



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

December 15, 2021

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STATE CLEARINGHOUSE

Amber Kelley
Environmental Compliance Manager
City of Redding
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SUBJECT: Review of the Mitigated Negative Declaration for the Westside Sewer Interceptor Phase 3 Project, State Clearinghouse Number 2021110246, City of Redding, Shasta County

Dear Amber Kelley:

The California Department of Fish and Wildlife (Department) has reviewed the 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. The Department participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Project Description

The Project as described in the MND is as follows:

The City of Redding (City) is proposing to construct a new 48-inch diameter trunk sewer pipeline to increase the wastewater collection system hydraulic capacity. The existing 42-inch diameter pipeline conveys wastewater from a diversion structure near Girvan Road to the Clear Creek Wastewater Treatment Plant (CCWWTP). The proposed new pipeline would provide additional capacity to accommodate existing and planned development wastewater flows. The additional capacity would also significantly reduce the risk of sanitary sewer overflows during wet weather events.

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The new 4,200-foot pipeline would begin at the existing diversion structure located at Girvan Road and terminate at the CCWWTP's existing headworks pump station wet well along the south bank of Clear Creek. The pipeline would be sized to provide a maximum design flow of 30 million gallons per day to serve the existing and planned development in the area. The pipeline includes a 20-foot-wide by 20-foot-long by 20-foot-deep concrete junction structure at the north end, seven maintenance holes placed approximately every 600 feet along the alignment, and a second 20-foot-wide by 20-foot-long by 16 foot-deep concrete junction structure approximately 100 feet north of the Clear Creek crossing. One new maintenance hole would be constructed on the existing 42-inch pipe to improve inspection and maintenance access (located near the end of Garnet Ct.). Two new maintenance holes would be constructed to connect existing sewer lines that serve nearby properties to both the existing and new pipelines. Construction is scheduled to start in the summer of 2023 and the project is anticipated to take approximately 24 months.

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

California Endangered Species Act

The Biological Resource Assessment dated August 21, 2021, and prepared by Stantec, lists anadromous fish species as occurring within the Project area and having the potential to be impacted by the Project despite the avoidance and minimization measures provided in the MND. According to the MND, Section 7 consultation with the National Marine Fisheries Service has been initiated and is ongoing. Please be advised that a CESA Incidental Take Permit should also be obtained from the Department if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Take is defined in FGC section 86 as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and winter-run Chinook salmon (*Oncorhynchus tshawytscha*) are state listed species requiring authorization for take pursuant to section 2081(b) of FGC as long as the take is incidental to otherwise lawful activities and if certain conditions are met. Based on the project description and mitigation measures, it is the Department's assessment take of CESA-listed species is likely to occur.

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 will result in take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be

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required to obtain a CESA Permit. Information on how to obtain a CESA permit is available here: <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

Lake or Streambed Alteration Agreement

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, the Department will require a Lake and Streambed Alteration (LSA) Notification, pursuant to section 1600 et seq. of the Fish and Game Code, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Sensitive Natural Communities

Mitigation measure MM-15 states, *“Any trees greater than 6 inches diameter at breast height, determined to be contributing to shaded riverine aquatic habitat that are removed during project activities will be replaced on site, but outside of the permanent utility corridor The amount of habitat created/restored will be at least three times greater than the amount lost due to project implementation (i.e., a 3:1 ratio of new plantings per large woody riparian plant impacted). The MND goes on to say, “Woody riparian vegetation greater than 6 inches diameter at breast height, that does not contribute to shaded riverine aquatic habitat, that is removed during project activities would be compensated for through the establishment of onsite mitigation areas outside the permanent easement, the purchase of credits from a mitigation bank or in-lieu fee program, or a combination of the three. The amount of habitat created or restored will be at least three times greater than the amount lost due to project implementation (i.e., a 3:1 ratio of new plantings per large woody riparian plant permanently impacted). Any onsite mitigation will be maintained and monitored for a period of three years.”*

A restoration plan should be developed and included for review during the CEQA environmental review process. If the restoration plan is not available to review, then the contents should be described including success criteria, performance standards, location of proposed restoration, the plant palette to be used, etc.

