



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**



May 01, 2023

Craig Sharp, Public Works Director  
 City of Weed Public Works  
 550 Main Street  
 Weed, CA 96094  
[sharp@ci.weed.ca.us](mailto:sharp@ci.weed.ca.us)



**SUBJECT: REVIEW OF BOLES CREEK STORM WATER IMPROVEMENT PROJECT, STATE CLEARINGHOUSE NUMBER 2023030682, SISKIYOU COUNTY**

Dear Craig Sharp:

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 & Game Code, section 711.7, subd. (a) & 1802; Public Resources Code, section 21070; CEQA Guidelines section 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., section 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 (Public Resources Code, section 21069; CEQA Guidelines, section 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

<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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protected under the California Endangered Species Act (CESA) (Fish & G. Code, section 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code section 1900 et seq.), authorization as provided by the applicable Fish and Game Code will be required.

## **Project Summary**

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

*“The proposed project includes improvements to Boles Creek drainage structures within the City of Weed. Improvements include replacing/upsizing an undersized concrete channel from Rippon Way to Main Street; constructing a new concrete headwall, approach, and rip-rap side walls; and replacing existing water and sewer utilities within Rippon Way. The purpose of the proposed project is to minimize the potential for flooding and ensure the health and safety of residents living and working in downtown Weed.”*

## **Comments and Recommendations**

CDFW recognizes that Siskiyou County has taken some appropriate steps to identify and assess potential impacts to biological resources, including a biological evaluation of potentially occurring species. CDFW offers the following comments and recommendations as they pertain to biological resources.

### Amphibians

An evaluation of potential impacts to Cascades frog (*Rana cascadae*) was included in the ISMND. Other potentially occurring amphibians were not analyzed. It appears that the Cascades frog is the only amphibian analyzed as it was the only amphibian reported to the California Natural Diversity Database (CNDDDB) within five miles of the Project area. Please be advised that CNDDDB is not an exhaustive or comprehensive inventory of all rare species and natural communities that may occur statewide. Field verification of potential suitable habitat for other amphibian species that may not have positive observations reported on CNDDDB, is advised.

While the Project area may not provide potentially suitable habitat for Cascades frog, the Project area bisects the range of several other amphibian species, including foothill yellow-legged frog (*Rana boylei*, northwest/north coast clade) and coastal tailed frog (*Ascaphus truei*). Although neither species have been reported to CNDDDB within five miles of the Project area, Boles Creek may provide suitable habitat for both species, which are designated California Species of Special Concern (SSC) and may meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Therefore, the ISMND should include a discussion of potentially suitable habitat, direct and indirect impacts, and appropriate avoidance and minimization

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measures, if applicable. CDFW recommends avoidance measures to include amphibian surveys of all potentially suitable habitat, conducted by a qualified biologist, prior to the commencement of Project activities.

Boles Creek may facilitate terrestrial and aquatic wildlife movement throughout the City of Weed. Fish and Game Code section 5901 states that it is unlawful to construct or maintain, in any stream, any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream. Therefore, the Project should be designed to allow for aquatic and terrestrial wildlife movement. CDFW recommends the Project incorporate bio-engineering concepts over riprap, and other hard-scape designs, to the greatest extent feasible. If complete bio-engineered designs are not feasible, hard-scape designs that include bio-engineering techniques are advised. For more information regarding habitat connectivity, please visit: <https://wildlife.ca.gov/Science-Institute/Habitat-Connectivity>

#### Sensitive Natural Communities

While the ISMND offers Mitigation Measure 4.4.2, which proposes minimizing construction disturbance to riparian habitat, this measure does not adequately offset potential impacts to riparian habitat. CDFW concurs with keeping root systems in place to promote natural regeneration, however, to adequately offset temporary and/or permanent loss of riparian habitat, CDFW strongly recommends prioritizing the re-planting of riparian trees onsite at a minimum 3:1 ratio. If onsite revegetation is not feasible, CDFW recommends contributing funds, at a minimum 2:1 ratio, to a CDFW-approved mitigation bank, contributing funds to a conservation easement for the protection of riparian habitat in perpetuity, or contributing funds to a conservation fund aimed to restore and/or enhance riparian habitats within Siskiyou County.

Additionally, 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. CDFW advises 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.

#### Lake and Streambed Alteration Agreement

The ISMND indicates potential impacts to Boles Creek and its associated riparian habitat. 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:

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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.

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

#### Trenching, Excavation and Pipe Staging

If trenching and excavation will be included in Project activities, any open trench and excavation areas should be covered securely prior to stopping work each day and/or a wildlife exit ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for wildlife prior to burying, capping, moving, or filling.

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:

*Brett Kormos*

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Brett Kormos, acting for  
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