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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
Oct 12 2022
STATE OF CALIFORNIA

October 12, 2022

Morgan Jones
Santa Barbara County Engineering Environmental Project Team Leader
123 E Anapamu Street
Santa Barbara, CA 93101
(805) 568-3059
MMJones@countyofsb.org

Subject: Comments on the Draft Mitigated Negative Declaration (DMND) for the Modoc Road Multi-Use Path Project; SCH 2022090230; Santa Barbara County

Dear Mr. Jones:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Availability of a Draft Mitigated Negative Declaration (DMND) for the Modoc Road Multi-Use Path Project (Project). The County of Santa Barbara (County) is the lead agency preparing a DMND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 *et. seq*.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. 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 regulatory authority (Fish & Game 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 & Game Code, § 2050 *et seq*.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish

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and Game Code §1900 *et seq*.) authorization as provided by the applicable Fish and Game Code will be required.

Project Description and Summary

Objective: The proposed multi-use path will connect the recently constructed Modoc/Las Positas Multi-Use Path, creating a continuous network from the University of California Santa Barbara and the City of Goleta to the City of Santa Barbara. This project consists of expanding an existing Class 2 bike lane to a Class 1 multi-use bike/pedestrian path along the south side of Modoc Road. The proposed multi-use path alignment extends the Obern Trail (near the western Encore Drive intersection) to near the Via Senda intersection. The western end of the proposed multi-use path would tie into an existing bike path south of the Modoc Road/Encore Drive intersection. The eastern terminus of the proposed multi-use path would be at Via Senda along the southern shoulder of Modoc Road.

Two alignments are considered in the DMND:

- Alignment A. Along the south side of Modoc Road, adjacent to traffic lanes and exclusively within the County right-of-way, which would avoid any impacts to the Modoc Preserves. The multi-use path would be approximately 3,900 feet-long and mostly parallel to the Modoc Road shoulder. It would be 10 feet wide with potentially up to two-foot-wide shoulders on each side. The multi-use path would be constructed with pervious materials over a clean aggregate base. Alignment A would require an approximately 250-foot-long two- to four-foot-high retaining wall on the north side facing Modoc Road, and approximately 1,750 linear feet of one- to three-foot-high retaining walls on the south side. Implementation of Alignment A would not involve realignment of the equestrian trail or drainage swale.

- Alignment B. Along the south side of Modoc Road, partially within the County right-of-way closer to traffic lanes as compared to the alignment analyzed in a previous DMND, and partially within the Modoc Preserve, which would substantially reduce the number of trees requiring removal. The multi-use path would be approximately 3,955 feet-long and 10 feet wide shoulders on each side where there are not retaining walls. The multi-use path would be constructed with a previous materiel over a clean aggregate base. Two retaining walls (one approximately 1,200 feet long and under 4 feet tall and a second approximately 700 feet and under 2 feet tall) would be required along the multi-use path to provide a level surface and limit earthwork. Landscaping would be provided at the toe of the retaining walls facing Modoc Road (space permitting) to obscure and soften public views of the retaining walls. An existing man-made 750-foot-long earthen drainage swale located parallel to Modoc Road would be slightly re-aligned and incorporated into the multi-use path design. The drainage swale would have a top width of about six feet and depth of about two feet.

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Table 1. Tree Removal Impact Table for the two alternatives:

Species	Alignment A	Alignment B	Origin
Canary Island palm (*Phoenix canariensis*)	29	0	Non-native, planted along Modoc Drive
Blue gum (*Eucalyptus globulus*)	8	8	Non-native, planted and invasive
Coast live oak (*Quercus agrifolia*)	0	3	Native
Peruvian pepper tree (*Schinus molle*)	3	3	Non-native, planted and invasive
Fern pine (*Podocarpus gracilior*)	2	1	Non-native, planted
Incense cedar (*Calocedrus decurrens*)	1	1	Non-native, planted
Lemon gum (*Eucalyptus citriodora*)	5	5	Non-native, planted
Total	**48**	**21**	

*Does not include non-native tree saplings

Alternative B is the County's preferred alternative; however, the DNMD states that deviations and use of both alignment patterns may be used as plans are further engineered and finalized.

