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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 29, 2025
Sent via email.

James Shankel
Acting Supervising Environmental Planner
California Department of Transportation, District 8
464 West 4th Street, MS-820
San Bernardino, CA 92401
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State Route 18 Bridge Deck Overlay Project (Project)
Mitigated Negative Declaration (MND)
SCH# 2025081407

Dear James Shankel,

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the California Department of Transportation District 8 (Caltrans) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

CDFW Role

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Transportation District 8 (Caltrans).

Objective: The objective of the Project is to repair the Mojave River Bridge Overcrossing (Bridge No. 54-0307) on State Route 18 (SR-18) in Victorville, San Bernardino County. Primary Project activities consist of overlaying pavement on the bridge deck, upgrading the bridge rail, upgrading guardrails, replacing the median barrier, and replacing the sidewalk. Bat boxes under the bridge will be removed and bat exclusionary devices will be installed.

[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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New bat panels will be installed approximately one mile north of the Project, under the Interstate 15 (I-15) Mojave River Bridge (Bridge No. 54-0483).

Location: The Project is located in the city of Victorville, San Bernardino County, at the Mojave River Bridge Overcrossing (Bridge No. 54-0307) on State Route 18 (SR-18), Latitude 34.533593, Longitude −117.287171, at approximately Post Mile (PM) 95.38. Bat panel installation is located at the Interstate 15 (I-15) Mojave River Bridge (Bridge No. 54-0483), Latitude 34.548952, Longitude −117.294740, at approximately PM 43.91.

Timeframe: July 2028 to August 2029.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. A proposed Mitigation and Monitoring Reporting Plan is provided as Attachment A.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Comment 1: Terrestrial mammal survey

Section IV, page 26-27

Issue: The Project may impact special-status mammals.

Specific impact: Observation records indicate that Mohave ground squirrel (*Xerospermophilus mohavensis*) and Mohave river vole (*Microtus californicus mohavensis*) may be present in the Project area. Heavy equipment may crush individuals and burrows, and damage habitat.

Why impacts would occur: The mitigation measures proposed in the MND are not likely to reliably detect Mohave ground squirrel or Mohave river vole if they are present in the Project area.

Evidence impact would be significant: Mohave ground squirrel is a threatened species under CESA. Mohave river vole is a CDFW species of special concern. Impacts to either species are considered significant.

Recommended potentially-feasible mitigation measures: CDFW appreciates the inclusion of BIO-4. CDFW recommends the revisions below for adoption in the final MND. Deletions are in ~~strikethrough~~, and additions are in ***bold italics***.

> BIO-4: Preconstruction Special Status Terrestrial Mammal Survey. ***Prior to any ground disturbance, focused terrestrial mammal surveys shall be conducted by a qualified biologist familiar with the behavior and life history of Mohave ground squirrel and Mohave river vole. Focused Mohave ground squirrel surveys shall adhere to California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Focused Mohave river vole surveys shall align with current best practices for vole detection, such as the camera-trapping methods in "Assessment of detection methods for the endangered Amargosa vole" (Roy, et al. 2004, available here: https://journal.wildlife.ca.gov/2024/11/04/assessment-of-detection-methods-for-the-endangered-amargosa-vole/).*** ~~A preconstruction special status terrestrial mammal survey must be conducted by a contactor-supplied biologist no more than 1 week prior to project activities within project impact area.~~ If a Mohave ground squirrel or Mohave River vole is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination ~~may~~ ***will*** be required.

Comment 2: Invertebrate surveys

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Section IV, page 27

Issue: The Project may impact special-status invertebrates.

Specific impact: Observation records indicate that Crotch's bumble bee (*Bombus crotchii*) and San Emigdio blue butterfly (*Plebulina emigdionis*) may be present in the Project area. Heavy equipment and foot traffic may crush individuals, nests, and host plants.

Why impacts would occur: The mitigation measures proposed in the MND are not likely to reliably detect these species if they are present in the Project area.

Evidence impact would be significant: Crotch's bumble bee is a candidate for listing as endangered under CESA. The San Emigdio blue butterfly is a State rank S1S2 species, which means that it is between "imperiled" (S2) and "critically imperiled" (S1), or at a high or very high risk of extirpation in the state. Impacts to either of these species are considered significant.

