



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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June 9, 2026

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Subject: Notice of Preparation of a Draft Environmental Impact Report for the I-5/SR-78 Interchange Improvements Project, SCH No. 2026041362, San Diego County, CA

Dear Amanda D'Elia:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) from the California Department of Transportation (Caltrans) for the I-5/SR-78 Interchange Improvements Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, CDFW appreciates 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 (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review

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.

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 2

efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act 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 law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*) or the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish & G. Code, § 2800 *et seq.*). While CDFW acknowledges that the California Department of Transportation (Caltrans) is not a signatory to the NCCP program, portions of the project occur within the boundaries of the City of Carlsbad's adopted Habitat Management Plan (HMP), which serves as the City's MHCP Subarea Plan. Project activities occurring outside of existing Caltrans right-of-way within the City of Carlsbad should be evaluated for consistency with applicable HMP conservation objectives and biological resource protection measures.

Project Description Summary

Proponent: California Department of Transportation (Caltrans) District 11

Objective: The proposed Project will improve safety and traffic flow at the interchange of Interstate 5 (I-5) and State Route 78 (SR-78). The Project will focus on addressing the heavily traveled westbound SR-78 to southbound I-5 connection, reduce congestion on SR-78, limit cut-through traffic on local streets, and improve travel conditions for residents, visitors, and regional commuters. Traffic improvements may include new connecting, all-purpose, managed, or auxiliary lanes.

Location: The Project is located in the City of Oceanside and the City of Carlsbad in San Diego County, California. It encompasses the I-5 from Carlsbad Village Drive Undercrossing, Post Mile (PM) R50.0 (Latitude (Lat) 33.161786, Longitude (Long) -117.341384), to Loma Alta Creek, PM R52.2 (Lat 33.188984, Long -117.361043), and along SR-78 from the I-5/SR-78 Separation, PM 0.0 (Lat 33.188984, Long -117.361043), to just east of the College Blvd. Undercrossing PM 3.58 (Lat 33.188984, Long -117.361043).

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 3

Biological Setting: West of the Project site where the I-5 and SR-78 intersect lies the Buena Vista Lagoon Ecological Reserve (BVLER). BVLER is 206 acres of coastal freshwater lagoon habitat. This portion of the Project is also located within the California Coastal Zone pursuant to the California Coastal Act. BVLER is an important stopover along the Pacific Flyway for hundreds of migratory bird species and is a critical reserve area that provides important habitat for sensitive wildlife species.

East of the Project site, riparian habitat occurs along Buena Vista Creek and extends upstream to the Buena Vista Creek Ecological Reserve (BVCER). BVCER includes 148 acres of Diegan coastal sage scrub, southern arroyo willow riparian forest, coastal and valley freshwater marsh, and non-native grasslands. BVCER is comprised of important habitat linkages between the Cities of Carlsbad and Oceanside and was acquired for conservation and enhancement of riparian habitat and adjacent uplands.

North of the Project site along the I-5, beyond residential neighborhoods commercial space, lies Loma Alta Creek and its associated riparian habitat.

South of the Project site lies mostly residential neighborhoods. At the southeast end of the Project site there are some canyons and open space that provide linkages to the Buena Vista Creek riparian corridor.

Based on CDFW's desktop review of California Natural Diversity Database (CNDDDB), the following species were detected or have the potential to occur:

Mammals:

- Lesser long-nosed bat (*Leptonycteris yerbabuenae*; California Species of Special Concern (SSC))
- mountain lion (*Puma concolor*, CESA-listed threatened)
- mule deer (*Odocoileus hemionus*)
- bobcat (*Lynx rufus*)

Birds:

- Western snowy plover (*Charadrius nivosus nivosus*; Federal Endangered Species Act (ESA)-listed threatened, (SSC))
- Least Bell's vireo (*Vireo bellii pusillus*; ESA-listed endangered, CESA-listed endangered)
- Light-footed Ridgway's rail (*Rallus obsoletus levipes*; ESA-listed endangered, California Endangered Species Act (CESA)- listed endangered, State Fully Protected (FP))
- Coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed threatened, SSC)
- Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered)

