



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
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Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 15, 2019

Governor's Office of Planning & Research

**AUG 15 2019**

**STATE CLEARINGHOUSE**

Jeff Tedder, City Engineer  
City of Shasta Lake  
P.O. Box 777  
Shasta Lake, CA 96019

**Subject: Review of the Mitigated Negative Declaration for the Shasta Lake Force Main Replacement Project, State Clearinghouse Number 2019079030, City of Shasta Lake, Shasta County**

Dear Mr. Tedder:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated July 2019, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

### **Project Description**

The Project as proposed *"includes improvements to the City's wastewater collection system that are required to resolve existing deficiencies and capacity restrictions, and improve access for ongoing maintenance."* The Project will occur in the right of way of Cascade Boulevard, Trinity Street, Smith Avenue, and Pine Grove Avenue as well as parts of city-owned undeveloped property. The Project proposes to commence work in the summer of 2021.

### **Comments and Recommendations**

The Department has been working with ENPLAN on this Project and we appreciate the coordination efforts. The Department has the following comments and recommendations:

#### Foothill yellow-legged frog (*Rana boylei*)

The Initial Study states that foothill yellow-legged frogs (*Rana boylei*) are a Species of Special Concern. On June 21, 2017, the California Fish and Game Commission

accepted the petition to list the foothill yellow-legged frog as a threatened species and will be initiating the preparation of a Status Review to determine whether listing as threatened is warranted. Based on the findings published July 7, 2017, the foothill yellow-legged frog is considered a candidate species as defined by Fish and Game Code section 2068. During the Status Review period, Fish and Game Code section 2085 confers full legal protection of an endangered or threatened species on a candidate species. This includes the general prohibition on “take” of the species, as defined in Fish and Game Code section 86 as to “*hunt, pursue, catch, capture or kill*” or to attempt to engage in any of these activities. The Department recommends that the MND be modified to reflect foothill yellow-legged frog’s correct listing status.

A single presence/absence survey may not be sufficient to reduce impacts to the frog species to less-than-significant because frogs may enter the Project area at any time after the single initial survey has been completed. Foothill yellow-legged frogs undergo metamorphosis in late-summer and early-fall, the proposed work window for the Project. Juveniles then disperse throughout the stream during the early-fall and could foreseeably enter the Project site during that time. Mitigation Measure 4.4.2 should be updated to reflect that if a foothill yellow-legged frog is observed near or within the footprint of the Project or it’s ingress and egress routes, construction will stop, and the Department will be notified to determine a proper course of action.

The Department recommends the completion of two or more Visual Encounter Surveys in all areas of the Project in which direct or indirect impacts could occur. One survey, including a tadpole survey, in late spring/early summer followed by a second survey for subadults and adults in the late summer. If a survey fails to detect foothill yellow-legged frogs within suitable habitat, a follow-up survey should be conducted two to four weeks after the initial survey.

Should surveys indicate that foothill yellow-legged frogs have potential presence within the project area, the City will need to apply for an Incidental Take Permit (ITP) in order to comply with CESA. The Department may issue an ITP authorizing the take of a candidate species when it is incidental to an otherwise lawful activity, the impacts of the take are minimized and fully mitigated, the applicant ensures there is adequate funding to implement any required measures, and take is not likely to jeopardize the continued existence of the species. If, at the time of Project implementation, foothill yellow-legged frog is not listed under CESA or is no longer a candidate, CESA authorization will not be required. However, it will still be a Species of Special Concern and impacts may be considered significant under CEQA.

To further assist in the development of avoidance and minimization measures to avoid take from Project-related impacts, “*Considerations for Conserving the Foothill Yellow-Legged Frog*” is available here:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>.

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Western pond turtle (*Emys marmorata*)

The western pond turtle (*Emys marmorata*) exhibits high site fidelity. If found, and relocated, the likelihood of the pond turtle coming back into the construction zone is high. Therefore, the Department recommends that a qualified biological monitor familiar with pond turtle be present in the construction areas where there is a high probability pond turtle could be present.

Trenching

The Initial Study describes some of the areas that will need trenching in order to lay pipe. If the trench remains open at the end of the workday, it should be covered securely, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out, the inside of the pipe should be inspected for animals prior to burying, capping, moving, or filling.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 225-2779, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,



**Curt Babcock**  
Habitat Conservation Program Manager

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