



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
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March 17, 2025

Gita Tokhmafshan
Senior Environmental Planner
California Department of Transportation, District 8
464 W 4th Street
San Bernardino, CA 92401

Subject: Initial Study/Mitigated Negative Declaration
State Route 138 Curve Correction (Project)
State Clearinghouse No. 2025020651

Dear Gita Tokhmafshan:

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

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.

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans, District 8

Objective: The objective of the Project is to realign State Route 138 (SR-138) from 1.0 mile east of Interstate 15 (I-15) to just west of the Hog Ranch Creek Bridge, near the City of Hesperia. Primary Project activities include the installation of 8-foot shoulders on both directions of traffic, installation of centerline and shoulder rumble strips, and replacement of metal beam guardrail with new midwest guardrail system. A retaining wall will be constructed along the westbound direction of traffic. Realigning SR-138 will involve removing the culvert at Post Mile (PM) 17.0 (Culvert A) and its associated features, excavating the channel onsite to match the existing upstream and downstream flowline, and constructing a new Culvert A in the same flowline underneath the new alignment. The Project also proposes rehabilitating a culvert at PM 16.27 (Culvert B), which is located approximately 40 feet underneath the roadway, and performing other drainage improvements as needed at the west end of the Project limits.

Location: The Project site is located along SR-138 at PM 16.20 to PM 17.35 near the City of Hesperia in San Bernardino County.

Timeframe: The Project is expected to begin construction in November of 2026 and expected to be completed by the end of 2028.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

COMMENT 1: Crotch's Bumble Bee (*Bombus crotchii*)

Section 2.1.4, Page 17

Issue: The IS/MND identifies that the Project may directly impact Crotch's bumble bee through the removal of host plants during construction. The Natural Environmental

Study (NES) prepared for this Project identifies that there is suitable habitat present for Crotch's bumble bee, including host plants such as milkweed, California buckwheat, and white sage. Crotch's bumble bee is a candidate species for listing under CESA, and suitable habitat is located within the Project Impact Area (PIA). While CDFW appreciates the inclusion of mitigation measure **BIO-Arthropod-1: Rare Insect Host Plant Preconstruction Clearance Survey, Flagging, and Fencing**, CDFW is concerned the measure does not adequately avoid, minimize, and mitigate potential impacts to Crotch's bumblebee. CDFW is concerned with potential impacts to Crotch's bumble bee considering the Project will remove habitat for Crotch's bumble bee.

Specific Impact: The Project has the potential for take (indirect and direct) of Crotch's bumble bee due to dust from Project operations, and a reduction of foraging and nesting habitat and habitat quality due to the removal of host plants.

Evidence impact would be significant: The Project is located within the California Natural Diversity Database (CNDDDB) mapped area for the current Crotch's bumble bee range and the Project, as described, would remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. CDFW considers the direct and indirect take of Crotch's bumblebee, and the loss of species habitat, as a significant impact unless mitigated to a level of less than significant.

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

Bio-Insect-1 (New): Crotch's Bumble Bee

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a CDFW-approved Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>).

If habitat for Crotch's bumble bee is present, the Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>).

Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an

CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.

COMMENT 2: Impacts to Fish and Game Code Section 1602

Section 2.1.4, Pages 25-27

Issue: The Project will impact riparian vegetation including California sycamore riparian woodlands and sandbar willow thickets (CDFW Sensitive Communities), and measures **BIO-Mitigation-1: Habitat Compensation** and **BIO-Mitigation -2: Aquatic Resources** consider mitigation for permanent impacts to riparian and aquatic resources at a 1:1 ratio. CDFW is concerned that a mitigation ratio of 1:1 may be too low to adequately mitigate for Project impacts to riparian vegetation and streambed. CDFW typically requests that mitigation for streambed and removal of native riparian vegetation includes replacement, in-kind, at a minimum ratio of 3:1; either on-or off-site, including maintenance and monitoring until established. Mitigation for the removal of mature trees (19 inches or greater diameter-at-breast-height [DBH]) or heritage trees (24 inches or greater DBH) should occur at a higher ratio (e.g., 5:1 to 10:1 ratio).

