State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Director's Office
P.O. Box 944209
Sacramento, CA 94244-2090
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 22, 2025

Edmund Sullivan
Executive Officer
Santa Clara Valley Habitat Agency
535 Alkire Avenue, Suite 100
Morgan Hill, CA 95037

California Environmental Quality Act Statutory Exemption for Restoration Projects – Pacheco Pass Wildlife Connectivity Project (Request No. 21080. 56-2025-075-R3)

Dear Edmund Sullivan:

I am pleased to inform you as the Director of the California Department of Fish and Wildlife (CDFW) that I concur with the lead agency determination by the Santa Clara Valley Habitat Agency that the Pacheco Pass Wildlife Connectivity Project qualifies as a statutorily exempt restoration project under the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21080.56, subd. (e).) My concurrence as the CDFW Director is based on CDFW's independent review of the Santa Clara Valley Habitat Agency's request for concurrence, which CDFW received on July 14, 2025. In my opinion, informed by the best available science and described in the separate CDFW concurrence, the Pacheco Pass Wildlife Connectivity Project meets all the qualifying criteria in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive.

This concurrence signifies the continued commitment by CDFW and its partners in advancing the "Cutting the Green Tape" initiative, which is a collaborative effort to increase the pace and scale of restoration projects in California in a way that protects the environment and results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. CDFW stands ready to continue this effort in coordination with the Santa Clara Valley Habitat Agency.

CDFW's concurrence will be posted on our website as provided by Public Resources Code section 21080.56. If you have any related questions, please contact Brad Henderson, Cutting the Green Tape Program Manager, at (530) 351-5948, or by email at Brad.Henderson@wildlife.ca.gov.

Sincerely,

Charlton H. Bonham
Director

ec: **California Department of Fish and Wildlife**
Valerie Termini
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CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-075-R3

Project: Pacheco Pass Wildlife Connectivity Project

Location: Santa Clara County

Lead Agency: Santa Clara Valley Habitat Agency

Lead Agency Contact: Edmund Sullivan; Edmund.sullivan@scv-habitatagency.org

Background

Project Location: The Pacheco Pass Wildlife Connectivity Project (Project) includes up to three wildlife crossing structures (WCS) along an approximate 7.1-mile section of State Route 152 (SR-152), between Kaiser Aetna Road (Post Mile [PM] 27.5) and Dinosaur Point Road (PM 34.6), in Santa Clara County. The total area of the Project is approximately 26.8 acres, with western coordinates 37.043299, -121.390102 and eastern coordinates 37.065632, -121.222837.

Project Description: The Santa Clara Valley Habitat Agency (Lead Agency) proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend and restore or provide habitat for California native fish and wildlife. The Project is designed to benefit native species through removal of barriers to seasonal movement and species dispersal. These native species include tule elk (*Cervus canadensis nannodes*), mule deer (*Odocoileus hemionus*), mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), gray fox (*Urocyon cinereoargenteus*), and other mesocarnivores. Additionally, by creating up to three WCS and other restoration features, the Project will minimize wildlife mortality and wildlife-vehicle conflicts along a section of SR-152, where the restoration activities are being implemented.

The locations of the WCS have been determined through camera trap studies, roadkill surveys, spatial modeling, and input from experts in working groups. In addition, the Lead Agency conducted a multi-year camera monitoring and GPS collaring project. During this monitoring period, mountain lions and tule elk were documented coming close to SR-152 but not crossing. Furthermore, multiple collared mountain lions were documented to have been killed by vehicles while attempting to cross SR-152. This monitoring effort helped indicate that current conditions impede wildlife passage for wildlife within the Project area.

To restore wildlife passage within the larger Pacheco Pass region, the Project includes creating up to three WCS along SR-152, as well as installation of directional fencing, followed by a multi-year landscape restoration approach within the Project area. Two of the WCS are

girder bridge overcrossing designs and one of the WCS is a tunnel undercrossing design. The bridge overcrossing designs include earth fill over deck structures to simulate ground conditions of the adjacent habitat. The tunnel undercrossing design includes six inches of native soil material over the undercrossing floor. To guide wildlife to the WCS, up to 10 miles of directional fencing will be erected within 10 feet of either side of SR-152. Over a multi-year period, landscape restoration will be completed within the Project area, where fill areas will mimic natural habitat and consist entirely of locally sourced materials. Caltrans will inspect and maintain the structural elements of the WCS in perpetuity.

The Project is designed to improve wildlife connectivity along SR-152 and to benefit biodiversity within the Pacheco Pass region. Consisting of habitat both north and south of SR-152, the approximately 3,200-acre Pacheco Pass region supports native species habitat, provides a key water source at Pacheco Creek, and is relatively undeveloped. Improving wildlife connectivity within the Pacheco Pass region will maintain and enhance the genetic integrity of wildlife species, improve opportunities for population shifts in range and distribution, and provide better access to climate-resilient refugia for native species in response to future climate change impacts.

The Project is located in the permit area for the Santa Clara Valley Habitat Plan (Habitat Plan), which serves as a Habitat Conservation Plan under the federal Endangered Species Act (ESA) and a Natural Community Conservation Plan under the Natural Community Conservation Planning Act. The Lead Agency is the implementing entity for the Habitat Plan. The Project will support the conservation objectives of the Habitat Plan.