Location: The proposed project is located approximately 0.25 miles south of U.S. Highway 101/State Route 154 interchange, and just west of the City of Santa Barbara. The multi-use path alignment is located immediately south of Modoc Road from the western Encore Drive intersection east to the Via Senda intersection.

Comments and Recommendations

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

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Riparian Resources

Issue: CDFW has determined that streams, including the drainage ditch identified in the DNMD, subject to Fish and Game Code, section 1600 *et seq*. may be impacted by the proposed Project.

Specific Impact: The DMND states the Project could result in impacts to streams due to the need to realign a drainage ditch and associated culvert features.

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Why impacts would occur: The Project may impact surface and subsurface water flow beyond the drainage channels identified in the DMND. The Project may divert surface drainage or otherwise alter the existing drainage pattern of the Project site.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream or drainage patterns of the Project site through the alteration or diversion of water, which absent specific mitigation, could result in substantial erosion or siltation on site or off site of the Project.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW has concluded that the Project may result in the alteration of streams. For any such activities, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq*. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSAA notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2020d).

CDFW's issuance of an LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City of Glendale for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq*. and/or under CEQA, the CEQA document 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.

Any LSAA permit issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project site. The LSAA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to aquatic resources, additional mitigation conditioned in any LSAA may include the following: avoidance of resources, on-site or off-site creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Recommendation #1: As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.

Recommendation #2: CDFW recommends using native plants appropriate to the local area for revegetating the drainage feature and any landscaping to reduce water consumption and provide erosion control and habitat. Native vegetation also reducing the need to use pesticides and herbicides that may seep into the groundwater table. Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.

Mitigation Measure #1: A weed-management plan should be developed for the Project area and implemented both during and long-term post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should

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be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included, as the project borders sensitive biological areas.

Comment #2: Survey and Assessment Methodology – Bats

Issue: Several species of bats have the potential to occur in the Canary Island palm trees, coast live oak trees, and other non-native trees proposed for removal. Adequate surveys to detect potential year-round roosting use were not conducted prior to circulation of the DMND to determine if bats currently the trees flagged for removal, for roosting. Therefore, the DMND does not adequately describe the potential for impacts to bats. Visual inspections commonly fail to capture bats occupying the site. Single point in time, daytime visual surveys are not appropriate to capture winter roosting/hibernacula, summer roosting, and maternity roosting of the site.

CEQA Guidelines section15070 and section15071 require the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, moving out of harm's way, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Specific impacts: Potential direct impacts include project removal of trees that may provide roosting habitat and therefore has the potential for the direct loss of bats. Indirect impacts to bats and roosts could result from increased noise disturbances, human activity, dust, vegetation clearing, ground disturbing activities (e.g., staging, access, excavation, grading), and vibrations caused by heavy equipment. Demolition, grading, and excavating activities may impact bats potentially using man-made structures or surrounding trees as roost sites.

Why impact would occur: The Project site contains suitable habitat for several bat species that have the potential to occur on the Project site including fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*), Hoary bat (*Lasiurus cinereus*), western red bat (Lasiurus blossevillii), big free-tailed bat (*Nyctinomops macrotis*). and Yuma myotis (*Myotis yumanensis*).

Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered Species of Special Concern (SSC), which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines § 15065). CDFW considers adverse impacts to an SSC, for the purposes of CEQA, to be significant without mitigation. Mitigation is

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not just exclusion from maternity roosts, wintering sites, night roosts, mating roosts and foraging sites, but providing similarly functioning habitat to what is impacted.

Impacts to bats due to the implementation of the Project are not fully disclosed in the DMND. The DMND relies on future surveys at an undisclosed time and duration to detect bat species present. No bat mitigation is proposed other than exclusion, which is not considered adequate mitigation for impacts to bat roosting habitat (roosting defined as winter hibernacula, summer, and maternity).

