



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



November 2, 2022

Elisabeth Towers, Associate Planner
 Shasta County Department of Resource Management
 Planning Division
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SUBJECT: Review of the Mitigated Negative Declaration for Zone Amendment 21-0004 & Use Permit 22-0004 (Tatom 2001 Trust) Project, State Clearing House Number 2022100136, Shasta County

Dear Elisabeth Towers:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study Mitigated Negative Declaration (ISMND) dated October 6, 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 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 ISMND is as follows:

“The proposal consists of changing the zoning of the project site from the Office Commercial combined with Design Review (C-O-DR) zone district to the Commercial-Light Industrial (C-M) zone district and a use permit to develop a portion of the 6.42-acre property with a contractor's yard. The proposed contractor's yard includes a building containing 1,500 square feet of office space and 3,000 square feet of warehouse space as well as outdoor storage. Development of the site would require grading to prepare the site for improvements, filling of three ephemeral streams onsite, construction of the proposed building, paving for parking and drive aisles, landscaping, fencing, and other ancillary onsite improvements.”

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Comments and Recommendations

The Department recognizes that Shasta County and the applicant have taken the appropriate steps to identify and assess biological resources and 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 assessment and early consultation efforts, mitigation measures including IV.a.1, addressing protection of bats, IV.a.2, addressing the protection of nesting birds and/or raptors, IV.b.1, addressing the protection of oak trees, and IV.b.2, mitigating impacts to wildlife from lighting as stated in the ISMND, are adequate in minimizing potential significant effects to these biological resources. The Department has the following additional comments and recommendations:

Wetlands and Mitigation Measure IV.c.1

Although the wetland delineation states none of the wetland features throughout the project site appear to have “*any connectivity with relative permanent water*”, connectivity within the wetlands onsite does occur. Specifically, Site 1 ephemeral drainage, conveys water to Site 4 ephemeral swale. The wetland delineation states, “*Water coming from the ephemeral stream empties into the Site 4 swale and continues south to the property line during a storm event, percolating into the soil shortly thereafter.*” The ephemeral stream in Site 1 is proposed to be filled, which appears to completely remove the connectivity and conveyance of water to Site 4. This disconnection will have indirect impacts to Site 4, is likely to cause ecological degradation, and over time, loss of a wetland swale.

Due to the severe declines of wetlands, coupled with ongoing drought conditions, the Department considers impacts to wetlands to be potentially significant and has a “no net loss” policy regarding wetland habitat¹. The Department strongly discourages disturbance and/or development that has the potential to impact wetlands directly or indirectly therefore, the Department recommends maintaining connectivity between Site 1 and Site 4.

If a connection between Site 1 and Site 4 cannot be maintained, Site 4 should be quantified as permanent impacts to wetlands and IV.c.1 should include an adequate mitigation ratio. According to the Department’s Wetland Technical Memorandum², numerous studies have shown that wetland mitigation projects often do not meet their required U.S. Army Corps of Engineers permit conditions. Along with the risk of mitigation underperformance or failure, the temporal loss of wetland function from the time of impact to the time a mitigation site is fully functional is also a factor in

¹ Fish and Game Commission Wetlands Resources Policy; Amended 08/18/05

² California Department of Fish and Wildlife. 2014. Technical Memorandum. Development, Land Use, and Climate Change Impacts on Wetland and Riparian Habitats – A Summary of Scientifically Supported Conservation Strategies, Mitigation Measures, and Best Management Practices.

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potentially diminishing the value of compensatory/restored wetlands. For these reasons, the Department recommends that mitigation for the loss of wetlands begin at 3:1 or greater. Mitigating impacts to the ephemeral swale will address temporal and functional loss and assures there will be “no net loss” of either wetland habitat values or acreage.

Mitigation measures for adverse Project-related impacts to sensitive resources should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts to wetlands, wetland credits at the Stillwater Plains Mitigation Bank can be purchased at a 3:1 ratio.

Western Spadefoot Toad (*Spea hammondi*)

Western spadefoot toad is a Priority 1 California Species of Special Concern, which are taxa that are likely to experience severe future declines and/or extirpation without immediate conservation actions. The Department believes it meets the criteria of a rare, threatened, or endangered species pursuant to CEQA Guidelines section 15380. Therefore, indirect and/or direct impacts to this species should be treated as potentially significant and addressed in the ISMND.

According to the Biological Review (BR), prepared by Wildland Resources Managers in June 2022, suitable habitat for this species exists onsite. The BR states “WRM crews were on-site in the late fall and winter of 2021 when water was ponded near the south property line (10/13, 11/16, 12/1, 1/10). No toads were seen or heard on these dates.”. It is unclear if the surveys were conducted during the day, night, or combination. Additionally, because the surveys were performed in drought conditions, it is possible that the species may have been in underground burrows during the time of surveys. Based on these factors, surveys for this species are inconclusive and therefore, avoidance measures should be incorporated into the ISMND to protect this species. The Department recommends delineating a no-disturbance 50-foot buffer, at minimum, around all suitable habitat found on site. Any work proposed with proximity to suitable habitat should be performed in the dry season, between June and September, outside of the known breeding season.

Lake and Streambed Alteration Agreement

The ISMND proposes permanent fill to three ephemeral drainages. Please note that FGC section 1600 et seq. does not require a watercourse to be hydrologically connected to a traditionally navigable waterway to meet the notification requirements. Fish and Game Code section 1602 requires notification to the Department before:

- 1) Substantially diverting or obstructing the natural flow of any river, stream, or lake;
- 2) Substantially changing or using any material from the bed, channel, or bank of any river, stream, or lake;
- 3) Depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Additional information about the 1600 Notification process is available on the

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

If you have any questions, please contact Erika Iacona, Environmental Scientist by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Jeff Stoddard for
Tina Bartlett, Regional Manager
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