In April 2022, the California High Speed Rail Authority (Rail Authority) approved Alternative 4 of the San Jose to Merced Project Section of the California High Speed Rail Project based on the San Jose to Merced Project Section Final Environmental Impact Report/Environmental Impact Statement that the Rail Authority had previously certified[1]. In the Final CEQA Findings of Fact and Statement of Overriding Considerations that the Rail Authority adopted with its approval of Alternative 4, the Rail Authority made the following findings: (1) “operations of the project could result in permanent impacts on wildlife movement, which is considered a significant impact under CEQA”; (2) the Rail Authority will implement mitigation measures to reduce permanent impacts on wildlife movement, including the creation of dedicated wildlife crossing structures; (3) these mitigation measures are required under Alternative 4; and (4) these mitigation measures will reduce the project’s permanent impacts on wildlife movement to a less-than-significant level (Section 4.4.43, pages 4-81 through 82; see also Section 3.7 of the Final Environmental Impact Report/Environmental Impact Statement, pages 3.7-193 through 203). Although the Rail Authority identified wildlife crossing structures as mitigation that is required under the San Jose to Merced Project Section that the Rail Authority approved, the Lead Agency stated in its Request (as defined below) that the Project (i.e., the Pacheco Pass Wildlife Connectivity Project) will not be used to satisfy that Rail Authority mitigation requirement or any other mitigation requirements. Accordingly, this Concurrence

[1] The CEQA and approval documents for the San Jose to Merced Project Section are available at https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-jose-to-merced-project-section-final-environmental-impact-report-environmental-impact-statement/; see also State Clearinghouse Number 2009022083 on the Governor’s Office of Land Use & Climate Innovation CEQAnet Web Portal: https://ceqanet.opr.ca.gov/Project/2009022083.

(as defined below) does not cover the use of the Project to satisfy the Rail Authority mitigation requirement described above or any other avoidance, minimization, or mitigation requirement for a regulatory permit or approval, regulatory enforcement action or settlement, court order, or other enforceable legal obligation.

Tribal Engagement: The California Native American Heritage Commission (NAHC) was contacted in order to initiate review of their Sacred Lands File for the Project. The NAHC provided a list of contacts for seven Tribes, who were all contacted via mail on November 12, 2024, requesting consultation. Two additional follow-up phone calls were conducted in January 2025, with a total of 14 representatives contacted. As of May 8, 2025, one Tribe responded requesting additional information about the Project. Discussions about the Project with Tribes will continue as part of the Section 106 consultation process.

Interested Party Coordination: The Lead Agency has coordinated with and conducted outreach with interested parties and public agencies. These include Caltrans, Santa Clara Valley Transportation Authority, United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), Wildlife Conservation Board, Gordon and Betty Moore Foundation, Wildlife Conservation Network, Santa Clara Valley Water District, California State Parks, University of California Davis (UC Davis), and several other independent subject matter experts. Additionally, letters indicating project need and/or support have been received from Senator Dave Cortese, Senator John Laird, Assemblyman Robert Rivas, Caltrans, CDFW, the Santa Clara Valley Audubon Society, the Sierra Club, the Wildlands Network, the Wildlife Conservation Network, and the Santa Clara Valley Open Space Authority.

The Project team is continuing to coordinate with permitting agencies, including United States Army Corps of Engineers, Central Coast Regional Water Quality Control Board, USFWS, and CDFW.

Anticipated Project Implementation Timeframes: Start date: January 2027
Completion date: December 2035

Lead Agency Request for CDFW Concurrence: On July 14, 2025, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e). On August 25, 2025, the Lead Agency submitted to CDFW preliminary design plans for the WCS. On September 9, 2025, the Lead Agency confirmed for CDFW that the Lead Agency wanted CDFW to consider those preliminary design plans as a supplement to the concurrence request that the Lead Agency submitted to CDFW on July 14, 2025 (as supplemented, the Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on July 13, 2025, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (A) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (B) the Project may have public benefits incidental to the Project's fundamental purpose; (C) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (D) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: https://wildlife.ca.gov/Notices/CEQA.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

   The Project's exclusive purpose is to facilitate wildlife movement along an approximate 7.1-mile section of SR-152, a substantial barrier for the movement of wildlife in the Pacheco Pass region. Installation of WCS, used in conjunction with directional fencing, are designed to reduce wildlife mortality rates and increase habitat connectivity for species. Multiple mammal species including mountain lion, American badger, mule deer, and gray fox have all been documented attempting to cross SR-152, and multiple individuals have been documented as roadkill in the Project study area. Completion of the Project is anticipated to assist in the recovery of mountain lion and tule elk populations. Increased habitat connectivity may result in reduced population isolation and inbreeding, while also promoting genetic diversity and species health.

B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Project may result in incidental public benefits. The Project is anticipated to result in reduced wildlife-vehicle conflicts along SR-152, providing incidental public safety benefits for motorists in the area. Additionally, improving wildlife connectivity along SR-152 may incidentally benefit recreational hunting opportunities at the nearby Pacheco State Park and Cottonwood Creek Wildlife Area.

C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency: The Project would improve opportunities for wildlife populations to shift in range and distribution; and improve access to climate-resilient refugia and water sources in the Pacheco Pass region. Long-term aridification, drought, and excessive heat may result in a loss of habitat suitable for the native species observed at Pacheco Pass. The installation of the WCS would improve access to core habitats, and newly suitable habitats, thus providing long-term benefits to species resilience to climate change. Decreased habitat fragmentation will also allow for genetic exchange, combating inbreeding depression and population isolation, which can aid in the ability for species to be resilient to climate change.

Long-term Net Benefits to Biodiversity: Currently, SR-152 acts as a passage barrier for native wildlife. Completion of the Project would result in enhanced wildlife connectivity within the SR-152 corridor, improving the dispersal of wildlife species within the Pacheco Pass region. When considering the Pacheco Pass area, as well as the contiguous lands to the north, south and west, a total of over 3 million acres of habitat would be connected after completion of the Project, which is expected to expand biodiversity.

Tule elk have been identified as having populations separated by SR-152, and research has found that the species exhibits lower genetic heterozygosity than other California elk species. The installation of WCS will result in connecting the oak savannah/grassland tule elk habitat found south of SR-152, with the more wooded and steeper suitable habitat found north of SR-152. Similarly, suitable habitat for mountain lions exists to the north and south of SR-152, but GPS data indicates that collared mountain lions do not generally attempt to cross SR-152, although they do appear to occasionally approach existing bridge structures. Both tule elk and mountain lions are at an increased risk of isolated populations and loss of genetic diversity. Improving wildlife connectivity would help maintain and enhance the genetic integrity and diversity of these and other native species including American badger, mule deer, and gray fox in the Pacheco Pass area. Genetic samples of multiple species in the Pacheco Pass area have been collected by Lead Agency staff, as well as by CDFW

and UC Davis, and may be used to compare to post-restoration genetic sampling to determine if species are crossing the highway and using the new structures.

