



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 31, 2025
Sent via email

Nicholas D. Wells, City Manager
City of Holtville
121 West 5th Street
Holtville, CA 92250

Dear Mr. Wells:

ALAMO RIVER TRAIL TRESTLE BRIDGE PROJECT (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2024121192

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Holtville for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: The Holt Group, Inc.

Objective: The objective of the Project is to rehabilitate the Alamo River Trail Trestle Bridge and make improvements to the Alamo River Walking Trail. Primary Project activities include demolition and replacement of the damaged portions of the bridge (approximately 1,000 square feet), and the installation of 3,500 square feet of bridge decking suitable for non-motorized trail users, 350 linear feet of Americans with Disabilities Act compliant bridge railings suitable for pedestrians and bicycles, and 350 square feet of bridge landing suitable for the transition between the bridge and the existing Alamo River Trail. The damaged structures will be replaced with timber, when feasible, to match the nondamaged portion of the bridge and restore the aesthetic appeal of the bridge.

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.

Location: Holtville, CA, Imperial County, north of Highway 115 and over and east of the Alamo River at APN 045-243-005 and at Latitude 32.8081042, Longitude -115.3881899.
Timeframe: Unknown

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Holtville in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 1:

Project Description, Pages 1-2

Issue: The Project Description does not specify if Project activities will occur in the Alamo River.

Specific impact: If Project activities will impact resources in the Alamo River, the City of Holtville will need to notify for a Lake or Streambed Alteration Agreement (LSA), and if deemed necessary by CDFW, be issued a Streambed Alteration Agreement and avoid, minimize, and mitigate the impacts to the Alamo River's bed, bank, or channel, and the resources that rely upon it.

Why impact would occur: Potentially significant impacts to Alamo River's resources could occur due to lack of proposed avoidance, minimization, and mitigation measures.

Evidence impact would be significant: California places great value on streams and the resources they provide. Notification is required, pursuant to CDFW's LSA Program (Fish & G. Code, § 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Pub. Resources Code section 21000 et seq.) as the Responsible Agency.

Recommended Edits to Project Description and Related Impact Shortcoming: If the Project will impact resources subject to Fish and Game Code section 1602, CDFW recommends the MND's Project Description describes these activities and includes avoidance, minimization or mitigation measures to ensure the Project impacts are reduced to a less than significant level. If the Project will not impact resources subject to Fish and Game Code section 1602, CDFW recommends the MND notes these resources will be avoided.

To reduce impacts to less than significant: If Project activities will be occurring in the Alamo River, the City of Holtville, CDFW recommends the MND require notification to CDFW for an LSA agreement pursuant to Fish and Game Code section 1602, and define the mitigation required to bring Project impacts to the Alamo River less than significant.

II. Environmental Setting and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 2:

Section IV, Page 15

Issue: The MND does not adequately identify the Project's potentially significant impacts to biological resources.

Specific impact: The MND states:

"A formal biological survey was conducted in June of 2016 for the City of Holtville Alamo River Wetlands Walking Trail Project which stretches approximately 1.3 miles from Earl Walker Park, 500 feet south of the Project site, to the City of Holtville Wetlands north of the Project site. While the survey spans the length of the proposed Alamo River Walking trail, the Trestle Bridge Project is well within the biological surveys scope given that the trestle bridge and portions of the trail to be improved are part of the overall Alamo River Trail Project. The 2016 biological survey concluded by stating that no riparian habitats nor any endangered, threatened, or species of concern would be affected (See Appendix A - Biological Report). Nonetheless, disturbance from construction activities within this area is still a possibility and recommended mitigation measures will be in place."

The general field assessment included a survey of the Project site and along the river bluff. CDFW is concerned that the timing and scope of the general field assessment in May 2016 was not sufficient to detect all special-status species. In addition, only one focused survey was performed for western burrowing owl. A single survey effort may not be sufficient to detect special-status species, and following approved guidelines and protocol-level surveys increases detection of presence. CDFW is concerned about the potential for special-status species to occur on or near the Project site due to insufficient survey efforts. Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant.

The California Natural Diversity Database (CNDDDB) and data layers in the Biogeographic Information and Observation System (BIOS) indicate that federal Endangered Species Act-listed, CESA-listed, or other special-status species have been reported or have the potential to occur in the Project area that were not addresses in the MND, including, but not limited to, the following: Plants: Abram's spurge (*Euphorbia abramsiana*) and gravel milk-vetch (*Astragalus sabulonum*); Amphibians: Sonoran Desert toad (*Incilius alvarius*); Birds: crissal thrasher (*Toxostoma crissale*), ferruginous hawk (*Buteo regalis*), Gila woodpecker (*Melanerpes uropygialis*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), yellow warbler (*Setophaga petechia*), and Yuma Ridgway's rail (*Rallus obsoletus yumanensis*); Mammals: American badger (*Taxidea taxus*), little brown bat (*Myotis lucifugus*), Mexican free-tailed bat (*Tadarida brasiliensis*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), Yuma myotis (*Myotis yumanensis*), and western yellow bat (*Lasiurus xanthinus*).

