

## Haggerty, Nicole@Wildlife

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**From:** Moseby, Nicholas@Wildlife  
**Sent:** Thursday, July 11, 2024 4:56 PM  
**To:** 03\_0J410\_Project\_Inbox@DOT  
**Cc:** Wildlife R2 CEQA; Stanfield, Melissa@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife  
**Subject:** PT: 2024-0184 - CDFW's Comments on the Alta CAPM ND

Dear Jordan Schmidt:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a Negative Declaration (ND) from California Department of Transportation (Caltrans) for the Alta Capital Prevention Maintenance (CAPM) (Project) pursuant 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. (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. 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**

The Project site is located in Placer County on Interstate 80 (I-80) from post mile (PM) 33.00 to 44.90 between Alta and Colfax.

The Project consists of restoring the functionality and extending the service life of drainage systems/culverts that are in poor and/or fair condition to prevent further damage to the roadbed that supports the pavement. Additionally, the Project proposes restriping to extend the eastbound lane separation taper at the State Route 174/I-80 Separation off-ramp (Bridge No. 19-0086) and the Truck Climbing Lane (TCL) on the eastbound side of the Long Ravine Bridge (Bridge No. 19-0089) to help

improve operations and safety by facilitating movement of vehicles/trucks with speed differentials. Lastly, the Project proposes to upgrade signs, Transportation Management System elements, luminaires, and guardrails to the current standards, safety, and operation.

## 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.

CDFW is primarily concerned with the Project impacts to:

1. Scope of Work, Drainage System/Culverts
2. Habitat Connectivity
3. California Spotted Owl (*Strix occidentalis occidentalis*)
4. Bridge Dwelling Wildlife

**Comment 1:** Scope of work, Drainage System/Culverts, page 7 & A-34.

**Issue:** Plan sheets included in the ND indicate that jack and bore method is proposed at locations PM 41.6 and 41.7. Presumably the construction footprint of the jack and bore activities will extend into an area of Montane Hardwood-Conifer (MHC) habitat where mature trees are present; however, the removal of native trees and/or woody plants associated with jack and bore activities is not discussed or analyzed in the ND. In addition, no compensatory mitigation for mature tree removal is proposed.

**Recommendation:** CDFW recommends Caltrans analyze the potential impacts to mature trees and shrubs within the MHC habitat that could result from the proposed jack and bore activities. If the Project will result in permanent direct or indirect impacts to MHC habitat, CDFW recommends Caltrans incorporate appropriate and enforceable compensatory mitigation to reduce those impacts to a less than significant level.

**Comment 2:** Habitat Connectivity, Chapter 2.4 Biological Resources, page 58.

**Issue:** The ND states that implementation of the Standard Measures and Best Management Practices (Section 1.7) would ensure that construction activities avoid and minimize potential impacts on habitat connectivity. However, Section 1.7 does not include Standard Measures or Best Management Practices for habitat connectivity.

The ND states that the Project would not result in any new or increased barriers to wildlife movement, and that upsizing culverts to 24 inches in diameter would provide an ancillary benefit to connectivity. The ND does not adequately analyze existing wildlife connectivity issues in this stretch of I-80 or wildlife vehicle collision mortality for species too large to use 24-inch diameter culverts such as deer (Downieville/Nevada City herd and Blue Canyon herd), black bear, fox or bobcats that migrate in the vicinity of the Project area. CDFW expects cumulative impacts to their populations to continue if wildlife connectivity in this area is not improved. A lack of wildlife connectivity in this stretch of I-80 continues to make it difficult for the wildlife to cross for seasonal or daily use.

**Recommendation:** CDFW acknowledges that Caltrans has proactively incorporated connectivity elements such as undercrossings, jump outs, and wildlife fencing into other capital Projects along this stretch of I-80. To complement those efforts, CDFW recommends that Caltrans identify suitable

locations and incorporate wildlife crossing structures/features into their design plans, with fencing and jump-outs where geographically feasible. Culverts that can be feasibly modified to increase headroom and conveyance capacity should also be identified and incorporated into the design plans. Caltrans may consult with CDFW to identify locations where wildlife fencing could be used to direct wildlife to safely cross under the highway.

