



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 21, 2024

Cristina Graciano
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110
cristina.graciano@dot.ca.gov

Subject: Mitigated Negative Declaration for the State Route 78 Julian Asset Management Project, SCH No. 2024100916, San Diego County, CA

Dear Cristina Graciano:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigation Negative Declaration (MND) from the California Department of Transportation (Caltrans) for the State Route 78 Asset Management Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 2 of 30

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 law² 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 Fully Signed Third Restated and Amended Planning Agreement (Planning Agreement; March 2021) for the draft North and East County Multiple Species Conservation Program (MSCP) Plans. The Project area is located within the County's draft North and East County Plan areas. Therefore, the Project is subject to ensuring the provisions and policies of the draft North and East County Plans will not be negatively impacted regardless of whether Caltrans is a signatory to these plans. In addition, the MND should also address any biological issues that are not addressed in the Planning Agreement, such as specific impacts to and mitigation requirements for sensitive species that are not covered by the Planning Agreement.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans

Objective: The objective of the Project is to rehabilitate and enhance various transportation components within 22.8 miles of State Route 78. This Project proposes to improve 45.6 lane miles of deteriorated pavement, rehabilitate 20 culverts, enhance mobility for pedestrians by upgrading sidewalks and crosswalks, and update safety elements with signs and guardrails.

Location: The Project in San Diego County, California, on State Route (SR) 78 between postmiles 37.2 and 60.0 (33.051135, -116.843307 to 33.092658, -116.595797). The Project includes unincorporated areas including the communities or Ramona and Julian. A portion of the Project occurs within the County's draft North County Plan (33.0498856, -116.8381892 to 33.076520, -116.594120) and another portion of the Project occurs within the draft East County Plan (33.076520, -116.594120 to 33.0879140, -116.5920048).

Timeframe: Construction is proposed to begin in winter 2025 and end in 2029.

Biological Setting: SR-78 is a rural two-lane highway serving eastern San Diego County. The Project begins in Ramona and extends east past Santa Ysabel and

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

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 3 of 30

Wynola, ending in Julian. The Project area lies within two physiographic provinces: foothills and mountains. There is scattered development present throughout the Project area including areas more developed adjacent to Ramona, downtown Julian, and various residential neighborhood and private properties. There exist private livestock pastures along some of the Project area.

Vegetation immediately adjacent to the SR-78 roadway is primarily composed of non-native grasses or disturbed habitat. Various sensitive vegetation communities are within the Project area including coastal sage scrub, chaparral, coast live oak woodland, and riparian forests. Suitable habitat in creeks and upland habitat for sensitive species is present within the Project area. There are seven major creeks (Hatfield Creek, Witch Creek, San Diego River, Bailey Creek, Jim Green Creek, Coleman Creek, and Banner Creek) and various unnamed tributaries that occur within or adjacent to the Caltrans right of way. The primary watersheds are San Diego and San Felipe Creek. Two tributaries to the Santa Ysabel Creek also cross under SR-78 at two locations.

The Project area overlaps with portions of the County's draft North and East County Plans and borders the Santa Ysabel West County Preserve and Santa Ysabel East County Preserve.

The Project proposes temporary impacts to 0.33 acres of the following native habitats: coast live oak woodland, coastal sage scrub, buckwheat scrub, chaparral, coastal sage scrub, scrub oak chaparral, scrub oak mixed chaparral. The Project proposes permanent impacts to 0.006 acres of coastal sage scrub habitat.

There are several sensitive species that have the potential to occur in the Project area including, but not limited to, arroyo toad (*Anaxyrus californicus*; Endangered Species Act (ESA)-listed as endangered and Species of Special Concern (SSC)), western spadefoot (*Spea hammondi*; SSC and a proposed ESA-listed as threatened), southwestern pond turtle (*Actineys pallida*; proposed ESA-listed as and SSC), southern California legless lizard (*Anniella stebbinsi*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), Crotch's bumble bee (*Bombus crotchii*; candidate for CESA-listing as endangered), western mastiff bat (*Eumops perotis californicus*; SSC); western yellow bat (*Lasiurus xanthinus*; SSC); pallid bat (*Antrozous pallidus*; SSC), badger (*Taxidea taxus*; SSC), southwestern willow flycatcher (*Empidonax traillii extimus*; ESA-listed and CESA-listed as endangered), California gnatcatcher (*Polioptila californica californica*; ESA-listed as threatened and SSC), least Bell's vireo (*Vireo bellii pusillus*; ESA-listed and CESA-listed as endangered), velvety false lupine (*Thermopsis californica*; California Native Plant Society (CNPS) rank of 1B.2), San Diego gumplant (*Grindelia hallii*; CNPS rank 1B.2), bottle liverwort (*Sphaerocarpos drewiae*; CNPS rank 1B.1), and San Diego thornmint (*Acanthomintha ilicifolia*; ESA-listed as threatened and CESA-listed as endangered).

