



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

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

August 4, 2020

**Aug 04 2020**

Peter Bird, Associate Planner  
City of Shasta Lake  
P.O. Box 777  
Shasta Lake, CA 96019

## STATE CLEARINGHOUSE

**Subject: Review of the Initial Study/Mitigated Negative Declaration for Rezone 20-01 (Text Amendment) Revisions to Chapter 12.36 "Tree Conservation", State Clearinghouse Number 2020070102, City of Shasta Lake, Shasta County**

Dear Peter Bird:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated July 2020 and the draft Chapter 12.36 "Tree Conservation", 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 and other provisions of the Fish and Game Code (FGC) 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. The Department commented on this Project during the early consultation period via electronic mail on April 14, 2020.

The Department appreciates the opportunity to comment on this text amendment to Chapter 12.36 of the Municipal Code for Tree Conservation and commends the City of Shasta Lake for its dedication to preserve mature, healthy trees within the City.

### Project Description

The Project is a text amendment to Chapter 12.36 "Tree Conservation" of the City of Shasta Lake's Municipal Code. The proposed amendments are "*intended to better address urban tree protection, as well as modifications to permitting practices and standards on a city-wide basis.*"

### Comments and Recommendations

The Department has the following recommendations and comments as they pertain to biological resources.

The Department appreciates that some of our previous comments were incorporated into the revised Tree Conservation chapter. The Department recommends that the Tree Conservation chapter separate out existing urban tree issues from impacts to habitats incurred by new development and then analyze each issue independently and mitigate appropriately. The biological impacts associated with new development versus existing urban trees are quite different and should be regulated as separate impacts. The proposed amendments to the ordinance do not reflect this difference in a clear way. One suggestion that could potentially

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Peter Bird, Associate Planner

August 3, 2020

Page 2

help clarify is to postpone approving the draft Tree Conservation chapter and create a tree ordinance subcommittee consisting of local city representatives, private citizens, arborists, state agencies, and the fire marshal to provide input on the Tree Conservation chapter and maximize habitat benefits. As currently written, the ordinance does not appear to be easily implementable or enforceable.

The in-lieu fee portion of the ordinance is not clearly defined, and more importantly, should not be used as the sole mitigation for new development projects. Because this portion would not adequately mitigate for loss of native vegetation and habitat, it would be better suited for use on existing urban homes or business projects. If the City wants new development projects to be able to pay in-lieu fees only as mitigation under CEQA, then the City should consider developing a mitigation bank, land acquisition and open space program, or investigate developing a Natural Community Conservation Planning (NCCP) with other private and public partners. As it reads in the current ordinance, in-lieu fees would not be acceptable as mitigation for CEQA or for the Department's Lake or Streambed Alteration program impacts.

If you have any questions or want more input on the Tree Conservation chapter or the alternatives listed above, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Curt Babcock*  
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**Curt Babcock**

Habitat Conservation Program Manager

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