



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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**GAVIN NEWSOM, Governor**  
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October 25, 2024

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**Subject: Mitigated Negative Declaration for the State Routes 94 and 188 Asset Management Project, SCH No. 2024090435, San Diego County, CA**

Dear Matthew Voss:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigation Negative Declaration (MND) from the California Department of Transportation (Caltrans) for the State Routes 94 and 188 Asset Management Project (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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & 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 (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 fish and wildlife resources.

CDFW may also act 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

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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.

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 2 of 32

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<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish and Game Code 2800 et seq.). San Diego County (County) participates in the NCCP program by implementing the County's Multiple Species Conservation Program (MSCP) Subarea Plan (SAP). The County has an approved SAP, Implementing Agreement (IA), and CDFW-issued NCCP permit. The County also participates in the NCCP program by implementing the Fully Signed Third Restated and Amended Planning Agreement (Planning Agreement; March 2021) for the draft East County Plan. The Project area is located within the County's MSCP SAP and the draft East County Plan area. Therefore, the Project is subject to ensuring the provisions and policies of the MSCP and East County Plan will not be negatively impacted. The MND for the proposed Project should ensure that all requirements and conditions of the SAP, Planning Agreement, and IA are met. In addition, the MND should also address any biological issues that are not addressed in the SAP, Planning Agreement, and IA, such as specific impacts to and mitigation requirements for sensitive species that are not covered by the SAP, Planning Agreement, and IA.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Caltrans

**Objective:** The objective of the Project is to replace 24 culverts, re-line nine culverts, restore pavement on 1.75 mi of State Route 188 (SR-188) from 32.598033, -116.643230 to 32.576298, -116.627472; and rehabilitate other transportation related assets on State Route 94 (SR-94) and SR-188. Other Project activities include installing five bus pads, upgrading existing lighting to light emitting diodes at two intersections, installing one Midwest Guardrail System, and replacing signage. The Project also includes installing, rehabilitating, or upgrading curb ramps.

**Location:** The Project includes SR-188 and SR-94 in San Diego County, CA. The portion of the Project on SR-188 begins at the junction of SR-91 and SR-188 and ends at the Mexico-United States border. On SR-94, the Project begins a mile at the junction of SR-94 and SR-54 (32.728867, -116.930308) and ends at the junction of SR-8 and SR-94 (32.676142, -116.291058). The Project includes the following unincorporated areas of San Diego County (from west to east): Jamul, Dulzura, Engineer Springs,

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<sup>2</sup> "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 3 of 32

Barrett Junction, Canyon City, Cameron Corners, and Manzanita. The Campo Indian Reservation, the San Diego National Wildlife Refuge, and the Lawrence and Barbara Daley County Preserve are within the Project boundaries. A portion of the Project occurs within the County's MSCP SAP (32.728867, -116.930308 to 32.605437, -116.697271) and another portion of the Project occurs within the draft East County Plan (32.611783, -116.706982 to 32.676142, -116.291058).

**Timeframe:** Construction is proposed to begin in March 2025 and end in September 2026.

**Biological Setting:** The Project includes land within the San Diego, Cottonwood-Tijuana, and Carrizo Creek watersheds. The western portion of the Project area is mostly Diegan coastal sage scrub, and the eastern portion of the Project area is mostly granitic northern mixed chaparral. Most of the Project area is undeveloped land, with some disturbed areas and residential areas. The Project area overlaps with portions of the County's MSCP SAP and the draft East County Plan and borders the Hauser Mountain Wilderness Study Area.

The Project comprises 2,307 acres, including approximately 1,629 acres of natural communities of special concern. This includes habitats such as 33 acres of alkali/freshwater seep, 143 acres of southern coast live oak riparian forest, 56 acres of nonnative grassland, 352 acres of coastal sage scrub, 786 acres of chaparral, 167 acres of oak woodland, and 20 acres of southern riparian scrub, 27 acres of riparian woodland, 10 acres of southern riparian forest, 35 acres of valley and foothill grassland. Other habitats include two acres of eucalyptus (*Eucalyptus* spp.) woodland, 245 acres of agricultural land, 31 acres of disturbed habitat, and 400 acres of urban/developed land.

The Project will cause temporary impacts to the following habitats: alkali/freshwater seep, southern coast live oak riparian forest; nonnative grassland, coastal sage scrub, chaparral, oak woodland, and southern riparian scrub.

There are several sensitive species that occur within the Project area. San Diego ambrosia (*Ambrosia pumila*) is an Endangered Species Act (ESA)-listed species and has a California Native Plant Society (CNPS) rank of 1B.1. There are approximately 22 acres of its designated critical habitat in the Project area. However, no impacts are anticipated.

The Project area contains 180 acres of Quino checkerspot butterfly (*Euphydryas editha quino*) designated critical habitat. The Project will cause temporary impacts to 0.04 acre of coastal sage scrub habitat and 0.21 acre of chaparral habitat, the preferred habitat of this ESA-listed species. No impacts are anticipated to the species.

Hermes copper butterfly (*Lycaena hermes*) is an ESA-listed species with 196 acres of designated critical habitat in the Project area. No impacts are anticipated to the species or its designated critical habitat.

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 4 of 32

The Project area contains 27 acres of least Bell's vireo (*Vireo bellii pusillus*) designated critical habitat, adjacent to Sweetwater River. This is an ESA-listed and CESA-listed species. No impacts are anticipated to the species or its designated critical habitat.

Coastal California gnatcatcher (*Poliioptila californica californica*) is an ESA-listed species and Species of Special Concern (SSC). It has 78 acres of designated critical habitat within the Project area. No impacts are anticipated to the species or its designated critical habitat.

There exists 194 acres of Arroyo toad (*Anaxyrus californicus*) designated critical habitat within the Project area. This is an ESA-listed species. There will be temporary impacts to 0.21 acre of suitable Arroyo toad habitat. Caltrans will mitigate these impacts by permanent conservation of 0.21 acre of suitable arroyo toad habitat (riparian scrub and floodplain habitat) at the Rancho San Diego mitigation bank, or another off-site location or mitigation bank as reviewed and approved by the Carlsbad Fish and Wildlife Office (CFWO), the Carlsbad office of the United States Fish and Wildlife Service (USFWS).

Western spadefoot (*Spea hammondi*) is an SSC and a proposed federally threatened species. It has been detected in the Project area, and there will be 0.05 acre of temporary impacts to suitable habitat. Caltrans proposes to conduct a habitat assessment, avoid work in the breeding habitat, and develop and implement a translocation monitoring program.

Designated critical habitat and riparian habitat for southwestern willow flycatcher (*Empidonax traillii extimus*) is in the Project area. Designated critical habitat will be avoided.