The Project proposes compensatory mitigation for 0.0006 acre of permanent impacts to coastal sage scrub habitat at Permittee responsible mitigation banks (Rancho San

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 4 of 30

Diego, Rutherford Ranch, or Go Cart). Compensatory mitigation is also anticipated for approximately 0.001 acre of impacts to streams resulting from culvert replacement work at permittee responsible mitigation banks. Impacts to large oak trees will also be mitigated using existing permittee responsible mitigation banks. Temporary impacts to 0.40 acre of native vegetation is proposed to be hydroseeded with a seed mix for existing plant community and restored with native species of similar composition to the adjacent habitat.

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 draft North and East County Plans. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Insufficient Biological Information for Impact Assessment

The MND must provide sufficient information for meaningful review. Thorough surveys of biological conditions in and around the Project site, including specially designated species and habitats, is required by CEQA in the Initial Study to provide the necessary information to foster meaningful review (CEQA Guidelines §§ 15063, subds. (a)(3), (b)(2), (c)(5), & (d)(3).)

Per the MND, the Project area consists of 671.87 acres, yet the number of survey days was insufficient to adequately survey the whole Project site. The general surveys were conducted within four days (August 22, 2023, October 10, 2023, November 6, 2023, and December 28, 2023), the vegetation surveys were conducted within two days (February 22, 2024 and March 1, 2024), and the amphibian surveys were conducted within two days (March 25, 2024 and April 23, 2024). This equates to 168 acres surveyed per day for general surveys and 336 acres per day surveyed for vegetation and amphibian surveys. It is unlikely that an accurate and complete description of the existing biological conditions in and around the Project site can be determined based on the limited amount of survey effort conducted. CDFW is concerned that conclusions based on insufficient survey data may be inaccurate.

In addition, there were no protocol level surveys or specific bird surveys conducted to determine if special-status birds could possibly occur within the Project area. Therefore, four days of general surveys were used to make determinations on presence/absence of the CESA-listed and ESA-listed bird species, such as southwestern willow flycatcher, coastal California gnatcatcher, and least Bell's vireo. CDFW considers four days to be insufficient for conducting adequate surveys on 671.87 acres. Furthermore, three of the four survey days were not within the appropriate time of year to be surveying for those species.

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 5 of 30

For the purposes of CEQA, the survey effort is unlikely to form a complete inventory of the species present in the Project area. Therefore, CDFW is concerned that Caltrans has not provided factually supported, sufficient information within the MND for 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 factually-supported 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 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. Prior to Project activities and during the appropriate time of the year, Caltrans should conduct protocol-level or similar surveys to determine presence/absence of the following species: least Bell's vireo, coastal California gnatcatcher, southwestern willow flycatcher, and Crotch's bumble bee. Depending on survey results, Caltrans should then reanalyze the Project impacts and proposed avoidance measures prior to recirculation.

Recommendation #3: Bat surveys. To determine if daytime, nighttime, wintering (hibernacula), and maternity roost sites are present, a qualified biologist should conduct focus surveys during the appropriate time of year. Surveys should be conducted during favorable weather conditions at each season to understand the extent of bat usage. Each survey should consist of one dusk emergence survey (start one hour before sunset and last for three hours) and one daytime visual inspection of all potential roosting habitat on the Project site. Visual inspections should focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation should be used during all dusk emergence surveys.

Recommendation #4: Reassess project impacts prior to MND adoption. CDFW recommends that Caltrans reassess project impacts based on additional protocol level, appropriate surveys to determine appropriate avoidance, minimization, and mitigation measures. Prior to the adoption of the MND, CDFW recommends Caltrans collaborate with CDFW for review of mitigation measures.

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 6 of 30

COMMENT # 2: Consistency with NCCPs

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

Specific impact: The MND does not address direct and indirect impacts to the County's draft North and 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: While the CDFW acknowledges that Caltrans will not be signatory to the draft North and East County Plans, the Project area is located within the current boundaries of the draft North and East County Plans, and activities occurring off-site of the Caltrans' right of way is subject to NCCP obligations. Therefore, the Project is subject to ensuring the planning efforts and objectives of the draft North and East County Plans 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, which includes draft NCCPs with an approved Planning Agreement (page 16). However, the MND does not demonstrate how it has evaluated project impacts on the NCCP nor does it indicate that Caltrans has consulted with the County. Furthermore, it does not provide details supporting 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 is located within anticipated Priority Conservation Areas (PCA) in the North County Planning Area and Focused Conservation Areas (FCA) in the East County Planning Area. These FCAs and PCAs support a high concentration of sensitive biological resources which, if lost or fragmented, could not be replaced or mitigated elsewhere (Planning Agreement, Section 6.2.5). In addition, the Project area lies within several anticipated key linkages of the County's draft North and East County Plans. Linkages not only provide connectivity between the FCAs and PCAs 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 draft Plan areas and considered high priority areas to conserve. Project activities that occur in these areas should be compliant with the draft North and East County Plans; however, Caltrans has not demonstrated compliance. Without a discussion of how the Project affects these anticipated FCAs, PCAs and linkages, CDFW is concerned that Project activities may conflict with the draft North and East County Plans.

