



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 15, 2022

David Colbeck  
Trinity County Department of Transportation  
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**SUBJECT: Review of the Initial Study and Mitigated Negative Declaration for Lorenz Road Over Middle Weaver Creek Bridge Replacement Project, State Clearinghouse Number 2022110238, Trinity County**

Dear David Colbeck:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND) dated November 15, 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 California'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 proposed in the ISMND is to replace the existing single-lane rail car bridge (No. 05C-0036) on Lorenz Road over Middle Weaver Creek in Weaverville. The existing bridge is too narrow for current traffic volume and is structurally deficient. The proposed new bridge would be a single-span, 74-foot long concrete slab, supported on cast-in-drilled hole piles. It will be slightly wider and longer than the current bridge, but located in the existing alignment. Because of the longer span, retaining walls may be required at the northwest corner to avoid a large hillside cut, and at the southeast corner to avoid impacts to an existing culvert outlet and headwall from a tributary. The profile of Lorenz Road and approaches will be raised to meet the hydraulic design requirements and the abutments will have wingwalls extending to existing retaining structures.

### **Comments and Recommendations**

The Department recognizes that the County 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. These steps include a

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Natural Environmental Study (NES) and a Biological Assessment (BA) prepared by Stantec, Formal Section 7 consultation with the National Marine Fisheries Service and early coordination with the Department's Region 1 Habitat Conservation Program. The Department acknowledges that many of the environmental commitments and mitigation measures are adequate in minimizing potential effects to biological resources. The Department has the following additional comments and recommendations:

### Riparian Revegetation

The ISMND discusses impacts to riparian habitat and states "*Mitigation Measure #8-Waters of the United States will be used to reduce any potential impacts on riparian habitat to a less-than-significant level and to compensate for impacts to jurisdictional wetlands and waters.*" However, Mitigation Measure # 8 only discusses reducing construction related impacts to Waters of the U.S. by obtaining authorization via permits from the U.S. Army Corps of Engineers, North Coast Regional Water Quality Control Board, and the Department. Conservation Measure #4 discusses replacing riparian habitat and defers details until a Riparian Wetland Mitigation and Monitoring Plan (RWMMP) is submitted to the Department for review. The Department recommends that discussion of riparian habitat revegetation is incorporated into a mitigation measure and not merely a conservation measure. If the RWMMP is not available to review during the environmental review process, then the contents should be described including success criteria, performance standards, location of proposed restoration, and the plant palette to be used. Permanent impacts to riparian vegetation should be mitigated by replanting riparian habitat at a minimum 3:1 ratio and with monitoring occurring for five years in order to achieve an 80% survival rate.

### California Endangered Species Act

The ISMND acknowledges that the project may cause incidental take of state and federal threatened Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*) from handling during dewatering activities and hydroacoustic impacts during percussive demolition of the existing bridge. On June 7, 2021, the National Marine Fisheries Service (NMFS) issued its biological opinion and incidental take statement (BO/ITS). However, the ISMND does not disclose the need for incidental take authorization pursuant to FGC section 2081(b) from the Department. The ISMND states "*juveniles may be present in the project area through June, especially in years when suitable stream conditions persist into early summer.*" Their presence will be assumed, and fish will be herded out of the area, or captured and relocated and excluded from re-entering work areas. To minimize adverse effects of handling on aquatic organisms, the ISMND contains a mitigation measure that states, "*all removal/translocation of fishes will be conducted by qualified and experienced biologists and all methods of removal and conditions of*

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*handling will be vetted and included in a fish rescue and relocation plan that will be completed and approved by CDFW and NMFS.* Please be advised that capturing and relocating state listed species meets the definition of take under FGC section 86 and is only permissible with a permit issued in accordance with section 2081(b).

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 Department receives a CESA application, this ISMND will be reviewed to ensure the Project fully mitigates impacts to state listed salmonids. The Department agreed to specific mitigation measures during early consultation, including a riparian revegetation mitigation measure that clearly identifies the ratio at which riparian habitat will be re-established. This measure should be included in ISMND as mitigation. The ISMND should also include the summary of financial assurances which was discussed in the BA.

A Consistency Determination, discussed during early consultation, may not be feasible if the BO/ITS from NMFS does not include the mitigation measures the Department agreed upon during early consultation. Information on how to obtain a CESA permit is available here: <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

### Pacific Lamprey

The ISMND claims that there is low potential for pacific lamprey (*Entosphenus tridentatus*) in part due to lack of habitat for ammocetes, but also states they have never been observed in Middle Weaver Creek and there are no California Natural Diversity Database (CNDDDB) records within 10 miles of the study area. Department staff found an adult or sub-adult Pacific lamprey in August 2017 on West Weaver Creek 1.5 miles northeast of the Project during relocation efforts for another project. It was located within a pool with large boulders and clay hardpan substrate. While the detection was reported to CNNDDB, there is a backlog of unprocessed data and serves as a reminder that it is a positive sighting database and the absence of records does not mean that the species does not occur. The confluence of West Weaver and Middle Weaver is 0.62 miles downstream of the Project, and therefore the potential presence of Pacific lamprey should not be discounted from deeper pools within the Project footprint. The Department recommends avoidance measures to relocate any Pacific lamprey if found during dewatering efforts.

