



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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December 27, 2022

Stephanie Cormier
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Yolo County Department of Community Services
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COUNTY ROAD 49 OVER HAMILTON CREEK BRIDGE REPLACEMENT PROJECT
(PW2022-03) –INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Dear Ms. Cormier:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from the Yolo County Department of Community Services (County) for the County Road 49 over Hamilton Creek Bridge Replacement Project (Project).

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.

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; California Environmental Quality Act (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 provides, 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 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. 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.

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PROJECT DESCRIPTION SUMMARY

The proposed Project involves the construction of a replacement bridge, which consists of a 61-foot long, single-span, cast-in-place, post-tensioned concrete slab with a risen profile to clear a 30- to 40-year storm event. Construction includes excavation for cast-in-place concrete abutments, pile driving, removal of existing pavement and placement of fill material, installation of guard rail, and relocation of overhead electrical and communication lines. Temporary work within Hamilton Creek includes removal of the existing bridge structure, falsework erection and removal, and installation of scour countermeasures at the abutments. A drivable surface over the temporary crossing will be installed, and all materials of the temporary crossing will be removed following project completion.

The Project is located on County Road 49 over Hamilton Creek, west of Guinda in the Capay Valley in northeastern Yolo County, California and within US Geological Survey "Guinda" Quadrangle; Section 4, Township 11 North, Range 3 West. County Road 49 is a dead-end roadway that extends from County Road 59 to its terminus roughly three miles to the northwest.

COMMENTS AND RECOMMENDATIONS

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

Western Red Bat (*Lasiurus blossevillii*)

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). Bats can occupy trees year-round and are particularly susceptible to disturbance during the maternity season and during hibernation. Disturbance of roost sites during the maternity and hibernation seasons are considered primary factors that may negatively impact bats and have the potential to result in take. During the hibernation period, bats are very slow to respond to disturbance during torpor and can lose fat stores needed to survive the winter. During the maternity season, pups are not volant and dependent on their mother. Several bat species are also considered Species of Special Concern, which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines §15065); therefore, impacts may be considered potentially significant unless adequate mitigation is incorporated.

The IS/MND Mitigation Measure (MM) BIO-4 (Bat Avoidance and Minimization) states that the following measures will be implemented to reduce the potential for impacts on bats that may roost in the Project area.

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- Mature trees should be removed and/or fallen between September 16 – March 15 outside of the bat maternity season. Trees should be removed at dusk to minimize impacts to roosting bats.
- If tree removal cannot be performed outside of the maternity season, a qualified biologist shall conduct a preconstruction survey of suitable roosting habitat within seven days prior to construction activities.
 - If bats are found, consult with CDFW.
 - If no roosting bats and no potential for roosting bats are found, tree removal can proceed.
 - If potential for roosting bats has been determined and no bats are discovered, a qualified biologist should monitor tree removal activities to ensure the avoidance and minimization of take of regulated species.

Section 15126.4 (a)(1)(B) of the CEQA guidelines states that formulation of mitigation measures should not be deferred until some future time. As written, a portion of MM BIO-4, relies on future approvals or agreements as a means to bring identified significant environmental effects to below a level of significance. Because there is no guarantee that these approvals or cooperation with all the involved entities will ultimately occur, the mitigation measures are unenforceable and do not explain how the impacts to biological resources would be reduced to a less than significant level.

The IS/MND states in MM BIO-4 that if bats are found during a preconstruction survey, CDFW will be consulted. CDFW recommends that if an occupied roost is discovered, the qualified bat biologist should establish a no-disturbance buffer around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.

CDFW also recommends MM BIO-4 be revised to include the following measures:

Bat Surveys: Within six months prior to the start of tree trimming and/or removal, building demolition, or construction activities, a qualified bat biologist with education and experience in bat biology and identification should survey the Project site for potentially suitable bat roosting habitat. Within 48 hours prior to the start of any Project activities that may directly or indirectly impact potentially suitable roosting habitat, the qualified biologist should survey the potential roosting habitat for occupied roosts. If an active bat roost is found, the qualified biologist should establish a no-disturbance buffer around the roost. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.

Tree trimming and/or removal: If suitable bat roosting habitat is found, tree removal should be scheduled either (1) between approximately March 1 (or when evening

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temperatures are above 45°F and rainfall less than ½ inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches should be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures should be avoided, and only branches or limbs without those features should be removed. On the second day, the entire tree should be removed. Project proponents should consult with a qualified bat biologist to determine suitable buffers around roost and/or hibernaculum sites. Buffers may vary depending on species and Project activity being performed.

Bat Exclusion: If an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a plan for the passive exclusion of the bats from the roost. The qualified bat biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony or hibernaculum. If a maternity colony or hibernaculum is or may be present, the roost should be avoided until it is no longer active, or until the qualified bat biologist can confirm that no maternity colony or hibernaculum is present. CDFW does not support eviction of bats during the maternity or hibernation periods.

To exclude bats from structures, actively used openings should have a one-way door installed to allow the bats to leave the roost, but not re-enter. After 7 to 10 days, the one-way doors should be removed, and the opening blocked or sealed. The qualified biologist should monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost should be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present. Because of the large variability in the way bats use structures, CDFW recommends that a plan on how to monitor and exclude bats be developed by a qualified biologist and submitted to CDFW for review and approval.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be 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.

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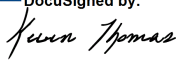
FILING FEE

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 proposal 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.

Sincerely,

DocuSigned by:

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Kevin Thomas
Regional Manager

ec: Tanya Sheya, Environmental Program Manager
Mary Xiong, Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
Office of Planning and Research, State Clearinghouse, Sacramento