

# **State Routes 94 and 188 Asset Management Project**

San Diego County, California

11-SD-94,188-PM 15.3-65.3, 0.0-1.9

Project Number 11-43026 / 1118000083

State Clearinghouse No. 2024090435

## **Initial Study with Mitigated Negative Declaration**



Prepared by the  
State of California Department of Transportation

**March 2025**



## General Information About This Document

Document prepared by: California Department of Transportation (Caltrans), District 11

The Initial Study circulated to the public for 30 days between September 10, 2024 and October 10, 2024. An extension was provided to allow for comments until October 25, 2024. Comments received during this period are included in Appendix C. Elsewhere, language has been added in [brackets] throughout the document to indicate where a change has been made since the circulation of the draft environmental document. Minor editorial changes and clarifications are not specified.

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State Clearinghouse No. 2024090435  
11-SD-94,188-PM 15.3-65.3, 0.0-1.9  
11-43026 - 1118000083

This project would construct improvements to various transportation assets along State Route 94 from postmiles 15.3 to 65.3 and State Route 188 from postmiles 0.0 to 1.9 in San Diego County.

**INITIAL STUDY  
with Mitigated Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA  
Department of Transportation



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Tracey D'August Roberts  
Acting Deputy District Director, Environmental  
California Department of Transportation  
CEQA Lead Agency

09/06/2024

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Date

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## Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

**State Clearinghouse Number:** 2024090435

**District-County-Route-Post Mile:** 11-SD-94,188-PM 15.3-65.3, 0.0-1.9

**EA/Project Number:** 11-43026 / 1118000083

### Project Description

The California Department of Transportation (Caltrans) proposes to restore drainage systems on State Route 94 (SR-94) and restore pavement on State Route 188 (SR-188) in San Diego County. Ancillary work for the project includes upgrades to pedestrian and public transit amenities, signage and street lighting.

### Determination

An Initial Study has been prepared by Caltrans District 11. On the basis of this study, it is determined that the proposed action with the incorporation of the identified mitigation measures will not have a significant effect on the environment for the following reasons:

- Caltrans would offset temporary impacts to arroyo toad habitat of up to 0.27 acre through the permanent conservation of 0.27 acre of 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 USFWS; and
- Caltrans would restore 1.16 acres of temporary impact area with native species of similar composition to the adjacent habitat. A restoration plan would be submitted to CFWO for review and approval 30 days prior to initiating project impacts. The plan would include information and conditions outlined in the Biological Opinion.

[The amounts of acres with temporary impacts have been updated to match the latest USFWS concurrence]

A handwritten signature in black ink, appearing to read 'Tracey D'Aoust Roberts', written over a horizontal line.

Tracey D'Aoust Roberts  
Deputy District Director, Environmental  
California Department of Transportation

3/3/2025

Date





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# **Chapter 1**      **Proposed Project**

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## **1.1 Introduction**

The proposed State Route 94 and 188 Asset Management Project (project) intends to rehabilitate and enhance multiple transportation assets in eastern San Diego County along the unincorporated communities of Rancho San Diego, Spring Valley, Jamul, Dulzura, Barrett Junction, Potrero, Canyon City, Campo, Boulevard, Manzanita, and Tecate. On SR-94, the project is generally bounded on the western end by the intersection of SR-94 and the Sweetwater River Bridge and extends for 50 miles east to Avenue de Robles Verdes near Manzanita. On SR-188, the project extends south from SR-94 intersection for 1.9 miles to the Mexico border near Tecate. Within the project area, both state routes are two-lane highways. The primary land uses are rural, agricultural, open space and residential.

The proposed project is funded through the State Highway Operation Protection Program (SHOPP). The main asset is drainage with additional pavement, mobility, and safety elements.

Caltrans would act as lead agency for both the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). This CEQA Initial Study with proposed Mitigated Negative Declaration (IS/MND) and NEPA Categorical Exclusion have been prepared in accordance with state and federal regulations, and Caltrans' environmental procedures.

## **1.2 Purpose and Need**

### **1.2.1 Purpose**

The purpose of this project is to rehabilitate drainage systems, preserve pavement and enhance mobility and safety along SR-94. Work on SR-188 would restore ride quality and enhance pedestrian mobility.

### **1.2.2 Need**

The project is needed to restore serviceability of the deteriorated drainage systems and preserve driving surfaces. An assessment of existing culverts in the project area identified them with good, fair and poor condition. Culverts in fair and poor condition are most vulnerable to failure that would impact the paved surface by potentially causing erosion, instability, and sinkholes.

Additionally, buses that serve along the SR-94 need dedicated bus pads to appropriately serve the community and reduce strain on the highway

pavement. Curb ramps and pedestrian assets are also needed to enhance access to other forms of mobility. [Removed guardrail scope that is not longer part of the project]

Work on SR-188 is needed to repair existing distress on the roadway and enhance mobility.

### **1.3 Project Description**

The project proposes to rehabilitate and enhance multiple transportation assets in eastern San Diego County on State Routes 94 and 188. The project includes post miles 15.3 to 65.3 on SR-94 and post miles 0.0 to 1.9 on SR-188 that pass by the unincorporated communities of Rancho San Diego, Spring Valley, Jamul, Dulzura, Barrett Junction, Potrero, Canyon City, Campo, Boulevard, Manzanita, and Tecate. The main asset is drainage rehabilitation that will include culvert replacement and culvert lining.

The project also proposes rehabilitating other assets related to pavement, mobility, signage, safety and street lighting.

Project vicinity and location maps are shown in Figures 1-1 and 1-2

Figure 1-1 Project Vicinity Map

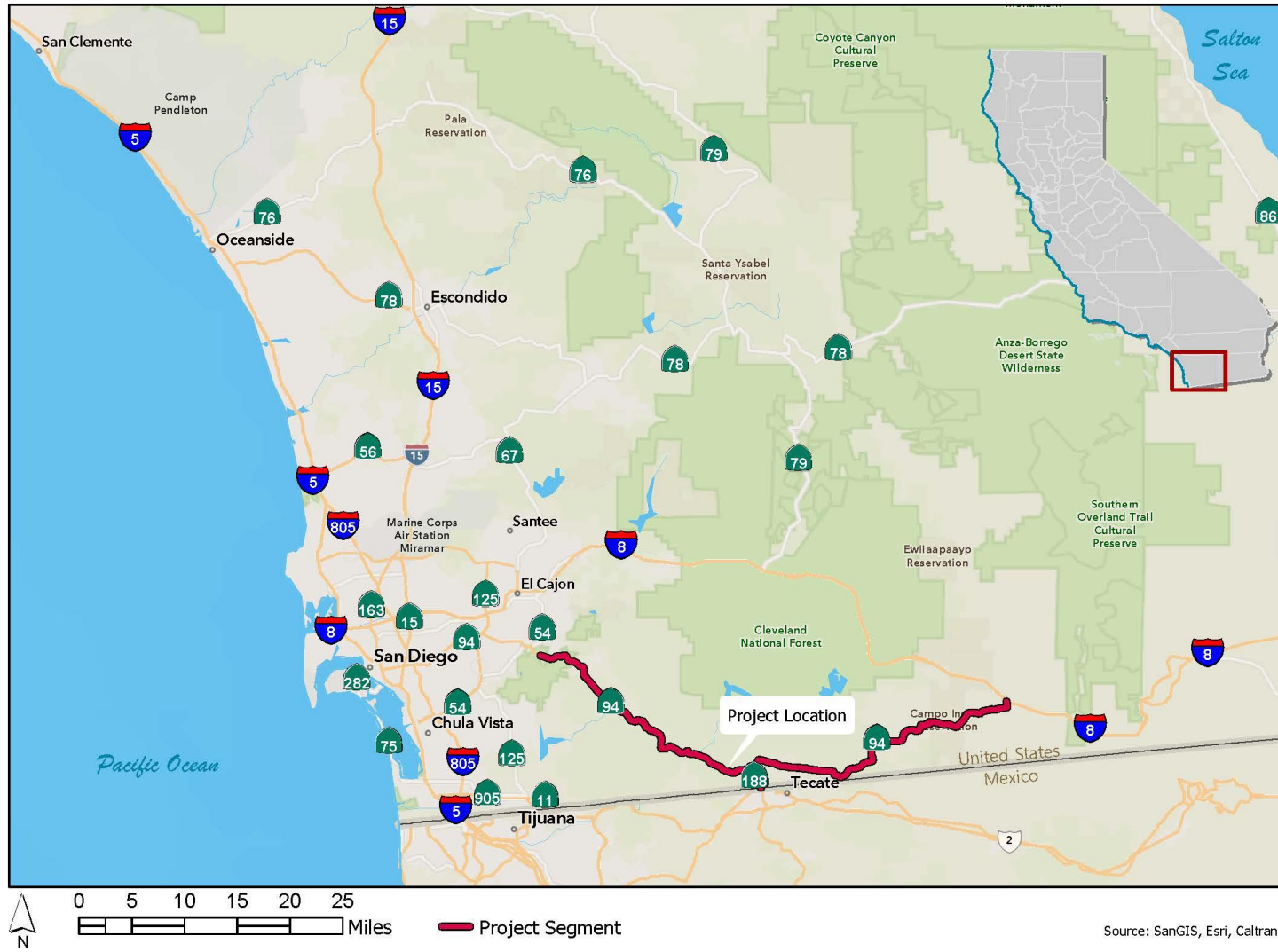
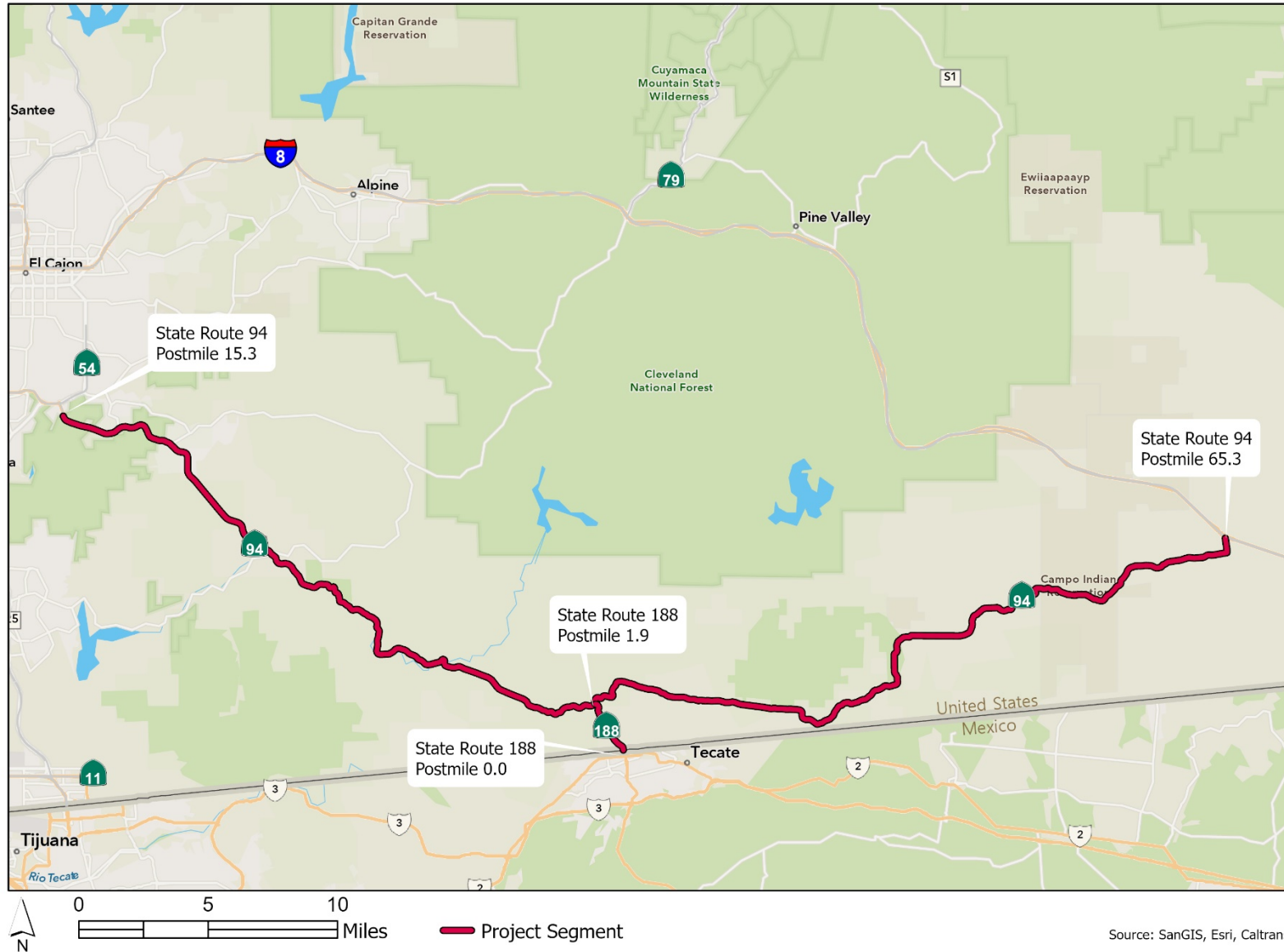