If any special-status species are found during Project-related surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the regional office at the letterhead address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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## Bats

The NES states, “*the crevices under the existing bridge and cavities in nearby trees around the BSA may provide potential roosting habitat for pallid bat. Additionally, the montane riparian habitat within the BSA may provide potential foraging habitat for this species. The riparian habitat along Middle Weaver Creek adjacent to and within the BSA provides potential roosting and foraging habitat for western red bat.*” It does not appear that focused surveys were conducted by a qualified bat biologist to determine the extent of use by these species.

Bridges are well documented as providing important maternity and hibernacula roost habitat. According to Caltrans’ *Bat and Bridges Technical Bulletin*, 93 percent of California’s rare bat species either use or are likely to use bridges, and 18 of California’s 24 bat species are documented using bridges<sup>1</sup>.

Both the maternity and hibernacula seasons must be considered in both habitat areas. Removal or disturbance of a roost structure during either of these seasons could cause significant impacts to bats as a colony could consist of the entire local population of a species and impacts may lead to high mortality. The availability of suitable roosting habitat is considered a limiting factor for western bat populations. 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.

In order to minimize impacts to roosting bats, the Department recommends the completion of habitat assessments of the bridge and large trees in the Project vicinity, to determine if roosting habitat is present, well in advance of the start of Project activities. These assessments should be conducted by a biologist with experience surveying for bat roost habitat and knowledge of the ecology of local bat species.

The most critical time, known as the non-volant period, occurs during the breeding season when young bats are present, but are not yet ready to fly. The ISMND states in *Mitigation Measure #6*, removal of any vegetation shall occur outside of bird nesting season (March 1-September 31[sic]), but *Mitigation Measure #7* states large trees and/or the existing bridge should be removed outside of bat breeding season (March 1-August 15). To prevent confusion between measures while affording protection to both bats and birds, the Department recommends both measures state vegetation removal should not occur between February 1- August 31.

Presence of roosting bats may require additional focused surveys to determine species use, seasonal use patterns, and roost type. *Mitigation Measure #7* does not

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<sup>1</sup>Erickson, G.A., et al. 2002. Bat and Bridges Technical Bulletin (Hitchhiker Guide to Bat Roosts). California Department of Transportation, Sacramento, CA.

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discuss what actions the county will take if pre-construction surveys detect bats during the non-volant season. Habitat assessments conducted prior to the start of Project activities will allow for time to determine potential impacts to roosting bats and develop effective avoidance or mitigation measures and will also reduce the chance for Project delays. If any special status bat species are found, avoidance or mitigation measures for impacts should be included to avoid any significant effects to the species or its habitat.

Depending on the impact, if any, to bat 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 in vegetation 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. If bats are found on the bridge, proper exclusion devices shall be installed to prevent roosting during bridge demolition. Bats shall not be disturbed without specific notice to and consultation with the Department. If bats are found during pre-construction surveys, new bat habitat shall be incorporated in the design of the new bridge.

### Nesting Bird Surveys

The ISMND states *“If vegetation removal and construction activities occur within nesting bird habitat between March 1 and September 31 [sic], a qualified biologist would conduct a preconstruction survey no more than two weeks before construction activities begin in that area.”*

The Department concurs with a pre-construction survey for nesting birds; however, recommends pre-construction surveys be performed no more than seven days prior to implementation of construction activities. Surveys should begin prior to sunrise and continue until vegetation and nesting habitat have been sufficiently observed. Surveys results should be submitted to the Department within three business days of completion. Reports can be emailed to [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov). The report should include a description of the area surveyed, time and date of surveys, ambient conditions, species observed, active nests observed, evidence of breeding behaviors (e.g., courtship, carrying nesting material or food, etc.), and a description of any outstanding conditions that may have impacted survey results (e.g., weather conditions, excess noise, predators present, etc.). If an active nest is found, avoidance measures and buffer distances should be implemented in consultation with the Department. If a lapse in project-related work of seven days or longer occurs, the qualified biologist should repeat surveys before project work could resume.




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Lake and Streambed Alteration Agreement

The ISMND identifies temporary and permanent impacts to Middle Weaver Creek. Notification pursuant to Section 1602 of the FGC appears warranted. To obtain information about the 1600 Notification process, please access the Department's website at: <https://www.wildlife.ca.gov/Conservation/LSA>.

The Department appreciates the opportunity to comment on the Project and to assist the County in adequately analyzing and minimizing/mitigating impacts to biological resources. If you have any questions, please contact Kate Blanchard, Senior Environmental Scientist by e-mail at [R1LSARedding@wildlife.ca.gov](mailto:R1LSARedding@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tina Bartlett, Regional Manager  
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