Why impact would occur: Special-status species may not be present during an individual survey. If migratory special-status species are present during other times of the year, they could be impacted by Project activities when timelines intersect. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a

protracted time frame, or in phases, or if surveys are completed during periods of drought.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

CDFW recommends the MND includes avoidance, minimization or mitigation measures to ensure the Project impacts are reduced to a less than significant level. CDFW recommends the MND be revised to include updated survey results following approved guidelines and protocols and provide an impact analysis (see Comment 2 below). If this recommendation is not accepted by the lead agency, CDFW recommends the inclusion of the following measure in the MND.

Mitigation Measure BIO-5

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code §§ 3511, 4700, 5050, 5515), shall be completed. Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Species-specific surveys following protocols and guidelines, shall be completed by a Qualified Biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Appropriate avoidance, minimization, and mitigation measures shall be developed for present species in consultation with CDFW, which may include obtaining a CESA incidental take permit (ITP).

COMMENT 3:

Appendix A – Biological Report, Page 1

Issue: Appendix A - Biological Report is outdated and evaluation of the environmental baseline should be reconducted using proper surveying guidance and protocols for all biological resources.

Specific impact: An outdated biological survey may not account for all current species and habitats present on the Project site which may lead to potentially significant impacts to special-status species and other biological resources.

Why impact would occur: Lack of identification of present biological resources and unmitigated Project activities can significantly impact special-status species through but not limited to direct mortality, destruction of foraging habitat, and/or destruction of nesting habitat.

Evidence impact would be significant: CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Also, site conditions likely have changed in the approximate 8 years since the general survey was conducted, which means the species covered in Appendix A – Biological Report may have diminished, and/or other species may have inhabited the Project site. In addition, western burrowing owls are now CESA candidate species, and take of the species without state authorization is prohibited.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

CDFW recommends the MND includes avoidance, minimization or mitigation measures to ensure the Project impacts to biological resources are reduced to a less than significant level.

To reduce impacts to less than significant: CDFW recommends the City of Holtville conduct new, species-specific biological surveys for special-status species and sensitive natural communities near the Project site following CDFW and USFWS guidelines and protocols. The MND should reflect the survey results of all special-status species and sensitive natural communities in the vicinity of the Project site and note the presence and absence of species and sensitive natural communities.

COMMENT 4:

Appendix A – Biological Report, Page 7

Issue: Appendix A – Biological Report identified cliff swallows (*Petrochelidon pyrrhonota*) near the Project site and the MND has not described potential impact nor mitigation to reduce any potential impact for these species.

Specific impact: Appendix A – Biological Report (p. 7) states, “There are swallows nesting under SR 115 bridge and there is the possibility of nesting birds in the trees found growing along the banks of the river along the walking path.” As the Alamo River Trestle Bridge is in the vicinity of the SR 115 bridge, it is possible that cliff swallows may utilize the structure for nesting.

Why impact would occur: A recent survey to document species presence was not performed. Removal of the sections of the Alamo River trestle bridge can result in harm to or take of the species and/or destruction of nests. Removal and replacement of the existing Alamo River trestle bridge could also cause disturbance to cliff swallow nesting areas which can lead to nest abandonment and loss of fecundity

Evidence impact would be significant: This Project has the ability to unintentionally destroy nests and/or eggs of cliff swallows unless proper surveys are conducted prior to Project activities. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. According to the Migratory Bird Treaty Act, “it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird etc.”

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

CDFW recommends the MND includes avoidance, minimization or mitigation measures to ensure the Project impacts are reduced to a less than significant level. CDFW recommends inclusion of the following measure in the MND if cliff swallow presence is determined by updated surveys.

Mitigation Measure BIO- 6:

Swallow Nesting: Construction shall either occur outside of the swallow nesting period (generally March 15 through August 31), or the City of Holtville shall submit to CDFW, for review and approval, a Nesting Bird Avoidance Plan, prepared by a Qualified Avian Biologist which could include methods to deter swallow nesting.

COMMENT 5:

Appendix A – Biological Report, Page 5

Issue: CDFW is concerned that the MND does not sufficiently identify and evaluate potential Project impacts to bat species or ensure that impacts are reduced to a level less than significant.

Specific impact: There is a potential for bat species, such as Mexican free-tailed bat (*Tadarida brasiliensis*), Yuma myotis (*Myotis yumanensis*), and little brown bat (*Myotis lucifugus*) to occur and roost in the Project area. These species could also potentially roost within the Alamo River trestle bridge. Additionally, bat species' maternity and winter roosting habitat is rapidly declining, and a loss of occupied habitat may be significant under CEQA. CDFW notes that in addition to multiple bat species roosting in the bridge components, there is also potential for multiple bat species, including pallid bat (*Antrozous pallidus*), to roost in cliff swallow mud-nests, which are potentially present on the bridge. Year-round occupancy of cliff swallow mud-nests by bat species has been observed throughout California, including, but not limited to, Yuma myotis (*Myotis yumanensis*), big brown bat (*Eptesicus fuscus*), Mexican free-tailed bat (*Tadarida brasiliensis*), pallid bat (*Antrozous pallidus*), and Myotis sp. (unidentified to species level) (California Bat Working Group, 2022). Several bat species use mud-nests located in or on bridges, cliffs, culverts, and other structures with a vertical surface protected by an overhang near a source of mud and with a nearby open area for foraging. They have been observed using the inside of cliff swallow nests as well as the interstitial crevices between nests or between the nest and the structure (California Bat Working Group, 2022).

