



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



January 27, 2020

Governor's Office of Planning & Research

Jan 27 2021

Andy Lethbridge
 Trinity Public Utilities District
 26 Ponderosa Lane
 Weaverville, CA 96093

STATE CLEARINGHOUSE

Subject: Review of the Notice of Preparation for Wildfire Risk Reduction, Reliability, and Asset Protection Project (WRAP), State Clearinghouse Number 2020120188, Trinity County

Dear Andy Lethbridge:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) of the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) dated December 11, 2020. The Department appreciates this opportunity to comment on the Project, relative to impacts to biological resources.

The Department is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA). As the 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 necessary for biologically sustainable populations of those species (Fish and Game Code (FGC), sections 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents, and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document, and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines sections 15096 and 15381). The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (FGC section 1600 et. seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC section 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue the permit or agreement. It is important that the Lead Agency's Environmental Impact Report (EIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines section 15096(g)(2)).

The Department offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency:

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Project Description and Location

The Project is described in the NOP as, *“The purpose of WRAP is to: (1) reduce the risk of wildfire by proactive vegetation management; (2) enhance protection of the WAPA and Trinity PUD electrical transmission and distribution line systems; (3) improve reliability of delivering power to Trinity PUD under WAPA’s contract; (4) improve transmission line access by road improvement; and (5) protect the health and safety of the Trinity County community and surrounding biological and natural resources from transmission and distribution related wildfires. Trinity PUD proposes to expand its utility ROW from 20 feet to up to 130 feet for its overhead transmission and distribution systems (216.8 miles) in high-fire risk areas on USFS, BLM, BOR, and private/other lands. The existing ROW easement for the underground distribution lines is 5 feet and would not change. WAPA proposes to expand the ROW of its overhead transmission line between Trinity Substation and Weaverville Switchyard (17.5 miles) from 80 feet to up to 130 feet on USFS, BLM, and private lands. This transmission line provides the majority of the electricity to the Trinity PUD system. The proposed Project would also include the improvement of WAPA’s existing legal access roads using best management practices for routine access road maintenance and associated rehabilitation. Trinity PUD would maintain their existing local access roads to the standards set by the land managers. Vegetation in the ROW may be cleared using a combination of mechanical, manual, and herbicidal control methods. Manual methods may include cutting, girdling, topping and trimming, slash disposal/fuels reduction techniques, and burning (burning for Trinity PUD only). Mechanical methods would be used in areas in which vegetation can be removed non-selectively. Most pieces of mechanical equipment are not safe to operate on slopes over 30 to 35 percent; mechanical methods are also constrained where soils are susceptible to compaction or erosion. Herbicidal control is another option that Trinity PUD and WAPA are exploring as an option to manage vegetation. Only those herbicides that have been approved for use in ROW maintenance based on evaluations of toxicity, solubility, soil adsorption potential, and persistence in water and soil would be used. Additionally, herbicides would only be applied by individuals with applicator licenses/certificates and in accordance with label requirements. In order to maintain long-term vegetation clearances along the expanded ROWs, the proposed Project would include an updated and improved operation and maintenance plan (O&M Plan) and GIS database of all assets and sensitive resources along the subject ROWs. As part of the updated O&M Plan and GIS database, the proposed Project would develop Standard Operating Procedures, which would be implemented for all O&M tasks, as well as Project Conservation Measures that would be implemented to protect specific sensitive resources in the ROW. As part of the proposed Project, Trinity PUD and WAPA will submit applications for ROW authorizations for the expansion of transmission and distribution line ROWs on BLM- and USFS-administered lands. Trinity PUD would also amend their Interagency Agreement with BOR. In addition, the proposed Project may include timber sale contracts with the USFS, BLM, BOR, and private landowners for merchantable timber resulting from ROW expansions and vegetation removal. The Project is located on Deer Creek and China Slough, at the north end of the Sacramento Valley in southeastern Tehama County. The proposed project would be located along the lower 8 miles of Deer Creek and lower China Slough downstream of State Highway 99, to each waterway’s confluence with the Sacramento River.”*

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Comments and Recommendations

To enable Department staff to adequately review and comment on the proposed Project, we recommend the following information be included in the DEIR, as applicable:

1. A complete assessment of the flora and fauna within and adjacent to the Project area should be conducted, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species. This assessment should also address locally unique species, rare natural communities, and wetlands. The assessment area for the Project should be large enough to encompass areas potentially subject to both direct and indirect Project effects. Both the Project footprint and the assessment area (if different) should be clearly defined and mapped in the DEIR.
 - a. The Department's California Natural Diversity Data Base (CNDDDB) should be searched to obtain current information on previously reported sensitive species and habitat. In order to provide an adequate assessment of special-status species potentially occurring within the Project vicinity, the search area for CNDDDB occurrences should include all United States Geological Survey (USGS) 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. The DEIR should discuss how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. As a reminder, the Department cannot and does not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of its users. Likewise, your contribution of data to the CNDDDB is equally important to the maintenance of the CNDDDB. Whenever possible, we request that data be submitted using our online field survey form along with a map with the rare populations or stands indicated.
 - b. In addition to the CNDDDB, other electronic databases such as those maintained by the California Native Plant Society and U.S. Fish and Wildlife Service (USFWS) should be queried. The online Areas of Conservation Emphasis (ACE) viewer (<https://wildlife.ca.gov/Data/Analysis/Ace>) should also be consulted during EIR preparation. The ACE maps show the relative biological value of an area compared with all other areas across the state. ACE is a decision support tool to be used in conjunction with species-specific information and local-scale conservation prioritization analyses. The ACE maps do not replace the need for site-specific evaluation of biological resources and should not be used as the sole measure of conservation priority during planning.
 - c. The Department also recommends review of previous biological technical reports and CEQA documents prepared for other projects in the vicinity, if applicable.

