

DEPARTMENT OF FISH AND GAME

REGION 2  
1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CALIFORNIA 95670  
(916) 355-7020



July 2, 1991

Mr. Larry Brooks, Planning Director  
Department of Planning and Building Services  
938 14th Street  
Marysville, California 95901

Dear Mr. Brooks:

Attached is the Department of Fish and Game's response to the proposed resolution of the Planning Commission of Yuba County to "adopt a Negative Declaration and Recommending Approval of Ordinance Amendment 90-06, General Plan Amendment 90-17 and Change of Zone 90-17". These amendments and zone change will provide additional protection for the wildlife and open space resources of Yuba County.

Please notify our Wildlife Biologist, Mr. Dale Whitmore, at (916) 743-5068 if you have any questions about this letter.

If we can be of further assistance, please contact Mr. Ron Bertram, Associate Wildlife Biologist or Ms. Patricia Perkins, Wildlife Management Supervisor, telephone (916) 355-7010.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. D. Messersmith".

James D. Messersmith  
Regional Manager

Attachment

California Department of Fish and Game: Background, Summary of Concerns and Recommended Mitigation Measures Regarding Development in Migratory Deer Range in Yuba County.

This report is presented to the Yuba County Board of Supervisors in response to the proposed resolution of the Planning Commission of Yuba County to "adopt a Negative Declaration and recommending approval of ordinance Amendment 90-06, General Plan Amendment 90-17, and Change of Zone 90-17. These amendments and zone change will provide additional protection for the wildlife and open space resources of Yuba County.

This report will:

- 1) provide background introductory information on migratory deer in Yuba County;
- 2) describe impacts of subdivision encroachment on migratory deer ranges; and
- 3) recommend mitigation measures for protection of migratory deer habitat affected by subdivision development.

The mitigation measures useful for protection of migratory deer will also serve to protect many other wildlife species.

## INTRODUCTION

Deer habitats in Yuba County and throughout California are classified as follows: critical winter and summer ranges, designated winter and summer ranges, fawning areas, holding areas, migration corridors and intermediate (transition) ranges.

Critical Deer Habitats (i.e., critical ranges, migration corridors, and holding areas) are those which provide optimum habitat conditions for deer and play a vital role in sustaining the deer herd. These areas also support the highest concentration of deer.

Designated Deer Habitats are those winter, intermediate and summer ranges which provide all of the necessary habitat factors but of a somewhat lesser quality than those identified as Critical Habitats. Deer use is generally less on designated habitats although the intensity of use may vary from year to year.

Fawning Areas are those portions of summer range in which does select sites to deliver and maintain fawns.

Intermediate (transition) ranges are located between the summer and winter ranges and are used by deer during the spring and fall migration.

Migration Corridors are the routes used by deer moving between summer and winter ranges. These routes are intensively used travel lanes within intermediate (transition) range and within the winter range.

Holding Areas are defined as sites along migration corridors where deer delay for several days to take advantage of preferred forage and cover conditions. Such areas may be of critical nature in maintenance of the herd. These areas are generally located within the intermediate range.

Two different migratory deer herds occur in Yuba County. These herds are identified as the Mooretown and Downieville deer herds.

#### Mooretown Deer Herd

This herd is located in portions of Plumas, Sierra, Butte, Nevada, and Yuba Counties. Deer from this herd largely winter in Yuba and Butte Counties, from about 400 feet elevation to about 3,500 feet. Summer range is mostly above 5,000 feet in Plumas and Sierra Counties.

The major limiting factors for this herd are: 1) adverse forestry practices on the summer range (i.e., hardwood/brush removal and fire suppression) and 2) residential encroachment into winter range. In the Yuba County portion of this deer herd, deer use of about 50-60 percent of the critical winter range has been severely reduced due to residential encroachment. Other problems facing the herd include uncontrolled dogs, deer proof fencing, poaching, drowning, and vehicle/deer collisions.

It is estimated that about 3,000 - 4,000 Mooretown deer winter in Yuba County.

#### Downieville Deer Herd

This herd is located in portions of Sierra and Yuba Counties. Deer from this herd primarily winter in the portion of Yuba County above Bullard's Bar Reservoir between 1,800 and 3,500 feet. Summer range is above 3,500 feet in Sierra County.

The major limiting factors are the same as for the Mooretown deer herd except about 5 - 10 percent of the habitat in Yuba County has been permanently altered with residential development and the building of Bullard's Bar Reservoir.

It is estimated that several hundred Downieville deer winter in Yuba County.

Resident deer also reside in the Yuba County foothills. This nonmigratory population is limited due to the lack of green feed available in the foothills during the summer and by residential encroachment.

Annual migration patterns are typically triggered by seasonal climatic changes. In the fall, at the onset of a storm, migration begins. Most deer migrate along ridges directly to their winter range. Others linger in holding areas or on their summer range until forced to their winter range by a major storm. They then remain on these ranges throughout the winter months. As the temperatures increase in spring, deer initiate movement to their summer ranges. The spring migration, generally occurs through the lower elevations often on south slopes, following major stream courses.

A brief life history of migratory deer in Yuba County is as follows:

Late September - Early October - Migratory deer depart the summer range above 5,000 feet elevation and begin the 30-35 airline mile journey onto the winter range in Yuba County.

Mid-October through early April - The does are bred in late November and December and the fetus develops. By April when the migration from winter range back to summer range begins, the does are visibly pregnant.