Crotch's bumble bee (*Bombus crotchii*) is also likely in the Project area. Crotch's bumble bee is a candidate for CESA listing.

The following species are also present in the Project area: arroyo toad (*Anaxyrus californicus*), bobcat (*Lynx rufus*), long tailed weasel (*Mustela frenata*), black tailed jackrabbit (*Lepus californicus*), gray fox (*Urocyon cinereoargenteus*), San Joaquin coachwhip (*Coluber masticophis flagellum*, an SSC), California common kingsnake (*Lampropeltis californiae*), Western rattlesnake (*Crotalus oreganus*), speckled rattlesnake (*Crotalus mitchellii*), and Baja California coachwhip (*Coluber masticophis fuliginosus*, an SSC).

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources and maintaining consistency with the County's MSCP SAP and draft East County Plan. Additional comments or other suggestions may also be included to improve the document.

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 5 of 32

### **COMMENT # 1: Assessment of impacts to biological resources**

The Project area consists of 2,307 acres, including approximately 1,629 acres of natural communities of special concern. However, the Natural Environment Study (NES) states that Caltrans staff completed a preliminary field survey within one day (May 10, 2022), surveys for San Diego ambrosia on two days (April 14, 2022 and May 4, 2022), and additional biological surveys in one day (July 13, 2022) (page 7). CDFW considers four days to be insufficient for conducting robust presence/absence surveys in this Project area. For the purposes of CEQA, the surveys may not form a complete inventory of the species present in the Project area. CDFW is concerned that Caltrans has not provided sufficient information to make a meaningful review as to the level of impacts to fish and wildlife resources.

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

Given the lack of evidence regarding the potential biological resources that may occur within the Project site, the CDFW recommends that Caltrans conduct additional surveys to provide a current and defensible assessment of Project impacts to biological resources.

**Recommendation #1:** Additional details about surveys conducted. Caltrans should explain how they confirmed the absence of the species that have suitable habitat in the Project area and which have been historically observed in the Project area. Caltrans should include details necessary for CDFW to understand the extent of the information collected, including survey methods used and include details such as the time of day each survey was conducted. CDFW recommends that the MND should be recirculated with this additional information included to facilitate meaningful review of potential impacts to fish and wildlife resources.

**Recommendation #2:** Protocol-level or similar surveys. Caltrans should conduct protocol-level or similar surveys to determine presence/absence of the following species: San Diego ambrosia, Quino checkerspot butterfly, Hermes copper butterfly, least Bell's vireo, coastal California gnatcatcher, Arroyo toad, Western spadefoot, southwestern willow flycatcher, and Crotch's bumble bee.

### **COMMENT # 2: Consistency with NCCPs**

**Issue:** The Project has not demonstrated coordination with the County's MSCP SAP and the draft East County Plan.

**Specific impact:** The MND does not address direct and indirect impacts to the County's MSCP SAP and the draft East County Plan core resource areas and linkages and does not discuss the interim review process for the draft East County Plan.

**Why impact would occur:** The Project area is located within the approved boundaries of the County MSCP SAP and the draft East County Plan. Therefore, the Project is

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 6 of 32

subject to ensuring the provisions and policies of the MSCP and East County Plan will not be negatively impacted regardless of whether Caltrans is a signatory to these plans. The MND states that the Project will not conflict with the provisions of an adopted HCP or NCCP (page 16). However, the MND does not indicate that Caltrans has consulted with the County, nor does it describe discuss details leading up to this conclusion. Therefore, section 15125(d) of the CEQA Guidelines, which require that CEQA documents discuss any inconsistencies between a proposed Project and applicable habitat conservation plans and natural community conservation plans, was not effectively fulfilled.

The Project area includes the following MSCP SAP Biological Resource Core Areas (BRCA): McGinty Mountain/Sequan Peak-Dehesa, Sweetwater Reservoir/San Miguel Mountain/Sweetwater River, Jamul Mountains, and Otay Mountain/Marron Valley (see Attachment B) of the County's MSCP SAP. These BRCA support a high concentration of sensitive biological resources which, if lost or fragmented, could not be replaced or mitigated elsewhere (MSCP, page 2-9). In addition, the Project area lies within Linkages 5-7 (see Attachment B) of the County's MSCP SAP. Linkages not only provide connectivity between the BRCA's but also provide breeding and foraging habitat for resident species (County of San Diego, USFWS, California Department of Fish and Game, 1997). These areas are considered "very high" habitat value within the SAP (see Attachment C) and considered high priority areas to conserve. Project activities that occur in these areas should be compliant with the MSCP SAP and draft East County Plan; however, Caltrans has not demonstrated compliance. Without a discussion of how the Project affects these BRCA's and linkages, CDFW is concerned that Project activities may conflict with the SAP and the draft East County Plan.

All surveys required by the MSCP should be conducted and survey results analyzed in the MND. However, the surveys on which the MND relied were inadequate. Therefore, analysis of whether the Project will impact the proposed policies and procedures of the MSCP is also inadequate.

**Evidence impact may be significant:** Compliance with approved habitat plans, such as the Subregional MSCP SAP, is discussed in CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts is necessary to address CEQA requirements and ensure compliance with CDFW's NCCP Approval and Take Authorization. Lands with biological resources important to the Plan may be impacted by exempting lands from the discretionary permit approval process.

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 7 of 32

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

**Recommendation #3:** Assessment of consistency with NCCPs. Caltrans should consult with the County on the Project's consistency with the MSCP SAP, and Caltrans should complete the interim review process for draft East County Plan.

**Recommendation #4:** Recirculate with additional NCCP information. Caltrans should include additional analysis about Project's impacts to the resource areas of the County's MSCP SAP and the draft East County Plan. Caltrans should then recirculate the MND describing the impacts of the Project and any inconsistencies with the NCCPs.

### **COMMENT # 3: Impacts to Crotch's bumble bee**

**Issue:** The Project could impact suitable habitat for Crotch's bumble bee (a CESA candidate species), and ground disturbing activity may result in take of these species.

**Specific impact:** Project activities resulting in ground disturbance or vegetation disturbance could result in loss of foraging resources, burrow collapse, reduced nest success, and/or direct take.

**Why impact would occur:** Chaparral, coastal sage scrub, and grasslands are suitable habitat for Crotch's bumble bee, and the Project will have temporary impacts on these habitats (MND, page 22). While the NES states that Crotch's bumble bee was not detected during Project surveys (page 21 and 47), neither the NES nor MND indicate that appropriate surveys were conducted to maximize detection of Crotch's bumble. The surveys should be completed according to [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#)<sup>3</sup> or other appropriate methods that generally recommend at least three on-site surveys prior to project implementation. Those surveys should occur between April and August and should be spaced two to four weeks apart. The biological survey of the Project area on July 13, 2022 (NES page 7) is not robust enough to detect Crotch's bumble bee presence.