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- d. A complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species should be presented in the DEIR. Rare, threatened, and endangered species to be addressed shall include all those that meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the species are active or otherwise identifiable, are recommended. Acceptable species-specific survey procedures should be developed in consultation with the Department and the USFWS. Links to some survey procedures are provided on the Department's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).
- e. Species of Special Concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist (see CEQA Guidelines section 15380 and CEQA Guidelines Appendix G (IV)(a)). SSC should be considered during the environmental review process. CEQA (California Public Resources Code sections 21000-21177) requires State agencies, local governments, and special districts to evaluate and disclose impacts from "projects" in the State. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species) species are generally considered significant thus requiring lead agencies to prepare an EIR to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- f. Fully Protected animals may not be taken or possessed at any time and the Department is not authorized to issue permits or licenses for their incidental take¹. Fully Protected animals should be considered during the environmental review process and incidental take must be avoided.
- g. A thorough assessment of rare plants and rare natural communities should be conducted, following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*.

¹ Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact the Department for more information.

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- h. A detailed vegetation map should be prepared, preferably overlaid on an aerial photograph. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities, and show Project impacts relative to each community type. The Department's preferred vegetation classification system should be used to name the polygons; however, the vegetation classification ultimately used should be described in detail. Additional information for vegetation mapping can be found on the Department's website (<https://www.wildlife.ca.gov/Data/VegCAMP>). Special Status natural communities should be specifically noted on the map.
 - i. The DEIR should include survey methods, dates, and results; and should list all plant and animal species (with scientific names) detected within the Project study area. Special emphasis should be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. All necessary biological surveys should be conducted in advance of the DEIR circulation, and should not be deferred until after Project approval.
- 2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.
 - a. The DEIR should present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. (CEQA Guidelines section 15064.7)
 - b. CEQA Guidelines, section 15125 (a-e), direct that knowledge of environmental conditions at both the local and regional levels is critical to an assessment of environmental impacts and that special emphasis shall be placed on resources that are rare or unique to the region.
 - c. Impacts associated with initial Project implementation as well as long-term operation and maintenance of the Project shall be addressed in the DEIR pursuant to CEQA Guidelines 15126.2 (a). The EIR should describe anticipated levee maintenance activities and impacts and should develop measures to avoid and minimize maintenance impacts.
 - d. In evaluating the significance of the environmental effects of the Project, the Lead Agency should consider direct physical changes in the environment, which may be caused by the Project and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project. Expected impacts should be quantified (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, etc.).
 - e. Project impacts should be analyzed relative to their effects on off-site habitats and species. Specifically, this may include public lands, open space, downstream aquatic habitats, areas of groundwater depletion, or any other

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natural habitat or species that could be affected by the Project (CEQA Guidelines Appendix G (IV and IX)).

- f. A cumulative effects analysis shall be developed for species and habitats potentially affected by the Project. This analysis shall be conducted as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts to species and habitats.
3. A range of Project alternatives shall be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated. Alternatives, which avoid or otherwise minimize impacts to sensitive biological resources shall be identified. Likewise, alternatives that maximize environmental benefits should be prioritized.
 - a. If the Project will result in any impacts described under the Mandatory Findings of Significance (CEQA Guidelines section 15065) the impacts must be analyzed in depth in the DEIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation measures or Project changes are found to be feasible, such measures should be incorporated into the Project to lessen or avoid significant effects.
4. Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity, or a combination thereof should be addressed.
 - a. Plans for restoration and revegetation should be prepared by persons with expertise in northern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.
5. Take of species of plants or animals listed as endangered or threatened under CESA is unlawful unless authorized by the Department. However, the Department may authorize incidental take during Project construction or over the life of the Project. The

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DEIR must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or avoidance, minimization, or mitigation measures may be required in order to obtain a CESA Permit.

The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's EIR for the Project. The Department may require additional measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit.

7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion, which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The DEIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage.
 - a. The Project will require notification to the Department for a Lake or Streambed Alteration Agreement (LSAA) pursuant to Section 1602 et seq. of the FGC, prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) Negative Declaration or Environmental Impact Report for the Project. To minimize additional requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A LSAA notification package may be obtained through the Department's website at <https://www.wildlife.ca.gov/Conservation/LSA>.
8. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code section 21003(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

9. The anticipated long-term maintenance and operational activities associated with any newly-constructed transmission line should be examined in the DEIR.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at Amy.Henderson@wildlife.ca.gov

Sincerely,

DocuSigned by:
Curt Babcock
974D273FEE784E2
Curt Babcock

Habitat Conservation Program Manager

cc: Andy Lethbridge
Trinity Public Utilities District
alethbridge@trinitypud.com

State Clearinghouse
state.clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
amy.henderson@wildlife.ca.gov;

Habitat Conservation Planning Branch
CEQACommentLetters@wildlife.ca.gov