Additionally, the WCS will serve as habitat for native plant species. As part of the landscape restoration, multiple native plant species are being considered for planting either on or adjacent to the WCS, including valley oak (*Quercus lobata*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), red willow (*Salix laevigata*), blue elderberry (*Sambucus mexicana*), coyote brush (*Baccharis pilularis*), laurel sumac (*Malosma laurina*), California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), mulefat (*Baccharis salicifolia*), sticky monkey flower (*Diplacus aurantiacus*), California poppy (*Eschscholzia californica*), purple needle grass (*Stipa pulchra*), great valley gumweed (*Grindelia camporum*), and Arroyo lupine (*Lupinus succulentus*).

Long-term Net Benefits to Sensitive Species Recovery: The Project will result in long-term benefits to sensitive species recovery, including mountain lion. The Project area falls within the northern portion of the proposed Southern California/Central Coast Evolutionary Significant Unit (ESU) mountain lion population CESA listing unit, with the northern portion being identified as genetically isolated from other parts of the population. Additionally, the northern portion of the population has low observed genetic diversity and an effective population size of only 16.6. Habitat fragmentation by roads has been identified in some publications as having a significant negative impact on this mountain lion population. The restoration Project is designed to increase the range of wildlife, resulting in reduced habitat fragmentation in the long-term and increasing genetic diversity for mountain lions.

Based on a search of the California Natural Diversity Database, other sensitive species that have been documented in the vicinity and could benefit from the Project in the long-term include American badger, San Joaquin kit fox (*Vulpes macrotis mutica*), and California red-legged frog (*Rana draytonii*).

Procedures for the Protection of the Environment: The Lead Agency will implement avoidance and minimization measures for the protection of the environment. These measures include pre-restoration species surveys, fencing to protect sensitive plant species, temporary wildlife exclusion fencing, nesting bird surveys, nesting bird buffers, and implementation of a workers environmental awareness program. The Lead Agency will follow all environmental stewardship requirements in the 2023 Caltrans Standard Specifications (or subsequent versions as applicable), including standard specifications for Biological Resources and all other applicable sections to avoid, minimize, and/or mitigate environmental impacts that may result from Project implementation.

Surveys and assessments of the Project site have occurred and will continue to be conducted to determine avoidance and minimization measures to protect identified special-status species and to discuss design elements to enhance habitat in the near- and long-term future. The Project site is located within the permit area of the Habitat

Plan and is anticipated to qualify as a Covered Activity under the Habitat Plan. The Lead Agency will continue to coordinate with permitting agencies.

Ongoing Management for the Protection of the Environment: Post-restoration, the Lead Agency will implement landscape restoration within the Project area. This landscape restoration will be done in a way to resemble surrounding landscape and natural habitat for wildlife and will consist entirely of locally sourced native materials. A maintenance agreement will be put into place between the Lead Agency and Caltrans. Under this agreement. Caltrans will inspect and maintain the structural elements in perpetuity. Caltrans and the Lead Agency will monitor the long-term effectiveness of the Project, with the service life of WCS being approximately 75 years. Caltrans will follow its standard 2023 Construction Site Best Management Practices (or subsequent versions as applicable) when performing management activities.

The Lead Agency will follow monitoring and adaptive management measures described in the Habitat Plan. If adaptive management is necessary, the Lead Agency may alter avoidance and minimization measures or Project features. Additionally, a monitoring and adaptive management plan will be prepared and implemented as part of the Project, which will include the installation of permanent camera traps to monitor wildlife usage of the WCS, signage to prevent human activity, and periodic invasive weed removal. Baseline conditions and priority plant and animal species for monitoring would be established via targeted studies, and long-term monitoring and management of these species would be implemented to assess population trends and evaluate the Project's impacts on species and surrounding ecosystems.

D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

   All activities for the Project are solely related to wildlife connectivity and habitat restoration. The Project includes creation and maintenance of up to three WCS along SR-152; installation, maintenance, and monitoring of up to 10 miles of directional fencing along SR-152; and landscape restoration within and around the WCS to simulate the surrounding natural environment. No other construction or maintenance activities are connected to the Project other than the long-term inspections and any necessary maintenance of the WCS.

Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public

agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

In its request for a concurrence, the Lead Agency set forth potential bases for a determination that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. Although the CDFW Director agrees with the Lead Agency that the Project will provide such long-term net benefits, this Concurrence is not intended to be and should not be construed as an endorsement of every argument set forth in the Lead Agency's concurrence request.

Except for how the Project will support the conservation objectives of the Habitat Plan, this Concurrence does not analyze or consider the Project being used to satisfy any other avoidance, minimization, or mitigation requirement for a regulatory permit or approval, regulatory enforcement action or settlement, court order, or other enforceable legal obligation. See the Project Description section above for more information.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

By:_____ Date: 9/24/2025

Charlton H. Bonham, Director
California Department of Fish and Wildlife

ERRATA SHEET

The following Correction Applies to: California Environmental Quality Act Statutory Exemption for Restoration Projects – Pacheco Pass Wildlife Connectivity Project (Request No. 21080.56-2025-075-R3)

Document Number: 21080.56-2025-075-R3

Revision: tracking number

Original Document Issuance Date: September 24, 2025

This errata sheet was issued on September 24, 2025

The tracking number referenced on the first page of the CEQA SERP Concurrence, signed by the CDFW Director, was incorrectly entered as “21080.56-2024-075-R3”. This errata sheet revises the tracking number to be corrected to read “21080.56-2025-075-R3”.

CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.

The Lead Agency may submit this signed form (pdf) and all attachments via the Department's Environmental Permit Information Management System (EPIMS) Document Repository or via email at restorationpermitting@wildlife.ca.gov.

