



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



Governor's Office of Planning & Research

November 6, 2020

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

STATE CLEARINGHOUSE

Subject: Review of the Mitigated Negative Declaration for Windsor Estates 3 Subdivision, General Plan Amendment, Rezone, and Tentative Map, State Clearinghouse Number 2020100176, City of Shasta Lake, Shasta County

Dear Peter Bird:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated September 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, California Public Resources Code section 21000 et seq. The Department commented formally on this Project January 3, 2020, during the early consultation period. The Department appreciates the incorporation of our comments into the MND.

Project Description

The Project as proposed includes "a Tentative Subdivision Map that would subdivide ±35 net acres into 80 lots. The project also includes a General Plan Amendment for a portion of the property from Light Industrial (IL) to Suburban Residential (SR) and a rezone from Unclassified (U) and Single-Family Residential-12,000 square-foot minimum lot size (R-1-B-12) to Planned Development. Main access to the subdivision would be from Pine Grove Avenue. Chaucer Way in the northern end of Phase 2 of the Windsor Estates Subdivision would be extended to Pine Grove Avenue." The Project is located within the City of Shasta Lake on the south side of Pine Grove Avenue, west of Cascade Boulevard and east of Ashby Road.

Comments and Recommendations

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

Redding checkerbloom (*Sidalcea celata*)

During the early consultation period of this Project, the Department, ENPLAN, and the City of Shasta Lake exchanged emails regarding the rare plant rank of this species in response to the incorrect use of the Native Plant Protection Act (NPPA) by Gallaway Enterprises in the

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Biological Resource Assessment (BRA) dated May 2018. In the BRA, Gallaway recommended one of the mitigation measures be to notify the Department 10 days prior to affecting Redding checkerbloom to allow us to salvage the species. The 10-day notification process is taken from the NPPA and only applies to the 64 state-listed rare plants, which does not include Redding checkerbloom. The only protections afforded to this species comes from the CEQA process i.e. avoid, minimize, or mitigate impacts.

Redding checkerbloom is listed as a Rare Plant Rank 3 by the California Native Plant Society (CNPS), which as stated in the MND means CNPS lacks the necessary information to assign these plants to one of the other ranks or reject them. Most Rank 3 species do have taxonomic issues, but not all. In their 2012 status review of Redding checkerbloom, CNPS ranked the species as a 3 not because of taxonomic issues but instead because of the uncertainty about its distribution¹.

Many Rank 3 plants meet the definitions of CESA and are eligible for state listing. As stated in the MND, ENPLAN did consult with the Department and we did not have any additional information to add to what was already publicly available. Currently, there are 17 occurrences of this species listed in the Consortium of California Herbaria (ucjeps.berkeley.edu/consortium). The CNDDDB QuickView finder lists the species on 15 quadrangles. If Redding checkerbloom was abundant and widespread, the Department would expect to see observations in citizen science apps such as iNaturalist, and we have not.

The conservation of special status native plants and their habitats, as well as sensitive natural communities, is integral to maintaining biological diversity. The Department recommends the Lead Agency consider Redding checkerbloom a rare species based on the low number of occurrences and mitigate accordingly through avoidance, minimization, or mitigation of the impacts. Mitigation measures could include the following:

1. Redesigning the portion of the Project impacting Redding checkerbloom.
2. Project Applicant would collect seeds from at least 50 plants along maternal lines (one paper or cloth bag per plant) and arrange for them to be accepted for germination testing and long term conservation storage at a reputable conservation seed bank such as California Botanic Garden (formerly Rancho Santa Ana Botanic Garden) or Santa Barbara Botanic Garden.
3. Project Applicant would purchase and place a conservation easement over a parcel of land that has this species present onsite. Prior to purchase, the Project Applicant should coordinate with the Department.

Oak Woodland Habitat

On page 55 of the MND, it states, "CDFW does not consider this oak woodland a sensitive natural community..." The blue oak/gray pine woodland is not specifically listed as sensitive, but the Department does consider oak woodland to be an extremely vital ecosystem. In Shasta County, oak woodlands continue to be removed without any effective mitigation measures, resulting in a continuous regional loss of oak woodlands. Oak woodlands are important to a wide range of wildlife species and have higher levels of biodiversity than virtually any other terrestrial ecosystem in California. Oak woodlands provide

¹ California Native Plant Society. May 29, 2012. Rare Plant Status Review: *Sidalcea celata* Proposed New Add to Rank 3, G2G3/S2S3.

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habitat for nearly half of the 632 terrestrial vertebrates species found in the state. Acorns are a key resource for deer, squirrels, turkeys, jays, quail, and bear. Standing dead trees provide an important habitat resource for raptors, bats, salamanders, and lizards. Coarse woody tree material lying on the ground, particularly large logs, is a very important wildlife habitat element because they retain moisture in a seasonally dry ecosystem.

Mitigation Measure 4.4.3 potentially replaces individual trees but it does not replace the ecological functions and values of the oak woodland proposed for removal. Under that mitigation measures the Project Applicant has the choice to do one or more of the following: (1) plant three fifteen gallon trees for each protected tree removed or (2) plant larger replacement trees to count as two replacement trees; (3) plant replacement trees at an off-site location; and/or (4) pay an in-lieu fee to the City to purchase trees that would be planted on public property. None of these recreate the oak woodland habitat removed by the Project. Oak woodlands are a community that includes the trees, as well as any understory plants, duff, and dead logs that provide ecosystem function and habitat for wildlife. The Department appreciates the oaks are being mitigated; however, we recommend and strongly encourage retaining and working around the existing mature, healthy oaks and the habitat features they provide; conserving existing oak woodland habitat at an appropriate ratio; or reestablishing oak woodland habitat in areas where it has been lost. Under any mitigation scenario that proposes to plant oaks, the Department recommends that replacement oaks come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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Curt Babcock

Habitat Conservation Program Manager

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