Amanda D'Elia

California Department of Transportation, District 11

June 9, 2026

Page 4

- California least tern (*Sterna antillarum browni*; ESA-listed endangered, CESA-listed endangered, FP)
- White-tailed kite (*Elanus leucurus*; FP)
- Yellow-breasted chat (*Icteria virens*; SSC)
- Black Skimmer (*Rynchops niger*; SSC)
- Yellow warbler (*Setophaga petechia*; SSC)
- American white pelican (*Pelecanus erythrorhynchos*; SSC)
- California brown pelican (*Pelecanus occidentalis californicus*; FP)
- Osprey (*Pandion haliaetus*; SSC)

Insects

- Monarch butterfly, overwintering population (*Danaus Plexippus*, *plexippus pop. 1* ESA-Proposed Threatened)

Plants:

- Thread-leaved brodiaea (*Brodiaea filifolia*, ESA-listed Threatened, CESA-listed Endangered, California Native Plant Society (CNPS) Rank 1B.1)

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.

Specific Comments

1. BVLER. CDFW requests Caltrans analyze and disclose any additional storm water flow that may drain into BVLER. Additional stormwater flow would impact the lagoon by converting coastal wetland habitats into low-diversity cattail monocultures due to the increase in freshwater. The San Diego Association of Governments (SANDAG) is planning a large-scale restoration of the lagoon, and additional freshwater inputs may affect restoration efforts. Further analysis and disclosure in the Draft Environmental Impact Report (DEIR) is necessary for effective planning efforts.
2. BVCER. CDFW requests Caltrans analyze and disclose any storm water flow that may drain into BVCER. Past storm events led to flooding on SR-78 and caused significant erosion at BVCER. These flooding events can lead to increased flow velocities and contribute to erosion. CDFW asks Caltrans to prevent further erosion and address any additional storm water and roadway runoff that could result from this Project.
3. Bats. CDFW recommends that both bat habitat and roosting surveys be conducted within the entire Project site to analyze potential significant effects of the proposed Project. Surveys should include at a minimum one daytime visual inspection of all

Amanda D'Elia

California Department of Transportation, District 11

June 9, 2026

Page 5

potential roosting habitat on the Project site. Caltrans should conduct roosting surveys prior to Project activities and at multiple times of year to determine if hibernacula or maternity roosts are present. One survey should take place during the winter hibernation season and one survey should take place during maternity season. Roosting (emergence) surveys should start one hour before sunset and last for three hours. These surveys should include bat detectors and bat call analyses. These surveys should 1) identify the species of bat present, 2) determine how and when these species utilize the site, 3) determine what specific habitat requirements are necessary [thermal gradients throughout the year, size of crevices, tree types, location of hibernacula/roost (e.g., height, aspect, etc.)] for the bats. If it is determined that bats utilize the available habitat at the Project site, including bridges and trees, CDFW recommends that Caltrans establish at least a 500-foot no-work buffer around bat roosts, and that a qualified bat biologist monitor the area for sensitivity to Project activities. If it is determined that maternity roosts are present, then construction should be avoided from March 1 to September 30 to avoid impacts. Trees and/or structures determined to be maternity roosts should be left in place until the end of maternity season or until a qualified bat biologist verifies that no pregnant females and young in non-volant stage are present.

4. Least Bell's Vireo. The Project may have significant effects on habitat utilized by least Bell's vireo (LBVI). Therefore, it is recommended that Caltrans include minimization measures. Caltrans should designate an approved biologist who is knowledgeable about LBVI natural history, habitat requirements, seasonal movements, and range to survey and monitor for LBVI to conduct surveys following the protocols provided within the Least Bell's Vireo Survey Guidelines (USFWS, January 2001) or similar protocol guidelines to determine presence of LBVI. If LBVI are identified within 500 linear feet of Project site activities, the Permittee should design the Project to avoid impacts to the species, which may include avoiding Project activities within 1000 linear feet of occupied LBVI habitat from March 1 through July 15 and avoiding Project activities within 500 linear feet of occupied LBVI habitat from July 15 to September 15. If full avoidance cannot be accomplished, Permittee may apply for take authorization through an [Incidental Take Permit](#)³.
5. Lake and Streambed Alteration. The Project may significantly impact Buena Vista Creek, Loma Alta Creek, and their tributaries. CDFW has regulatory authority over activities in streams that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement

³ <https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits#50033467-applications>.

