Haggerty, Nicole@Wildlife

From: Wildlife R2 CEQA
Sent: Wednesday, November 5, 2025 9:37 AM
To: Wildlife R2 CEQA
Subject: FW: CDFW Comments on the 2025 Calaveras County Regional Transportation Plan - Negative Declaration

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From: Donaldson, Hailey@Wildlife
Sent: Friday, October 31, 2025 7:23 AM
To: ekelly@calacog.org
Cc: Wildlife R2 LSA <R2LSA@wildlife.ca.gov>; Wood, Dylan@Wildlife <Dylan.Wood@wildlife.ca.gov>; Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>; Kilgour, Morgan@Wildlife <Morgan.Kilgour@Wildlife.ca.gov>
Subject: CDFW Comments on the 2025 Calaveras County Regional Transportation Plan - Negative Declaration

Dear Erin Kelly:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Negative Declaration from the Calaveras Council of Governments for the 2025 Calaveras County Regional Transportation Plan (Project) pursuant 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 throughout the County of Calaveras and encompasses the foothill areas as well as high-Sierra terrain. Calaveras County contains the incorporated City of Angels, the census-designated places of Arnold, Avery, Copperopolis, Dorrington, Forest Meadows, Mokelumne Hill, Mountain Ranch, Murphys, Rail Road Flat, Rancho Calaveras, San Andreas, Vallecito, Valley Springs, Wallace, and West Point and the Native American Tribal Government of the California Valley Miwok Tribe of California.

The ND evaluates the environmental impacts related to the adoption and implementation of the 2025 Calaveras County RTP. The Calaveras Council of Governments (CCOG), which serves as the Regional Transportation Planning Agency (RTPA) for the County of Calaveras and the City of Angels, is required by law to adopt and submit an approved Regional Transportation Plan (RTP) to the California Transportation Commission (CTC) every five years. The RTP will serve as the guide to federal, state and local funding through 2045. Improvements are categorized as short-range (0-10 years) or long-range (11-20 years). The life of the Calaveras RTP plan will continue until 2045 and will guide subsequent projects on Biological Resources.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist CCOG in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the CEQA Documents for future projects that are tiered from this RTP with respect to impacts on biological resources:

1. CCOG should promote the preservation and restoration of contiguous areas of natural habitat throughout Calaveras County and support their integration with existing and future preserves;

2. CCOG should retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention should be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;

3. CCOG should preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat should be mitigated by the preservation and/or restoration of this habitat in compliance with State and federal regulations in perpetuity;

4. CCOG should preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources should be required in compliance with State and federal regulations protecting wetland resources, and if applicable, special-status species such as: foothill yellow-legged frog (*Rana boylii*), western spadefoot (*Spea hammondii*), Burrowing owl (*Athene cunicularia*), California tiger salamander (*Ambystoma californiense*), and tricolored blackbird (*Agelaius tricolor*). Additionally, CCOG should require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no net loss of value and/or function;

5. CCOG should preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands should comply with State and federal regulations protecting foraging habitat for those species known to utilize this habitat;

6. CCOG should preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in Calaveras County that provide habitat for common native and special-status wildlife species;

7. CCOG should preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat should be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;

8. CCOG should consider the potential impact on sensitive plants and wildlife for each Project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, CCOG should require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys should be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey should be conducted consistent with industry recognized best practices; or (2) suitable habitat and presence of the species should be assumed to occur within all potential habitat locations identified on the Project site. Survey Reports should be prepared and submitted to CCOG and CDFW or the United States Fish and Wildlife Service (USFWS) (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with State and federal law;

9. CCOG should thoroughly analyze future transportation Projects' potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed, CCOG 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)). CCOG should analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, CCOG should analyze a Project's cumulative impacts and determine if that contribution would result in a significant impact;

10. CCOG should adopt 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 construction and long-term operation and maintenance of Projects. Mitigation will 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);

11. CCOG should support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in Calaveras County;

12. CCOG should support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements; and

13. CCOG should comply with all applicable laws related to nesting birds and birds of prey. Potential habitat for nesting birds and birds of prey is present throughout the County of Calaveras. CCOG should analyze all potential activities that may incur a direct or indirect take to nongame nesting birds within Calaveras County and provide appropriate avoidance, minimization, and/or mitigation measures to avoid take. 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. CCOG should also include specific avoidance and minimization measures that will be implemented should a nest be located within a Project site. In addition to larger, protocol level survey efforts and scientific assessments, final preconstruction surveys may be required no more than fifteen (15) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

Lake and Streambed Alteration Program
Based on the review of the ND, maps, and aerial photography, the Program Area supports several streams and associated riparian habitat. CDFW recommends the CCOG fully identify the Project's potential impacts to the stream and/or its associated vegetation and wetlands. If during evaluation of project impacts, it is determined that a Lake or Streambed is present, a Notification shall be submitted by the Project Proponent to CDFW in order to comply with Fish and Game code section 1602. Furthermore, Fish and Game code section 1602 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).

CDFW recommends the ND include measures to mitigate for the potential loss of riparian and stream habitat that may be used in subsequent CEQA analyses for specific projects. Mitigation for the loss of riparian habitat may be implemented by on- or off-site restoration, creation, or enhancement by expanding those areas to be larger than the areas of permanent impact.

Wildlife Corridors

The ND refers to areas within central and eastern Calaveras County that provide oak woodlands and timberland habitat for the Railroad Flat Deer herd of *Odocoileus hemionus* which migrates from Alpine County to this habitat, and portions of it which are designated as Critical Winter Range Habitat by CDFW. CDFW would further encourage subsequent Project Proponents for future projects to coordinate in the future with CDFW staff on potentially incorporating wildlife connectivity plans into roadway rehabilitation projects to further minimize impediments of rehabilitation projects to wildlife migratory corridors Wildlife connectivity can be improved by incorporating the construction of structures in the form of underpasses, upsized culverts, and/or deer fencing along roads and highways that guide wildlife to existing or new crossings (i.e., bridges, cattle undercrossings, upsized culverts.) with fencing jump-out features. Providing these connectivity features may help with wildlife movement and migration as well as protect motorists from vehicular collisions with wildlife.

Additionally, CDFW recommends that the CCOG review the guidelines for design and placement of stream culverts under roadways developed by state and federal agencies in an effort to minimize or eliminate impediments to fish movement within a waterway listed here: https://dot.ca.gov/programs/design/manual-fish-passage-design-for-roadway-crossings. CDFW would also encourage the CCOG to acknowledge the goal of minimizing blockages to fish movement in active waterways through adoption and implementation of these design guidelines.

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 (CNDDB). The CNNDB 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.

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 2025 Calaveras County RTP to assist the CCOG 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 Hailey Donaldson, Environmental Scientist at (916) 216-6253 or hailey.donaldson@wildlife.ca.gov.

Sincerely,

Hailey Donaldson
California Department of Fish and Wildlife
Environmental Scientist
Cell: (916) 216-6253
1701 Nimbus Rd.
Rancho Cordova, CA 95670

CALIFORNIA DEPARTMENT OF FISH and WILDLIFE

[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.