STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

*GAVIN NEWSOM, Governor*
*MEGHAN HERTEL, Director*

Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
wildlife.ca.gov

May 21, 2026
*Sent via email*

Luis Bejarano
Planner II
Imperial County
801 Main Street
El Centro, CA 92243
luisbejarano@co.imperial.ca.us

**Subject: Brandt Road Bridge Replacement Project (PROJECT)**
**Mitigated Negative Declaration (MND)**
**SCH# 2026040669**

Dear Luis Bejarano:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Imperial County (County) for the 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

[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.

species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Imperial County

**Objective:** The Project proposes to replace an existing wood bridge constructed in 1950 with a new bridge that spans the Alamo River. The existing wooden structure consists of an approximately 150-foot-long, ten-span bridge, with pile bents located within the Alamo River. The Project would demolish and dispose of the existing bridge and supporting features, followed by the construction of a new single-span bridge within the same alignment. The proposed two-lane bridge would be located within the same alignment but would be slightly wider than the existing two-lane bridge. The proposed approaches would consist of two 12-foot-wide lanes and two 8-foot-wide unpaved shoulders with a design speed of 55 miles per hour. The approaches would be tapered to provide a transition between the existing segments of Brandt Road north and south of the Project site that have unpaved shoulders and the replacement bridge that would include paved shoulders. Staging areas would include existing segments of Brandt Road north and south of the Project site, as well as segments of the banks of the Alamo River that front the Project site.

**Location:** The Project is located approximately 2.5 miles southwest of the city of Calipatria and east of the Salton Sea, in Imperial County, California. The Project is located where Brandt Road crosses the Alamo River. Longitude/Latitude (degrees, minutes and seconds): 33°7'45.45" N, 115°33'145.45" W.

**Timeframe:** The MND indicates that Project will be constructed in 2026 and 2027.

**COMMENTS AND RECOMMENDATIONS**

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species

(i.e., biological resources). CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant impacts to biological resources. CDFW requests that additional avoidance, minimization, and mitigation measures be added to a revised MND that avoid or reduce impacts to less than significant.

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support County in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures associated with CDFW's Lake and Streambed Alteration Program, as well as revising the mitigation measure for nesting birds, burrowing owl, and bats.

### *1) Nesting Birds*

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.).

Regarding potential for the Project area to support nesting birds, page 30 of the MND states "A variety of common and special status resident and migratory bird species were observed and have potential to nest within the BSA [Biological Study Area]." CDFW notes that the Project site and surrounding area provide suitable habitat for birds that nest on the ground and in trees and shrubs and potentially within the existing bridge infrastructure. CDFW also notes that the Project is within predicted habitat for cliff swallows (*Petrochelidon pyrrhonota*), which may build nests on bridge structures. Surveys for nesting birds should therefore include surveys of any bridge structure within the Project site for bridge-nesting birds.

The MND includes Mitigation Measure BIO-8 for nesting birds, which indicates "All clearing/grubbing of vegetation shall take place between September 16 through January 14, outside the combined avian and raptor nesting season. If vegetation removal needs to occur during the breeding season, pre-construction surveys and monitoring would be required." CDFW recommends to the greatest extent feasible that initial ground disturbing and vegetation removal activities are conducted outside of the peak nesting bird season. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017[2]). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of resident and migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the County in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-8 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-8: ~~Migratory Birds and Raptors~~ **Nesting Birds**

**To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian 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, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-**

[2] Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

**site until the 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.**
~~All clearing/grubbing of vegetation shall take place between September 16 through January 14, outside the combined avian and raptor nesting season. If vegetation removal needs to occur during the breeding season, pre-construction surveys and monitoring would be required. If vegetation is removed outside of the breeding season, no additional monitoring would be required. During the bird breeding season, a qualified biologist will perform a focused pre-construction surveys in and adjacent to suitable habitat to determine the presence of active nests within the PIA. Survey will be conducted a maximum of 7 days prior to performing construction within 300 feet of suitable habitat during the breeding season. If suitable habitat is not removed during the initial clearing/grading construction effort during the breeding season, additional surveys will be conducted immediately prior to habitat removal during project construction within 300 feet of suitable habitat. If preconstruction surveys are negative for active nests within the PIA, no additional measures would be required.~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-8, MM BIO-5, MM BIO-7, as well as CDFW-recommended MM BIO-[A].

### *2) Burrowing Owl*

On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities, including relocation, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." 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.).

Page 28 of the MND states that "The project has the potential to result in direct and indirect impacts to burrowing owl. Approximately 0.08 acres of suitable habitat within the PIA [Project Impact Area] would be subject to direct and indirect impacts from vegetation clearing, grubbing, grading, or other construction activities." Additionally, page 28 of the MND states that "One burrowing owl pair and occupied burrow was observed outside of but adjacent to the burrowing owl survey area during the habitat assessment and breeding surveys." CDFW agrees that the Project site and surrounding area contain suitable and occupied nesting and foraging habitat for burrowing owl.

