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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 2, 2025

Julia Mousavi, Environmental Planner
California Department of Transportation (District 5)
50 Higuera Street
San Luis Obispo, California 93401
julia.mousavi@dot.ca.gov

Subject: State Route 25 Corridor Improvement Project (Project)
Revised Notice of Preparation (RNOP)
SCH No.: 2024110307

Dear Julia Mousavi:

The California Department of Fish and Wildlife (CDFW) received a Revised Notice of Preparation (RNOP) from the California Department of Transportation (Caltrans) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously commented on the Notice of Preparation (NOP) in a letter dated December 20, 2024 (Attachment 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, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) &1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). In its trustee capacity, CDFW 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.

[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.

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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 Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the DEIR document be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, when feasible.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. 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).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) 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 if an ITP may be pursued for the Project.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

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Federally Listed Species: CDFW recommends consulting with the United States Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) on potential impacts to Federally listed species. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS to comply with ESA is advised well in advance of any ground disturbing activities.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or Federal list to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria for Endangered, Rare, or Threatened, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Caltrans District 5

Objective: Caltrans, in association with the Council of San Benito County Governments and the Santa Clara Valley Transportation Authority, proposes improvements along State Route 25 within San Benito and Santa Clara Counties, between the cities of Hollister and Gilroy within Caltrans Districts 4 and 5.

The Project proposes to improve State Route 25 from Hollister to Gilroy. The DEIR/Environmental Assessment (EA) will consist of two tiers: Tier 1 program-level analysis of the future of the State Route 25 corridor between Hollister and Gilroy and Tier II project-level analysis of projects within the Tier I corridor. The Tier I concept for the corridor would be built over time through multiple smaller incremental projects (referred to as Tier II projects). The environmental analysis for the Tier I program is more broadly based and assists in streamlining future segments. Tier II projects will move forward based on available funding. The DEIR/EA will include an evaluation of the initial Tier II projects on State Route 25 between post miles R52 and 55.2.

There are currently 15 potential project alternatives being reviewed for feasibility. Reasonable alternatives will be considered as project alternatives and will be evaluated in the DEIR/EA. These potential alternatives consist mostly of various combinations of four primary design elements, including general purpose lanes, high occupancy vehicle lanes, high occupancy tolls, and transit-only options.

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Location: The Project is in Santa Clara and San Benito Counties, along State Route 25 from San Felipe Road in Hollister to Bloomfield Avenue in Santa Clara County, California.

COMMENTS AND RECOMMENDATIONS

After review of the RNOP with the two additional alternatives of a 4-lane expressway on the existing SR 25 alignment and a 4-lane conventional highway on the existing SR 25 alignment, CDFW maintains prior comments, recommendations, or other suggestions originally provided by CDFW in the December 20, 2024 comment letter on the NOP (Attachment 1) to assist with adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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 RNOP to assist the Caltrans in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols).

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Questions regarding this letter or further coordination should be directed to Grant Piepkorn, Environmental Scientist, at (559) 807-1459 or grant.piepkorn@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT 1

ec: State Clearinghouse
Governor's Office of Planning and Research
state.clearinghouse@lci.ca.gov

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Attachment 1

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DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 20, 2024

Dianna Beck, Senior Environmental Planner
California Department of Transportation (District 5)
50 Higuera Street
San Luis Obispo, California 93401
Diana.beck@dot.ca.gov

Subject: State Route 25 Corridor Improvement Project (Project)
Notice of Preparation (NOP)
SCH No.: 2024110307

Dear Dianna Beck:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DEIR) from the California Department of Transportation (Caltrans) District 5 for the above-listed Project, pursuant to 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 impact California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the California 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)). In its trustee capacity, CDFW 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

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) 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 if an ITP may be pursued for the Project.

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Objective: Caltrans, in association with the Council of San Benito County Governments and the Santa Clara Valley Transportation Authority, proposes improvements along State Route 25 within San Benito and Santa Clara Counties, between the cities of Hollister and Gilroy within Caltrans Districts 4 and 5.

The Project proposes to improve State Route 25 from Hollister to Gilroy. The DEIR/Environmental Assessment (EA) will consist of two tiers: Tier 1 program-level analysis the future of the State Route 25 corridor between Hollister and Gilroy and Tier II project-level analysis of projects within the Tier I corridor. The Tier I concept for the corridor would be built over time through multiple smaller incremental projects (referred to as Tier II projects). The environmental analysis for the Tier I program is more broadly based and assists in streamlining future segments. Tier II projects will move forward based on available funding. The DEIR/EA will include an evaluation of the initial Tier II projects on State Route 25 between post miles R52 and 55.2.