Evidence impact would be significant: CEQA Guidelines section 15070 and section 15071 requires the document to analyze if the Project may have a significant effect on the environment as well as review if the Project will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, moving out of harm's way, or mitigating by obtaining permits from CDFW are considered deferred mitigation under CEQA. In order to analyze if a project may have a significant effect on the environment, the Project related impacts, including survey results for species that occur in the entire Project footprint, need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

Absent the above requested information, the DMND does not analyze impacts to bats, and the DMND does not provide any alternatives discussion or any avoidance strategies to mitigate the loss of occupied bat habitat.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends avoiding any trees that provide roosting habitat for bats. If avoidance is not possible, for bat species utilizing the trees for any roosting activity (solitary bats roost as individuals), replacement habitat should be made available prior to any tree removal. This replacement bat habitat should have the same, species-specific features to accommodate the return of bats to the new created habitat. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan.

Additionally, prior to any exclusion of bats from the trees, temporary roosting habitat specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion.

Mitigation Measure #2: CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines § 15125). CDFW recommends the DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to sensitive bat species. The DMND should document the presence of any bats roosting in or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance.

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To avoid the direct loss of bats that could result from removal of trees or construction on or near bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented:

1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting.

2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height and aspect.)];

3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW;

4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department requests copies of any reports prepared related to bat surveys (e.g., monitoring and demolition);

5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained in the new bridge, or for bats in trees, at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with CDFW;

6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and,

7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFWa 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.

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Comment 3: Bird Species and Palm Tree Removal

Issue: During a site visit, CDFW staff noted acorn woodpecker (*Melanerpes formicivorus*) nesting cavities and granaries in all the Canary Island palm trees slated for removal. Additionally, other bird species were observed entering and exiting large holes in the Canary Island palm trees.

Specific Impact: The loss of habitat for acorn woodpecker and other bird species utilizing the Canary Island palm trees for shelter, refuge, and food storage should be addressed in the DMND.

Why Impact Would Occur: Acorn woodpeckers work together to maintain and defend their acorn store. Granaries and nesting cavities are maintained for several generations. Removal of 29 Canary Island Palm Trees that are being utilized as granaries could result in a significant loss of habitat and forage for many acorn woodpeckers. Removal of coast live oak trees would further limit the availability of acorns in the preserve.

Evidence Impact would be significant: Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Mitigation Measure #1: CDFW recommends mitigating the loss of any Canary Island palm trees by replacing the granary and nesting values they provide.

Mitigation Measure #2: CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

General Comments

1) Landscaping. The Department recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (*Schinus* genus) and fountain grasses (*Pennisetum* genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for

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better landscape plants can be found at http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife resources, 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. (California Code of Regulations, tit. 14, § 753.5; Fish and Game Code, § 711.4; Public Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the project to assist the County of Santa Barbara in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the County has to our comments and to receive notification of any forthcoming hearing date(s) for the project. Questions regarding this letter and further coordination on these issues should be directed to Kelly Schmoker-Stanphill, Senior Environmental Scientist (Specialist), at (626) 848-8382 or Kelly.Schmoker@wildlife.ca.gov.

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

Attachments: Attachment A: Draft Mitigation and Monitoring Reporting Plan

ec: CDFW
Steve Gibson, Los Alamitos – Steve.Gibson@wildlife.ca.gov
Sarah Rains, Fillmore – Sarah.Rains@wildlife.ca.gov
Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
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State of California – Natural Resources Agency
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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Impacts to Riparian Resources	As part of the LSAA Notification process, CDFW requests a map showing features potentially subject to CDFW's broad regulatory authority over streams. CDFW also requests a hydrological evaluation of the 200, 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-2-Impacts to Riparian Resources	CDFW recommends using native plants appropriate to the local area for revegetating the drainage feature and any landscaping to reduce water consumption and provide erosion control and habitat. Native vegetation also reducing the need to use pesticides and herbicides that may seep into the groundwater table. Pesticides and herbicides may be transported via runoff into adjacent wetlands, intermittent or ephemeral streams.	Prior to Project construction activities	Lead Agency/Applicant
MM-BIO-3-Impacts to Riparian Resources	A weed management plan should be developed for the Project area and implemented both during and long-term post-Project. Soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established both during and after construction, to control the local spread of invasive plants. The Project area should be	Prior to Project construction and activities	Lead Agency/ Applicant

