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From: Wallen, Carol@Wildlife
Sent: Monday, April 25, 2022 2:44 PM
To: kramsaur@cityofwilliams.org
Cc: Wildlife R2 CEQA; Torres, Juan@Wildlife; Barker, Kelley@Wildlife; Thomas, Kevin@Wildlife
Subject: PT 2022-0112 - CDFW's Comments on the IS/MND for the Valley Ranch Unit 4 Subdivision Tentative Map (SCH# 2022030559)

Dear Ms. Ramsaur:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from the City of Williams for the Valley Ranch Unit 4 Tentative Map (Project) in Colusa County pursuant the California Environmental Quality Act (CEQA) statute and guidelines. 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.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW 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 & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).). CDFW, in its trustee 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 provides, 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.

CDFW may also act 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. For example, 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 & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site is located at the northeast corner of E Street and Interstate 5 (I-5) along the northeastern border of the City of Williams, CA. It is centrally located in Colusa County on Assessor's Parcel Numbers 005-270-026 and 005-440-028. The site is bordered to the west by I-5, to the north/northeast by a Glenn Colusa Irrigation District (GCID) canal, and to the south/southwest by a northbound I-5 on-ramp and existing commercial development.

The Project consists of the subdivision, and eventual commercial development, of the 19-acre vacant property for into 12 lots, ranging in size from 0.9 to 3.11 acres. Site access will not require the establishment of a crossing over the GCID canal.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City of Williams in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources.

Giant Garter Snake (*Thamnophis gigas*)

The IS/MND does not address the potential for suitable Giant garter snake (GGS) upland habitat to be present within the project footprint and concludes that, "the lack of aquatic habitat within the project area would preclude the presence of giant garter snake".

GGS are a highly aquatic, wetland obligate species endemic to California. Historic habitat was largely in tule marshes in the Central Valley. GGS typically occur in slow-moving, warm aquatic environments like marshes, sloughs, and ponds. They have adapted to using irrigation canals and rice fields as wetlands have been reduced in the Central Valley (Halstead et al. 2010). Small mammal burrows in upland habitat are generally used for cover and retreat during the active season and for refuge from flood waters during the dormant season. Studies also indicate that GGS spend at least half of their time below ground during the active season (May 1 – October 1); a percentage that is increased by extremely hot temperatures. This same study concluded that, "active season use of terrestrial habitats is more extensive than previously assumed, but that the distance from which GGS are found from water is relatively small (within 30 m)". (Halstead et al. 2015)

Based on the information provided with the IS/MND, photo 5 in Attachment B of the IS/MND, a review of aerial photographs, and the California Natural Diversity Database (CNDDB), CDFW believes that the canal present immediately adjacent to the project area and adjacent upland habitat within the project area could provide suitable habitat for GGS. The IS/MND should include additional analysis supporting that GGS habitat is not present within the project site. If it is determined that GGS habitat is present within the project footprint or its immediate vicinity, the IS/MND should analyze the potential impacts to GGS caused by any project-related construction activities adjacent to suitable habitat.

CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project. The IS/MND should disclose the potential of the Project to take State-listed species and how the impacts will be avoided, minimized, and mitigated**.** CDFW recommends that at a minimum**,** a biological monitor is present to ensure that no GGS are present when initial ground disturbance occurs within 200 feet of the GCID canal. If a GGS individual is encountered during construction activities, all construction activities shall cease until the GGS moves out of the project area of its own volition. CDFW shall be notified of the GGS encounter and consulted for compliance with CESA.

Tricolored Blackbirds (*Agelaius tricolor*)

Attachment B of the IS/MND, states there is low potential for Tricolored blackbird (TRBL) as there is, "No suitable habitat (cattail-dominated wetlands) at the project site. The nearest colonies have been located along Husted Road to the north of the project area." Attachment B concludes that TRBL "may forage along creek corridors, not affected by the project." Species studies indicate that primary foraging habitats for TRBL during the breeding season include grasslands, low-density shrublands (e.g., alkali scrub), pastures, dry seasonal pools, and certain agricultural crops including alfalfa and rice". (CDFW, 2018) Additionally, studies have found that, "While breeding, most foraging occurs within 2–3 miles (3.2–4.8 km) of colony sites." (Orians 1961, Hamilton et al. 1992) Last, it has been concluded by another study that, "the availability of high quality foraging habitat is at least as important to Tricolored Blackbird breeding as is the availability of suitable nesting substrate." (Hamilton et al. 1992)

The project site is within approximately 1-mile of a recently active TRBL colony (CNDDB, 2021) and is comprised of habitat components that could be suitable foraging habitat for TRBL. If suitable habitat that is used by TRBL is present within the project footprint, construction activities could result in significant impacts to foraging TRBL through noise, increased construction traffic, and/or human presence. Completion of the development could result in the potential loss of suitable foraging habitat.

The IS/MND should include preconstruction surveys to determine if the project footprint is used by TRBL as foraging habitat. The IS/MND should also include specific avoidance, minimization, and or mitigation measures to offset impacts to foraging habitat if the surveys determine that TRBL use the project footprint and its immediate vicinity to forage.

Nesting Bird Surveys

CDFW recommends that mitigation measure BIO-1 be modified to include the following: The designated biologist should be knowledgeable and experienced in the biology, natural history, and survey methodology for local bird species.

Surveys should be conducted within a minimum ¼-mile of the project area for raptors and other birds of prey where possible and 500 feet for other bird species, where possible.
Please note that Fish and Game Code protections for nesting and migratory birds apply regardless of the time of year, and a few bird species (e.g., Anna's hummingbird) may nest during the winter and fall months. If an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season. Please revise mitigation measure BIO-1 to reflect this.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be 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 Project surveys to the CNDDB. The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the City of Williams and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.
CDFW appreciates the opportunity to comment on the IS/MND for the Valley Ranch Unit 4 Tentative Map and recommends that the City of Williams address CDFW's comments and concerns. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Carol Wallen, Environmental Scientist at (916) 216-6253 or carol.wallen@wildlife.ca.gov.

Sincerely,

Carol Wallen
Environmental Scientist
CEQA/CESA/LSA/NCCP

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Literature Cited

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