There are currently 13 potential project alternatives being reviewed for feasibility. Reasonable alternatives will be considered as project alternatives and will be evaluated in the DEIR/EA. These potential alternatives consist mostly of various combinations of four primary design elements, including general purpose lanes, high occupancy vehicle lanes, high occupancy tolls, and transit-only options.

Location: The Project is in Santa Clara and San Benito Counties, along State Route 25 from San Felipe Road in Hollister to Bloomfield Avenue in Santa Clara County, California.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans District 5 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 DEIR prepared for this Project. The Project area is bordered by open space, residences, and coastal dune scrub and open beach habitat.

Based on a review of the Project description, California Natural Diversity Database (CNDDB) records and CDFW's experience with the resources in the Project area, CDFW is concerned about potential Project impacts to the following special status species (CDFW 2024, CNPS 2024):

Common Name	Scientific Name	Listing*		
		State	Federal	CDFW/ CRPR
Animals				
Invertebrates				
Bay checkerspot butterfly	*Euphydryas editha bayensis*	--	T	--
Crotch's bumble bee	*Bombus crotchii*	CE	--	--
Monarch butterfly	*Danaus plexippus*	--	PT	SA
vernal pool fairy shrimp	*Branchinecta lynchi*	--	T	SA
Fish				
Monterey hitch	*Lavinia exilicauda harengus*	--	--	SSC
Monterey roach	*Lavinia symmetricus subditus*	--	--	SSC
steelhead - south-central California coast distinct population segment (DPS)	*Oncorhynchus mykiss irideus* population 9	--	T	SSC
Amphibians				
California red-legged frog	*Rana draytonii*	--	T	SSC
California tiger salamander	*Ambystoma californiense* population 1	T	T	--
western spadefoot	*Spea hammondii*	--	PT	SSC
Reptiles				
coast horned lizard	*Phrynosoma blainvillii*	--	--	SSC
northwestern pond turtle	*Actinemys marmorata*	--	PT	SSC
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	--	--	SSC
Birds				
bald eagle	*Haliaeetus leucocephalus*	T	DL	FP
bank swallow	*Riparia riparia*	T	--	--
burrowing owl	*Athene cunicularia*	CE	--	--
California horned lark	*Eremophila alpestris actia*	--	--	WL
golden eagle	*Aquila chrysaetos*	--	--	FP
least Bell's vireo	*Vireo bellii pusillus*	E	E	--
Swainson's hawk	*Buteo swainsoni*	T	--	SSC

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Common Name	Scientific Name	Listing*		
		State	Federal	CDFW/ CRPR
tricolored blackbird	*Agelaius tricolor*	T	--	SSC
white-tailed kite	*Elanus leucurus*	--	--	FP
Mammals				
American badger	*Taxidea taxus*	--	--	SSC
pallid bat	*Antrozous pallidus*	--	--	SSC
Townsend's big-eared bat	*Corynorhinus townsendii*	--	--	SSC
western mastiff bat	*Eumops perotis californicus*	--	--	SSC
western red bat	*Lasiurus frantzii*	--	--	SSC
Plants				
alkali milk-vetch	*Astragalus tener* var. *tener*	--	--	1B.2
big-scale balsamroot	*Balsamorhiza macrolepis*	--	--	1B.2
California alkali grass	*Puccinellia simplex*	--	--	1B.2
chaparral harebell	*Ravenella exigua*	--	--	1B.2
Eastwood's goldenbush	*Ericameria fasciculata*	--	--	1B.1
fragrant fritillary	*Fritillaria liliace*	--	--	1B.2
hairless popcornflower	*Plagiobothrys glaber*	--	--	1A
Hall's bushmallow	*Malacothamnus hallii*	--	--	1B.2
Hall's tarplant	*Deinandra halliana*	--	--	1B.2
Hoover's button-celery	*Eryngium aristulatum* var. *hooveri*	--	--	1B.1
Hospital Canyon larkspur	*Delphinium californicum* ssp. *interius*	--	--	1B.2
Indian Valley bushmallow	*Malacothamnus aboriginum*	--	--	1B.2
legenere	*Legenere limosa*	--	--	1B.1
Loma Prieta hoita	*Hoita strobilina*	--	--	1B.1
Monterey spineflower	*Chorizanthe pungens* var. *pungens*	--	T	1B.2
most beautiful jewelflower	*Streptanthus albidus* ssp. *peramoenus*	--	--	1B.2
Pajaro manzanita	*Arctostaphylos pajaroensis*	--	--	1B.1
pink creamsacs	*Castilleja rubicundula* var. *rubicundula*	--	--	1B.2
Pinnacles buckwheat	*Eriogonum nortonii*	--	--	1B.3
prostrate vernal pool navarretia	*Navarretia prostrata*	--	--	1B.2
saline clover	*Trifolium hydrophilum*	--	--	1B.2
San Francisco popcornflower	*Plagiobothrys diffusus*	E	--	1B.1
San Joaquin spearscale	*Extriplex joaquinana*	--	--	1B.2
Santa Clara Valley dudleya	*Dudleya abramsii* ssp. *setchellii*	--	E	1B.1
smooth lessingia	*Lessingia micradenia* var. *glabrata*	--	--	1B.2
western Heermann's buckwheat	*Eriogonum heermannii* var. *occidentale*	--	--	1B.2