The MND includes Mitigation Measure BIO-5 for burrowing owl, which states "Initial grading should take place between September 1 and January 31 to avoid impacts to breeding burrowing owls (CDFW 2012). If construction is to begin during the breeding season, it is recommended that the measures below be implemented prior to February 1 to discourage the nesting of the burrowing owls within the area of impact. As construction continues, any area where owls are sighted should be subject to frequent surveys for burrows before the breeding season begins, so that owls can be relocated before nesting occurs. Pre-construction surveys would be conducted for burrowing owls prior to the commencement of construction activities." Per Mitigation Measure BIO-5, pre-construction activities are only proposed if construction activities begin during the peak breeding season. Avoiding work during the peak breeding season is an important avoidance and minimization measure; however, CDFW notes that burrowing owl, as a CESA candidate species, is protected during the breeding and non-breeding seasons. Ground- and vegetation-disturbing activities conducted during or outside of the peak nesting season have the potential to result in harm or mortality to burrowing owls. Additionally, Mitigation Measure BIO-5 indicates that "If burrowing owls are found on-site during the surveys, any potentially impacted burrowing owl individuals must be relocated out of the impact areas using passive or active methodologies approved by the resource agencies." CDFW notes that burrowing owl relocation activities carry the risk of harm or mortality to burrowing owls. If Project activities, including relocation, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. Due to these issues discussed above, CDFW considers Mitigation Measure BIO-5 to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant.

To support the County in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends the County revise Mitigation Measure BIO-5 with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-5: **Burrowing Owl Focused and** Pre-Construction Survey**s**

**Suitable and occupied burrowing owl habitat has been confirmed on the site; therefore, the qualified biologist and Project proponent shall coordinate with CDFW and U.S. Fish and Wildlife Service (USFWS) on appropriate avoidance, minimization, and mitigation measures. Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.**

**Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed.**
~~Initial grading should take place between September 1 and January 31 to avoid impacts to breeding burrowing owls (CDFW 2012). If construction is to begin during the breeding season, it is recommended that the measures below be implemented prior to February 1 to discourage the nesting of the burrowing owls within the area of impact. As construction continues, any area where owls are sighted should be subject to frequent surveys for burrows before the breeding season begins, so that owls can be relocated before nesting occurs. Pre-construction surveys would be conducted for burrowing owls prior to the commencement of construction activities. The surveys would conform to the survey protocol in the CDFW 2012 Staff Report. No more than 14 days prior to any ground-disturbing activities, a qualified biologist would conduct a take avoidance survey for burrowing owls. If no owls are found during this first survey, a final survey would be conducted 24 hours prior to ground disturbance to confirm that burrowing owls are absent. If burrowing owls are found on-site during the surveys, any potentially impacted burrowing owl individuals must be relocated out of the impact areas using passive or active methodologies approved by the resource agencies. A Burrow Exclusion Plan would be prepared according to the 2012 CDFW guidelines and approved by CDFW. The Burrow Exclusion Plan may include the use of artificial burrows as a means of replacing burrows lost to impacts A biologist familiar with burrowing owl biology would monitor construction activities to make sure that burrowing owls that may move into the area during construction are detected and impacts are avoided.~~

***3) Bats***

Page 38 of the Natural Environmental Study for the MND indicates that there is suitable roosting and foraging habitat in the Project area for four bat species that are California Species of Special Concern: "Bat sign (guano) was observed beneath and adjacent to the Brandt Road bridge, suggesting potential use of the structure by bats. Crevices located on the underside of the bridge may provide roosting habitat for crevice-roosting species, including pallid bat and pocketed free-tailed bat. Additionally, riparian trees along the Alamo River corridor may provide suitable roosting habitat for tree-roosting species, including western red bat and western yellow bat." The MND indicates the following potential impacts to bats resulting from Project activities: "If present, crevice-roosting species including pallid bat and pocketed free-tailed bat could be directly affected during removal of the existing Brandt Road bridge, which contains crevices on the underside that may provide suitable roosting habitat. Similarly, tree-roosting species including western red bat and western yellow bat could be directly impacted if individuals are roosting in riparian trees that may be removed as part of project activities. Indirect impacts could also occur from construction-related noise, lighting, vibrations, ·and general disturbance within the riparian corridor" (p. 29).

CDFW also notes that bats have the potential to roost year-round in cliff swallow nests. Use of cliff swallow nests on any bridge structure by bats should be determined through surveys and inspection of nests not occupied by cliff swallows with a borescope inspection camera (or similar device) prior to destruction of any bridge structure.

