



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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August 20, 2025

Mike Brown, Project Manager
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**Subject: Calaveras Big Tree State Park - Big Trees Parkway Bridge Deck
Replacement Project Bridge No. 30P-0001 (Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH: 2025070612**

Dear Mike Brown:

The California Department of Fish and Wildlife (CDFW) received an MND from the California Department of Parks and Recreation (CDPR) for the above referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of 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 (*Id.*, § 1802). Similarly, for purposes of CEQA,

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.

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CDFW is charged by law to provide, 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 is also submitting comments 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.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation

Objective: The Project proposes to rehabilitate the Calaveras Big Trees State Park – Big Trees Parkway Bridge Deck (Br. No. 30P-0001) and to construct the necessary approach roadway improvements to accommodate the bridge upgrades. The Project would replace the deteriorated concrete roadway deck, construct the necessary roadway approach improvements, and address seismic deficiencies of the existing bridge to satisfy current performance standards.

Location: The proposed Project is located on Big Trees Parkway approximately 4.3 miles northeast of the community of Arnold, California, within Calaveras Big Trees State Park, which encompasses about 6,500 acres of parkland in Calaveras and Tuolumne Counties. The Project is located approximately 5.5 miles east of the State Park entrance at the Big Trees Parkway crossing of the North Fork Stanislaus River. The land west of

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the bridge is within Calaveras County and is located on Assessor's Parcel Number (APN) 025-005-026, while the land east of the bridge is located within Tuolumne County on APN 016-010-011.

Timeline: Construction of the Project is estimated to begin in summer 2025 and would be completed by November 2025.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist CDPR in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the MND.

The MND notes the Project site is roughly centered on the Big Trees Parkway crossing of the North Fork Stanislaus River. The Project site occurs at an elevation of approximately 3,700 ft above mean sea level and consists of mixed coniferous forest.

Currently, the MND acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of these measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including but not limited to: the State endangered and fully protected bald eagle (*Haliaeetus leucocephalus*); the State and federally endangered foothill yellow-legged frog – south Sierra Distinct Population Segment (DPS) (*Rana boylei* pop. 5); the State threatened and federally endangered Sierra Nevada yellow-legged frog (*Rana sierrae*); the State species of special concern fisher (*Pekania pennanti*); the state species of special concern and federally proposed threatened California spotted owl (*Strix occidentalis occidentalis*); and the State species of special concern Townsend's big-eared bat (*Corynorhinus townsendii*).

CDFW also has concerns about the ability of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for the special-status plant species, including: the California Rare Plant Ranking (CRPR) 1B.2 Small's southern clarkia (*Clarkia australis*), the CRPR 4.3 Sierra clarkia (*Clarkia virgata*), and the CRPR 1B.2 Tuolumne fawn lily (*Erythronium tuolumnense*).

Bald Eagle

The MND did not evaluate and address potential Project-related impacts to bald eagle (BAEA), even though the Project site is within the geographic range of the species and BAEA are known to inhabit forested areas that contain large bodies of water and perching trees, and these habitat features are present within the Project and Project

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vicinity. As BAEA was not addressed within the MND, CDFW recommends the following:

Recommended Mitigation Measure 1: BAEA Surveys

CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), CDFW recommends that focused BAEA surveys following the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman and Jenkins 2004) be conducted by qualified biologists prior to Project implementation.

Recommended Mitigation Measure 2: BAEA Avoidance Buffer

If a BAEA is found prior to or during construction, CDFW recommends implementation of a minimum ½-mile no-disturbance buffer. CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon parental care for survival. In the event that a BAEA is detected during surveys, and a ½-mile no disturbance buffer is not feasible, consultation with CDFW is recommended.

Foothill Yellow-Legged Frog and Sierra Nevada Yellow-Legged Frog

The MND states that the North Fork Stanislaus River within the Project site provides suitable habitat for the foothill yellow-legged frog (FYLF) and that Sierra Nevada yellow-legged frog (SNYLF) is expected to be absent from the Project site as the Project is located outside of the species known range. However, according to information provided in the MND and California Natural Diversity Database (CNDDB) (CDFW 2025), the Project site is located within the geographic and elevational range of SNYLF, and suitable habitat is present within the Project site for both FYLF and SNYLF. As SNYLF may also be present within the Project site, CDFW recommends that SNYLF be included within Mitigation Measure BIO-5. Mitigation Measure (MM) BIO-5 states that a pre-construction survey would be conducted for FYLF individuals prior to construction, and if FYLF individuals are identified, Project activities will stop and CDFW and USFWS would be consulted to ensure take avoidance. CDFW concurs with these measures but is concerned the preconstruction surveys outlined in the measure are not detailed enough to sufficiently avoid impacts to FYLF and SNYLF. As such, CDFW recommends the following:

Recommended Mitigation Measure 3: FYLF and SNYLF Surveys

CDFW recommends that a qualified biologist develop a Pre-Construction Survey Plan for FYLF and SNYLF and submit it to CDFW for review at least 14 calendar days prior to commencing surveys. CDFW also recommends the survey protocols be in accordance with the Considerations for Conserving the Foothill Yellow-Legged

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Frog (CDFW 2018), and that surveys be completed prior to any ground-disturbance activities associated with the Project. These surveys should be conducted within, upstream, and adjacent to the Project site and shall include a description of any standing or flowing water.