The Department recommends re-evaluating the replacement and restoration of the

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riparian vegetation that contributes to the shaded riverine aquatic habitat, and therefore, is contributing to the much-needed habitat for listed salmonid species. A higher replacement/restoration goal may be appropriate because of its importance to listed salmonids and other species.

Mitigation Measures

Many of the mitigation measures begin with the phrase “To the extent practicable.” CEQA Guideline section 15064 (f)(2) states, “*If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared.*” The Lead Agency should clearly identify what it will do to reduce the significant impact to less than significant. The Department encourages the City of Redding to go back through the mitigation measures and remove vague and unenforceable language, such as “to the extent practicable” and incorporate specifics that describe how the impact will be mitigated to less than significant. Mitigation measure MM-4 is a good example of how all the measures should be written].

MM-4. [Purpose of the mitigation measure] To reduce the potential for adverse effects on listed species due to crushing or other impacts during in-channel construction in Clear Creek, Olney Creek, and the unnamed channel prior to beginning construction, [what will be done to reduce/minimize the impact] the areas will be visually inspected for fish presence by a qualified biologist. If presence of fish is noted, they will be herded away from the work area using seines if possible. Block nets will be installed immediately behind seine hauls to exclude fish from re-entering work areas during in-channel work. If cofferdams or turbidity curtains must completely enclose and isolate work areas, then fish salvage and relocation to outside of the work areas will be conducted by qualified fisheries biologists. Additionally, during excavation and placement of fill materials within the active channel, equipment shall be operated slowly and deliberately to alert and scare adult and juvenile fish away from the work area. All temporary stream diversion and backfill material within the channel will consist of washed material that meets the California Department of Transportation Gravel Cleanliness Specification #85, which is based on criteria meeting Clean Water Act standards.

As another example, mitigation measure MM-8 states that mature cottonwoods, valley

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oaks, alders “will be avoided as much as possible during construction”. The Department recommends this measure be rewritten to establish the maximum impact area, including counts of tree species and diameter at breast height of those species that could be removed, in order to determine the significance of this impact. After this impact is evaluated, appropriate mitigation should be proposed including both onsite and offsite replanting, success criteria for those plants established, and a discussion of maintenance responsibilities to meet those criteria. This method allows for a clear discussion of impacts to sensitive natural communities that will be impacted by Project activities and allows an informed determination if impacts have been reduced to less than significant.

Because MNDs have the mitigation measures developed and approved prior to project approval, mitigation measures should not be written in such a way that they defer mitigation into plans to be developed at a future date. For example, regarding ringtail (*Bassariscus astutus*), MM-14 states, “*If a maternity den is found, a qualified biologist (in consultation with the City and CDFW) will develop measures to protect the maternity den from disturbance.*” It is appropriate to discuss what steps will be taken to reduce those impacts to less than significant within the MND rather than deferring to a future consultation. In the case of ringtail, a Fully Protected species where take cannot be authorized by the Department, avoidance and minimization measures for this species may be extremely limited and could lead to significant project delays or last-minute redesign of project features in order to avoid impacts to the species. The Department recommends these consultation measures be developed prior to MND circulation so that the Lead Agency is aware of how the measure may impact project implementation. MM-14 would be more appropriately written in the context of an MND as, “If a maternity den is found, the qualified biologist will initiate one or more of the following actions to reduce/avoid impacting the maternity colony: [list actions that could be taken].”

Nesting Birds

This Project has the potential for nesting bald eagles (*Haliaeetus leucocephalus*) to occur. Bald eagles nest earlier than February 1 and generally begin courtship in December/January with the first eggs laid in February. If construction begins before February 1, bald eagle surveys (as well as other early raptor nesters) may need to be conducted prior to the start of construction.

The results of the pre-construction surveys in mitigation measure MM-12 shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov.

Trenching

If trenching will occur as a result of Project activities, it should be covered securely, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for animals prior to burying, capping, moving, or filling.

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The Department recommends a mitigation measure be developed and included in the final environmental document or project approval.

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 Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Northern Region

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