In addition to the presence of the aforementioned habitat types, Crotch's bumble bee may be present if the following nesting areas are present: abandoned small mammal burrows, perennial bunch grasses or thatched annual grasses, brush piles, old bird nests, and dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012). Crotch's bumble bee may also be present if overwintering sites such soft, disturbed soil (Goulson 2010) and/or leaf litter or other debris (Williams et al. 2014) are present. However, the MND did not mention surveying for those habitat features.

There are no proposed avoidance and minimization measures in the MND for Crotch's bumble bee and their habitat. Project-related activities involving ground and vegetation disturbance could result in potential significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced

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<sup>3</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 8 of 32

nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. Ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Habitat loss resulting from Project activities will contribute to a cumulative decrease of foraging habitat for this species, as urban development continues to eliminate tracts of native vegetation. Therefore, the MND should include appropriate avoidance and minimization measures for Crotch's bumble bee and their habitat.

**Evidence impact may be significant:** Crotch's bumble bee is CESA candidate species, and take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CDFW considers impacts to species that are candidates for CESA listing to be significant under CEQA. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The Project may substantially reduce and adversely modify habitat as well as reduce and potentially impair the viability of populations of Crotch's bumble bee. The Project may also reduce the number and range of the species without considering the likelihood that special status species on adjacent and nearby natural lands may rely upon the habitat that occurs on the Project site.

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

**Recommendation #5:** Disclosure of potential impacts to Crotch's bumble bee. The MND should include an analysis the Project's impact on floral resources, nesting habitat, and overwintering habitat for Crotch's bumble bee. The MND should also provide full disclosure of the presence of Crotch's bumble bee within the Project site and the MND should be recirculated.

**Recommendation #6:** Incidental take permit for Crotch's bumble bee. Since take of Crotch's bumble bee is not covered by the County's MSCP SAP or the draft East County Plan, CDFW recommends that Caltrans should apply for an incidental take permit if they find that the Project will result in take of Crotch's bumble bee.

**Mitigation Measure #1:** Crotch's bumble bee habitat and resource assessment. Prior to Project implementation, a qualified biologist shall conduct a habitat assessment to determine if the Project area or its immediate vicinity contains habitat suitable to support Crotch's bumble bee. The habitat assessment shall observe and document plant diversity and potential habitat including potential foraging, nesting, and/or overwintering resources. The habitat assessment shall quantify which plant species are in bloom and determine the percent cover of that species. Foraging resources should be quantified across multiple site visits, corresponding with the colony active season (April - August). Recorded foraging resources should not be limited to the preferred plant species known



Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 9 of 32

to be favored by Crotch's bumble bee but should include all flowering plants, including non-natives and invasives. Nesting resources can include bare ground, rodent burrows, and other potential nesting sites that may support bumble bee colonies should be quantified. Leaf litter and woody forest edge that could provide overwintering habitat should also be described. The assessment shall include data regarding historical and current species occurrences as well as the Project's proximity to the last known sighting. The results of the assessment shall be provided to CDFW prior to initiating Project activities.

**Mitigation Measure #2: Crotch's bumble bee surveys.** A qualified entomologist familiar with the species' behavior and life history shall conduct surveys within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch's bumble bee. Caltrans shall consult [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#)<sup>4</sup> when making their survey plan and shall send the plan to CDFW for approval before conducting Crotch's bumble bee surveys. If Crotch's bumble bee is detected, the qualified biologist shall notify CDFW immediately as further coordination will be required to avoid significant impacts. Caltrans shall conduct surveys each year that project activities will occur.

#### **COMMENT # 4: Wildlife Connectivity**

**Issue:** Connectivity may not be adequately addressed within the MND.

**Specific impact:** The MND does not describe the analysis of culvert restoration in enough detail to determine if the Project will have impacts on connectivity. It is unclear whether the Project degrades, maintains, or improves connectivity within the Project area. Additionally, impacts to connectivity may affect MSCP SAP linkages.

**Why impact would occur:** It is unclear how impacts to wildlife connectivity were analyzed and taken into consideration for the Project. The MND states that there will be no impact to movement of any native species or wildlife corridors (page 16), but the NES and MSCP SAP identify several linkages in the Project area. The NES states that the Project area includes wildlife travel corridors between Rancho Jamul Ecological Reserve and the Hollenbeck Canyon Wildlife Area, Sycamore Canyon and the Daley Preserve, the Dulzura Conduit, Clover Flats, and several Bureau of Land Management-owned conserved lands (page 11). The NES also identifies SR-94 as a primary barrier to wildlife movement and connectivity in the area (page 11).

Furthermore, the Project crosses the San Diego National Wildlife Refuge and the Lawrence and Barbara Daley County Preserve and borders the south of the Hauser Mountain Wilderness Study Area. The Project may impact connectivity among these areas. The MSCP has identified several core resource areas and linkages where connectivity is important within the MSCP SAP. The Project area crosses an MSCP linkage (see Attachment B) that is determined to have "very high" habitat value (see

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<sup>4</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 10 of 32

Attachment C). These “very high” habitat value areas are primary linkages that connect core biological resource areas within the MSCP area or provide connections to habitat outside the MSCP area. Linkages not only provide connectivity between core areas but also provide breeding and foraging habitat for resident species. Therefore, the Project should analyze impacts to connectivity among these areas and include an analysis within the MND.

Appendix C of the NES states that the Project no longer includes work at locations where wildlife activity could be incorporated, which should reduce impacts to listed species. However, CDFW is concerned that impacts to native species may still occur at the updated Project locations.

The MND does not contain sufficient information about the location or size of the culverts that will be relined or replaced. Therefore, CDFW cannot adequately assess whether the rehabilitation of these culverts would maintain connectivity, reduce connectivity, or improve connectivity. Roadways and associated culverts may increase population fragmentation, reduce survival by impeding movement to refugia habitat (i.e., disperse to adjacent habitat, locate food sources) or reproductive habitat (i.e., breeding habitat), and impede recolonization of potential habitat (Haddad, et al., 2015). Further analysis is needed within the MND for CDFW to determine if the Project will impact the connectivity for native wildlife at the Project site.

The ecological footprint of roads extends beyond its physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer, et al., 2010). 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 (Nicholson, et al., 2006; Haddad, et al., 2015; CDFW, 2009). Studies indicate that due to climate change, connectivity to thermal refugia is increasingly becoming more important for conserving populations as well as genetic diversity (Chen, Hill, Roy, & Thomas, 2011; Morelli, et al., 2017). Therefore, reducing culvert size, increasing culvert length; or preserving current culvert size, location, and invert without wildlife movement analyses may maintain existing barriers where an opportunity is present to design structures that allow for improved movement conditions.

