



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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September 25, 2026

Keith Pelfrey, Branch Chief
California Department of Transportation
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SUBJECT: Scott River Bridge Project (Project) Initial Study with Proposed Mitigated Negative Declaration (IS/PMND) and Proposed Section 4(f) de Minimus Determination, State Clearinghouse Number 2026090391

Dear Keith Pelfrey:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study with Proposed Mitigated Negative Declaration (IS/PMND) and Proposed Section 4(f) de Minimus Determination, dated August 2026 for the above referenced Project. CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines.

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, 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 (LSA) 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

Proponent: California Department of Transportation, District 2

Objective: The objective of the Project is to construct a new bridge over the Scott River. Primary Project activities as described in the IS/PMND would include removing the existing bridge (32-feet wide and 229-feet long) over the Scott River and replacing it with a new bridge (44-feet wide and 240-feet long) on a slightly

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new alignment, shifted slightly to the northeast relative to the existing bridge; constructing a new structural section on the approaches to the new bridge; constructing a new retaining wall; removing old pavement from Post Miles (PM) 71.07 to 71.45; extending a single culvert; installing new bridge rail, crash cushions and signage; construction of temporary access roads, stream diversion and in-water gravel work pads, temporary work platforms, new retaining walls, piers, and associated bridge elements.

Location: The Project site is located in Siskiyou County on State Route 96 between PM 71.0 to 71.5, where State Route 96 crosses the Scott River.

Timeframe: Planning, design, and construction will take place between 2025 and 2035

REGULATIONS, COMMENTS, AND RECOMMENDATIONS

Lake and Streambed Alteration Notification

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features may be subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final Mitigated Negative Declaration and complied with its responsibilities as a responsible agency under CEQA.

California Endangered Species Act and Native Plant Protection Act (NPPA)

Please be advised that “take” of plants or animals listed under CESA or the NPPA during construction or over the life of the Project without authorization from CDFW would be a violation of Fish and Game Code section 2080. Under CESA, take is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.” If the Project has the potential to impact CESA or NPPA listed species, early consultation with CDFW is highly encouraged, as modification to the Project may be required to minimize and fully mitigate impacts of the project. Issuance of an incidental take permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CDFW's issuance of an incidental take permit is considered a discretionary action as defined in Title 14 of the California Code of Regulations, section 15357, under CEQA. Therefore, before CDFW can issue the permit the applicant must have completed the necessary steps under CEQA. Compliance with CEQA is further described in Title 14 of the California Code of Regulations, section 783.3.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, § 21083; CEQA Guidelines §§ 15380, 15064, & 15065.) Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports a Statement of Overriding Consideration. The CEQA Lead Agency's Statement of Overriding Considerations does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080 et seq.

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Fully Protected Species

Fully protected species, such as Northern California Ringtail (*Bassariscus astutus raptor*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species,
- Live capture and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515.)

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met. (Fish & G. Code, § 2081.15.) Project proponents should consult with CDFW early in the project planning process.

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

Biological Resources

At this location State Route 96 crosses the Scott River and is located approximately 300 feet upstream from the confluence of the Scott River and Klamath River. Within the environmental study limits of the Project four natural plant communities were identified: *Salix exigua* shrubland alliance, *Quercus garryana* forest and woodland alliance, *Pinus ponderosa-Calocedrus decurrens-Pseudotsuga menziesii* forest and woodland alliance, and barren herbaceous alliance.

According to the California Natural Diversity Database (CNDDB), the Project area occurs within the range of several special-status species including, but not limited to:

- Osprey (*Pandion haliaetus*, State Watch List)
- Yellow-breasted chat (*Icteria virens*, Species of Special Concern (SSC))
- Klamath River lamprey (*Entosphenus similes*, SSC)
- Pacific lamprey (*Entosphenus tridentatus*, SSC)
- Lower Klamath marbled sculpin (*Cottus klamathensis polyporus*, SSC)
- Steelhead trout (*Oncorhynchus mykiss irideus*, Klamath Mts. Province DPS, SSC and USFS Sensitive)
- Chinook Salmon upper Klamath and Trinity Rivers ESU fall run (*Oncorhynchus tshawytscha*, Federal Candidate, SSC)
- Coho Salmon Southern Oregon/ Northern California Coast ESU (*Oncorhynchus kisutch*, Federal Threatened, CESA Threatened)
- Highcap lanx (*Lanx alta*, USFWS and BLM Survey and Manage)
- Western pearlshell mussel (*Margaritifera falcata*, USFS Survey and Manage)
- Western ridged mussel (*Gonidea angulata*, USFS Survey and Manage)
- Western bumble bee (*Bombus occidentalis*, CESA Candidate)
- Franklin's bumble bee (*Bombus franklini*, Federal Endangered, CESA Candidate)
- Suckley's cuckoo bumble bee (*Bombus suckleyi*, Federal Proposed Endangered, CESA Endangered Candidate)
- Monarch butterfly (*Danaus plexippus*, Federal Proposed Threatened)