The Natural Environmental Study for the MND indicates that a bat reconnaissance survey was conducted; however, no focused surveys were conducted to detect the presence of bats in the habitat identified in the MND. Although the MND includes Mitigation Measure BIO-7, this mitigation measure proposes only pre-construction surveys. CDFW is concerned that deferring surveys for bats until the time of construction is not sufficient in timing or scope to determine which species are actively using the Project area. Furthermore, waiting until the time of construction will not provide sufficient time to develop appropriate avoidance, minimization, and mitigation measures if bats are detected, particularly maternity roosts or winter roosts (hibernacula).

To support the County in avoiding or reducing impacts to bat species to a level less than significant, CDFW recommends the County revise Mitigation Measure BIO-7 with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-7: **Focused and Pre-construction** Bat **Surveys, Avoidance Buffers, and Avoidance of Bats during Tree Removal** ~~Species~~

Implementation of the mitigation and monitoring measures listed below would reduce impacts to potentially occurring bat species to a level of less than significant:

- **Focused and Pre-construction surveys:** A **CDFW-approved qualified bat** biologist with

expertise and experience with bats shall be retained as a qualified bat biologist. The qualified bat biologist shall have at least 3 years of experience in conducting bat habitat assessments, day roosting surveys, and acoustic monitoring, and have adequate experience identifying local bat species (visual and acoustic identification), type of habitat, and differences in roosting behavior and types (i.e., day, night, maternity). **Prior to the initiation of Project activities within suitable bat roosting habitat, the qualified biologist shall conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.** The **qualified bat** biologist shall **also** conduct pre-construction surveys of the existing Brandt Road bridge and riparian trees within 500 feet of the PIA to identify active bat roosts. Surveys shall occur no more than 14 days prior to the initiation of construction activities. **Use of cliff swallow nests on any bridge structure by bats for roosting should be determined through surveys and inspection of nests not occupied by cliff swallows with a borescope inspection camera (or similar device) prior to destruction of any bridge structure.**

• **Avoidance buffers:** ~~If active hibernacula or day roosts are detected within , they shall be avoided to the extent feasible.~~ If active maternity roosts are identified within 500 feet of the PIA, project construction shall be limited to October 1 through February 28, outside of the maternity roosting season (March 1 through September 30), to avoid direct impacts to flightless young. ~~If avoidance of the maternity roosting season is not feasible, preconstruction surveys shall be conducted immediately prior to project construction to confirm no maternity roosts are present.~~ Maternity roosts shall not be evicted, excluded, removed, or otherwise disturbed. **If active hibernacula (winter roosts) are identified in the PIA or 500 feet extending from the PIA, a minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until the qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.**

• **Avoidance of bats during tree removal:** During construction, the removal of riparian trees or branches shall be avoided to the maximum extent practicable within **and** ~~or~~ adjacent to occupied bat habitat~~, if found~~. ~~If tree removal or trimming is unavoidable and trees are determined to be occupied by roosting bats, additional avoidance or mitigation measures shall be implemented as recommended by the qualified bat biologist~~. **Tree removal work**

**with the potential to house roosting bats shall be performed after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the winter hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. For palm trees, the following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist. For non-palm trees, the following two-step tree removal process shall be implemented over two consecutive days: on Day 1, branches and limbs not containing cavities, as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a bat biologist. The disturbance caused by live frond or branch/limb removal, followed by an interval of one evening, will allow bats to safely abandon the roost.**

• To provide compensatory roosting habitat, bat boxes (or other appropriate artificial roosting structures) shall be incorporated into the design of the new Brandt Road bridge or installed on suitable structures and/or trees within the Alamo River corridor under the guidance of a qualified bat biologist. The number, type, and placement of bat boxes shall be determined by the qualified bat biologist in consultation with **CDFW** and **other** ~~the~~ appropriate regulatory agencies.

***4) CDFW Lake and Streambed Alteration Program***

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. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Page 32 of the MND states that "The project would result in direct permanent impacts to […] 0.05 acres of CDFW state waters (streambed and riparian)." Mitigation Measure BIO-9 indicates that "Impacts to jurisdictional waters may require permit authorizations from the USACE through the Section 404 Permit Program, from the CDFW through a 1602 Streambed Alteration Agreement, and from the RWQCB through a Section 401 Water Quality Certification." CDFW notes that Project activities, including, at minimum, removing "existing

pile bents from the Alamo River" (page 27 of the MND) and carrying out activities to "clear the channel [of vegetation] for the placement of any slope protection at the proposed bridge abutments" (page 7 of the MND) would be subject to notification under Fish and Game Code section 1602. Further, the construction of any hardscape such as concrete slope protection within the stream would result in a substantial change of material, which would require notification to CDFW.

