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January 8, 2026

Lucas Serna
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**Subject: Draft Environmental Impact Report for the Border Field State Park
Resilience, Access and Habitat Restoration Project, SCH No.
2025040060, San Diego County, CA**

Dear Lucas Serna:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from California Department of Parks and Recreation (CDPR) for the Border Field State Park Resilience, Access and Habitat Restoration Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 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

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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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation (CDPR)

Objective: The objective of the Project is to improve and relocate portions of Monument Road to address seasonal flooding of the existing roadway, provide improved public access to Border Field State Park (BFSP), establish resilience against future effects of sea level rise (SLR), and improve the function of the Tijuana Estuary. The Project would include restoring native habitat and removing an existing 2,300-foot road segment susceptible to seasonal flooding. Primary Project activities include north-south realignment of the existing dirt road, creation of an east-west roadway elevation which includes the installation of seven box culverts and headwalls, improvements to the existing equestrian staging area, and habitat restoration of upland and wetlands areas within the BFSP.

Location: The Project is located in the BFSP at 1500 Monument Road in the Cities of San Diego and Imperial Beach, immediately north of the United States-Mexico International Border. The Park is part of the Tijuana River Natural Estuarine Research Reserve (TRNERR).

Timeframe: Construction is anticipated to begin March 2026 and take approximately 12 months to complete.

Biological Setting: The Project is located within the BFSP which is part of the Tijuana River Natural River Estuarine Research Reserve. This area is mostly undeveloped, with minimal roads and trails for passive recreation such as hiking, horseback riding, and bird watching. The Project will have temporary and permanent impacts to several vegetation communities including 0.307 acre of coastal and valley freshwater marsh (disturbed), 0.785 acre of Diegan coastal sage scrub (coastal form), 0.279 acre of

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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disturbed Diegan coastal sage scrub (coastal form), 0.349 acre of disturbed habitat, 0.205 acre of elderberry savannah, 0.114 acre of disturbed elderberry savannah, 0.100 acre of mulefat scrub, 0.794 acre of disturbed mulefat scrub, 1.178 acres of non-native grassland, 0.050 acre of non-native riparian, 0.055 acre of saltbrush scrub, 0.182 acre of southern arroyo willow riparian forest, 0.450 acre of southern coastal salt marsh, 0.999 acre of disturbed southern coastal salt marsh, 0.035 acre of southern willow scrub, 0.127 acre of disturbed southern willow scrub and 4.485 acres of urban/developed (DEIR table 3.4-2).

The Project's Biological Technical Report for the Border Field State Park Resilience, Access, and Habitat Restoration Project (BTR; Nordby et al. 2025) and CDFW's [California Natural Diversity Database](https://wildlife.ca.gov/Data/CNDDDB)³ (CNDDDB) indicate several sensitive species have a potential to occur onsite or have been documented within the vicinity of the Project area, including:

Birds

- Least Bell's vireo (*Vireo bellii pusillus*; California Endangered Species Act (CESA) listed endangered, Federal Endangered Species Act (ESA) listed endangered)
- Coastal California gnatcatcher (*Polioptila californica californica*; ESA listed threatened, California Species of Special Concern (SSC))
- Light-footed Ridgway's Rail (*Rallus obsoletus levipes*; CESA listed endangered, CDFW Fully Protected Species, ESA listed endangered)
- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA listed endangered)
- California least tern (*Sterna antillarum browni*; ESA listed endangered, CESA listed endangered, CDFW Fully Protected Species)
- Western snowy plover (*Charadrius alexandrinus nivosus*; ESA listed threatened, SSC)
- Yellow warbler (*Dendroica petechia*; SSC)
- Yellow-breasted chat (*Icteria virens*; SSC)
- Cooper's hawk (*Accipiter cooperii*; SSC)
- Northern harrier (*Circus hudsonicus*; California SSC)

Reptiles

- Southern California legless lizard (*Anniella stebbinsi*; California SSC)
- Orange-throated whiptail (*Aspidoscelis hyperythra*; CDFW Watch List species)

³ <https://wildlife.ca.gov/Data/CNDDDB>

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Insects

- Crotch's bumble bee (*Bombus crotchii*; CESA-candidate)