**Evidence impact would be significant:** Changes to culverts that impact wildlife access are reasonable potential direct changes in the environment that will likely impact wildlife connectivity. Habitat conversion and fragmentation forces many California species to migrate in search of replacement habitat, and it also risks continued survival of species by compromising genetic diversity, among other things. (Fish & G. Code, § 1955 (b).) California wildlife is losing the ability to move as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (Fish & G. Code, §

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 11 of 32

1955 (c.) Habitat connectivity and wildlife migratory corridors are essential to the continued survival of many California species. (Fish & G. Code, § 1955 (d).) 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, § 711.7.)

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

**Recommendation #7:** Provide additional culvert details. The MND should clarify the work to occur at each culvert location. Caltrans should include the specifications of the culverts planned for replacement and clarify the sizes of each of the culverts in the Project in order to better assess their uses in wildlife connectivity.

**Recommendation #8:** Lighting impacts. Caltrans should clarify if the LED upgrade will increase light at the Melody Road intersection, which is referred to as the Proctor Valley Road intersection in the MND. The MND should provide an analysis of whether the lighting upgrade would impact connectivity at this location by deterring wildlife due to increased lighting.

**Mitigation Measure #3:** Revise reporting measure. CDFW recommends Caltrans revise the following measure by incorporating the underlined language:

The Project Biologist will submit a final report to the CFWO and CDFW within 120 days of project completion including photographs of impact areas and adjacent habitat, documentation that authorized impacts were not exceeded, and documentation that general compliance with all conservation measures was achieved. The report will specify numbers and locations of listed species (if observed); observed listed species behavior (especially in relation to project activities); and remedial measures employed to avoid and minimize impacts to listed species and critical habitat. Raw field notes should be available upon request by the CFWO and CDFW.

**Mitigation Measure #4:** Lighting minimization. Caltrans shall avoid white lights and instead use amber lighting (low-Correlated Color Temperature) with little or no blue wavelength at the proposed LED upgrade locations. Additionally, Caltrans shall use lamp shields to minimize light spill onto adjacent habitats and to focus illumination on the roadway.

**Mitigation Measure #5:** Culvert design. Culvert designs shall be consistent with the guidance from the [MSCP County Subarea Plan](#)<sup>5</sup> and the [Final MSCP Plan](#)<sup>6</sup>. Culverts shall also be designed large enough that the culvert can support a natural substrate bottom and include a line-of-sight throughout the culvert. Caltrans shall also coordinate with CDFW, to determine if low-level illumination and/or a wildlife shelf should be

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<sup>5</sup>[https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP\\_County\\_Subarea\\_Plan.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP_County_Subarea_Plan.pdf)

<sup>6</sup><https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf>

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 12 of 32

installed within the culvert. Caltrans shall install wildlife fencing based on guidance from [Measures to Reduce Road Impacts on Amphibians and Reptiles in California: Best Management Practices and Technical Guidance](#)<sup>7</sup>.

**Mitigation Measure #6: Traffic calming measures.** Caltrans shall install reduced speed limits and wildlife crossing signs to slow cars near known wildlife crossing areas. These measures should be implemented at SR-94 southbound PM 23.89, northbound PM 26.39, and southbound PM 32.79, and northbound PM 36.09.

#### **COMMENT # 5: Dust Palliatives**

**Issue:** Dust palliative used at the Project site may cause negative environmental impacts.

**Specific impact:** Dust palliatives can cause water quality issues for fish and wildlife resources depending on the type used.

**Why impact would occur:** The MND states that the Project will use water or dust palliative at the Project site (MND, page 7), but the type of dust palliative is not specified. Depending on the type of palliative used, water quality or soil quality may be impacted. If Caltrans uses calcium chloride, magnesium chloride, or sodium chloride, the water quality and/or chaparral ash (*Fraxinus parryi*) may be impacted. If Caltrans uses organic petroleum products or lignin derivatives, then water quality and soil quality may be impacted. Calcium chloride, magnesium chloride, or sodium chloride may develop at chloride concentrations as low as 400 ppm for trout, up to 10,000 ppm for other fish species (Bolander & Yamada, Dust Palliative Selection and Application Guide, 1999), so use of these chemicals may negatively impact fish species. Also, ash trees are susceptible to impacts from those palliatives (Bolander & Yamada, Dust Palliative Selection and Application Guide, 1999), and chaparral ash (*Fraxinus parryi*) is in the Project area (NES, 17). While chaparral ash has not been historically observed at culvert locations (NES, 17), it is unclear if this species is at the other sites described within the Project area. Without disclosure of the specific palliative used, CDFW is concerned that these palliatives will cause water and soil contamination and impacts to biological resources (Bolander & Yamada, 1999).

**Evidence impact would be significant:** The Project site supports a variety of special status species. Impacts to special-status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance.

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<sup>7</sup> <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca20-2700-finalreport-a11y.pdf>

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 13 of 32

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

**Mitigation Measure #7:** Dust palliative type. Caltrans shall only use water as a dust palliative in the Project area.

#### **COMMENT # 6: Additional measures**

**Issue:** The MND did not include sufficient avoidance and minimization measures to protect existing fish and wildlife resources.

**Specific impact:** Without sufficient avoidance and minimization measures, fish and wildlife resources may be impacted.

**Why impact would occur:** The NES included avoidance and minimization measures for fish and wildlife resources that were not included in the MND. The MND avoidance and minimization measures do not include restoration for temporary habitat impacts. CDFW suggests the measures be incorporated into the MND.

**Evidence impact would be significant:** The MND needs to include mitigation measures. Including measures to repair, rehabilitate, or restore the impacted environment (CEQA Guidelines §§ 15370, 15171(e)). For habitat restoration, the MND does not identify actions that can will be considered, analyzed, and potentially incorporated in the mitigation measure”(CEQA Guidelines § 15126.4(a)(1)(A)), The MND must demonstrate 1) that revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur ,and 2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. (CEQA § Guidelines 15369.5)

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

The following measures were included in the NES, but they were not incorporated into the draft MND. CDFW has revised the measures for clarity and conciseness and recommends that the following measures are incorporated into the final MND.

**Mitigation Measure #8:** Cleanup and Containment. CDFW recommends Caltrans revise the following mitigation measure by removing the language in strikethrough and adding the underlined language:

Any culvert sliplining or other culvert work that may result in increased turbidity or material leakage downstream of the culvert will occur with no water flow present in the culverts and associated streams. If a ~~noticeable~~-spill occurs, Caltrans shall immediately contain the spill will immediately be contained and shall begin the cleanup of all spills immediately to prevent the downstream migration of any hazardous or deleterious

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 14 of 32

materials, contaminated soil and water will be placed in barrels and removed from the site, and the spill will be documented and reported to the CFWO. Caltrans shall notify CDFW immediately any spills, and CDFW shall be consulted regarding any ongoing cleanup procedures.

