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From: Morford, Samantha@Wildlife
Sent: Tuesday, April 7, 2026 9:11 AM
To: Greenwood, Caitlin@DOT
Cc: Stanfield, Melissa@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife; Wildlife R2 CEQA
Subject: CDFW Comments on the MND for the Placer 267 Capital Preventative Maintenance Project (SCH No. 2025070675)

Dear Caitlin Greenwood:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from California Department of Transportation (Caltrans) for the Placer 267 Capital Preventative Maintenance (CAPM) (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.^[1] CDFW previously submitted comments in response to the originally circulated ND on August 11, 2025.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located along State Route (SR) 267 between post mile (PM) 0.0 and 9.63 in Placer County, California. The Project starts at approximately latitude 39.316295 and longitude -120.152239 and ends at approximately latitude 39.241699 and longitude -120.030689.

The Project proposes to cold-plane and overlay 0.20-foot of Hot Mix Asphalt-Type A (HMA-A) on all lanes from edge of pavement (EP) to EP. The existing southbound truck climbing lane would be extended approximately 1,600 feet, which would require the roadway between PM 6.16 and 6.33 to be widened by 8 feet to accommodate the added lane. Increasing the shoulder width at PM 6.26 would require added fill at the southwest end of the existing culvert and a 30-foot extension to the culvert itself. The extension of the truck climbing lane would require the creation of cut slopes and fill which would require tree removal, including approximately 10 mature riparian trees at PM 6.26. The proposed Project would also rehabilitate or replace existing drainage systems throughout the Project site. Other work would include replacing existing guardrails and HMA-A dikes; upgrading sign panels and striping; placing shoulder backing; constructing new or modifying existing stormwater treatment facilities between PM 6.00 and 7.00; and rehabilitating the existing cut slope along SR 267 northbound from PM 4.95 to 5.07 by excavating and replacing rock slope protection (RSP).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Nesting Migratory and Nongame Birds, 1.6 Standard Measures, Biological Resources, BR-2 Animal Species, Page 14

Issue: Native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & G. Code section 3513. Fish & G. Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs.

The Standard Measure included in the MND for protection of nesting birds is not specific enough to effectively minimize impacts to nesting native birds. The measure states that "a nesting bird survey" will be conducted and does not provide parameters for the extent of the survey area. The Project is over 9 miles long and it is assumed work would be phase spatially and temporally. A single nesting bird survey would not effectively avoid impacts to nesting birds as a new nest could become active during the time between the survey and when Project activity begins in portions of the Project site. Additional surveys are necessary when initial site disturbance is followed by periods of inactivity of 14 days or more or the construction is phased spatially and/or temporally over the Project site. Surveys should be conducted a minimum of 500 feet from the Project for songbirds, such as willow flycatcher (*Empidonax traillii*), and a 0.25 mile for birds of prey, such as bald eagle (*Haliaeetus leucocephalus*) and American goshawk (*Astur atricapillus*), to account for indirect impacts such as increase noise disturbance from construction equipment that could lead to take of a nest. The MND, as written, does not sufficiently include mitigation to reduce potential impacts to nesting native birds, including special-status species such as willow flycatcher, bald eagle, and American goshawk, to a level of less than-significant.

Recommendation: To reduce impacts to nesting native birds to a less-than-significant level, CDFW recommends that the Standard Measure BR-2 be amended to specify that if Project activities will occur between February 1 and September 15, nesting bird surveys will: 1) be conducted a minimum of 500 feet from the Project for songbirds and a 0.25 mile for birds of prey; 2) be conducted no more than 5 days prior to Project activities at each Project location; 3) be re-conducted when site disturbance is followed by periods of inactivity of 14 days.

COMMENT 2: Rare Plants, 2.4 Biological Resources, Plant Species, Page 45-48

Issue: Special-status species include but are not limited to those considered either rare or regionally unique throughout their range (CEQA Guidelines § 15125[c]), identified as threatened, endangered, rare, or candidate by CDFW or U.S. Fish and Wildlife Service (USFWS) (CEQA Guidelines § 15380), or plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, 2B, 3 and 4 (CEQA Guidelines § 15125[c]). Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA.

