



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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Redding, CA 96001
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 29, 2024

Warren Farnam
Director of Public Works
City of Alturas
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SUBJECT: REVIEW OF ALTURAS WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT, MODOC COUNTY, STATE CLEARINGHOUSE NO: 2021100579

Dear Warren Farnam:

The California Department of Fish and Wildlife (CDFW) has reviewed the 2024 Amendment of the 2022 Initial Study and Mitigated Negative Declaration for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines¹.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish and G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its Trustee Agency capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish and G. Code, § 2050 et seq.) or state listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish and G. Code § 1900 et seq.), authorization as provided by the applicable Fish and Game Code may be required.

Project Description:

As currently proposed, the City of Alturas (Lead Agency) would decommission an existing wastewater treatment pond, and pump raw wastewater to new, offsite aeration ponds. Treated wastewater will be disposed through land discharge via evaporation and percolation ponds at a new offsite location. Implementation of the revised project would result in the installation of an irrigation pump system that directs effluent to a previously cultivated non-irrigated field for disposal via a subsurface drip system. The effluent from the storage pond will also be disposed of via a sprinkler irrigation system, north of the treatment ponds during the late spring through early fall.

A new pipeline would be constructed along County Road 54 from the existing wastewater treatment pond to the new pond location via a force main that will be constructed using horizontal directional drilling (HDD). The force main will pass under the Pit River to County Road 54 and continue within the road right-of-way to the treatment ponds on APN 022-130-042.

Comments and Recommendations

CDFW offers the following comments and recommendations to assist the Lead Agency in adequately identifying, avoiding, and minimizing potentially significant, direct, and indirect impacts on biological resources with the implementation of the Project.

Lake and Streambed Alteration

Although the Project does not propose in-water work, newly amended Project activities may result in potentially significant impacts to riverine habitats and their associated biological resources.

HDD beneath the surface of the Pit River has the potential to modify watershed functions including, but not limited to, altered surface and groundwater flows, reduced structural integrity of the streambed and increased risk of erosion and

scour. The placement of permanent equipment directly adjacent to the Pit River may diminish existing conditions and downstream water quality. Utilizing construction equipment adjacent to the Pit River may decrease water quality via leaks of water, oil, or other petroleum products. Additionally, biological resources beyond the Project footprint may be impacted by accidental releases during construction; as HDD has potential to release drilling fluids through frac-outs; or throughout the life of the Project, if the force main infrastructure fails. HDD drilling fluids generally consist of bentonite-clay mixture. While typically bentonite fluids are not classified as toxic or hazardous substances, effects of bentonite on aquatic resources are not completely understood and may have the potential to adversely impact aquatic species.

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

Additionally, Fish and Game Code section 5650 (a) states it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following: (1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance. (2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind. (3) Any sawdust, shavings, slabs, or edgings. (4) Any factory refuse, lime, or slag. (5) Any cocculus indicus. (6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

Lastly, per Fish and Game Code section 5652 (a), "It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird."

Considering the risks associated with HDD and infrastructure maintenance concerns within and adjacent to the Pit River, CDFW recommends notifying pursuant to Fish and Game Code section 1602. Based on this notification and other information, CDFW determines whether an Agreement with the applicant is required prior to conducting the proposed activities. Please visit [CDFW's Lake](#)

[and Streambed Alteration Program](#)² for information about notifying online through the Environmental Permit Information Management System (EPIMS) Permitting Portal.

CDFW recommends including a hydrology report and a scour analysis when notifying. The analysis should discuss the depths at which the sewer line is proposed and methods to avoid possible exposure throughout the life of the Project. The scour analysis should demonstrate that the Project would not lead to increased erosion or scouring because of the Project. Additionally, the scour analysis should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential.

California Endangered Species Act

Please be advised that a [CESA Incidental Take Permit](#)³ must be obtained if the Project has the potential to result in “take” (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code section 2081(b)(2).

Submitting Data

CEQA requires that information developed in environmental documents is incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during surveys to the [California Natural Diversity Database](#)⁴ (CNDDDB).

² <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

³ <https://wildlife.ca.gov/Conservation/CESA/Permitting>

⁴ <https://wildlife.ca.gov/Data/CNDDDB>

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Conclusion

CDFW appreciates the opportunity to comment on the Amended MND and to assist the Lead Agency in identifying, avoiding, minimizing, and mitigating potentially significant Project impacts to biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist (Specialist) by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

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