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# APPENDIX A: NOTICE OF PREPARATION COMMENT LETTERS

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# ***Plumas Lake Elementary School District***

*Plumas Lake Elementary School District is an inclusive environment which cultivates creative, curious, resourceful and inspiring learners who will make positive contributions within their local, national and global communities.*

- *Cobblestone Elementary (K-5)* • *Rio Del Oro Elementary (K-5)*
- *Riverside Meadows Intermediate (6-8)*

*Jeff Roberts, Ed.D*  
*Superintendent*

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## **NOTICE OF PREPARATION**

### **Notice of Public Scoping Meeting**

### **Plumas Lake Middle School Project**

### **Preparation of Environmental Impact Report and Public Scoping Meeting**

**Lead Agency:** Plumas Lake Elementary School District

**Project Applicant:** Plumas Lake Elementary School District

**Notice of Preparation Review Period:** Friday, June 20, 2025, to Monday, July 21, 2025  
(30 days)

**Scoping Meeting:** Thursday, July 10, 2025, 3:00 p.m. to 4:00 p.m.

**Notice is hereby given** that the Plumas Lake Elementary School District (District), as Lead Agency under the California Environmental Quality Act (CEQA), will prepare an environmental impact report (EIR) for the Plumas Lake Middle School Project (proposed project) pursuant to the California Public Resources Code, Division 13, Section 21000 et seq. (CEQA Statute), and the California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq. (CEQA Guidelines).

The purpose of this Notice of Preparation (NOP) is to (1) serve as a public notice pursuant to CEQA Guidelines Section 15082 that a Draft Environmental Impact Report (DEIR) will be prepared; (2) advise and solicit comments and suggestions regarding the scope and content of the DEIR to be prepared; and (3) provide notice of the public scoping meeting. The District is seeking your input regarding the scope and content of the DEIR, including input on potentially significant environmental effects, mitigation measures, or project alternatives that should be

explored in the DEIR. If you represent a public agency, the District seeks input as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project.

Due to time limits mandated by state law, public agencies, members of the public, or any other interested parties are requested to respond to this NOP in writing no later than 30 days from the date of this NOP. The District will accept written comments regarding this NOP through **5:00 p.m. on Monday, July 21, 2025**. Please send all written comments, including emailed comments, to Jeff Roberts, Superintendent of Educational Services, at the address below.

**Project Location:** The project site consists of approximately 25 acres and is located near the northwest intersection of River Oaks Boulevard and Kensington Drive in Plumas Lake (see Figure 1, *Regional Location*, and Figure 2, *Local Vicinity*). The project site includes one full parcel owned by the District (Assessor Parcel Number [APN] 016-350-021) and a portion of one parcel owned by Olivehurst Public Utility District (APN 016-350-022).

Regional access to the project site is provided by California State Route 70 (SR-70) to the east. Public transit access to the project site is provided by Yuba-Sutter Transit. Sacramento Commuter Express is the nearest route to the project site. The nearest bus stop is located at Plumas Lake Park & Ride (Hwy 70), approximately 1.7 miles southeast of the project site.

**Existing Conditions:** The project site contains a fallow agricultural field (see Figure 3, *Aerial Photograph*). The project site has a Yuba County General Plan land use designation of "Valley Neighborhood" and has a zoning designation of Specific Plan District (SP). The project site is within the Plumas Lake Specific Plan and is designated as Medium Density Residential (4 dwelling units per acre).

The project site is bordered directly by residential development to the north, agricultural land to the west, and fallow agricultural fields to the south and east. Residential uses are located across Kensington Drive to the north and River Oaks Boulevard to the east, and active agricultural uses lie further west and south of the site.

**Description of Proposed Project:** The proposed project would consist of two main components, which would include the construction of the Plumas Lake Middle School and an access road connecting to River Oaks Boulevard to serve the school (see Figure 4, *Conceptual Site Plan*).

### ***School Buildings and Facilities***

The proposed Plumas Lake Middle School would include a 5,347-square-foot multi-purpose room (MPR); a 2,498-square-foot administration building; an 11,749-square-foot gymnasium; a 3,273-square-foot library; and classroom buildings that would include 44 classrooms (totaling 48,000 square feet of classroom space). All proposed school buildings would be one story. The

proposed project also includes sports facilities, including a track and football field (approximately 2.52 acres), a multisport field (approximately 2.64 acres), basketball courts (approximately 64,460 square feet), and six tennis/pickleball courts (25,715 square feet). No field lighting is proposed. Bleachers are proposed at the track and football field and multisport field. The proposed project would include landscaping (approximately 5.38 acres) and paved walkways throughout the campus.

The proposed project includes a parking lot on the north side of the project that that would provide 109 spaces, including 25 electric vehicle (EV) capable spaces that are prewired for future chargers, 7 EV-ready spaces that are fully wired for Level 2 charging, 5 active EV charging stations with above-ground modules, and 4 Americans with Disabilities Act (ADA) spaces. The south side of the parking lot would also include pick-up/drop-off zones. The west side of the parking lot would end in a roundabout with a roadway connecting to Finsbury Way, north of the project site.

### ***Circulation and Roadways***

The proposed project includes the construction of an access road to serve the school. The proposed project would extend Kensington Drive eastward, through Olivehurst Public Utility District's property, to the middle school campus and provide access to the proposed parking lot and Blackbird Way. The proposed project includes the construction of a portion of Blackbird Way (approximately 312 feet in length) along the east side of the middle school campus. The dedication of Blackbird Way was already approved under a prior project and is not part of the proposed project. An 11,080-square-foot drop-off area and fire lane would be installed on the west side of Blackbird Way and would accommodate bus pick-ups/drop-offs. Parent/guardian pick-up/drop-offs would occur along the pick-up/drop-off zone in the northern parking lot. Blackbird Way would connect to Blackbird Way in the property north of the project site. Kensington Drive, Blackbird Way, and Finsbury Way would provide access to the project site. Sidewalks are proposed along Kensington Drive, Blackbird Way, and adjacent to the roundabout and drive aisles.