Figure 1-2 Project Location Map



## 1.4 Project Alternatives

This section describes the proposed project alternatives that were developed to meet the project purpose and need while reducing environmental impacts. There are two (2) alternatives: the Build Alternative and the No-Build Alternative.

### 1.4.1 Build Alternatives [This section has been updated]

The Build Alternative, also known as the project, contains a number of standardized project measures that are used on most, if not all, Caltrans projects and were not developed in response to any specific environmental impact resulting from the proposed project. These measures are listed later in this chapter under “Standard Measures and Best Management Practices Included in All Build Alternatives.”

The Build Alternative proposes to rehabilitate and enhance multiple assets along SR-94 and SR-188. The proposed assets are discussed below in greater detail.

#### ***Drainage Improvements (Anchor Asset)***

Proposed drainage improvements would rehabilitate 33 pipe segments along the project route with a total length of 2,146 linear feet of culverts to be repaired. The proposed rehabilitation consists of 24 replacements and 9 culverts to be relined. Rehabilitated culverts are at the following post mile locations on SR-94:

Culvert post mile location	Proposed Rehabilitation Method	Existing Size (inches)	Proposed Size (inches)	Existing Length (feet)	Proposed Length (feet)
20.59	Lining	18	N/A	48	N/A
31.23	Lining	24	N/A	52	N/A
31.64	Replacement	24	24	46	46
31.79	Replacement	18	18	42	42
32.08	Replacement	36	36	56	56
32.92	Replacement	30	30	125	125

33.44	Replacement	30	30	137	137
33.64	Replacement	54	54	94	94
33.73	Lining	30	N/A	275	N/A
33.77	Lining	30	N/A	69	N/A
33.83	Lining	30	N/A	74	N/A
33.86	Replacement	24	24	69	69
34.14	Replacement	24	24	44	44
43.14	Replacement	18	18	37	37
43.51	Replacement	18	18	43	43
43.61	Replacement	18	24	40	40
43.66	Lining	24	N/A	46	N/A
43.70	Replacement	24	24	49	49
45.66	Lining	18	N/A	45	N/A
51.84	Replacement	24	24	80	80
54.28	Lining	24	N/A	38	N/A
55.10	Replacement	18	18	54	54
55.57	Replacement	18	18	43	43
55.70	Replacement	18	18	43	43
61.16	Replacement	18	18	44	44
61.27	Replacement	18	18	45	45
61.40	Replacement	18	18	51	51
61.45	Lining	120	N/A	69	69
62.29	Replacement	18	18	49	49
62.50	Replacement	18	18	40	40



63.34	Replacement	24	24	68	68
64.06	Lining	36	N/A	64	N/A
64.24	Replacement	24	24	68	68

[The above list was expanded since the draft environmental document was circulated to include additional details about the culverts]

**Mobility**

*Bus Pads*

San Diego Metropolitan Transit System (MTS) operates bus lines 888 and 894 along SR-94. A bus pad adjacent to the highway at post mile 16.25 at the intersection of Cougar Canyon Drive would be installed to provide a dedicated area for public transit users and buses. [Other bus pads were removed from the project since the circulation of the draft environmental document]

*Pedestrian Facilities*

The project would install, rehabilitate, or upgrade curb ramps to meet Americans with Disabilities Act (ADA) standards and increase mobility. The project would improve six (6) curb ramps on SR-94 and five (5) curb ramps on SR-188.

Enhanced visibility crosswalks would also be installed as part of the pedestrian facilities. The project proposes to replace eight (8) high visibility crosswalks on SR-94 and install two (2) new high visibility crosswalks on SR-188.

**Pavement Rehabilitation**

The proposed project would rehabilitate 3.7 miles of pavement located on SR-188 and at the intersection of SR-94 and SR-188. Additional paving would be installed at compacted areas that intersect local access. No shoulder backing would be placed for this project.

**Signage**

Four (4) sign panels would be replaced on existing posts.

**Street Lighting**

Existing lighting at Cougar Canyon Drive and Proctor Valley Road intersections would be upgraded with LED lighting.

[Proposed guardrail removed from the project since the circulation of the draft environmental document]

#### **1.4.2 No-Build (No-Action) Alternative**

The No-Build Alternative provides a baseline for considerations of the Build Alternative. It may be preferred if the other alternatives or variations proposed have substantial impacts to the environment, do not serve the project's purpose and need, or are not economically feasible.

The No-Build Alternative retains the existing conditions of the facilities and would not address the purpose and need of the project. This alternative would not rehabilitate the deteriorating assets, improve mobility or preserve pavement or ride quality.

### **1.5 Standard Measures and Best Management Practices Included in All Build Alternatives**

This project would include standardized project measures and Best Management Practices (BMPs) which are used on most Caltrans projects and were not developed in response to any specific environmental impact resulting from this proposed project.

- Water will be used as dust palliative and would be applied to the site and equipment as often as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a "no visible dust" criterion either at the point of emissions or at the right-of-way line, depending on local regulations.
- Construction equipment and vehicles would be properly tuned and maintained, and would use low sulfur fuel as required by California Code of Regulations Title 17, Section 93114.
- Equipment and materials storage sites would be located as far away from residential and park uses as feasible, and construction areas would be kept clean and orderly.
- To the extent feasible, construction traffic would be scheduled and routed to reduce congestion and related air quality impacts caused by idling vehicles along local roads during peak travel times.
- Intelligent transportation systems and TMS elements would be implemented to smooth traffic flow and increase efficiency.
- TMS elements would be solar powered to the maximum extent feasible.

