



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 21, 2019

Governor's Office of Planning & Research

Zach Bonnin
City of Redding
Development Services Department
Planning Division
777 Cypress Avenue
Redding, CA 96001

OCT 21 2019

STATE CLEARINGHOUSE

Subject: Review of the Mitigated Negative Declaration for the Stonecreek Subdivision and Planned Development, State Clearinghouse Number 2019099078, City of Redding, Shasta County

Dear Mr. Bonnin:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated September 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 a Tentative Subdivision Map consisting of 218 single-family homes on 61.6 acres of land within the City of Redding. The project includes a Planned Development to allow density averaging, reduction of standard lot sizes to allow 108 of the homes to be constructed as attached single family homes in a courtyard style development." The Project is located at 2923 and 2873 Rancho Road, Redding, California on Assessor's Parcel Numbers 054-510-032 and 054-510-029.

Comments and Recommendations

The Department commented on the larger portion of the Project on May 31, 2016. In addition to those comments submitted in that letter, the Department has the following comments and recommendations:

Consultation on Listed Species

In the May 31, 2016 comment letter written by the Department and provided to the City of Redding, the Department requested biological surveys be conducted for the site because there were known populations of species listed under both CESA and Federal Endangered Species Act. These surveys were conducted and slender Orcutt grass (*Orcuttia tenuis*) (State

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Endangered, Federal Threatened) was observed onsite. That specific biological report was sent to the Department on October 17, 2019, four days before the end of the current review CEQA period. Neither the Project applicant nor the City of Redding consulted with the Department or with the U.S. Fish and Wildlife Service about preserving the integrity of the vernal pool(s) this species was observed in. The Project applicant may need an Incidental Take Permit (ITP) pursuant to Fish and Game Code 2081(b) if the detention basins and housing proposed around the vernal pool interfere with the hydrology of the vernal pool and result in take of listed species. The Department recommends the Project applicant consult with the Department on the endangered slender Orcutt's grass prior to Project approval in order to ensure that mitigation measures for the preservation of this species have been included in the CEQA document. Federally listed invertebrate species are also known to occur in this area. It does not appear that surveys were conducted for listed fairy shrimp or tadpole shrimp. The Department recommends consulting with the U. S. Fish and Wildlife Service regarding those species. The MND states, "*The City of Redding has determined that the large amount of open space lands to be preserved will maintain the natural existing habitat and the overall hydrology of the site, thereby reducing impacts to the overall habitat for potentially sensitive species in the vicinity.*" The Department was not able to review the Hydrology Study conducted for this Project; therefore, we cannot analyze whether this assertion is correct. The Department recommends that this determination be rescinded by the City of Redding until further coordination with the Department and U.S. Fish and Wildlife Service has occurred.

Project Documentation

The Department requested the Hydrology Study by Pacific Hydrologic Incorporated (2016) but was only given the *Entitlement Level Storm Drainage Analysis* prepared by Sharrah Dunlap Sawyer, Inc., and dated January 2019. Within that document, it clearly shows two detention basins and several homes to be built around the vernal pool. The Department is unable to accurately analyze the impacts to the vernal pool without the hydrology report. In general, the Department recommends that projects be designed to completely avoid hydromodification of vernal pool ecosystems. Hydromodifications may include, but are not limited to, changes to the timing, volume, and quality of water discharges to vernal pool ecosystems. It has been observed that even small changes in hydrology may result in substantial negative impacts to these sensitive ecosystems and may also result in the extirpation of wetland obligate species from impacted vernal pools and wetlands. The Department recommends the Project be designed so that the existing hydrology of the ponds be maintained in its current condition and that the ponds be monitored after Project implementation to ensure that the vernal pool persists in perpetuity. If monitoring indicates that ponds are failing due to the impacts of surrounding development activities, the Department recommends that the City of Redding require subsequent mitigation actions to offset the loss of functioning vernal pool habitat.

