



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



July 22, 2022

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Governor's Office of Planning & Research  
**JUL 22 2022**  
**STATE CLEARINGHOUSE**

**SUBJECT: Review of the Mitigated Negative Declaration for General Plan Amendment 2022-01, Rezone 2022-01, Design Review 2021-09, and Variance Request 2022-01 (Palm Villas at Red Bluff), State Clearinghouse Number 2022060310, City of Red Bluff, Tehama County**

Dear Tom Westbrook:

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.

### Project Description

The proposed project is "a planned 61-unit affordable housing community on a 2.75-acre site. The development will include three (3) three-story family apartment buildings and one (1) two-story community building, and one (1) one-story maintenance building. Amenities include outdoor recreation areas consisting of a tot lot, ball court, BBQ, and picnic areas. The project will include a mix of one, two, and three-bedroom units ranging from 604 to 1,003-square-feet of living area." The Project is located at 321 South Jackson Street in the City of Red Bluff, on Assessor's Parcel Number 033-130-028.

### Comments and Recommendations

The Department offers the comments and recommendations below to assist in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

*Conserving California's Wildlife Since 1870*

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### Oaks and Oak Woodlands

The proposed Project site contains oak woodlands which are valuable wildlife habitat. This habitat provides many important ecosystem functions such as providing habitat for wildlife, moderating temperature extremes, reducing soil erosion, and sustaining water quality. In California, oak woodlands have the greatest wildlife species richness of any other habitat in the state with over 330 species of amphibians, birds, and mammals relying upon these habitats at some point during their lives (CalPIF 2002). Because of the rapid and extensive land conversions of oak woodlands, oak savannas, and oak dominated riparian areas in California, the Department is concerned about the long-term survival of native oaks and oak woodland habitat. Oak woodlands have experienced ongoing declines due to conversion for agricultural uses, and oak woodlands are also impacted by low recruitment, novel pathogens, competition from invasive species, and fire suppression (Whipple et al. 2011). Fragmentation of oak habitats reduces their ability to provide the full range of ecological benefits, including maintenance of species diversity, as well as soil and watershed protection. California has lost approximately one third of its historic oak woodland habitat statewide (CalPIF 2002). Because oaks are slow-growing trees, the substantial habitat and ecosystem value that mature trees provide is difficult to replace. For this reason, the Department strongly encourages the residential buildings be designed around the existing oak woodlands.

If impacts to oak woodlands cannot be avoided, mitigation should be on-site to recreate and eventually re-establish the oak woodland habitat lost by the Project's implementation. If off-site mitigation is necessary, it should emphasize the creation of oak woodland communities rather than the planting of scattered individual trees.

To reduce the significance of impact to oak woodlands, the Department recommends the following minimum mitigation ratios:

- <1" dbh replaced at a minimum 1:1 mitigation ratio
- 1-11" dbh replaced at a minimum 6:1 mitigation ratio
- 12-18" dbh replaced at a minimum 8:1 mitigation ratio
- 18" dbh replaced at a minimum 10:1 mitigation ratio

These ratios are consistent with prior Department recommendations for projects with oak woodland impacts and may be modified upon further consultation with the Department. Oak trees should be replanted at less than 200 oaks per acre or as judged appropriate by qualified restoration ecologist. Replacement oaks should come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted. The trees should be monitored for a minimum of seven years. During the seven-year monitoring period, dead or dying trees should be replaced with trees of the same species and size to

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achieve an 80% survival rate at the end of the seven-year period. If an 80% survival rate is not achieved at the end of seven-year monitoring period, all dead or dying trees at that time should be replaced and maintained as necessary.

### Bats

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code § 4150, California Code of Regulations, Section 251.1). Several bat species are also considered Species of Special Concern and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines § 15380). Trees on the Project site that contain cavities, crevices and/or exfoliated bark have high potential to be used as roost sites by various bat species. The Project has the potential to support pallid bats (*Antrozous pallidus*) and western red bats (*Lasiurus blossevilli*).

If the Project will impact trees with cavities, crevices, and/or exfoliated bark, a thorough survey of the large trees should be conducted by the 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 a significant impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats, which is 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, 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. Mitigation measure MM-BIO-2 should be re-written to include the seasonal restriction for the hibernation season and the two-day tree removal. The measure could be re-written as follows (new language in bold):

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Prior to initiation of tree removal, the Permittee/Owner shall secure from the Planning Department any required permits under Code 23A.18 – Tree Replacement Plans. The City and the Permittee/Owner shall then ensure that if mature trees are proposed for removal, they shall be removed and/or fallen between September 1 – October 31 outside of the bat maternity **and hibernacula** season. ~~Trees shall be removed at dusk to minimize impacts on roosting bats.~~ **Trees shall be removed using a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs the first day and the remainder of the tree on the second day.**

### Nesting Birds

The second bullet of the nesting bird mitigation measure MM BIO-3 should be re-written to read as follows (new language in bold):