Recommended potentially-feasible mitigation measures: CDFW appreciates the inclusion of BIO-5. CDFW recommends the revisions below for adoption in the final MND. Deletions are in ~~strikethrough~~, and additions are in ***bold italics***.

> BIO-5: Preconstruction Invertebrate Species Survey. ***Prior to any ground disturbance, a qualified biologist shall survey for potential habitat suitability and presence of Crotch's bumble bee (Bombus crotchii) and San Emigdio blue butterfly (Plebulina emigdionis). The habitat assessment for Crotch's bumble bee shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150).*** ~~A~~ ***The*** preconstruction ~~Crotch's bumblebee and~~ San Emigdio Blue Butterfly survey must be conducted by a contractor-supplied biologist no more than 1 week prior to project activities within the Biological Study Area. ***The surveys shall include 100 percent visual coverage and include a minimum 500-meter buffer in adjacent habitat.*** If a Crotch's bumble bee or bumble bee nest, or San Emigdio Blue Butterfly, butterfly larva, or chrysalis is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination ~~may~~ ***will*** be required.

Comment 3: Bird surveys

Section IV, page 28-29

Issue: The Project may impact special-status or nesting birds.

Specific impact: The Project may impact suitable nesting and foraging habitat for least Bell's vireo (*Vireo bellii pusillus*, Federally-endangered, CESA-endangered), Le Conte's thrasher (*Toxostoma lecontei*, CDFW Species of Special Concern (SSC)), loggerhead shrike (*Lanius ludovicianus*, CDFW SCC), southwestern willow flycatcher (*Empidonax traillii extimus*, Federally-endangered, CESA-endangered), summer tanager (*Piranga rubra*, CDFW SSC), Swainson's hawk (*Buteo swainsoni*, CESA-threatened), tricolored blackbird (*Agelaius tricolor*, CESA-threatened), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*, Federally-threatened, CESA-endangered), and yellow-breasted chat (*Icteria virens*, CDFW SSC). Observation records indicate that these species may be present in the Project area. Heavy equipment and foot traffic may disturb individuals and nests.

Why impacts would occur: The mitigation measures proposed in the MND are not likely to reliably detect these species if they are present in the Project area.

Evidence impact would be significant: CDFW recommends the completion of pre-construction nesting bird surveys regardless of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending

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on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (*e.g.*, drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding (Socolar *et al*., 2017). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates.

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). CDFW therefore recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Recommended potentially-feasible mitigation measures: CDFW appreciates the inclusion of BIO-16 and BIO-18. CDFW recommends the revisions below for adoption in the final MND. Deletions are in ~~strikethrough~~, and additions are in ***bold italics***.

BIO-16: Preconstruction Nesting Bird Survey. ~~If project activities cannot avoid the nesting season, generally regarded as February 1 to September 30, then~~ ***Regardless of the time of year,*** preconstruction nesting bird surveys must be conducted within 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no construction buffer must be established and monitored by the qualified biologist.

BIO-18: Nesting Bird Avoidance. Project construction shall be conducted in a manner to comply with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) to protect active bird/raptor nests. To the maximum extent feasible, construction activity and vegetation removal shall occur only outside of the breeding season for nesting birds, i.e. from October 1 through January 31, to avoid impacts to nesting birds and raptors. ~~If any construction activities must occur during the breeding season for nesting birds (February 1 through September 30),~~ ***Regardless of the time of year of construction activity,*** a pre-construction nesting bird survey of the project site and within 500 feet of all impact areas shall be conducted to determine the presence/absence of breeding birds and active nests. The nesting bird survey shall be performed by a qualified biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If the Biologist does not find any active nests within 500 feet of the impact areas, the vegetation clearing/construction work shall be allowed to proceed.

If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and/or the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site nest monitoring shall also be conducted when construction occurs in close proximity to an active nest buffer. No project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined the nestlings have fledged and the nest is no longer considered active.

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COMMENT 4: Burrowing Owl

Section IV, Page 16

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to western burrowing owl habitat. Direct take of burrowing owl may also occur during Project activities. However, focused surveys following standard/accepted protocols were not conducted to assess potential use of the site by burrowing owls, limiting the appropriateness of any impact analysis and mitigation proposal.

