



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

May 21, 2021

May 20 2021

Lily Toy, Planning Manager
 City of Redding
 Development Services Department
 777 Cypress Avenue
 Redding, CA 96001

STATE CLEARINGHOUSE

SUBJECT: REVIEW OF MITIGATED NEGATIVE DECLARATION FOR USE PERMIT UP-2021-00190 (NATICCHIONI), STATE CLEARINGHOUSE NUMBER 2021040493, ASSESSOR PARCEL NUMBERS 116-040-003, REDDING, SHASTA COUNTY

Dear Lily Toy:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated April 21, 2021, 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, California Public Resources Code §21000 et seq.

Project Description

The Project as proposed is "to allow the construction of approximately 400 feet of sewer line, to support future development of 499 Twin View Boulevard, to encroach within the 100-year floodplain and floodway of Boulder Creek. The sewer line is approximately 400 feet in length and is proposed within the Twin View Boulevard public right-of-way." Boulder Creek, an intermittent drainage, traverses the site from a northwest to southeast direction.

Comments and Recommendations

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

Horizontal Directional Drilling

In the Department's early consultation comments dated March 23, 2021, it was requested that a frac-out plan be developed, and a geotechnical survey be conducted to ensure the horizontal directional drilling (HDD) will occur in a geologic formation that reduces the chance of a frac-out. Streambeds have a vertical component to them so unless a

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geotechnical report indicates that the proposed HDD depth is out of the alluvium associated with Boulder Creek, it would still be considered within the bed of the stream and subject to the notification requirements of FGC section 1602. The Department requests the Project applicant demonstrates through geotechnical analysis that the HDD will be below the depth of the streambed, otherwise notification to the Department should be provided. The Department recommends the following be considered as part of the geotechnical evaluation:

A geotechnical evaluation by a qualified soil engineer to determine the following:

- a) subsurface strata, fill, debris and material
- b) particle size distribution (particularly percent gravel and cobble)
- c) cohesion index, internal angle of friction, and soil classification
- d) plastic and liquid limits (clays), expansion index (clays), soil density, and penetration tests,
- e) rock strength, rock joint fracture and orientation, water table levels, and soil permeability,
- f) areas of suspected and known contamination should also be noted and characterized

Additionally, weathered, fractured, and/or loosely consolidate materials may be at high risk of frac-out or loss of drilling fluids to the surface through pre-existing fractures and conduits. While many types of drilling mud may be considered non-toxic, the fine particles found in the mud can smother plants and animals within aquatic environments and is therefore treated as a deleterious substance pursuant to FGC section 5650. Having a frac-out that releases fluid to the stream without an Agreement may constitute a violation of both FGC section 5650 and 1600, which is subject to a civil penalty of not more than \$25,000 for each violation. Because the Department's Agreements for HDD projects generally cover frac-out contingency plans which specify clean-up protocols to quickly control inadvertent fluid releases and specify how and when to contact Department staff to report incidents, these incidents are generally not treated as violations of the FGC when cleaned up according to the Agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>, to notify visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

Mitigation

Mitigation measures for potential impacts to Boulder Creek should be developed and proposed in the MND prior to Project approval. Mitigation measures could include purchasing credits at the Stillwater Plains Mitigation Bank at a 2:1 ratio or onsite restoration of the stream.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

Curt Babcock

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Curt Babcock

Habitat Conservation Program Manager

cc: Lily Toy, Planning Manager
ltoy@cityofredding.org

State Clearinghouse
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