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 6

(LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW recommends that Caltrans assess whether notification is appropriate. A Notification package for a LSAA may be obtained by accessing [CDFW's Lake and Streambed Alteration Program website](#)⁴.

6. CESA. CDFW considers adverse impacts to a species protected by CESA to be significant. Take of any endangered species (such as Belding's savannah sparrow, which may occur at or near the Project site), threatened species (such as western snowy plover and coastal California gnatcatcher, which may occur at or near the Project site), candidate species, or NPPA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)). Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required to obtain a CESA Permit.

To ensure CDFW will be able to use the California Department of Transportation's CEQA document for the issuance of an ITP, the DEIR should address all Project impacts to CESA-listed species and specify a mitigation, monitoring, and reporting program that will meet the requirements of an ITP.

7. Fully Protected Species. CDFW has determined that there is potential for the Light-footed Ridgway's rail, California least tern, California brown pelican, and white-tailed kite may occur within the Project footprint. Fully Protected Species may not be taken or possessed at any time according to the Fish and Game Code 3511. CDFW cannot authorize take for Fully Protected species, and Caltrans must completely avoid impacts to these species during individual project's construction and operational activities.
8. Wildlife Connectivity. Caltrans should consult with CDFW, the [CDFW Terrestrial Connectivity website](#)⁵, and the US Department of Transportation, Federal Highway Administration's [Wildlife Crossing Structure Handbook Design and Evaluation in North](#)

⁴ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

⁵ <https://wildlife.ca.gov/Data/Analysis/Connectivity>

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 7

[America](#)⁶ when developing the Project. Caltrans should also conduct a wildlife connectivity survey along the Project route. In the Project area, species to consider when designing connectivity enhancements and crossings include mountain lion, mule deer, and bobcat. CDFW recommends that the following are considered when drafting mitigation measures for biological resources and when designing the Project:

- a) Structures should be designed to meet the movement needs of the widest range of species possible that live in the area or might be expected to recolonize the area, e.g., high- and low-mobility species.
- b) Nighttime construction should be avoided to minimize the indirect impacts of increased activity and noise levels during the hours that wildlife are more active and more likely to traverse the Project site and/or roadway.
- c) Caltrans should attempt to mirror habitat conditions found on both sides of the roadway, and strive to provide continuous habitat adjacent to, and within any crossing structures and/or culverts.
- d) If any underpasses or culverts occur within the Project area, it is preferable that the substrate is composed of native soils. If construction type has a closed bottom, a soil substrate of greater than 6 inches deep should be applied. Or a dry bench could be considered.
- e) Caltrans should only allow construction yards to be placed away from crossing locations.
- f) Caltrans should seek to retain natural surfaces and avoid the use of riprap/rock slope protection (RSP), energy dissipaters, and other structures that may obstruct animal movement excluding the use of directional fencing. If riprap or RSP is used, Caltrans should backfill with native soils and vegetation.
- g) Caltrans should consider upsizing culverts from what is structurally required to allow for wildlife passage.
- h) Caltrans should conduct regular road and culvert maintenance activities during periods of decreased wildlife activity to remove obstructions and facilitate wildlife movement.

9. Fish Passage. The [California Fish Passage Assessment Database](#)⁷ lists one location that warrants a detailed survey (PAD ID 718693 on Loma Alta Creek). Caltrans should

⁶ https://www.fhwa.dot.gov/clas/ctip/wildlife_crossing_structures/

⁷ <https://www.calfish.org/programsdata/habitatandbarriers/californiafishpassageassessmentdatabase.aspx>

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 8

consider fish passage when designing and developing the Project. When designing and developing this project, Caltrans should consult the [Caltrans manual for Fish Passage Design for Road Crossings](#)⁸ (2024). CDFW recommends that the following are considered when designing the project and developing mitigation measures for biological resources:

- a) If any in-channel work is to occur, then adequate fish passage within the stream at the Project site should be maintained.
- b) Caltrans should seek to retain natural surfaces and avoid the use of RSP, energy dissipaters, and other structures that may obstruct fish movement.
- c) Caltrans should seek to grade the stream channel where work occurs such that fish passage is possible through the Project.