To improve access to the project site from River Oaks Boulevard, the proposed project includes the construction of a left-turn lane on River Oaks Boulevard and curb improvements. The proposed project would also stripe a pedestrian crosswalk on the south side of the intersection of River Oaks Boulevard and Kensington Drive.

The proposed project includes approximately 78,756 square feet of roadway improvements that would be constructed in phases to align with the campus buildout.

### ***Project Construction Phasing***

Construction of the Plumas Lake Middle School project is anticipated to begin in Spring 2026 and conclude by Fall 2030. To align with the operational needs of the campus, the proposed project would be implemented in four phases. Phase 1, scheduled from Spring 2026 to Fall 2027, would include the construction of 16 classrooms, the MPR, the administration building, and primary site infrastructure. Phase 2, anticipated to occur from Fall 2027 to Fall 2028, would involve the construction of the gymnasium building. Phase 3, planned from Fall 2028 to Fall 2029, would add eight additional classrooms and start on the construction of sports fields (track/football and multisport). Finally, Phase 4, expected to take place between Fall 2029 through Fall 2030, would complete the buildout of the campus with the construction of 12 classrooms and tennis/pickleball and basketball courts and complete the construction of the sport fields.

### ***Operational Phases***

The new Plumas Lake Middle School is expected to become operational in Fall 2027. At the time of opening, enrollment is projected to be approximately 432 students, based on 16 classrooms with an average of 27 students per classroom.

As part of the proposed project, students currently enrolled at Riverside Meadows Middle School (Grades 6–8) would be reassigned to the new Plumas Lake Middle School. In addition, elementary students from Cobblestone Elementary and Rio Del Oro Elementary (Grades TK–5) would be redistributed evenly across Cobblestone Elementary School, Rio Del Oro Elementary School, and Riverside Meadows Middle School. Riverside Meadows campus will be repurposed as an elementary school to accommodate this redistribution. The redistribution of elementary school students would not necessitate physical improvements to any of the three existing campuses. This transition would occur during Phase 1 of the proposed project.

Student enrollment is expected to increase gradually over four construction increments, in line with the phased delivery of new classroom facilities. The proposed project would start operating with the completion of Phase 1 with an enrollment capacity of 432 students. Phase 2, which includes the construction of the gymnasium, would not change the enrollment of the proposed project. With the addition of classrooms in Phase 3, enrollment capacity would increase by 216 students, bringing the total enrollment capacity with Phase 3 to 648 students. The completion of Phase 4, which is the full buildout of the proposed project, including the addition of 12 classrooms, would give the proposed project an enrollment capacity of 1,200 students. At full buildout, the proposed project is anticipated to have an actual enrollment of about 972 students.

**Potential Environmental Effects:** The District will prepare a comprehensive DEIR that evaluates all potentially significant environmental impacts associated with the construction and operation of the proposed project. The DEIR will explain the potentially significant effects of the proposed project as well as the reasons that other effects are not potentially significant. An initial study is not required to determine that a DEIR will be prepared, and an initial study was not prepared for the proposed project.

In accordance with Section 15082 of the CEQA Guidelines, the District has prepared this NOP to provide agencies, organizations, and interested parties with information describing the proposed project and its potential environmental effects. Consistent with Appendix G of the CEQA Guidelines, the 20 environmental topics that may be analyzed in a DEIR are:

|                          |                           |                             |
|--------------------------|---------------------------|-----------------------------|
| Aesthetics               | Hazards & Hazardous       | Recreation                  |
| Agriculture Resources    | Materials                 | Transportation              |
| Air Quality              | Hydrology & Water Quality | Tribal and Cultural         |
| Biological Resources     | Land Use & Planning       | Resource                    |
| Cultural Resources       | Mineral Resources         | Utilities & Service Systems |
| Energy                   | Noise                     | Wildfire                    |
| Geology & Soils          | Population & Housing      |                             |
| Greenhouse Gas Emissions | Public Services           |                             |

The District has determined that the proposed project could potentially affect 19 of the 20 environmental topic areas identified in Appendix G. These 19 topical areas are aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. These impacts will be analyzed in detail in the EIR. The DEIR will also address mandatory findings of significance. The DEIR will address the short- and long-term effects of the proposed project on the environment. Feasible mitigation measures will be proposed for impacts that are determined to be potentially significant, and reasonable alternatives will be considered. A mitigation monitoring program will also be developed for any mitigation measures required by the District. The proposed project is not expected to impact mineral resources; therefore, the DEIR will not include a detailed analysis of this topic.

**Document Availability:** The 30-day public review period for the NOP is from **Friday, June 20, 2025, to Monday, July 21, 2025**. In accordance with the time limits mandated by State law, if there are any concerns about the scope and content of the information to be addressed in DEIR, written comments may be submitted via email or by mail to the addresses below. All

written comments should be submitted at the earliest possible date, but must be submitted no later than **5:00 pm on Monday, July 21, 2025**. Public agencies should identify the contact person for your agency in your written comments.

**Public Comments:** Please submit your comments to:

**Jeff Roberts, Superintendent, Educational Services**

**Mailing Address:**

Plumas Lake Elementary School District  
2743 Plumas School Rd  
Plumas Lake, CA 95961

**Email Address**

jroberts@plUSD.org

**Public Scoping Meeting:** A public scoping meeting will be held on **Thursday, July 10, 2025**, from 3:00 p.m. to 4:00 p.m., to solicit input from any interested parties on the scope and content of the DEIR, in conformance with Section 21083.9 of the California Public Resources Code. The public scoping meeting is intended to receive input from interested parties, and no decisions about the project will be made at the public scoping meeting. Though staff will summarize the issues raised verbally at the public scoping meeting, anyone wishing to make formal scoping comments on the scope of issues or content of the DEIR should also do so in writing. You may also send a written response to this NOP to the email and address listed above by **5:00 pm on Monday, July 21, 2025**, without attending the scoping meeting.