All surveys required by the Planning Agreement should be conducted and survey results analyzed in the MND. However, the surveys on which the MND relied were inadequate and no analysis was conducted on the impact to the proposed policies and procedures of the MSCP.

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 7 of 30

Evidence impact may be significant: Compliance with habitat plans, such as the draft North and East County plans, 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 #5: Assessment of consistency with NCCPs. Caltrans should consult with the County on the Project's consistency with the draft North and East County Plans and complete the interim review process for draft North and East County Plans.

Recommendation #6: Recirculate with additional NCCP information. Caltrans should include additional analysis about Project's impacts to the resource areas of the County's the draft North and 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. There is no mention of Crotch's bumble bee in the MND or NES.

Why impact would occur: The California Natural Diversity Database shows historic sightings of Crotch's bumble bee within the Project area. In addition, 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 40). However, neither the NES nor MND mention any survey or analysis of Crotch's bumble bee.

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. Therefore, specific surveys should have been conducted to determine if Crotch's bumble bee are present within the Project site. Surveys should

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 8 of 30

occur between April and August and should be spaced two to four weeks apart³. However, only one of Caltrans four general surveys were within that time frame. Therefore, adequate surveys were not conducted.

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 #7: 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 #8: Incidental take permit for Crotch's bumble bee. CDFW recommends that Caltrans consider applying 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

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

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 9 of 30

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](#)⁴ 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 is not adequately addressed within the MND.

Specific impact: The MND does not describe the culvert restoration of the Project 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, Project activities may affect connectivity through key linkages anticipated for the draft North and East County Plans.

Why impact would occur: It is unclear how impacts to wildlife connectivity were analyzed and taken into consideration for the Project. The MND acknowledges that SR-78 fragments the study area and that animals are assisted by streams, riparian areas, and bridges to cross the road. However, no further evaluation or analysis is provided and no determination on whether the Project will impact connectivity is provided. Therefore, Caltrans should analyze Project impacts to connectivity and include an analysis within the MND.

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

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 10 of 30

The MND does not contain sufficient detail about the existing culverts or proposed maintenance. Therefore, CDFW cannot adequately assess whether construction on 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). In addition, the ecological footprint of roads extends beyond its physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer, et al., 2010). Cumulatively, 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). Habitat connectivity is essential for the survival of many species and providing adequate habitat connectivity is necessary to reduce wildlife-vehicle collisions, which put people and wildlife at risk of injury and death (Fish & G. Code, § 1955, subds. (d & e).) 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. In conclusion, 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.

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

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 11 of 30

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #9: 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.

Mitigation Measure #3: Culvert design. Culverts shall be designed large enough that the culvert can support a natural substrate bottom and include a line-of-sight throughout the culvert. Caltrans shall coordinate with CDFW on designs for wildlife connectivity. In addition, Caltrans shall determine if low-level illumination and/or a wildlife shelf should be installed within the culvert in coordination with CDFW. 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](#)⁵. Caltrans shall also incorporate the following recommendations for culverts analyzed in the [2020 UC Davis connectivity study of Interstate 15 and closely associated roadways](#)⁶:

- Caltrans shall install fencing to prevent wildlife entry to the roadway and install wildlife crossing signs at the culvert at PM 41.55.
- Caltrans shall increase the diameter of the culvert at PM 41.13, improve access to the culvert on the westbound side, install directional fencing to funnel wildlife to this widened culvert and around northside structures.
- Caltrans shall increase the diameter of the culvert at PM 41.03, install directional fencing to funnel wildlife into eastbound entrance and to direct wildlife east and west along creek bed which lies on westbound side.
- Caltrans shall install a rumble strip, fencing to prevent wildlife entry to the roadway, and wildlife crossing signs at the culvert at PM 46.33.
- Caltrans shall add connectivity approximately 200 meters west of P120 (PM 46.249) or modify the existing culvert located 200 meters west for connectivity in coordination with CDFW.

Mitigation Measure #4: Traffic calming measures. Caltrans shall install reduced speed limits and wildlife crossing signs to slow cars near known wildlife crossing areas.

COMMENT # 5: Additional protection measures for special-status species

Issue: Sufficient avoidance and minimization measures to protect existing and potential fish and wildlife resources were not present within the MND.

⁵ <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca20-2700-finalreport-a11y.pdf>

⁶ https://sdmmp.com/view_article.php?cid=SDMMP_CID_184_6168b3a9a8a9b

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 12 of 30

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

Why impact would occur: The NES and MND mentioned several special-status species that have habitat present yet were not likely to be impacted by Project activities. However, sufficient detail was not provided in the MND or NES leading to this conclusion nor were avoidance or protection measures provided within the MND. Without sufficient detail and analyses, CDFW is not confident in the conclusion and suggest protection measures be developed and included within the MND to ensure special-status species and their habitats are protected, especially for special-status species that have historically been found on the Project site, as indicated in databases such as CNDDDB, and have habitat present.