Plants

- Coast woolly-heads (*Nemacaulis denudate* var. *denudate*; California Rare Plant Rank (CRPR) 1B.2)
- Snake cholla (*Cylindropuntia californica* var. *californica*; CRPR 1B.1)
- Beach goldenstar (*Heterotheca sessiliflora* ssp. *sessiliflora*; CRPR 1B.1)
- Nuttall's acmispon (*Acmispon prostratus*; CRPR 1B.1)
- Sea dahlia (*Leptosyne maritima*; CRPR 2B.2)
- San Diego barrel cactus (*Ferocactus viridescens*; CRPR 2B.1)
- Golden-spined cereus (*Bergerocactus emoryi*; CRPR 2B.2)
- Decumbent goldenbush (*Isocoma menziesii* var. *decumbens*; CRPR 1B.2)
- Coulter's saltbush (*Atriplex coulteri*; CRPR 1B.2).
- Shaw's agave (*Agave shawii*; CRPR 2B.1)
- San Diego bur-sage (*Ambrosia chenopodiifolia*; CRPR 2B.1)
- Single-whorl burro bush (*Ambrosia monogyra*; CRPR 2B.1)
- Palmer's sagewort (*Artemisia palmeri*; CRPR 4.2)
- San Diego sunflower (*Bahiopsis laciniata*; CRPR 4.2)
- Orcutt's dudleya (*Dudleya attenuata* ssp. *attenuata*; CRPR 2B.1, Protected by California Assembly Bill 223)
- San Diego marsh elder (*Iva hayesiana*; CRPR 2B.2)
- Torrey pine (*Pinus torreyana* spp. *torreyana*; CRPR 1B)
- Nuttall's scrub oak (*Quercus Dumosa*; CRPR 1B)

A portion of the Project is also within the City of San Diego's Multi-Habitat Planning Area (MHPA). The MHPA delineates core biological resource areas and corridors targeted for conservation in the Multiple Species Conservation Program (MSCP) Subarea Plan (SAP).

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist CDPR in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (i.e., biological) resources. Additional comments or other suggestions are also included to improve the document.

COMMENT # 1: Compensatory Mitigation

Issue: The Project will have temporary and permanent impacts to several different habitat types, special-status species, and state waters subject to CDFW's lake and streambed regulatory authority. Additionally, the DEIR states that no mitigation measures are required for impacts to biological resources.

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Specific impact: Project construction activities will result in the permanent loss of 6.764 acres of habitat and temporary loss of 3.730 acres of habitat (as described in Table 3.4-2). While CDPR will have Standard Project Requirements and Project Specific Requirements to minimize Project-related biological resource impacts, these requirements do not reduce impacts to a less than significant level under CEQA.

Why impact would occur: The proposed Project involves permanent and temporary impacts of the natural resources that currently provide ecological functions which cannot be fully avoided or minimized. Project activities, such as grading, vegetation removal, ground disturbance and hydrological alteration, would directly remove or degrade habitat structure, soil conditions, and hydrological processes that support biological communities. Even with the Standard Project Requirements (SPRs) and the Project-Specific Requirements (PSRs) that CDPR is proposing to minimize impacts, Project activities would result in a net loss of habitat value and function on-site.

Evidence impact may be significant: Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Compensatory Mitigation

The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be discussed in detail. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring.

If impacts to streams are unavoidable, CDPR shall provide compensatory mitigation for impacts on streams and associated plant communities. Any off-site mitigation should occur where a stream supports the same plant communities impacted by the Project and preferably within the same watershed. Proposed compensatory mitigation should be detailed in the Final EIR.

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COMMENT # 2: Impacts to Crotch's Bumble Bee

Issue: Project activities may result in direct, indirect and cumulative impacts to Crotch's bumble bee, a candidate species for CESA listing. The DEIR does not provide avoidance, minimization, and/or mitigation measures to reduce potential impacts on Crotch's bumble bee to less than significant. The DEIR notes that iNaturalist recorded occurrences of Crotch's bumble bee in 2017 and 2024, which were later confirmed when a CDPR biologist documented the species within the Project study area.

Specific impact: The Project may result in temporary or permanent loss of suitable nesting and foraging habitat of Crotch's bumble bee. Ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: Recent occurrence data from the CNDDB indicate that Crotch's bumble bee has been observed on or near the Project site. The DEIR further confirms the presence of suitable habitat for this species within the Project site and surrounding areas, supported by a direct observation of Crotch's bumble bee within the Project study area.