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Common Name	Scientific Name	Listing*		
		State	Federal	CDFW/ CRPR
woodland woollythreads	*Monolopia gracilens*	--	--	1B.2

*Status: C = candidate, CE = candidate endangered, E = endangered, R = rare, DL = delisted, PT = petitioned threatened, SSC = species of special concern, CRPR = California Rare Plant Rank.

I. ENVIRONMENTAL SETTING AND RELATED IMPACTS

Crotch's Bumble Bee (CCB)

The Project area is within the range of Crotch's bumble bee (CBB) and historical occurrences have been documented within the Project vicinity. CBB are known to inhabit a variety of habitats, including grasslands, scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (CDFW 2019). As such, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain habitat suitable to support CBB as part of the biological studies conducted in support of the DEIR. Potential nesting sites include small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, hollow logs, dirt roads, and levees (CDFW 2019, CDFW 2024). If potentially suitable habitat is identified, CDFW recommends that a qualified biologist with the appropriate Fish and Game Code Section 2081(a) take authorization conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) as part of the biological studies conducted in support of the DEIR. If through surveys it is determined that CBB are occupying or have the potential to occupy the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA prior to ground-disturbing activities.

California Red-Legged Frog (CRLF)

CRLF have been documented to occur within and adjacent to the Project area (CDFW 2024). CRLF inhabit ponds and other waterways including marshes, streams, and lagoons and may also breed in ephemeral waters (Thomson et al. 2016). Review of aerial imagery indicates the presence of several ephemerally ponded wetland features and drainages within the vicinity of the Project area that may be suitable to support CRLF. As such, CDFW recommends that a qualified biologist conduct a habitat assessment in support of the CEQA document, to determine if the Project area or its immediate vicinity contain suitable breeding or upland habitat for CRLF. If suitable habitat is present, CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF in accordance with the USFWS "Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog" (USFWS 2005) to determine if CRLF

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are within or adjacent to the Project area. If surveys indicate the presence or potential presence of CRLF, consultation with the CDFW and USFWS is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

California Tiger Salamander (CTS)

The Project area is within the known geographic range of CTS and there are multiple historical occurrences documented near the Project area (CDFW 2024). CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1.5-miles from seasonally flooded wetlands (Searcy and Shaffer 2011). These habitat features are present within the Project vicinity. As such, CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the appropriate time of year as part of the biological studies conducted in support of the DEIR to determine the existence and extent of CTS breeding and refugia habitat. If through surveys it is determined that CTS are occupying or have the potential to occupy the Project area, consultation with CDFW and USFWS is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization from CDFW through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), is necessary to comply with CESA prior to ground-disturbing activities. Alternatively, the applicant can assume presence of CTS within the Project area and obtain a State ITP from CDFW in accordance with Fish and Game Code section 2081, subdivision (b).

Northwestern Pond Turtle (NWPT)

NWPT occur in the Project area (CDFW 2024) and a review of aerial imagery shows habitats that NWPT utilize for nesting, overwintering, dispersal, and basking occur in the Project area. NWPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact NWPT populations, if present. As such, CDFW recommends that a qualified biologist conduct focused surveys for NWPT as part of the biological studies conducted in support of the DEIR to search for potential breeding and nesting habitat during the breeding season of March through August.

