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From: Morford, Samantha@Wildlife
Sent: Wednesday, January 7, 2026 2:21 PM
To: Damm, Erin@DOT
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife; Russo, Kenneth W@DOT
Subject: CDFW Comments on the MND for the Grass Valley Wildlife Evacuation Route Project (EA 03-4J110) (SCH No. 20250357)

Dear Erin Damm:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from California Department of Transportation (Caltrans) for the Grass Valley Wildlife Evacuation Route Project (EA 03-4J110) (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 along State Route 49 (SR 49) in Nevada County, from post mile (PM) 2.10 to 9.80.

The Project consists of widening the existing shoulders and provide a two-way left turn lane along SR 49 between PMs 2.10 and 9.80. The Project would include the replacement of existing culverts, widening of the existing bridge over South Wolf Creek, and replacing the existing box culverts at Rattlesnake Creek with a single span bridge. The single span bridge would include the creation of a wildlife undercrossing. A

raised ledge under the new bridge would be installed that would allow wildlife to cross under the SR 49 even during high water flows. The undercrossing would also include exclusion fencing and/or directional fencing to funnel wildlife to the undercrossing. The Project would also replace or relocate lighting, signage, and Transportation Management Systems, replace non-standard Metal Beam Guardrail with Midwest Guardrail System, construct retaining walls, and provide four Maintenance Vehicle Pullouts. As proposed, the Project would permanently impact 0.23 acres of stream habitat and 1.81 acres riparian habitat. Additionally, the project would temporarily impact 0.60 acres of stream habitat and 0.01 acres of riparian habitat.

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: *Chapter 2.4 Biological Resources, Plant Species, Avoidance, Minimization and Mitigation Measures, Page 53 and 54*

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.

The Project has the potential to have a significant impact on Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeeae*) and Humboldt lily (*Lilium humboldtii* ssp. *humboldtii*). As stated in the MND, both special-status plant species were detected during botanical surveys. The proposed MND does not include adequate avoidance, minimization, and mitigation measures for Project related impacts to the species. Therefore, the MND, as written does not mitigate potential impacts to Brandegee's clarkia and Humboldt lily to a level of less than-significant.

Recommendation: The priority in plant conservation is to conserve species in their original place and to preserve wild populations in natural habitats in as many locations as possible. It is understood that some of the special-status plant species detected occur outside of the Project footprint and will be avoided by installing temporary high visibility fencing and/or flagging around them. However, it is also understood that two individuals of Humboldt lily and a large population of Brandegee's clarkia occur in the Project footprint and cannot be avoided. To mitigate Project related impacts to special-status plant species to a less than significant level, it is recommended that the Project incorporate measures to conserve the local population and genetic diversity. It is recommended that Caltrans use guidance in the Center for Plant Conservation's 2019 *Best Plant Conservation Practices to Support Species Survival in the Wild* to conduct multi-year seed stock collection from the special-status plant species that will be permanently impacted by the project. The seed stock should be redistributed in suitable habitat on lands that are conserved and/or donated to a seed conservation bank.

COMMENT 2: *Chapter 2.4 Biological Resources, Animal Species, Page 54-61*

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 Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat (*Antrozous pallidus*), silver-haired bat (*Lasionycteris noctivagans*), fringed myotis (*Myotis thysanodes*), and long-legged myotis (*Myotis volans*), could utilize the bridge over South Wolf Creek, the Rattlesnake Creek box culvert, and the riparian trees that are proposed for removal as day roosting habitat.

Without an analysis of the type, quality, and quantity of roosting bat habitat within the Project footprint and appropriate surveys for presence/absence, it is unclear if there are bats are present. The presence of bats in the box culvert or in trees marked for removal during construction could result in direct mortality. Additionally, if there is roosting habitat in the trees marked for removal and the box culvert, the project would result in the permanent loss of roosting habitat. If there are bats present in the bridge over South Wolf Creek during construction, the increased noise, lighting, and vibrations from the bridge widening could impact them. This impact could result in roost abandonment which could result in a reduction in bat survivability from increased susceptibility to predation, reduced quality of thermal and social environments, and decreased foraging efficiencies. This can be particularly detrimental if the construction activities are conducted during maternity season (typically April 15 to August 31) or torpor season (typically October 15 to March 1). As currently proposed, the Project has potential to have significant and unmitigated impacts to bats. The MND, as written, does not sufficiently disclose impacts to bats nor does it include mitigation to reduce potential impacts to bats to a level of less than-significant.

Recommendation: 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., structure joints, weep holes, 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 widows 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."