Why impact would occur: Disturbance of bat roosting habitat on the Alamo River trestle bridge due to removal of damaged bridge parts can potentially impact species of bats by direct mortality, roosting disturbances, and breeding disturbances. The permanent loss of roosting habitat is considered one of the primary conservation issues for bat populations (Fenton 1997, Pierson 1998). Bats roosting in cliff swallow mud-nests could be directly impacted (i.e., injured or killed) by Project activities if they are present when these nests are removed.

Evidence impact would be significant: Take (hunt, pursue, catch, capture, or kill, or attempt to do so; Fish & G. Code §86) of nongame mammals is prohibited by Fish and Game Code §4150. Section 15070(b)(2) of the CEQA Guidelines states that one of the conditions under which a mitigated negative declaration shall be prepared is when there is no substantial evidence that the Project may have a significant effect on the environment. Therefore, CDFW recommends the City of Holtville demonstrate that all impacts to biological resources are less than significant through appropriate avoidance, minimization, and mitigation measures. Several special-status bats have the potential to occur in the Project area, including pallid bat (*Antrozous pallidus*), which is an SSC that meets the CEQA definition of a rare species (CEQA Guidelines § 15380).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

CDFW recommends the City of Holtville demonstrate in the MND that there are no impacts to bats species, or any potential impacts are avoided, minimized, and mitigated to a level that is less than significant. CDFW reiterates the recommendation that a revised MND include the survey results of whether cliff swallow nests occur on the bridge and also include an analysis of the potential impacts to bats that may use these nests for roosting. CDFW recommends the MND includes avoidance, minimization, and mitigation measures for present bat species to ensure the Project impacts are reduced to a less than significant level. CDFW recommends inclusion of the following measure in the MND.

Mitigation Measure BIO - 7:

Prior to the start of Project activities, the City of Holtville shall retain a Qualified Bat Biologist to conduct a bat roosting habitat suitability assessment of the structures, trees, and vegetation that may be removed, altered, or indirectly impacted by the proposed Project. Within suitable bat roosting habitat, the Qualified Bat Biologist shall conduct surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by the Qualified Bat Biologist. Surveys shall be conducted during favorable weather conditions only. Surveys shall be conducted within one 24-hour period. Visual inspections shall 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 shall be used during all dusk emergence and pre-dawn re-entry surveys, and to determine if night roosting is occurring in the area.

If bats are found using any trees or structures within the Project area, including the bridge and any cliff swallow nests on the bridge, the Qualified Bat Biologist shall identify the bats to the species level and evaluate the colony, if applicable, to determine its size and significance. The bat survey results shall include: 1) the exact location of all roosting sites (location shall be described and mapped); 2) the number of bats present at the time of visit (count or estimate); 3) each species of bat present (including how the species was identified); 4) the location of all signs of bats (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks, and bats squeaking and chattering)(described and mapped); 5) the type of roost: maternity roost, winter roost (hibernacula), and night roost (resting at night while out feeding) versus a day roost (resting all day) must also be clearly stated; and 6) proposed avoidance and minimization measures, including avoidance of bats in swallow nests. The results of the survey shall be submitted to CDFW for review prior to initiating Project activities.

If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction within these areas shall only occur generally between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Appropriate time to start Project construction to avoid impact shall be confirmed by a Qualified Bat Biologist. Maternity roosts shall not be evicted, excluded, removed, or disturbed.

If active hibernacula (winter roosts) are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around hibernacula. The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to 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. If avoidance of a hibernacula is not feasible, the Qualified Bat Biologist will prepare

a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan prepared by the Qualified Bat Biologist shall be submitted for CDFW review and approval prior to relocation and construction activities. The Qualified Bat Biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall also be in place with sufficient timing prior to the initiation of Project-related activities to allow bat relocation, with the timing specified by the Qualified Bat Biologist with consideration of the species. Removal of roosts shall be guided by accepted exclusion and deterrent techniques developed by the Qualified Bat Biologist. The City shall compensate no less than 2:1 for permanent impacts to roosting habitat with replacement and permanent protection of roost habitat.

COMMENT 6:

Appendix A – Biological Report, Page 5

Issue: CDFW is concerned that the MND does not sufficiently identify potential Project impacts to Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), a CESA-listed threatened species, and fully protected species, or ensure that impacts are reduced to a level less than significant.

