



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
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April 22, 2026

Ayida Smith, Planner III
San Bernardino County Flood Control District
825 E 3rd Street, Room 123,
San Bernardino, CA 92415

Subject: National Trails Highway at Bridge 85 (Lamego Ditch) Replacement Project
Mitigated Negative Declaration (MND)
State Clearing House# 2026031253

Dear Ayida Smith:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the San Bernardino County Flood Control District for the National Trails Highway at Bridge 85 (Lamego Ditch) Replacement Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may 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.

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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PROJECT DESCRIPTION SUMMARY

Project Proponent: San Bernardino County

Objective: The objective of the Project is to upgrade and replace the existing timber two-lane bridge over the Lamego Ditch. The new bridge will be made up of concrete and include two-lanes with guardrails and guardrail end treatments. The bridge will include two 12-foot lanes, two 3-foot shoulders, two 2-foot railings, pile extensions, and abutment foundations designed for heavy scour, along with rock slope protection. Pavement improvements may extend to 800 feet on either side of the bridge if needed to match the road's vertical profile.

Relocation of utilities may be required as well, including underground fiber-optics, water and gas lines, and overhead electric and telecommunication lines. Grading within Lamego Ditch may also be necessary to maintain adequate stormwater conveyance and drainage.

To maintain traffic on National Trails Highway during construction, the Project will construct a temporary road. A temporary culvert lined with rock slope protection may also be installed and removed once the new bridge is completed. Primary Project activities include grubbing, grading, demolition, pile driving, and construction.

Location: The Project is approximately 10 miles east of Amboy, San Bernardino County, California on the National Trails Highway. The Project occurs over Lamego Ditch and is centered at latitude 34.561518 and longitude -115.569201.

Timeframe: The Project is expected to begin in 2027 and span a 4-month period.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County Flood Control District 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.

COMMENT #1: Lake and Streambed Alteration Agreement

CDFW appreciates that the MND considers impacts to Lamego Ditch. CDFW also acknowledges the inclusion of mitigation measures BIO-1 through BIO-6 intended to avoid and minimize impacts to Lamego Ditch. While the MND states that the Project would obtain a Streambed Alteration Agreement to authorize impacts to Lamego Ditch under Fish and Game Code section 1602, no mitigation measures were adopted for this purpose. Thus, CDFW recommends inclusion of BIO-29 below in the final MND.

BIO-29 (New)

Prior to construction, the Project Proponent shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the California Fish and Game Code is not required for the Project, or the Project Proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code section 1602 resources associated with the Project.

COMMENT #2: Western Burrowing Owl (*Athene cunicularia hypugaea*)

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The Project site includes suitable habitat for western burrowing owl, and the species may occur despite not being detected during the reconnaissance survey, which is not appropriate to properly detect western burrowing owl. For proper detection, CDFW recommends the survey protocol outlined in the 2012 *Staff Report on Burrowing Owl Mitigation, Appendix D (Staff Report)*, which includes a total of four focused surveys: three breeding-season visits at least three weeks apart between mid-April and mid-July to coincide with laying, nesting, and late-nestling stages, plus one non-breeding-season visit between September 1 to January 31 to document occupancy. Thus, CDFW recommends adoption of BIO-30 below in the final MND:

BIO-30 (New)

Prior to any Project activities, including vegetation removal or ground-disturbing activities, a qualified biologist shall conduct focused western burrowing owl surveys throughout the entire Project site and in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix D. Surveys shall be conducted during the breeding season (February 1–August 31) and during the non-breeding season (September 1–January 31) immediately preceding the start of construction.

If western burrowing owl or occupied burrows are detected, impacts to western burrowing owl individuals, nests, eggs, occupied burrows, or occupied habitat shall be fully avoided and if impacts cannot be fully avoided, the Project Proponent shall obtain a CESA Incidental Take Permit (Fish & G. Code, § 2081, subd. (b)) prior to starting any Project activities.

COMMENT #3: Desert Tortoise (*Gopherus agassizii*)

CDFW appreciates that the MND considered potential impacts to desert tortoise and included several measures for the species; for instance, BIO-17 to BIO-24. While it appears that temporary exclusionary fencing for desert tortoise is proposed, CDFW would like to note that installation of permanent exclusionary fencing should occur through a CESA Incidental Take Permit.

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 (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

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CDFW appreciates the opportunity to comment on the MND to assist San Bernardino County Flood Control District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at (909) 731-5954 or Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Alisa Ellsworth
Environmental Program Manager

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

ATTACHMENTS

Attachment A: Mitigation and Monitoring Reporting Plan

REFERENCES

California Department of Fish and Game (CDFW). 2012. *Staff report on burrowing owl mitigation*. State of California, Natural Resources Agency. Accessed March 19, 2026, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>.

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**Attachment A
 Mitigation Monitoring and Reporting Plan**

Measure Number	Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
BIO-29	<p>Lake and Streambed Alteration Agreement</p> <p>Prior to construction, the Project Proponent shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the California Fish and Game Code is not required for the Project, or the Project Proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code section 1602 resources associated with the Project.</p>	Prior to construction	Project Proponent
BIO-30	<p>Western Burrowing Owl Pre-Construction Surveys</p> <p>Prior to any Project activities, including vegetation removal or ground-disturbing activities, a qualified biologist shall conduct focused western burrowing owl surveys throughout the entire Project site and in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix D. Surveys shall be conducted during the breeding season (February 1–August 31) and during the non-breeding season (September 1–January 31) immediately preceding the start of construction.</p> <p>If western burrowing owl or occupied burrows are detected, impacts to western burrowing owl individuals, nests, eggs, occupied burrows, or occupied habitat shall be fully avoided and if impacts cannot be fully avoided, the Project</p>	Prior to any Project activities	Project Proponent and Qualified Biologist

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	Proponent shall obtain a CESA Incidental Take Permit (Fish & G. Code, § 2081, subd. (b)) prior to starting any Project activities.		
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