

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2024-075-R3**

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**Project:** Pacheco Pass Wildlife Connectivity Project  
**Location:** Santa Clara County  
**Lead Agency:** Santa Clara Valley Habitat Agency  
**Lead Agency Contact:** Edmund Sullivan; [Edmund.sullivan@scv-habitatagency.org](mailto:Edmund.sullivan@scv-habitatagency.org)

**Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

Anticipated Project Implementation Timeframes:

Start date: January 2027

Completion date: December 2035

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

## **Concurrence Determination**

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

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

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

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

## **Discussion**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Scope and Reservation of Concurrence**

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

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

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

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

### **Other Legal Obligations**

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

### **CDFW Director's Certification**

By: \_\_\_\_\_

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

Date: 9/24/2025



# ERRATA SHEET

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

**Document Number:** 21080.56-2025-075-R3

**Revision:** tracking number

**Original Document Issuance Date:** September 24, 2025

**This errata sheet was issued on September 24, 2025**

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