seven days prior to the start of Project activities for review and written approval. Project activities may not start until CDFW's written approval of the Bat Avoidance and Monitoring Plan has been provided. The Bat Avoidance and Monitoring Plan shall include: (1) an assessment of all Project impacts to bats, including noise disturbance during construction; (2) effective avoidance and minimization measures to protect bats, including measures for multi-step tree or snag removal; (3) compensatory mitigation for permanent impacts to roosts if impacted, such as, but not limited to, constructing artificial bat roosting habitats (e.g., bat boxes or panels). Project activities shall be avoided within 300 feet of all roosting structures in the Project area from April 1 to August 31 and November to February to avoid the maternity and hibernation season, respectively.</p>			
<p><b>Bio-General-1</b></p>	<p>Equipment Staging, Storing &amp; Borrow Sites. All equipment staging, storing, and borrow sites require the approval of the Caltrans biologist. Stockpiles shall be maintained to avoid the spread of invasive plants and shall not be placed at locations subject to Fish and Game Code section 1602. Materials, including spoils and equipment shall not be placed at locations subject to Fish and Game Code section 1602.</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>
<p><b>Bio-General-16</b></p>	<p>Invasive Weed Control. To address impacts to coastal scrub habitat, a qualified biologist must identify invasive species during vegetation removal. Treatment and disposal methods must be approved by the Caltrans biologist prior to vegetation removal. A specific targeted approach shall be implemented for any herbicide application by avoiding species that are not intended to be removed and by reducing herbicide application to the smallest possible</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

Mitigation Measure	Timing	Responsible Party
radius around plant species that are selected for application. All herbicides utilized adjacent to Fish and Game Code section 1602 resources and other sensitive aquatic habitat areas shall be registered for aquatic use by the California Department of Pesticide Regulation (CDPR). Herbicide sprays in these areas shall only be used when wind speeds measure less than 10 mph. The mixture shall contain a dye (registered for aquatic use by CDPR) to show overspray and shall be conducted in a manner to minimize overspray onto adjacent native vegetation.		