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)

CDFW recommends that the following measures are incorporated into the MND.

Mitigation Measure #5: Special-status plant pre-construction surveys. A qualified biologist with experience with the local flora shall conduct pre-construction surveys for special-status plants (e.g., San Diego thornmint, velvety false lupine, San Diego gumplant, bottle liverwort, etc.), locally rare plants, and any other species ranked by CNPS with the potential to occur in the Project area, prior to the planned commencement of Project activities, in accordance with the [CDFW Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities](#)⁷. If a special-status plant or population of special-status plants is discovered on-site, Caltrans shall notify CDFW within 24 hours. Caltrans shall provide survey results to CDFW no less than 14 days prior to the planned commencement of Project. No activities with the potential to impact special-status plants shall occur until CDFW is notified and provides further direction and written concurrence for those

⁷ <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 13 of 30

activities to begin. Absent take authorization, Caltrans shall fully avoid impacts to CESA-listed or State Rare plants.

Mitigation Measure #6: Special-status herpetofauna species monitoring. A qualified biologist shall be present during all portions of Project activities that have the potential to impact special-status herpetofauna species (e.g., staging, equipment operation, vegetation clearing, etc.) to survey immediately prior to each workday's Project activities, and to constantly monitor and ensure that special-status herpetofauna species are not impacted or taken during the course of Project activities. This includes that a qualified biologist take measures to avoid indirect impacts to special-status herpetofauna species such as, but not limited to: placing four-foot-long by three-foot-wide plywood boards at the Project areas within 14 days prior to Project activities with a qualified biologist checking under plywood boards daily prior to the start of each workday; checking underneath staged equipment prior to operation; and checking potential habitat areas prior to commencement of vegetation removal or modification. If any special-status herpetofauna species are found during the course of Project activities, the individual shall first be allowed to leave the Project area under its own volition.

Mitigation Measure #7: American badger protection. A qualified biologist shall conduct a focused survey for American badger burrows prior to the start of each Project activity that may impact burrows. If burrows occur within the Project footprint, no Project activities shall occur within 100 feet of the burrow, and burrow(s) shall be monitored for two weeks to determine usage. Occupied burrows shall be avoided until they are determined to be unoccupied. Only after the burrow has been determined to be unoccupied shall the burrow be excavated, as needed, under the direction of a qualified biologist.

Mitigation Measure #8: Bat protection. If active hibernacula or maternity roosts are identified within 500 feet from the work area, Project construction will only occur between September 1st and March 31st, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. A minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. Based on survey results, if maternity roosts are not present, but day roosting bats are likely, a Bat Exclusion Plan shall be developed by a qualified biologist and reviewed by CDFW prior to construction activities.

Mitigation Measure #9: 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

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 14 of 30

levels at the nest location. Caltrans shall revegetate and restore habitat for least Bell's vireo with the native seed mix. Caltrans shall seed temporarily impacted areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.

Mitigation Measure #10: 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 special-status species potentially found at the Project site 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. Caltrans shall provide interpretation for non-English-speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform Project activities.

Mitigation Measure #11: Invasive species removal. During Project construction, Caltrans shall remove all invasive species included on the [National Invasive Species Management Plan](#)⁸, the [State of California Noxious Weed List](#)⁹, and the [Cal-IPC Invasive Plant Inventory](#)¹⁰ 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 #12: Compensatory mitigation. CDFW recommends Caltrans revise the following mitigation measure by removing the language in strikethrough and adding the underlined language:

- Where feasible, impacts to oaks and sensitive vegetation communities will be avoided. Where permanent impacts to large oak trees and jurisdictional areas (State wetlands and Waters of U.S.) cannot be avoided, they will be mitigated using existing mitigation bank credits at a minimum of a 3:1 ratio. Caltrans has several mitigation banks with available credits for all impacts associated with the project. Credits are available at Rancho San Diego, Rutherford Ranch and Go Cart mitigation banks. Temporary impact areas where grading, clearing and/or grubbing results in the removal of native vegetation will require hydroseeding of the impact area with an appropriate seed mix for the existing plant community.

⁸ <https://www.doi.gov/sites/doi.gov/files/uploads/2016-2018-nisc-management-plan.pdf>

⁹ <https://www.cdfa.ca.gov/plant/ipc/encycloweedia/pdf/CaliforniaNoxiousWeeds.pdf>

¹⁰ <https://www.cal-ipc.org/plants/inventory/>

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 15 of 30

Compensatory mitigation is anticipated for approximately 0.06 acres of permanent impact to coastal sage scrub. Coastal sage scrub will be mitigated at a minimum ratio of 5:1.