Specific impact: The Project may result in adverse impacts to this CESA-listed and state fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the City of Holtville include in the analysis how appropriate avoidance measures will be utilized to reduce direct and indirect impacts to species to a level less than significant and avoid take.

Why impact would occur: Disturbance to Yuma Ridgway's rail habitat through removal of vegetation, removal of the damaged part of Alamo River trestle bridge, and noise during Project activities can lead to significant impacts to a fully protected and threatened species.

Evidence impact would be significant: CESA prohibits the take (under Fish & G. Code, § 86, "take" means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill) of any endangered, threatened, or candidate species that results from a proposed project, except as authorized by state law (Fish & G. Code, §§ 2080, 2085). Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows: Take is for necessary scientific research; efforts to recover a fully protected, endangered, or threatened species; live capture and relocation of a bird species for the protection of livestock; or they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

As Appendix A – Biological Report is out of date, CDFW recommends that protocol-level surveys be conducted to determine the presence or absence of Yuma Ridgway's rail on the Project site and a 500-foot buffer. The survey results should be included in a revised MND, along with analysis of potential adverse impacts to this CESA-listed and state fully protected species. CDFW recommends that the City of Holtville include in the analysis how appropriate avoidance measures will reduce direct and indirect impacts to species to a level less than significant. Project activities described in the MND should generally be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. To reduce impacts to

Yuma Ridgway's rail to a level less than significant, CDFW recommends that the City of Holtville include the following mitigation measure in a revised MND:

Mitigation Measure BIO-8:

Prior to the start of Project activities, a biologist who has a valid 10(a)(1)(A) Fish and Wildlife Service recovery permit and a CDFW CESA Memorandum of Understanding for Yuma Ridgway's rail shall perform presence/absence surveys according to the Yuma Ridgway Rail Survey Protocol for Project Evaluation within a 500-foot buffer of the Project. The survey requires 6 callback surveys between March 1 and May 15. If presence of Yuma Ridgway's rail is detected, Project activities that require the use of heavy equipment shall not take place during the species peak breeding season (generally February 15 to September 30). CDFW shall be notified in writing of detection of this species within three (3) days. If protocol surveys indicate this species is not present within the 500-foot buffer, Project activities may proceed subject to the other provisions of federal and state law. The results of the protocol surveys shall be provided to CDFW prior to commencement of Project activities.

COMMENT 7:

Appendix A – Biological Report, Page 5-6

Issue: The Project site potentially contains suitable habitat for western burrowing owl, a CESA-listed candidate species. Breeding surveys and non-breeding surveys were not performed for western burrowing owl.

Specific impact: The MND does not analyze or identify potential impact nor propose mitigation for any potential loss of nesting burrows, satellite burrows, foraging habitat, dispersal and migration habitat, wintering habitat, and habitat linkages, including habitat supporting prey and host burrowers, and other essential habitat attributes.

Why impact would occur: Western burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on western burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Western burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). CDFW considers habitat to be occupied when at least one western burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years (CDFG, 2012). As written, the MND only requires replacement of burrows determined to be occupied at the time of preconstruction surveys. This MND does not analyze temporal consideration of species occupancy and their use of the surrounding landscape for survival.

Evidence impact would be significant: As a candidate species, western burrowing owl is granted full protection of a threatened or endangered species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated. Similarly, take, possession or destruction of individual burrowing owls, their nests and eggs are prohibited under Fish and Game Code sections 3503, 3503.5 and 3513. Eviction of burrowing owls is a potentially significant impact under CEQA, and mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). As stated in the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012), "the current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding,

foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow”.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming) CDFW recommends the MND identify and analyze any potential impacts to western burrowing owl, and include avoidance, minimization or mitigation measures to ensure the Project impacts are reduced to a less than significant level, which may include obtaining an incidental take permit.

To reduce impacts to less than significant:

CDFW recommends the City of Holtville perform breeding and non-breeding surveys per the guidance of the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012), assess the impact, and create a mitigation measure to include avoidance, minimization, and mitigation for burrowing owls identified on-site, and these same measures be applied to any individuals found during take avoidance surveys as conditions by the proposed mitigation measure. CDFW recommends the guidance of mitigating impacts to burrowing owls in the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012) be followed, including (a) permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced with permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals.

COMMENT 9:

Appendix A – Biological Report, Page 5

Issue: There is a discrepancy between the MND and Appendix A – Biological Report regarding the removal of arrow weed thickets (*Pluchea sericea* Shrubland Alliance), which is recognized by CDFW as a sensitive natural community. No avoidance, minimization, or mitigation measures are proposed for the potential impacts to arrow weed thickets.

Specific impact: Appendix A – Biological Report (p. 3) states, “Limbs and tree stumps will be removed to enhance the view of the river.” However, the MND contradicts this analysis stating, “While the Project is not proposing to remove any existing vegetation, the City will strive to avoid and minimize impacts to the vegetation to the greatest extent possible.”