Burrowing Owl (BUOW)

The California Fish and Game Commission approved BUOW as a candidate for potential listing as a protected species under CESA on October 10, 2024 and published these findings in the California Regulatory Notice Register (Notice Register) on

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October 25, 2024. As such, BUOW is now considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & Game Code, Sections 2074.2 & 2085). The Project area is within the known geographic range of the BUOW and has been reported in the Project vicinity (CDFW 2024). BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. Based on aerial imagery, the Project area contains suitable habitat for BUOW overwintering, nesting, and foraging. As such, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the California Burrowing Owl Consortium's (CBOC) "Burrowing Owl Survey Protocol and Mitigation Guidelines" (CBOC 1993) and CDFW's "Staff Report on Burrowing Owl Mitigation" (CDFG 2012) as part of the biological studies conducted in support of the DEIR. If BUOW or known BUOW burrows (active or inactive) are observed in the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA prior to any ground-disturbing activities.

Swainson's Hawk (SWHA)

The Project area is within the known geographic range of Swainson's hawk (SWHA) and there are historical occurrences documented within 1 mile of the Project area (CDFW 2024). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, most of the Project area contains suitable habitat for SWHA foraging. In addition, there are trees and structures located within the vicinity of the Project area that may provide suitable nesting habitat. As such, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SHWAC 2000) as part of the biological studies conducted in support of the DEIR to evaluate presence/absence of SWHA nesting habitat in proximity to Project activities and to evaluate potential Project-related impacts. If through surveys it is determined that SWHA are occupying or have the potential to nest within ½ mile of the Project area, consultation with CDFW and USFWS is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization from CDFW through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA prior to ground-disturbing activities.

Tricolored Blackbird (TRBL)

The Project area is within the known geographic range of TRBL and multiple occurrences of TRBL were documented within 3 miles of the Project area (CDFW 2024). TRBL may breed within the vicinity of fresh water such as in marshy areas with sturdy vegetation (Grinnell and Miller 1944), but they are also known to breed in alfalfa,

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wheat, and other low agricultural crop fields, and these fields are becoming an increasingly important nesting habitat type (Beedy et al. 2023). Based on aerial imagery, there are several agricultural fields and marshy fields within the vicinity of the Project area that could contain habitat suitable for TRBL nesting and foraging. As such, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL as part of the biological studies conducted in support of the DEIR to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts. If through surveys it is determined that TRBL are occupying or have the potential to occupy the Project area, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA prior to ground-disturbing activities.

Fully Protected Raptors

The Project area is within the known geographic range of fully protected raptors, the bald eagle (BAEA), the golden eagle (GOEA), and white-tailed kite (WTKI) (CDFW 2024). GOEA generally require open fields for foraging and tall trees, cliffs, or structures for nesting. WTKI generally require open fields for foraging and tall trees, cliffs, or structures for nesting. Suitable habitat for BAEA, GOEA, and WTKI are present within the vicinity of the Project area, therefore CDFW recommends that a qualified biologist conduct focused FPR surveys as part of the biological studies conducted in support of the DEIR. following the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman and Jenkins 2004) and the Interim Golden Eagle Inventory and Monitoring Protocols, and Other Recommendations (USFWS 2010). If a BAEA, GOEA or WTKI are found, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer. If a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

Special Status Bat Species

Special status bat species including, but not limited to, the pallid bat, Townsend's big-eared bat, western mastiff bat, and western red bat are known to occur in the Project area. Known roosting habitats include mines, caves, rocky outcrops, bridges, trees, and buildings that provide the required localized climatic conditions and surrounding foraging opportunities needed. Multiple bat species can co-occur in roosts, and they may have similar life histories, although it is important to note that in many instances bat species do not have the same habitat requirements and life histories. To minimize potential Project-related impacts to special status bat species, CDFW recommends that a qualified biologist conducted surveys to determine if suitable habitat for bat roosting is present within 100 feet of the Project area. If present, focused survey methodology is advised to include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), or use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk emergence and pre-dawn re-entry.

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Special-Status Plants and Natural Communities

The Project area is within the known geographic range of several special status plant species and several species have been documented within the Caltrans right-of-way, and open space areas along the Project extent (CDFW 2024, CNPS 2024). The vegetated boundaries along State Route 25 and the railroad corridor may harbor coast special status plant species. Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species (CNPS 2024), all of which may be unintended impacts of the Project. The Project also has the potential to encroach into various natural habitat types, some of which may be considered sensitive natural communities. CDFW has guidance on classifying natural communities, addressing sensitive natural communities during environmental review, determining which communities are considered sensitive, and interpreting "legacy" habitat types in CNDDB (see https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#natural%20communities%20lists). CDFW recommends that a qualified biologist conduct surveys for special status plants and sensitive natural communities following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2018) as part of the biological technical studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of special status plants, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation. If take of a State-listed plant cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA prior to ground-disturbing activities.

