



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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MEGHAN HERTEL, Director

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May 8, 2026

Sent via e-mail

Hannah Duarte
Senior Environmental Scientist
California Department of Transportation, District 8
464 W. 4th Street MS 820
San Bernardino, CA 92401
Hannah.duarte@dot.ca.gov

Subject: State Route 142 S-Curve (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025121097

Dear Hannah Duarte:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Caltrans District 8 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 &

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.

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: State Route 142 S-Curve

Objective: The objective of the Project is to widen the highway S-curve between Carriage Hill Lane and Azurite Drive from Post Mile 2.2 to Post Mile 2.5 on State Route-142 in the City of Chino Hills, in San Bernardino County. The scope of work includes widening of existing pavement, constructing retaining walls, replacing existing culverts and guardrail as needed, drainage improvements and new lighting.

Location: The proposed Project will be on State Route 142 (Carbon Canyon Road) in Chino Hills, CA in San Bernardino County between Azurite Drive and Carriage Hill Lane; approximate GPS coordinates 33.96694 N, -117.75655 N.

Timeframe: The MND does not provide any information regarding the timeframe for the proposed Project.

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. Editorial comments or other suggestions may also be included to improve the document.

I. Environmental Setting and Related Impact Shortcoming

COMMENT #1: Rare Plants

IS/MND Document, Page #18

Issue: CDFW appreciates the inclusion of mitigation measure BIO-Plant-2 and offers a minor edit to better protect rare and threatened plant species.

Specific impact: Project implementation could result in the take of rare plant species if sufficient mitigation measures are not implemented.

Evidence impact would be significant: Rare plants are, by definition, not widespread, and they often have limited ranges. Therefore, any impacts to rare plants may be considered significant.

Recommended Potentially Feasible Mitigation Measure: Newly added language is written in **bold** and language to be deleted is written in ~~strike through~~. CDFW recommends the current mitigation measure be re-written as follows:

MM BIO-Plant-2

~~Within 1 week p~~ **Prior to construction, a preconstruction survey must be conducted by a contractor-supplied biologist for special-status plants within the Project Impact Area following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status**

Native Plant Populations and Natural Communities ([2018 Protocols 13 rev1.pdf](#)). 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 temporary high-visibility fencing. **Should any state-listed plant species be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site or offsite habitat restoration (whichever is applicable) and/or enhancement and preservation shall be conducted and discussed in detail in a Habitat Mitigation and Monitoring Plan (HMMP) for California Sensitive Natural Communities and Special Status Plant Species. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation shall be completed to offset the losses.**

COMMENT #2: Nesting Birds

IS/MND Document, Page # 19

Issue: CDFW appreciates the inclusion of mitigation measure BIO-Avian-1 and offers a edits below to avoid or reduce impacts to nesting birds to a level less than significant.

Specific impact: Project implementation could result in the loss of nesting and/or foraging habitat onsite.

Evidence impact would be significant: 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.)

Recommended Potentially Feasible Mitigation Measure: Newly added language is written in **bold** and language to be deleted is written in ~~strike through~~. CDFW recommends the current mitigation measure be re-written as follows:

MM BIO-Avian-1:

To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season ~~If project activities cannot avoid the nesting bird season, February 1 – September 30., then~~ **Regardless of time of year**, preconstruction nesting bird surveys shall be conducted by a qualified contractor-supplied biologist ~~in areas of suitable habitat within the project limits and up to the limit of the BSA, no more than 3 days prior to construction to locate and avoid nesting birds.~~ **Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground.** If an active avian nest is located, a no-construction

buffer (of at least ~~400~~ **300** feet for non-passerines, 300 feet for passerines, and 500 feet for raptors) shall be established and monitored by a qualified contractor-supplied biologist. **Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**

COMMENT #3: Habitat Mitigation and Monitoring Plan

IS/MND Document, Page# 21

Issue: CDFW appreciates the inclusion of mitigation measure BIO-Plant PSM-3 but has concerns with the measure's ability to properly reduce the Project impacts to less than significant. Proposed mitigation at a ratio of 2:1 is likely insufficient to reduce impacts from tree removal to less than significant given the role mature trees play in the ecosystem.

Specific Impact: Project implementation could result in the removal of mature, slow-growing trees that could take years or decades to fully re-establish.

Evidence impact would be significant: Established trees provide myriad benefits to an ecosystem. Replanting saplings or less mature trees will result in loss of these benefits until the new trees reach maturity, likely years or decades after the project has finished. Additionally, to address the presumed mortality rate of younger trees that will never reach maturity, the ratio of trees planted should be planned in consultation with CDFW on a per species basis.

Recommended Potentially Feasible Mitigation Measure: Newly added language is written in **bold** and language to be deleted is written in ~~strike through~~. CDFW recommends the current mitigation measure be re-written as follows:

MM BIO-Plant PSM-3:

A Habitat Mitigation and Monitoring Plan (HMMP) for California Sensitive Natural Communities and Special Status Plant Species will be developed by a contractor supplied biologist and provided to Caltrans and the resource agencies for review and approval prior to construction. The plan will include replacement of special status tree species to be removed at a ratio of 2:1, **or as otherwise agreed upon by Caltrans and the resource agencies in the HMMP**. Replacement will occur on site where feasible, or as close to the project location as possible – as determined by the District Landscape Architect in conjunction with the project biologist **and resource agencies**.