A copy of the materials presented at the scoping meeting will be posted to the District's website: <https://www.plUSD.org/About-Us/Our-District/Facilities--Growth/index.html>, following the meeting.

The public scoping meeting will be held at:

2743 Plumas School Rd. Plumas Lake, CA 95961

**More Information:** Questions concerning the matter should be directed to Jeff Roberts, Superintendent, Educational Services, at 530-743-4428 or jroberts@plUSD.org.

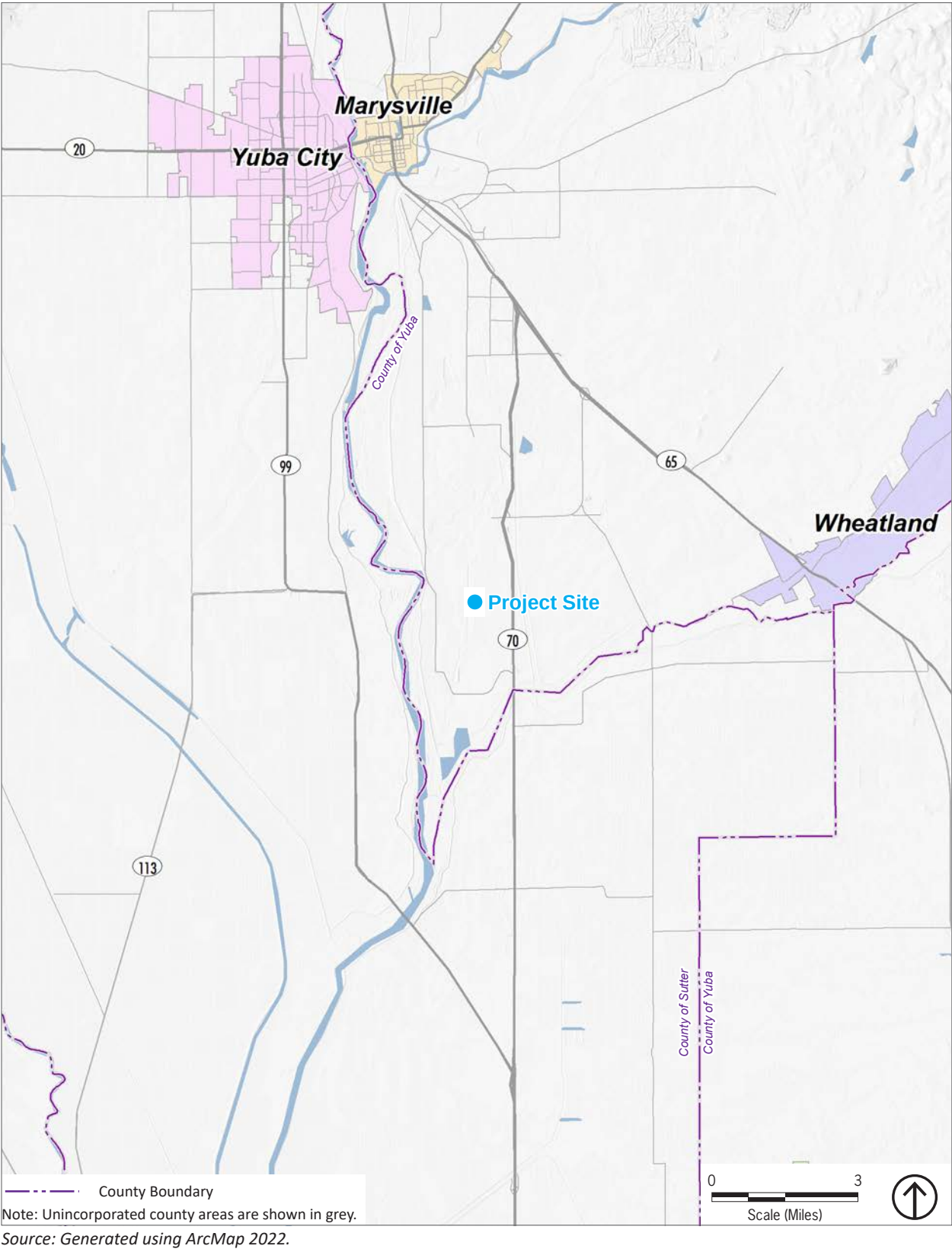


Figure 1  
Regional Location

PLUMAS LAKE MIDDLE SCHOOL PROJECT  
PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT

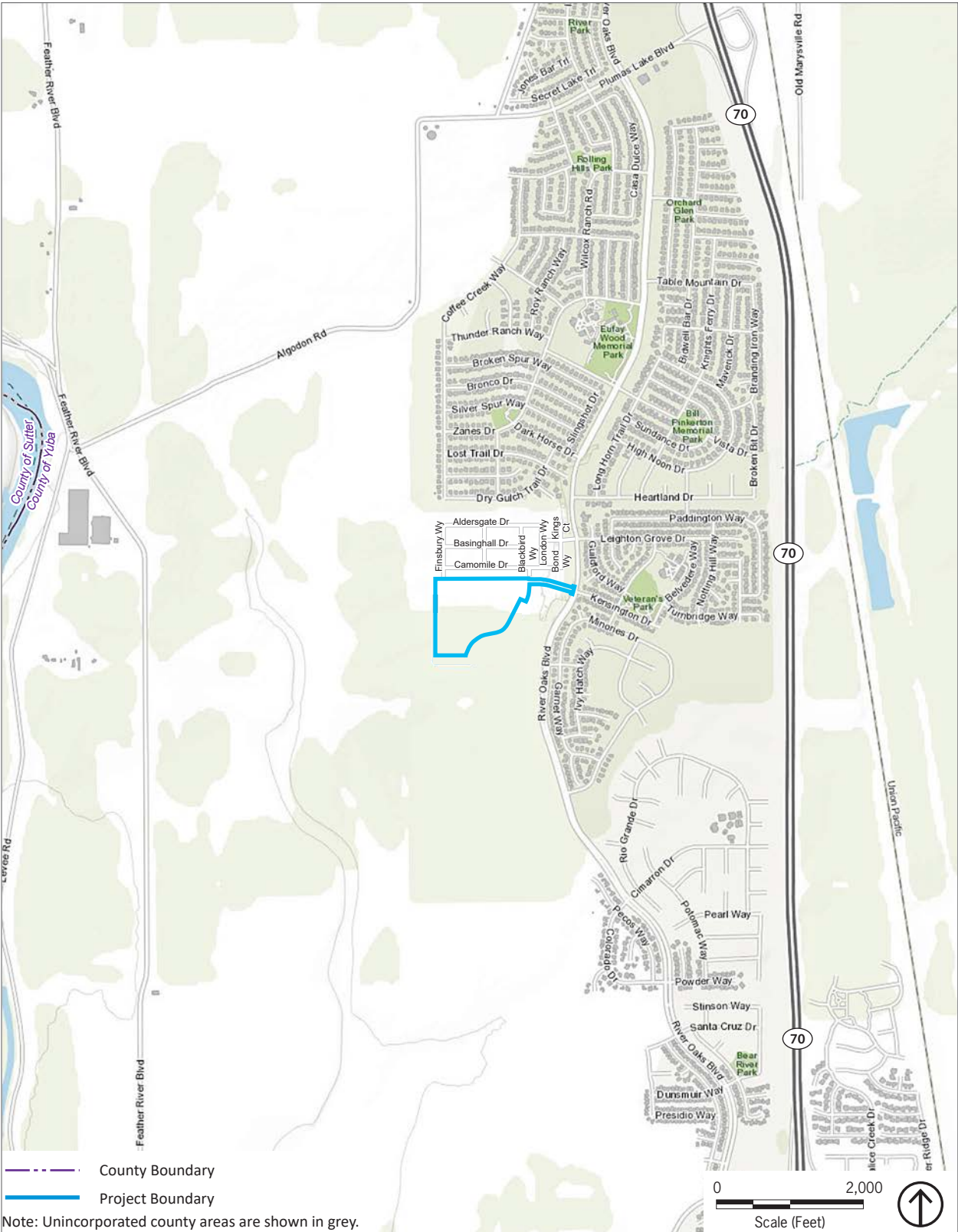


Figure 2  
Local Vicinity

PLUMAS LAKE MIDDLE SCHOOL PROJECT  
PLUMAS LAKE ELEMENTARY SCHOOL DISTRICT



Source: Nearmap 2025.

Figure 3  
Aerial Photograph





# Plumas Lake Middle School Project Scoping Meeting Sign-In Sheet

July 10, 2025 at 3:00 PM, Plumas Lake Elementary School District, 2743 Plumas School Road, Plumas Lake, CA 95961

|    | Name                            | Mailing Address                          | Phone        | Email                         | Please check box if you would like to be added to the interest list. |
|----|---------------------------------|------------------------------------------|--------------|-------------------------------|----------------------------------------------------------------------|
| 1  | Jen Gimb - VPCS                 | 450 Chadborne Rd. Fairfield              | 707 337 3219 | jennifer.gimb@vpcsonline.com  | <input type="checkbox"/>                                             |
| 2  | Dwena Phillipi - VPCS           | 450 Chadborne Rd Fairfield               | 707 580 2363 | dwena.phillipi@vpcsonline.com | <input type="checkbox"/>                                             |
| 3  | Mariana Zimmermann - PlaceWorks | 3 MacArthur Place #1100, Santa Ana       | 714-966-9220 | mzimmermann@placeworks.com    | <input type="checkbox"/>                                             |
| 4  | Jessica Mendoza - PlaceWorks    | 101 Parkshore Drive #200, Folsom,        | 916-245-7500 | jmendoza@placeworks.com       | <input type="checkbox"/>                                             |
| 5  | Jeff Roberts                    | 2743 Plumas School Rd, Plumas Lake 95961 | 530-743-4128 | jroberts@plused.org           | <input type="checkbox"/>                                             |
| 6  |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 7  |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 8  |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 9  |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 10 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 11 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 12 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 13 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 14 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 15 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 16 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 17 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 18 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 19 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |
| 20 |                                 |                                          |              |                               | <input type="checkbox"/>                                             |

**NATIVE AMERICAN HERITAGE COMMISSION**

June 20, 2025

Jeff Roberts  
Plumas Lake Elementary School District  
2743 Plumas School Rd  
Plumas Lake CA 95961

**Re: 2025060992 Plumas Lake Middle School Project, Yuba County**

CHAIRPERSON  
**Reginald Pagaling**  
*Chumash*

VICE-CHAIRPERSON  
**Buffy McQuillen**  
*Yokayo Pomo, Yuki,  
Nomlaki*

SECRETARY  
**Sara Dutschke**  
*Miwok*

PARLIAMENTARIAN  
**Wayne Nelson**  
*Luiseño*

COMMISSIONER  
**Isaac Bojorquez**  
*Ohlone-Costanoan*

COMMISSIONER  
**Stanley Rodriguez**  
*Kumeyaay*

COMMISSIONER  
**Reid Milanovich**  
*Cahuilla*

COMMISSIONER  
**Bennae Calac**  
*Pauma-Yuima Band of  
Luiseño Indians*

COMMISSIONER  
**Vacant**

ACTING EXECUTIVE  
SECRETARY  
**Steven Quinn**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

Dear Mr. Roberts:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

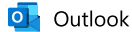
If you have any questions or need additional information, please contact me at my email address: [Pricilla.Torres-Fuentes@NAHC.ca.gov](mailto:Pricilla.Torres-Fuentes@NAHC.ca.gov).