Specific Impact: According to the IS/MND, "4.05 acres of CDFW jurisdiction habitat were mapped within the project limits" (Section 2.1.4 pg. 27). Furthermore, the IS/MND identifies that the Project anticipates 0.2 acres of permanent impacts to streambed, cottonwoods, sycamores, and mulefat and 0.5 acres of temporary impacts to streambed, willows, cottonwoods, and mulefat. However, the IS/MND does not provide details regarding what Project activities will lead to temporary impacts to willows, cottonwood, mulefat, and streambed and without this information, CDFW is concerned that impacts may not be temporary.

Why impact would occur: The Project is within the upper Cajon Wash and includes work within Hog Ranch Creek. Sandbar willow thickets and California sycamore riparian woodland will permanently be impacted through removal or indirectly impacted by road realignment, road widening, driving/parking off pavement, disposal/borrow sites, drainage/culvert work, or ground disturbance. In addition, Hog Ranch Creek will be excavated to match the existing upstream and downstream flowline and culverts will be removed and re-installed or rehabilitated. The Project also proposes bulkheads and/or

rock slope protection at the culvert inlet and/or outlet if necessary to prevent embankment erosion.

Evidence impact would be significant: Wildlife species depend on riparian vegetation for nesting, foraging, and refugia. Removal of riparian vegetation may lead to displacement of species, and deposition of sediment, turbidity, erosion, changes in stream flow, and bank destabilization.

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

BIO-Mitigation-1: Habitat Compensation (Revised)

Compensatory mitigation for permanent impacts to California sycamore riparian woodland and Sandbar willow will be provided at a 1:1 ratio, through on-site restoration activities, ~~suitable~~ **CDFW-approved** mitigation/conservation bank credits, ~~and/or suitable in-lieu fee program credits,~~ **and/or any other CDFW-approved mitigation.** ***Native riparian habitat less than 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at least 10:1. All restored habitat shall be monitored and maintained until established.***

BIO-Mitigation-2: Aquatic Resources (Revised)

Caltrans shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain authorization prior to initiating Project activities within any river, stream, or lake. Compensatory mitigation for permanent impacts to aquatic resources (***i.e., streambed***) will be provided at a ***minimum 3 4:1*** ratio, through on-site restoration activities, ~~suitable~~ **CDFW-approved** mitigation/conservation bank credits, ~~and/or suitable in-lieu fee program credits~~ ***permittee-responsible mitigation, or through a combination of any of these. Mitigation will be determined by CDFW in a Lake or Streambed Alteration Agreement.***

COMMENT 3: Least Bell's Vireo (*Vireo bellii pusillus*)

Section 2.1.4 page 21

Issue: The IS/MND reports that "Nesting birds are not anticipated to be present within the PIA due to disturbance" (Section 2.1.4 pg. 21). However, riparian habitat present on-site provides suitable habitat for nesting birds. Furthermore, the PIA is located in the

CNDDDB mapped area for Least Bell's Vireo (LBV) Nesting Habitat. Absent focused surveys for LBV in the IS/MND, Caltrans should conduct focused surveys prior to construction for LBV to determine impacts to LBV.

Specific impact: The Project has the potential for take of LBV and their habitat resulting from the removal of riparian vegetation.

Evidence impact would be significant: LBV is an endangered species pursuant to CESA (Fish & G. Code, § 2050 et seq.) and the federal Endangered Species Act, and is additionally afforded protection under Fish and Game Code sections 3503, 3503.5, and 3513. CDFW is concerned with potential impacts to LBV, including take and loss of foraging habitat that may result from ground-disturbing activities and vegetation removal. Impacts to birds, their nests, or their habitat would be considered a significant impact under CEQA

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below revised mitigation measure in the final IS/MND to ensure impacts to LBV are avoided, minimized, and mitigated. Deletions are in ~~strike through~~ and additions are in ***bold italics***.

BIO-General-2: Nesting Bird and Least Bell's Vireo Surveys (New)

Preconstruction nesting bird surveys must be conducted 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no construction buffer shall be established and monitored by the qualified biologist and/or monitored until the young have fledged or the nest is no longer active. No work within the buffer shall be allowed until the qualified biologist confirms the young have fledged or the nest is no longer active.

Caltrans shall conduct focused LBV surveys in accordance with USFWS' 2001 LBV Survey Guidelines <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf> prior to the start of construction. Caltrans shall provide survey results to CDFW and USFWS to determine LBV occupied habitat and appropriate mitigation thereof.

