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Governor's Office of Planning & Research

**NOV 13 2019**

## STATE CLEARINGHOUSE

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**Subject: Comments on the Draft Environmental Impact Report for the Shoemaker Bridge Replacement Project, City of Long Beach, Los Angeles County (SCH 2016041007)**

Dear Mr. Papa and Ms. Ewing-Toledo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft for the Environmental Impact Report (EIR) for the Shoemaker Bridge Replacement Project (Project). The EIR's supporting documentation includes the "Shoemaker Bridge Draft Environmental Impact Report/Environmental Assessment Volumes 1-3" provided by the California Department of Transportation, District 7 (Caltrans) pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.).

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's 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 & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (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 state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including Lake and Streambed Alteration (LSA) regulatory authority (Fish & Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” (see Fish & Game Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

**Project Location:** The proposed project is located at the southern terminus of Long Beach Freeway I-710 in the City of Long Beach. The Shoemaker Bridge (West Shoreline Drive) spans the Los Angeles River.

**Project Description/Objective:** Caltrans is proposing to replace the Shoemaker Bridge to improve existing traffic safety and operations, increase multi-modal connectivity and bring the new bridge in compliance with today’s standards. Besides streetscape improvements on major thoroughfares, the bridge will also provide access for bicycles and pedestrians. The Project consists of three alternatives that are being evaluated as part of the proposed project.

Project Alternatives:

- *Alternative 1 No Build Alternative:* No action alternative.
- *Alternative 2 Re-purpose existing bridge:* Replace the existing Shoemaker Bridge over the Los Angeles River with a new bridge located just south of the existing bridge. Re-purpose the existing bridge for non-motorized transportation and recreational use.
- *Alternative 3 Remove existing bridge:* Replace the existing Shoemaker Bridge over the Los Angeles River with a new bridge located just south of the existing bridge. Remove the existing bridge.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist the City of Long Beach (Lead Agency) and Caltrans (Responsible Agency) in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW also recommends that Caltrans include in the DEIR measures or revisions below in a science-based monitoring program that contains adaptive management strategies as part of the Project’s CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

**Comment #1: Impacts to Streams**

- 1) Impacts to Streams: The Project crosses the Los Angeles River. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the project applicant (or “entity”) must provide

written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a lake or Streambed Agreement (Agreement) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of an Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA (available at [www.wildlife.ca.gov/habcon/1600](http://www.wildlife.ca.gov/habcon/1600)).

- a. The Project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW (Cowardin *et al.* 1970). Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
- b. In areas of the Project site which may support ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
- c. Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.

## **Comment #2: Impacts to Bats**

**Issue:** According to the DEIR, the following bat species of special concern (SSC) have the potential to be found in the project area:

- western mastiff bat (*Eumops perotis*)
- pocketed free-tailed bat (*Nyctinomops femorosaccus*)
- big free-tailed bat (*Nyctinomops macrotis*)

With the proximity of the Project site to the Los Angeles River, there is potential for multiple sensitive bat species to be found on site or adjacent to the Project site. A 9 quad review of California Natural Diversity Database (CNDDDB) indicates historic observations of two additional bat species, the silver haired bat (*Lasiionycteris noctivagans*) and big free-tailed bat (*Nyctinomops macrotis*), an SSC, found in the adjacent open space less than a half-mile southeast of the Project site.

**Specific impact:** The removal or trimming of suitable roost trees on the project site during project construction may result in direct impacts to roosting bats.



**Why impact would occur:** Project-related tree clearing could lead to direct and indirect effects of loss of roosting habitat, foraging habitat, loss of breeding habitat, direct mortality, and navigational disruptions during migration.

**Evidence impacts would be significant:** Project impacts may result in substantial adverse effects, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service. Adverse impacts to bats may occur because the measures provided do not condition the Project to implement take avoidance surveys prior to operations, including, but not limited to, ground and vegetation disturbing activities. Take of special status bat species could require a mandatory finding of significance by the Lead Agency (CEQA Guidelines, § 15065). In addition, bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, Cal. Code Regs, tit. 14, § 251.1).