Why impact would occur: No avoidance, minimization, or mitigation measures are in the MND regarding sensitive natural communities. CDFW is concerned, if Appendix A – Biological Report is accurate in the description of the Project’s disturbance activities, that there are no avoidance, minimization, or mitigation measures in the MND to ensure impacts are reduced to less than significant levels.

Evidence impact would be significant: Arrow weed thickets are listed on the CDFW Vegetation Classification and Mapping Program’s (VegCAMP) Sensitive Natural Communities Only by Life Form list (CDFW, June 2023) as a S3 state rarity ranking. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review process of CEQA.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

Should arrow weed thickets have the potential to be impacted by the Project, CDFW recommends the MND includes avoidance, minimization or mitigation measures to ensure the Project impacts to the sensitive natural community are reduced to a less than significant level. CDFW proposes the following mitigation measure:

Mitigation Measure BIO-8:

To the greatest extent practicable, Project plans shall avoid impacts to arrow-weed thickets. If arrow-weed thickets cannot be avoided, the City of Holtville shall restore the habitat to pre-project conditions, or compensatory mitigation for direct and permanent impacts consisting of habitat acquisition at a minimum of a 2:1 ratio. Habitat acquisition sites shall be biologically equal or superior to existing conditions and shall be conserved and managed in perpetuity.

III. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 9:

Section IV, Page 16

Issue: The Project may have impacts on nesting birds and their nests, including SSC and CESA-listed species.

Specific impact: Project activities may result in degradation and permanent loss of nesting bird habitat and may also result in direct mortality and/or injury to nesting birds and take of their nests onsite through trimming/removing vegetation along the Alamo River Walking Trail.

Why impact would occur: Direct take may result from vehicle and equipment strike and from predators attracted to the construction site. Indirect take may result from displacement, reduction of habitat and habitat quality, and from impacted foraging and nesting habitat. Additionally, construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measure(s): CDFW supports the inclusion of MM BIO-1 and MM BIO-2 with revisions in the final MND, as per below, to avoid impacts to nesting birds (edits are in ~~strike through~~ and additions are in **bold**):

Mitigation Measure BIO-1:

~~If construction is planned between the dates of February 15 through September 1, a nesting bird survey prior to construction is required to prevent violation of the Migratory Bird Treaty Act. Within seven (7) days prior to commencement of grading/construction activities, a qualified biologist shall perform a preconstruction survey within 500 feet of the proposed work limits.~~

~~If active avian nest(s) are discovered within or 500 feet from the work limits, a buffer shall be delineated around the active nest(s) measuring 300 feet. A qualified biologist shall monitor the nest(s) weekly after commencement of construction to ensure that nesting behavior is not adversely affected by such activities.~~

- a. **To minimize avoid impacts to nesting birds in the Project Site, the Qualified Avian Biologist shall conduct pre-construction surveys of all potential raptor and passerine nesting habitat within the Project Site. The raptor survey shall focus on potential nest sites (i.e., utility poles and trees) within a 300-foot buffer around the Project site. These surveys shall be conducted no more than 14 days prior to ground-disturbing activities. The Qualified Avian Biologist must be able to determine the status and stage of nesting migratory birds and all locally breeding passerine and raptor species without causing intrusive disturbance.**
- b. **If active nests are found, within the Project area or within 500 feet of the Project area, the nest shall be flagged and mapped on the construction plans and a suitable buffer based on the species' sensitivity to disturbance, and as determined by the Qualified Avian Biologist shall be established around active nests, and no construction within the buffer shall be allowed until the Qualified Avian Biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). Buffers may be reduced at the discretion of the Qualified Avian Biologist based on Project activity, line of sight, tolerance of individuals, and stage of the nest. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. The buffer shall remain in place until determined by the Qualified Avian Biologist that the nestlings have fledged, and the nest is no longer active. If an active nest is encountered during the Project construction, construction shall stop immediately until a Qualified Avian Biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.**
- c. ~~If the qualified biologist determines that nesting behavior is adversely affected by grading/construction activities, then a noise mitigation program shall be implemented in consultation with the California Department of Fish and Wildlife (CDFW), to allow such activities to proceed. Once the young have fledged and left the nest(s) then construction activities may proceed within 300 feet of the fledged nest(s).~~

COMMENT 10:

Section IV, Page 16

Issue: The MND does not include an assessment of impacts to biological resources resulting from construction noise nor mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: The MND (p. 16) states, "If the qualified biologist determines that nesting behavior is adversely affected by grading/construction activities, then a noise mitigation program shall be implemented in consultation with CDFW, to allow such activities to proceed." CDFW is concerned this statement does not mention that it will adhere to any regulations or methods of noise reduction.

Why impact would occur: Noise from Project activities can impact many species by disrupting breeding cycles and foraging opportunities. These impacts can greatly reduce the fecundity of species.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can

occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Because of the potential for construction noise to negatively impact wildlife, CDFW recommends the inclusion of MM BIO-9 in a revised MND to replace the portions of MM BIO-3 regarding construction noise:

Mitigation Measure BIO-9:

During all Project construction, the City of Holtville shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City of Holtville shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

COMMENT 11:

Section MND IV, Page 16

Issue: The MND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction.