1. LEAD AGENCY

Lead Agency Name:	Santa Clara Valley Habitat Agency
Contact Person's Name:	Edmund Sullivan
Street Address:	535 Alkire Avenue, Suite 100
City, State, Zip:	Morgan Hill, CA 95037
Contact Person's Telephone:	408-779-7265
Contact Person's E-mail:	Edmund.sullivan@scv-habitatagency.org

2. PROJECT PROPONENT ☒ Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization:	Click or tap here to enter text.
Contact Person's Name:	Click or tap here to enter text.
Street Address:	Click or tap here to enter text.
City, State, Zip:	Click or tap here to enter text.
Contact Person's Telephone:	Click or tap here to enter text.
Contact Person's E-mail:	Click or tap here to enter text.

3. PROJECT INFORMATION

A. Project Name:	Pacheco Pass Wildlife Connectivity Project
B. County or Counties:	Santa Clara County
C. Lat./Long. Coordinates:	On State Route 152 between 1.4 miles east of Kaiser Aetna Road (37.043299, -121.390102) and 0.2 mile west of Dinosaur Point Road (37.065632, -121.222837)
D. Estimated Project Start/End Dates:	January 2027 – December 2035

E. Provide a brief description of the future discretionary Project approval the Lead Agency is considering (see CEQA Guidelines sections 15352 and 15378) and an approximate date range for when the Lead Agency may make that approval if the Lead Agency obtains a SERP concurrence from CDFW.
The Santa Clara Valley Habitat Agency (Habitat Agency or SCVHA) is considering the approval of the Pacheco Pass Wildlife Connectivity Project (Project) as statutorily exempt from CEQA pursuant to the SERP in order to

proceed to final design and construction. CDFW concurrence for this Project is anticipated to occur in July 2025. If the Habitat Agency determines that the Project is compliant with Public Resources Code section 21080.56, a Notice of Exemption would be filed with the State Clearinghouse. The Lead Agency, the Habitat Agency, will directly carry out the project. Approval by the Habitat Agency is estimated to occur in August 2025.

F. Provide a brief description of the Project location, size, and funding sources. Please cite and attach any supporting documents.

The Habitat Agency proposes to design and construct up to three (3) wildlife crossing structures (WCS) along the Pacheco Pass section of State Route (SR-) 152, located in Santa Clara County east of SR-156. The Project is proposed to be constructed between 1.4-miles east of Kaiser Aetna Road (Post Mile [PM] 27.5) and 0.2-mile west of Dinosaur Point Road (PM 34.6). This area is shown in the attached Vicinity Map (SCVHA 2024, Attachment 1, Fig. 1-A). In addition to the proposed WCS, ancillary Project components include land acquisition, grading, and directional fencing. The specific location and size of each WCS is described in Section 3G.

Local funding was secured for the Project to complete up to 65 percent final design for one WCS and submittal to Caltrans.

Although the Environmental Impact Report (EIR) for the San Jose to Merced High Speed Rail (HSR) project identified construction of WCS in the Pacheco Pass region as a CEQA mitigation measure[1], the Pacheco Pass Wildlife Connectivity Project will not be used to fulfil any mitigation requirements, including mitigation for the HSR project.

G. Provide a brief Project description, including any post-restoration work, operation and maintenance, or other related activities. Summarize the Project's expected environmental benefits (e.g., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite and attach any supporting documents.

The Project will include the construction of up to three (3) wildlife crossing structures (WCS) along SR-152, between Caltrans PM 27.5 and 34.6, as well as directional fencing and landscape restoration activities post-construction. The total Project footprint is approximately 26.8 acres.

The selection of each WCS will be considered in a phased approach, as funding is made available. Locations of each of the proposed WCS locations have been determined through camera trap studies, roadkill surveys and spatial modeling, with input from the experts in the working group at key sites where focal species are most likely to cross. The three (3) WCS locations under consideration are described below:

- Location 3 includes the construction of a 145-foot long, 165-foot-wide girder bridge overcrossing at Post Mile Route (PMR) 28.0 along SR-152. Earth fill would be placed over the deck structures to simulate the ground conditions of the adjacent habitat. This WCS is anticipated to disturb more than one acre of soil.
- Location 4 includes the construction of a 126-foot-long, 165-foot-wide girder bridge overcrossing at PMR 31.3 along SR-152. Earth fill would be placed over the deck structures to simulate the ground conditions of the adjacent habitat. Trees on both sides of SR-152 are likely to be removed to place fill and construct the bridge abutments. This WCS is anticipated to disturb more than one acre of soil.

[1] See California High-Speed Rail Project San Jose to Merced Project Section Final Environmental Impact Report/ Environmental Impact Statement Bio-MM#79b, page 3.7-199

- Location 4C includes the construction of a 164- to 184-foot-long tunnel undercrossing located at PMR 31.1 along SR-152. The inside dimensions of the tunnel undercrossing would measure approximately 10 feet tall and 20 feet wide and would include the placement of six inches of native soil material over the undercrossing floor. This WCS is anticipated to disturb less than one acre of soil.

Up to 10 miles of directional fencing will be constructed if all three WCS's are built. Directional fencing will be installed within 10 feet of either side of the SR-152 to prevent direct access to SR-152 and guide wildlife to the crossing. The limits of the directional fencing were determined based on the distance to the next suitable crossing location east and west of the WCS. The directional fencing will be chain link with 18-inch outriggers supporting three-strand barbed wire along the top and a three-foot wire mesh apron connected to the bottom will be installed. Jump outs and gates will be placed at strategic intervals consistent with the final design.

Landscape restoration within the Project footprint will be performed as part of the post-construction activities, anticipated to occur between January 2027 and December 2035. The overpass across SR-152 and fill area will be landscaped such that it resembles the surrounding landscape and natural habitat for the wildlife and will consist entirely of locally-sourced native materials. Landscape designs will be provided in the next phase of the Project. A maintenance agreement between Caltrans and the Habitat Agency will be required for the WCS. Caltrans will inspect and maintain the structural elements of the WCS in perpetuity.