Specific impact: The Project includes the potential for the collapsing of burrows, entombment, displacement, reduction of habitat, and indirect take associated with Project operations such as attracting predators. The Project may cause permanent impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: Burrowing owl could be directly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of habitat features. Nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation, and degradation of suitable habitat could also all lead to significant impacts to burrowing owl individuals and local populations.

While the MND includes a pre-construction nesting bird survey (BIO-16), the limited scope and timing of the survey would fail to capture information on the site's occupancy and use throughout the year (*e.g.*, breeding, overwintering). In addition, burrowing owl are more detectable during the breeding season (February 1 – August 31) and several surveys are required to ensure detection. Thus, CDFW recommends the addition of mitigation measure BIO-29 below to identify, avoid, and mitigate impacts to burrowing owls.

Burrowing owls are known to occur within a reasonable dispersal distance of the Project area and potential nesting and foraging habitat is likely to occur within and adjacent to the Project area.

CDFW recommends the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) for evaluating whether a project will result in impacts to burrowing owls (available at: https://www.wildlife.ca.gov/conservation/survey-protocols). The Staff Report on Burrowing Owl Mitigation specifies three steps for project impact evaluations: 1) a habitat assessment, 2) surveys, and 3) an impact assessment. If individual burrowing owl or habitat is detected, CDFW recommends that Caltrans conduct an impact assessment according to the Staff Report on Burrowing Owl Mitigation to evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, and propose avoidance, minimization, and mitigation measures, including compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat.

Evidence impact would be significant: The Project site has the potential to provide suitable foraging or nesting habitat for western burrowing owl (burrowing owl). On October 10, 2024, the Fish and Game Commission determined that burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities will not fully avoid take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081b) should be obtained. The MND does not include mitigation measures for burrowing owl and therefore does not specify methods by which burrowing owls will be identified, or how potential impacts to owls and associated habitat will be avoided, minimized, and mitigated. Therefore, the MND does not adequately mitigate the potential permanent and temporary impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect

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take of burrowing owl, and the loss of the species' habitat, as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the Mitigation Measure below in the final MND to ensure that impacts to burrowing owl and its habitats are evaluated and mitigated to a level of less than significant.

BIO-29 (New): Western burrowing owl Surveys and Avoidance: One pre-construction western burrowing owl survey shall be completed by a CDFW approved qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for western burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat. If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.

If Caltrans cannot ensure western burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for western burrowing owl prior to initiation of ground disturbing activities.

COMMENT 5: Special-Status Plants

Section IV, Page 28

Issue: The Project may impact special-status plants.

Specific impact: The Project has the potential to result in permanent and temporary impacts to special-status plants and their habitats, including beaver dam breadroot (*Pediomelum castoreum*, State Rare Plant Rank 1B.2[2]), Mojave monkeyflower (*Diplacus mohavensis*, 1B.2), and San Bernardino aster (*Symphyotrichum defoliatum*, 1B.2). The California Natural Diversity Database (CNDDB) indicates that these special-status plants are known to occur in the vicinity of the Project.

Why impact would occur: The Project may result in direct impacts to special-status plants. Direct impacts include vegetation removal and grading. Focused plant surveys are necessary to confirm absence/presence of special-status plants. CDFW is concerned that surveys for presence/absence and potential to occur were conducted in August 2025, outside of blooming and in several instances, during a time were special-status species are not identifiable.

Evidence impact would be significant: CDFW considers the take of special-status plants and the loss of these species' habitats as a significant impact, unless mitigated to a level of less than significant. Plants with California Rare Plant Ranks 1A, 1B, 2A,

[2] 1B.2 is a California Rare Plant Rank. 1B indicates that the plant species is rare, threatened, or endangered in California, and the species is generally not found outside of California. The 1B.2 designation indicates that the species is moderately threatened in California. More information is available at: https://www.cnps.org/rare-plants/california-rare-plant-ranks.

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and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare, or threatened species for the purposes of CEQA analysis.

Recommended potentially-feasible mitigation measures: CDFW appreciates the inclusion of BIO-14. CDFW recommends the revisions below for adoption in the final MND. Deletions are in ~~strikethrough~~, and additions are in ***bold italics***.