Specific impact: The MND does not provide any details regarding the use of artificial nighttime lighting or the impacts to biological resources resulting from the use of artificial nighttime lighting during construction of the Project, and no mitigation measures are proposed. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Why impact would occur: Artificial light can impact special-status species by disrupting circadian rhythms, interfering with foraging and protection from predators, causing confusion with migration patterns.

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication including bird song (Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore & Rich 2004).

Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore & Rich 2004).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Because of the potential for artificial nighttime lighting to negatively impact wildlife, CDFW recommends a revised MND include a light impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

Mitigation Measure BIO-10:

During Project construction and operations over the lifetime of the Project, the City of Holtville shall eliminate all nonessential lighting throughout the Project area and avoid the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Holtville shall ensure that all lighting for the Project is fully shielded, cast downward and away from surrounding open-space areas, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <https://darksky.org/>). The City of Holtville shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT 12:

Section IV, Page 16-17

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to western burrowing owl habitat. The Project may result in the take of western burrowing owl, a CESA candidate species, during construction of the Project and life of the Project.

Specific impact: The MND describes that no burrows were located on-site, and no sign of burrowing owl were observed, however since the time of surveying, western burrowing owl could have potentially inhabited the site. If western burrowing owl has inhabited the site the potential for the collapsing of burrows, entombment, displacement, direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, reduction of habitat and habitat quality could occur. The Project as described will potentially cause permanent and temporary impacts to western burrowing owl foraging and nesting habitat.

Why impact would occur: Although the MND states that no active sign of western burrowing owl was found throughout the site, only one general survey was performed in 2016. This outdated survey does not preclude the potential that burrowing owl has inhabited the area. The loss of burrowing owl habitat could result in significant impacts.

Evidence impact would be significant: The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. CDFW considers the direct and indirect take of western burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish and Game Code sections 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act). Furthermore, following the Fish and Game Commission's decision to list western burrowing owl as a candidate species under CESA, CDFW considers the take of burrowing owl and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant which may include that ground disturbing

activities be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

CDFW supports the inclusion of MM BIO-4 with revisions in the final MND, as per below, to avoid impacts to a CESA candidate species (edits are in ~~strikethrough~~ and additions are in **bold**.) CDFW also recommends the MND includes avoidance, minimization or mitigation measures to ensure the Project impacts are reduced to a less than significant level with the inclusion of MM BIO-11.

Mitigation Measure BIO-4:

~~Although there were no sensitive species identified by the study, and more specifically, no burrowing owls, the following mitigation measures shall be shown on building plans as details, notes or as otherwise appropriate in the event that burrowing owls are identified during the pre-construction survey:~~

~~a. In the event that an active burrow is found, the active burrow that is in the zone of construction should be passively relocated, following guidelines found within California Department of Fish and Game (CDFG) guidelines with consultation with CDFG Bermuda Dunes office. Prior to relocation, two artificial burrows per active burrow to be closed will be installed in the vicinity of the trail Alamo River.~~

~~b. Burrowing owl worker training should be given to construction workers prior to the start of work by a qualified biologist, which would include the following information:~~

- ~~• Distribution~~
- ~~• General behavior and ecology~~
- ~~• Sensitivity to human activities~~
- ~~• Legal protection~~
- ~~• Penalties for violations of State or Federal laws~~
- ~~• Reporting requirements~~
- ~~• Project protective mitigation measures~~
- ~~• A wallet card will be given to each worker~~

Western Burrowing Owl. If complete avoidance cannot be achieved an CESA Incidental Take Permit (ITP) for western burrowing owl shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts to the species shall be fulfilled at a minimum 1:1 ratio through purchase of available western burrowing owl conservation bank credits suitable for CESA mitigation (if available), perpetual conservation and management of suitable and occupied western burrowing owl habitat of equal or better quality, or another method as reviewed and approved by CDFW.

MM-BIO-4.1 At least 45 days prior to construction the Project proponent shall conduct a survey of the Project site to determine if burrowing owls are present. If present the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls use of artificial or natural burrows on an adjoining mitigation site (if able to confirm by band resight), 4) details of proposed mitigation for impacts to occupied burrows and habitat. The proposed implementation of burrow exclusion and closure should only be considered as a last resort. If impacts to

occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval. The requirements of the Burrowing Owl Plan may be superseded or supplemented by the requirements of the CESA ITP.

MM-BIO-4.2: Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Qualified Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the guidelines within the 2012 Staff Report on Burrowing Owl Mitigation (or most recent version) around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Qualified Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Qualified Biologist shall delineate burrows with different materials than those used to delineate the Project area, and the materials shall not attract raptor perching. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.

MM-BIO-4.3 To ensure that the Project avoids impacts to burrowing owl, a Qualified Biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

MM-BIO-4.4 During take avoidance surveys the Project proponent shall have a Qualified Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of burrowing owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation," feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan and Conditions of Approval within the CESA ITP. If no Plan has been approved or CESA ITP obtained, the Project proponent shall not commence activities until owls have been confirmed absent and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved, and a CESA ITP obtained.