The Project aims to improve wildlife connectivity across SR-152, boosting biodiversity within the Pacheco Pass region and safeguarding and enhancing the Pacheco Creek watershed wildlife corridor. Intact habitat north and south of SR-152, including the approximately 3,200-acre Pacheco Pass area, supports native species including those with large ranges and low population densities such as American badger, mountain lion, and tule elk. The wildlife assemblages and corridor use of the Pacheco Pass section of SR-152 are unique in the San Francisco Bay Area. The area is relatively undeveloped, supports an abundance of wildlife, and provides a key water source at Pacheco Creek for wildlife. The Pacheco Pass region supports a vast amount of biodiversity as it provides water reserves that are critical in supporting wildlife species (CDFW 2022, Attachment 2, Section 2.2.23).

The WCS aims to remove barriers to seasonal movement and species dispersal, thereby enhancing biodiversity and wildlife populations, such as tule elk (*Cervus canadensis nannodes*), mule deer (*Odocoileus hemionus*), mountain lion (*Puma concolor*), American badger (*Taxidea taxus*), gray fox (*Urocyon cinereoargenteus*), and other mesocarnivores. An increase in wildlife connectivity with the Pacheco Pass region will help maintain and enhance the genetic integrity of wildlife species and allow for an improvement in opportunities for population shifts in range and distribution, as well as access to climate-resilient refugia and water sources for wildlife species and natural communities in response to climate change impacts. The Project will also minimize wildlife mortality and wildlife-vehicle conflicts, east of SR-156, along SR-152. The Project would also advance the Habitat Agency's strategic vision to increase landscape permeability for Linkage #15, a critical linkage in Pacheco Pass (SCVHA 2012, Attachment 3).

H. CDFW recommends direct coordination with all interested California Native American tribes. Please provide a summary of the Lead Agency's engagement with tribes. Be careful not to include any sensitive or confidential information. Please cite and attach any supporting documents.

The Project's cultural resources team, on behalf of the Habitat Agency, has contacted the California Native American Heritage Commission (NAHC) for a review of their Sacred Lands File, to determine if any NAHC-listed

Native American sacred lands are located within or adjacent to the Project site; the NAHC provided a list of Native American contacts for the Project on August 28, 2024. The list included representatives from the following tribes: Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Northern Valley Yokut/Ohlone Tribe, the Ohlone Tribe, and Wuksachi Indian Tribe/Eshorn Valley Band. Letters sent on behalf of the Habitat Agency were prepared and mailed to each of the NAHC-listed contacts on November 12, 2024, requesting consultation regarding the presence of any know of Native American cultural resources within or immediately adjacent to the Project area. Two (2) follow-up phone calls were made to each NAHC-listed tribal representative in January 2025. The first round of follow-up phone calls was conducted on January 23, 2025. 14 representatives were contacted in total; one representative of the Amah Mutsun Tribal Band phone number could not be reached due to a disconnected phone line, one representative of the Indian Canyon Mutsun Band of Costanoan answered the call, and voicemails were left for the remaining 12 representatives. A representative of the Indian Canyon Mutsun Band of Costanoan followed up via text to request that the tribal consultation letter be sent via e-mail. The second round of follow-up phone calls was conducted on January 29, 2025, and the remaining 11 representatives were contacted. The Amah Mutsun Tribal Band requested that the tribal consultation letter be sent via e-mail. During this round of calls, a follow-up call was made to a representative of the Indian Canyon Mutsun Band of Costanoan, who requested additional information about the project. As of May 8, 2025, no responses to voicemails have been received. The Habitat Agency will continue discussing the Project with tribes on an ongoing basis and will continue the Section 106 consultation process with the tribes requesting involvement in the Section 106 consultation.

I. CDFW recommends public outreach and coordination with interested parties and public agencies. Please provide a summary of the Lead Agency's engagement with interested parties and public agencies. Please cite and attach any supporting documents.

The Habitat Agency has worked closely with the California Department of Transportation (Caltrans) on the Project, as well as a wildlife crossing working group that includes Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife, CDFW, Wildlife Conservation Board, Gordon and Betty Moore Foundation, Wildlife Conservation Network, Santa Clara Valley Water District, California State Parks, University of California Davis, as well as several other independent subject matter experts. Letters indicating project need and support for the Project have been received from Caltrans, CDFW, Senator Dave Cortese, Senator John Laird, Assemblyman Robert Rivas, the Santa Clara Valley Audubon Society, the Sierra Club, the Wildlands Network, the Wildlife Conservation Network, and the Santa Clara Valley Open Space Authority.

Coordination with Caltrans has included preparing a Project Study Report-Project Development Support document and Cooperative Agreement for developing the proposed project within Caltrans right-of-way. Coordination with the CDFW has been ongoing since 2023 and has involved accessing data and obtaining expert information regarding wildlife crossings.

The Project is within the permit area for the Santa Clara Valley Habitat Plan (Habitat Plan). As the implementing entity of the Habitat Plan, the Habitat Agency works closely with local, state, and federal public agencies to streamline conservation planning and regulatory compliance. Through the Habitat Plan, the Habitat Agency streamlines engagement with regulatory agencies including U.S. Fish and Wildlife, CDFW, and Caltrans, ensuring that project permitting aligns with regional conservation strategies and established take authorizations under the federal and California Endangered Species Acts (SCVHA 2012).

Further coordination with the U.S. Army Corps of Engineers, Central Coast Regional Water Quality Control Board, U.S. Fish and Wildlife, and CDFW are ongoing for permitting, including Sections 404 and 401 of the Clean Water Act.

Several presentations on the data collection, planning and proposal for the project have also been shared with the public through the Habitat Agency's governing board, implementation board, and public advisory committee. Dates and agendas for the presentations can be found on the Habitat Agency website under the Governance link.

4. REQUIRED DETERMINATIONS

Using substantial evidence and best available science, provide a determination and explanation for each SERP criteria listed below:

A. The Project is exclusively one or both of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife.

The Habitat Agency has determined the Project is exclusively a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

SR-152 east of its intersection with SR-156 constitutes a substantial barrier for the movement of wildlife in the Pacheco Pass region due to existing traffic volumes and is listed in CDFW's 2020 Wildlife Movement Barrier Priorities in Region 3 (CDFW 2022, Attachment 2). CDFW has identified tule elk, mule deer, mountain lion, American badger, and other large mesocarnivores as focal species in the Pacheco Pass region. American badger and mountain lion are protected special-status species. Small, medium, and large mammals including mountain lion, American badger, mule deer, and gray fox are all documented attempting to cross SR-152. Species detected successfully using open space lands or SR-152 undercrossings had documented roadkill events on the highway. Between June 2021 to December 2024, three American badger, eighteen bobcats, two tule elk, three mountain lion, and twenty one mule deer were documented as roadkill in the Project study area. According to Vickers et al. (2015) (Attachment 4), vehicle collisions are the leading cause of mountain lion mortality around California highways, causing 28 percent of all mountain lion deaths in these regions.