Early April - Mid-May - Return migration to upper elevation summer range.

Mid-May - Mid-September - The fawns are born in late June and early July and will be three to four months old when they begin their first fall migration into the Yuba County winter range.

Each year migratory deer spend about six months on winter range in Yuba County, four months on summer range at higher elevations and two months traveling. If there are to be deer in our higher elevation National Forests, we must protect the winter range. Migratory deer cannot survive year around in snow country.

For thousands of years, this cycle repeated itself relatively undisturbed. Recently, disruption resulting from conflicting land use along the western slope of the Sierra Nevada Mountain Range has occurred. This disruption is in the form of land subdivisions and residential development which are steadily encroaching into migratory deer ranges, particularly winter ranges. The same conditions that make these areas of value to deer (mild temperatures) also make them desirable for human use.

## SUBDIVISION IMPACTS ON DEER

In the absence of human disturbance, deer use varies according to food, cover, water, and weather conditions. Topographic features such as slope, aspect, and the accompanying vegetative patterns provide an interspersed of forage and varied cover patterns (escape cover, thermal cover, etc.) which also affect deer use.

In Yuba County, the ability of the seasonal ranges to meet the habitat needs of migratory and resident deer is being adversely affected by land subdivisions and development. Construction of access roads and dwellings directly removes essential forage and cover thereby affecting key habitat components of the range. This impact is typically followed by further loss of habitat due to subsequent changes in surrounding land use (e.g., extensive conversion of brush fields to pastures). These changes, plus increased levels of traffic, noise, and disturbance by humans and dogs, reduce available habitat for deer and other wildlife.

Development of currently subdivided parcels will reduce existing habitat presently suitable for migratory deer and ultimately reduce deer populations. In Yuba County, existing subdivisions adversely affect approximately 50-60 percent of the deer winter range.

Approximately 5,000 - 8,000 acres of designated deer winter range has been subdivided in Yuba County since 1983, when the DFG first expressed its concerns to Yuba County about the continuing loss of deer and wildlife habitat.

To maintain migratory deer, the DFG has determined that basic minimum parcel sizes must be maintained on the deer ranges. To reduce these impacts and to provide for the maintenance of a viable deer habitat, mitigation measures are also necessary to provide the necessary protection and should be incorporated into project permits.

## MITIGATION MEASURES

Implementation of the following criteria will 1) provide guidelines for development in migratory deer winter ranges, 2) modify the deer mitigation fund to be used on projects to improve the quality of the habitat within the remaining deer winter ranges in the county, 3) allow free movement of deer through remaining deer ranges, and 4) provide long term protection to migratory deer winter range in the county.

Lands inside of the "Community Core Areas" will no longer be assessed deer mitigation fees when subdivided.

Lands outside of the "Community Core Areas" may be further subdivided, provided they are subject to the following mitigation measures:

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.
3. A Planned Unit Development 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.

In addition, the following recommendations will be included in development plans to reduce the impacts to migratory deer.

1. One acre or less building envelopes will be a condition of approval for parcel or subdivision maps. The building envelopes or Planned Unit Developments will be located adjacent to transportation corridors except where deer migration and wildlife movement corridors occur. A "transportation corridor" is defined as the main road serving the subdivision.
2. In cluster developments, all buildings and other activities with an adverse environmental impact upon deer such as golf courses, recreational fields, etc., will be included within the development area.
3. Development sites will be located along land parcel boundaries. This will provide the opportunity to further development on subsequent adjacent land division proposals.
4. When possible, development sites will be selected adjacent to existing developments.

5. Department of Fish and Game field biologists will be given the opportunity to recommend sites for cluster development. This would, in many cases, allow considerable reduction in wildlife impacts by identifying areas of lower habitat value. For example, south facing slopes and ridge tops are high deer use areas and should be avoided.
6. The County adopt and implement a perimeter fencing ordinance similar to that contained in Appendix A for migratory deer ranges outside "Community Core Areas".
7. In cluster developments, lot lines between developed and open space areas will be marked with permanent boundary markers.
8. Continue the deer mitigation 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.
9. 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.

APPENDIX A

Perimeter Fencing Ordinance

1. The provisions of this ordinance shall apply to migratory deer ranges that are outside lands identified as "Community Core Areas".
2. For lands outside of "Community Core Areas" perimeter fencing shall be limited to smooth or barbed wire (unless a special use permit is acquired). To allow passage of deer, the fence shall be constructed of four strands or less of barbed wire. The bottom wire shall be a minimum of 16 inches above the ground. The bottom strand shall be smooth wire. The top wire shall be a maximum of 48 inches above the ground.
3. The provisions of Sections 1 and 2 shall not apply to any of the following:
  - a. Any area within the corporate limits of any city, or within any developed rural or residential area with lot sizes of five acres or less.
  - b. Proposed fencing of garden areas, dwellings, or immediate barn structures.
  - c. Proposed fencing to eliminate deer depredation losses to vineyards, alfalfa, etc., where a special use permit has been obtained.
  - d. Any existing perimeter fencing.
4. A special use permit must be obtained for a variance to the provisions of Sections 1 and 2 for agriculture purposes (i.e., sheep grazing, deer exclosure perimeter fences to prevent deer depredation losses to agriculture crops). The special use permit will be circulated through the California Environmental Quality Act process.