**Recommended and Potentially Feasible Mitigation Measure(s):**

**Recommendation:** The CEQA document should provide a thorough discussion of potential impacts to bats from construction and operation of the Project to adequately disclose potential impacts and to identify appropriate avoidance and mitigation measures.

**Mitigation Measure #1:** Measures to mitigate for impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of project activities.

**Mitigation Measure #2:** CDFW recommends the Project avoid removal of trees that may be used by bats or avoid buildings or other occupied habitat for any species of bat. If bats cannot be avoided by Project activities and a bat specialist determines that roosting bats may be present at any time of year, it is preferable to push any tree down using heavy machinery rather than felling the tree with a chainsaw. To ensure the optimum warning for any roosting bats that may still be present, the tree should be pushed lightly two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be pushed to the ground slowly. The bat specialist should determine the optimal time to disturb occupied bat habitat to maximize bats escaping during low light levels. Downed trees should remain in place until they are inspected by a bat specialist. Trees that are known to be bat roosts should not be sawn-up or mulched immediately. A period of at least 24 hours (preferably 48 hours) should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building. In addition, CDFW recommends that the Project include measures to ensure that bat habitat remains available for evicted bats or loss of bat habitat resulting from the Project, including information on the availability of other potential roosts that could be used by bats within protected open space on or near the project site.

#### **Comment #4: Impacts to Vegetation**

1. Revegetation/Restoration Plan: Plans for restoration and re-vegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
  - a. CDFW recommends that local on-site propagules from the Project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.
  - b. The following best management practices “identify key steps that State Departments of Transportation (DOTs) can take to improve the quality of roadside habitat for pollinators including: 1) adjusting roadside vegetation management techniques to accommodate pollinator resource needs, and 2) enhance and restoring native roadside vegetation to include plant materials that improve pollinator habitat.” (Hopwood et al. 2015).
  - c. Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks and brush piles (Mayer and Laudenslayer, 1988).

#### **Comment #4: Cable Stay Bridge Alternative (Impact to Birds)**

The new Shoemaker Bridge includes an Alternative for a cable-stayed (single pylon) bridge. Exact specifications of the bridge were not given in the DEIR, but a cable stayed bridge does not seem appropriate in this area due to the large number of shorebirds in the vicinity of this section of the Los Angeles River that is a significant migration and stop over habitat for large numbers of avian species .

**Evidence impacts would be significant:** The Southern Pacific Shorebird Conservation Plan (see <https://www.shorebirdplan.org/wp-content/uploads/2013/01/SoPacificRev04.pdf>, page #116) mentions the fact that the corridor typically holds 14,000 + shorebirds per day during the peak of shorebird migration (mid-August to mid-September) with a maximum of 17,000 in the fall. The

cables can be a major source of bird mortality and this type of bridge could endanger the shorebirds and their migration route. If this Alternative is chosen, the cable-stayed bridge would require additional studies, analysis, and monitoring to determine measures to minimize mortality to avian species during the design phase, and implement monitoring to document impacts post construction.

**Recommended and Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To mitigate for significant impacts to avian species, the DEIR should propose compensatory mitigation for the significant impacts to avian species as a result of the project.

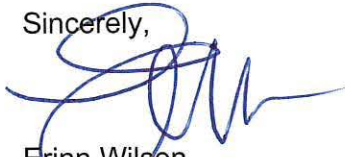
**Filing Fees**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

**CONCLUSION**

CDFW appreciates the opportunity to comment on the DEIR for the Shoemaker Bridge Replacement Project. If you have any questions or comments regarding this letter, please contact Steve Slack, Environmental Scientist (Specialist), at (562) 342-2103 or by email at [Steven.Slack@wildlife.ca.gov](mailto:Steven.Slack@wildlife.ca.gov).

Sincerely,



Erinn Wilson  
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## REFERENCES

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