> BIO-14: Rare Plant Surveys, Flagging and Fencing. ~~Within 1 week prior to construction,~~ ***No more than three years prior to construction and during the appropriate blooming season for each plant with the potential to occur on-site,*** a preconstruction survey must be conducted by a contractor-supplied biologist for beaver dam breadroot, Booth's evening primrose, Mojave monardella, Mojave monkeyflower, San Bernardino aster, Torrey's box-thorn, and other rare plants within the Project Impact Area. ***The survey shall be performed according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018)***. Any rare plant species identified must be flagged for visual identification to construction personnel for work avoidance. Rare plant species detected that feature multiple plants in a single location must be fenced with Environmentally Sensitive Area (ESA) temporary fencing. ***If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.***

Comment 6: Desert Tortoise (*Gopherus agassizii*)

Section IV, Page 16

Issue: The Project has the potential to result in temporary and permanent impacts to desert tortoise habitat. A protocol-level survey is the most reliable way to detect desert tortoise, and less-rigorous surveys can give false impressions that a species is absent. Therefore, the preliminary survey may have missed evidence of desert tortoise, and desert tortoise may be present in the Project area. The Project proposes to avoid impacts to desert tortoise by implementing a pre-construction survey prior to ground disturbance, but does not define the pre-construction survey method. CDFW is concerned that there is the potential for desert tortoise to enter the Project site during Project activities. Take is defined as by California Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Specific impact: Desert tortoise is a CESA-endangered and Federally-threatened species. This species is impacted by ongoing threats, including loss, degradation, and fragmentation of habitat due to development. Staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality or injury to desert tortoise. Project construction and related activities may result in collision with or crushing by vehicles or heavy equipment, entrapment within open trenches and pipes, entrapment or entanglement within materials and equipment staged and moved, crushing or burial of individuals or eggs in burrows, destruction of burrows and refugia, and increased predation. The handling of desert tortoise to relocate out of harm's way requires the authorization of take through a CESA incidental take permit or other state authorization. The Project includes the potential for direct take of desert tortoise associated with vehicle and equipment strike, and indirect take associated with Project activities.

Why impacts would occur: Preliminary project surveys may not have been thorough enough to detect the species on site.

Evidence impact would be significant: Desert tortoise populations have declined significantly in recent decades as a result of human activities in their native habitat including land development, off-road vehicle use, overgrazing, agricultural development, military activities, predation, and the spread of invasive plant species (USFWS 2011). The desert tortoise population in the western Mojave Desert has declined by 90% since the 1980s. Desert tortoises can take up to 20 years to reach

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sexual maturity, which limits their ability to recover from even small losses in population numbers (USFWS 2011).

Recommended potentially-feasible mitigation measures: CDFW recommends adding the measure below to the final MND.

BIO-30 (New): Preconstruction desert tortoise survey. A preconstruction desert tortoise survey shall be performed by a qualified biologist prior to any ground disturbance or vegetation removal. The survey shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2019 desert tortoise survey methodology (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174633&inline).

If the survey confirms absence, the qualified biologist shall ensure that desert tortoise do not enter the Project area. If the survey confirms presence, the Project proponent shall avoid take and obtain the appropriate CESA authorization.

Comment 7: Amphibian surveys

Issue: The Project may impact special-status amphibians.

Specific impact: The Project has the potential to result in permanent and temporary impacts to special-status amphibians and their habitats, including southwestern pond turtle (*Actinemys pallida*, Federally proposed threatened, CDFW SSC), and arroyo toad (*Anaxyrus californicus*, Federally-endangered, CDFW SSC). The California Natural Diversity Database (CNDDB) indicates that these special-status species are known to occur in the vicinity of the Project.

Why impact would occur: The Project may result in direct impacts to special-status amphibians. Direct impacts include vegetation removal and grading. Surveys are necessary to confirm presence or absence of these species.

Evidence impact would be significant: These amphibian species have small populations, are of limited distribution, and are sensitive to impacts.

Recommended potentially-feasible mitigation measures: CDFW recommends the adoption of the measure below in the final MND.

BIO-32 (New): Preconstruction amphibian surveys. Prior to ground-disturbing and in-water activities, a Qualified Biologist shall survey the Project site where suitable habitat (including nest sites) occurs for southwestern pond turtle, or arroyo toad,. Surveys shall be performed within 30 days prior to starting Project activities and should reach at least 500 feet upstream and downstream of the Project activity where accessible. If these species are detected during surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared and implemented by a Qualified Biologist. The plan should include daily construction monitoring. The plan shall be submitted to CDFW.