The proposed Project is anticipated to assist in the recovery of the mountain lion and tule elk. One example of wildlife crossings benefiting wildlife is the construction of WCSs along a 14-mile stretch of highway in Banff National Park in Canada, which reduced wildlife collisions by 80 percent and reduced collisions with species like elk and deer by 96 percent (Brennan et al. 2022, Attachment 5). Wildlife overcrossings, used in conjunction with directional fencing, can reduce wildlife mortality rates and increase habitat connectivity for species; low connectivity leaves species vulnerable to isolated populations and inbreeding, and high habitat connectivity can promote genetic diversity and species health (Lanman et al. 2022, Attachment 6).

B. An eligible project may have incidental public benefits, such as public access and recreation.

As this is exclusively a restoration project, there will be no non-restorative activities associated with this Project. The Habitat Agency has determined that the Project may have incidental public benefits.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

It is expected the Project will have public safety benefits. The Project is anticipated to reduce wildlife-vehicle conflicts east of SR-156 along SR-152. WCSs and directional fencing have been found to reduce elk-vehicle collisions by up to 97 percent (Lanman et al. 2022, Attachment 6). The anticipated reduction of wildlife-vehicle conflicts would provide an incidental public safety benefit for motorists in this area. There is a predominance of open space in the areas surrounding the WCS locations. The closest recreational use is Pacheco State Park, located approximately 0.7 miles east of the Project. The Project is not anticipated to result in incidental benefits for public access since there would be no changes to the existing roadway system, however ensuring connectivity of wildlife populations across SR-152 may improve recreational hunting opportunities at nearby Pacheco State Park and Cottonwood Creek Wildlife Area.

C. The Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment.

The Habitat Agency has determined that the Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment.

For each criterion below, please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

Long-Term Net Benefits to Climate Resiliency:

The Project would improve opportunities for shifts in range and distribution and access to climate-resilient refugia and water sources for wildlife species and natural communities in the Pacheo Pass region in response to climate change impacts (CDFW 2022, Attachment 2, pg. 8). This CDFW report lists deer, tule elk, and large and mesocarnivores as target species for top priority connectivity projects. SR-152 is one of twelve wildlife barriers included on the statewide top priority list, as it poses a large hindrance to the movement of wildlife across the highway area (SCVHA 2024, Attachment 1, Fig. 1-B, 1-C, 1-E, 1-F, and 1-G). By allowing wildlife to cross SR-152, the barrier effects of this highway segment will be reduced. Wildlife will be able to move freely across the highway, which would protect against genetic inbreeding and inadaptability to climate change.

In the near term, the construction of the Project would aid in species movement across the highway. Trail cameras, deployed by SCVHA and Pathways for Wildlife have photographed mountain lions only occasionally utilizing WCSs in Santa Clara County (Diamond and Sandoval 2023, Attachment 7). A multi-year camera monitoring and GPS collaring project led by the Habitat Agency has documented mountain lions coming close to potential crossing locations along SR-152 and not crossing, indicating that many existing structures are not suitable for their needs. Collared mountain lion F407 was determined to successfully cross SR-152 twice at-grade, but collared lions F337 and MOLI-02M were both killed by vehicles while trying to cross at grade (SCHVA 2024, Attachment 1, Fig. 1-B, 1-C, and 1-D). Similarly, eight tule elk fit with GPS collars also approach the highway regularly, yet have not been documented crossing (SCVHA 2024, Attachment 1, Fig. 1-E, 1-F, and 1-G). Based on this movement data, as well as documented species detection in open space lands, adding WCSs will be effective in increasing the species range. Reestablishing connectivity will increase the accessible range of focal and sensitive species and help to defend against the risks of a changing environment.

In the long term, focal species may experience a loss of accessible range. Aridification, drought, and excessive heat may result in a loss of land suitable for the species observed at Pacheco Pass. Tule elk and mountain lions are species whose movements are especially vulnerable to habitat fragmentation by roads. WCSs would grant expanded access to core habitats, newly suitable habitats, and climate refugia, thus providing long-term benefits to species adaptation. WCSs also allow for genetic exchange, which combats inbreeding depression and population isolation, and can aid in the climate resilience of the species.

Additionally, each WCS will result in shading at least 0.5-acre of existing paved roadway, reducing the local heat island effect. And plantings on the bridge deck will provide carbon sequestration, where there currently is none.

Long-Term Net Benefits to Biodiversity:

The Project would enhance wildlife connectivity within the SR-152 corridor east of SR-156, for seasonal enhancement and dispersal of wildlife species to enhance biodiversity and wildlife populations within the Pacheco Pass region, as well as maintain and enhance genetic integrity of wildlife (CDFW 2023, Attachment 8). WCSs increase the movement of focal species across the highway area, allowing species to expand their range and occupy suitable habitats. For the purposes of this review, the importance of the Pacheco Pass region includes not only the proximate lands on either side of SR-152, but minimally also the contiguous lands to the north, south and west. There is generally uninterrupted general habitat south of SR-152 to Coalinga (the area between I-5 [east], SR-152, SR-25 [west], and SR-198 [south]) which includes roughly 1.2 million acres, with far more to the south. Connections to high quality habitat to the west is readily available. To the north, there is roughly another 500,000 acres to SR-130 and 500,000 more acres to the east Bay region bounded by I-580/I-680 [north], communities of Fremont, Milpitas, San Jose [west], and I-580 and I-5 [east]. There are few but present connections to the west through the Morgan Hill/San Felipe Valley/Santa Clara Valley area to additional high-quality habitat to the west in the north. Overall, there are well over 3,000,000 acres of habitat that connects through the SR-152/Pacheco Pass area, including a transition zone for tule elk and other species populations in the rolling oak savannah/grasslands south of SR-152, to more wooded and steeper suitable habitat north of SR-152. The California Action Plan Update (CDFW 2024, Attachment 9) states that the San Luis Reservoir Tule Elk Hunt Zone supports approximately 1,000 animals and are separated by SR-152, “a high-priority barrier.” It states that tule elk “reside in the hillsides north of SR-152 and south of Pacheco Park.” This northern population is likely connected to more northerly subpopulations up towards the Livermore area. Tule elk inter-population demographic and genetic connectivity is thought to be low (CDFW 2024, Attachment 9, and Sacks et al. 2024, Attachment 10) found that the species exhibits lower genetic heterozygosity than other California elk species, “emphasizing the need for landscape-level conservation efforts” which could include crossing structures.