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- Northwestern pond turtle (*Actinemys marmorata*, Federal candidate, SSC and USFS Sensitive)
- Scott bar salamander (*Plethodon asupak*, CESA Threatened)
- Bald eagle (*Haliaeetus leucocephalus*, CESA Endangered)
- Golden eagle (*Aquila chrysaetos*, CDFW Fully Protected)
- Northern spotted owl (*Strix occidentalis caurina*, Federal Threatened, CESA Threatened)
- Northern California ringtail (*Bassariscus astutus raptor*, State Fully Protected)

For the species identified above, the IS/PMND provides an adequate assessment of each species and the potential impacts from the Project. CDFW offers the following comments and recommendations to assist the Lead Agency in adequately surveying, avoiding, minimizing and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

CESA Listed Candidate Bumble Bees

On September 30, 2022, CESA reinstated candidate status for four bumble bee species, including the Franklin's bumble bee (FBB), Western bumble bee (WBB), and Suckley's bumble bee (SBB). These bumble bees receive the same legal protection afforded to an endangered or threatened species (Fish and G. Code, §§ 2074.2 & 2085). It is illegal to import, export, take (hunt, pursue, catch, capture, or kill, or attempt to engage in any of these activities), possess, purchase, or sell CESA-listed species, or any part or product thereof (Fish and G. Code, §§ 86, 2080, 2085).

Surveys prior to Project approval are particularly important for CESA-listed species like the WBB and SBB as these species have the potential to occur in the Project area during all life-cycle phases/year-round. Impacts to a CESA-listed species may trigger a mandatory finding of significance (CEQA Guidelines, §15065(a)(1)).

CDFW acknowledges that pre-project surveys have been completed for bumble bees; however, bumble bees are transient and CDFW recommends that surveys be conducted for the three candidate species (FBB, WBB, and SBB) in the year prior to construction beginning and in the spring prior to ground disturbing activities to verify that no colonies have established within the planned construction area.

CESA Listed and Special Status Salmonids

The IS/PMND does a thorough initial analysis of impacts to listed and special salmonids that may occupy the Project area. Proposed mitigation measures outlined in the document are adequate for the purposes of CEQA analysis and CDFW understands that these will be supplemented through federal Endangered Species Act consultation with the National Marine Fisheries Service (NMFS), and with further coordination with CDFW during CESA permitting. CDFW will review the proposed minimization and mitigation as part of the review process for the CESA Incidental Take Permit or Consistency Determination and advise on specific measures, as appropriate.

Birds and Bats Exclusion and Mitigation

The plans to develop bird and bat exclusion plans, as outlined in Mitigation Measure BR-1, B (Birds) and BR-1, D (Bats) are adequate and CDFW will request to review these plans as part of a Lake and Stream Alteration Notification (Fish and G. Code, § 1602) that will be prepared and submitted by the Project proponent to CDFW. The Project proponent's plan to install a total of eight concrete Oregon wedge bat boxes and wood bat boxes on the new Scott River Bridge (IS/PMND

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page 130, bullet #4), is an excellent proposal to continue the established use of bats on the current bridge into the future. CDFW will be coordinating with the Project proponent to review future details of these plans as they are developed.

Aquatic Species Relocation Plan

The proposal to develop an Aquatic Species Relocation Plan (IS/PMND, p. 123, item H) is recommended by CDFW and should be included as a proposed condition of a Lake and Streambed Alteration Notification for the Project.

Wildlife Crossing Coordination

CDFW has been working with the Project proponent on proposed design elements to ensure that the new bridge facilitates the movement of wildlife under the bridge and along the Scott River. Bridges generally provide excellent wildlife connectivity along riparian corridors, and the extended length will also facilitate improved wildlife movement. CDFW appreciates the excellent coordination with the Project proponent to date and looks forward to continued coordination on this project.

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 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>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would 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 IS/PMND to assist the Lead Agency in identifying potential Project impacts on biological resources. CDFW has been working with Caltrans District 2 biologists in preliminary meetings and consultation concerning specific resources and aspects of this Project and expects that continued coordination will continue in further permitting, construction, and post-construction phases of this Project. If you have any questions, please contact Richard Lis, Ph.D, Senior Environmental Scientist Specialist, by email at richard.lis@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Jason Roberts, Regional Manager
Northern Region

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