There are several relatively recent observations of Plumas ivesia (*Ivesia sericoleuca*) on CNDDDB and iNaturalist that overlap or are directly adjacent to Project site between PM 1.06 and 2.80. It is acknowledged that two botanical surveys were conducted in the early portion of the blooming period for this species in 2025. However, the failure to locate a known special-status plant occurrence during one field season does not constitute evidence that the plant occurrence no longer exists at a location. Adverse conditions from yearly weather patterns may prevent botanical field surveyors from determining the presence of, or accurately identifying, some special-status plants in the project area.

There are several observations of subalpine aster (*Eurybia merita*) in the Project vicinity on CNDDDB and iNaturalist. The Project site contains suitable habitat for this species. The botanical surveys conducted for the Project did not overlap with the blooming period for this species (August).

As currently proposed, the Project has potential to have significant and unmitigated impacts to rare plant species, including but not limited to, Plumas ivesia and subalpine aster. The MND, as written, does not sufficiently analyze impacts to rare plants species nor does it include mitigation to reduce potential impacts to rare plant species to a level of less than-significant.

Recommendation: CDFW recommends that the additional spring and summer 2026 botanical surveys mentioned on page 45 of the MND be conducted and the results be incorporated into the MND. These surveys should be conducted by a qualified botanist in accordance with the methodology included in the *Botanical Field Surveys* section of the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, March 20, 2018). It is strongly recommended that the qualified botanist conduct a visit to a nearby reference site to ensure that the timing of botanical field surveys are appropriate for Plumas ivesia. At least one of the 2026 botanical surveys should be conducted during the blooming period for subalpine aster (in August).

COMMENT 3: Western Bumble Bee, 2.4 Biological Resources, Animal Species, Page 50

Issue: Table 6 in the MND states that the Project will have no take of western bumble bee (*Bombus occidentalis*) because the Project is either out of the geographical range of the species or there is no suitable habitat for the species. However, the Project is within this species range and from a desktop review, there is habitat present within the Project site.

Bumble bees can nest in a variety of habitats, including agricultural and urban landscapes as well as in alpine, dune, forested, forest edge, and grassland (Liczner and Colla 2019). Most western bumble bee nests have been found in cavities, including in abandoned rodent burrows. Western bumble bees are generalist foragers and likely do not require flowering resources in the immediate vicinity of their nests. They are often foraging 100 meters or more from the entrance of the nest (Dramstad 1996, Dramstad et al. 2003, Osborne et al. 1999).

Western bumble bee is a state candidate species for listing under CESA and as such, it is afforded full protection under the act. It is unlawful to take a State-listed endangered, threatened, or candidate

species (Fish & G. Code § 2050 et seq.). Take is defined as “hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill” (Fish & G. Code § 86). CESA take authorization, should be obtained if the proposed Project has the potential to result in take of western bumble bee.

As currently proposed, the Project has potential to have significant and unmitigated impacts to western bumble bee. The MND, as written, does not sufficiently analyze or disclose impacts to western bumble bee nor does it include mitigation to reduce potential impacts to western bumble bee to a level of less than-significant.

Recommendation: CDFW recommends the MND include an analysis and appropriate mitigation measures to reduce Project impacts to western bumble bee to a less than significant level. Mitigation measures could include, but are not limited to:

“Western Bumble Bee Protocol Survey. The Project proponent will develop a Pre-Construction Survey Plan for western bumble bee, in coordination with CDFW (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). A total of three non-lethal surveys will be conducted prior to any ground-disturbing Project activities or vegetation removal that will take place during the active season for western bumble bee (April 1 through September 1), or until all flowering vegetation is largely desiccated, to determine if any active nests are within the Project area. Each survey will be spaced two to four weeks apart, with the last survey taking place within 72 hours prior to construction activity. A qualified biologist will perform meandering transects through the planned construction footprint, plus a 50-foot buffer where accessible, to visually survey the area for western bumble bee activity. If a suspected or confirmed western bumble bee is identified during any of these surveys, the qualified biologist will notify CDFW within 48 hours.

If only foraging western bumble bee is observed (i.e., no nest is found), construction activities may proceed without the additional monitoring requirements; however, if there is a lapse in initial construction disturbance greater than 14 days, an additional clearance survey will be repeated prior to ground disturbance. If a western bumble bee nest is found, one or more qualified biologists will provide biological construction monitoring as long as needed to implement applicable measures below.