**Mitigation Measure #9:** Restore to pre-project conditions. Caltrans shall restore alkali seep, southern coast live oak riparian forest, valley and foothill grassland, coastal sage scrub, chaparral habitat, and oak woodland to pre-construction conditions. Caltrans shall apply native seed mix to temporarily impacted areas. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants. Caltrans may salvage duff and rare plants from the Project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats.

**Mitigation Measure #10:** Nonnative grassland restoration. Caltrans shall restore impacted nonnative grassland habitat by applying native seed mix temporarily impacted grassland areas. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.

**Mitigation Measure #11:** Vegetation trimming. If native vegetation in the access areas cannot be avoided, it will either be trimmed back, cut above ground level, or driven over instead of completely removed so the vegetation has a chance to grow back once maintenance activities are complete.

**Mitigation Measure #12:** Southern coast live oak riparian forest restoration. Caltrans shall replace all temporarily impacted southern coast live oak riparian forest habitat at a 2:1 acreage ratio.

**Mitigation Measure #13:** Native tree protection. Caltrans shall avoid native trees over four inches diameter breast height.

**Mitigation Measure #14:** Oak woodland protection. Caltrans shall not remove native oak trees.

**Mitigation Measure #15:** Hermes copper butterfly protection. Caltrans shall avoid host and nectar plant species of the Hermes copper butterfly, including but not limited to spiny redberry and California buckwheat. Caltrans shall revegetate and restore designated critical habitat for Hermes copper butterfly with native species.

**Mitigation Measure #16:** Quino checkerspot butterfly protection. Where suitable habitat is present within 100 feet of the Project footprint, a qualified biologist shall conduct protocol surveys for Quino checkerspot butterfly within one year prior to commencing vegetation removal for the Project. If suitable habitat occurs in the Project area, Caltrans shall work outside of the Quino checkerspot butterfly larval emergence and flight seasons (late February to April). Caltrans shall avoid host and nectar plant species of

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 15 of 32

the Quino checkerspot butterfly, including but not limited to dot-seed plantain (*Plantago erecta*), snapdragon (*Antirrhinum coulterianum*), Chinese houses (*Collinsia concolor*), and California goldfields (*Lasthenia californica*). Caltrans shall revegetate and restore coastal sage scrub habitat and chaparral habitat suitable for Quino checkerspot butterfly with native species.

**Mitigation Measure #17: San Diego ambrosia surveys.** Caltrans shall conduct surveys for San Diego ambrosia within designated critical habitat during the blooming period (April to October) within one year prior to construction of curb ramp upgrades to determine any new occurrences.

**Mitigation Measure #18: Least Bell's vireo protection.** If active nests are identified within 500 feet of noise-generating construction activities and construction noise exceeds ambient noise levels, Caltrans shall implement measures to reduce noise to ambient levels at the nest location. Caltrans shall revegetate and restore habitat for least Bell's vireo with the native seed mix. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.

**Mitigation Measure #19: Project Biologist(s).** Biologist(s) (Project Biologist(s)) approved by USFWS will be on site: a) during initial clearing and grubbing; and b) weekly during Project construction to ensure compliance with all conservation measures. The Project Biologist(s) will be familiar with Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell's vireo and their habitat and will have experience monitoring these species. Caltrans will submit the name, address, telephone, number, and work schedule of the Project Biologist(s) on the Project to USFWS at least five working days prior to initiating Project impacts. The Project Biologist(s) will have a copy of the BO during Project construction.

**Mitigation Measure #20: Environmentally Sensitive Areas.** Designated critical habitat for Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell's vireo outside of the construction will be designated as an Environmentally Sensitive Areas (ESA) on the Project plans and protected by installing temporary ESA fencing, if necessary, under the supervision of the Project Biologist. Construction personnel will be instructed to take care to avoid effects from activities including, but not limited to, trampling during construction activities and herbicide drift during restoration activities to areas with suitable habitat. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of USFWS. Temporary construction fencing and markers will be removed upon Project completion.

**Mitigation Measure #21: Employee education program.** The Project Biologist shall develop and implement an employee education program. Each employee will receive a training and awareness program prior to working on the proposed Project. They will be

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 16 of 32

advised of the potential impact to Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell's vireo and the potential penalties for taking such species. At a minimum, the program will include the following: 1) Occurrence of the listed and sensitive species in the area (including photographs), their general ecology, and sensitivity to human activities; 2) The legal protection afforded to the listed and sensitive species, penalties for non-compliance with Federal and State laws and reporting requirements; and 3) Project features designed to reduce the impacts to the listed and sensitive species and promote continued successful occupation of the Project area.

**Mitigation Measure #22: Invasive species removal.** During Project construction, Caltrans shall remove all invasive species included on the National Invasive Species Management Plan, the State of California Noxious Weed List, and the Cal-IPC Invasive Plant Inventory list found growing within the Project right-of-way. Caltrans shall conduct weed removal within the Project right-of-way as needed during the construction and restoration period. Caltrans shall take special care during transport, use, and disposal of soils containing invasive weed seeds, and shall properly dispose of weedy vegetation removed during construction to prevent spread into areas outside of the construction area.

**Mitigation Measure #23: Translocation.** CDFW recommends Caltrans revise the following mitigation measure by adding the underlined language:

An arroyo toad and western spadefoot translocation monitoring program will be developed and implemented for project work in the vicinity of Cottonwood, Portrero, and Campo Creeks. The program will be provided to the CFWO and CDFW for review and approval.

## **ADDITIONAL COMMENTS**

**Mitigation and Monitoring Reporting Plan.** CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency 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 a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (see Attachment A).

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §



Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 17 of 32

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 website](#)<sup>8</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>9</sup>.

Caltrans should ensure data collected for the preparation of the MND is properly submitted.

## **FILING FEES**

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

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist Caltrans in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the Caltrans has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)). Given the lack of sufficient information to facilitate a meaningful review of the project's consistency with the MSCP SAP and draft East County Plan, the impacts of culvert restoration on wildlife connectivity, and impacts to Crotch's bumble bee, CDFW recommends that Caltrans recirculate the MND (CEQA Guidelines, §15073.5(b)). Questions regarding this letter or further coordination should be directed to Victor Torres, Environmental Scientist<sup>10</sup> and Andrew Domingos<sup>11</sup>, Senior Environmental Scientist (Specialist).

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<sup>8</sup> <https://wildlife.ca.gov/Data/CNDDDB>


<sup>9</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

<sup>10</sup> Phone: (858) 203-5873; Email: [victor.torres@wildlife.ca.gov](mailto:victor.torres@wildlife.ca.gov)

<sup>11</sup> Phone: (858) 395-9692; Email: [andrew.domingos@wildlife.ca.gov](mailto:andrew.domingos@wildlife.ca.gov)

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 18 of 32

Sincerely,

DocuSigned by:  
  
DF423498814B441...

