



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 6, 2024

Plumas County Transportation Commission  
1834 East Main Street  
Quincy, CA 95971  
[jimgraham@countyofplumas.com](mailto:jimgraham@countyofplumas.com)

Subject: 2025 Plumas County Regional Transportation Plan (PC RTP; Project)  
Draft Initial Study/Negative Declaration (IS/ND)  
SCH No. 2024110092

Dear Jim Graham:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an ND from the Plumas County Transportation Commission (PCTC) for the PC RTP pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

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 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). The Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the

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<sup>1</sup> 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.

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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.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California’s fish and wildlife resources.

### **PROJECT DESCRIPTION SUMMARY**

The Project site is located throughout the County of Plumas in northeastern California at the northern boundary of the Sierra Nevada Mountain Range and southern boundary of the Cascade Range.

The ND evaluates the environmental impacts related to the adoption and implementation of the 2025 PC RTP for Plumas County. The PC RTP is a long-range comprehensive plan for the county’s transportation system. It includes potential capital and operational improvements as well as focusing on maintenance and rehabilitation activities within the county’s transportation system.

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist PCTC 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:** Biological Resources, Section 4.4.1 (Page 24): The ND states, “Because the RTP does not propose to expand the capacity of the existing transportation network and includes mostly reconstruction and rehabilitation projects, it is not anticipated to impact threatened or endangered species.” However, reconstruction and rehabilitation projects could have potentially significant impacts to threatened or endangered species. In multiple locations along Highway 70 in the Feather River Canyon, within Plumas County, there are known, documented, occurrences of rare plant populations on the shoulder of, or immediately adjacent to, the roadway. Road rehabilitation projects in the vicinity of any of these plant populations could result in the accidental take of plants simply through side casting of materials during the rehabilitation project or through crushing as a result of vehicle parking or staging of materials for the project on the shoulder of the roadway. Additionally, special-status species such as nesting birds including raptors or migratory bird species may abandon nests, resulting in “Take”, simply as a result of construction noise or significant increase in human activity in the vicinity of the nest that is associated with roadway rehabilitation projects. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

CDFW recommends the ND includes mitigation measures such as preconstruction special-status species surveys, qualified biologists to be onsite during construction projects where those special-status species are observed or have been observed, and avoidance buffers

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from special-status species and their habitats developed in coordination with the qualified biologist and CDFW. CDFW is available to assist in the development of mitigation measures for those project activities that may potentially impact special-status species or their habitats and recommends the PCTC rely on survey and monitoring protocols and guidelines available at: [www.wildlife.ca.gov/Conservation/Survey-Protocols](http://www.wildlife.ca.gov/Conservation/Survey-Protocols).

**Comment 2:** Biological Resources, Section 4.4.2 (beginning on Page 24): The ND states, “Rehabilitation efforts make up most projects identified in the RTP, which would not disturb any new ground as they would occur on existing roadways.” However, rehabilitation efforts could significantly impact fish and wildlife resources and mitigation measures should be developed. For example, the replacement of a failed culvert under a roadway typically would require that any flowing water through the culvert would need to be temporarily diverted around the project site while the bedding for the new culvert is prepared and the new culvert and roadway are replaced. This entire procedure often requires disturbance and most probably excavation of soil and the stream channel in the immediate vicinity, both upstream and downstream of the culvert replacement. The RTP further states in the same section, “...nor would it have any adverse effect on any riparian habitat, sensitive natural community or protected wetland...” In many areas of Plumas County where culverts convey active, year-round streams under roadways, there is significant riparian habitat immediately adjacent to the roadway itself. Removal of a failed culvert and its subsequent replacement may potentially result in disturbance of riparian habitat if vegetation needs to be trimmed or removed, which could affect fish and wildlife resources that depend on that habitat. Furthermore, Fish and Game code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

If upon review of an entity’s notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW’s issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code 21065).

CDFW recommends the ND include measures to mitigate for the potential loss of riparian and stream habitat that may be used in subsequent CEQA analyses for specific projects. Mitigation for the loss of riparian habitat may be implemented by on- or off-site restoration, creation, or enhancement by expanding those areas to be larger than the areas of permanent impact.