Recommended Mitigation Measure 4: FYLF and SNYLF Avoidance

If any FYLF or SNYLF are found during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary prior to any take, to comply with CESA. CDFW also recommends that initial construction activities be timed to avoid the period when FYLF and SNYLF are most likely to be moving through upland areas (i.e., November 1 to March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for FYLF and SNYLF.

Fisher

The MND notes that suitable habitat for fisher is present within the Project site; however, the species is expected to be absent due to the public use and disturbance within the vicinity of the Project. As it does not appear that surveys were conducted to look for fisher resting and denning sites to confirm species absence, CDFW recommends ground-disturbing activities not occur during the fisher natal or maternal denning period (i.e., March to September). CDFW also recommends the following:

Recommended Mitigation Measure 5: Fisher Surveys

CDFW recommends that a qualified biologist conduct surveys for fisher by observing for potential natal/maternal denning structures within the Project site following the United States Forest Service's "Survey protocol for fisher denning season: methods for informing denning protection measures" (Tucker et. al. 2020). If potential denning structures are detected, consultation with CDFW is advised to develop site-specific take avoidance measures.

California Spotted Owl

The MND states Project construction activities will result in minor permanent impacts and temporary impacts to California spotted owl (CSO) habitat and that informal consultation with the U.S. Fish and Wildlife Service (USFWS) would be initiated prior to construction. Mitigation Measure (MM) BIO-4 is provided to mitigate for potential impacts to CSO and notes that disturbance would be minimized prior to June 15, a nest buffer of 300-feet would be implemented if a nest is identified within 300 feet and construction will be delayed to the end of the nesting season of August 31 (unless a

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qualified biologist has confirmed the young have fledged the nest). CDFW acknowledges that consultation with USFWS is anticipated and concurs with MM BIO-4, but recommends the no-disturbance buffer distance be increased to a minimum of 500-feet or greater. Additionally, CDFW recommends that focused surveys be conducted prior to Project construction by qualified biologists familiar with CSO following the protocol prepared by the USFWS (USFWS 2011, revised 2012) to identify CSO presence and guide MM implementation.

Special-Status Bats

The MND states replacement of the existing bridge deck would temporarily remove suitable night roost habitat for Townsend's big-eared bat and would temporarily displace any bats currently utilizing the bridge for roosting. MM BIO-2 provides that Project related activities will occur during daylight hours as to avoid bat foraging activities and the new bridge deck will provide equivalent night roost habitat as to the bridge being replaced. CDFW has concerns this MM is not adequate to minimize potentially significant impacts to special-status bats. As such, CDFW recommends the following:

Recommended Mitigation Measure 6: Special-Status Bat Surveys

CDFW recommends a qualified biologist conduct focused surveys prior to the start of vegetation removal and/or construction to establish species usage and seasonal usage. Focused survey methodology is advised to include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), and use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk emergence and pre-dawn re-entry. The habitat assessment shall include a visual inspection of suitable habitat features (e.g., trees, bridges, associated crevices, and other structures) for suitable bat roosting habitat within the Project site and a minimum of a 500-foot radius adjacent to these areas that may be impacted by Project activities. To maximize detectability, each survey needs to be conducted within one 24-hour period.

Recommended Mitigation Measure 7: Bat Roost Disturbance Avoidance and Minimization

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and installing new roost sites to be in place prior to the initiation of Project related activities to allow enough time for bats to relocate. If bats are determined to be present during the maternity season (April 15 to August 31) or the hibernation season (October 15 to March 1), and activities are scheduled to occur, CDFW recommends that the Project proponent develop a bat avoidance and exclusion plan and that CDFW be consulted during preparation of the plan to determine measures to prevent breeding disruption or failure.