Mitigation Measure BIO-11:

A Qualified Biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site (Workers Environmental Awareness Program; WEAP). The WEAP shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The WEAP shall also include information on the distribution and habitat needs of any special-status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The WEAP shall include, but not be limited to: (1) best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area and (2) protected species that have the potential to occur on the Project site. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any individual prior to their performing any work onsite.

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

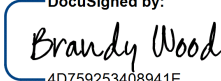
ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of Holtville in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Austin Gutierrez, Environmental Scientist at (909) 544-2525 or Austin.Gutierrez@Wildlife.ca.gov.

Sincerely,
DocuSigned by:

4D759253408941E...
Brandy Wood
Environmental Program Manager

Attachments

Attachment A: Mitigation, Monitoring, and Reporting Program (MMRP) for CDFW Proposed Mitigation Measures

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

George Galvan
Consultant Planner
The Holt Group, Inc.
jgalvan@theholtgroup.net

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**Attachment A
Draft Mitigation, Monitoring, and Reporting Program**

Draft Mitigation, Monitoring, and Reporting Program (MMRP)

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

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-1:</p> <p>a. To minimize avoid impacts to nesting birds in the Project Site, the Qualified Avian Biologist shall conduct pre-construction surveys of all potential raptor and passerine nesting habitat within the Project Site. The raptor survey shall focus on potential nest sites (i.e., utility poles and trees) within a 300-foot buffer around the Project site. These surveys shall be conducted no more than 14 days prior to ground-disturbing activities. The Qualified Avian Biologist must be able to determine the status and stage of nesting migratory birds and all locally breeding passerine and raptor species without causing intrusive disturbance.</p> <p>b. If active nests are found, within the Project area or within 500 feet of the Project area, the nest shall be flagged and mapped on the construction plans and a suitable buffer based on the species' sensitivity to disturbance, and as determined by the Qualified Avian Biologist shall be established around active nests, and no construction within the buffer shall be allowed until the Qualified Avian Biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). Buffers may be reduced at the discretion of the Qualified Avian Biologist based on Project activity, line of sight, tolerance of individuals, and stage of the nest. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to</p>	<p>No more than 14 days prior to vegetation clearing or ground-disturbing activities/ During all Project construction</p>	<p>City of Holtville</p>

<p>an active nest buffer. The buffer shall remain in place until determined by the Qualified Avian Biologist that the nestlings have fledged, and the nest is no longer active. If an active nest is encountered during the Project construction, construction shall stop immediately until a Qualified Avian Biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</p>		
<p>MM BIO-4: Western Burrowing Owl. If complete avoidance cannot be achieved an Incidental Take Permit (ITP) for western burrowing owl shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts to the species shall be fulfilled at a minimum 1:1 ratio through purchase of available western burrowing owl conservation bank credits suitable for CESA mitigation (if available), perpetual conservation and management of suitable and occupied western burrowing owl habitat of equal or better quality, or another method as reviewed and approved by CDFW.</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>
<p>MM-BIO-4.1: At least 45 days prior to construction the Project proponent shall conduct a survey of the Project site to determine if burrowing owls are present. If present the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls use of artificial or natural burrows on an adjoining mitigation site (if able to confirm by band resight), 4) details of proposed</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>

<p>mitigation for impacts to occupied burrows and habitat. The proposed implementation of burrow exclusion and closure should only be considered as a last resort. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval. The requirements of the Burrowing Owl Plan may be superseded or supplemented by the requirements of the CESA ITP.</p>		
<p>MM-BIO-4.2: Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Qualified Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the guidelines within the 2012 Staff Report on Burrowing Owl Mitigation (or most recent version) around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Qualified Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Qualified Biologist shall delineate burrows with different materials than those used to delineate the Project area, and the materials shall not attract raptor perching. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.</p>	<p>Prior to Project construction activities/ During all Project construction/ End of construction</p>	<p>City of Holtville</p>
<p>MM-BIO-4.3: To ensure that the Project avoids impacts to burrowing owl, a Qualified Biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>
<p>MM-BIO-4.4: During take avoidance surveys the Project proponent shall have a Qualified</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>

<p>Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of burrowing owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan and Conditions of Approval within the CESA ITP. If no Plan has been approved or CESA ITP obtained, the Project proponent shall not commence activities until owls have been confirmed absent and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved, and a CESA ITP obtained.</p>		
<p>MM BIO-5: Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code §§ 3511, 4700, 5050, 5515), shall be completed. Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Species-specific surveys following protocols and guidelines, shall be completed by a Qualified Biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Appropriate avoidance, minimization, and mitigation measures shall be developed for present species in consultation with CDFW, which may include obtaining a CESA incidental take permit (ITP).</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>
<p>MM BIO-6: Construction shall either occur outside of the swallow nesting period (generally March 15 through August 31), or the City of Holtville shall submit to CDFW, for review and approval, a Nesting Bird Avoidance Plan, prepared by a Qualified Avian</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>

