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From: Xiong, Mary@Wildlife
Sent: Thursday, November 30, 2023 9:39 AM
To: Coley, Jonathan@DOT
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kingour, Morgan@Wildlife
Subject: CalTrans 10-1G020 Carson Transportation Management Systems Project - CDFW Comments on MND

Dear Mr. Coley:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt a Mitigated Negative Declaration (MND) from the California Department of Transportation (Caltrans) for the 10-1G020 Carson Transportation Management System Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The proposed Project consists of installing transportation management system elements and roadside safety improvements at six locations in Amador, El Dorado, and Alpine counties along State Routes 88 and 89. The proposed transportation management system elements and roadside safety improvements include: changeable message sign, streetlight, vehicle detection system, closed-circuit television camera system, roadway weather information system, highway advisory radios, extinguishable message sign, maintenance vehicle pullout, and Midwest guardrail system. Proposed project activities include nightwork, work off the pavement, excavating, grading, trenching, and vegetation and tree removal.

COMMENTS AND RECOMMENDATIONS

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

Comment 1: *Chapter 1.3 Project Description, Page 3 and Chapter 2.1.4 Biological Resources, Environmental Consequences, Common Fish and Wildlife, Page 28 and Bat Habitat Assessment* – The MND states that the project would

avoid natural vegetation communities and habitats supporting wildlife species, although several project locations are next to forests, pastures, and riparian areas known to be potential habitat for sensitive migratory bird species. The project description also includes vegetation and tree removal as an activity, but it is not clear on where and to what extent the activity will occur.

CDFW recommends, in addition to nesting bird avoidance measures BIO 6 and 8, Caltrans perform a bat habitat assessment (or disclose the results, if already performed) in the Project area to help evaluate potentially significant impacts to bat species. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code § 4150, CCR § 251.1). Several bat species are also considered species of special concern, which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065). The habitat assessment should include vegetation proposed for removal (crevices, hollows, exfoliated bark, and foliage). If the assessment determines there to be suitable habitat, CDFW recommends Caltrans consult with a qualified bat biologist to develop a bat avoidance plan. If avoidance is not possible, other minimization measures may be warranted that include passive exclusion, vegetation removal outside of maternity or hibernation roosting seasons (between March 1 and April 15 and September 1 and October 15, respectively), and phased tree removal methods. CDFW recommends the assessment be performed well in advance of the project so that avoidance or exclusion could be appropriately timed in coordination with scheduled construction, if necessary. CDFW recommends the following language be incorporated into the MND to help reduce impacts to bats to a less than significant level: "Replacement Structures. If bat roosts cannot be avoided, replacement roost structures shall be designed to accommodate the bat species they are intended for. Replacement roost structures shall be designed and installed in close coordination with a qualified bat biologist. The size of suitable roosting habitat to be removed shall be quantified by the bat biologist and a minimum of twice the roosting habitat shall be installed in close proximity to the removed roost habitat. Replacement roost habitat shall be monitored by a qualified bat biologist for a minimum of two years to document bat use and monitoring reports shall be submitted to CDFW.

Comment 2: *Chapter 2.1.4 Biological Resources Avoidance, Minimization, and/or Mitigation Measures, Page 28* – As stated in BIO-6, preconstruction surveys for multiple special-status species are proposed. Species-specific surveys should be conducted to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the project activities. The MND should specify the proposed protocol surveys and guidelines for special-status species that have the potential to occur within the project area. CDFW recommends Caltrans rely on survey and monitoring protocols and guidelines available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

Comment 3: *Chapter 2.1.4 Biological Resources, Avoidance, Minimization, and/or Mitigation Measures, BIO-4 Weed Control, Page 26* – CDFW recommends the measure require only a native seed mix of known genetic origin whose original stock seed was collected from within the Sierra Nevada and grown in California unless otherwise approved by the Caltrans in coordination with CDFW. Genetically appropriate plants, adapted to local conditions, usually result in higher survival rates (CDFW, 2010). Revegetation should be completed in the fall before the start of the rainy season. CDFW recommends that seed origin requirements are incorporated into the Project's construction plans and specifications for both the project site itself as well as any habitat restoration, enhancement, or mitigation.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

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

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to r2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Mary Xiong, Senior Environmental Scientist (Specialist), at (916) 212-3876 or mary.xiong@wildlife.ca.gov.

Thank you,

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