Sincerely,

*Pricilla Torres-Fuentes*

Pricilla Torres-Fuentes  
Cultural Resources Analyst

cc: State Clearinghouse



Outlook

## notice of preparation: Plumas Lek Middle School Project - OPUD Comment

From Swarnjit Boyal <sboyal@opud.org>

Date Mon 6/23/2025 9:46 AM

To Justine Garner <jgarner@placeworks.com>

Cc jroberts@plud.org <jroberts@plud.org>; Mariana Zimmermann <mzimmermann@placeworks.com>; John Tillotson <jtillotson@opud.org>

1 attachment (3 MB)

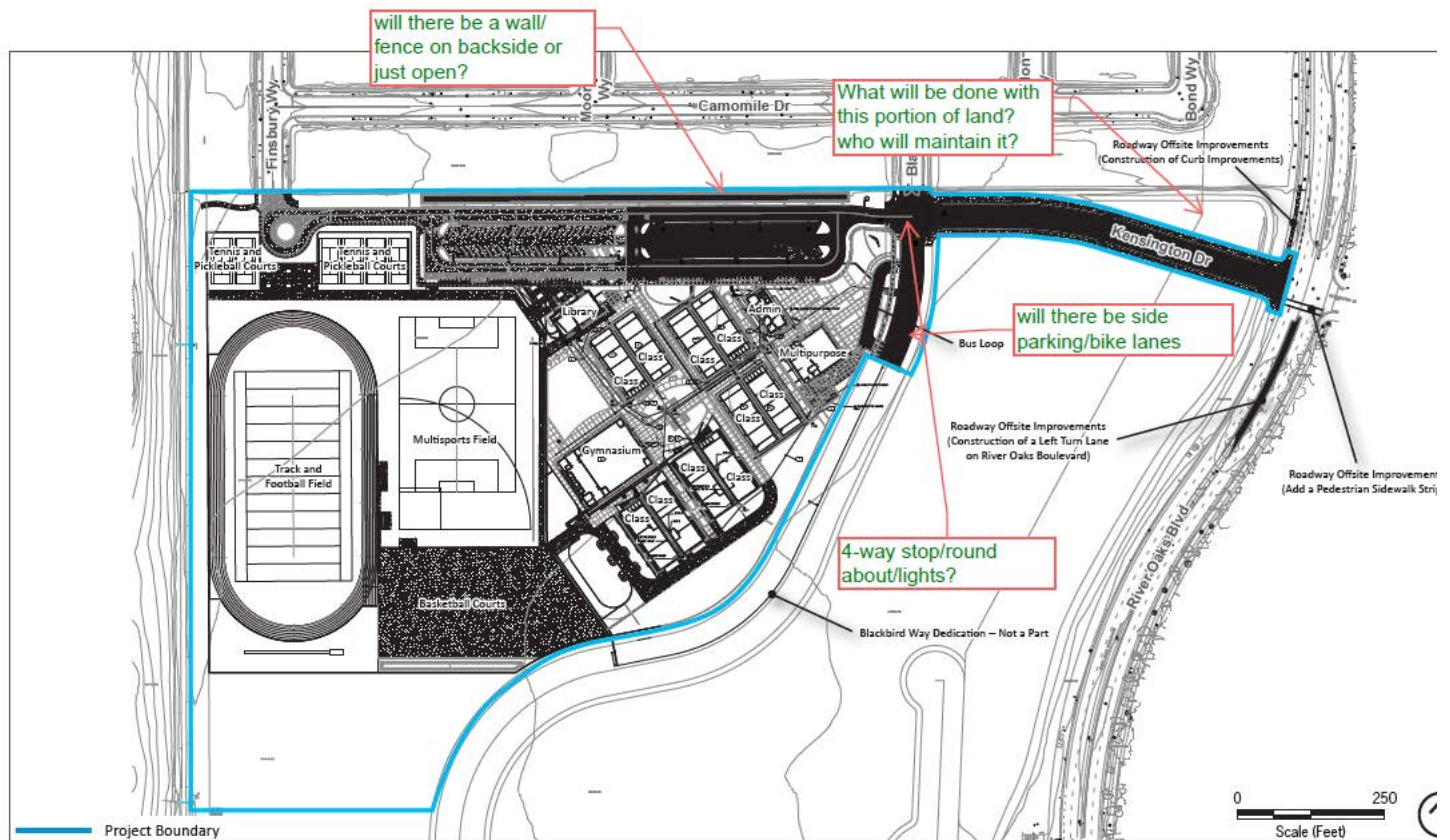
FINAL\_NOP\_6.20.25\_OPT.pdf;

Some people who received this message don't often get email from sboyal@opud.org. [Learn why this is important](#)

Jeff,

This is Swarnjit with OPUD. Below is a snippet of my comments. I didn't notice part of the road goes through OPUD property. Has the agreement and property transfer occurred for the portion of land that will be dedicated for the middle school. We can also discuss water and sewer when the school is ready for that portion.

### PLUMAS LAKE MIDDLE SCHOOL PROJ PLUMAS LAKE ELEMENTARY SCHOOL DISTR



Source: The Motive Studio 2025.