While CDFW Predicted Habitat Modeling (CWHR M165 [ds2616]) for mountain lion shows mostly low and patchy medium quality habitat south of SR-152, there are some patches of high-quality habitat that mesh with greater percentages of medium and high-quality habitat north of SR-152. Some medium quality habitat and high-quality habitat inholdings meanders southward from SR-152 through predominantly low-quality areas to Parkfield. Mountain lion use has been verified in the SR-152 area recently by the Habitat Agency and elsewhere within the Santa Clara Valley to the northwest by others. Specifically, the Habitat Agency and UC Davis have collared three mountain lions within the last year (F337 – 11/4/2023; F387 – 1/27/2024; and F407 – 4/20/2024) (SCVHA 2024, Attachment 1, Fig. 1-B and Fig. 1-C). All three abut SR-152 and only one (F407) has made the briefest of forays across SR-152 (SCVHA 2024, Attachment 1, Fig. 1-D). Otherwise, all GPS collar data points occur on their respective sides of SR-152, though they appear to occasionally approach existing bridge structures. Female mountain lion F337 was hit and killed while attempting to cross SR-152 on November 22, 2024. While the status of her three kittens is currently unknown, they have not yet been detected on trail cameras, and it is anticipated that they were too young to hunt and survive on their own. CDFW also collared a male mountain lion (MOLI-02M) in the area and he was hit and killed by a vehicle on Aprill 22, 2024, less than 1 mile east of where F337 was hit (Attachment 1, Fig. 1-B and Fig. 1-C).

Genetic diversity is particularly significant for sensitive species, like mountain lions and tule elk, as these populations are at an increased risk of isolated populations and susceptibility to a changing climate. Denryter

and Fischer 2022 (Attachment 13) identified the San Luis Reservoir herd as extremely vulnerable to climate change – more so than other tule elk herds. Genetic samples (blood, hair, scat) have been collected from tule elk and mountain lions by CDFW and UC Davis biologists during recent GPS collaring events. Additional mountain lion scat samples and American badger and bobcat hair/tissue samples continue to be opportunistically collected throughout the area during ongoing fieldwork by SCVHA staff in support of statewide genetic sampling efforts. These pre-construction samples could be compared to post-construction sampling to determine if species are crossing the highway and using the new structures.

Concrete median barriers between Bell Station and Dinosaur Point prohibit smaller species and severely hinder medium- and large-sized wildlife from crossing over the highway. A review of aerial imagery along the highway shows numerous wildlife trails paralleling the highway which may highlight this point. WCSs are expected to allow all adjacent land-based wildlife species to expand their range to both sides, including mule deer, mountain lion, American badger, and gray fox resulting in additional genetic flow between individuals and populations north and south of SR-152. In addition, the WCSs themselves may serve as habitats for native plant species. To support habitat restoration and guide wildlife movement, native plant species are being considered for areas adjacent to the WCS, specifically near the entrances and approaches. These species may include:

- Valley oak (*Quercus lobata*)
- Coast live oak (*Quercus agrifolia*)
- California buckeye (*Aesculus californica*)
- Red willow (*Salix laevigata*) - Location 3 only

In addition, select native species suitable for structure-based planting are being evaluated for potential incorporation on the WCS itself, to further blend the structure into the surrounding landscape and support habitat continuity. These may include:

- Blue elderberry (*Sambucus mexicana*)
- Coyote brush (*Baccharis pilularis*)
- Laurel sumac (*Malosma laurina*)
- California sagebrush (*Artemisia californica*)
- California buckwheat (*Eriogonum fasciculatum*)
- Black sage (*Salvia mellifera*)
- Mulefat (*Baccharis salicifolia*)
- Sticky monkey flower (*Diplacus aurantiacus*)
- California poppy (*Eschscholzia californica*)
- Purple needle grass (*Stipa pulchra*)
- Great Valley gumweed (*Grindelia camporum*)
- Arroyo lupine (*Lupinus succulentus*)

Long-Term Net Benefits to Sensitive Species Recovery:

The Project area is in the northern portion of the Southern California/Central Coast Evolutionary Significant Unit (ESU) as proposed within the 2019 Center for Biological Diversity and Mountain Lion Fund Listing Petition. The Central Coast North population is genetically isolated from other populations (Gustafson et al 2018, Attachment 11), with SR-152 near the southern end. This population has low observed genetic diversity and effective population size (CBD and MLF 2019, Attachment 12). Low effective population size is an important measure of the genetic health of a population, and it is generally thought that 50 individuals are needed in the short term to

prevent inbreeding depression and that 500 individuals are needed to maintain the population in the long-term. The Central Coast North population only has an Effective Population Size of 16.6 (Gustafson et al 2018, Attachment 11). The petition (CBD and MLF 2019, Attachment 12) lists several reasons for the species' decline, and key among them include habitat fragmentation caused by roads which lead to direct mortality and extreme isolation.