Heather A. Pert  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Attachment B: MSCP core resource areas and linkages map

Attachment C: Habitat evaluation map from MSCP

cc: California Department of Fish and Wildlife  
Heather A. Pert, Environmental Program Manager  
Jennifer Turner, Senior Environmental Scientist (Supervisory)  
Melanie Burlaza, Senior Environmental Scientist (Supervisory)  
Erika Cleugh, Senior Environmental Scientist (Supervisory)

Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 19 of 32

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Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 20 of 32

**ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

CDFW provides the following language to be incorporated into the MMRP for the Project.

<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Recommendation #1: <u>Additional details about surveys conducted.</u></b> Caltrans should explain how they confirmed the absence of the species that have suitable habitat in the Project area and which have been historically observed in the Project area. Caltrans should include details necessary for CDFW to understand the extent of the information collected, including survey methods used and include details such as the time of day each survey was conducted. CDFW recommends that the MND should be recirculated with this additional information included to facilitate meaningful review of potential impacts to fish and wildlife resources.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Recommendation #2: <u>Protocol-level or similar surveys.</u></b> Caltrans should conduct protocol-level or similar surveys to determine presence/absence of the following species: San Diego ambrosia, Quino checkerspot butterfly, Hermes copper butterfly, least Bell’s vireo, coastal California gnatcatcher, Arroyo toad, Western spadefoot, southwestern willow flycatcher, and Crotch’s bumble bee.</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>
<p><b>Recommendation #3: <u>Assessment of consistency with NCCPs.</u></b> Caltrans should consult with the County on the Project’s consistency with the MSCP SAP, and Caltrans should complete the interim review process for draft East County Plan.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 21 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Recommendation #4: <u>Recirculate with additional NCCP information.</u></b>                      Caltrans should include additional analysis about Project’s impacts to the resource areas of the County’s MSCP SAP and the draft East County Plan. Caltrans should then recirculate the MND describing the impacts of the Project and any inconsistencies with the NCCPs.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Recommendation #5: <u>Disclosure of potential impacts to Crotch’s bumble bee.</u></b> The MND should include an analysis the Project’s impact on floral resources, nesting habitat, and overwintering habitat for Crotch’s bumble bee. The MND should also provide full disclosure of the presence of Crotch’s bumble bee within the Project site and the MND should be recirculated.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Recommendation #6: <u>Incidental take permit for Crotch’s bumble bee.</u></b>                      Since take of Crotch’s bumble bee is not covered by the County’s MSCP SAP or the draft East County Plan, CDFW recommends that Caltrans should apply for an incidental take permit if they find that the Project will result in take of Crotch’s bumble bee.</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #1: <u>Crotch’s bumble bee habitat and resource assessment.</u></b> Prior to Project implementation, a qualified biologist shall conduct a habitat assessment to determine if the Project area or its immediate vicinity contains habitat suitable to support Crotch’s bumble bee. The habitat assessment shall observe and document plant diversity and potential habitat including potential foraging, nesting, and/or overwintering resources. The habitat assessment shall quantify which plant species are in bloom and</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 22 of 32

Mitigation Measure	Timing	Responsible Party
<p>determine the percent cover of that species. Foraging resources should be quantified across multiple site visits, corresponding with the colony active season (April - August). Recorded foraging resources should not be limited to the preferred plant species known to be favored by Crotch’s bumble bee but should include all flowering plants, including non-natives and invasives. Nesting resources can include bare ground, rodent burrows, and other potential nesting sites that may support bumble bee colonies should be quantified. Leaf litter and woody forest edge that could provide overwintering habitat should also be described. The assessment shall include data regarding historical and current species occurrences as well as the Project’s proximity to the last known sighting. The results of the assessment shall be provided to CDFW prior to initiating Project activities.</p>		
<p><b>Mitigation Measure #2: <u>Crotch’s bumble bee surveys</u>.</b> A qualified entomologist familiar with the species’ behavior and life history shall conduct surveys within one year prior to vegetation removal and/or ground disturbance to determine the presence/absence of Crotch’s bumble bee. Caltrans shall consult <a href="#">Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</a><sup>12</sup> when making their survey plan and shall send the plan to CDFW for approval before conducting Crotch’s bumble bee surveys. If Crotch’s bumble bee is detected, the qualified biologist shall notify CDFW immediately as further coordination will be required to avoid significant impacts. Caltrans shall conduct surveys each year that project activities will occur.</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>

<sup>12</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 23 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Recommendation #7: <u>Provide additional culvert details.</u></b> The MND should clarify the work to occur at each culvert location. Caltrans should include the specifications of the culverts planned for replacement and clarify the sizes of each of the culverts in the Project in order to better assess their uses in wildlife connectivity.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Recommendation #8: <u>Lighting impacts.</u></b> Caltrans should clarify if the LED upgrade will increase light at the Melody Road intersection, which is referred to as the Proctor Valley Road intersection in the MND. The MND should provide an analysis of whether the lighting upgrade would impact connectivity at this location by deterring wildlife due to increased lighting.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #3: <u>Revise reporting measure.</u></b> CDFW recommends Caltrans revise the following measure by incorporating the underlined language:</p> <p>The Project Biologist will submit a final report to the CFWO <u>and CDFW</u> within 120 days of project completion including photographs of impact areas and adjacent habitat, documentation that authorized impacts were not exceeded, and documentation that general compliance with all conservation measures was achieved. The report will specify numbers and locations of listed species (if observed); observed listed species behavior (especially in relation to project activities); and remedial measures employed to avoid and minimize impacts to listed species and critical habitat. Raw field notes should be available upon request by the CFWO <u>and CDFW</u>.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 24 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #4: <u>Lighting minimization</u>.</b> Caltrans shall avoid white lights and instead use amber lighting (low-Correlated Color Temperature) with little or no blue wavelength at the proposed LED upgrade locations. Additionally, Caltrans shall use lamp shields to minimize light spill onto adjacent habitats and to focus illumination on the roadway.</p>	<p>During Project construction/During Project Operation</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #5: <u>Culvert design</u>.</b> Culvert designs shall be consistent with the guidance from the <a href="https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP_County_Subarea_Plan.pdf">MSCP County Subarea Plan</a><sup>13</sup> and the <a href="https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf">Final MSCP Plan</a><sup>14</sup>. Culverts shall also be designed large enough that the culvert can support a natural substrate bottom and include a line-of-sight throughout the culvert. Caltrans shall also coordinate with CDFW, to determine if low-level illumination and/or a wildlife shelf should be installed within the culvert. Caltrans shall install wildlife fencing based on guidance from <a href="https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca20-2700-finalreport-a11y.pdf">Measures to Reduce Road Impacts on Amphibians and Reptiles in California: Best Management Practices and Technical Guidance</a><sup>15</sup>.</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #6: <u>Traffic calming measures</u>.</b> Caltrans shall install reduced speed limits and wildlife crossing signs to slow cars near known wildlife crossing areas. These measures should be implemented at SR-94 southbound PM 23.89, northbound PM 26.39, and southbound PM 32.79, and northbound PM 36.09.</p>	<p>During Project construction</p>	<p>Lead Agency</p>