COMMENT #4: Crotch's Bumble Bee (*Bombus crotchii*)

IS/MND Document, Page 19

Issue: The IS/MND identifies that the Project may directly impact Crotch's bumble bee through the removal of host plants during construction. Crotch's bumble bee is a candidate species for listing under CESA, and suitable habitat may be located within the Project Impact Area (PIA). While CDFW appreciates the inclusion of mitigation measure **BIO-Invertebrate 2 – PSM 5 – Preconstruction Invertebrate Species Survey**,

CDFW is concerned the measure does not adequately avoid, minimize, and mitigate potential impacts to Crotch's bumblebee.

Specific Impact: The Project has the potential for take (indirect and direct) of Crotch's bumble bee due to dust from Project operations, and a reduction of foraging and nesting habitat and habitat quality due to the removal of host plants.

Evidence impact would be significant: The Project is located within the California Natural Diversity Database (CNDDDB) mapped area for the current Crotch's bumble bee range and the Project, as described, may remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. CDFW considers the direct and indirect take of Crotch's bumblebee, and the loss of species habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measures(s): Newly added language is written in **bold** and language to be deleted is written in ~~strike through~~. CDFW recommends that the below mitigation measure be included in the final IS/MND to ensure that impacts to Crotch's bumble bee and its habitat are evaluated and mitigated to a level of less than significant.

Bio-Invertebrate 2 - PSM 5 (New): Crotch's Bumble Bee

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a preconstruction Crotch's bumble bee habitat survey must be conducted by a ~~qualified contractor-supplied biologist~~ **CDFW-approved Designated Biologist to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area ~~no more than 1 week prior to construction activities within areas of appropriate nesting and foraging habitat.~~ 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 surveys shall include a minimum 50-foot buffer outside the PIA in adjacent habitat. ~~If an active Crotch's bumble bee nest is located, a no-construction buffer shall be established and monitored by the contractor-supplied biologist; the Resident Engineer must be contacted and additional measures and/or agency coordination may be required.~~**

If habitat for Crotch's bumble bee is present, the Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>).

Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by a CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Lake and Streambed Alteration Agreement

CDFW recommends that a Lake and Streambed Alteration Agreement notification be submitted prior to performing any work on the site to avoid any possible violations associated with impacts to 1602 resources. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and mitigated negative declarations be incorporated into a data base 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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/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 CalTrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kevin Francis, Senior Environmental Scientist (Specialist) at Kevin.Francis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ec: Kim Freeburn, Senior Environmental Scientist (Supervisor), CDFW
Kim.Freeburn@wildlife.ca.gov

Hannah Duarte, Senior Environmental Scientist
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ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures



Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-Plant-2</p> <p>Prior to construction, a preconstruction survey must be conducted by a contractor-supplied biologist for special-status plants within the Project Impact Area following CDFW's <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (2018 Protocols 13 rev1.pdf). Any rare plant species identified must be flagged for visual identification to construction personnel for work avoidance. Rare plant species detected must be fenced with temporary high-visibility fencing. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site or offsite habitat restoration (whichever is applicable) and/or enhancement and preservation shall be conducted and discussed in detail in a Habitat Mitigation and Monitoring Plan (HMMP) for California Sensitive Natural Communities and Special Status Plant Species. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation shall be completed to offset the losses.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-Avian-1:</p> <p>To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season, February 1 – September 30. Regardless of time of year, preconstruction nesting bird surveys shall be conducted by a qualified contractor-supplied biologist, no more than 3 days prior to construction to locate and avoid nesting birds. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>shall establish an appropriate nest buffer to be marked on the ground. If an active avian nest is located, a no-construction buffer (of at least 400 300 feet for non-passerines, 300 feet for passerines, and 500 feet for raptors) shall be established and monitored by a qualified contractor-supplied biologist. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM BIO-Plant PSM-3:</p> <p>A Habitat Mitigation and Monitoring Plan (HMMP) for California Sensitive Natural Communities and Special Status Plant Species will be developed by a contractor supplied biologist and provided to Caltrans and the resource agencies for review and approval prior to construction. The plan will include replacement of special status tree species to be removed at a ratio of 2:1, or as otherwise agreed upon by Caltrans and the resource agencies in the HMMP. Replacement will occur on site where feasible, or as close to the project location as possible – as determined by the District Landscape Architect in conjunction with the project biologist and resource agencies.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>Bio-Invertebrate 2 - PSM 5 (New): Crotch's Bumble Bee</p> <p>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a preconstruction Crotch's bumble bee habitat survey must be conducted by a CDFW-approved Designated Biologist to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area.-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 surveys shall include a minimum 50- foot buffer outside the PIA in adjacent habitat.</p> <p>If habitat for Crotch's bumble bee is present, the Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150).</p> <p>Surveys shall be conducted during the flying season when the species is most likely to be detected above ground,</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>between March 1 to September 1, by a CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Caltrans shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot be achieved, Caltrans shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation of Project activities.</p>		
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