Figure  
Conceptual Site Plan  
PlaceWorks

Best,

Swarnjit Boyal,  
Public Works Manager  
Olivehurst Public Utility District  
530-743-8132 - Office  
530-682-0736 - Cell  
[sboyal@opud.org](mailto:sboyal@opud.org) - Email

**Our Mission is to provide high quality  
services to enhance our community's quality of life.**





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**RE: [External]Notice of Preparation: Plumas Lake Middle School Project**

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**From** YCSO\_Civil <YCSO\_Civil@yuba.gov>

**Date** Fri 6/20/2025 4:01 PM

**To** Justine Garner <jgarner@placeworks.com>

Hi Justine,

I found the correct department it was supposed to go to and your email has been forwarded to Community Development. 😊

[CDSA@yuba.gov](mailto:CDSA@yuba.gov)

have a nice day,

*Sonia Martínez*

---

**From:** Justine Garner <jgarner@placeworks.com>

**Sent:** Friday, June 20, 2025 12:58 PM

**To:** YCSO\_Civil <YCSO\_Civil@yuba.gov>

**Cc:** Jeff Roberts <jroberts@plusd.org>; Mariana Zimmermann <mzimmermann@placeworks.com>

**Subject:** [External]Notice of Preparation: Plumas Lake Middle School Project

You don't often get email from [jgarner@placeworks.com](mailto:jgarner@placeworks.com). [Learn why this is important](#)

Hello,

On behalf of Plumas Lake Elementary School District, attached please find the Notice of Preparation for the Plumas Lake Middle School Project.

Please reach out to **Jeff Roberts**, Superintendent, CCed here if you have any questions or comments.

Thank you,

Justine

**JUSTINE GARNER**

Associate II



3 MacArthur Place, Suite 1100 | Santa Ana, CA 92707  
714.966.9220 x2341  
[jgarner@placeworks.com](mailto:jgarner@placeworks.com) | [placeworks.com](http://placeworks.com)



California  
Department of Conservation  
Geologic Energy Management Division

Gavin Newsom, Governor  
Jennifer Lucchesi, Director  
715 P Street, MS 1803  
Sacramento, CA. 95814  
T: (916) 445-5986

July 1, 2025

<<VIA EMAIL>>

Plumas Lake Elementary School District  
Mr. Jeff Roberts  
2743 Plumas School Road, Plumas Lake, CA 95961  
Jroberts@plusd.org

Assessor Parcel Number(s): 016350021, 016350022  
Project Location Address: River Oaks Blvd. And Kensington Dr.

PROJECT TITLE: *Plumas Lake Middle School Project*

Public Resources Code (PRC) section 3208.1 establishes re-abandonment responsibility when previously plugged and abandoned oil, gas or geothermal wells will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near previously abandoned oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project dated June 20, 2025. To assist local permitting agencies, property owners, and developers in making safe and practical land use decisions regarding potential development near oil, gas, or geothermal wells, CalGEM provides a table in the attached enclosure of the wells within the parcel boundary or in its vicinity, based on CalGEM's Well Finder database (<https://maps.conservation.ca.gov/doggr/wellfinder/>).

CalGEM categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking at the landowner's expense if there is a need to access a well. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment (consisting of well servicing rig, pumping equipment, pipe trailer) to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure. Impermeable barriers such as asphalt, concrete, and plastic may trap hazardous gases and liquids underneath and could create a safety hazard if built over a well that later develops a leak.

CalGEM recommends that any well for which access is impeded or built over, against CalGEM's advice, should be evaluated by a qualified petroleum professional for compliance with the statutory objectives of isolating all hydrocarbon-bearing strata; protecting underground and

surface waters; prevention of subsequent damage to life, health, property, and other resources; and prevention of loss of oil, gas, or reservoir energy. CalGEM recommends that wells that do not meet these standards are abandoned or re-abandoned prior to construction. The well information can be accessed through CalGEM's Well Finder database mentioned above. PRC section 3208, subdivision (a), provides the primary statutory authority for CalGEM to oversee adequate abandonment of wells. Additionally, CalGEM has developed the regulatory guidance for operators to be followed during well abandonment, which are listed within California Code of Regulation, title 14 (CCR) section 1723 and associated sub-sections (for onshore wells), and section 1745 and associated sub-sections (for offshore wells).

There is no guarantee that a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. Due to the inability to predict all subsurface conditions or changes, it always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. CalGEM acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantee that such abandoned wells will not leak.

CalGEM advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations in Latitude and Longitude, NAD 83 decimal format, and leak testing results should be provided to CalGEM. CalGEM expects any wells found leaking to be reported to CalGEM immediately.

PRC section 3208.1 gives CalGEM the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for re-abandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be re-abandoned, or to follow the advice of the supervisor or district deputy not to undertake construction that impedes access, then the person or entity causing the construction over or near the well shall obtain all rights necessary to re-abandon the well and be responsible for the re-abandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of

the abandonment shall be responsible for the re-abandonment.

Should any wells require abandonment or re-abandonment, the responsible party must submit a Notice of Intention (NOI) to CalGEM through WellSTAR. The NOI form can be accessed in the 'Plugging and Abandonment' section of the following link:

[https://www.conservation.ca.gov/calgem/for\\_operators](https://www.conservation.ca.gov/calgem/for_operators).

No well work may be performed on any oil, gas, or geothermal well without written approval from CalGEM. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. CalGEM also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR section 1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from CalGEM is required before work can start.

CalGEM makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, CalGEM recommends that information regarding the below identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. CalGEM recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC section 3106, CalGEM has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to CalGEM's authority to order work on wells pursuant to PRC sections 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC sections 3236, 3236.5, and 3359 for violations within CalGEM's jurisdictional authority. CalGEM does not regulate grading, excavations, or other land use issues.

Should you have any questions, or if any wells are encountered that were not part of this letter, contact CalGEM at 916-322-1110 or via email at [CalGEMNorthern@conservation.ca.gov](mailto:CalGEMNorthern@conservation.ca.gov).