Comment 8. Bats

Issue: The Project has the potential to significantly impact the bat population that exists within the SR-18 bridge. CDFW is aware that the SR-18 bridge was utilized to provide habitat for bat mitigation for the I-15 Mojave River Bridge Project (EA 08-3555V). CDFW is concerned that Caltrans' impact analysis and proposed mitigation may not be sufficient to adequately reduce impacts to a less than a significant level.

Specific impact: The Project has the potential to result in permanent and temporary impacts to the bat population that exists within the SR-18 bridge structure. Caltrans is proposing to exclude the bat population from the SR-18 bridge and existing bat boxes that were just installed a few years ago when the bat population was excluded from the

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I-15 bridge and moved to the SR-18 bridge to mitigate those impacts to a less than significant level.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC. A 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:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed; 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/or
- has 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.

Why impact would occur: The MND indicates that the biological resources impact assessment is based on the Natural Environment Study (Minimal Impacts) (NESMI) and Jurisdictional Delineation prepared for the Project, as well as literature reviews were conducted to identify special-status biological resources known within the Project vicinity. Field reviews, including a bat habitat assessment and survey, and special-status bird habitat suitability assessment of the SR-18 and I-15 Mojave River bridge. The MND does not include the survey reports for any of the surveys conducted for the project. CDFW recommends Caltrans provide specific details regarding the estimated number of each species of bat that occupy the SR-18 bridge, including the details of the surveys including time, weather conditions, season, and who conducted the surveys and their qualifications. CDFW is concerned the bat survey results and data was not included in the submission to the State Clearinghouse website as this information to both disclose to the reviewing public but also is important to identify the magnitude of the projects impact to the existing bat population.

Additionally, CDFW is concerned regarding the proposal that “Oregon Wedge” or “Panels” placed under the I-15 Bridge will be sufficient to mitigate the loss of existing bat roosting habitat of the SR-18 bridge which includes both roosting habitat within the SR-18 bridge and boxes that were placed as mitigation to provide roosting habitat to bats excluded during the I-15 Project. According to Caltrans’ Bat Mitigation: A Guide to Developing Feasible and Effective Solutions, the exclusion of a colony repeatedly constitutes a new impact. CDFW is concerned that the project, as described is compounding the impact to the bat colonies within the Mojave River. The loss of bat roosting habitat within SR-18 bridge has the potential to eradicate or eliminate multiple breeding colonies and CDFW questions why the new bridge deck cannot be designed to include bat roosting habitat as described in many of Caltrans’ guidance documents on bats.

BIO-28 describes the proposed replacement of bat roosts from the SR-18 bridge onto the I-15 bridge structure. However, the proposed concrete Oregon wedges/panels is proposed to be placed only on the upstream (southeast) side of the bridge and measure approximately 200 feet (based on the Figure 3, Sheet 1 of 2 legend) whereas based on the Figure 3, Sheet 2 of 2, the impacts to the SR-18 bridge are well over 400 feet and that does not include the existing bat panels that were placed on the SR-18 bridge to mitigate the I-15 bridge impacts. CDFW is concerned that the proposed mitigation is not proportional to the projects impacts and appears to be significantly less than what is being impacted by the project. CDFW recommends Caltrans’ proposed mitigation be at a minimum proportional to the project impacts and recommends the mitigation to be higher than what is being impacted to address uncertainty regarding replacement roost location, temperature, aspect constraints that may affect bat use and

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occupancy. Typically, CDFW recommends a mitigation ratio of 3:1 for the permanent loss of habitat. Additionally, the Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions document indicates one of the common issues with concrete panels and Oregon wedges is that the crevice width is often too wide, making the crevice unattractive to crevice-roosting bats. Panels are sometimes not sealed along the top, which allows light, air, and/or rain to enter from the top and also makes the habitat less usable for crevice roosting bats. CDFW recommends that Caltrans ensure that the concrete panels are designed and installed under the direct supervision of a CDFW approved bat biologist.