10. Cumulative Impact Analysis. Under CEQA Guidelines §§15064, 15130, and Appendix G (Biological Resources), significance determinations must consider not only the Project in isolation, but also its incremental contribution to cumulative impacts when combined with past, present and reasonably foreseeable future projects. The proposed Project represents one of the last remaining undeveloped segments of this coastal strip, making its contribution to cumulative habitat loss, fragmentation and disturbance particularly important.

The Project site is immediately adjacent to BVLER and BVCER, which support sensitive habitats and established mitigation sites. The site is also adjacent to known habitat for western snowy plover, California least tern, coastal California gnatcatcher, and Belding's savannah sparrow.

Because the Project is in the vicinity of conserved lands that support special-status species and mitigation habitat, pursuant to CEQA Guidelines 15064(f)(1), an EIR must evaluate these potentially significant impacts rather than defer or dismiss them through inclusion of *Standard Conditions*.

Further, without a comprehensive description of the biological baseline condition of the Project site and the surrounding landscape, the DEIR will not meaningfully assess Project-related impacts as required under CEQA Guidelines 15125(a).

Given the Project's setting, the DEIR should evaluate;

- a) Existing habitat conditions on-site and in adjacent preserved lands;
- b) Progressive loss of riparian habitat;

⁸ <https://dot.ca.gov/-/media/dot-media/programs/design/documents/f00020339-200705-fpm-complete-all.pdf>

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 9

- c) The Project's role in contributing to habitat fragmentation, edge effects, and increased human pressure; and
- d) Whether these incremental effects are cumulatively considerable under CEQA Guidelines 15130.

11. Indirect Impact Analysis. The DEIR must evaluate not only direct impacts, but also indirect impacts, adjacency issues, and cumulative impacts to biological resources including the above-referenced special status species and sensitive habitats.

Pursuant to CEQA Guidelines 15126.2(a), the DEIR must analyze both direct and reasonably foreseeable indirect impacts.

Given the Project's adjacency to preserved lands, including BVLER and BVCER, the DEIR shall evaluate;

- a) Potential edge effects (lighting, noise, invasive species);
- b) Hydrological or drainage changes affecting adjacent habitats;
- c) Barriers to wildlife movement;

These indirect effects must be analyzed in detail in the DEIR, including the extent to which increased disturbance may affect species behavior, habitat use, and reproductive success over time. Appendix G of the CEQA Guidelines specifically requires evaluation of impacts to wildlife movement corridors and nursery sites, both of which may be affected by habitat fragmentation.

Cumulative biological impacts must be evaluated pursuant to CEQA Guidelines §15130. The Project's incremental contribution to habitat fragmentation, and disturbance must be considered in combination with past, present, and reasonably foreseeable future projects in the region. The DEIR must assess whether incremental increases in lighting, noise, access, and human activity—when combined with regional growth—would result in cumulatively considerable impacts to the unique and sensitive habitats directly adjacent to the Project site.

Absent this analysis, the DEIR would fail to meet CEQA's requirement to fully disclose and evaluate the Project's full environmental consequences.

- 12. Noise. Caltrans should conduct noise monitoring near BVLER and BVCER. The DEIR should disclose this baseline condition of the ambient noise environment and compare how additional construction noise may potentially impact sensitive wetland birds and nesting species in nearby habitats.
- 13. Impacts to Sensitive Habitat from Artificial Light. Caltrans should reduce impacts to migratory birds from Artificial light at night (ALAN) near BVLER, BVCER and along riparian corridors. CDFW recommends the DEIR include a mitigation measure that requires Caltrans to adopt an artificial light measure and/or mitigate the impacts of

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 10

artificial light as part of the Final Restoration Plan. ALAN is increasing in extent and intensity across the globe. It has been shown to interfere with animal sensory systems, orientation, and distribution, with the potential to cause significant ecological impacts (Barrientos et al. 2023). ALAN also causes changes in reproductive timing or success of birds in response to light leading to phenological mismatches and lower fitness (Barrientos et al. 2023). The impacts of light pollution also cause responses from biodiversity that include advance of spring leaf budding in deciduous trees, inhibition of mating insects under artificial light, wildlife shifts to darker/brighter areas where perceived predation risk is lower, and avoidance of lit wildlife crossings by mammals creating a barrier effect for linear infrastructure (Barrientos et al. 2023).