**Comment 3:** California spotted owl (*Strix occidentalis occidentalis*) (CSO), Chapter 2.4 Biological Resources, Threatened and Endangered Species section, page 42.

**Issue:** The ND states that CSO which is a California species of special concern (SSC) was identified as having the potential to occur within the Environmental Study Limit (ESL).

The Project proposes 2.313 acres of direct temporary impacts to MHC habitat, which provides suitable habitat for CSO. In addition, suitable habitat occurs adjacent to the Project boundary along the entire length of the Project. The closest recorded activity center to the ESL is an active nest of a reproductive pair approximately 1.75 miles north of the northeastern most portion of the ESL. There are several other activity centers within 5.0 miles of the ESL. Project generated direct and indirect impacts to CSO may occur as a result of construction activities.

**Recommendation:** To reduce potential Project impacts to CSO to a less-than-significant level, CDFW recommends the following avoidance and minimization measures be incorporated into the ND:

- 1) A qualified biologist will be present on-site to conduct monitoring during removal of suitable CSO habitat identified during pre-construction surveys.
- 2) CSO Environmental Awareness Training shall be provided for all workers on the Project site.
- 3) A nesting CSO pre-construction survey should be conducted by a qualified biologist within 3 days prior to the start of construction activities. If an active nest is observed where it may be impacted by Project activities, an appropriate no-disturbance buffer should be established around the active nest by the qualified biologist in consultation with CDFW. The no-disturbance buffer should be maintained until the qualified biologist determines that the nest is no longer active.

**Comment 4:** Bridge Dwelling Wildlife, Chapter 2.4 Biological Resources, Discussion of CEQA Environmental Checklist Question 2.4(a)—Biological Resources, page 58.

**Issue:** The ND does not provide information on bridge dwelling species including but not limited to bat and swallow species that may use the following structures: State Route 174/I-80 Separation off-ramp (Bridge No. 19-0086) and Long Ravine Bridge (Bridge No. 19-0089). Work is also proposed at the on/off ramps located at PMs 38.3/38.5 (Alpine Overcrossing), 41.2/41.6 (Gold Run Overcrossing), PMs 42.2/42.4 (Sawmill Overcrossing), 43.0/43.3 (Monte Vista Overcrossing), 44.6/44.8 (Alta Road Undercrossing). The potential presence of bridge dwelling wildlife at these structures must be known in order to effectively analyze Project impacts on those resources.

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). Potential Project impacts to bridge dwelling bats may result during construction from activities such as upgrading non-standard guardrails and median concrete barriers. These types of construction activities have the potential to generate

increased noise, lighting, and vibrations. It is well documented that construction related disturbance has the potential to impact day roosting bats (Johnston et. Al 2004, Johnston et. Al 2019). Disturbance that results in post-construction roost abandonment should be considered a permanent impact (Johnston et. Al, 2019). Any direct or indirect artificial lighting has the potential to degrade or eliminate roosts or potential roosting habitat (Johnston et. Al 2019). Noise disturbance and displacement of bats from roosts or important foraging areas can potentially result in reduced survivability of individuals from increased susceptibility to predation, reduced quality of thermal and social environments, and decreased foraging efficiencies (Johnston et. Al, 2019).

Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. 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 the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is 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 the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act.

**Recommendation:** Caltrans should determine if bridge dwelling wildlife species are present on the State Route 174/I-80 Separation off-ramp (Bridge No. 19-0086) and Long Ravine Bridge (Bridge No. 19-0089). If present Caltrans should incorporate effective and enforceable mitigation measures such as compensatory mitigation to reduce Project impacts to bridge dwelling wildlife to a less-than-significant level.

## **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](mailto: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](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the ND for the Alta CAPM Project to assist Caltrans 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.

Sincerely,

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