



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



January 9, 2023

Cody Cox, Regional Manager
 Redway Community Services District
 P.O. Box 40
 Redway, CA 95560
CCox.rcsd@gmail.com

**SUBJECT: REDWAY WASTEWATER INFRASTRUCTURE IMPROVEMENT
 PROJECT MITIGATED NEGATIVE DECLARATION (SCH# [2022120174](#))**

Dear Cody Cox:

The California Department of Fish and Wildlife (CDFW) received the Redway Community Service District's (RCSD; Lead Agency) Initial Study and Draft Mitigated Negative Declaration (IS/MND), dated December 9, 2022, for the Redway Wastewater Infrastructure Improvements Project (Project). CDFW understands the Lead Agency will accept comments on the Project through January 9, 2023.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish and Game Code (FGC), §§ 1801 and 1802). As a Responsible Agency, CDFW 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. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Project Description

The Project is located Redway, Humboldt County, California. The Project Area is adjacent to the South Fork Eel River, with lift stations throughout the community of Redway. As described in the IS/MND, the Project includes upgrades to the wastewater collection and treatment systems to improve reliability and increase wastewater treatment capacity. Enhancements include electronic communication and technology improvements at the lift stations, infrastructure improvements at the wastewater treatment facility (WWTF), and replacement of the effluent pipeline between the WWTF and percolation ponds including the portion that crosses over Leggett Creek.

Cody Cox, Regional Manager
Redway Community Service District
January 9, 2023
Page 2 of 4

CDFW Comments on the IS/MND:

Sensitive Natural Communities

The IS/MND discloses up to 0.91 acres of impact to woody vegetation in the form of clearing and grubbing, including 0.32 acres of Sensitive Natural Community (SNC) habitat. Sensitive Natural Communities are vegetation types with a State Rank of S1 (Critically Imperiled) through S3 (Vulnerable). SNCs identified during surveys include Douglas fir - tanoak forest and woodland (*Pseudotsuga menziesii* - *Notholithocarpus densiflorus*; S3), tanoak forest (*Notholithocarpus densiflorus*; S3.2), and redwood forest and woodland (*Sequoia sempervirens*; S3.2). Significant impact was defined as the removal of tree species considered to be a component of the SNC habitat with a dbh greater than six inches. Proposed mitigation entails replacement planting at a ratio of at least 1:1. However, the IS/MND did not provide details pertaining to performance standards or monitoring, nor did it address the potential impacts of invasive plant species.

To offset impacts to SNCs, CDFW recommends the Lead Agency develop a revegetation plan prepared by a qualified professional with expertise in northern California ecosystems and native plant revegetation techniques (**Recommendation 1**). To account for temporal loss of habitat, mitigation ratios should be greater than 1:1. In addition to replacing trees, RCSD should consider planting a suite of native understory species characteristic of impacted communities. The revegetation plan should include planting methodology, specific success criteria, measures to control invasive species, and a monitoring program.

Special Status Bumble Bees

The IS/MND states there is low potential for two special status bumble bee species to occur in the Project Area (IS/MND Table 6-3): western bumble bee (*Bombus occidentalis*; State candidate for listing) and obscure bumble bee (*Bombus caliginosus*; S1S2). However, there are historical occurrences of both species within approximately two miles of Redway, including a record of western bumble bee centered around the community of Redway (CDFW 2022). The Project consultant conducted a reconnaissance-level visit, but no species-specific surveys or habitat assessments were conducted for bumble bees. Project-related activities that may adversely impact bumble bees and their habitat include vegetation removal and ground disturbance.

As a candidate species for listing pursuant to CESA (FGC § 2050 *et seq.*), western bumble bee may qualify as an endangered, rare, or threatened species under CEQA (CEQA Guidelines § 15380) and take is prohibited without CDFW authorization. Given historical occurrences in the Project vicinity, CDFW recommends a more thorough analysis of potential impacts to special status bumble bee species (**Recommendation 2**). Appropriately timed habitat assessments and/or focused, species-specific surveys may be necessary to adequately evaluate presence and potential impacts.