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**Comment 3:** Section 4.4.2 states “The Plan would not interfere with the movement of any native resident or migratory fish or wildlife species or with any wildlife corridors.” State and federal agencies have developed resources and guidelines for design and placement of stream culverts under roadways in an effort to minimize or eliminate impediments to fish movement within a waterway listed here: <https://dot.ca.gov/programs/design/manual-fish-passage-design-for-roadway-crossings>. CDFW would also encourage the PCTC to acknowledge the goal of minimizing blockages to fish movement in active waterways through adoption and implementation of these design guidelines. CDFW would further encourage PCTC to coordinate in the future with CDFW staff on potentially incorporating wildlife connectivity plans into roadway rehabilitation projects to further minimize impediments of rehabilitation projects to wildlife migratory corridors. Wildlife connectivity can be improved by incorporating the construction of structures in the form of underpasses, upsized culverts, and/or deer fencing along roads and highways that guide wildlife to existing or new crossings (i.e., bridges, cattle undercrossings, upsized culverts.) with fencing jump-out features. Providing these connectivity features may help with wildlife movement and migration as well as protect motorists from vehicular collisions with wildlife.

**Comment 4:** Biological Resources, Section 4.4.2 (Page 24): In situations where rehabilitation projects could involve bridges, the rehabilitation projects could have significant impacts on various wildlife species that may utilize some part of the bridge either for nesting or roosting such as cliff swallows or any of the various species of bats that are known to occur in Plumas County. Bridges can be used as a daily roosting site for some species of bats, or it may be used as a nursery site by other species. Therefore, rehabilitation projects for a bridge can have significant impacts on either bat or bird species or potentially both depending on the location of the bridge or its size.

CDFW recommends that the ND include mitigation measures for preconstruction surveys for bridge dwelling wildlife by a qualified biologist and additional measures to mitigate potential impacts to wildlife if detected during surveys, such as through timing of rehabilitation projects or implementation of exclusion activities and/or creation of alternative nearby habitat for the species impacted by the project through consultation with CDFW.

To note, CDFW is currently working with the Plumas County Department of Public Works on the issuance of an incidental take permit (ITP) for CESA-listed species and has issued previous authorizations under LSA and CESA for bridge replacement projects since 2020. For future permit authorizations that may be needed including, Lake and Streambed Alteration Agreements or ITPs, CDFW will rely on the CEQA environmental document for that project and its accurate analysis of the significant impacts to fish and wildlife resources and the mitigation measures imposed.

**Comment 5:** Biological Resources, Section 4.4.2 (Page 24): Though, as noted in this section, “...the current RTP as a plan would not impact biological resources, wetland resources, or conflict with any habitat conservation plan or local ordinance protecting natural and biological resources. This is a less than significant impact and no mitigation is

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required.” A Negative Declaration may not be appropriate for this level of review considering all projects related to improvements to or maintenance and rehabilitation of roadways within Plumas County will tier from the analysis of this programmatic document. In 2020, the PCTC adopted a Mitigated Negative Declaration (MND) for the Plumas County 2020 Regional Transportation Plan (<https://ceqanet.opr.ca.gov/2019120199/2>), which CDFW commented on and provided recommendations. The environmental checklist at that time indicated impacts to biological resources were less than significant with mitigation incorporated to checklist items a) through d), which includes special-status species, riparian habitat or other sensitive natural communities, protected wetlands, and interference with native resident or migratory fish or wildlife species.

CDFW recommends the PCTC reevaluate the analysis of this programmatic document and the potential impacts of future projects to fish and wildlife resources and develop a standard set of mitigation measures to be incorporated by subsequent projects covered under this document. Furthermore, CDFW recommends elevating this document to an MND and updating the environmental review checklist given the recommendations provided in the previous comments.

As such, CDFW would encourage PCTC to coordinate with CDFW in minimizing any adverse impacts to fish and wildlife (biological) resources in Plumas County and the importance of coordinating with CDFW staff wherever, and whenever, possible to help in achieving the goal of “Less than significant impacts” for each subsequent project tiering from this Negative Declaration.

### **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 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.)

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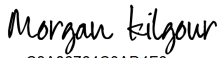
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## CONCLUSION

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 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 email or further coordination should be directed to Robert (Bob) Hosea, Environmental Scientist at (530) 708-1199 or [robert.hosea@wildlife.ca.gov](mailto:robert.hosea@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Morgan Kilgour  
Regional Manager

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*Department of Fish and Wildlife*

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