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Special-Status Plants

The MND notes that botanical surveys were conducted in 2022 and mentioned possible limitations of the survey data due to scheduling availability and that some botanical survey results may be inconclusive. The MND notes that three special-status plant species have potential to occur within the Project site based on habitat suitability: the California Rare Plant Ranking (CRPR) 1B.2 Small's southern clarkia (*Clarkia australis*), the CRPR 4.3 Sierra clarkia (*Clarkia virgata*), and the CRPR 1B.2 Tuolumne fawn lily (*Erythronium tuolumnense*). MM BIO-1 states that additional botanical surveys will be conducted to confirm the absence of Small's southern clarkia, Sierra clarkia, and fawn lily. MM BIO-1 also notes that if special-status plants are present, "...the impact area shall be adjusted to avoid impacting the population to the extent feasible." and that a mitigation plan would be required, which would include salvage, relocation and monitoring. CDFW concurs with this measure but recommends that botanical surveys be timed during the appropriate bloom period for all of the special-status plants that were identified in the MND as surveys were last conducted in 2022 and had apparent limitations. CDFW also recommends the following:

Recommended Mitigation Measure 8: Special-Status Plants Avoidance Buffer

If special-status plants are detected, CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If State endangered, threatened, or rare plants are identified during special-status plant surveys, consultation with CDFW is recommended. If take cannot be avoided, acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b) is required to comply with CESA and the Native Plant Protection Act (NPPA).

Mature Tree Removal

CDFW has concerns about properly mitigating for the removal of trees with a Diameter at Breast Height (DBH) of 4 inches or greater. The MND mentions that some removal of vegetation of up to 6 inch DBH will be done for access and staging at the Project site. CDFW generally considers trees with a DBH of 4 inches or greater to be mature, and important contributors to the ecological value of the habitat and canopy cover in the environment. As such, CDFW recommends replanting all trees removed with a DBH greater than 4 inches at a minimum 1:1 ratio. Replacement trees should be of native origin and to the extent feasible, trees should be planted on-site. If on-site mitigation is not feasible, in-kind mitigation can be considered for an alternate location, or a donation

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to a local tree mitigation program or conservation fund could also be provided. CDFW also recommends that a qualified biologist shall supervise vegetation removal to ensure compliance with mitigation requirements and avoid impacting wildlife during the removal.

Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Federally Listed Species: CDFW recommends consulting with the USFWS regarding potential impacts to federally listed species including but not limited to, CSO, FYLF, and SNYLF. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes significant habitat modification or

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degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with the ESA is advised well in advance of any Project activities.

Lake and Streambed Alteration: The MND states the Project will impact portions of the riparian habitat associated with the North Fork Stanislaus River and a small drainage feature within the Project site. The MND also notes that a Lake or Streambed Alteration Agreement would likely be required. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for Lake or Streambed Alteration Agreement issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

CNDDDB Positive Submission of Data: Please note that the CNDDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

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, §

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21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

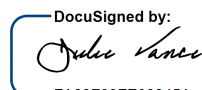
FILING FEES

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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

CDFW appreciates the opportunity to comment on the MND and assist CDPR in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist CDPR with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

Sincerely,


FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT

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References

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California Department of Fish and Wildlife. 2018. Considerations for conserving the foothill yellow-legged frog. Sacramento, California, USA.

Jackman, R.E. and J.M. Jenkins. 2004. Protocol for evaluating bald eagle habitat and populations in California. Prepared for U.S. Fish and Wildlife Service, Endangered Species Division, Sacramento, California, USA.

Tucker, J. M., R. Green, K. Purcell, and D. Green. 2020. Survey protocol for fisher denning season: methods for informing denning protection measures. U.S. Department of Agriculture Forest Service, Pacific Southwest Region, Vallejo, California, USA.

U. S. Fish and Wildlife Service. 2012. Protocol for surveying proposed management activities that may impact northern spotted owls. Sacramento, California, USA.

Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

**PROJECT: : Calaveras Big Tree State Park - Big Trees Parkway
Bridge Deck Replacement Project Bridge No. 30P-0001**

SCH No.: 2025070612

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Bald Eagle (BAEA)	
Recommended Mitigation Measure 1: BAEA surveys	
Foothill Yellow-Legged Frog (FYLF) Sierra Nevada Yellow-Legged Frog (SNYLF)	
Recommended Mitigation Measure 3: FYLF/SNYLF surveys	
Fisher	
Recommended Mitigation Measure 5: Fisher surveys	
Special-Status Bats (SSB)	
Recommended Mitigation Measure 6: SSB surveys	
<i>During Construction</i>	
Bald Eagle (BAEA)	
Recommended Mitigation Measure 2: BAEA avoidance	
Foothill Yellow-Legged Frog (FYLF) Sierra Nevada Yellow-Legged Frog (SNYLF)	
Recommended Mitigation Measure 4: FYLF/SNYLF avoidance	

Special-Status Bats (SSB)	
Recommended Mitigation Measure 7: SSB roost disturbance avoidance and minimization	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 8: SSP avoidance buffer	