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	monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included, as the project borders sensitive biological areas.		
MM-BIO-4-Impacts to Bats	CDFW recommends avoiding any trees that provide roosting habitat for bats. If avoidance is not possible, for bat species utilizing the trees for any roosting activity (solitary bats roost as individuals), replacement habitat should be made available prior to any tree removal. This replacement bat habitat should have the same, species-specific features to accommodate the return of bats to the new created habitat. The new habitat should be monitored for 5 years to ensure the intended bats return and utilize the mitigation. Adaptive mitigation should be a component of any mitigation plan for bats. CDFW requests approval of any bat mitigation and relocation plan. Additionally, prior to any exclusion of bats from the trees, temporary roosting habitat specific to the parameters of the particular bat species present, should be installed adjacent to the Project. Exclusion should be coupled with ensuring bats have suitable temporary habitat available nearby to move to, as well as monitoring the effectiveness of the exclusion	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-5-Impacts to Bats	CDFW recommends bat surveys be conducted by a qualified bat specialist to determine baseline conditions within the Project and within a 500-foot buffer and analyze the potential significant effects of the proposed Project on the species (CEQA Guidelines §15125). CDFW recommends the DMND include the use of acoustic recognition technology to maximize detection of bat species to minimize impacts to	Prior to Project construction and activities	Lead Agency/ Applicant

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	sensitive bat species. The DMND should document the presence of any bats roosting in or near the bridge and include species specific mitigation measures to reduce impacts to below a level of significance. To avoid the direct loss of bats that could result from removal of trees or construction on or near bridge structures, that may provide roosting habitat (winter hibernacula, summer, and maternity), the Department recommends the following steps are implemented: 1) Identify the species of bats present on the site by conducting appropriate surveys for winter roosting/hibernacula, summer roosting, and maternity roosting. 2) Determine how and when these species utilize the site and what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)]; 3) Avoid the areas being utilized by bats for hibernacula/roosting; if avoidance is not feasible, a bat specialist should design alternative habitat that is specific to the species of bat being displaced and develop a relocation plan in coordination with CDFW; 4) The bat specialist should document all demolition monitoring activities and prepare a summary report to the Lead Agency upon completion of tree/rock disturbance and/or building demolition activities. The Department		

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	requests copies of any reports prepared related to bat surveys (e.g., monitoring, demolition); 5) If confirmed occupied or formerly occupied bat roosting/hibernacula and foraging habitat is destroyed, habitat of comparable size, function and quality should be created or preserved and maintained in the new bridge, or for bats in trees, at a nearby suitable undisturbed area. The bat habitat (not bat houses) mitigation shall be determined by the bat specialist in consultation with CDFW; 6) A monitoring plan should be prepared and submitted to CDFW and the Lead Agency. The monitoring plan should describe proposed mitigation habitat, and include performance standards for the use of replacement roosts/hibernacula by the displaced species, as well as provisions to prevent harassment, predation, and disease of relocated bats; and, 7) Annual reports detailing the success of roost replacement and bat relocation should be prepared and submitted to the Lead Agency and the CDFW for five years following relocation or until performance standards are met. Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFWa 2021). Pursuant to the California Code of Regulations, title 14, section 650, the DRP/qualified		

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	biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities.		
MM-BIO-6-Impacts to Bird Species and Tree Removal	CDFW recommends mitigating the loss of any Canary Island palm trees by replacing the granary and nesting values they provide.	Prior to Project construction and activities	Lead Agency/ Applicant
MM-BIO-7-Impacts to Bird Species and Tree Removal	CDFW recommends that measures be taken to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Title 50, § 10.13, Code of Federal Regulations). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300-feet of the disturbance area (within	Prior to Project construction and activities	Lead Agency/ Applicant

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	500-feet for raptors). Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors		
MM-BIO-8-Landscaping	The Department recommends using native, locally appropriate plant species for landscaping on the Project site. The Department recommends invasive/exotic plants be restricted from use in landscape plans for this Project, including pepper trees (Schinus genus) and fountain grasses (Pennisetum genus). A list of invasive/exotic plants that should be avoided (all lists including the watch list should be avoided) as well as suggestions for better landscape plants can be found at http://www.cal-ipc.org/landscaping/dpp/planttypes.php?region=socal. .	Prior to Project construction and activities	Lead Agency/ Applicant