



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



October 26, 2021

Governor's Office of Planning & Research

Oct 26 2021

Jim Simon
Director of Public Works
Tehama County
9380 San Benito Avenue
Gerber, CA 96035

STATE CLEARINGHOUSE

SUBJECT: Review of the Proposed Mitigated Negative Declaration and Initial Study for the 99W/South Main Street Reconstruction Project, State Clearinghouse Number 2021090526, Tehama County

Dear Jim Simon:

The California Department of Fish and Wildlife (Department) has reviewed the proposed Mitigated Negative Declaration (MND) and Initial Study 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 (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.

Project Description

The proposed Project includes roadway and traffic control improvements in the Red Bluff city limits near the South Main Street and Interstate 5 (I-5) interchange and along 99W between the southern Red Bluff city limits and Gyle Road. Improvements include rehabilitating and widening an approximately 0.95-mile section of South Main Street, improving I-5 interchange ramps, modifying the traffic signal at Sister Mary Columbia Drive, enhancing bicycle and pedestrian facilities, and installing a roundabout at the I-5/South Main Street interchange. Repair of structural roadway deficiencies will occur along an approximately 10.35-mile segment of 99W, which will include a pavement overlay and guardrail replacement.

Comments and Recommendations

The Department appreciates the inclusion of multiple mitigation measures in the MND to reduce impacts to biological resources. The Department offers the following comments and recommendations to assist in further reducing potential impacts:

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Nesting Birds

Mitigation Measure 4.4.5 addresses avoidance of impacts to special-status birds and nesting birds. The measure includes seasonal windows for vegetation removal and ground disturbance activities outside of the nesting season and requires pre-construction nesting surveys for work occurring during the nesting season. The measure also includes compliance measures to be taken if active nests are found during pre-construction surveys. The Department concurs with the mitigation measure; however, Swainson's hawk (*Buteo swainsoni*), a State threatened species, and burrowing owl (*Athene cunicularia*) a California Species of Special Concern, warrant special considerations if expected to occur in the Project area during periods of construction, or if they will be directly or indirectly impacted by the Project. The MND recognizes that habitat exists in the Biological Study Area for both of these species.

According to methods developed in the document *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>), surveys should be conducted within a 0.5 mile radius around all Project activities during at least two specific survey windows defined in the protocol. The protocol also includes early season surveys to assist in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities. If ground-disturbing Project activities will take place during the Swainson's hawk nesting season (March 1 through September 15), and pre-construction surveys find active nests, the Department recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests. If "take" or adverse impacts to Swainson's hawk cannot be avoided during Project activities, a CESA Incidental Take Permit must be obtained pursuant to FGC section 2080 et seq.

For burrowing owl, the Department's *Staff Report on Burrowing Owl Mitigation* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>) establishes a protocol for survey distance and timing with a minimum of four survey visits conducted within 500 feet of the Project area during the owl breeding season, which is typically between February 1 and August 31. The Staff report also includes additional measures to protect this species from take, including monitoring and the use of specific buffers.

Lake or Streambed Alteration Agreement

The MND indicates that direct impacts to an intermittent stream near Liberty Street may occur as a result of the proposed Project. 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, a Lake and Streambed Alteration (LSA) Notification is required pursuant to FGC section 1600 et seq. from the applicant. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document

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for the Project when issuing an LSA Agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Survey Results

If any special status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at kristin.hubbard@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
Northern Region

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