If a western bumble bee nest is discovered within the Project area, a non-disturbance buffer of 50 feet will be established around the nest until the nest senesces or becomes inactive and is no longer in use, as determined by the qualified biologist or until Project activities in the Project area are complete, whichever is first. The buffer will be delineated using high-visibility fencing, flagging, or similar materials along with appropriate signage. The nest location will be recorded with global positioning system (GPS). The qualified biologist may modify the nest buffer in coordination with CDFW.”

If it is determined that the proposed Project may result in “take,” as defined in the Fish & G. Code, section 86, of western bumble bee, a CESA ITP may be obtained to provide coverage in the event that take occurs.

COMMENT 4: Sierra Nevada Yellow-legged Frog, 2.4 Biological Resources, Animal Species, Page 52

Issue: The MND states Sierra Nevada yellow-legged frog are not anticipated to occur in the Project area and therefore no impacts to Sierra Nevada yellow-legged frog are expected. However, the proposed Project includes in-water work at Middle Martis Creek which is hydrologically connected to several of the drainage systems that would be impacted as well as West Martis Creek. West Martis

Creek contains suitable habitat for Sierra Nevada yellow-legged frog. If Sierra Nevada yellow-legged frog individuals are present in West Martis Creek, there is potential for them to utilize Middle Martis Creek as dispersal habitat.

Sierra Nevada yellow-legged frog is a state threatened species under CESA and as such, it is afforded full protection under the act. It is unlawful to take a State-listed endangered, threatened, or candidate species (Fish & G. Code §2050 et seq.). Take is defined as “hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill” (Fish & G. Code §86). CESA take authorization, should be obtained if the proposed Project has the potential to result in take of Sierra Nevada yellow-legged frog.

As currently proposed, the Project has potential to have significant and unmitigated impacts to Sierra Nevada yellow-legged frog. The MND, as written, does not sufficiently analyze or disclose impacts to Sierra Nevada yellow-legged frog nor does it include mitigation to reduce potential impacts to Sierra Nevada yellow-legged frog to a level of less than-significant.

Recommendation: CDFW recommends that the MND incorporate an amphibian clearance survey measure. The measure could include, but is not limited to, the following language:

“If standing or flowing water is present at a Project location, immediately prior to the start of Project related activities (i.e., ground disturbance, vegetation clearing, in-water work) a qualified biologist with education and experience in Sierra Nevada yellow-legged frog biology and identification will survey 500 feet upstream and downstream of the Project location. If a Sierra Nevada yellow-legged frog individual, its egg masses, or larval stages are identified during surveys or during Project activities, the Project activities in the immediate vicinity will be suspended and additional conservation measures will be developed in coordination with CDFW prior to re-initiating Project activities in the area.”

If it is determined that the proposed Project may result in “take,” as defined in the Fish & G. Code, section 86, of Sierra Nevada yellow-legged frog, a CESA ITP may be obtained to provide coverage in the event that take occurs.

COMMENT 5: Wildlife Connectivity, 2.4 Biological Resources, CEQA Checklist Question 2.4d), Page 57

Issue: The MND states that there are no animal corridors within the Project limits and that the proposed Project would not substantially change SR 267 or interfere with the movement of native wildlife species. However, in its current state SR 267 is a barrier to movement for native wildlife species and widening the roadway will make the barrier even less permeable. The California Roadkill Observation System (CROS) strike data shows that there is a long-standing issue with deer and black bears being hit along this stretch of SR 267 (CROSPLAN 2026). According to CDFW’s Areas of Conservation Emphasis (ACE) Terrestrial Connectivity layer (BIOS 2025), the majority of the Project occurs within the “Irreplaceable and Essential Corridors” designation. The MND, as written, does not sufficiently analyze or disclose impacts wildlife life connectivity nor does it include mitigation to reduce potential impacts to wildlife connectivity to a level of less than-significant.

