



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



April 10, 2023

Cecil Ray, General Manager  
Fall River Valley Community Services District  
24850 3<sup>rd</sup> Street  
Fall River Mills, CA 96028  
[generalmgr@frvcsd.org](mailto:generalmgr@frvcsd.org)

**SUBJECT: REVIEW OF WASTEWATER SYSTEM EXPANSION PROJECT, STATE CLEARINGHOUSE NUMBER 2023030217, SHASTA COUNTY**

Dear Cecil Ray:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND) dated March 2023, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines<sup>1</sup>.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, "take" authorization, as outlined by the applicable Fish and Game code, may be required if the Project as proposed may result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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(NPPA; Fish and G. Code § 1900 et seq.), authorization as provided by the applicable Fish and Game Code will be required.

## **Project Description**

The Project, as described in the ISMND, is as follows:

*“The proposed project includes extending the Fall River Valley Community Services District’s (FRVCSD) wastewater collection system to the community of McArthur, properties along State Route (SR) 299, and properties within the Sierra Center Subdivision and the Country Club Subdivision.*

*Improvements include installing several thousand feet of force main and gravity sewer main, and installing manholes, cleanouts, laterals, and associated appurtenances throughout the study area. Two new lift stations would be installed in McArthur. Existing structures would be connected to the new sewer collection system. Septic tanks would be abandoned in accordance with Shasta County requirements.”*

## **Comments and Recommendations**

CDFW recognizes that the Lead Agency has taken the appropriate steps to identify and assess potential impacts to biological resources, including appropriately timed biological surveys and preparation of a Biological Study Report. CDFW concurs with most avoidance and minimization measures listed in the ISMND including Mitigation Measure (MM) 4.4.1, performance of pre-construction surveys in areas of the Project that were not originally accessible, MM 4.4.3, to avoid potential impacts to nesting birds, MM 4.4.4, to reduce the potential spread of noxious weeds and 4.4.6, to prevent inadvertent entrapment of wildlife. CDFW offers the following comments and recommendations pertaining to biological resources.

### Western Pond Turtle

The ISMND indicates habitat suitable for western pond turtle is present in the Project area, including wastewater ponds and irrigation ditches. CDFW concurs with the inclusion Mitigation Measure (MM) 4.4.2, which ceases all Project activities within 25 feet of an observed turtle, until the turtle is relocated by a qualified biologist, or the turtle has moved on its own outside the Project area. However, to ensure adequate avoidance and minimization, CDFW encourages the inclusion of environmental awareness training for Project personnel and strongly recommends the following avoidance and minimization measures be included in the ISMND:

- Prior to the commencement of Project activities in and around habitat suitable for western pond turtle, and thereafter as needed, an environmental awareness training shall be conducted by a qualified biologist to ensure all

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on-site Project personnel can identify western pond turtle and know what to do if one is observed.

- Prior to the commencement of daily Project activities in and around habitat suitable for western pond turtles, a qualified biologist shall conduct pre-construction surveys for western pond turtle, for the duration of Project activities within suitable habitat.

### Fencing

MM 4.4.5 proposes the use of high-visibility fencing, flagging or other markers to be installed adjacent to wetlands and other waters as a way to minimize potential impacts to these sensitive resources. CDFW concurs with sensitive resource protection, however, CDFW discourages the use of high visibility fencing around the above-mentioned sensitive natural communities, as they are challenging to maintain, may cause inadvertent wildlife entrapment and may cause inadvertent obstruction to wildlife movement<sup>2</sup>. CDFW encourages a buffer and avoidance mechanism that is easily identifiable, easily maintained and can be feasibly replaced over time such as high visibility indicators, marking whiskers, pin flags or stakes with flagging tape.

Additionally, the ISMND indicates perimeter fencing will be installed around new lift stations. CDFW understands fences are essential for controlling trespass, however, inappropriately designed or placed fencing can be a hazard to wildlife, causing entanglement and mortality<sup>3</sup>. Therefore, CDFW strongly encourages perimeter fencing to be designed and implemented to alleviate potential hazards to wildlife. This resource may provide useful information about wildlife friendly fencing techniques: A Landowners Guide to Wildlife Friendly Fences:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161708>

### Lake and Streambed Alteration Agreement

The ISMND indicates potential impacts to intermittent drainages. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

1. substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
2. substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
3. deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

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<sup>2</sup> Stuart, J. N., M. L. Watson, T. L. Brown, and C. Eustice. 2001. Plastic netting: An entanglement hazard to snakes and other wildlife. *Herpetological Review* 32:162–164.


<sup>3</sup> Van der Ree, R. 1999. Barbed wire fencing as a hazard for wildlife. *The Victorian Naturalist* 116:210–217.

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To obtain information about the 1600 Notification process, please access CDFW's website at: <https://www.wildlife.ca.gov/Conservation/LSA>

We appreciate the opportunity to offer comments and recommendations that may assist in adequately analyzing and minimizing impacts to biological resources. 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

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