



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



March 30, 2020

Governor's Office of Planning & Research

MAR 30 2020

Amber Kelley, Environmental Compliance Manager
 City of Redding
 Public Works Department
 777 Cypress Avenue
 Redding, CA 96001

STATE CLEARINGHOUSE

Subject: Review of the Mitigated Negative Declaration for the Hollow Lane Culvert Replacement Project, State Clearinghouse Number 2020039009, City of Redding, Shasta County

Dear Amber:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated March 2020, 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 "*would consist of a culvert replacement project on Hollow Lane.*" Two existing 60-inch corrugated metal pipes will be removed and replaced with one 5-foot tall by 15-foot wide aluminum arch pipe with a concrete bottom. The replacement culvert will include "*headwalls, wing walls, concrete aprons, and a 20-foot rock energy dissipation pad at the outlet.*" The Project will occur primarily in the City's right of way on Hollow Lane. The Project proposes to commence work in 2021 and will require one season of construction.

Comments and Recommendations

The Department has the following comments and recommendations:

Botanical Surveys

Botanical surveys, as well as wildlife surveys, should have been conducted during the appropriate blooming time prior to the approval of this Project and not included as a mitigation measure. One of the special status plant species having the potential to occur onsite is Boggs Lake hedge-hyssop (*Gratiola hetersepala*), a CESA listed Endangered species. If this species is found during pre-construction, and cannot be avoided, an

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Amber Kelley, Environmental Compliance Manager
March 30, 2020
Page 2

Incidental Take Permit would need to be obtained. This process could potentially take up to four months or longer to procure.

Mitigation Measure MM-1 should be changed to the following (**in bold**):

*Prior to the start of construction, a focused botanical survey will be conducted by a qualified biologist, preferably a botanist, during the blooming period for potentially occurring plant species. **Botanical surveys should follow California Department of Fish and Wildlife's (CDFW) March 20, 2018, Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.** Reference sites of all potentially occurring special status species shall be surveyed at the same time as the Project site to determine if the species is identifiable at the time surveys are conducted. If no special status plant species are found during the botanical survey no other measures will be required. If special status plant species are found during the botanical surveys, the plants will be marked by a qualified biologist familiar with the species. If the area can be avoided, exclusionary fencing will be placed around the plants and no pedestrian or vehicular entry shall be allowed. If the area cannot be avoided, the City will coordinate with the ~~California Department of Fish and Wildlife~~ (CDFW) to avoid, minimize, and mitigate impacts to the species. Potential measures for reducing project impacts on special status plants include limiting ground disturbance until annual plants have gone to seed, then stockpiling the topsoil during the initial excavation to be replaced as the top layer during the final site rehabilitation. **If State Listed species are found, an Incidental Take Permit may be needed if the species cannot be avoided. Botanical survey results shall be emailed to the CDFW at R1CEQARedding@wildlife.ca.gov or mailed to CDFW, ATTN: CEQA, 601 Locust Street, Redding, California 96001.***

Vegetation Communities

There is some indication within the MND that large trees, other than the large willow tree in Dry Creek, will be removed in order to replace the culverts. However, there is no information provided on the number of large trees or the species. The MND explains that approximately 0.028 acre of riparian/fresh emergent wetland and 0.010 acre of perennial stream would be permanently impacted and approximately 0.008 acre of riparian/fresh emergent wetland would be temporarily impacted from the Project. No compensatory mitigation was proposed to offset the permanent and temporary impacts of these vegetation communities, some of which are considered sensitive. The Department considers all wetlands sensitive and the State has a "No Net Loss" wetland Policy.¹

According to the Department's Wetland Technical Memorandum³, numerous studies have shown that wetland mitigation projects often do not meet their required U.S. Army Corps of Engineers permit conditions. Along with the risk of mitigation underperformance or failure, the temporal loss of wetland function from the time of impact to the time a mitigation site is fully functional is also a factor in potentially diminishing the value of compensatory restored wetlands. Such temporal loss may vary depending on habitat type and other factors. For the above reasons, the Department

¹ Fish and Game Commission Wetlands Resources Policy (Amended 8/18/05)

³ <https://wildlife.ca.gov/Search-Results.aspx?q=Wetland%20Technical%20Memorandum>

Amber Kelley, Environmental Compliance Manager
March 30, 2020
Page 3

recommends that mitigation for the loss of wetlands and riparian habitat begin at 3:1 or greater.

The Department recommends compensatory mitigation at a 3:1 ratio for the 0.038 acre (total of 0.114 acre) of permanent riparian/fresh emergent wetland and perennial stream impacts and 2:1 ratio for the 0.008 acre (total of 0.016 acre) of temporary impacts to riparian/fresh emergent wetland. One large willow tree is proposed to be removed to accommodate placement of the energy dissipation pad. It is not clear if this one large willow is included in the 0.038 acre of permanent riparian/fresh emergent wetland. If not, additional mitigation will be necessary.

Western pond turtle (*Emys marmorata*)

The western pond turtle exhibits high site fidelity. If found, and then relocated, the likelihood of the pond turtle coming back into the construction zone is high. Therefore, the Department recommends that a qualified biological monitor be present in the construction areas if pond turtles are observed and then relocated. The construction area should be surveyed each morning prior to the start of construction.

Mitigation Measure MM-3 should be changed to the following:

A qualified biologist should conduct pre-construction surveys immediately prior to the start of any vegetation removal or in-water work. Surveys will occur each day that in-water work will occur unless exclusion measures are implemented to prevent occupation of the site by special-status species. Any adult western pond turtles that are found during surveys shall be relocated to a safe location, by the qualified biologist, outside the work area and away from direct and indirect impacts. Surveys for foothill yellow-legged frog shall occur at the same time. If present, the frog shall be moved out of harm's way as permitted by CDFW.

Bat Surveys

Mitigation Measure MM-4 should be changed to (**in bold**):

Removal of large trees with cavities, crevices, or snags shall occur before bat maternity colonies form (i.e., prior to March 1) or after young are volant (i.e., after August 31). If construction (including the removal of large trees) occurs during the bat non-volant season (March 1 through August 31) or during the hibernacula season (October 16 – February 28), a qualified bat biologist shall conduct a pre-construction survey of the study area to locate maternity colonies or hibernacula and identify measures to protect roosts from disturbance. The preconstruction survey will be performed no more than 7 days prior to the implementation of construction activities. If a maternity colony or hibernacula is located within or adjacent to the study area, a disturbance free buffer shall be established by a qualified bat biologist, in consultation with CDFW, to ensure the colony/roost is protected from project activities. No trees shall be removed or trimmed until the bat biologist has determined that a roost site is no longer active and no bats are present. Additional mitigation measures for bat species may be

Amber Kelley, Environmental Compliance Manager
March 30, 2020
Page 4

recommended if special status species are found to be roosting within the study area.

Lake or Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a Lake and Streambed Alteration (LSA) Notification, pursuant to section 1600 et seq. of the Fish and Game Code, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA> or to request a notification package, contact the Lake and Streambed Alteration Program at (530) 225-2367.

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,

DocuSigned by:

Curt Babcock

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Curt Babcock

Habitat Conservation Program Manager

ec: Amber Kelley, Environmental Compliance Manager
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