CDFW has identified tule elk, mule deer, mountain lion, badger, and other large and mesocarnivores as focal species in the Pacheco Pass region (CDFW 2022, Attachment 2, Fig. 10, pg. 25). Tule elk and mountain lions – sensitive species in the Pacheco Pass area – can benefit from the Project by expanding their range and distribution, increasing their access to water sources and areas that are difficult to reach otherwise. This would defend against genetic depressions and isolated populations, ultimately increasing the resilience of these species to climate change.

The Project is being proposed in the Pacheco Pass region because of this area's classification as a top priority wildlife barrier in the state. Additionally, the area surrounding SR-152 in the Pacheco Pass region is a known area of high wildlife mortality and an area where crossings could be built to facilitate beneficial range shifts. Construction and maintenance of this highway – as well as vehicular movement and traffic – present a considerable barrier to species' ability to move across SR-152.

Procedures for the Protection of the Environment:

Avoidance and minimization measures, including pre-construction species surveys, area fencing to protect sensitive plant species, temporary wildlife exclusion fencing to exclude certain species from Project impact areas, nesting bird surveys, nest avoidance based on species nest buffer requirements as needed, Workers Environmental Awareness Program to train workers on how to identify and protect sensitive species will be implemented to ensure the protection of the environment during Project implementation.

The Habitat Agency will follow the 2023 Caltrans Standard Specifications (or subsequent versions as applicable) for environmental stewardship (Caltrans 2023, Attachment 14, Section 14) including standard specifications for Biological Resources and all other applicable sections to avoid, minimize, and/or mitigate environmental impacts that may result from construction of WCSs.

Project biologists conducted a reconnaissance-level biological field assessment, aquatic resources delineation, and vegetation mapping for the WCS alternatives for the Project on July 25, 2024, and will conduct further suitability assessments and surveys at the selected alternative location before construction starts. A habitat suitability assessment and survey report will be prepared to discuss avoidance and minimization measures that will be implemented during Project construction to protect identified special-status species and discuss design elements to enhance habitat in the near- and long-term future. The Project site is located within the permit area of the Habitat Plan (SCVHA 2012), a regional conservation strategy that functions as both a Habitat Conservation Plan (HCP) and a Natural Community Conservation Plan (NCCP). The Habitat Plan was adopted by participating local agencies and approved by U.S. Fish and Wildlife and CDFW in 2013. Within the permit area, specific projects and activities, designated as Covered Activities, are eligible for incidental take authorization under the federal and California Endangered Species Acts, as granted by U.S. Fish and Wildlife and CDFW. The Project, which involves constructing WCS, supports the conservation objectives of the Habitat Plan and is anticipated to qualify as a Covered Activity under Section 2.3.8 (SCVHA 2012: 2-107). As both the Project sponsor and implementing entity of the Habitat Plan, the Habitat Agency is expected to pursue streamlined biological resource permitting by utilizing the existing regulatory framework and authorizations provided through the Habitat Plan, assuming the project meets the criteria for a Covered Activity.

Ongoing coordination with USACE, Central Coast Regional Water Quality Control Board, USFWS, and CDFW would facilitate permitting processes compliant with Sections 404 and 401 of the Clean Water Act as well as Section 1600 of the California Fish and Game Code.

Ongoing Management for the Protection of the Environment:

Landscape restoration within the Project footprint will be performed as part of the post-construction activities, anticipated to occur between January 2027 and December 2035. The overpass across SR-152 and fill area will be landscaped such that it resembles the surrounding landscape and natural habitat for the wildlife and will consist entirely of locally-sourced native materials. Landscape designs will be provided in the next phase of the Project. A maintenance agreement between Caltrans and the Habitat Agency will be required for the WCS. Caltrans will inspect and maintain the structural elements of the WCS in perpetuity. Caltrans would provide continuous management of the WCSs to ensure their efficacy and to protect the surrounding environment. The WCSs will be periodically inspected by engineers for damage and appropriate preservation work. Caltrans, in conjunction with the Habitat Agency, will monitor the long-term effectiveness of the Project. The expected service life of a WCS is approximately 75 years. The Federal Highway Administration (FHWA) requires that bridge structures be inspected at least once every 24 months (FHWA 2022, Attachment 15). Caltrans will follow its standard 2023 Construction Site Best Management Practices (or subsequent versions as applicable) when performing its management activities (Caltrans 2024, Attachment 16).

The Santa Clara Valley Habitat Plan describes the following monitoring and adaptive management policies: ongoing monitoring and targeted studies to evaluate the effectiveness of the WCS; targeted studies to assess the Project's impacts on resources throughout the study area; and scientific review of the Project's management protocols to gauge the effectiveness of the Project and related programs. If threats to the Project or ecosystem are identified, adaptive management protocols – such as alterations to avoidance and minimization measures or alterations to Project features – would be implemented (SCVHA 2012, Attachment 3). A monitoring and adaptive management plan would be prepared and implemented as part of the Project, and will include the installation of permanent camera traps to monitor wildlife usage of the WCSs, signage as necessary to prevent human activity, and periodic invasive weed removal. As described in the Habitat Plan, targeted studies would establish baseline conditions within the Project area, and priority plant and animal species for monitoring would be identified. Long-term monitoring and management of these species would be implemented to assess population trends and evaluate the Project's impacts on species and surrounding ecosystems. Landscapes disrupted by the Project will be restored to resemble the natural habitat surrounding the WCS.

D. The Project does not include any construction activities, except for construction activities solely related to habitat restoration.

The Habitat Agency has determined that the Project does not include any construction activities, except for construction activities solely related to habitat restoration.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

The proposed construction activities are solely related to habitat restoration. The Project is being designed to include:

- Construction and maintenance of up to three (3) wildlife crossing structures (WCS) at different sites along SR-152 to facilitate safer wildlife crossing.
- Installation, maintenance, and monitoring of up to ten miles of directional fencing along SR-152.
- Landscape restoration within and around the WCS to simulate the surrounding natural environment.

No other construction or maintenance activities are connected to the Project other than long-term inspections and necessary maintenance of the WCS. All Project work will be directly related to the construction and landscaping of WCSs and directional fencing.

5. CERTIFICATION

I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this Project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.



Date: July 13, 2025

Lead Agency Signature

Printed Name and Title: Edmund Sullivan, Executive Officer