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GAVIN NEWSOM, Governor  
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Governor's Office of Planning & Research

January 6, 2020

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## STATE CLEARINGHOUSE

James Graham  
Senior Environmental Planner  
Plumas County Public Works Department  
1834 E. Main Street  
Quincy, CA 95971

Dear Mr. Graham:

Subject: Plumas County 2020 Regional Transportation Plan  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH# 2019120199

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a MND from Plumas County for the Plumas County 2020 Regional Transportation Plan (Project) 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 is also submitting comments 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

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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.

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.), related authorization as provided by the Fish and Game Code should be obtained. 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 Project consists of the adoption and implementation of the 2020 Plumas County Regional Transportation Plan (RTP). The Plumas County Transportation Commission (PCTC), as the designated Regional Transportation Planning Agency (RTPA), is required by State law to prepare the RTP and transmit it to the California Department of Transportation (Caltrans) every four years.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Plumas 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.

The Initial Study / Mitigated Negative Declaration (IS/MND) prepared for the Project indicates that the Project area has the potential to support sensitive biological resources. The Project therefore has the potential to impact these resources. CDFW recognizes that the IS/MND outlines mitigation measures to reduce impacts to biological resources. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding the impact analysis and proposed mitigation measures to address wildlife movement and habitat fragmentation, and cumulative impacts from direct vehicle mortality.

### **Biological Resources**

#### ***Deferred Mitigation***

CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. The IS/MND includes mitigation measures for biological resources that rely on future approvals or agreements as a means of bringing identified significant environmental effects to below a level of significance. For example, Mitigation Measure 1 states that prior to final design approval of RTP projects, take steps to identify and protect any biological resources associated with

the project. If the project cannot be designed to completely avoid, coordinate with the appropriate regulatory agency (i.e. USFWS, NMFS, CDFW, ACOE) to obtain regulatory permits and implement project-specific mitigation prior to any construction activities. As stated above because there is no guarantee these approvals or cooperation with all the involved entities will ultimately occur or what measures they would contain, they should not be considered an automatic means to reduce impacts to less than significant. The IS/MND must identify enforceable measures that will reduce the impacts to biological resources to a less-than-significant level.

CEQA requires that any activity resulting in loss of habitat, decreased reproductive success, or other negative effects on population levels of special-status species should be addressed in the IS/MND. There should be a clear impact assessment that outlines the temporary and permanent effects of the Project on all biological resources within and surrounding the Project site. If it is not possible to avoid impacts to special-status species, the IS/MND must identify feasible mitigation that reduces project impacts to a less-than-significant level. As discussed above, Mitigation Measure 1 does not meet these requirements. Therefore, CDFW recommends the IS/MND include measures that are enforceable and do not defer the details of the mitigation to the future.

#### *Sierra Nevada and Foothill Yellow Legged Frog*

The IS/MND states that there are special status species within Plumas County but does not state which specific species may be present. Plumas County lies within the range of both the Sierra Nevada Yellow Legged Frog (*Rana sierrae*) (SNYLF) and Foothill Yellow Legged Frog (*Rana boylei*) (FYLF), and both have the potential to occur within the project area and may be affected by the Project. Both species are listed as threatened species under California Endangered Species Act (CESA) and as such they are afforded full protection under the act.

The Project could have a substantial adverse effect on Sierra Nevada and Foothill Yellow Legged Frog because the construction of the Project would require direct alteration of known frog habitat. Roads can result in amphibian mortality (van Gelder 1973) and decrease diversity of amphibians in wetlands (Findlay and Houlihan 1997). Post-metamorphic FYLFs are known to use wetted inboard ditches and puddles on forest roads (R. Bourque, CDFW, unpublished data), and FYLF mortality from vehicle traffic has been documented (Cook et al. 2012). Roads also create barriers to movement and fragment SNYLF habitat. Also, if roads are being constructed in higher elevation areas, road salts used during the winter can run-off into wetlands and alter the chemistry, potentially making them uninhabitable.

Based on the foregoing, CDFW considers that Project impacts on Sierra Nevada and Foothill Yellow Legged Frog could be significant. Due to the likely significant adverse effects to these species, CDFW recommends detailing specific potential impacts from the Project and identify feasible mitigation that reduces project impacts to a less-than-significant level.



### *Wildlife Movement*

The IS/MND prepared for the Project indicates that the Project area has the potential to support sensitive biological resources. The Project therefore has the potential to impact these resources. CDFW recognizes that the IS/MND outlines mitigation measures to reduce impacts to biological resources. However, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant. Specifically, CDFW is concerned regarding the impact analysis and proposed mitigation measures to address wildlife movement and habitat fragmentation, and cumulative impacts from direct vehicle mortality. Fish and Game Code 1930.5 (c) (1) calls for the protection of wildlife corridors, allowing for migration and movement of species by providing connectivity between habitats, installation of wildlife fence, and provision of roadway crossings to allow movement of wildlife. The planned projects in the RTP will likely result in increased traffic volume, wider highways or other features that will increase vulnerability of wildlife to vehicle mortality.

The ecological footprint of roads extend beyond its physical footprint due to road mortality, habitat fragmentation, and indirect impacts (Spencer et al, 2010). Where CalTrans maintenance station data or California Highway Patrol TASAS data indicate deer vehicle collisions on stretches of Plumas County highways, CDFW requests consultation or planned mitigation similar to other regional projects where CalTrans has incorporated undercrossings and exclusionary fencing, with jumpouts, designed to mitigate road impacts to wildlife. CDFW has limited collar data for the county for deer (*Cervidae*), mountain lion (*Puma concolor*) and wolves (*Canis lupus*). Highways have had an effect in direct mortality to deer, as well as limiting or redirecting movement of other larger carnivores.

CDFW recommends construction of wildlife connectivity structures in the form of underpasses or upsized culverts, where feasible, to include exclusionary deer fence and jumpout features. Areas of concern in Plumas county are relative to the migratory black-tailed and mule deer (*Odocoileus hemionus*) herds that must cross the highways to meet seasonal or daily needs, as well as mountain lions, gray wolf, elk and other terrestrial wildlife. Highway 70 between Chilcoot and Quincy is one such area. Temporary measures included in the RTP will not reduce impacts to less than significant.

### **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 IS/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 Kyle Stoner, Senior Environmental Scientist (Specialist) at (916) 767-8178 or [Kyle.Stoner@wildlife.ca.gov](mailto:Kyle.Stoner@wildlife.ca.gov).

Sincerely,



 Kevin Thomas  
Regional Manager

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