To avoid or reduce impacts to stream resources subject to Fish and Game Code section 1600 et seq. to a level less than significant, CDFW recommends the County add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program**

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

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

**ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

**CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist County in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, CDFW
Heather.Brashear@Wildlife.ca.gov

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

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|---|---|
| **Mitigation Measure BIO-8: Nesting Birds**<br><br>**To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall** | **Timing:** No more than 3 days prior to vegetation removal or ground-disturbing activities.<br><br>**Methods:** See Mitigation | **Implementation**: County of Imperial<br><br>**Monitoring and Reporting**: County of Imperial |

| | | |
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| **focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian 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, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until the 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.** | Measure | |
| **Mitigation Measure BIO-5: Burrowing Owl Focused and Pre-Construction Surveys**<br><br>**Suitable and occupied burrowing owl habitat has been confirmed on the site; therefore, the qualified biologist and Project proponent shall coordinate with CDFW and the U.S. Fish and Wildlife Service (USFWS) on appropriate avoidance, minimization, and mitigation measures. Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.**<br><br>**Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance. Preconstruction surveys should be repeated when there is a pause in** | **Timing: Coordinate with CDFW and USFWS:** prior to commencement of any Project activities<br><br>**Pre-construction surveys:** No less than 14 days prior to start of Project-related activities and again within 24 hours prior to ground disturbance and when there is a pause in construction of more than 30 days.<br><br>**Methods:** See | **Implementation**: County of Imperial<br><br>**Monitoring and Reporting**: County of Imperial |

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| **construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed.** | Mitigation Measure | |
| Mitigation Measure BIO-7: **Focused and Pre-construction** Bat **Surveys, Avoidance Buffers, and Avoidance of Bats during Tree Removal** ~~Species~~<br><br>**• Focused and pre-construction surveys: A CDFW-approved qualified bat biologist with expertise and experience with bats shall be retained as a qualified bat biologist. The qualified bat biologist shall have at least 3 years of experience in conducting bat habitat assessments, day roosting surveys, and acoustic monitoring, and have adequate experience identifying local bat species (visual and acoustic identification), type of habitat, and differences in roosting behavior and types (i.e., day, night, maternity). Prior to the initiation of Project activities within suitable bat roosting habitat, the qualified biologist shall conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. The qualified bat biologist shall also conduct pre-construction surveys of the existing Brandt Road** | **Timing: Focused surveys:** Two spring surveys (April through June) and two winter surveys (November through January). **Pre-construction surveys:** No more than 14 days prior to start of Project-related activities. **Tree removal:** See Mitigation Measure<br><br>**Methods:** See Mitigation Measure | **Implementation**: County of Imperial<br><br>**Monitoring and Reporting**: County of Imperial |

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| **bridge and riparian trees within 500 feet of the PIA to identify active bat roosts. Surveys shall occur no more than 14 days prior to the initiation of construction activities. Use of cliff swallow nests on any bridge structure by bats for roosting should be determined through surveys and inspection of nests not occupied by cliff swallows with a borescope inspection camera (or similar device) prior to destruction of any bridge structure.**<br><br>**• Avoidance buffers: If active maternity roosts are identified within 500 feet of the PIA, project construction shall be limited to October 1 through February 28, outside of the maternity roosting season (March 1 through September 30), to avoid direct impacts to flightless young. Maternity roosts shall not be evicted, excluded, removed, or otherwise disturbed. If active hibernacula (winter roosts) are identified in the PIA or 500 feet extending from the PIA, a minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until the qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.**<br><br>**• Avoidance of bats during tree removal: During construction, the removal of riparian trees or branches shall be avoided to the maximum extent practicable within and adjacent to occupied bat habitat. Tree removal work with the potential to house roosting bats shall be performed after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the winter hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. For palm trees, the following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as** | | |

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| **identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist. For non-palm trees, the following two-step tree removal process shall be implemented over two consecutive days: on Day 1, branches and limbs not containing cavities, as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a bat biologist. The disturbance caused by live frond or branch/limb removal, followed by an interval of one evening, will allow bats to safely abandon the roost.**<br><br>**• To provide compensatory roosting habitat, bat boxes (or other appropriate artificial roosting structures) shall be incorporated into the design of the new Brandt Road bridge or installed on suitable structures and/or trees within the Alamo River corridor under the guidance of a qualified bat biologist. The number, type, and placement of bat boxes shall be determined by the qualified bat biologist in consultation with CDFW and other appropriate regulatory agencies.** | | |
| **Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program**<br><br>**Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or* the Project Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.** | **Timing:** Prior to construction and issuance of any grading permit<br><br>**Methods:** See Mitigation Measure | **Implementation**: County of Imperial<br><br>**Monitoring and Reporting**: County of Imperial |