

Haggerty, Nicole@Wildlife

From: Kearns, Zachary@Wildlife
Sent: Tuesday, August 19, 2025 3:05 PM
To: Alber, Nicole@DOT
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Kilgour, Morgan@Wildlife; Sheya, Tanya@Wildlife
Subject: CDFW Comment - 01-0L590 Middletown Safety South Project IS/ND

Dear Nicole Alber,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an ND from California Department of Transportation for the 01-0L590 Middletown Safety South Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.^[1]

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 on State Route 29, in Lake County, from Post Mile (PM) 5.0, Latitude: 38.742653 and Longitude -122.623248, to PM 5.9, Latitude: 38.753574 and Longitude -122.614694.

The Project consists of shoulder widening to accommodate standard shoulder widths of eight (8) feet, and construction of a left turn channelization, two way left turn lane, new and modified curb ramps, bulbouts, approximately 1,200 feet of new sidewalk, street lighting, and of two (2) pedestrian-activated rectangular rapid flashing beacons. Additionally, the project will extend two existing culverts, replace one (1) existing culvert, and repair of one (1) drainage inlet.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the California Department of Transportation (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. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

COMMENT 1: BR-2 (A), Chapter 1, Standard Measures and Best Management Practices Included in All Alternatives, page 7

Issue: BR-2 (A) states that vegetation removal will take place between September 16 and January 31 to avoid the nesting bird season, but if vegetation is required during the breeding season, a nesting bird survey would be conducted by a qualified biologist within five (5) days prior to vegetation removal. The measure should define the nesting season.

Recommendation: CDFW recommends that measure BR-2 (A) be modified to include the standard nesting season of February 1 through August 31.

COMMENT 2: FGC section 1602, Chapter 1, Permits and Approvals Needed, 5

Issue: The ND appropriately states that Notification with CDFW will likely be required for culvert extensions and repair. The ND and Natural Environmental Study (NES) also discloses the temporary and permanent impacts associated with the work associated with FGC section 1602, however there is no discussion of proposed mitigation or restoration.

Recommendation: These impacts should be analyzed, and no work should be conducted in a stream or drainage without consultation with CDFW, including submittal of an LSA Notification. Permanent impacts identified in the LSA Notification and Agreement process may be subject to compensatory mitigation. The compensatory mitigation requirements are typically fulfilled by purchasing credits at a CDFW-approved mitigation bank, where in-kind habitat is protected in perpetuity. CDFW is open to creative solutions for fulfilling compensatory mitigation through habitat creation, restoration, and enhancements on conserved lands near the Project site. Habitat projects should include monitoring and maintenance to ensure successful projects.

COMMENT 3: Wildlife and Habitat Connectivity, Chapter 2, Biological Resources, page 32

Issue: The ND and NES describe the target sizing for proposed culvert replacements and extension. The culvert replacement offers an opportunity to improve wildlife connectivity if it is upsized.

Recommendation: CDFW would like to encourage Caltrans to consider wildlife connectivity for species movement when deciding on culvert sizing. If possible, CDFW recommends upsizing the replacement culvert for wildlife passage improvements in Projects like these, where increasing connectivity potential is possible with minor design changes that can ultimately result in large cumulative benefits. Additionally, culvert upsizing for habitat enhancement can be considered as a component for fulfilling compensatory mitigation requirements for other permits or Agreements required by CDFW for this Project, including FGC section 1602 requirements.

COMMENT 4: Western Bumblebee, Chapter 3, Environmental Setting, 53

Issue: The ND determined the Project will have no impact on CESA-candidate for listing, western bumblebee (*Bombus occidentalis*). However, the Project contains suitable habitat for the species. The species have the potential to occur and may be impacted by Project activities.

Recommendation: To reduce potentially significant impacts to western bumblebee, a qualified biologist should conduct a pre-construction survey for western bumblebee nests within seven (7) days prior to the start of construction activities. The survey should include the entire Project site and a minimum radius of 50 feet around the Project that can be accessed by Caltrans. If western bumblebee nests are observed during the survey or during Project activities Caltrans shall establish a minimum 50-foot avoidance buffer around the nest(s). If the buffer needs to be reduced to allow construction, Caltrans shall consult with CDFW to identify the species present and determine an appropriate buffer size. If full avoidance is not feasible, Caltrans should demonstrate to CDFW compliance with CESA.

Please note, if it is determined the Project may have the potential to result in "take," as defined in the Fish and Game Code, section 86, of a CESA-listed species, then the California Department of Transportation (Caltrans) should disclose that an incidental take permit (ITP) or a consistency determination (CD)(Fish & G. Code, §§ 2080.1 & 2081) may be needed prior to starting construction activities. The ND should include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures should be proposed to fully mitigate the impacts to CESA-listed species (Cal. Code Regs., tit. 14, § 783.2, subd. (a)(8)). If Caltrans does not pursue CESA authorization and encounters any CESA-listed species during Project activities, work should be suspended, and CDFW notified. Work should not re-initiate until Caltrans has consulted with CDFW and can demonstrate compliance with CESA.

COMMENT 5: Fish Passage, Chapter 2, Environmental Checklist, page 32

Issue: The ND states that there are no known fish passages issues associated with the Project work area. The culvert plans and locations provided in the ND and NES did not have sufficient information for CDFW staff to confirm no fish passage concerns exist at the PM 5.24 and PM 5.37-5.45 work locations.

Recommendation: To ensure fish passage concerns are properly addressed, CDFW recommends utilizing the design principles outlined in the *California Salmonid Stream Habitat Restoration Manual, Part XII* (CDFW 2009) and *NOAA Fisheries Service Guidelines for Salmonid Passage at Stream Crossings* (NMFS 2001) into stream crossing designs. CDFW strongly recommends the above manuals are included and referenced when finalizing culvert replacement design. These design principles should allow natural stream flow and sedimentation processes to continue for long term dynamic channel stability. Additionally, CDFW requests early coordination prior to FGC section 1602 Notification to allow for ample time for CDFW fisheries staff to review the proposed plans. Doing so will allow CDFW to assist Caltrans in avoiding potentially significant fish passages concerns at the culvert work located at PM 5.24 and PM 5.37-5.45.

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 ND for the 01-0L590 Middletown Safety South Project 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 Zach Kearns, Senior Environmental Scientist (Specialist) at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

Zach Kearns
Senior Environmental Scientist (Specialist)
(916) 358-1134
1701 Nimbus Rd.
Rancho Cordova, CA 95670



^[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.