COMMENT 3: *Chapter 2.4 Biological Resources, Animal Species, Page 54-61*

Issue: California black rail (*Laterallus jamaicensis coturniculus*) is a Fully Protected Species. The unauthorized take of this species is prohibited under the California Fish and Game Code §3511. The MND does not mention surveying for California black rail habitat and does not analyze the potential impacts on California black rail. California black rail is a secretive, rare bird that inhabits small, shallow, freshwater wetlands with dense vegetation for cover and are known to occur in the project vicinity (California Natural Diversity Database 2025). The MND states that the Project will permanently impact forested wetlands. These forested wetlands may provide suitable habitat for this species. If California black rail is present during construction, individuals may be exposed to elevated noise, lighting, and visual disturbances, which can disrupt animal activities including nesting, foraging, and resting. These disturbances could result in nest abandonment or flushing individuals from suitable habitat, leading to increased susceptibility to predation. As currently proposed, the Project has potential to have significant and unmitigated impacts to California black rail.

Recommended Mitigation Measure: To reduce Project impacts to California black rail to a less-than-significant level, CDFW recommends the following language be incorporated into the MND:

"California Black Rail Survey and Avoidance. A qualified biologist with education on California black rail ecology and experience with protocol-level surveys will conduct focused surveys for California black rail between March 15 and May 15. A minimum of four surveys will be conducted. The survey dates will be spaced ten (10) days apart and will cover the time period from the date of the first survey through mid-May. This will allow the surveys to encompass the time period when the highest frequency of calls is likely to occur. Surveys will be conducted using survey protocol based on the methods used in Richmond et al. (2008). If a California black rail is determined to be present, the qualified biologist will establish a non-disturbance buffer(s) around the occupied habitat during the breeding season (typically February through July). The buffer(s) will be determined based upon the life history of the species, including its sensitivity to noise, vibration, ambient levels of human activity and general disturbance, the current site conditions (screening vegetation, terrain, etc.), and the various project-related activities necessary to implement the project."

COMMENT 4: *Chapter 2.4 Biological Resources, Discussion of CEQA Environmental Checklist Question 2.4d, Page 65*

Issue: The MND does acknowledge that the existing roadway impacts habitat connectivity and wildlife movement and migration. It also acknowledges that the road widening proposed by the Project would increase wildlife connectivity impediment. CDFW expects cumulative impacts to the populations of deer, black bear, fox, bobcats, or other common wildlife species that migrate in the vicinity of the Project area to continue if the wildlife connectivity issue is not addressed.

Recommendation: To reduce Project impacts to wildlife connectivity to a less-than-significant level, CDFW recommends that Caltrans incorporates the wildlife crossing structures/features proposed in the MND into their design plans. To ensure effectiveness, these connectivity elements should be tied in with existing connectivity elements that have been installed along this stretch of SR 49 as part of the La Barr Meadows Project (SCH 2007062103) and Nevada 49 Corridor Improvement Project (SCH 2020070281). Wherever it is feasible, CDFW recommends culvert upsizing and adding wildlife shelving for small mammals at additional locations within the Project. 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 keys areas where wildlife is crossing, observe how wildlife migration is affected by the Project, and assess the effectiveness of any newly constructed wildlife crossings.

The MND states that Caltrans would compensate for the permanent impacts to 1.81 acres of riparian habitat and to 0.23 acres of stream habitat in accordance with permitting requirements set forth by CDFW. 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 5: *Chapter 2.22 Cumulative Impacts, Page 137*

Issue: The MND states that due to the scope and scale of the potential effects and the inclusion of Standard Measures and Best Management Practices (Section 1.7) to minimize impacts, the Project would not have any "significant and unavoidable" or "cumulatively

considerable" impacts. Therefore, cumulative effects analysis is not required. However, Caltrans has completed the Highway 49 Widening at La Barr Meadows Project (SCH 2007062103) and will be initiating the Nevada 49 Corridor Improvement Project (SCH 2020070281) in 2026. Both projects are within two miles of the Project and involve widening SR 49 as well, which impacts stream and riparian habitat, wildlife species, and connectivity. The cumulative impacts of these three projects and any other past or future projects in this area have the potential to cause significant degradation of habitat and species diversity through displacement and fragmentation of habitats and populations, alteration of hydrology, contamination, erosion, sedimentation, disruption of migration corridors, changes in water quality, and introduction or promotion of predators. As currently proposed, the Project has potential to have significant and unmitigated cumulative impacts to biological resources.

Recommendation: The MND should incorporate a cumulative effects analysis as described under CEQA Guidelines section 15130. The MND should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The MND should include a list of present, past, and probable future 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.

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).

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 MND for the Grass Valley Wildlife Evacuation Route Project (EA 03-4J110) 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.

Sincerely,

Sammi Morford
Environmental Scientist (Caltrans Liaison)
Habitat Conservation Program | North Central Region (R2)
1701 Nimbus Rd., Suite A
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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.