



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



January 14, 2022

Amber Kelley  
 Environmental Compliance Manager  
 City of Redding  
 Public Works Department  
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 Redding, CA 96001  
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**SUBJECT: Review of the Mitigated Negative Declaration for the Old Oregon Trail Safety Improvement Project, State Clearinghouse Number 2021120354, Redding, Shasta County**

Dear Amber Kelley:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated December 14, 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 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 the construction of "a safety improvement project on Old Oregon Trail. The purpose of the project is to improve safety for pedestrians, cyclists, and motorists. The project is needed as this section of roadway has little to no roadway shoulder and non-motorized access is limited. This section of roadway also has an accident rate that is higher than the statewide average for similar roadways. The existing road alignment would be widened to create one standard 12-foot wide lane in each direction with 6-foot wide paved shoulders. A section of roadway would also be realigned to improve a compound curve. The project includes earthwork, vegetation removal, drainage modification, utility relocation, fencing and guardrail installation, paving, striping, sign installation, and right of way (ROW) acquisition.

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*Tree removal would be necessary to allow for road widening, and existing culverts beneath the road would be replaced, extended, or abandoned in place as needed. Utility poles, fire hydrants, and waterlines would be relocated if they conflict with the new roadway improvements. New guardrail would be installed where needed for public safety. Most work would occur within the existing ROW, but some permanent ROW would be needed from adjacent private lands to realign the roadway and improve the curve. A temporary construction easement (TCE) may be needed in one location to allow for culvert extension. Contractor staging areas would be located in existing graveled pullouts along the Old Oregon Trail existing ROW.”* The Project is located in northeast Redding along Old Oregon Trail between Paso Robles Avenue and Bear Mountain Road.

## **Comments and Recommendations**

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

### Migratory Birds and Raptors

Mitigation measure MM-2 states that a 250-foot buffer will be placed around active raptor nests, if found. The Department recommends increasing this buffer as 250-foot may not be sufficient to protect nests of special-status raptor species from disturbance. For example, white-tailed kite (*Elanus leucurus*), a Fully Protected species, is identified in the MND as having potential to occur in or adjacent to the Project area. The Department generally recommends minimum starting buffer distances of 300-feet for raptors and 450-feet for special-status raptors; or using species specific buffer guidance, whenever available.

Additionally, the Department recommends the inclusion of the following statement to mitigation measure MM-1: **The results of pre-construction surveys shall be sent electronically to the Department at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).**

### Bats

The Department recommends Mitigation measure MM-3 be changed to include avoidance of potential impacts to bat hibernacula. MM-3 should read (changes in bold): *“If construction, including the removal of large trees with cavities, crevices, or snags, occurs during the bats non-volant period (March 1 through August **31**) or during the bat hibernation period (**November 1 – March 1**), a qualified biologist will conduct a pre-construction survey of the project area biological study area (BSA) to locate maternity **and/or roosting** colonies and identify measures to protect colonies from disturbance. The pre-construction survey will be performed no more than seven (7) days prior to the implementation of construction activities (including staging and*

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*equipment access). If a lapse in construction activities occurs for a period greater than 7 days, additional preconstruction surveys will be required. If a maternity colony is located within or adjacent to the BSA, a disturbance-free buffer will be established by a qualified biologist (in consultation with CDFW) to adequately protect the colony from project activities. **If pre-construction surveys and tree removal occur during the bat hibernation period, the trees should be removed in a humane fashion using a two-day process to prevent accidental death of bats if no precipitation is forecast and if the forecasted nighttime low temperatures do not drop below 45°F or less. If weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening) or if precipitation is forecast, then no removal can occur. The two-day tree removal process includes removing the non-habitat trees and brush along with certain tree limbs on the first day and the remainder of the tree on the second day.***

#### Natural Environmental Study Minimal Impacts

A Natural Environmental Study Minimal Impacts (NESMI) was prepared for this Project, dated March 2020. The NESMI included recommended avoidance and minimization measures, two of which were not incorporated into the MND. The Department recommends the incorporation of the following measures:

*BIO-6. All equipment used for off-road construction activities will be weed-free prior to entering the BSA.*

*BIO-7. Any seed mixes or other vegetative material used for revegetation of disturbed sites will consist of sterile seed and/or locally adapted native plant materials to the extent practicable.*

#### Lake or Streambed Alteration Agreement

The Delineation Report discusses a watercourse as a feature excluded from the notification requirements of FGC section 1600 et seq. This feature is explained as follows:

*One ephemeral stream occurs in the study area (shown on page 2 in the Figure 3 mapbook). It occurs as a bed and bank feature approximately 1-foot wide with a dominant substrate of soil. The feature has formed on a hillslope below a culvert passing under Old Oregon Trail. The upslope side (east end) of the culvert is a ditch that drains Old Oregon Trail and adjacent uplands but lacks indicators of an OHWM, likely due to the low gradient. The defined channel starts below the culvert outfall (on the west side of the road) and continues approximately 40 feet downslope, where the feature loses its bed and bank and the water fans out as sheet flow or dissipates into the ground. Since the stream lacks a surface connection with a traditional navigable*

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*water, we consider it isolated and mapped it as an excluded feature.*

Please note that FGC section 1600 et seq. does not require a watercourse to be hydrologically connected to a traditionally navigable waterway in order to meet the notification requirements set forth in FGC section 1602.

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, FGC section 1602 requires a Lake and Streambed Alteration (LSA) Notification 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. Work within ephemeral streams, washes, watercourses with subsurface flow, and floodplains are also subject to notification requirements. 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>.

#### Avoid Inadvertent Entrapment of Wildlife

If applicable, trenched and excavated areas should be covered securely prior to stopping work each day, or a ramp should be provided 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 MND 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 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.

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If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tina Bartlett, Regional Manager  
Northern Region

ec: State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Kristin Hubbard, Amy Henderson  
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