CDFW is concerned regarding the "bouncing" of the bat colonies from one bridge to another with a cumulative reduction in available roosting habitat. Roosting habitat within bridges provide an important resource for bats, particularly those that are located in areas with seasonal fluctuations in temperatures, like the Mojave River. "The large mass of concrete provides bats with a thermally buffered environment that enables regulation of their body temperature (Smith and Stevenson 2013). Bridges over water and natural habitat are more likely to be used by bats than bridges that span roadways and other developed areas." The loss of internal bridge roosting can be detrimental to bat populations.

According to Caltrans' Bat Mitigation: A Guide to Developing Feasible and Effective Solutions, "Occupied roosting habitat should be replaced with habitat features that support the same species-specific physical parameters as the occupied roost when there is no alternative except to replace permanently lost day roosting habitat. If this is not feasible due to engineering or safety requirements, alternative replacement habitat may be considered. Supplemental habitat should also be considered when exclusion will occur for more than one season. **However, this is rarely effective; when it does work, bats have to be excluded twice in some cases, and each exclusionary event constitutes a new impact on the colony.** If at all possible, replacement roosts should support the same temperature regime, location, and search image as the occupied roosts. **The need to replicate the search image is often not considered; bat house designers undervalue the importance of designing day roosting habitat that appears the same visually from a bat's perspective.** For example, if bats were roosting in the crevice of an expansion joint, then the replacement roost habitat should mimic the appearance of an expansion joint. Critical issues for replacement roost design also include access, ventilation, and protection from inclement weather and predators."

Additionally, Caltrans' Bat Mitigation: A Guide to Developing Feasible and Effective Solutions, concludes "constructing a replacement roost that never becomes occupied by bats or does not provide the intended habitat function (e.g., maternity roost) is not adequate mitigation". CDFW is concerned that the MND does not include monitoring of the bat population and encourages Caltrans to include rigorous monitoring methods within the Bat Monitoring and Protection Plan (BMPP), described in BIO-21 to ensure that the exclusion of the bat colony in SR-18 bridge is effective.

Additionally, CDFW is concerned that Caltrans has not considered the existing light pollution on the I-15 from lighting fixtures that were placed on the I-15 after the project was completed. CDFW is concerned regarding the proposal to move the Mojave River bat colonies where there is an existing issue with light pollution to the habitat below. Communication between CDFW and Caltrans regarding concerns of light pollution and light spillage into the Mojave River habitat has been on-going. The light fixtures that were installed along the I-15 Bridge and frontage road do not have shielding to prevent and reduce light spillage into the riparian habitat. Additionally, the MND provides an avoidance/minimization measure for temporary artificial lighting, restricting light spillover during construction, but does not appear to include the permanent lighting of the bridge.

CDFW recommends that Caltrans:

- Retrofit existing lighting on the I-15 Mojave River Bridge and Frontage Road to include shielding to prevent light spill into sensitive habitats,
- Limit the use of high-intensity or broad-spectrum lights,

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- Include permanent lighting impacts in the final MND analysis and propose avoidance and mitigation to address permanent lighting impacts.

CDFW appreciates the early coordination between Caltrans and CDFW regarding the bat measures in this MND (BIO-21 through 25, and 28). CDFW looks forward to reviewing and approval of a Bat Monitoring and Protection Plan (BMPP) as described in BIO-21.

II. Editorial Comments and/or Suggestions

CDFW appreciates Caltrans' inclusion in the MND of a plan to apply for a Streambed Alteration Agreement (Table 1-1, page 3).

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 (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.

ENVIRONMENTAL DOCUMENT FILING FEES

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

Questions regarding this letter or further coordination should be directed to Chris Briggs, Senior Environmental Scientist (Specialist) at 909-758-6774 or Christopher.Briggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Brandy Wood
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Brandy Wood
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ATTACHMENTS

Attachment A: Mitigation and Monitoring Reporting Plan

REFERENCES

Docusign Envelope ID: 377069B1-C7AC-4833-B6AF-5E64A03CB302

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Attachment A: Mitigation and Monitoring Reporting Plan