- The construction contract shall utilize alternative fuels such as renewable diesel for construction equipment when feasible.
- The contractor shall implement an idling limit of 5 minutes for delivery trucks and other diesel-powered equipment (with some exceptions).
- The contractor shall schedule truck trips outside of peak morning and evening commute hours and implement a TMP to minimize the effects to traffic.
- The construction contractor shall reduce construction waste.
- The contractor shall encourage improved fuel efficiency from construction equipment through ensuring that construction equipment is maintained and properly tuned and equipment has been correctly sized for the job.
- The contractor shall provide construction personnel with the knowledge to identify environmental issues and best practice methods to minimize impacts to the human and natural environment. Contractor shall supplement existing training with information regarding methods to reduce greenhouse gas emissions related to construction.
- Construction crews would implement and maintain stormwater and erosion control Best Management Practices described in the Caltrans Construction Site (Best Management Practices) Manual (Caltrans 2017) and follow specifications in Section 13 of the Caltrans Standard Specifications and associated special provisions. At a minimum, protective measures would include:
  - Preventing pollutants generated by vehicle and equipment maintenance or cleaning from entering storm drains or aquatic resources.
  - Servicing or storing vehicles and equipment no less than 100 feet from storm drains or aquatic resources unless the features are protected by impermeable barriers.
  - Capturing or controlling sediment with erosion control devices such as silt fence, fiber rolls, and appropriate erosion control netting, and covering temporary stockpiles.
- A Debris Containment and Collection Plan under SSP 14-11.13B(2) would be required.
- A lead compliance plan would be required during construction requiring paint disturbance.

- Minimization measures to ensure traffic impacts resulting from construction activities would be implemented with the TMP including appropriate staging, timing, and sequencing of activities; maintenance of traffic in both directions; and advanced notification to motorists and nearby communities to inform the public of potential delays.
- Prior to construction activities, Caltrans would contact utilities, DigAlert services, local agencies, and/or other applicable entities to mark underground facilities, as needed.
- The Biologist would conduct preconstruction nesting bird surveys no more than 72 hours prior to the start of construction activities between February 15 and August 31. The Biologist would conduct subsequent surveys if work does not occur within 72 hours. If an active nest is discovered, the Biologist would establish an appropriately sized Environmentally Sensitive Area buffer based on species, nest location, sensitivity to disturbance, and/or the intensity or type of construction activities. Work would not occur in the Environmentally Sensitive Area until the nest is inactive and fledglings are independent of adults.
- Emergency service providers and first responders would be notified of construction sequencing and the potential for temporary lane closures and/or changes to traffic circulation, as identified in the TMP.

## **1.6 Discussion of the NEPA Categorical Exclusion**

This document contains information regarding compliance with the California Environmental Quality Act (CEQA) and other state laws and regulations. Separate environmental documentation, supporting a Categorical Exclusion determination, has been prepared in accordance with the National Environmental Policy Act (NEPA). When needed for clarity, or as required by CEQA, this document may contain references to federal laws and/or regulations (CEQA, for example, requires consideration of adverse effects on species identified as a candidate, sensitive, or special-status species by the U.S. National Marine Fisheries Service and the U.S. Fish and Wildlife Service—that is, species protected by the Federal Endangered Species Act).

## **1.7 Permits and Approvals Needed**

The following permits, licenses, agreements, and certifications are required for project construction:

<b>Agency</b>	<b>Permit/Approval</b>	<b>Status</b>
United States Army Corps of Engineers	Clean Water Act – Section 404 Nationwide Permit	Anticipated by June 2025
San Diego Regional Water Quality Control Board	Clean Water Act – Section 401 Water Quality Certification	Anticipated by June 2025
California Department of Fish and Wildlife	Fish and Game Code – 1602 Lake and Streambed Alteration Agreement	Anticipated by June 2025



## **Chapter 2**      **CEQA Evaluation**

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### **2.1 CEQA Environmental Checklist**

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Significant and Unavoidable Impact, Less Than Significant Impact With Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A “No Impact” answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

On October 6, 2023, a Categorical Exemption for the project was issued based on the scope, description, and location of the proposed project as well as the technical reports. The project was deemed to be exempt due to the proposed work located on existing facilities and having no impact to the natural environment. It was anticipated that temporary impacts would occur but would be limited to construction and returned to their previous condition when the project is completed.

On October 25, 2023, the Carlsbad office of U.S Fish and Wildlife Service determined that mitigation is necessary for temporary impacts. In addition, the project scope has expanded work areas that increase temporary impacts.

Based on the aforementioned information, Caltrans decided to focus the discussion on Biological Resources. Other resources on the checklist are considered “no impact” determinations based on the Categorical Exemption previously issued as well as the appropriate technical reports, and no further discussion is included in this document.

**2.1.1 Aesthetics**

Considering the information in the Visual Impact Assessment Memorandum dated November 15, 2023, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Aesthetics
a) Have a substantial adverse effect on a scenic vista?	<b>No Impact</b>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<b>No Impact</b>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<b>No Impact</b>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<b>No Impact</b>

**2.1.2 Agriculture and Forestry Resources**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.



No impact determination for Agriculture and Forestry Resources have been made due to the project consisting of repair, maintenance and minor alterations that are isolated to Caltrans right-of-way.

<b>Question—Would the project:</b>	<b>CEQA Significance Determinations for Agriculture and Forest Resources</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<b>No Impact</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<b>No Impact</b>
c) Conflict with existing zoning, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<b>No Impact</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<b>No Impact</b>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?	<b>No Impact</b>

### 2.1.3 Air Quality

No Impact determinations of Air Quality have been made due to the project consisting of repair, maintenance and minor alterations that are on existing facilities.

<b>Question—Would the project:</b>	<b>CEQA Significance Determinations for Air Quality</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<b>No Impact</b>

Question—Would the project:	CEQA Significance Determinations for Air Quality
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<b>No Impact</b>
c) Expose sensitive receptors to substantial pollutant concentrations?	<b>No Impact</b>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<b>No Impact</b>

### 2.1.4 Biological Resources

Considering the information in the Natural Environmental Study dated October 2023 and a subsequent updated Natural Environmental Study dated January 2025 [Updates to Natural Environment Study made since the circulation of the draft environmental document] the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Biological Resources
a) 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 California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Oceanic and Atmospheric Administration Fisheries?	<b>Less Than Significant Impact With Mitigation Incorporated</b>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<b>Less Than Significant Impact With Mitigation Incorporated</b>

Question—Would the project:	CEQA Significance Determinations for Biological Resources
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<b>Less Than Significant Impact With Mitigation Incorporated</b>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<b>No Impact</b>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<b>No Impact</b>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<b>No Impact</b>

**Regulatory Framework**

Sensitive natural resources are protected by local, state, and federal laws, regulations, and acts. Regulatory requirements that apply to the proposed project and are specific to biological resources are listed below.

*Federal Endangered Species Act*

The Federal Endangered Species Act (FESA) provides legal framework for protection of threatened and endangered species that the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) place on the federal list. An agency reviewing a proposed project with federal funding, authorization, and/or permits must determine whether any federally listed species may be present in the project’s affected environment and if there is potential for impacts to act upon that species. Habitat loss for a listed species is also considered under FESA and would require mitigation.

*California Endangered Species Act*

The California Endangered Species Act (CESA) protects threatened and endangered species at state-level. The California Department of Fish and Wildlife place species on a list of species of special concern. An agency reviewing a proposed project within the state must determine whether any

state listed species may be present in the project's affected environment and if there is potential for impacts on that species.

### *Clean Water Act*

The Clean Water Act (CWA) regulates the chemical, physical, and biological integrity of the nation's waters. The discharge of any pollutant from a point source into navigable waters is illegal unless a permit is provided by a responsible agency.

### *Lake and Streambed Alteration Agreement*

California Department of Fish and Wildlife (CDFW) regulates activities that would divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake. Projects are reviewed for any activity that has potential to alter or degrade and state-regulated waterways. Agreements are issued for any proposed actions in those regulated waterways.

### *Executive Order 13112 – Invasive Species*

Executive Order 13112 requires agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as "any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.". The California Invasive Species Council provides a list of state-specific invasive species for use on the proposed project.

### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) is a treaty with Canada, Mexico and Japan that makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law applies to the removal of nests that are occupied by migratory birds during the breeding season. Sections of California Fish and Game Code also prohibit the destruction of any nest, egg, or nestling.

### ***Affected Environment***

A Biological Study Area (BSA) was developed to include permanent and temporary areas that may be affected by the project. The BSA includes the length of the project plus a 500-foot buffer and proposed staging and/or storage areas. Other actions considered to develop the BSA project activities

such as ground disturbance, equipment access, air quality impacts, lighting effects, and noise disturbances during culvert maintenance.

Within the BSA, there are a total of 944 acres. Approximately 519 acres of the total BSA acreage are plant communities of special concern. Ten communities of special concern occur within the project BSA: alkali/freshwater seep, southern riparian scrub, southern coast live oak riparian forest, southern riparian forest, valley and foothill grassland, nonnative grassland, coastal sage scrub, chaparral, and oak woodland. [Acreage within BSA was recalculated based on updates to the Natural Environment Study since the circulation of the draft environmental document]

The plant communities of special concern are discussed in detail below and separated by habitat classification of wetland or upland. A breakdown of the existing areas of special concern communities within the BSA is available on Table 2-1.

#### Wetland Habitat

Wetland habitat is marked as areas where water covers the soil. The water can be present at or near the surface of the soil for all or portions of the year. The following habitat types are classified as wetland habitats.