- Where feasible, impacts to wetlands will be avoided. Where impacts cannot be avoided, they will be mitigated by using existing Caltrans mitigation bank credits and hydroseeding of impact areas. Compensatory mitigation is anticipated for approximately 0.001 acres of permanent impacts to jurisdictional wetlands during culvert replacement work and will be replaced at a 3:1 ratio. Caltrans has several mitigation banks with available credits for all habitats and impacts associated with the project. Credits are available at Rancho San Diego, Rutherford Ranch, and Go Cart mitigation banks. Grading, clearing, and/or grubbing of native vegetation in wetland areas may also require revegetation measures, such as hydroseeding with an appropriate seed mix for the existing plant community. Coordination with USFWS, USACE, and CDFW during acquisition of permits and Section 7 consultation may determine additional protective measures to be implemented by the project.

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](https://wildlife.ca.gov/Data/CNDDDB)¹¹ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

¹¹ <https://wildlife.ca.gov/Data/CNDDDB>

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 16 of 30

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](#)¹².

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 draft North and 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 Scientist¹³ and Andrew Domingos¹⁴, Senior Environmental Scientist (Specialist).

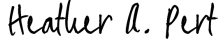
¹² <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

¹³ Phone: (858) 203-5873; Email: victor.torres@wildlife.ca.gov

¹⁴ Phone: (858) 395-9692; Email: andrew.domingos@wildlife.ca.gov

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 17 of 30

Sincerely,

DocuSigned by:

DF423498814B441...

Heather A. Pert
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Attachment B: County of San Diego MSCPs

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

California Department of Transportation
Matthew Voss, matthew.voss@dot.ca.gov

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

- CDFW. (2009). Salmonid Stream Habitat Restoration Manual (Volume 2, 4th Edition), Part XII: Fish Passage Design and Implementation. CDFW.
- Chen, I. C., Hill, J. O., Roy, D., & Thomas, C. (2011). Rapid range shifts of species associated with high levels of climate warming. *Science*, 1024-1026.
- Goulson, D. (2010). *Bumblebees: behaviour, ecology, and conservation*. Oxford University Press, New York, New York.
- Haddad, N. M., Brudvig, L. A., Clobert, J., Davies, K. F., Gonzalez, A., Holt, R. D., & Lovejoy, T. E. (2015). Habitat fragmentation and its lasting impact on Earth's ecosystems. *Applied Ecology*.
- Hatfield, R., S. Jepsen, E. Mader, S. H. Black, and M. Shepherd. (2012). *Conserving Bumble Bees Guidelines for Creating and Managing Habitat for America's Declining Pollinators*. Portland, OR: The Xerces Society for Invertebrate Conservation.

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 18 of 30

Morelli, T. L., Maher, S. P., Lim, M. C. W., Kastely, C., Eastman, L. M., Flint, L. E., Flint, A. L., Beissinger, S. R., & Moritz, C. (2017). Climate change refugia and habitat connectivity promote species persistence. *Climate Change Responses*.

Nicholson, E., Westhpal, M., Rochester, F. K., Pressey, R., Lidenmayer, D., & Possingham, H. (2006). A new method for conservation planning for the persistence of multiple species. *Ecology Letters*, 1049-1060.

Spencer, W. D., Beier, P., Penrod, K., Winters, K., Paulman, C., Rustigan-Romsos, H., Strittholt, J., Parisi, M. & Pettler, A. (2010). *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California*. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. (2014). *Bumble Bees of North America: An Identification Guide*. Princeton University Press.

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 19 of 30

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

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

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #1: <u>Additional details about surveys conducted.</u> 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 the time of day each survey was conducted. CDFW recommends that the MND should be recirculated with this additional information included to facilitate meaningful review of potential impacts to fish and wildlife resources.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #2: <u>Protocol-level or similar surveys.</u> Prior to Project activities and during the appropriate time of the year, Caltrans should conduct protocol-level or similar surveys to determine presence/absence of the following species: least Bell’s vireo, coastal California gnatcatcher, southwestern willow flycatcher, and Crotch’s bumble bee. Depending on survey results, Caltrans should then reanalyze the Project impacts and proposed avoidance measures prior to recirculation.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #3: <u>Bat surveys.</u> To determine if daytime, nighttime, wintering (hibernacula), and maternity roost sites are present, a qualified biologist should conduct focus surveys during the appropriate time of year. Surveys should be conducted during favorable weather conditions at each</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 20 of 30

Mitigation Measure	Timing	Responsible Party
<p>season to understand the extent of bat usage. Each survey should consist of one dusk emergence survey (start one hour before sunset and last for three hours) and one daytime visual inspection of all potential roosting habitat on the Project site. Visual inspections should focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation should be used during all dusk emergence surveys.</p>		
<p>Recommendation #4: <u>Reassess project impacts prior to MND adoption.</u> CDFW recommends that Caltrans reassess project impacts based on additional protocol level, appropriate surveys to determine appropriate avoidance, minimization, and mitigation measures. Prior to the adoption of the MND, CDFW recommends Caltrans collaborate with CDFW for review of mitigation measures.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #5: <u>Assessment of consistency with NCCPs.</u> Caltrans should consult with the County on the Project’s consistency with the draft North and East County Plans and complete the interim review process for draft North and East County Plans.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #6: <u>Recirculate with additional NCCP information.</u> Caltrans should include additional analysis about Project’s impacts to the resource areas of the County’s the draft North and East County Plan. Caltrans should then recirculate the MND describing the impacts of the Project and any inconsistencies with the NCCPs.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 21 of 30