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

Mitigation Measure		Timing	Responsible Party
MM BIO-4	**Prior to any ground disturbance, focused terrestrial mammal surveys shall be conducted by a qualified biologist familiar with the behavior and life history of Mohave ground squirrel and Mohave river vole. Focused Mohave ground squirrel surveys shall adhere to California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Focused Mohave river vole surveys shall align with current best practices for vole detection, such as the camera-trapping methods in "Assessment of detection methods for the endangered Amargosa vole" (Roy, et al. 2004, available here: https://journal.wildlife.ca.gov/2024/11/04/assessment-of-detection-methods-for-the-endangered-amargosa-vole/)** If a Mohave ground squirrel or Mohave River vole is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination will be required.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
MM BIO-5	**Prior to any ground disturbance, a qualified biologist shall survey for potential habitat suitability and presence of Crotch's bumble bee (Bombus crotchii) and San Emigdio blue butterfly (Plebulina emigdionis). The habitat assessment for Crotch's bumble bee shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). The preconstruction San Emigdio Blue Butterfly survey must be conducted by a contractor-supplied biologist no more than 1 week prior to project activities within the Biological Study Area. The surveys shall include 100 percent visual coverage and include a minimum 500-meter buffer in adjacent habitat. If a Crotch's bumble bee or**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

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Mitigation Measure		Timing	Responsible Party
	bumble bee nest, or San Emigdio Blue Butterfly, butterfly larva, or chrysalis is located, the Resident Engineer and Caltrans biologist must be contacted and additional measures and/or agency coordination will be required.		
MM BIO-14	**No more than three years prior to construction and during the appropriate blooming season for each plant with the potential to occur on-site, a preconstruction survey must be conducted by a contractor-supplied biologist for beaver dam breadroot, Booth's evening primrose, Mojave monardella, Mojave monkeyflower, San Bernardino aster, Torrey's box-thorn, and other rare plants within the Project Impact Area. The survey shall be performed according to Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018). Any rare plant species identified must be flagged for visual identification to construction personnel for work avoidance. Rare plant species detected that feature multiple plants in a single location must be fenced with Environmentally Sensitive Area (ESA) temporary fencing. If complete avoidance is not feasible, Caltrans shall mitigate the loss of the plants through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis.**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
MM BIO-16	**Regardless of the time of year, preconstruction nesting bird surveys must be conducted within 3 days prior to construction by a qualified biologist to locate and avoid nesting birds. If an active avian nest is located, a no construction buffer must be established and monitored by the qualified biologist.**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
MM BIO-18	**Project construction shall be conducted in a manner to comply with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) to protect active bird/raptor nests. To the maximum extent feasible,**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

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Mitigation Measure		Timing	Responsible Party
	construction activity and vegetation removal shall occur only outside of the breeding season for nesting birds, i.e. from October 1 through January 31, to avoid impacts to nesting birds and raptors. *Regardless of the time of year of construction activity,* a pre-construction nesting bird survey of the project site and within 500 feet of all impact areas shall be conducted to determine the presence/absence of breeding birds and active nests. The nesting bird survey shall be performed by a qualified biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If the Biologist does not find any active nests within 500 feet of the impact areas, the vegetation clearing/construction work shall be allowed to proceed. **If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and/or the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site nest monitoring shall also be conducted when construction occurs in close proximity to an active nest buffer. No project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined the nestlings have fledged and the nest is no longer considered active.**		
MM BIO-29	**One pre-construction western burrowing owl survey shall be completed by a CDFW approved qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

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Mitigation Measure		Timing	Responsible Party
	activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for western burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat. **If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.** **If the Caltrans cannot ensure western burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for western burrowing owl prior to initiation of ground disturbing activities.**		
MM BIO-30	**Preconstruction desert tortoise survey. A preconstruction desert tortoise survey shall be performed by a qualified biologist prior to any ground disturbance or vegetation removal. The survey shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2019 desert tortoise survey methodology (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174633&inline).**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

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Mitigation Measure		Timing	Responsible Party
	If the survey confirms absence, the qualified biologist shall ensure that desert tortoise do not enter the Project area. If the survey confirms presence, the Project proponent shall avoid take and obtain the appropriate CESA authorization.		
MM BIO-32	**Prior to ground-disturbing and in-water activities, a Qualified Biologist shall survey the Project site where suitable habitat (including nest sites) occurs for southwestern pond turtle, arroyo toad, or California red-legged frog. Surveys shall be performed within 30 days prior to starting Project activities and should reach at least 500 feet upstream and downstream of the Project activity where accessible. If these species are detected during surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared and implemented by a Qualified Biologist. The plan should include daily construction monitoring. The plan shall be submitted to CDFW.**	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent