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From: Kennedy, Amy@Wildlife
Sent: Tuesday, June 17, 2025 3:06 PM
To: twalley@calaverasrcd.org
Cc: Wildlife R2 Timber
Subject: NW Calaveras Fuel Reduction Project MND

Good afternoon, Trina

The California Department of Fish and Wildlife (CDFW) has received the NW Calaveras Fuel Reduction Project's (Project) Mitigated Negative Declaration (MND) for review.

The Project is located north and west of Valley Springs, on private property, within the Wildland Urban Interface (WUI), in a wildfire risk area. Project activities include mastication, hand cutting and piling, hand cutting and lopping/scattering, hand cutting and chipping (broadcast or chip/haul), prescribed fire (broadcast or pile burning), and prescribed herbivore grazing.

The California Department of Fish and Wildlife (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.

I have the following recommendations and comments:

Crotch's Bumble Bee

Crotch's bumble bee is a candidate species under CESA and as such it is afforded full protection under the act. It is unlawful to take a State-listed endangered or threatened species (Fish & G. Code §2050 et seq.). Take is defined as "hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill" (Fish & G. Code §86). CESA take authorization, should be obtained if the proposed project has the potential to result in take of a State-listed plant or wildlife species.

The IS MND does not mention the nearby occurrences of Crotch's bumble bee, however the Xerces Society Bumble Bee Atlas has a recent recording of Crotch's bumble bee less than 8 miles away from the project location. In addition, CNDDDB shows the project is also within predictive habitat for

Crotch's bumble bee. I recommend adding this information to the MND section on Terrestrial and Aquatic Wildlife Species: Descriptions and Ecology.

Page 32, Section 4, Mitigation Measures, describes the methods proposed to avoid impacts to listed Crotch's bumble bees. This section goes on to describe that surveys will be completed by a qualified person, for the 5 species identified as being the Crotch's bumble bees preferred food. However, on page 29 of the document under the heading Crotch's bumble bee, it states "... Crotch's Bumble Bee is a floral generalist, and may be found pollinating any number of different flowering botanical." Therefore CDFW recommends changing the language of Mitigation Measure #1 (a) to include a general floristic and visual encounter survey for bumble bees, prior to beginning earth moving operations or prescribed burns, by a qualified RPF or Botanist. To be qualified, an RPF or botanist would 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (current version dated March 20, 2018), or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor, 4) be familiar with the California Manual of Vegetation (Sawyer et al. 2009 or current version, including updated natural communities data at <http://vegetation.cnps.org/>), and 5) be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.

CDFW also recommends adding species measures specific to bumble bees, from Cal VTP EIR to avoid impacts. Species measures include:

1. Prescribed burning within occupied or suitable habitat for special-status bumble bees will occur from October through February to avoid the bumble bee flight season.
2. Treatment areas in occupied or suitable habitat will be divided into a sufficient number of treatment units such that the entirety of the habitat is not treated within the same year; the objective of this measure is to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area.
3. Treatments will be conducted in a patchy pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not burned or removed and untreated portions of occupied or suitable habitat are retained (e.g., fire breaks will be aligned to allow for areas of unburned floral resources for special-status bumble bees within the treatment area).
4. Herbicides will not be applied to flowering native plants within occupied or suitable habitat to the extent feasible during the flight season (March through September).

California Tiger Salamander (CTS)

California tiger salamander (*Ambystoma californiense*) central California Distinct Population Segment (DPS) is both federally and state listed as *threatened*, and multiple observations have been recorded in California Natural Diversity Database (CNDDDB) from the surrounding project area, including an observation that is 0.5 miles or less, away from the project area. *A. californiense* are known to leave pools and migrate upland after egg laying. On average, individuals travel approximately 1.16 miles, and in some cases up to 1.5 miles (Searcy & Shaffer, 2011) to use small mammal burrows (Loredo et al. 1996) where they continue to emerge at night, when humidity is high, to feed for the next two months following breeding season (Stebbins & McGinnis, 2012). Typically, breeding and migration occur from November 1 – April 30. The current mitigation measures included in the IS MND may not mitigate project impacts to a less than significant level due to the close proximity of the project area to

multiple pools, raising the chance for potentially unrecorded populations to be present in the area if the distance from the project area is less than its usual migration distance of 1.5 miles.

CDFW recommends the additional avoidance measures:

Page 33, section B, ii states that *if the presence of burrows is confirmed, the burrows will be mapped and either delineated with exclusion tape, marked with pin flagging next to the burrow(s), or flagged in areas where delineation is not feasible, for exclusion and avoidance.* CDFW recommends adding additional measures to reduce the impacts to less than significant, including an additional buffer of 1.25 miles from breeding habitat.

Page 33, section E states that *if CTS are observed, CDFW will be consulted, unless an Approved Qualified Biologist (CDFW) is available to relocate.* This information is inaccurate, as CDFW would not be available to relocate a CTS if one was found. In addition, there is no other qualified person that could move a CTS, unless an Incidental Take Permit was obtained, and the US Fish and Wildlife Service was also consulted.

Page 43 and 44 of the MND states the AMM's are intended to avoid or reduce impacts to CTS, however the document does not mention that there are known occurrences of CTS within or adjacent to the project boundaries. A review of CNDDDB government addition shows three known locations of CTS within the project boundaries. That information should be included in the MND, including distance from breeding ponds and what type of activities will occur within the 1.25-mile buffer, if any. All ground disturbing activities should be designed to prevent impacts to CTS, such as adjusting access roads, or choosing alternative locations. In addition, CDFW recommends that heavy equipment or earth moving activities should not occur within the buffer from October to April, or during rain events.

Species Table

Page 27: In the Species table heading under State Status, please change the category from **None** to **SSC** (Species of Special Concern) for Western Pond turtle, California red-legged frog, and Western spadefoot.

Tricolored Blackbird

Mitigation Measure #5 states there will be a 60' buffer in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015". The Staff Guidance also states that "When young fledglings are present, a larger buffer zone between the colony site and harvesting activities would be more likely to avoid take, because young fledglings are weak fliers and may be susceptible to disorientation once leaving the nest." CDFW recommends adding a buffer of 60-300 feet, depending on configuration of the field and the colony location and extent within the field if tricolored blackbird colonies are present.

Thank you for the opportunity to review the MND. Please reach out if you have any questions.

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