<sup>13</sup>[https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP\\_County\\_Subarea\\_Plan.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/MSCP_County_Subarea_Plan.pdf)

<sup>14</sup><https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/SCMSCP/FinalMSCPProgramPlan.pdf>

<sup>15</sup> <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca20-2700-finalreport-a11y.pdf>



Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 25 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #7: <u>Dust palliative type.</u></b> Caltrans shall only use water as a dust palliative in the Project area.</p>	<p>During Project construction</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #8: <u>Cleanup and Containment.</u></b> CDFW recommends Caltrans revise the following mitigation measure by removing the language in strikethrough and adding the underlined language:</p> <p>Any culvert sliplining or other culvert work that may result in increased turbidity or material leakage downstream of the culvert will occur with no water flow present in the culverts and associated streams. If a <del>noticeable</del> spill occurs, <u>Caltrans shall immediately contain the spill will immediately be contained and shall begin the cleanup of all spills immediately to prevent the downstream migration of any hazardous or deleterious materials.,</u> <del>Contaminated soil and water will be placed in barrels and removed from the site, and the spill will be documented and reported to the CFWO. Caltrans shall notify CDFW immediately any spills, and CDFW shall be consulted regarding any ongoing cleanup procedures.</del></p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #9: <u>Restore to pre-project conditions.</u></b> Caltrans shall restore alkali seep, southern coast live oak riparian forest, valley and foothill grassland, coastal sage scrub, chaparral habitat, and oak woodland to pre-construction conditions. Caltrans shall apply native seed mix to temporarily impacted areas. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants. Caltrans may salvage duff and rare plants</p>	<p>After Project completion</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 26 of 32

Mitigation Measure	Timing	Responsible Party
from the Project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats.		
<b>Mitigation Measure #10: <u>Nonnative grassland restoration</u>.</b> Caltrans shall restore impacted nonnative grassland habitat by applying native seed mix temporarily impacted grassland areas. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.	After Project completion	Lead Agency
<b>Mitigation Measure #11: <u>Vegetation trimming</u>.</b> If native vegetation in the access areas cannot be avoided, it will either be trimmed back, cut above ground level, or driven over instead of completely removed so the vegetation has a chance to grow back once maintenance activities are complete.	During Project construction	Lead Agency
<b>Mitigation Measure #12: <u>Southern coast live oak riparian forest restoration</u>.</b> Caltrans shall replace all temporarily impacted southern coast live oak riparian forest habitat at a 2:1 acreage ratio.	After Project completion	Lead Agency
<b>Mitigation Measure #13: <u>Native tree protection</u>.</b> Caltrans shall avoid native trees over four inches diameter breast height.	During Project construction	Lead Agency
<b>Mitigation Measure #14: <u>Oak woodland protection</u>.</b> Caltrans shall not remove native oak trees.	During Project construction	Lead Agency

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 27 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #15: <u>Hermes copper butterfly protection.</u></b> Caltrans shall avoid host and nectar plant species of the Hermes copper butterfly, including but not limited to spiny redberry and California buckwheat. Caltrans shall revegetate and restore designated critical habitat for Hermes copper butterfly with native species.</p>	<p>During Project construction</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #16: <u>Quino checkerspot butterfly protection.</u></b> Where suitable habitat is present within 100 feet of the Project footprint, a qualified biologist shall conduct protocol surveys for Quino checkerspot butterfly within one year prior to commencing vegetation removal for the Project. If suitable habitat occurs in the Project area, Caltrans shall work outside of the Quino checkerspot butterfly larval emergence and flight seasons (late February to April). Caltrans shall avoid host and nectar plant species of the Quino checkerspot butterfly, including but not limited to dot-seed plantain (<i>Plantago erecta</i>), snapdragon (<i>Antirrhinum coulterianum</i>), Chinese houses (<i>Collinsia concolor</i>), and California goldfields (<i>Lasthenia californica</i>). Caltrans shall revegetate and restore coastal sage scrub habitat and chaparral habitat suitable for Quino checkerspot butterfly with native species.</p>	<p>During Project construction</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #17: <u>San Diego ambrosia surveys.</u></b> Caltrans shall conduct surveys for San Diego ambrosia within designated critical habitat during the blooming period (April to October) within one year prior to construction of curb ramp upgrades to determine any new occurrences.</p>	<p>Prior to Project initiation</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 28 of 32

Mitigation Measure	Timing	Responsible Party
<p><b>Mitigation Measure #18: <u>Least Bell’s vireo protection.</u></b> If active nests are identified within 500 feet of noise-generating construction activities and construction noise exceeds ambient noise levels, Caltrans shall implement measures to reduce noise to ambient levels at the nest location. Caltrans shall revegetate and restore habitat for least Bell’s vireo with the native seed mix. Caltrans shall seed temporary impact areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.</p>	<p>During Project construction</p>	<p>Lead Agency</p>
<p><b>Mitigation Measure #19: <u>Project Biologist(s).</u></b> Biologist(s) (Project Biologist(s)) approved by USFWS will be on site: a) during initial clearing and grubbing; and b) weekly during Project construction to ensure compliance with all conservation measures. The Project Biologist(s) will be familiar with Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell’s vireo and their habitat and will have experience monitoring these species. Caltrans will submit the name, address, telephone, number, and work schedule of the Project Biologist(s) on the Project to USFWS at least five working days prior to initiating Project impacts. The Project Biologist(s) will have a copy of the BO during Project construction.</p>	<p>During Project construction</p>	<p>Project Biologist</p>
<p><b>Mitigation Measure #20: <u>Environmentally Sensitive Areas.</u></b> Designated critical habitat for Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell’s vireo outside of the construction will be designated as an Environmentally Sensitive Areas (ESA) on the Project plans and protected by installing temporary ESA fencing, if necessary, under the supervision of the Project Biologist. Construction</p>	<p>During Project construction</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 29 of 32