Additional Comments

COMMENT 3: Staging Areas

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

are in ~~strike through~~ and **bold italics**) in consideration of Fish and Game Code section 1602.

BIO-General-1: Equipment Staging, Storing, and Borrow Sites (Revised)

All staging, storing, and borrow sites require the approval of the Caltrans Biologist. ***Stockpiles shall be maintained to avoid the spread of invasive plants and shall not be placed at locations subject to Fish and Game Code section 1602. Materials, including spoils and equipment shall not be placed at locations subject to Fish and Game Code section 1602.***

COMMENT 4: Invasive Weed Control

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

BIO-General-16: Invasive Weed Control (Revised)

To address impacts to natural communities of concern, a Qualified Biologist must identify invasive species within the Project Impact Area during shoulder backing, road realignment, and road widening. Treatment and disposal methods must be approved by the Caltrans Biologist prior to vegetation removal. ***A specific targeted approach shall be implemented for any herbicide application by avoiding species that are not intended to be removed and by reducing herbicide application to the smallest possible radius around plant species that are selected for application. All herbicides utilized adjacent to Fish and Game Code section 1602 resources and other sensitive aquatic habitat areas shall be registered for aquatic use by the California Department of Pesticide Regulation (CDPR). Herbicide sprays in these areas shall only be used when wind speeds measure less than 10 mph. The mixture shall contain a dye (registered for aquatic use by CDPR) to show overspray and shall be conducted in a manner to minimize overspray onto adjacent native vegetation.***

COMMENT 5: American Badger (*Taxidea taxus*) and Arroyo Toad (*Bufo californicus*)

CDFW appreciates the incorporation of BIO-General-4: Preconstruction Surveys, regarding surveys for special status plants, arroyo toad, and American badger. CDFW recommends the revisions below (edits are in ~~strike through~~ and **bold italics**) in consideration of American badger and arroyo toad.

BIO-General-4: Preconstruction Surveys (Revised)

Within the appropriate identification periods for special-status plants and Sensitive Natural Communities, surveys shall be conducted up to the limits of Caltrans Right of Way. In addition, three days prior to construction, a preconstruction survey must be conducted by an approved qualified biologist with professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and up to the limits of Caltrans Right of Way. Sensitive Natural Communities and special status plant species must be flagged for visual identification to construction personnel for work avoidance. Sensitive Natural Communities detected shall be flagged or fenced off with ESA high visibility fencing. Furthermore, preconstruction arroyo toad surveys must be conducted by a qualified biologist in April, May, and June prior to project activities up to the limits of the Caltrans Right of Way and following USFWS arroyo toad survey protocols (<https://www.fws.gov/sites/default/files/documents/survey-protocol-for-arroyo-toad.pdf>). If an arroyo toad is located, the Resident Engineer and Caltrans Biologist must be contacted and additional measures and/or agency coordination (**i.e., USFWS and CDFW**) shall may be required, **which shall include compensatory mitigation for impacts as determined by the agencies**. Preconstruction American badger surveys must be conducted by a qualified biologist 3 days prior to project activities up to the limits of the Caltrans Right of Way. If an American badger or arroyo toad is located, the Resident engineer and Caltrans Biologist must be contacted and additional measures and/or agency coordination **shall** may be required, **which shall include compensatory mitigation for impacts as determined by CDFW**.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.

Gita Tokhmafshan, Senior Environmental Planner
California Department of Transportation, District 8
March 17, 2025
Page 9


(Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist Caltrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Gabriella Tolley, Environmental Scientist at Gabriella.Tolley@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Brandy Wood
Environmental Project Manager

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

ATTACHMENT A: Mitigation and Monitoring Reporting Plan

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

Mitigation Measure	Timing	Responsible Party
<p>Bio-Insect-1: Crotch's Bumble Bee</p> <p>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a CDFW-approved Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150).</p> <p>If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150).</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.</p>		
<p>BIO-Mitigation-1: Habitat Compensation</p>	<p>Compensatory mitigation for permanent impacts to California sycamore riparian woodland and Sandbar willow will be provided through on-site restoration activities, CDFW-approved mitigation/conservation bank credits,</p>	<p>Prior to or after commencing Project depending on mitigation type</p>	<p>Project Proponent</p>

