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March, 4, 2020

Governor's Office of Planning & Research

**MAR 04 2020**

Laura Perron  
Placer County  
3091 County Center Drive, Suite 220  
Auburn, CA 95603

**STATE CLEARINGHOUSE**

Subject: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE YANKEE JIMS ROAD BRIDGE REPLACEMENT PROJECT (SCH NO. 2020010388)

Dear Ms. Perron:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Yankee Jims Road Bridge Replacement Project (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 and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

## DEPARTMENT ROLE

The Department 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)). The Department, 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, the Department 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.

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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.

The Department may also act as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). The Project is likely to be subject to the Department's Lake and Streambed Alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, if the Project 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 Department may issue a CESA Incidental Take Permit. The Department also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish & G. Code that afford protection to California's fish and wildlife resources.

### **PROJECT DESCRIPTION SUMMARY**

The Project is located at the Yankee Jims Bridge where Yankee Jims Road crosses the North Fork American River, in an unincorporated area of Placer County approximately 7.5 miles southeast of Colfax, in the Auburn State Recreation Area. The Project proposes to retain the existing bridge in place for pedestrian use and construct a new bridge and roadway that approaches downstream of the existing bridge. The new bridge would include two lanes and shoulders.

The Project description in the DEIR should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Project area. Exhibits should include temporarily impacted areas such as equipment stage areas, spoils areas, adjacent infrastructure development, staging areas and access and haul roads if applicable.

As required by § 15126.6 of the CEQA Guidelines, the DEIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under the Department's jurisdiction.

### **COMMENTS AND RECOMMENDATIONS**

The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The Department offers the comments and recommendations presented below to assist the County of Placer (County; the CEQA lead agency) in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the Department to adequately review and comment on the proposed Project with respect to impacts on biological resources. The Department recommends that the forthcoming DEIR address the following:

## **Assessment of Biological Resources**

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable Department staff to adequately review and comment on the Project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The Department recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. The Department recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. The Department's California Natural Diversity Database (CNDDDB) may be accessed at <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> to obtain reported sightings of special-status species in the vicinity of the proposed Project.

Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. To generate a list of species that may be present in the area of the Project site, the Department recommends that the CNDDDB QuickView tool be used to list species reported within the nine-quad area around the Project location.

3. An inventory of rare, threatened, endangered, and other sensitive species known to occur within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. The DEIR should include the results of focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Acceptable species-specific survey

procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following the Department's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://wildlife.ca.gov/Conservation/Plants/Info>).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

#### **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The DEIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources. To ensure that Project impacts on biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions caused by construction activities adjacent to natural areas.
2. An analysis of direct Project impacts on wildlife habitat including, but not limited to, vegetation removal, excavation and/or fill in wetlands or water bodies such as the North Fork American River, and potential impacts on water quality and/or flow.
3. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

## **Mitigation Measures for Project Impacts to Biological Resources**

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. When proposing measures to avoid, minimize, or mitigate impacts, the Department recommends consideration of the following:

- 1. *Fully Protected Species:*** Several Fully Protected Species (Fish & G. Code § 3511) have the potential to occur within or adjacent to the Project area, including, but not limited to: golden eagle (*Aquila chrysaetos*), American peregrine falcon (*Falco peregrinus anatum*), and ringtail cat (*Bassariscus astutus*). Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. The Department also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. The Department recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.
- 2. *Sensitive Plant Communities:*** The Department considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
- 3. *Habitat Mitigation:*** The Department considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation, restoration, enhancement, and/or acquisition and preservation in perpetuity should be addressed.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative

losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation (if included as mitigation) should be prepared by persons with expertise in California foothill ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

The Department recommends that local seed and plant propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated as soon as possible in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and Birds of Prey*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Section 3503 of the Fish & G. Code 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 & G. Code or any regulation made pursuant thereto. Section 3503.5 of the Fish & G. code 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 & G. Code or any regulation adopted pursuant thereto. Section 3513 of the Fish & G. Code states that it is unlawful to take or possess

any migratory nongame bird as designated in the federal Migratory Bird Treaty Act.

The Department recommends that the DEIR include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: scheduling removal of vegetation outside the nesting season (typically February 1 through August 31) and surveying the Project site for nests prior to starting construction. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site, such as establishing non-disturbance buffers around nests, and placement of visual barriers and/or sound walls between construction activities and the nest site. The Department recommends that pre-construction nesting surveys be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

6. *Translocation of Species*: The Department generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened, or endangered species as these efforts are generally experimental in nature and largely unsuccessful.

### **California Endangered Species Act**

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. A CESA Incidental Take Permit (ITP) may be obtained to provide coverage if the Project has the potential to result in "take" (Fish & G. Code §86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of state-listed CESA species, either through construction or over the life of the Project.

The Department encourages early consultation, as modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP or otherwise demonstrate compliance with CESA.

The CNDDDB contains records of the following state-listed and candidate CESA species within the nine-quad area around the Project site: western bumblebee (*Bombus occidentalis*), foothill yellow-legged frog (*Rana boylei*), California black rail (*Laterallus jamaicensis coturniculus*), fisher (*Pekania pennanti*), and Sierra Nevada red fox (*Vulpes vulpes necator*).

## **Native Plant Protection Act**

The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 *et seq.*) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by the Department or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an Incidental Take Permit (ITP) or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

The CNDDDB contains records of the following state-listed rare and endangered plant species within the nine-quad area around the Project site: Stebbins' morning-glory (*Calystegia stebbinsi*), Pine Hill flannelbush (*Fremontodendron decumbens*), Layne's ragwort (*Packera layneae*), and Scadden Flat checkerbloom (*Sidalcea stipularis*).

## **Lake and Streambed Alteration Program**

Fish & G. Code section 1602 requires an entity to notify the Department prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the floodplain or riparian area of a body of water.

Upon receipt of a complete notification, the Department will determine if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. The Department may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. To obtain an LSA notification package, please go to <https://wildlife.ca.gov/Conservation/LSA#55227761-paper-submittal>. Please note that online notification submittal through the Environmental Permit Information Management System (EPIMS) will be available starting March 31, 2020, and paper notification packages will no longer be available for downloading and printing from the Department's website starting May 1, 2020, for standard notification. Please note that the specific methods and definitions used by other agencies (such as the Army Corps of



Engineers) to determine impacts to areas subject to their authorities are not always sufficient for the Department to determine the extent of impacts to fish and wildlife resources. For example, a delineation of Waters of the United States may not include areas of riparian habitat, which are important to include in a Notification of Lake or Streambed Alteration. Therefore, the Department does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting an LSA Notification.

A map or delineation of lakes, rivers, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the proposed Project, including impacts from access and staging areas should be included with the LSA Notification.

### **Further Coordination**

The Department appreciates the opportunity to comment on the NOP of a DEIR for the Yankee Jims Bridge Replacement Project and recommends that the County address the Department's comments and concerns in the forthcoming DEIR. Department staff are available to consult with the County.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Gabriele Quillman, Environmental Scientist at (916) 358-2955 or at [gabriele.quillman@wildlife.ca.gov](mailto:gabriele.quillman@wildlife.ca.gov).

Sincerely,



Jeff Drongesen  
Environmental Program Manager

ec: StateClearingHouse, [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

### Literature Cited

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California.  
<http://vegetation.cnps.org/>