If the Project proceeds without appropriate avoidance and minimization measures, the Project may result in mortality and/or injury of undetected individual Crotch's bumble bee that may be present during Project activities. The Project's ground and/or vegetation disturbance activities could result in significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. For reference, Crotch's bumble bees primarily nest from late February through late October and typically nest underground in abandoned small mammal burrows. However, they may also nest under perennial bunch grasses, thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2012).

Evidence impact may be significant: Impacts to CESA-listed species and their habitat meet the definition of endangered, rare, or threatened under CEQA (CEQA Guidelines § 15380). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

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Mitigation Measure #1: Crotch's Bumble Bee Incidental Take Permit

The Project proponent shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

COMMENT # 3: Impacts to Least Bell's Vireo

Issue: The Project may have direct, indirect, and cumulative impacts to least Bell's vireo (vireo) individuals and their habitat that are not adequately avoided, minimized, or mitigated to a level below significant.

Specific impact: The DEIR states that construction activities would impact a total of 0.802 acre of occupied vireo habitat and that construction noise may indirectly impact vireo by interfering with courtship behavior or cause temporary or permanent abandonment of nesting territory. Part of the Project also includes improvements to the equestrian facilities on-site. The increase in equestrian activities could potentially attract brown-headed cowbirds, a well-known brood parasite for vireo. Cowbirds are brood parasites that lay their eggs in the nests of other songbirds, often resulting in reduced reproductive success or nest failure of the host species. This can have significant negative impacts on native avian populations, particularly those already considered sensitive or declining (Kus 1999), such as the least Bell's vireo present on the Project site.

Why impact would occur: Fifteen least Bell's vireo territories were detected during the 2025 biological surveys. These territories are all located within a 500-foot buffer of the proposed new realignment of Monument Road or access routes. Project activities include vegetation removal, grading, and construction. These activities could create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance, which may adversely affect nesting vireo. Furthermore, project activities during the breeding season could result in nest abandonment or decreased feeding frequency leading to the loss of fertile eggs or nestlings. Nest abandonment and nestling mortality would be a significant impact under CEQA.

Evidence impact would be significant: Least Bell's vireo are listed as endangered under the ESA and CESA. Impacts to CESA-listed species and their habitat meet the definition of endangered, rare, or threatened under CEQA (CEQA Guidelines § 15380). Impacts to CESA listed species and their habitats may result in a mandatory finding of significance because the Project has the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines § 15065). Vireo are also protected under the California Assembly Bill 454, signed into law on October 6, 2025. Assembly Bill 454 makes it unlawful to take or possess any

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migratory bird as designated under the federal MBTA. This includes both international and incidental take.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #2: Work During Avian Breeding Season

If work is scheduled during the avian breeding season (February 15 through September 15), and within suitable habitat for least Bell's vireo, a qualified biologist will conduct a preconstruction nesting survey to ensure no active bird nests are present within 500 feet of construction activities. If no nests are detected, then vegetation removal will be permitted during the nesting season. The qualified biologist shall establish and maintain a minimum 300-foot, no-disturbance buffer around all active bird nests. For raptors and special status species, this buffer shall be expanded to a minimum of 500 feet. If an active least Bell's vireo nest is detected, no construction activities will be permitted within 500 feet of the nest. Work, vehicle traffic, and foot traffic within nest buffers may not resume until the young fledge and disperse, or the nest has been determined to fail by the qualified biologist. Limits of construction to avoid nest sites will be established in the field with flagging and stakes or construction fencing. A biological monitor shall monitor vireo nests during construction activities to ensure the efficacy of the applied buffer.

Mitigation Measure #3: Least Bell's Vireo Incidental Take Permit

If the Project or any Project-related activity for the duration of the Project will result in take of least Bell's vireo, the project proponent shall seek appropriate take authorization under CESA before commencing Project activities. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and Mitigation Measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

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COMMENT # 4: Impacts to state waters subject to CDFW Lake and Streambed Alteration Program

Issue: Project construction activities will impact state waters and associated habitat where CDFW has regulatory authority, and the DEIR does reference a requirement of notification under section 1600 et seq. of the Fish and Game Code.

Specific impact: Ground-disturbing activities (e.g., equipment staging, mobilization, road work, and vegetation removal) associated with road access and improvements as well as future habitat restoration work, may result in fugitive dust, runoff, and encroachment into the riparian and wetland habitat. These effects may impact sensitive species within the CDFW-regulated wetland.

Why impact would occur: In section 3.4 of the DEIR, the access improvement component of the project would temporarily impact 1.568 acres and permanently impact 1.476 acres of CDFW-regulated wetland (Table 3.4-6 in the DEIR). This habitat supports several sensitive wildlife species, including least Bell's vireo. Any impact to the watershed, which includes the riparian habitat, could impact these species survival.

Evidence impact may be significant: CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources which include rivers, streams, or lakes and associated natural communities. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- 1) Divert or obstruct the natural flow of any river, stream, or lake;
- 2) Change the bed, channel, or bank of any river, stream, or lake;
- 3) Use material from any river, stream, or lake; or,
- 4) Deposit or dispose of material into any river, stream, or lake.

Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #4: Lake and Streambed Alteration Agreement

The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to Project activities. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project

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site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of any potential scour or erosion at the Project site due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2024).

COMMENT # 5: Impacts on California Species of Special Concern (SSC)

Issue: The Project may impact several SSC that utilize the natural resources within the Project site.

Specific impact: Direct impacts to wildlife designated as SSC could result in the form of trampling and crushing from Project construction activities, including equipment staging, mobilization, grading, and vegetation clearing. Project activities such as vegetation removal will also result in habitat destruction.

Why impact would occur: The DEIR states that the Project site provides habitat for several SSC, and that during the biological surveys, SSC were documented. Without appropriate avoidance or minimization measures, the Project may continue to impact SSC through direct harm and/or loss of occupied habitat.

Evidence impact may be significant: A California SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- if the species is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- if the species is listed as threatened or endangered under ESA-, but not CESA-, threatened, or endangered;
- if the species meets the State definition of threatened or endangered but has not formally been listed;
- if the species is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and,
- if naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA-threatened or -endangered status (CDFW 2024a).

CEQA provides protection not only for CESA-listed species, but for any species including, but not limited to, SSC that can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Inadequate avoidance, minimization, and mitigation

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measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW requests the following recommendations and mitigation measures are incorporated into the final CEQA document:

Mitigation Measure #5: Wildlife Relocation and Avoidance Plan

The Project proponent shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the project site and proper avoidance, handling, and relocation protocols to ensure SSC are not injured or killed during construction activities. Any wildlife that enters the construction site will be protected and allowed to move off-site without direct intervention unless handling is necessary. The Wildlife Relocation and Avoidance Plan shall include species-specific avoidance buffers, where applicable, and suitable relocation areas at least 200 feet outside of the project site. If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Mitigation Measure #6: Biological Monitor

To avoid direct injury and mortality of any wildlife, the Project proponent shall have a qualified biologist on site to monitor, move or relocate wildlife species out of harm's way consistent with the Wildlife Relocation and Avoidance Plan. The qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal, after which the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.

Mitigation Measure #7: Nesting Birds

To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 15 to August 31). Take of birds protected California Fish and Game Code shall be avoided

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during the nesting season. If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a qualified biologist to conduct a preconstruction survey to determine the presence or absence of non-listed nesting birds on or within 300 feet of the construction area, and federally- or State listed birds and raptors on or within 500 feet of the construction area. The preconstruction survey must be conducted within 3 calendar days prior to the start of construction, the results of which must be submitted to the CDPH for review and approval prior to initiating any construction activities. If nesting birds are detected by the biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the qualified biologist may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the Wildlife Agencies to determine the appropriate buffer.

Mitigation Measure #8: Scientific Collecting Permit

The Project proponent shall retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

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

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Database (CNDDDB). The [CNDDDB website](#)⁴ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁵.

CDPR should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact to 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 DEIR to assist CDPR in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that CDPR has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

Questions regarding this letter or further coordination should be directed to Emily Gray⁶, Environmental Scientist.

Sincerely,

Signed by:


AD7D070BCB66466...

Glen M. Lubcke
Environmental Program Manager
South Coast Region

⁴ <https://wildlife.ca.gov/Data/CNDDDB>

⁵ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

⁶ Email: Emily.gray@wildlife.ca.gov

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ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Glen M. Lubcke, Environmental Program Manager
Melanie Burlaza, Senior Environmental Scientist (Supervisor)
Emily Gray, Environmental Scientist

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

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

Mitigation Measure	Timing	Responsible Party
Recommendation #1: Compensatory Mitigation The DEIR should include compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be discussed in detail. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring.	Prior to Project Activities	Project Proponent
Mitigation Measure #1: Crotch's Bumble Bee Incidental Take Permit The Project proponent shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. For these reasons, biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.	Prior to Construction Activities	Project Proponent

