



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**



December 6, 2022

Governor's Office of Planning & Research

**Dec 12 2022**

## STATE CLEARINGHOUSE

Amber Kelley  
Environmental Compliance Manager  
City of Redding  
Public Works Engineering Division  
777 Cypress Avenue, Redding CA 96001  
[akelley@cityofredding.org](mailto:akelley@cityofredding.org)

**SUBJECT: Review of the Mitigated Negative Declaration for Lake Redding Park Culvert and Storm Damage Repairs Project, State Clearing House Number 2022080410, City of Redding, Shasta County**

Dear Amber Kelley:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study Mitigated Negative Declaration (IS MND) dated August 17, 2022, 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 §21000 et seq.

### Project Description

The Project as described in the Mitigated Negative Declaration is as follows:

*"The City of Redding (City) proposes a storm damage repair project at Lake Redding Park, Shasta County, California. In January 2017, heavy rains and severe flooding caused water to overtop embankments along the Sacramento River, damaging various parks and trails. The purpose of the project is to repair and restore flood-damage, so that pre-flood design, function, and capacity (in-kind) is achieved within the existing footprint. The project is needed so that pedestrians and bicyclists can continue to use the park for recreation purposes. The project is led by the City of Redding and has received funding assistance from the Federal Emergency Management Agency (FEMA No. PA-09-CA-4301-PW-00937) to complete the project.*

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*The project includes work on two existing culverts at Lake Redding Park. At Location AA, the project would permanently remove the culvert and restore the culverted area to re-establish and enhance aquatic resources, including riverine and riparian habitat. Work involves removing walkway embankment material, stone headwalls, log rails and barricades, conduit, and the culvert. Restoration involves grading the area to match existing stream contours and applying erosion control seed. Location Z will be repaired by removing the damaged portion of the existing culvert, replacing it with a new section of culvert, lining the culvert, constructing a new concrete headwall, and filling a scour hole with rock. The existing log guard rails will be temporarily removed to access the culverts and will be reinstalled as required.”*

### **Comments and Recommendations**

The Department recognizes that the City of Redding has taken the appropriate steps to identify and assess biological resources and state special status species that have potential to occur within or in-proximity to the Project area. The Department acknowledges that based on the results of the biological resources and habitat assessment; the mitigation measures listed in the IS MND are adequate in minimizing potential effects to biological resources however, the Department has the following comments and recommendations as they pertain to biological resources:

#### Nesting Birds

The IS MND identifies the Project area and adjacent habitat to be suitable for nesting birds. A mitigation measure (MM-3) is proposed in the MND which states

*“If vegetation removal or construction activities will occur during the nesting season for birds (February 1 through August 31) or raptors (November 1 through July 1), a qualified biologist will conduct a preconstruction survey seven (7) days before construction activities begin. If nesting birds or raptors are found, CDFW will be notified and consulted. An appropriate buffer, as determined by CDFW and the qualified biologist, will be placed around the nest until the young have fledged. If construction activities cease for a period greater than 7 days, additional preconstruction surveys will be required.*

*If an active raptor nest is found, no construction activities will occur within 300-feet of the nest for raptors and 450-feet of the nest for special-status raptors unless a smaller buffer zone is approved by the CDFW. Construction may resume once the young have left the nest or as approved by a qualified biologist.”.*

MM-3 should be re-written as follows:

To avoid impacts to nesting birds and/or raptors protected under FGC sections

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3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following shall be implemented:

- a. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31, when birds are not nesting; or
- b. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

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 to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, 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 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 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.

The nesting bird survey report shall be submitted to the Department upon completion via email to [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov). The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site shall be resurveyed.

#### Lake and Streambed Alteration Agreement

The IS MND identifies a temporary impact to riparian habitat and, permanent and temporary impacts to riverine habitat. Notification pursuant to section 1602 et seq. of the FGC, is required. Project activities, which appear to be subject to 1602 Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. To obtain information about the 1600 Notification process, please access our


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website at: <https://www.wildlife.ca.gov/Conservation/LSA>.

The IS MND states “*The project will be constructed during the no-flow season (June 1 to October 31)*”. The Department concurs with this timing, given the proximity of the Project activities to the Sacramento River and the potential for special status aquatic species to occur within or adjacent to the Project area. If flowing or standing water is present in the Project area during the dates listed above, additional provision measures may be warranted.

If you have any questions, please contact Erika Iacona, Environmental Scientist, 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)

Erica Iacona  
California Department of Fish and Wildlife  
Habitat Conservation Planning Branch