#### *Alkali/Freshwater Seep*

Alkali seep consists of low-growing perennial herbs, including salt grass, alkali mallow, salt heliotrope, San Diego marsh-elder, and spiny rush, usually forming complete cover. Freshwater seep is similar, but the vegetation can grow taller.

#### *Southern Riparian Scrub*

Southern riparian scrub is a zone dominated by small trees, such as willows and shrubs, including mulefat.

#### *Southern Coast Live Oak Riparian Forest*

Southern coast live oak riparian forests are dense and dominated by evergreen trees with a closed, or nearly closed, canopy. This vegetation type is richer in herbs, such as mugwort and poorer in understory shrubs than other riparian communities.

#### *Southern Riparian Woodland*

Riparian woodland community has moderate-density riparian woodlands that are dominated by small trees or shrubs with scattered taller riparian trees.

#### *Streambed*

Streambeds are terrestrial wetlands that have minimal vegetative cover on the bed and bank.

### *Southern Riparian Forest*

Southern riparian forests are dense and dominated by western sycamore and cottonwood with other wetland plants.

### Upland Habitat

Upland habitat are land areas that are located above the elevation where flooding generally occurs. These are found beyond river and stream areas. The following habitat types are classified as upland habitats.

### *Valley and Foothill Grassland*

Valley and foothill grassland is a mid-height (up to 2-foot high) grassland dominated by perennial needlegrass. Native and introduced annuals occur between the perennials, often actually exceeding the bunchgrasses in cover. The percentage cover of native species at any one time may be quite low but is considered native grassland if 20 percent aerial cover of native species is present.

### *Nonnative Grassland*

Nonnative grassland usually has a dense to sparse cover of annual grasses. Oat, brome, stork's bill, and mustard are common indicators.

### *Coastal Sage Scrub*

Coastal sage scrub consists of low, soft-woody subshrubs (to approximately 1 meter high) that are most active in winter and early spring. The vegetation community is dominated by California sagebrush, California buckwheat, laurel sumac, white sage, and black sage.

### *Chaparral*

Chaparral habitat consists of broad-leaved shrubs (approximately 1.5 meters to 4 meters high) usually on dry, rocky, and often steep slopes. Dominated by chamise, manzanita, ceanothus, toyon, scrub oak, sugar bush, and Mojave yucca. Southern mixed chaparral usually has patches of bare soil, while northern mixed chaparral has dense vegetation.

### *Oak Woodland*

Coast live oak woodland is woodland dominated by coast live oak with a canopy cover ranging from less than 50 percent to 50 to 75 percent with a usually poorly developed shrub layer with toyon, laurel sumac, and blue elderberry. Engelmann oak woodland consists of an evergreen woodland dominated with Engelmann oak and is either open with an understory of typical grassland species, like needlegrass or dense with coast live oak being a significant constituent.



**Table 2-1: Plant Communities in Biological Study Area**

<b>Plant community</b>	<b>Acreage</b>
Alkali/freshwater seep	15
Southern riparian scrub	2
Southern coast live oak riparian forest	20
Southern riparian forest	5
Valley and foothill grassland	1
Nonnative grasslands	17
Coastal sage scrub	121
Chaparral	283
Oak woodland	55

[Plant community acreage was recalculated based on updates to the Natural Environment Study since the circulation of the draft environmental document. Due to the updates, the amount of special status plant and animal species were reduced, and the updates are reflected through the following paragraphs]

#### *Special Status Plant Species*

Within the BSA there are 12 special status plant species where suitable habitat occurs. Special status is based on federal, state, or local laws, limited distribution, and/or the presence of habitat required by the special status plant occurs on site. No direct impacts are anticipated to occur to special status plant species. Sensitive plant species, if observed during pre-construction surveys, will be identified and protected with ESA fencing. Access areas will be realigned to the maximum extent feasible to avoid and minimize impacts to sensitive plant species One (1) plant species was observed and critical habitat occurs near the project BSA: San Diego Ambrosia.

#### *San Diego Ambrosia*

The federally endangered San Diego ambrosia was identified in the BSA with critical habitat located within the project's footprint. The San Diego ambrosia is a perennial herb that is distributed from the western portions of Riverside and San Diego Counties with scattered populations south along the west



coast of Baja California. San Diego ambrosia was listed as endangered on July 2, 2002.

### *Special Status Animal Species*

Within the BSA there are also 18 special status animal species where suitable habitat occurs. Special status is based on federal, state, or local laws, limited distribution, and/or the presence of habitat required by the special status animals occurs on site. No direct impacts are anticipated to occur to special status animal species. Sensitive animal species, if observed during pre-construction surveys will be identified and suitable habitat will be protected with ESA fencing. Access areas will be realigned to the maximum extent feasible to avoid and minimize impacts to sensitive animal species. The project footprint contains suitable habitat for the following species: Quino checkerspot butterfly, Hermes copper butterfly, Crotch's bumble bee, least Bell's vireo, coastal California gnatcatcher, arroyo toad and western spadefoot. Special status animal species are discussed in detail below.

### *Quino Checkerspot Butterfly*

The federally endangered Quino checkerspot butterfly is a butterfly that used to be widespread and abundant in the region but now has its populations scattered in isolated locations in southern San Diego County, western Riverside County and Baja California.

### *Hermes Copper Butterfly*

The federally threatened Hermes copper butterfly is a small, brightly colored butterfly that ranged from the vicinity of northern, eastern, and western San Diego County south to Baja California.

### *Crotch's Bumble Bee [Information on Crotch's bumble bee added since the circulation of the draft environmental document]*

Crotch's bumble bee is a proposed candidate for state listing as threatened and can be distinguished by its square-shaped face and rounded ankle on the midleg. This short-tongued species has nests that are often located underground. It is mostly endemic to California, ranging from Redding to San Diego.

### *Least Bell's Vireo*

The federally and state endangered least Bell's vireo is a small, gray, migratory songbird that ranged throughout California but are now limited to smaller areas including small populations in southern California and northwestern Baja California.

### *Coastal California Gnatcatcher*

The federally and state endangered coastal California gnatcatcher is a small, long-tailed bird that ranges from coastal southern California and northwestern Baja California.

***Arroyo Toad***

The federally and state endangered arroyo toad is a small, light green-gray or tan toad with warty skin and dark spots with a light-colored stripe crossing the head and eyelids. Most existing populations occur within or adjacent to the Cleveland National Forest.

***Western Spadefoot***

The western spadefoot was proposed as a species of concern after the NES was completed. The federally proposed threatened western spadefoot is small (1.5 to 2.5 inches), with dusky green or gray on their backs and often have four irregular light-colored stripes, with the central pair of stripes sometimes distinguished by a dark, hourglass-shaped area. Western spadefoots typically require aquatic breeding pools dependent on seasonal rains that occur in the winter and spring with a depth of 1 to 19 inches, underground burrows in upland areas surrounding their aquatic (breeding) habitat, and a variety of small invertebrate prey.

***Environmental Consequences***

Although there are 10 plant communities of special concern within the BSA, the project would not cause permanent impacts to any community. The project would have temporary impacts to alkali seep, southern coast live oak riparian forest, nonnative grasslands, coastal sage scrub, chaparral, oak woodland. Impacts to streambed areas would also occur. No permanent or temporary impacts would occur to valley and foothill grassland, southern and riparian forest. A breakdown of temporary impacts to each habitat type is available on Table 2-2.

**Table 2-2: Temporary Impacts on Habitats**

<b>Habitat Type</b>	<b>Temporary Impacts (Acreage)</b>
Alkali seep	0.01
Southern coast live oak riparian forest	0.09
Streambed	0.24
<b>Wetland Total</b>	<b>0.34</b>
Coastal sage scrub	0.40
Chaparral	0.27

Oak woodland	0.15
<b>Upland Total</b>	<b>0.82</b>
<b>Grand Total</b>	<b>1.16</b>

[Temporary impacts were recalculated based on updates to the Natural Environment Study since the circulation of the draft environmental document. Due to the updates, the amount of temporary impacts were updated and are reflected in Table 2-2 and through the following paragraphs]

*Special Status Plant Species*

*San Diego Ambrosia*

Based on surveys for San Diego ambrosia, no designated critical habitat occurs within the BSA and no direct impacts are anticipated to occur to the plant species.

*Special Status Animal Species*

*Quino Checkerspot Butterfly*

Based on surveys for Quino checkerspot butterfly, no designated critical habitat occurs within the BSA and no direct permanent impacts are anticipated to occur to the butterfly. Temporary impacts are anticipated to occur to 0.42 acre of suitable habitat, including coastal sage scrub and chaparral, from access to 15 culverts. Preconstruction surveys and avoidance and minimization measures would be followed to ensure the butterfly is not impacted by the proposed project.

*Hermes Copper Butterfly*

Based on surveys for Hermes copper butterfly, no designated critical habitat occurs within the BSA and no permanent impacts are anticipated to occur to the butterfly. Temporary impacts are anticipated to occur to 0.53 acre of suitable habitat, including coastal sage scrub and chaparral. Preconstruction surveys, avoidance and minimization measures would be followed to ensure the butterfly is not impacted by the proposed project.

*Crotch’s Bumble Bee [Discussion on Crotch’s bumble bee added since the circulation of the draft environmental document]*

Crotch’s bumble bee was not observed during surveys of the Project area. Suitable habitat, including 18 acres of grassland, 121 acres of coastal sage scrub, and 283 acres of chaparral are present in the BSA. There have been observations of the species nearby. No direct impacts are anticipated to occur to this special status animal species. Temporary impacts are anticipated to occur to 0.47 acre of suitable habitat, including coastal sage scrub and

chaparral. Pre-construction surveys, avoidance and minimization measures would be followed to ensure that impact to Crotch's bumble bee is avoided or minimized.

#### *Least Bell's Vireo*

LBV was detected in Cottonwood Creek near the proposed crosswalk work at PM 34.55. However, work at that location will avoid impacts to Cottonwood Creek. Avoidance and minimization measures would be followed to ensure the least Bell's vireo is not impacted by the proposed project.

#### *Coastal California Gnatcatcher*

Based on surveys for coastal California gnatcatcher, approximately 23 acres of designated critical habitat occur within the BSA. No permanent or temporary impacts are anticipated to occur to the gnatcatcher nor its designated critical habitat. Avoidance and minimization measures would be followed to ensure the gnatcatcher is not impacted by the proposed project.

#### *Arroyo Toad*

Based on surveys of arroyo toad, designated critical habitat occurs in the BSA on approximately 4 acres of Cottonwood Creek. Permanent impacts are not anticipated to arroyo toad or its critical habitat. Temporary impacts to 0.27 acre of suitable habitat for arroyo toad would occur from proposed work at 18 culverts draining into Cottonwood Creek, Potrero Creek, and Campo Creek. Permanent conservation of 0.27 acre of habitat would be established by the project to preserve habitat for arroyo toad.

#### *Western Spadefoot*

Western spadefoot have been detected in a temporary pond in chaparral habitat near Campo Creek. Temporary impacts to 0.07 acre of suitable habitat for western spadefoot will occur at four culvert locations at Campo Creek. [

#### *Jurisdictional Waters*

The project would not permanently impact jurisdictional waters. Temporary impacts to jurisdictional waters of the United States and jurisdictional waters of the State would require permits. The project proposes to replace 24 culverts that would require permits prior to construction.

### **Avoidance, Minimization, and/or Mitigation Measures**

[Measures have been modified and added since the circulation of the draft environmental document]The project would implement the following conservation measures to avoid, minimize and mitigate the temporary impacts to biological resources:

- Permanent conservation of 0.27 acre of habitat at an approved mitigation bank must be established with review and approval from Carlsbad Fish and Wildlife Office (CFWO). Documentation of habitat

preservation must be provided to CFWO prior to commencement of vegetation removal and project construction.

- Restore 1.16 acres of temporary impacts with native species of similar composition to adjacent habitats. A restoration plan must be approved by CFWO at least 30 days prior to initiating project impacts. Additional details on planting palettes, planting installation, plant survival rates, implementation schedules, maintenance and monitoring are available on Biological Opinion.
- A Project biologist, approved by USFWS and CDFW, will be on site: (a) during all vegetation clearing, and (b) weekly during project construction within 500 feet of arroyo toad and western spadefoot habitat to monitor compliance with all conservation measures. Caltrans will submit the biologist's name, contact information, and work schedule on the project to the CFWO at least 15 working days prior to initiating project impacts. The Project Biologist will be available during pre-construction and construction phases to address protection of sensitive biological resources, monitor ongoing work, and maintain communications with construction personnel to facilitate the appropriate and lawful management of issues relating to biological resources.
- Project Biologist(s). Biologist(s) (Project Biologist(s)) approved by USFWS and CDFW 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, Quino checkerspot butterfly, Crotch's bumble bee, San Diego ambrosia, coastal California gnatcatcher, 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.
- Environmentally Sensitive Areas. Designated critical habitat for coastal California gnatcatcher and arroyo toad 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.

- The Project Biologist will submit a final report to the USFWS 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 USFWS and CDFW.
- An employee education program will be developed and implemented by the Project Biologist. Each employee (including temporary, contractors, and subcontractors) will receive a training/awareness program prior to working on the proposed project. They will be advised of the potential impact to the listed species, including Hermes copper butterfly, Quino checkerspot butterfly, Crotch's bumble bee, arroyo toad, western spadefoot, San Diego ambrosia, coastal California gnatcatcher and least Bell's vireo, and the potential penalties for taking such species. At a minimum, the program will include the following topics: occurrence of the listed and sensitive species in the area (including photographs), their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area.
- If nighttime construction is necessary, all project lighting (e.g., staging areas, equipment storage sites, roadway) will be selectively placed and directed toward the construction site and away from adjacent habitats. Construction lighting will be of the lowest illumination necessary for safety, and light glare shields will be used to reduce the extent of illumination into adjacent habitats.
- Permanent project lighting will be of the lowest illumination necessary for safety and will be directed toward the paved roadway and away from sensitive habitats. Light glare shields will be used to reduce the extent of illumination into sensitive habitats. Caltrans will review the permanent lighting plans for the project and submit to USFWS AND CDFW.
- Impacts from fugitive dust will be avoided and minimized through watering.

- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will be restricted to designated staging areas located such that runoff from the designated areas will not enter riparian habitat.
- A construction Storm Water Pollution Prevention Plan (SWPPP) and soil erosion and sedimentation plan will be developed to identify best management practices that will be implemented during construction to minimize erosion, prevent sediment and debris from entering drainages, and maintain water quality. Sediment will not be stockpiled in areas where material could be washed into drainages by rainfall. Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.
- The project site will be kept as clear of debris as possible. All food-related trash items will be enclosed in sealed containers and regularly removed from the site. All spoils, invasive plant cuttings, and material disposal will be disposed of properly.
- 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 California Invasive Plant Council's Invasive Plant Inventory list (Cal-IPC 2006) found growing within the project impact area will be identified and removed at least once a month. Caltrans shall conduct weed removal within impact areas, as needed, during the construction and restoration period. Special care will be taken during transport, use, and disposal of soils containing invasive weed seeds, and all weedy vegetation removed during construction will be properly disposed of to prevent spread into areas outside of the construction area. All heavy equipment will be washed and cleaned of debris prior to entering a new area to minimize the spread of invasive weeds.
- No invasive species listed in the National Invasive Species Management Plan, State of California Noxious Weed List, or Cal-IPC Invasive Plant Inventory list (Cal-IPC 2006) will be used in the landscaping plans for the project. Landscaping plans for the project will be submitted to the USFWS for review and approval at least 15 days prior to commencing vegetation clearing and construction work.
- Project personnel will be prohibited from bringing domestic pets to construction sites to ensure that domestic pets do not disturb or depredate wildlife in adjacent native habitats.

- Fire suppression equipment, including extinguishers and shovels, will be available on site during construction.
- If fill must be borrowed from, or disposed of offsite, the construction contractor will identify any necessary borrow and disposal sites and provide this information to Caltrans for review. Caltrans will review borrow and disposal site information and submit the information to the USFWS. If borrow or disposal activities directly related to this project may affect a listed species or critical habitat, Caltrans will reinstate section 7 consultation.
- Prior to the work, a habitat assessment of the 26 culvert locations in Cottonwood Creek, Potrero Creek, and Campo Creek will be conducted to determine whether suitable habitat for the arroyo toad or western spadefoot is present within or adjacent to the work areas.
- To the extent feasible, work within or adjacent to occupied arroyo toad and western spadefoot breeding habitat will occur between August 16 and February 28, which is outside of the arroyo toad breeding season at 26 culvert locations and between May 1 through October 31, which is outside of the western spadefoot breeding season at 4 culvert locations, to avoid impacts to breeding arroyo toads and western spadefoot, egg masses, tadpoles, and juveniles. Vegetation clearing may commence earlier in the fall if the Project Biologist demonstrates to the satisfaction of the CFWO that all breeding within adjacent habitat is complete.
- 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 spill occurs, Caltrans shall immediately contain the spill and shall begin the cleanup of all spills immediately to prevent the downstream migration of any hazardous or deleterious materials. Contaminated soil will be placed in barrels and removed from the site, and the spill will be documented and reported to the USFWS and CDFW. Caltrans shall notify USFWS and CDFW immediately any spills, and USFWS and CDFW shall be consulted regarding any ongoing cleanup procedures.
- 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 USFWS and CDFW for review and approval. The program will include the following requirements:
  - Prior to clearing, grubbing, and construction activities, the Project Biologist will monitor arroyo toad and western



spadefoot breeding activity in those project areas containing, or adjacent to, breeding habitat. The biologist will determine when egg clutches or larvae are no longer present in the waterway. When sign of breeding is no longer evident, an exclusionary fence will be installed and clearance surveys will be initiated.

- Prior to clearing, grubbing, and construction activities, exclusionary fencing will be installed around the perimeter of all work areas within potential arroyo toad and western spadefoot habitat, except for areas where topography is such that the Project Biologist, using their best judgement, believes that occupancy by arroyo toads and western spadefoot is unlikely, and installation of fencing is not practical. In areas without water flows, the exclusion fence will consist of woven nylon fabric or similar material at least 2 feet high, staked firmly to the ground. In areas where soils are suitable for aestivation, the lower 1 foot of material will stretch outward along the ground and be secured with a continuous line of sandbags to prevent burrowing beneath the fence. Doubling this line (i.e., stacking sand or gravel bags two-deep) may reduce maintenance and should be considered in order to improve the integrity of the fencing. In areas where soils are not suitable for aestivation, (i.e., hardpack soils), fencing may be buried to reduce maintenance concerns and improve the integrity of the fencing over time. Mechanized installation of buried portions of the fencing may be considered as it may reduce foot-traffic and disturbance of adjacent habitat. In areas where there is existing or potential inundation, wire mesh held in place with t-posts and secured with sand or gravel bags should be utilized to allow for the passage of water flows without compromising the integrity of the fencing. A small amount of vegetation may be removed to facilitate installation of the fencing, so long as it is conducted without disturbing the soil in areas where soils are suitable for aestivation and does not impact habitats to be avoided. In areas with challenging topography where arroyo toad and western spadefoot occupancy is deemed unlikely by the Project Biologist, the limits of work will be clearly delineated using other means (e.g., stakes with bright orange flagging). Fence ends will tie into areas with challenging topography in a manner designed to keep arroyo toads and western spadefoot out of the project footprint.

