



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



March 30, 2022

Timothy Taylor
 Sky View County Water District
 33731 Ponderosa Way
 Paynes Creek, CA 96075
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SUBJECT: Review of the Mitigated Negative Declaration for Sky View County Water District Water System Improvements Project, State Clearinghouse Number 2022020646, Tehama County

Dear Timothy Taylor:

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 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 improvements to the Sky View County Water District water distribution system. Improvements include replacing the existing well building, raising the well casing by 18 inches, installing a new vertical turbine pump, constructing an access stairway across Paynes Creek to improve access for maintenance, and installing a production flow meter. Approximately 2,130 feet of existing 8-inch diameter transmission main between the well and the proposed water tank on Ponderosa Way would be replaced with a 6-inch diameter pipe. Approximately 16,200 feet of existing water line would be replaced, along with associated meters, services, and fire hydrants.

Additionally, the distribution system will be extended to Canyon View Loop, north of Highway 36. Improvements associated with the extension of service include installing ±12,500 feet of new waterline, as well as new water services, meters, and fire hydrants, constructing a new water tank off Canyon View Loop and constructing a new booster pump station. All water lines will be installed using open-trench construction.

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The Project is located 35 miles northeast of Red Bluff, between the communities of Paynes Creek and Mineral, on the north and south sides of Highway 36. Improvements on the north side of Highway 36 will occur in the public road right-of-way of Canyon Loop Road. Improvements on the south side of Highway 36 will occur within the public road right-of-way of roads within the Ponderosa Sky Ranch Subdivision. A cross-county raw water transmission main will be installed between the well site at Paynes Creek and the water tank site on Ponderosa Way.

Comments and Recommendations

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

Aquatic Resources

Lake and Streambed Alteration Agreement

For any activity that will substantially 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. . 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, and watercourses with subsurface flow 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 when issuing an LSA Agreement. 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>.

Aquatic Resources Delineation Report

The MND discusses the completion of an Aquatic Resources Delineation Report (Report); however, only maps depicting wetlands and other waters of the U.S. and State were included as Appendix C of the MND. The entire Report, along with all data forms, should have been included in the MND. The Department requests that this Report be included with the LSA Notification for this Project.

Mitigation Measure 4.4.5

Mitigation Measure 4.4.5 proposes to install high-visibility fencing, flagging, or other markers “along the outer edges of the construction zone adjacent to wetlands and other waters designated for avoidance”. The location of the fencing will be

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“determined by a qualified biologist in consultation with the project engineer and the Sky View County Water District”. Placement of fencing, flagging, or other markers should be at a sufficient distance from wetlands and other water features to ensure that no direct or indirect impacts to these features occur. These distances may vary based on terrain and type of feature to be protected. The Department is available to consult on placement of fencing or marking materials. An example of distances routinely recommended by the Department includes at least 150 feet along streams containing listed salmonid species and distances of larger than 50 feet for wetland habitats, depending on biological resources present.

Bats

The Biological Study Report (BSR) discusses onsite habitat for roosting bats and concludes that the Project could impact roosting bats through tree removal; however, no measures are proposed in the MND to protect bat species from Project impacts. Trees that contain cavities, crevices and/or exfoliated bark have high potential to be used by various bat species. If the Project will impact trees with these characteristics, a thorough survey of the large trees should be conducted by a qualified biologist or arborist familiar with these features to determine if tree features and habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked prior to removal.

If removal or disturbance of trees identified to have roost structures will occur during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernation season (November 1 – March 1), when bats have limited ability to safely relocate roosts, it could cause an impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats, which may be a significant impact because a single colony could consist of the entire local population of a species. The availability of suitable roosting habitat is considered a limiting factor in almost all bat species. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. Depending on the impact, if any, to the roosting habitat, additional mitigation may be necessary and could include providing replacement or alternate roost habitat. If necessary, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species and must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day. This two-step process changes the microhabitat of the area causing the bats to vacate the area under their own volition, therefore minimizing mortality and other impacts to bat species.

Invasive Species

The BSR documents the presence of multiple noxious weeds on the Project site, including six species with a California Department of Food and Agriculture weed ranking

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of Category B or C, and an additional twenty species with California Invasive Plant Council ratings between “watch” and “high”. Mitigation Measure 4.4.4 proposes measures to reduce the potential for introduction and spread of noxious weeds by *“using only certified weed-free erosion control materials, mulch, and seed; limiting any import or export of fill material to material that is known to be weed free; and requiring the construction contractor to thoroughly wash all construction vehicles and equipment at a commercial wash facility before entering and upon leaving the job site”*. Due to the number of noxious weeds documented on the Project site, the Department recommends implementing additional measures, including ensuring equipment staging and parking areas avoid known noxious plant infestations, removing and properly disposing of noxious species from equipment and access routes prior to the start of construction, working from weed-free areas into infested areas if necessary, and post-construction monitoring to ensure no new infestations occur as a result of the Project. Additional prevention best management practices and guidelines can be found on the California Invasive Plant Council’s website at: <https://www.cal-ipc.org/solutions/prevention/>.

Lighting

The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that any lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Survey Results

If any special status species are detected during pre-construction surveys, the Department requests that detections are reported to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Additionally, the Department requests that a copy of the form be sent to the Northern Region office at R1CEQARedding@wildlife.ca.gov.

If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by e-mail at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:



Tina Bartlett, Regional Manager
Northern Region

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ec: State Clearinghouse
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Kristin Hubbard
California Department of Fish and Wildlife

Habitat Conservation Planning Branch