General Comments

1. Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effects of the project which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Such disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
2. Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR.
 - a) A complete discussion of the purpose and need for, and description of the proposed Project.
 - b) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends Caltrans to select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends Caltrans to consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, and maintenance.
 - c) Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR shall include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 11

- d) Where the Project may impact aquatic resources, CDFW recommends Caltrans to select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities.
3. Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information.
- a) Information on the regional setting is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines, § 15125(c)). The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities webpage](#)⁹.
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#)¹⁰. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project site. This usually involves

⁹ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>

¹⁰ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 12

multiple visits to the Project site (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present.

4. Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to affect biological resources with specific measures to offset such impacts. The DEIR should address the following.
 - a) A discussion of potential impacts from construction, lighting, noise, and identification of any mitigation measures. A discussion regarding Project-related indirect impacts on biological resources. These include resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)). The DEIR should fully analyze and disclose potential effects to surrounding coastal and wetland habitats, habitat quality, and ecological function.
 - b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted (CEQA Guidelines, § 15126.2(a)).
 - c) Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR.
 - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat supported by the groundwater. Measures to mitigate such impacts should be included.
5. Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures (CEQA Guidelines, §§ 15002(a)(3), 15021). Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate impacts below a significant level under CEQA. Mitigation measures must be feasible, effective, implementable, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4).
 - a) The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 13

monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

- b) If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures (CEQA Guidelines, § 15126.4(a)(1)). In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 6. Nesting Birds. To avoid impacts to nesting birds, CDFW recommends the DEIR include minimization measures for nesting birds. Clearing of vegetation or removal of bird nesting habitat should occur outside of the peak avian breeding season, which general runs from February 1 through September 15 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting breeding bird surveys should conduct a nesting bird survey within three days prior to work in the area. If an active nest is identified, a qualified biologist should determine an appropriate no-work buffer between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction should occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project.
- 7. Deferral and Enforceability of Mitigation Measures. The DEIR should include specific and enforceable mitigation measures which avoid, minimize, and/or mitigate impacts to biological resources.

Under CEQA Guidelines 15126.4(a)(1), mitigation measures must be:

- a) Fully enforceable through permit conditions or binding agreements;
- b) Clearly described with specific performance standards; and
- c) Capable of successful implementation.

If the DEIR relies on recommended measures to support a "less than significant" conclusion, those measures must be incorporated into the Project description and adopted through a Mitigation Monitoring and Reporting Program pursuant to Public Resources Code 21081.6 and CEQA Guidelines 15097.

Additionally, for fully protected species such as California least tern, take is prohibited under California law, and there is no permit that can be issued authorizing incidental take. Therefore, mitigation measures must emphasize avoidance and impact

Amanda D'Elia
 California Department of Transportation, District 11
 June 9, 2026
 Page 14

prevention, rather than deferred, compensatory, or performance-based mitigation approaches.

Absent clearly defined, enforceable, performance-based mitigation measure incorporated into the Project and MMRP, the DEIR would not comply with CEWQA requirements.

8. Use of Native Plants and Trees. CDFW recommends Caltrans to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants for the Project, especially considering the Project's location adjacent to protected open space and natural areas. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate', 'High', 'Limited', and 'Watch' by the [California Invasive Plant Council](#)¹¹. CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting native species of trees, such as oaks (*Quercus* genus) and California Sycamore (*Platanus racemosa*), when appropriate, and understory vegetation (e.g., ground cover, vines, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

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 CNDDDB. The [CNDDDB website](#)¹² provides directions regarding the types of information that should be reported and allows on-line submittal of field survey forms.

¹¹ <https://www.cal-ipc.org/plants/inventory/>

¹² <https://wildlife.ca.gov/Data/CNDDDB>

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 15

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)¹³.

The California Department of Transpiration should ensure data collected for the preparation of the DEIR is properly submitted.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 NOP to assist Caltrans in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Andrew Domingos, Senior Environmental Scientist, at (858) 354- 9919 or Andrew.Domingos@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Victoria Tang
Environmental Program Manager
South Coast Region

cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Erika Cleugh, Senior Environmental Scientist (Supervisor)
Gabriel Penaflor, BVLER and BVCER Land Manager
Andrew Domingos, Senior Environmental Scientist (Specialist)

¹³ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

Amanda D'Elia
California Department of Transportation, District 11
June 9, 2026
Page 16

Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

REFERENCES

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