Other Species of Special Status

The Federally listed Bay checkerspot butterfly, monarch butterfly, and vernal pool fairy shrimp, the Federally listed south-central California coast steelhead Distinct Population Segment, the State and Federally listed least Bell's vireo, and the State Species of Special Concern Monterey hitch, Monterey roach, western spadefoot, coast horned lizard, San Joaquin coachwhip, California horned lark, and American badger are all known to occur in the vicinity of the Project area (CDFW 2024). As such, CDFW recommends that a qualified biologist conduct focused surveys for the applicable species and their requisite habitat features as part of the biological technical studies conducted in support of the DEIR to evaluate potential impacts resulting from proposed Project activities.

Habitat Connectivity and Wildlife/Fish Passage

The proposed Project activities could result in short-term or long-term impacts to wildlife connectivity. Species vary in their mobility and ability to pass over and under various types of infrastructure, so species-specific data are necessary to implement designs that will not impact those species. The Project could result in direct mortality, reduced

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reproductive success, reduced frequency of care for young resulting in reduced health or vigor of young, reduced movement between habitats needed for various life stages (e.g. aquatic and uplands) and reduced genetic exchange affecting intra-species diversity.

California wildlife species are losing the ability to move and migrate as habitat conversion and built infrastructure fragment species habitat and cut off migration corridors. Senate Bill (SB) 790 and Assembly Bill 2344 both address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and State transportation agencies to implement wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken. SB 790 allows for the creation of Wildlife Connectivity Actions that enhance wildlife movement across any linear barriers, including, but not limited to, roads, rail lines, and canals. The Project area contains habitat that could support connectivity actions across the Project area. As such, CDFW recommends incorporating information in the DEIR about existing CDFW programs that can be used to mitigate for and improve habitat connectivity, such as Regional Conservation Investment Strategies and associated Mitigation Credit Agreements and SB 790 wildlife connectivity actions. CDFW also recommends that Caltrans analyze and consider wildlife connectivity actions in the DEIR that can improve conditions for a variety of species including bats, birds, fish species, amphibians, and other aquatic and terrestrial plant and wildlife species.

Artificial Lighting

Installation of outdoor artificial night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality. CDFW recommends that the DEIR for the Project include an analysis of the impacts of artificial lighting on biological resources and incorporate mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species, as applicable.

II. EDITORIAL COMMENTS AND/OR SUGGESTIONS

CDFW requests that the DEIR fully identify potential impacts to biological resources, including the above-mentioned species. To adequately assess any potential impacts to biological resources, focused biological surveys should be conducted by qualified wildlife biologists/botanists during the appropriate survey period(s) for each species to determine whether any special-status species and/or suitable habitat features may be present within the Project area. Properly conducted biological surveys, and the

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information assembled from them, are essential to identify any mitigation, minimization, and avoidance measures and/or the need for additional or protocol level surveys, and to identify any Project-related impacts under CESA and other species of concern. CDFW recommends the DEIR address potential impacts to these species and provide measurable mitigation measures that, as needed, will reduce impacts to less than significant levels. Information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/SurveyProtocols).

Bird Protection: CDFW encourages Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project area to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist counsel and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Federally Listed Species: CDFW recommends consulting with USFWS and/or NMFS regarding potential impacts to Federally listed species including, but not limited to, CRLF, CTS, and NWPT, and Federally designated critical habitat. The ESA is more

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broadly defined than CESA; take under the ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NMFS to comply with the ESA is advised well in advance of any Project activities.

California Natural Diversity Database: Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. To adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine if any special status species are present.

Lake and Stream Alteration: Project activities may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Several creeks and drainages bisect and parallel State Route 25 within the Project area. Fish and Game Code section 1602 requires entities to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. CDFW therefore recommends that the DEIR include information related to these requirements of Fish and Game Code and determine if activities in streams may require notification as required by Fish and Game Code. For additional information on notification requirements, please contact our staff in the Caltrans Liaison Unit at RRR.R4@wildlife.ca.gov.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's DEIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate

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the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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, section 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the CNDDB. The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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, §section 753.5; Fish & G. Code, §section 711.4; Pub. Resources Code, §section 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the Caltrans District 5 in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Michaela Robbins, Senior Environmental Scientist (Specialist), at (559) 977-0110 or michaela.robbins@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...
Julie A. Vance
Regional Manager

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