<p>Biologist which could include methods to deter swallow nesting.</p>		
<p>MM BIO-7: Prior to the start of Project activities, the City of Holtville shall retain a Qualified Bat Biologist to conduct a bat roosting habitat suitability assessment of the structures, trees, and vegetation that may be removed, altered, or indirectly impacted by the proposed Project. Within suitable bat roosting habitat, the Qualified Bat Biologist shall conduct surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by the Qualified Bat Biologist. Surveys shall be conducted during favorable weather conditions only. Surveys shall be conducted within one 24-hour period. Visual inspections shall 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 shall be used during all dusk emergence and pre-dawn re-entry surveys, and to determine if night roosting is occurring in the area.</p> <p>If bats are found using any trees or structures within the Project area, including the bridge and any cliff swallow nests on the bridge, the Qualified Bat Biologist shall identify the bats to the species level and evaluate the colony, if applicable, to determine its size and significance. The bat survey results shall include: 1) the exact location of all roosting sites (location shall be described and mapped); 2) the number of bats present at the time of visit (count or estimate); 3) each species of bat present (including how the species was identified); 4) the location of all signs of bats (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks, and bats squeaking and chattering)(described and mapped); 5) the type of roost: maternity roost, winter roost (hibernacula), and night roost (resting at night while out feeding) versus a day roost (resting all day) must also be clearly stated; and 6) proposed avoidance and minimization measures, including avoidance of bats in swallow nests. The results of the survey shall be submitted to CDFW for review prior to initiating Project activities.</p>	<p>Prior to Project construction activities/ During all Project construction</p>	<p>City of Holtville</p>

<p>If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction within these areas shall only occur generally between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Appropriate time to start Project construction to avoid impact shall be confirmed by a Qualified Bat Biologist. Maternity roosts shall not be evicted, excluded, removed, or disturbed.</p> <p>If active hibernacula (winter roosts) are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around hibernacula. The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to 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. If avoidance of a hibernacula is not feasible, the Qualified Bat Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan prepared by the Qualified Bat Biologist shall be submitted for CDFW review and approval prior to relocation and construction activities. The Qualified Bat Biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall also be in place with sufficient timing prior to the initiation of Project-related activities to allow bat relocation, with the timing specified by the Qualified Bat Biologist with consideration of the species. Removal of roosts shall be guided by accepted exclusion and deterrent techniques developed by the Qualified Bat Biologist. The City shall compensate no less than 2:1 for permanent impacts to roosting habitat with replacement and permanent protection of roost habitat.</p>		
<p>MM BIO-8: Prior to the start of Project activities, a biologist who has a valid 10(a)(1)(A) Fish and Wildlife Service recovery permit and a CDFW CESA</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>

<p>Memorandum of Understanding for Yuma Ridgway's rail shall perform presence/absence surveys according to the Yuma Ridgway Rail Survey Protocol for Project Evaluation within a 500-foot buffer of the Project. The survey requires 6 callback surveys between March 1 and May 15. If presence of Yuma Ridgway's rail is detected, Project activities that require the use of heavy equipment shall not take place during the species peak breeding season (generally February 15 to September 30). CDFW shall be notified in writing of detection of this species within three (3) days. If protocol surveys indicate this species is not present within the 500-foot buffer, Project activities may proceed subject to the other provisions of federal and state law. The results of the protocol surveys shall be provided to CDFW prior to commencement of Project activities.</p>		
<p>MM BIO-9: To the greatest extent practicable, Project plans shall avoid impacts to arrow-weed thickets. If arrow-weed thickets cannot be avoided, the City of Holtville shall restore the habitat to pre-project conditions, or compensatory mitigation for direct and permanent impacts consisting of habitat acquisition at a minimum of a 2:1 ratio. Habitat acquisition sites shall be biologically equal or superior to existing conditions and shall be conserved and managed in perpetuity.</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>
<p>MM BIO-10: During all Project construction, the City of Holtville shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City of Holtville shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.</p>	<p>During all Project construction</p>	<p>City of Holtville</p>
<p>MM BIO-11: During Project construction and operations over the lifetime of the Project, the City of Holtville shall eliminate all nonessential lighting throughout the Project area and avoid the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Holtville shall ensure that all lighting for the Project is fully shielded, cast downward and</p>	<p>Throughout construction and the lifetime operations of the Project</p>	<p>City of Holtville</p>

<p>away from surrounding open-space areas, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at https://darksky.org/). The City of Holtville shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>		
<p>MM BIO-12: A Qualified Biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site (Workers Environmental Awareness Program; WEAP). The WEAP shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The WEAP shall also include information on the distribution and habitat needs of any special-status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The WEAP shall include, but not be limited to: (1) best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area and (2) protected species that have the potential to occur on the Project site. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any individual prior to their performing any work onsite.</p>	<p>Prior to Project construction activities</p>	<p>City of Holtville</p>