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Mitigation Measure	Timing	Responsible Party
Mitigation Measure #2: Work During Avian Breeding Season If work is scheduled during the avian breeding season (February 15 through September 15), and within suitable habitat for least Bell's vireo, a qualified biologist will conduct a preconstruction nesting survey to ensure no active bird nests are present within 500 feet of construction activities. If no nests are detected, then vegetation removal will be permitted during the nesting season. The qualified biologist shall establish and maintain a minimum 300-foot, no-disturbance buffer around all active bird nests. For raptors and special status species, this buffer shall be expanded to a minimum of 500 feet. If an active least Bell's vireo nest is detected, no construction activities will be permitted within 500 feet of the nest. Work, vehicle traffic, and foot traffic within nest buffers may not resume until the young fledge and disperse, or the nest has been determined to fail by the qualified biologist. Limits of construction to avoid nest sites will be established in the field with flagging and stakes or construction fencing. A biological monitor shall monitor vireo nests during construction activities to ensure the efficacy of the applied buffer.	During Construction Activities	Project Proponent
Mitigation Measure #3: Least Bell's Vireo Incidental Take Permit If the Project or any Project-related activity for the duration of the Project will result in take of least Bell's vireo, the project proponent shall seek appropriate take authorization under CESA before commencing Project activities. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and Mitigation Measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the	Prior to Project Activities	Project Proponent

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Mitigation Measure	Timing	Responsible Party
issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.		
Mitigation Measure #4: Lake and Streambed Alteration Agreement The Project proponent shall notify CDFW pursuant to Fish and Game Code 1602 and obtain an LSA Agreement from CDFW prior to Project activities. The LSA Notification shall include a hydrology report to evaluate whether altering streams within the Project site may impact hydrologic activity. The hydrology report shall also include a hydrological evaluation of any potential scour or erosion at the Project site due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. Please visit CDFW's Lake and Streambed Alteration Program webpage for more information (CDFW 2024).	Prior to Project Activities	Project Proponent
Mitigation Measure #5: Wildlife Relocation and Avoidance Plan The Project proponent shall retain a qualified biologist to prepare a Wildlife Relocation and Avoidance Plan. The Wildlife Relocation and Avoidance Plan shall describe all SSC that could occur within the project site and proper avoidance, handling, and relocation protocols to ensure SSC are not injured or killed during construction activities. Any wildlife that enters the construction site will be protected and allowed to move off-site without direct intervention unless handling is necessary. The Wildlife Relocation and Avoidance Plan shall include species-specific avoidance buffers, where applicable, and suitable relocation areas at least 200 feet outside of the project site. If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop	Prior to and During Project Activities	Project Proponent/Qualified Biologist

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Mitigation Measure	Timing	Responsible Party
immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.		
Mitigation Measure #6: Biological Monitor To avoid direct injury and mortality of any wildlife, the Project proponent shall have a qualified biologist on site to monitor, move or relocate wildlife species out of harm's way consistent with the Wildlife Relocation and Avoidance Plan. The qualified biologist shall advise workers to proceed with caution near flagged areas. A qualified biologist shall be on site daily during initial ground- and habitat-disturbing activities and vegetation removal, after which the qualified biologist shall be on site weekly or bi-weekly (once every 2 weeks) for the remainder of the Project until the cessation of all ground-disturbing activities to ensure that no wildlife of any kind is harmed.	During Project Construction Activities	Project Proponent
Mitigation Measure #7: Nesting Birds To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 15 to August 31). Take of birds protected California Fish and Game Code shall be avoided during the nesting season. If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a qualified biologist to	During Project Activities	Qualified Biologist/Project Proponent

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Mitigation Measure	Timing	Responsible Party
conduct a preconstruction survey to determine the presence or absence of non-listed nesting birds on or within 300 feet of the construction area, and federally- or State listed birds and raptors on or within 500 feet of the construction area. The preconstruction survey must be conducted within 3 calendar days prior to the start of construction, the results of which must be submitted to the CDPR for review and approval prior to initiating any construction activities. If nesting birds are detected by the biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the qualified biologist may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the Wildlife Agencies to determine the appropriate buffer.		
Mitigation Measure #8: Scientific Collecting Permit The Project proponent shall retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003).	Prior to Project Activities	Project Proponent