Recommendation: To reduce Project impacts to wildlife connectivity to a less-than-significant level, CDFW recommends that Caltrans identify suitable locations and incorporate wildlife crossing structures/features into their design plans. CDFW recommends upsizing and adding wildlife shelving for small mammals wherever it is feasible. Culverts that can be feasibly modified to increase headroom and conveyance capacity should also be identified and incorporated into the design plans. CDFW also recommends utilizing roadkill data and conducting camera surveys before, during,

and after construction to identify key areas where wildlife is crossing, observe how wildlife migration is affected by the Project, and assess the effectiveness of any newly constructed wildlife crossings.

CDFW recognizes the value of wildlife crossing structures being incorporated into the design plans to mitigate for the disturbance (permanent and temporary stream and riparian impacts, impediment to migration, etc.) or offset the impacts of the Project. As appropriate, CDFW may consider the installation of the proposed wildlife crossing and associated wildlife fencing as a component of Project mitigation.

COMMENT 6: Bats, 2.4 Biological Resources, Animal Species, Page 49-53

Issue: Bats are considered non-game mammals and are protected by state law from take and/or harassment (California Fish and Game Code § 4150, § 2126, § 3007; California Code of Regulation, Title 14, § 251.1). Several bat species are also considered species of special concern, which meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines § 15065). The MND does not mention surveying for bat roosting habitat or potential nursery colonies and does not analyze the potential impacts on bat roosting habitat and potential nursery colonies. Bat species that are known to occur in the Project vicinity, such as pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus frantzii*), and long-legged myotis (*Myotis volans*) could utilize the trees that will be removed for the extension of the truck climbing land and widening of SR 267 as day roosting and nursery habitat.

Without an analysis of the type, quality, and quantity of roosting bat habitat within the Project site and appropriate surveys for presence/absence, it is unclear if there are bats present. The presence of bats in the trees marked for removal during construction could result in direct mortality. Additionally, if there is roosting habitat in the trees marked for removal, the Project would result in the permanent loss of roosting and nursery habitat. As currently proposed, the Project has potential to have significant and unmitigated impacts to bats and native nursery sites. The MND, as written, does not sufficiently analyze or disclose impacts to bats nor does it include mitigation to reduce potential impacts to bats and native nursery sites to a level of less than-significant.

Recommendation or Recommended Mitigation Measure: To reduce Project impacts to bats and native nursery sites to a less-than-significant level, CDFW recommends that a biologist with education and experience in bat biology and identification survey the Project site for potentially suitable bat roosting habitat. The habitat assessment should include a visual inspection of suitable habitat features (i.e., tree cavities and exfoliating bark) for bat roosting habitat within the Project. Suitable roosting sites should be mapped, photographed, and evidence of bat presence noted (i.e., bat guano or urine staining). The methodology and results of the bat habitat assessment should be incorporated into the MND. If bat roosting habitat is present, mitigation measures should be included in the MND to mitigate potential impacts to bats and nursery sites. These measures could include, but are not limited to:

- Implementing work windows within suitable bat roosting habitat to avoid critical life stages (maternity season - April 15 to August 31 and torpor season - October 15 to March 1);
- Bat pre-construction survey(s) conducted by a biologist with education and experience in bat biology and identification prior to the initiation of construction activities; and
- The development of a bat avoidance or exclusion plan by a biologist with education and experience in bat biology and identification if bats are detected. CDFW recommends this plan be developed well in advance of the Project so that avoidance or exclusion could be appropriately timed in coordination with scheduled construction, if necessary.

Additionally, CDFW recommends the following language be incorporated into the MND to help reduce impacts to bats and native nursery sites to a less-than-significant level:

"Replacement Structures. If bat roosts cannot be avoided, replacement roost structures shall be designed to accommodate the bat species they are intended for. Replacement roost structures shall be designed and installed in close coordination with a qualified bat biologist. The size of suitable roosting habitat to be removed shall be quantified by the bat biologist and a minimum of twice the roosting habitat shall be installed in close proximity to the removed roost habitat. Replacement roost habitat shall be monitored by a qualified bat biologist for a minimum of two years to document bat use and monitoring reports shall be submitted to CDFW."

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Placer 267 CAPM to assist Caltrans in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Sammi Morford, Environmental Scientist at (916) 880-8324 or samantha.morford@wildlife.ca.gov.

REFERENCES

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Sincerely,

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^[1] 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.