Decisions on the appropriate fencing installation method for a given reach will be made by the Project Biologist. Fencing will be clearly visible to personnel on foot and operating heavy

equipment. Caltrans will submit to the USFWS for approval, at least 5 days prior to initiating project impacts (except for impacts resulting from clearing to install exclusion fencing), the final plans for initial clearing and grubbing of habitat and project construction. These final plans will include photographs that show the fenced limits of impact, the flagged project limits in areas with challenging topography where occupancy was deemed unlikely, and all areas to be impacted or avoided. Exclusionary fencing will be maintained in good repair until the completion of project construction and removed upon project completion.

- Prior to the initiation of construction activities, but after exclusionary fencing has been installed, a minimum of 6 consecutive night surveys for arroyo toads and western spadefoot will be conducted within the fenced project area by the Project Biologist. Surveys will continue until there have been 2 consecutive nights without arroyo toads and western spadefoot inside the fence. Arroyo toads and western spadefoot will be excluded from the fenced project footprint before large-scale vegetation removal efforts commence; however, some vegetation removal may occur to improve visibility for salvage of arroyo toads and western spadefoot, so long as it is conducted without disturbing the soil and within the fenced project footprint. Surveys will be conducted during the appropriate climatic conditions and during the appropriate time of night to maximize the likelihood of encountering arroyo toads or western spadefoot. If climatic conditions are not appropriate for arroyo toad or western spadefoot movement during the surveys, the biologist may attempt to illicit a response from the arroyo toads or western spadefoot, during nights (i.e., at least 1 hour after sunset) with temperatures above 10 degrees Celsius (50 degrees Fahrenheit), by spraying the project area with water to simulate a rain event. If it is not feasible to spray the entire project area with water, then spraying would occur in the areas of greatest concern under the direction of the Project Biologist.
- Capture methods will follow commonly accepted techniques for amphibian field sampling, including capture by hand and pitfall trapping. All pitfall traps will be covered or removed when clearance surveys are not occurring. Arroyo toads and western spadefoot will be handled in an expedient manner with minimal harm. Captured arroyo toads and western spadefoot will not be handled for more than 15 minutes. Any arroyo toad or western spadefoot exhibiting signs of physiological distress will be immediately released in the most proximal and safe

suitable habitat. Any arroyo toads captured will be checked for a Passive Integrated Transponder (PIT) tag with a PIT-tag reader by the Project Biologist.

- If the exclusion fencing is found to be damaged during weekly monitoring conducted by the Project Biologist during the active season for the arroyo toad (March 1 to August 15) or western spadefoot (November 1 to April 30), allowing arroyo toads or western spadefoot access to the impact area, exclusion surveys will be repeated by the Project Biologist for a minimum of 3 consecutive nights prior to any additional construction activities occurring in the area.
- The approved Project Biologist will monitor all groundbreaking activities that occur within areas demarcated with exclusion fencing to salvage and relocate arroyo toads and western spadefoot and to quantify take of arroyo toads and western spadefoot.
- To avoid transferring disease or pathogens between aquatic habitats during surveys and handling of arroyo toads, the Project Biologist will follow the Declining Amphibian Population Task Force's Fieldwork Code of Practice (DAPTF 1998), or newer version when available.
- American bullfrogs (*Lithobates catesbeianus*) and other exotic animal species that prey upon or compete with arroyo toads for resources will be excluded, destroyed, or otherwise permanently removed from the habitat by the Project Biologist if encountered.
- The Project Biologist will maintain a complete record of all arroyo toads and western spadefoot encountered and relocated in association with the project. The date and time of observation, sex, physical dimensions, PIT-tag code, coordinates/specific location of capture and release, and photographs (when possible) will be recorded and provided to CFWO, within 30 days of the completion of translocation.
- Prior to the work, a habitat assessment of the culvert locations with grassland, coastal sage scrub, and chaparral will be conducted to determine whether suitable habitat for the Crotch's bumble bee is present within or adjacent to the work areas. The habitat assessment shall observe and document plant diversity and potential habitat including potential foraging, nesting or

overwintering resources. Nesting resources including bare ground and rodent burrows should be quantified. Leaf litter and woody forest edge that could provide overwintering habitat should also be described.

- Where suitable habitat is present within 100 feet of the project footprint, the Project Biologist will conduct protocol surveys for Crotch's bumble bee within one year prior to commencing vegetation removal for the project.
- If suitable habitat occurs at culvert locations, work at the locations will occur outside of the Crotch's bumble bee flight seasons, which occur between April to August.
- Suitable habitat for Crotch's bumble bee outside of the construction area at the culvert locations will be designated as an 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 Crotch's bumble bee 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 CDFW. Temporary construction fencing and markers will be removed upon project completion.
- Nectar plant species of the Crotch's bumble bee will be avoided to the extent practicable.
- Temporary impacts to 0.40 acre of coastal sage scrub habitat and 0.27 acre of chaparral habitat suitable for Crotch's bumble bee at 20 culvert locations will be revegetated and restored with native species. Duff and rare plants may be salvaged from the project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats. Temporary impact areas will be planted and seeded as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.
- 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.

- 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.
- 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.
- Southern coast live oak riparian forest restoration. Caltrans shall replace all impacted native plants in southern coast live oak riparian forest habitat at a 2:1 ratio.
- Native tree protection. Caltrans shall avoid native trees over four inches diameter breast height.
- Oak woodland protection. Caltrans shall not remove native oak trees.
- Hermes copper butterfly protection. Host and nectar plant species of the Hermes copper butterfly, including but not limited to spiny redberry and California buckwheat, will be avoided to the extent practicable.
- Temporary impacts to of suitable habitat for Hermes copper butterfly, including 0.40 acre of coastal sage scrub and 0.13 acre of chaparral, will be revegetated and restored with native species. Duff and rare plants may be salvaged from the project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats. Temporary impact areas will be planted and seeded as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.
- 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. Before construction, the Project Biologist will conduct pre-construction surveys to assess suitable habitat and conduct surveys, if needed. 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).

- Host and nectar plant species of the QCB, including but not limited to dot-seed plantain, snapdragon, Chinese houses, and California goldfields (*Lasthenia californica*) will be avoided to the extent practicable.
- Temporary impacts to 0.34 acre of coastal sage scrub habitat and 0.08 acre of chaparral habitat suitable for QCB at the 15 culvert locations will be revegetated and restored with native species. Duff and rare plants may be salvaged from the project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats. Temporary impact areas will be planted and seeded as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.
- 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.
- To the extent possible, work at areas with suitable coastal California gnatcatcher habitat will occur outside of the nesting season, which occurs between February 15 and August 31. If activities occur during the nesting season, a mandatory preconstruction survey by a qualified biologist would be conducted to ensure that no nesting coastal California gnatcatcher are present within the proposed work area. Should a nest site be located, appropriate measures may include designation of the location as an ESA and delaying or restricting project activities until nesting and fledging is completed. If active nests are identified within 500 feet of noise generating construction activities and construction noise exceeds ambient noise levels, measures will be implemented to reduce noise to ambient levels at the nest location.
- Temporary impacts to habitat suitable for coastal California gnatcatcher will be revegetated and restored with a native seed mix. Duff and rare plants may be salvaged from the project impact footprint to the extent practicable to aid in revegetating

temporary impact areas with native habitats. Temporary impact areas will be planted and seeded as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.

- 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.

### *Western Spadefoot Measures*

- Temporary impacts to 0.05 acre of habitat suitable for spadefoot at four culvert locations at Campo Creek, will be revegetated and restored with native species. Duff and plants may be salvaged from the project impact footprint to the extent practicable to aid in revegetating temporary impact areas with native habitats. Temporary impact areas will be seeded as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.
- A biologist (Project Biologist) with experience in spadefoot ecology and behavior will be present during all work that could affect spadefoot.
- Prior to the work, a habitat assessment of the 26 culvert locations in Cottonwood Creek, Potrero Creek, and Campo Creek will be conducted to determine whether suitable habitat for the spadefoot is present within or adjacent to the work areas. If nighttime work is necessary, the Project Biologist will conduct preconstruction clearance surveys of access roads, staging areas, and work sites within 300 feet of suitable breeding habitat.
- To the extent possible, vegetation clearing will occur outside of the breeding season for spadefoot (breeding occurs November 1 through April 30). If activities must occur during this timeframe, a mandatory preconstruction survey by the Project biologist will be conducted to ensure that no spadefoot are present within the proposed work area. Should spadefoots be located, appropriate measures may include designation of the location as an Environmentally Sensitive Area (ESA) and delaying or restricting project activities until authorized by the Project Biologist.