Sincerely,

*May Soe*

May Soe  
Supervising Oil and Gas Engineer – Northern District

Enclosure

cc: *Jeff Roberts*, Jroberts@plusd.org

Enclosure: The wells listed below are reported to be located within and nearby the parcel boundary and may have future access impeded.

| API No.                  | Well Name |
|--------------------------|-----------|
| No wells in project area |           |
|                          |           |

---

## Central Valley Regional Water Quality Control Board

17 July 2025

Jeff Roberts  
Plumas Lake Elementary School District  
2743 Plumas School Road  
Plumas Lake, CA 95961  
[jroberts@plusd.org](mailto:jroberts@plusd.org)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, PLUMAS LAKE MIDDLE SCHOOL PROJECT, SCH#2025060992, YUBA COUNTY**

Pursuant to the State Clearinghouse's 20 June 2025 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Plumas Lake Middle School Project, located in Yuba County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality/certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:  
[https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

A handwritten signature in blue ink that reads "Peter G. Minkel". The signature is cursive and fluid.

Peter G. Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento

Mariana Zimmermann  
PlaceWorks  
mzimmermann@placeworks.com



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
(916) 358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 18, 2025

Jeff Roberts  
Superintendent  
Plumas Lake Elementary School District  
2743 Plumas School Rd  
Plumas Lake, CA 95961  
[jroberts@plusd.org](mailto:jroberts@plusd.org)

Subject: PLUMAS LAKE MIDDLE SCHOOL PROJECT  
NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT  
REPORT (DEIR)  
SCH No. 2025060992

Dear Jeff Roberts:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) from Plumas Lake Elementary School District for the Plumas Lake Middle School Project (Project) in Yuba County pursuant to 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, plants and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that it, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. 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

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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.

## Plumas Lake Middle School Project

July 18, 2025

Page 2 of 14

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 near the northwest intersection of River Oaks Boulevard and Kensington Drive in Yuba County. The approximately 25 acre Project site includes one full parcel owned by the District (Assessor Parcel Number [APN] 016-350-021) and a portion of one parcel owned by Olivehurst Public Utility District (APN 016-350-022).

The Project consists of two main components, which would include the construction of the Plumas Lake Middle School and an access road connecting to River Oaks Boulevard to serve the school. The school will include a 5,347-square-foot multi-purpose room (MPR); a 2,498-square-foot administration building; an 11,749-square-foot gymnasium; a 3,273-square-foot library; and classroom buildings that would include 44 classrooms (totaling 48,000 square feet of classroom space). All proposed school buildings would be one story. The proposed Project also includes sports facilities, including a track and football field (approximately 2.52 acres), a multisport field (approximately 2.64 acres), basketball courts (approximately 64,460 square feet), and six tennis/pickleball courts (25,715 square feet). No field lighting is proposed. Bleachers are proposed at the track and football field and multisport field. The proposed Project would include landscaping (approximately 5.38 acres) and paved walkways throughout the campus. The proposed Project includes a parking lot on the north side of the project that that would provide 109 spaces, including 25 electric vehicle (EV) capable spaces that are prewired for future chargers, 7 EV-ready spaces that are fully wired for Level 2 charging, 5 active EV charging stations with above-ground modules, and 4 Americans with Disabilities Act spaces. The south side of the parking lot would also include pick-up/drop-off zones. The west side of the parking lot would end in a roundabout with a roadway connecting to Finsbury Way, north of the Project site.

The construction of the access road would extend Kensington Drive eastward, through Olivehurst Public Utility District's property, to the middle school campus and provide access to the proposed parking lot and Blackbird Way. The proposed Project includes the construction of a portion of Blackbird Way (approximately 312 feet in length) along the east side of the middle school campus. Kensington Drive, Blackbird Way, and

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Finsbury Way would provide access to the project site. Sidewalks are proposed along Kensington Drive, Blackbird Way, and adjacent to the roundabout and drive aisles.

### COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the Plumas Lake Elementary School District 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 CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

#### Project Description

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

As required by § 15126.6 of the CEQA Guidelines, the EIR should include an 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 CDFW's jurisdiction.

#### 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 CDFW staff to adequately review and comment on the Project, the EIR 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. CDFW recommends the EIR specifically include:

1. An assessment of all habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 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

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type onsite and within adjacent areas that could be affected by the Project. CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine United States Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the CDFW webpage [www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data](http://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data)). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW 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. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

3. A complete and recent inventory of rare, threatened, endangered, and other sensitive species located 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, 4700, 5050, and 5515). 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 EIR 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. Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be directly, indirectly, on or within a reasonable distance of the Project activities. CDFW recommends the Plumas Lake Elementary School District 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). Alternative survey protocols may be warranted; justification should be provided to substantiate why an alternative protocol is necessary. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa,

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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 or deluge.

4. A thorough, recent (within the last two years), floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see [www.wildlife.ca.gov/Conservation/Plants](http://www.wildlife.ca.gov/Conservation/Plants)).
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 EIR 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 EIR:

1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by Project activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages. The EIR should address Project-related changes to drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
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 section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future

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projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. 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 EIR 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. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), white-tailed kite (*Elanus leucurus*), greater sandhill crane (*Antigone canadensis tabida*), California black rail (*Laterallus jamaicensis coturniculus*) and northern California ringtail (*Bassariscus astutus ssp. raptor*). Project activities described in the EIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. If fully protected species cannot be completely avoided, the Project should obtain incidental take coverage for all species that have the potential to be present within or adjacent to the Project Area<sup>2</sup>. CDFW also recommends the EIR 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. CDFW recommends that the Plumas Lake Elementary School District in the analysis how appropriate

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<sup>2</sup> CDFW may only issue incidental take permits for specified projects if certain conditions are satisfied per SB 147.

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avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species.