If project activities cannot be initiated outside of the bird nesting season, then the City will ensure that the following occurs prior to issuing permits for grubbing, grading, etc.:

- A qualified biologist shall conduct a pre-construction survey within 250-feet of the biological survey area (BSA), where accessible, within seven (7) days prior to project activities.
- **Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey shall consider acoustic impacts and line-of sight disturbances occurring as a result of the project in order to determine a sufficient survey radius to avoid nesting birds.**
- **At a minimum, the survey report shall include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed in the area, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.).**
- **If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department and U.S. Fish and Wildlife Service in order to comply with FGC sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion**

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**buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified in the survey, as well as ongoing monitoring by biologists.** Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored by a qualified biologist once per week, and a report submitted to the City Planning Department weekly. **The results of the pre-construction surveys shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov or by mail to California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001.**

Swainson's Hawk (*Buteo Swainsoni*) and White-tailed kite (*Elanus leucurus*)

Swainson's hawks are listed as threatened under CESA. Please be advised that a CESA permit must be obtained if the project has the potential to result in "take" of 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 will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA Permit. Information on how to attain a CESA permit is available here: <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

This Project has a low potential for Swainson's hawk to occur onsite but nonetheless the City has proposed a mitigation measure to avoid and/or minimize potential impacts to the species. Mitigation measure MM BIO-1 states the Permittee shall obtain a protocol-level nesting raptor survey from a qualified biologist within seven (7) days prior to the initiation of ground-disturbing activities for Swainson's hawk and white-tailed kite. Swainson's hawks have a recommended protocol which can be found here: [file:///C:/Users/AHenderson/Downloads/swain\\_proto2000.pdf](file:///C:/Users/AHenderson/Downloads/swain_proto2000.pdf). If Swainson's hawks are found onsite, a minimum buffer of 600 feet will need to be placed around the nest and the Department contacted to determine if an Incidental Take Permit is needed. If a white-tailed kite nest is found, a minimum buffer of 300 feet should be used. The Department recommends rewriting MM BIO-1 as follows (new language in bold):

The Permittee/Owner shall obtain a protocol-level nesting raptor survey from a qualified biologist within seven (7) days prior to the initiation of ground-disturbing activities (grubbing, tree removal, demolition, grading, etc.) to determine the presence or absence of active Swainson's hawk or white-tailed kite nests within the biological survey area (BSA) or within 500 feet of the project boundary, where feasible. The recommended Swainson's hawk protocol survey can be found here: [file:///C:/Users/AHenderson/Downloads/swain\\_proto2000.pdf](file:///C:/Users/AHenderson/Downloads/swain_proto2000.pdf). If an active

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Swainson's hawk **nest is found, no work shall occur within 600 feet of the active nest and the Department shall be consulted. If a** ~~or~~ white-tailed kite nest is found, no work shall occur within **300** ~~250~~-feet of the active nest, and the California Department of Fish and Wildlife (CDFW) shall be consulted. The survey shall be submitted to the City of Red Bluff **and the CDFW** prior to the issuance of any permits for ground-disturbing activities, including tree removal, grubbing, grading, etc. Planning/Building staff shall request verification of the survey prior to issuing permits for any ground-disturbing activities (grubbing, tree removal, demolition, grading, etc.), including grading.

#### 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 on-site, 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.

#### Native Vegetation in Landscaping

The Department recommends utilizing vegetation native to the local area in landscaping whenever possible. Benefits of utilizing native vegetation in landscaping include providing resources for native wildlife such as hummingbirds and beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website (<https://www.cnps.org>) includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool Calscape (<https://calscape.org/>) generates a list of native plants that grow in an area based on a specific address and can be used to develop a planting palette for landscaping plans.

For more information regarding the importance of using native species in landscaping, please see the *CNPS Guidelines for Landscaping to Protect Native*

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*Vegetation from Genetic Degradation* at: <https://www.cnps.org/wp-content/uploads/2018/04/landscaping.pdf>.

### Lighting

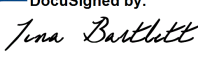
The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that 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.

### Low Impact Development

Development of the Project should ensure that no-net-increase in stormwater runoff results from the Project. The Department recommends that the Project use Low Impact Development (LID) strategies such as permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain and infiltrate stormwater runoff on-site. These stormwater facilities and strategies are designed to prevent project-generated stormwater runoff from exceeding that of a 2-year storm event and to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and pollution problems. Ideally, post-project stormwater run-off volume, rate and duration will match pre-project conditions and no hydromodification will occur as a result of the Project. The Department supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollution, preventing increased peak flows and related erosion, and because they increase ground water recharge and therefore help maintain biologically important summer low flows in local waterways.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by e-mail 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  
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## References

CalPIF (California Partners in Flight). 2002. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California. Version 2.0. (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. <http://www.prbo.org/calpif/plans.html>.

Whipple A.A., Grossinger R.M., and Davis F.W. 2011. Shifting baselines in a California oak savanna: nineteenth century data to inform restoration scenarios. *Restoration Ecology* 19 (101):88-101.