Mitigation Measure	Timing	Responsible Party
<p>Recommendation #7: <u>Disclosure of potential impacts to Crotch’s bumble bee.</u> The MND should include an analysis the Project’s impact on floral resources, nesting habitat, and overwintering habitat for Crotch’s bumble bee. The MND should also provide full disclosure of the presence of Crotch’s bumble bee within the Project site, and the MND should be recirculated.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Recommendation #8: <u>Incidental take permit for Crotch’s bumble bee.</u> CDFW recommends that Caltrans consider applying for an incidental take permit if they find that the Project will result in take of Crotch’s bumble bee.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>
<p>Mitigation Measure #1: <u>Crotch’s bumble bee habitat and resource assessment.</u> 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</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 22 of 30

Mitigation Measure	Timing	Responsible Party
<p>historical and current species occurrences as well as the Project’s proximity to the last known sighting. The results of the assessment shall be provided to CDFW prior to initiating Project activities.</p>		
<p>Mitigation Measure #2: <u>Crotch’s bumble bee surveys</u>. 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 Species¹⁵ when making their survey plan and shall send the plan to CDFW for approval before conducting Crotch’s bumble bee surveys. If Crotch’s bumble bee is detected, the qualified biologist shall notify CDFW immediately as further coordination will be required to avoid significant impacts. Caltrans shall conduct surveys each year that Project activities will occur.</p>	<p>Prior to Project Initiation</p>	<p>Qualified Entomologist</p>
<p>Recommendation #9: <u>Provide additional culvert details</u>. The MND should clarify the work to occur at each culvert location. Caltrans should include the specifications of the culverts planned for replacement and clarify the sizes of each of the culverts in the Project in order to better assess their uses in wildlife connectivity.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

¹⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 23 of 30

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #3: Culvert design. Culverts shall be designed large enough that the culvert can support a natural substrate bottom and include a line-of-sight throughout the culvert. Caltrans shall coordinate with CDFW on designs for wildlife connectivity. In addition, Caltrans shall determine if low-level illumination and/or a wildlife shelf should be installed within the culvert in coordination with CDFW. 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 Guidance¹⁶. Caltrans shall also incorporate the following recommendations for culverts analyzed in the 2020 UC Davis connectivity study of Interstate 15 and closely associated roadways¹⁷:</p> <ul style="list-style-type: none"> • Caltrans shall install fencing to prevent wildlife entry to the roadway and install wildlife crossing signs at the culvert at PM 41.55. • Caltrans shall increase the diameter of the culvert at PM 41.13, improve access to the culvert on the westbound side, install directional fencing to funnel wildlife to this widened culvert and around northside structures. • Caltrans shall increase the diameter of the culvert at PM 41.03, install directional fencing to funnel wildlife into eastbound entrance and to direct wildlife east and west along creek bed which lies on westbound side. • Caltrans shall install a rumble strip, fencing to prevent wildlife entry to the roadway, and wildlife crossing signs at the culvert at PM 46.33. 	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

¹⁶ <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca20-2700-finalreport-a11y.pdf>

¹⁷ https://sdmmp.com/view_article.php?cid=SDMMP_CID_184_6168b3a9a8a9b

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 24 of 30

Mitigation Measure	Timing	Responsible Party
<ul style="list-style-type: none"> Caltrans shall add connectivity approximately 200 meters west of P120 (PM 46.249) or modify the existing culvert located 200 meters west for connectivity in coordination with CDFW. 		
<p>Mitigation Measure #4: Traffic calming measures. Caltrans shall install reduced speed limits and wildlife crossing signs to slow cars near known wildlife crossing areas.</p>	<p>During Project Construction</p>	<p>Lead Agency</p>
<p>Mitigation Measure #5: <u>Special-status plant pre-construction surveys.</u> A qualified biologist with experience with the local flora shall conduct pre-construction surveys for special-status plants (e.g., San Diego thornmint, velvety false lupine, San Diego gumplant, bottle liverwort, etc.), locally rare plants, and any other species ranked by CNPS with the potential to occur in the Project area, prior to the planned commencement of Project activities, in accordance with the CDFW Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities¹⁸. If a special-status plant or population of special-status plants is discovered on-site, Caltrans shall notify CDFW within 24 hours. Caltrans shall provide survey results to CDFW no less than 14 days prior to the planned commencement of Project. No activities with the potential to impact special-status plants shall occur until CDFW is notified and provides further direction and written concurrence for those activities to begin. Absent take authorization, Caltrans shall fully avoid impacts to CESA-listed or State Rare plants.</p>	<p>Prior to Project Initiation</p>	<p>Lead Agency/Qualified Biologist</p>