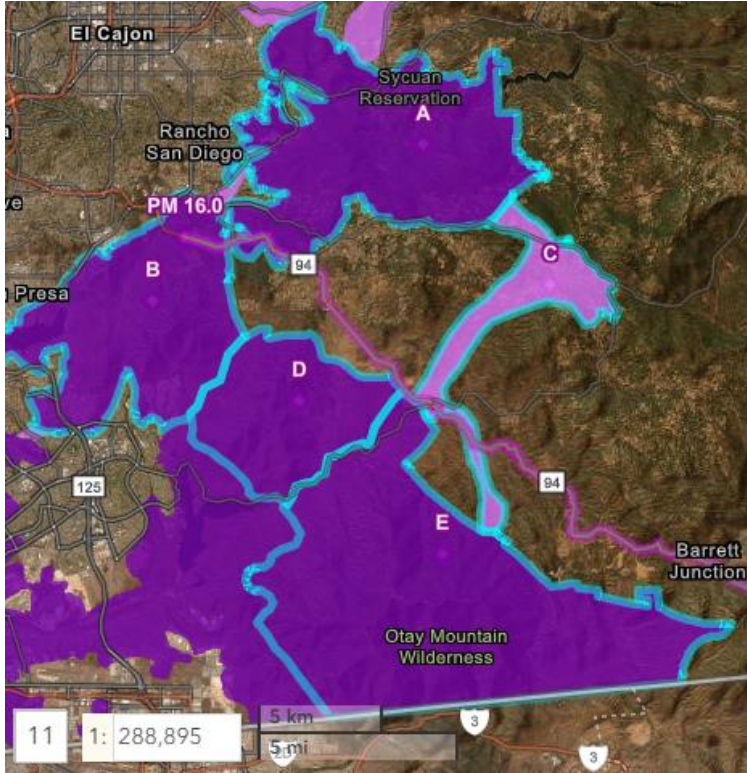
Mitigation Measure	Timing	Responsible Party
<p>personnel will be instructed to take care to avoid effects from activities including, but not limited to, trampling during construction activities and herbicide drift during restoration activities to areas with suitable habitat. If work occurs beyond the fenced or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of USFWS. Temporary construction fencing and markers will be removed upon Project completion.</p>		
<p><b>Mitigation Measure #21: <u>Employee education program</u>.</b> The Project Biologist shall develop and implement an employee education program. Each employee will receive a training and awareness program prior to working on the proposed Project. They will be advised of the potential impact to Hermes copper butterfly, coastal California gnatcatcher, Quino checkerspot butterfly, San Diego ambrosia, and least Bell’s vireo and the potential penalties for taking such species. At a minimum, the program will include the following: 1) Occurrence of the listed and sensitive species in the area (including photographs), their general ecology, and sensitivity to human activities; 2) The legal protection afforded to the listed and sensitive species, penalties for non-compliance with Federal and State laws and reporting requirements; and 3) Project features designed to reduce the impacts to the listed and sensitive species and promote continued successful occupation of the Project area.</p>	<p>During Project construction</p>	<p>Project Biologist</p>
<p><b>Mitigation Measure #22: <u>Invasive species removal</u>.</b> During Project construction, Caltrans shall remove all invasive species included on the National Invasive Species Management Plan, the State of California Noxious Weed List, and the Cal-IPC Invasive Plant Inventory list found growing within the Project right-of-way. Caltrans shall conduct weed removal within the Project</p>	<p>During Project construction</p>	<p>Lead Agency</p>

Matthew Voss  
 California Department of Transportation  
 October 25, 2024  
 Page 30 of 32

Mitigation Measure	Timing	Responsible Party
<p>right-of-way as needed during the construction and restoration period. Caltrans shall take special care during transport, use, and disposal of soils containing invasive weed seeds, and shall properly dispose of weedy vegetation removed during construction to prevent spread into areas outside of the construction area.</p>		
<p><b>Mitigation Measure #23: <u>Translocation</u>.</b> CDFW recommends Caltrans revise the following mitigation measure by adding the underlined language:</p> <p>An arroyo toad and western spadefoot translocation monitoring program will be developed and implemented for project work in the vicinity of Cottonwood, Portrero, and Campo Creeks. The program will be provided to the CFWO <u>and CDFW</u> for review and approval.</p>	<p>Prior to finalizing CEQA document</p>	<p>Lead Agency</p>

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 31 of 32

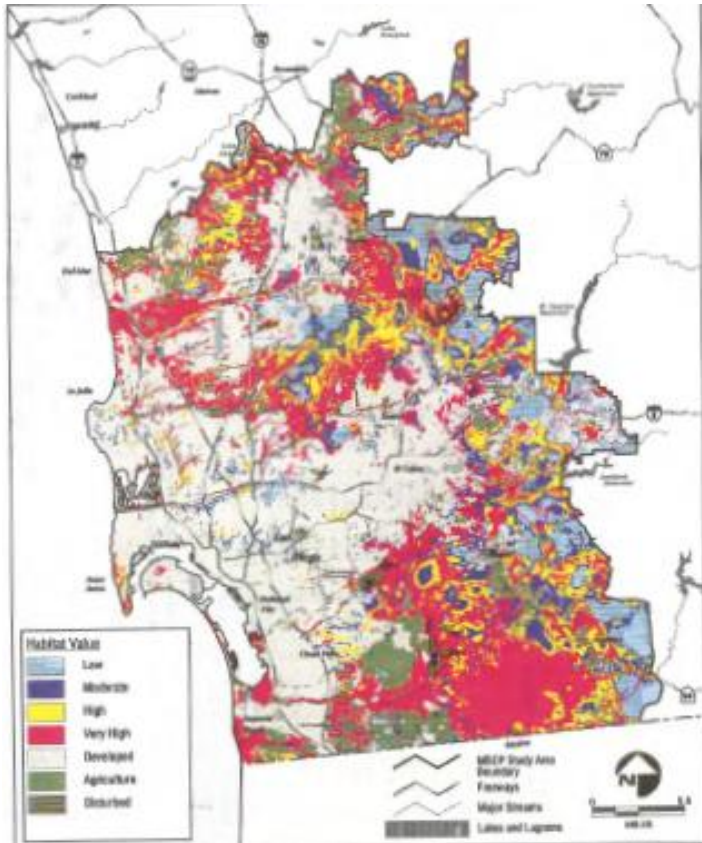
**ATTACHMENT B: MSCP CORE RESOURCE AREAS AND LINKAGES MAP**



*Attachment B: A: McGinty Mountain/Sequan Peak-Dehesa core resource area, B: Sweetwater Reservoir/San Miguel Mountain/Sweetwater River core resource area, C: linkage, D: Jamul Mountains core resource area, Otay Mountain/Marron Valley core resource area*

Matthew Voss  
California Department of Transportation  
October 25, 2024  
Page 32 of 32

**ATTACHMENT C: MSCP HABITAT EVALUATION MAP**



*Attachment C: Habitat Evaluation Map of the MSCP*