	and/or any other CDFW-approved mitigation. Native riparian habitat less than 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at least 10:1. All restored habitat shall be monitored and maintained until established.		
BIO-Mitigation-2: Aquatic Resources	Caltrans shall notify CDFW pursuant to Fish and Game Code section 1602 and obtain authorization prior to initiating Project activities within any river, stream, or lake. Compensatory mitigation for permanent impacts to aquatic resources will be provided at a minimum 3:1 ratio, through on-site restoration activities, CDFW-approved mitigation/conservation bank credits, permittee-responsible mitigation, or through a combination of any of these. Mitigation will be determined by CDFW in a Lake or Streambed Alteration Agreement.	Prior to or after commencing Project depending on mitigation type	Project Proponent
BIO-General-2: Nesting Bird and Least Bell's Vireo Surveys	Preconstruction nesting bird surveys must be conducted 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>active avian nest is located, a no construction buffer shall be established and monitored by the qualified biologist and/or monitored until the young have fledged or the nest is no longer active. No work within the buffer shall be allowed until the qualified biologist confirms the young have fledged or the nest is no longer active.</p> <p>Caltrans shall conduct focused LBV surveys in accordance with USFWS' 2001 LBV Survey Guidelines https://www.fws.gov/sites/default/files/documents/survey-protocol-for-least-bells-vireo.pdf prior to the start of construction. Caltrans shall provide survey results to CDFW and USFWS to determine LBV occupied habitat and appropriate mitigation thereof.</p>		
<p>BIO-General-1: Equipment Staging, Storing, and Borrow Sites</p>	<p>All staging, storing, and borrow sites require the approval of the Caltrans Biologist. Stockpiles shall be maintained to avoid the spread of invasive plants and shall not be placed at locations subject to Fish and Game Code section 1602. Materials, including spoils and equipment shall not be placed at locations subject to Fish and Game Code section 1602.</p>	<p>During Project activities</p>	<p>Project Proponent</p>

<p>BIO-General- 16: Invasive Weed Control</p>	<p>To address impacts to natural communities of concern, a Qualified Biologist must identify invasive species within the Project Impact Area during shoulder backing, road realignment, and road widening. Treatment and disposal methods must be approved by the Caltrans Biologist prior to vegetation removal. A specific targeted approach shall be implemented for any herbicide application by avoiding species that are not intended to be removed and by reducing herbicide application to the smallest possible radius around plant species that are selected for application. All herbicides utilized adjacent to Fish and Game Code section 1602 resources and other sensitive aquatic habitat areas shall be registered for aquatic use by the California Department of Pesticide Regulation (CDPR). Herbicide sprays in these areas shall only be used when wind speeds measure less than 10 mph. The mixture shall contain a dye (registered for aquatic use by CDPR) to show overspray and shall be conducted in a manner to minimize overspray onto adjacent native vegetation.</p>	<p>During Project activities</p>	<p>Project Proponent</p>
<p>BIO-General-4: Preconstruction Surveys</p>	<p>Within the appropriate identification periods for special-status plants and</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>Sensitive Natural Communities, surveys shall be conducted up to the limits of Caltrans Right of Way. In addition, three days prior to construction, a preconstruction survey must be conducted by an approved qualified biologist with professional experience surveying for special-status plant species and Sensitive Natural Communities in Californian desert environments. Surveys shall be conducted within the PIA and up to the limits of Caltrans Right of Way. Sensitive Natural Communities and special status plant species must be flagged for visual identification to construction personnel for work avoidance. Sensitive Natural Communities detected shall be flagged or fenced off with ESA high visibility fencing. Furthermore, preconstruction arroyo toad surveys must be conducted by a qualified biologist prior to project activities up to the limits of the Caltrans Right of Way and following USFWS arroyo toad survey protocols (https://www.fws.gov/sites/default/files/documents/survey-protocol-for-arroyo-toad.pdf). If an arroyo toad is located, the Resident Engineer and Caltrans Biologist must be contacted and additional measures and agency coordination (i.e., USFWS and CDFW) shall be required,</p>		
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	<p>which shall include compensatory mitigation for impacts as determined by the agencies. Preconstruction American badger surveys must be conducted by a qualified biologist 3 days prior to project activities up to the limits of the Caltrans Right of Way. If an American badger is located, the Resident engineer and Caltrans Biologist must be contacted and additional measures and agency coordination shall be required, which shall include compensatory mitigation for impacts as determined by CDFW.</p>		
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