



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
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December 2, 2021

Governor's Office of Planning & Research

Dec 02 2021

Joe Picotte
 Director of Public Works
 City of Alturas
 200 W. North Street
 Alturas, CA 96101

STATE CLEARINGHOUSE

SUBJECT: Review of the Mitigated Negative Declaration for Alturas Wastewater Treatment Plant Improvement Project, State Clearinghouse Number 2021100579, City of Alturas

Dear Joe Picotte:

The California Department of Fish and Wildlife (Department) has reviewed the proposed Mitigated Negative Declaration (MND) 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 is the decommissioning of the existing wastewater treatment plant (WWTP) owned and operated by the City of Alturas (City) and located on the north bank of the North Fork Pit River at its confluence with the South Fork Pit River. The City has had difficulty meeting permitted effluent limits for various constituents and is proposing improvements to the WWTP to enhance system efficiency and comply with Central Valley Regional Water Quality Control Board requirements. Upon decommissioning the WWTP, raw wastewater would be pumped to new, offsite aeration ponds. Treated wastewater would be disposed of through land discharge via evaporation and percolation ponds at a new offsite location. The current WWTP discharges treated effluent into the Pit River. A new pipeline would be constructed along County Road 54 from the existing WWTP to the new location. All construction would occur within the existing County Road 54 right-of-way. The new force main would be attached to two existing bridges where County Road 54 crosses over the North and South Forks of the Pit River. No in-water work would be required.

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Comments and Recommendations

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

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*, State threatened) is identified in the MND as occurring in the general Project area with suitable nesting trees present within the Project area. Mitigation Measure BIO-4 addresses avoidance of impacts to 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 warrants 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.

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" of Swainson's hawk cannot be avoided during Project activities, a CESA Incidental Take Permit must be obtained pursuant to FGC section 2080 et seq.

Cliff Swallow

Cliff swallow (*Petrochelidon pyrrhonota*) nests were observed on the two bridges identified for sewer force main attachment and numerous cliff swallows were observed calling and flying near these bridges. The MND states that routine monitoring and removal of cliff swallow nests would be necessary to ensure nest construction is not completed during Project construction activities. The Biological Study Report, dated October 2020, recommends that the sewer force main over the Pit River be installed outside of the nesting season, if feasible. The Department concurs with this recommendation. If installation of the sewer force main outside of the nesting season is not feasible, any existing unoccupied and inactive nests should be removed from the crossing structure prior to March 1 of the construction year. Removal of empty or unfinished nests should be repeated daily or as frequently as necessary to prevent nest

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completion until swallows cease trying to construct nests, or sewer force main installation activities are complete. Swallows are strongly attracted to old nests or to the remnants of deteriorated nests, so all traces of mud should be removed. This activity shall not be conducted if it will result in harm or death to cliff swallows. If swallows are allowed to complete nest building, the nests cannot be destroyed or removed until after September 1 or after any successful nests have fledged their young, as determined through monitoring by a qualified biologist.

Wildlife Friendly Fencing

The MND indicates that the proposed treatment disposal area is in or adjacent to a pronghorn antelope (*Antilocapra americana*) migration corridor. To ensure that movement of pronghorn antelope is not impeded within this corridor, the Department recommends that any fencing used for this Project be wildlife friendly and constructed using the following specification:

- A. All fences shall be three-strand horizontal wire, barbed wire allowed as noted, total height preferably no more than 40", not to exceed 42", no hog wire or non-horizontal stranding (chain link prohibited)
- B. Post spans shall not be less than 12 feet
- C. No more than two stays between fence posts
- D. All new fences should have flagging tied to the top wire between posts to improve visibility of the new hazard
- E. Pronghorn may become accustomed to the new fence by the time the flagging deteriorates. Grey "camouflage" steel posts should be avoided
- F. The bottom wire should be smooth and 18-20" above ground; the 2nd wire, barbed, spaced 6-10" above first; and the 3rd wire, smooth, spaced 12" above second

Avoid Inadvertent Entrapment of Wildlife

Trench excavation will be a necessary component of Project construction. Trenched and excavated areas should be covered securely prior to stopping work each day, or a ramp should be provided in to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for animals prior to burying, capping, moving, or filling. The Department recommends a mitigation measure be developed and included in the final environmental document to avoid inadvertent entrapment of wildlife. This measure could be as follows:

To prevent the inadvertent entrapment of wildlife, the construction contractor shall ensure that, at the end of each workday, trenches and other excavations that are over one foot deep have been backfilled or covered with plywood or other hard material. If backfilling or covering is not feasible, one or more wildlife escape ramps constructed of earth fill or wooden planks shall be installed in the open trench. Pipes shall be inspected for wildlife prior to capping, moving, or

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placing backfill over the pipes to ensure that animals have not been trapped. If animals have been trapped, they shall be allowed to leave the area unharmed.

Aquatic Resource Delineation Report

The wetland determination data forms provided in Appendix D of the Aquatic Resource Delineation Report, dated October 2020, appear to be Sampling Point DP1 repeated several times. The Department recommends including data forms from all Sampling Points in the final MND for this Project.


Survey Results

Pre-construction survey results should be sent to R1CEQARedding@wildlife.ca.gov.

If any special status species are found during surveys, the Department requests that California Natural Diversity Database (CNDDDB) forms be filled out and submitted to CNDDDB and a copy of the form be sent to the Northern Region office at R1CEQARedding@wildlife.ca.gov. 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 e-mail at kristin.hubbard@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett
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