Further, the site map provided in the MND is not the same as the one provided in the stormwater analysis. The site map in the MND shows "20 Units (Future) Phase 6." Since the City of Redding chose to prepare a MND and not an Environmental Impact Report (EIR), the City must depict the future units and detention basins on the map and disclose the mitigation proposed to make the impacts to the vernal pool hydrology less than significant. These detention basins and housing pads are depicted on the preliminary grading plan, dated October 18, 2018. Phases 2 and 4 will also have impacts to the vernal pool and vernal swale hydrology and were not addressed in the MND. CEQA Guidelines section 15063 is clear that "*All phases of project planning, implementation, and operation must be considered in the Initial*

Study of the project.” The detention basins may have a significant impact on amphibians and invertebrates inhabiting the vernal pools as they are known to attract the non-native, invasive bullfrog (*Lithobates catesbeianus*). No impact analysis was provided for the detention basins.

Western spadefoot toad (*Spea hammondi*)

The Department also requested western spadefoot toad (*Spea hammondi*) (Priority 1¹ Species of Special Concern) surveys be conducted. This species is almost completely terrestrial entering water only to breed. Studies conducted on these species calculate a 1,200-foot buffer from suitable breeding wetlands or pools as appropriate mitigation for this species². These surveys were not conducted. The Department recommends these surveys be conducted prior to the approval of the Project. Without surveys the impact to this sensitive species cannot be determined.

If spadefoot toad is present on the project site and avoidance of breeding ponds and adjacent upland habitat (up to 1200 feet from breeding ponds) is not feasible, a spadefoot mitigation plan that includes salvage of spadefoot and creation of artificial breeding pools with adjacent upland habitat should be produced and submitted to the Department for written approval early within the planning process and prior to project initiation. Breeding pools and adjacent appropriate upland habitat should be protected in perpetuity under a conservation easement and managed by a local land conservancy to assure that the pools and uplands are maintained in a manner that maximizes persistence of spadefoot within these designated mitigation areas for that species.

Nesting Bird Mitigation

Mitigation BIO 2, page 13 of the Initial Study, states in part, “*If an active nest (i.e. containing egg(s) or young) is observed within the BSA or in an area adjacent to the BSA where impacts could occur, then a species protection buffer will be established.*” The Department considers the act of building a nest to be part of the “nesting” behavior of birds. Title 14, Chapter 1, Section 251.1 specifically prohibits the harassment of animals, which is defined as “*an intentional act which disrupts an animal’s normal behavior patterns, which includes, but is not limited to, breeding, feeding, or sheltering.*” Therefore, the Department recommends rephrasing the above-referenced sentence to read: “*If an active nest (i.e. containing egg(s) or young or is in the process of being built) is observed within....*”.

Bat Mitigation

The Initial Study, page 13 discusses that there is moderate potential for bats to occur onsite, but no surveys were conducted by qualified bat biologist nor are there any mitigation measures proposed to protect bats. Since the Project site contains suitable habitat for bat species, the Project applicant should either conduct surveys (by a qualified bat biologist at the appropriate time of year) to determine presence or avoid taking out potential habitat.

¹ Priority 1 Species of Special Concern are those taxa that are likely to experience severe future declines and/or extirpation with out immediate conservation actions.

² Semlitsch, R. and J.R. Brodie, Jr. Biological criteria for buffer zones around wetlands and riparian habitats for amphibians and reptiles. Conservation Biology 17(5): 1219-1228 (2003)

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Preparation of an EIR or Recirculation of MND

Based on review of the MND, the Department believes the City of Redding should have prepared an EIR due to the potential significant effects to the listed slender Orcutt's grass and vernal pool habitat that have not yet been mitigated to a level of less-than-significant. The analysis proving that no significant effects or that the significant effects could be mitigated to less than significant was not provided in the MND documentation. Further, if western spadefoot toads are present, the Project design will have a significant impact on the toads. No surveys or analysis were conducted for this species. The Department recommends the MND be recirculated after all the surveys are conducted, species specific consultation has taken place, and an impact analysis has been performed. The Department requests a meeting with the City of Redding as soon as possible to discuss this Project.

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.

Sincerely,



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Habitat Conservation Program Manager

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