¹⁸ <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 25 of 30

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #6: <u>Special-status herpetofauna species monitoring.</u> A qualified biologist shall be present during all portions of Project activities that have the potential to impact special-status herpetofauna species (e.g., staging, equipment operation, vegetation clearing, etc.) to survey immediately prior to each workday’s Project activities, and to constantly monitor and ensure that special-status herpetofauna species are not impacted or taken during the course of Project activities. This includes that a qualified biologist take measures to avoid indirect impacts to special-status herpetofauna species such as, but not limited to: placing four-foot-long by three-foot-wide plywood boards at the Project areas within 14 days prior to Project activities with a qualified biologist checking under plywood boards daily prior to the start of each workday; checking underneath staged equipment prior to operation; and checking potential habitat areas prior to commencement of vegetation removal or modification. If any special-status herpetofauna species are found during the course of Project activities, the individual shall first be allowed to leave the Project area under its own volition.</p>	<p>During Project Construction</p>	<p>Qualified Biologist</p>
<p>Mitigation Measure #7: <u>American badger protection.</u> A qualified biologist shall conduct a focused survey for American badger burrows prior to the start of each Project activity that may impact burrows. If burrows occur within the Project footprint, no Project activities shall occur within 100 feet of the burrow, and burrow(s) shall be monitored for two weeks to determine usage. Occupied burrows shall be avoided until they are determined to be unoccupied. Only after the burrow has been determined to be unoccupied shall the burrow be excavated, as needed, under the direction of a qualified biologist.</p>	<p>Prior to Project Initiation</p>	<p>Qualified Biologist</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 26 of 30

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #8: <u>Bat protection</u>. If active hibernacula or maternity roosts are identified within 500 feet from the work area, Project construction will only occur between September 1st and March 31st, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. A minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. Based on survey results, if maternity roosts are not present, but day roosting bats are likely, a Bat Exclusion Plan shall be developed by a qualified biologist and reviewed by CDFW prior to construction activities.</p>	<p>During Project Construction</p>	<p>Lead Agency/Qualified Biologist</p>
<p>Mitigation Measure #9: <u>Least Bell’s vireo protection</u>. 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 temporarily impacted areas as soon as possible following regrading after completion of construction to prevent encroachment by nonnative plants.</p>	<p>During Project Construction</p>	<p>Lead Agency</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 27 of 30

Mitigation Measure	Timing	Responsible Party
<p>Mitigation Measure #10: <u>Employee education program</u>. 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 special-status species potentially found at the Project site 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. Caltrans shall provide interpretation for non-English-speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform Project activities.</p>	<p>Prior to Project Initiation/During Project Construction</p>	<p>Lead Agency/Project Biologist</p>
<p>Mitigation Measure #11: <u>Invasive species removal</u>. During Project construction, Caltrans shall remove all invasive species included on the National Invasive Species Management Plan¹⁹, the State of California Noxious Weed List²⁰, and the Cal-IPC Invasive Plant Inventory²¹ 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</p>	<p>During Project Construction</p>	<p>Lead Agency</p>

¹⁹ <https://www.doi.gov/sites/doi.gov/files/uploads/2016-2018-nisc-management-plan.pdf>

²⁰ <https://www.cdfa.ca.gov/plant/ipc/encycloweedia/pdf/CaliforniaNoxiousWeeds.pdf>

²¹ <https://www.cal-ipc.org/plants/inventory/>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 28 of 30