- If activities must occur during the spadefoot breeding season (November 1 through April 30), Project Biologist will conduct preconstruction surveys to ensure that there are no spadefoot eggs, tadpoles, or neonates present within the proposed work area and all spadefoot found will be translocated.
- Before construction begins, wildlife exclusionary fencing (WEF) will be installed near identified spadefoot populations and within potential spadefoot upland habitat. The Project Biologist will install exclusion fencing along the perimeter of all work areas to exclude spadefoot from the work site. The fencing will consist of woven nylon fabric approximately 2 feet in height and attached to wooden stakes. The bottom of the fence will be secured with gravel bags to prevent burrowing beneath the fence. All fencing materials (mesh, stakes, etc.) will be maintained during construction and removed completely after construction is complete. The Project Biologist will conduct at least six consecutive nightly surveys within the WEF. Surveys will continue until there have been six consecutive nights without spadefoot detections inside the fence. Surveys will be conducted during the appropriate weather conditions and time of day or night to maximize the likelihood of encountering spadefoot. If the WEF is damaged, gaps are present, or there is sign of spadefoots, the biologist will repeat surveys. Work in the areas will not occur until authorized by the biologist. If spadefoots are found, they will be captured and translocated by the biologist to an area of suitable habitat at least 200 feet from the work site.
- Equipment and personnel will use one single access point to staging and storage areas. Access points will be as narrow as possible and closed off by exclusionary fencing when personnel are not present in the areas.
- If at any time a spadefoot is found within the project area, the Project Biologist will capture and relocate it to suitable habitat at least 200 feet from the work site.
- Stockpiles or spoils will be covered at the end of each workday and edges of covers will be sealed tightly with sandbags or other similar material.
- Contractors will control dust with water and not palliatives.



### 2.1.5 Cultural Resources

Considering the information in the Screened Undertaking dated October 6, 2023, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Cultural Resources
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<b>No Impact</b>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<b>No Impact</b>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<b>No Impact</b>

### 2.1.6 Energy

No Impact determinations have been made due to the project consisting of repair, maintenance, and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Energy
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	<b>No Impact</b>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<b>No Impact</b>

### 2.1.7 Geology and Soils

No Impact determinations for Geology and Soils have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Geology and Soils
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:  i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<b>No Impact</b>
ii) Strong seismic ground shaking?	<b>No Impact</b>
iii) Seismic-related ground failure, including liquefaction?	<b>No Impact</b>
iv) Landslides?	<b>No Impact</b>
b) Result in substantial soil erosion or the loss of topsoil?	<b>No Impact</b>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	<b>No Impact</b>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<b>No Impact</b>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<b>No Impact</b>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<b>No Impact</b>

### 2.1.8 Greenhouse Gas Emissions

No Impact determinations for Greenhouse Gas Emissions have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Greenhouse Gas Emissions
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<b>No Impact</b>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<b>No Impact</b>

### 2.1.9 Hazards and Hazardous Materials

Considering the information in the Hazardous Waste Memorandum dated October 6, 2023, the following significance determinations have been made:

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<b>No Impact</b>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<b>No Impact</b>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<b>No Impact</b>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<b>No Impact</b>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<b>No Impact</b>

Question—Would the project:	CEQA Significance Determinations for Hazards and Hazardous Materials
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<b>No Impact</b>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<b>No Impact</b>

### 2.1.10 Hydrology and Water Quality

No Impact determinations for Hydrology and Water Quality have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality?	<b>No Impact</b>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<b>No Impact</b>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  (i) result in substantial erosion or siltation onsite or offsite;	<b>No Impact</b>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite;	<b>No Impact</b>

Question—Would the project:	CEQA Significance Determinations for Hydrology and Water Quality
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<b>No Impact</b>
(iv) impede or redirect flood flows?	<b>No Impact</b>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<b>No Impact</b>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<b>No Impact</b>

### 2.1.11 Land Use and Planning

No Impact determinations for Land Use and Planning have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Land Use and Planning
a) Physically divide an established community?	<b>No Impact</b>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<b>No Impact</b>

### 2.1.12 Mineral Resources

No Impact determinations for Mineral Resources have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Mineral Resources
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<b>No Impact</b>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<b>No Impact</b>

### 2.1.13 Noise

No Impact determinations for Noise have been made due to the project consisting of repair, maintenance and minor alterations of existing facilities.

Question—Would the project result in:	CEQA Significance Determinations for Noise
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<b>No Impact</b>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<b>No Impact</b>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<b>No Impact</b>

### 2.1.14 Population and Housing

No Impact determination for Population and Housing have been made due to the project consisting of repair, maintenance, and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Population and Housing
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<b>No Impact</b>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<b>No Impact</b>

### 2.1.15 Public Services

No Impact determinations for Public Services have been made due to the project consisting of repair, maintenance, and minor alterations to existing facilities.

Question:	CEQA Significance Determinations for Public Services
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:  Fire protection?	<b>No Impact</b>
Police protection?	<b>No Impact</b>
Schools?	<b>No Impact</b>
Parks?	<b>No Impact</b>
Other public facilities?	<b>No Impact</b>

### 2.1.16 Recreation

No Impact determinations for Recreation have been made due to the project consisting of repair, maintenance, and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Recreation
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<b>No Impact</b>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<b>No Impact</b>

### 2.1.17 Transportation

No Impact determinations for Transportation have been made due to the project consisting of repair, maintenance, and minor alterations to existing facilities.

Question—Would the project:	CEQA Significance Determinations for Transportation
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<b>No Impact</b>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<b>No Impact</b>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<b>No Impact</b>
d) Result in inadequate emergency access?	<b>No Impact</b>



### 2.1.18 Tribal Cultural Resources

Considering the information in the Screened Undertaking dated October 6, 2023, the following significance determinations have been made:

Question:	CEQA Significance Determinations for Tribal Cultural Resources
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<b>No Impact</b>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<b>No Impact</b>

### 2.1.19 Utilities and Service Systems

No Impact determinations for Utilities and Service Systems have been made due to the project consisting of repair, maintenance, and minor alterations to existing facilities.

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<b>No Impact</b>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<b>No Impact</b>

Question—Would the project:	CEQA Significance Determinations for Utilities and Service Systems
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<b>No Impact</b>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<b>No Impact</b>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<b>No Impact</b>

### 2.1.20 Wildfire

No Impact determinations for Wildfire have been made due to the project consisting of repair, maintenance, and minor alterations of existing facilities.

Question—Would the project:	CEQA Significance Determinations for Wildfire
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<b>No Impact</b>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<b>No Impact</b>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<b>No Impact</b>
d) Expose people or structures to significant risks, including downslope or downstream	<b>No Impact</b>

Question—Would the project:	CEQA Significance Determinations for Wildfire
flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	

**2.1.21 Mandatory Findings of Significance**

Question:	CEQA Significance Determinations for Mandatory Findings of Significance
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<b>Less Than Significant Impact With Mitigation Incorporated</b>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<b>No Impact</b>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<b>No Impact</b>

***Affected Environment***

The proposed project aims to rehabilitate and enhance multiple existing transportation assets along State Routes 94 and 188. The project would repair, maintain, and consist of minor alterations to an existing highway that would have temporary impacts to biological resources. Temporary impacts to habitat and special status animals would be mitigated with compensatory measures that would make the impact less than significant.

Further, actions along the project route are meant to maintain the existing transportation assets through the proposed project and routine maintenance that would not cause cumulative impacts. The project's repair and maintenance of the existing highway system and assets would not cause adverse effects on human beings, directly or indirectly.

***Environmental Consequences***

As described in this Initial Study, the proposed project would not substantially degrade the environment or cause other impacts. The level of construction required by the proposed project would result in temporary impacts, which would not substantially reduce habitat or restrict the range of special-status plant or animal species. Avoidance, minimization, and mitigation measures would be implemented during construction to limit the potential for significant impacts. Therefore, these impacts would be less than significant with mitigation and permits.



## **Chapter 3**      Coordination

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[Updates to coordination dates have been made since the draft environmental document was circulated] Caltrans requested technical assistance from U.S. Fish and Wildlife Services (USFWS) on March 28, 2022 with subsequent updates on August 15, 2023, October 25, 2023 and December 5, 2024. USFWS provided concurrence with Caltrans Biological Assessment and Natural Environmental Study on January 25, 2025. The provided information is available in the Natural Environmental Study available upon request.



# Appendix A Title VI Policy Statement

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

## California Department of Transportation

OFFICE OF THE DIRECTOR  
P.O. BOX 942873, MS-49 | SACRAMENTO, CA 94273-0001  
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September 2023

### NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Caltrans will make every effort to ensure nondiscrimination in all of its services, programs and activities, whether they are federally funded or not, and that services and benefits are fairly distributed to all people, regardless of race, color, or national origin. In addition, Caltrans will facilitate meaningful participation in the transportation planning process in a non-discriminatory manner.

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 639-6392 or visit the following web page: <https://dot.ca.gov/programs/civil-rights/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Civil Rights, at PO Box 942874, MS-79, Sacramento, CA 94274-0001; (916) 879-6768 (TTY 711); or at [Title.VI@dot.ca.gov](mailto:Title.VI@dot.ca.gov).

A handwritten signature in black ink, appearing to read 'Tony Tavares', is written over a horizontal line.

TONY TAVARES  
Director

"Provide a safe and reliable transportation network that serves all people and respects the environment"





## **Appendix B** List of Technical Studies

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The following studies and/or technical analyses have been prepared and are incorporated by reference into this Initial Study. These documents are available upon request by emailing [matthew.voss@dot.ca.gov](mailto:matthew.voss@dot.ca.gov).