Marbled Murrelet and Northern Spotted Owl

The IS/MND discloses the Project's Action Area is within federally designated critical habitat for Marbled Murrelet (*Brachyramphus marmoratus*), a threatened species

Cody Cox, Regional Manager
Redway Community Service District
January 9, 2023
Page 3 of 4

pursuant to the federal Endangered Species Act (FESA; 16 U.S.C § 1531 *et seq.*) and an endangered species under CESA (FGC § 2050 *et seq.*). However, the IS/MND argues the Action Area is outside the currently mapped species range, pointing to a model from [1995](#) that represents marine and estuarine habitats. The U.S. Geological Survey (USGS) provides a more recent model that encompasses terrestrial breeding habitat, including the area around Redway (USGS 2018). The Marbled Murrelet Habitat layer in Biogeographic Information and Observation System (BIOS) representing occupied and potentially suitable habitat also highlights several forested stands in the vicinity of Redway (Osborn and Miller 2008). Considering more comprehensive habitat models and a record of this species near Humboldt Redwoods State Park (CDFW 2022), RCSD should reevaluate the species' potential to occur. Although the IS/MND clarifies no vegetation removal or other work would occur in Marbled Murrelet critical habitat, it is difficult to evaluate potential impacts to the species or its habitat without additional information. The IS/MND does not clearly define the upper size limit (dbh) of trees to be removed, and although it states noise impacts are not expected to be substantial, it does not provide an estimate of ambient and anticipated sound levels or attenuation with distance. The removal of large trees could directly impact Marbled Murrelet and their habitat, while noise disturbance and increased human activity can disrupt important breeding behaviors (USFWS 2020).

The analysis of Northern Spotted Owl (*Strix occidentalis caurina*; federal and state threatened) indicates moderate potential to occur in the Project's Action Area based on the presence of suitable habitat and nearby records from the mid- to late 1990's (IS/MND Table 6-3). As with Marbled Murrelet, additional information is necessary to fully address potential impacts to the species.

CDFW recommends the Lead Agency provide a more in-depth evaluation of potential impacts to Marbled Murrelet and Northern Spotted Owl, with specific reference to the upper limit of tree removal and action-generated noise (**Recommendation 3**). The U.S. Fish and Wildlife Service (USFWS) *Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* (2020) provides methodology for estimating the effects of these disturbances and implementing appropriate avoidance measures.


Summary of Recommendations

1. To offset impacts to SNCs, the Lead Agency should develop a revegetation plan prepared by a qualified professional.
2. The IS/MND should provide a more thorough analysis of potential impacts to special status bumble bee species.
3. The IS/MND should provide a more in-depth evaluation of potential impacts to Marbled Murrelet and Northern Spotted Owl, with specific reference to the upper limit of tree removal and action-generated noise.

Cody Cox, Regional Manager
Redway Community Service District
January 9, 2023
Page 4 of 4

We appreciate the opportunity to comment on this IS/MND. If you have any questions, please contact Environmental Scientist Kathryn Rian by email at Kathryn.Rian@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

1D82ADE7303A474...

Tina Bartlett, Regional Manager
Northern Region
California Department of Fish and Wildlife

ec: State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov

California Department of Fish and Wildlife
Rebecca Garwood, Michael VanHatten, Kathryn Rian

References

- CDFW. (2022). California Natural Diversity Database. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved December 21, 2022 from <https://wildlife.ca.gov/Data/CNDDDB>.
- Osborn, S. and L. Miller. (2008). Marbled Murrelet Habitat - Northern Region [ds443]. California Department of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved December 28, 2022 from <https://wildlife.ca.gov/Data/BIOS>.
- USGS. (2018). Marbled Murrelet (*Brachyramphus marmoratus*) bMAUMx_CONUS_2001v1 Range Map. U.S. Geological Survey (USGS) – Gap Analysis Project (GAP). Retrieved December 28, 2022 from <https://doi.org/10.5066/F78K782T>.
- USFWS. (2020). Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California. Prepared by USFWS, Arcata Fish and Wildlife Office, Arcata, California.