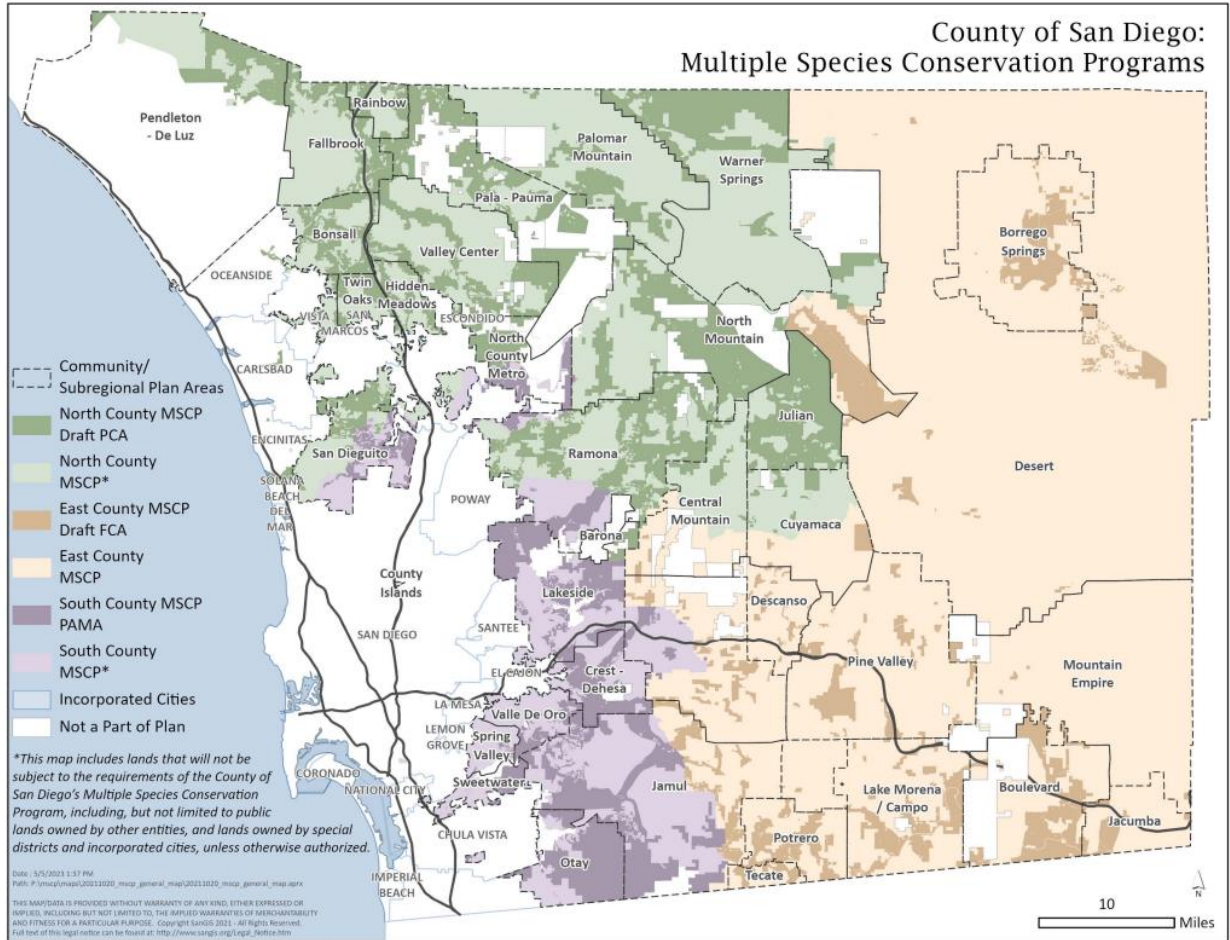
Mitigation Measure	Timing	Responsible Party
<p>invasive weed seeds, and shall properly dispose of weedy vegetation removed during construction to prevent spread into areas outside of the construction area.</p>		
<p>Mitigation Measure #12: <u>Compensatory mitigation</u>. CDFW recommends Caltrans revise the following mitigation measure by adding the underlined language:</p> <ul style="list-style-type: none"> • Where feasible, impacts to oaks and sensitive vegetation communities will be avoided. Where permanent impacts to large oak trees and jurisdictional areas (State wetlands and Waters of U.S.) cannot be avoided, they will be mitigated using existing mitigation bank credits <u>at a minimum of a 3:1 ratio</u>. Caltrans has several mitigation banks with available credits for all impacts associated with the project. Credits are available at Rancho San Diego, Rutherford Ranch and Go Cart mitigation banks. Temporary impact areas where grading, clearing and/or grubbing results in the removal of native vegetation will require hydroseeding of the impact area with an appropriate seed mix for the existing plant community. Compensatory mitigation is anticipated for approximately 0.06 acres of permanent impact to coastal sage scrub. <u>Coastal sage scrub will be mitigated at a minimum ratio of 5:1.</u> • Where feasible, impacts to wetlands will be avoided. Where impacts cannot be avoided, they will be mitigated by using existing Caltrans mitigation bank credits and hydroseeding of impact areas. Compensatory mitigation is anticipated for approximately 0.001 acres of permanent impacts to jurisdictional wetlands during culvert replacement 	<p>Prior to Project Initiation</p>	<p>Lead Agency</p>

Cristina Graciano
 California Department of Transportation
 November 21, 2024
 Page 29 of 30

Mitigation Measure	Timing	Responsible Party
<p>work <u>and will be replaced at a 3:1 ratio</u>. Caltrans has several mitigation banks with available credits for all habitats and impacts associated with the project. Credits are available at Rancho San Diego, Rutherford Ranch, and Go Cart mitigation banks. Grading, clearing, and/or grubbing of native vegetation in wetland areas may also require revegetation measures, such as hydroseeding with an appropriate seed mix for the existing plant community. Coordination with USFWS, USACE, and CDFW during acquisition of permits and Section 7 consultation may determine additional protective measures to be implemented by the project.</p>		

Cristina Graciano
California Department of Transportation
November 21, 2024
Page 30 of 30

ATTACHMENT B: COUNTY OF SAN DIEGO: MULTIPLE SPECIES CONSERVATION PROGRAMS



Attachment B: Map County of San Diego MSCPs.