- Natural Environment Study (NES)
- Biological Assessment
- Hazardous Waste Memorandum
- Screened Undertaking
- Visual Impact Assessment Memorandum



## **Appendix C** Comment Letters and Responses

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This appendix contains comments received during the public circulation and comment period from September 10, 2024 to October 25, 2024. The environmental document was circulated through the State Clearinghouse. The comments are retyped as submitted with acronyms, abbreviations, and any original grammatical or typographical errors included. A response from Caltrans follows each comment presented.

Comments such as those regarding requests for copies of the draft environmental document or technical studies and/or comments not related to the draft environmental document or project are not included below.

The following is a list of the persons and agencies that commented during the public review period:

ID	Commentor	Affiliation/Organization	Date Received
1	Jackson Hurst	Not applicable	9/25/2024
2	Heather A. Pert	California Department of Fish & Wildlife (CDFW)	10/25/2024

**Comment ID 1**

I have reviewed the Initial Study with Mitigated Negative Declaration (IS/MND) Document for Caltrans SR-94/SR-188 Asset Management Project and I approve and support the findings in the document along with the build alternative which will improve safety by replacing culverts under CA-94/CA-188.

**Response to Comment ID 1**

Caltrans acknowledges the commentor's support of the project's build alternative.

**Comment ID 2**

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 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, 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.

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 (*Polioptila 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.

#### 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 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 BRCAs 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 BRCAs 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.

#### 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 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 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 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, §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 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.

#### 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 materials.,  
cContaminated 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 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 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, §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).

### **Response to Comment ID 2**

Caltrans thanks CDFW for reviewing the draft environmental document. CDFW's role as a Trustee Agency for fish and wildlife resources and as a Responsible Agency under CEQA for the proposed project is acknowledged.

### **Response to Comment ID 2-1 (Assessment of impacts to biological resources)**

CDFW presented concerns about the number of surveys and assessments used to determine potential impacts to biological resources. Two recommendations were presented that are summarized below:

Recommendation #1: Additional details about surveys conducted. and  
Recommendation #2: Protocol-level or similar surveys.

CDFW is correct that the project would cover approximately 50-miles of roadway. However, work is not proposed for the entire stretch of roadway and surveys would not be needed for the entire project area. Instead, surveys were conducted in areas that have proposed work and would extend outside paved areas. Additionally, the Project Biologist used previous surveys of the area and historical presence to infer listed species presence and suitable habitat. Table 2 in the NES shows historically occurring species with suitable habitat present in the project area highlighted in bold. Although current surveys did not detect a species, the project will still be required to consider those species during pre-construction surveys in areas where the species have occurred previously in suitable habitat.

The US Fish and Wildlife Service (USFWS) concurred with federally listed species in the area through a Biological Opinion to Caltrans. USFWS also requires pre-construction protocol surveys for arroyo toad specifically. It is anticipated that minimal temporary impacts would occur for access to 33 distinct culvert locations along a 50-mile stretch of roadway and each location

will be reseeded and returned to pre-project conditions upon project completion.

### **Response to Comment ID 2-2 (Consistency with NCCPs)**

CDFW identified that the Project area is within the boundaries of 2 Natural Community Conservation Planning (NCCP) programs areas, specifically within the boundaries of San Diego County's Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and the draft East County Plan. Two recommendations were presented that are summarized below:

Recommendation #3: Assessment of consistency with NCCPs; and  
Recommendation #4: Recirculate with additional NCCP information.

As is required by the CEQA Guidelines, consideration of habitat conservation plans, including NCCPs, were reviewed under Biological Resources Section 2.1.4 with a no impact assessment. Additionally, Caltrans provided the County of San Diego an opportunity to comment on the draft environmental document.

The MSCP SAP allows for the continued use of existing land uses as stated on page 1-21, section 1.9.1(B). The Plan also stipulates that maintenance and replacement of existing facilities are allowed to be conducted. The Project is proposed on an existing transportation facility with the purpose to rehabilitate, restore and preserve the existing roadway. Proposed work would be mostly conducted on already disturbed and developed areas to preserve the existing roadway. Work that would extend outside those areas would support the existing facility and apply for permits, as needed. Caltrans is not anticipating permanent impacts from the Project. Temporary impacts are anticipated and will be restored to pre-construction conditions and reseeded.

Another guiding principle for the MSCP is to provide access for public safety and public uses. Maintenance of the existing State Route is consistent with this goal since it offers regional connectivity for the area.

Further, the County of San Diego has not adopted the East County Multiple Species Conservation Plan (East County Plan). A preliminary draft map was released in 2008 but efforts to adopt the plan have not been finalized. The Project is cohesive with currently adopted Plans.

### **Response to Comment ID 2-3 (Impacts to Crotch's bumble bee)**

CDFW identified that a CESA candidate species, Crotch's bumble bee, may be impacted by the Project. Two recommendations were presented that are summarized below:

Recommendation #5: Disclosure of potential impacts to Crotch's bumble bee; and,  
Recommendation #6 Incidental take permit for Crotch's bumble bee.

Caltrans conducted an analysis of Crotch's bumble bee that is included in the NES and the Biological Resources Section 2.1.4 of this document. Crotch's bumble bee was not observed in the Project area but has been identified in nearby areas. Consideration for Crotch's bumble bee has been included in the Project through additional avoidance and minimization measures. Temporary impacts to suitable habitat will be restored and revegetated as was proposed in the mitigation measures on the Determination page of this document.

To avoid take, avoidance measures that include pre-construction surveys and project realignments would be used to avoid impacts to Crotch's bumble bee. If suitable habitat cannot be avoided, Caltrans will coordinate with CDFW.

CDFW proposes conservation measures that focus on avoidance and minimization of impacts but are referenced as "Mitigation Measure" in the provided comment letter. For continuity, Caltrans will continue to use the same language as the comment letter but these conservation measures have not been identified as mitigation that would be added to the Mitigated Negative Declaration Determination section at the beginning of this document.

For Crotch's bumble bee, CDFW proposed the following additional conservation measures:

Mitigation Measure #1: Crotch's bumble bee habitat and resource assessment; and,  
Mitigation Measure #2: Crotch's bumble bee surveys.

CDFW's conservation measures were included in the NES and the Biological Resources section of this document, as feasible. The project previously identified temporary impacts to suitable habitat and has existing mitigation measures that require restoration of the impacted habitat. Additional conservation measures to avoid and minimize impacts on Crotch's bumble bee have been added to the Avoidance, Minimization and/or Mitigation Measure subsection of Section 2.1.4.

### **Response to Comment ID 2-4 (Wildlife Connectivity)**

CDFW identified that wildlife connectivity in the Project area is not adequately addressed. Two recommendations were presented and addressed below.

Recommendation #7: Provide additional culvert details



Additional culvert details were added to the NES and in Section 1.4.1 of this document.

#### Recommendation #8: Lighting impacts

CDFW requested clarification for lighting impacts at Melody Road intersection. The Project does not propose lighting at Melody Road and State Route 94 intersection. Instead, lighting would be enhanced at Proctor Valley Road/Jefferson Road and State Route 94 which is located north of Melody Road. The intersection where lighting is proposed to be upgraded to LED has existing lighting and existing commercial development occupied with a gas station and retail. Aligned with the Project's conservation measures, proposed permanent lighting will be of the lowest illumination, at a color temperature of 3000k and would be directed toward the intersection for safety.

CDFW also proposed four additional conservation measures. Responses to the proposed measures are below.

#### Mitigation Measure #3: Revise reporting measure

Caltrans revised the reporting measure to include CDFW as a requestor of the final report and field notes.

#### Mitigation Measure #4: Lighting minimization

CDFW's request for lighting minimization is included in an existing conservation measure under the Avoidance, Minimization and/or Mitigation Measure subsection of Section 2.1.4. The existing minimization measure requires lighting to be of the lowest illumination necessary for safety. Proposed lighting will also be required to be directed toward the paved road and use light shields to avoid sensitive habitats. A foot-candle (fc) analysis indicates that light spill to the surrounding area is minimal, with an average of 0.4 fc while the intersection will receive 4.0 fc.

#### Mitigation Measure #5: Culvert design

CDFW requests that culverts be designed for wildlife connectivity with natural substrate bottom, through line-of-sight, and consideration of low-level illumination and wildlife shelves and fencing. Caltrans referred to previous wildlife connectivity studies in the area (CBI, River Partners) and determined that the culverts in the project were not priority areas for wildlife crossing.

Further, the Project proposes to rehabilitate existing drainage is intended to improve their deteriorated condition. These culverts had hydraulic analysis that identified appropriate material and size to convey water flows. Mostly, drainages would be replaced in-kind with same length and size to avoid permanent impacts to CDFW jurisdictional areas. Culverts that are proposed

to be replaced with a larger diameter pipe considered hydraulic flow standards.

#### Mitigation Measure #6: Traffic calming measures

CDFW requests reduced speed limits and wildlife crossing signs as traffic calming measures. However, reduction of speed limits and installation of signage must be extensively studied through a safety and traffic operation review. Changing speed limits and installing signs would not be consistent with the most current design speed standards and analysis.

#### **Response to Comment ID 2-5 (Dust Palliative)**

#### Mitigation Measure #7: Dust palliative type

Caltrans agrees to only use water as dust palliative and updated the dust palliative BMP in Chapter 1.5.

#### **Response to Comment ID 2-6 (Additional Measures)**

Avoidance and minimization measures that were identified in the NES have been added to this document. The avoidance and minimization measures were a part of the environmental record and have been incorporated and/or updated in Chapter 2.1.4 Biological Resources under the Avoidance, Minimization and/or Mitigation Measure subsection.