

## DEPARTMENT OF FISH AND GAME

REGION 2

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NCHO CORDOVA, CALIFORNIA 95670

(916) 355-7020



April 7, 1992

Mr. Larry Brooks, Director  
Yuba County Department of Planning  
938 14th Street  
Marysville, California 95901

Dear Mr. Brooks:

Wildlife Biologist Dale Whitmore recently spoke to you about the deer mitigation fees being collected by Yuba County. We would like to clarify how we believe this fund should be managed in perpetuity for the migratory deer and wildlife in Yuba County.

The Final Environmental Impact Report (EIR) on the Cumulative Impacts of Rural Residential Development on Migratory Deer in Yuba County dated April 5, 1985 states that: "For most subdividers or builders however, there is no practical way to provide habitat improvements directly, and collection of a fee for habitat improvement elsewhere can serve to mitigate impacts from development of their lands (page 48)." Table 2 on page 44 of the Final EIR includes a Schedule of Recommended Impact Fees. These fees have been collected and deposited into a county fund for the past several years.

On July 2, 1991, the Department of Fish and Game presented a report to the Yuba County Board of Supervisors entitled, "Background, Summary of Concerns and Recommended Mitigation Measures Regarding Development of Migratory Deer Range in Yuba County" (attached). In that report the DFG made the following recommendations pertaining to land use and mitigation fees:

1. A 20-acre minimum parcel size wildlife constraint be placed on areas classified as deer winter range. A 40-acre minimum parcel size wildlife constraint be placed on areas classified as critical deer winter range. The Land Use Element of the General Plan should be amended to provide this constraint outside of the Community Core Areas.
2. A wildlife constraint be placed on parcels currently less than the 20- and 40-acre minimum parcel sizes outside of the Community Core Areas, to prevent further subdivision of the land. The Land Use Element of the General Plan should be amended to provide this constraint.

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3. A Planned Unit Development (PUD) ordinance be developed which allows for clustering more dense development on up to 20 percent of the property and dedicating the remainder to natural habitat open space, dependent on wildlife values and location. Generally 40 acres or larger will be the minimum project size eligible for a PUD.
4. Landowners shall enter into an agreement with a conservation organization, providing a recorded wildlife habitat easement in perpetuity for areas indicated as open space or buffers on the parcel map. Specifics in this agreement will include but are not limited to:
  - a. Vegetation manipulation (including but not limited to cattle grazing and woodcutting) are subject to approval by the DFG.
  - b. Motorized vehicle access - Motorized traffic is prohibited except for administrative purposes.
  - c. Public access which includes walk-in, bicycle, and equestrian use are subject to approval by the DFG.
5. Lands inside of the "Community Core Areas" will no longer be assessed deer mitigation fees when subdivided.
6. Continue the deer migration fee structure for property outside of the community core areas. These fees will be adjusted annually in relation to the consumer price index. The fees will be deposited into an interest bearing account. Generally, only the interest or a percentage of the interest will be spent in any year for deer habitat improvement. This will provide a source of habitat improvement funds in perpetuity. The Department of Fish and Game and Yuba County will jointly determine how the money is spent.

It is our understanding that deer mitigation fees are currently being collected on all subdivisions within deer winter range, regardless of their location. These funds are important for the maintenance and upgrading of land set aside by developers as natural habitat open space as well as existing public lands such as the 2,314-acre Daugherty Hill Wildlife Area and U.S. Forest Service lands.

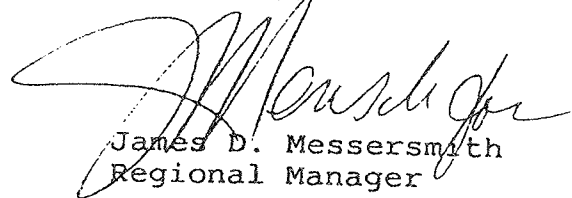
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Projects which can improve migratory deer winter range include:

1. Water development.
2. Brush manipulation.
3. Riparian enhancement.
4. Vegetative screens between houses/roads and habitat.
5. Planting of perennial grasses, clover, etc.
6. Fertilization of meadows.
7. Fencing improvements.

We appreciate the opportunity to express our thoughts on how the DFG and Yuba County can work together on the management of the deer mitigation fee to preserve a valuable wildlife resource. Please contact Wildlife Biologist Dale Whitmore at (916) 743-5068 if you have any concerns about this letter.

Sincerely,



James D. Messersmith  
Regional Manager

Attachment

bc: ✓ Mr. Dale Whitmore  
Region 2