2. **Species of Special Concern:** Several Species of Special Concern (SSC) have the potential to occur within or adjacent to the Project area, including, but not limited to: northwestern pond turtle (*Actinemys marmorata*), Marysville California kangaroo rat (*Dipodomys californicus eximius*), American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus frantzii*), yellow-breasted chat (*Icteria virens*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Setophaga petechia*), grasshopper sparrow (*Ammodramus savannarum*), song sparrow (Modesto population) (*Melospiza melodia* pop. 1), American white pelican (*Pelecanus erythrorhynchos*), short-eared owl (*Asio flammeus*), purple martin (*Progne subis*), least bittern (*Ixobrychus exilis*), fulvous whistling-duck (*Dendrocygna bicolor*), and western spadefoot (*Spea hammondi*). Project activities described in the EIR should be designed to avoid any SSC that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the EIR fully analyze potential adverse impacts to SSC due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends the Plumas Lake Elementary School District include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce impacts to SSC.
3. **Sensitive Plant Communities:** CDFW 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 CNDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
4. **Mitigation:** CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the EIR 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, enhancement, or permanent protection should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore does not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.

The EIR 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

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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.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in the regional 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.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. 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. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes. Please see our website for more information on Scientific Collecting Permits at [www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-](http://www.wildlife.ca.gov/Licensing/Scientific-Collecting#53949678-regulations-).

6. *Nesting Birds*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Sections 3503, 3503.5, and 3513 of the Fish and Game Code afford protective measures as follows: section

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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; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Potential habitat for nesting birds and birds of prey is present near the Project area. The Project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the EIR.

CDFW recommends the EIR include specific avoidance and minimization measures to ensure that impacts to nesting birds or their nests do not occur. Project-specific avoidance and minimization measures may include but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The EIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. In addition to larger, protocol level survey efforts (e.g., Swainson's hawk surveys) and scientific assessments, CDFW recommends a final preconstruction survey be required no more than 3 days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

7. *Moving out of Harm's Way:* The Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, the Plumas Lake Elementary School District should state in the EIR a requirement for a qualified biologist with the proper handling permits, will be retained to be onsite prior to and during all ground- and habitat-disturbing activities. Furthermore, the EIR should describe that the qualified biologist with the proper permits may move out of harm's way special-status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities, as needed. The EIR should also describe qualified biologist qualifications and authorities to stop work to prevent direct mortality of special-status species. CDFW recommends fish and wildlife species be allowed to move out of harm's way on their own volition, if possible, and to assist their relocation as a last resort. It should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for habitat loss.
8. *Translocation of Species:* CDFW generally does not support the use of relocation, salvage, and/or transplantation as the sole mitigation for impacts to rare, threatened,

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or endangered species as these efforts are generally experimental in nature and largely unsuccessful. Therefore, the EIR should describe additional mitigation measures utilizing habitat restoration, conservation, and/or preservation, in addition to avoidance and minimization measures, if it is determined that there may be impacts to rare, threatened, or endangered species.

The EIR should incorporate mitigation performance standards that would ensure that impacts are reduced to a less-than-significant level. Mitigation measures proposed in the EIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral. CEQA Guidelines section 15126.4, subdivision (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. To avoid deferring mitigation in this way, the EIR should describe avoidance, minimization and mitigation measures that would be implemented should the impact occur.

### California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained 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.

State-listed species with the potential to occur in the area include but are not limited to: tricolored blackbird (*Agelaius tricolor*) and Swainson's hawk (*Buteo swainsoni*).

The EIR should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated. Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to coordinate specific measures if both State and federally listed species may be present within the Project vicinity.

### Native Plant Protection Act

The Native Plant Protection Act (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 CDFW or in certain limited circumstances. Take of State-listed rare and/or endangered plants due to Project activities may only be permitted

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through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

### Lake and Streambed Alteration Program

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Project footprint (including utilities, access and staging areas). The environmental document should analyze all potential temporary, permanent, direct, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that may occur because of the Project. If it is determined the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level.

Section 1602 of the Fish and Game Code 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.

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 flood plain of a body of water.

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). To facilitate issuance of an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

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Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

The following information will be required for the processing of an LSA Notification and CDFW recommends incorporating this information into any forthcoming CEQA document(s) to avoid subsequent documentation and Project delays:

1. Mapping and quantification of lakes, streams, and associated fish and wildlife habitat (e.g., riparian habitat, freshwater wetlands, etc.) that will be temporarily and/or permanently impacted by the Project, including impacts from access and staging areas. Please include an estimate of impact to each habitat type.
2. Discussion of specific avoidance, minimization, and mitigation measures to reduce Project impacts to fish and wildlife resources to a less-than-significant level. Please refer to section 15370 of the CEQA Guidelines.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site support unnamed drainages and sloughs and their associated riparian habitat. CDFW recommends the EIR fully identify the Project's potential impacts to the stream and/or its associated vegetation and wetlands.

## 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 CNDDb. The CNDDb field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDb/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDb at the following email address: [CNDDb@wildlife.ca.gov](mailto:CNDDb@wildlife.ca.gov).

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## FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Plumas Lake Elementary School District 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.)

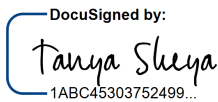
## CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the 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 Notice of Preparation of the EIR for the Plumas Lake Middle School Project and recommends that the Plumas Lake Elementary School District address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter or wish to schedule a meeting and/or site visit, please contact Alexander Funk, Environmental Scientist at (916) 817-0434 or [alexander.funk@wildlife.ca.gov](mailto:alexander.funk@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
1ABC45303752499...

Tanya Sheya  
Environmental Program Manager

ec: Ian Boyd, Senior Environmental Scientist (Supervisory)  
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*Department of Fish and Wildlife*

Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento

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## REFERENCES

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/>