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From: Quillman, Gabriele@Wildlife
Sent: Tuesday, October 10, 2023 1:53 PM
To: gcboard@countyofglenn.net
Cc: Wildlife R2 CEQA; Wood, Dylan@Wildlife; Boyd, Ian@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: COUNTY ROAD 200 OVER BRANCH OF SALT CREEK BRIDGE REPLACEMENT PROJECT, BRIDGE NO. 11C-0132 MITIGATED NEGATIVE DECLARATION (MND) SCH No. 2023090109
Governor's Office of Planning & Research

Oct 10 2023

Dear Donald Rust:

STATE CLEARING HOUSE

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from the Glenn County Public Works Agency (County) for the Country Road 200 over Branch of Salt Creek Bridge Replacement Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW 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. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in rural Glenn County west of the City of Orland within the *Newville, California* 7.5-minute U.S. Geological Survey quadrangle in Township 22N, Range 6W, Sections 3 and 4. The approximate center of the Project is located at latitude 39.793471, longitude -122.533576.

The County proposes to replace an existing 22-foot-wide, 62-foot-long bridge where County Road 200 crosses over Salt Creek. The new bridge would be a standard two-lane bridge approximately 30 feet wide and 105 feet long, located on the same alignment as the existing structure. The new bridge structure would consist of a cast in place, post-tensioned single-span box girder, with abutments located along the banks of Salt Creek.

COMMENTS AND RECOMMENDATIONS[^]

CDFW offers the comments and recommendations below to assist the County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW is primarily concerned with the project impacts to special-status plants and Crotch's bumble bee.

COMMENT 1: Mitigation Measure MM-2: Special Status Plants, page 24

Issue: The Initial Study identifies habitat for adobe lily (*Fritillaria pluriflora*) and Stony Creek spurge (*Euphorbia ocellate* ssp. *rattanii*) within the Project area. A botanical survey was conducted on March 29, 2018, which is within the blooming period for adobe lily (generally February through April) but outside of the blooming period for Stony Creek spurge (generally May through October). Neither of the two plants was found in the 2018 survey. Mitigation Measure MM-2 proposes to avoid impacts to special-status plants by requiring a repeat botanical survey during the blooming period for Stony Creek spurge, with the assumption that, because adobe lily was not observed in the 2018 survey, it is not present. However, the 2018 survey is now over five years old and CDFW is concerned that conditions in the area may have changed since that time. If adobe lily has started growing on the site since the 2018 survey, it may be missed if only one repeat survey is conducted outside of its blooming period.

Furthermore, while MM-2 proposes avoidance of any special-status plants found if avoidance is practicable, it defers the development of additional mitigation measures in the event that avoidance is not feasible.

Recommendation or Recommended Mitigation Measure: In order to verify that adobe lily is still absent from the site, CDFW recommends that at least one botanical survey be conducted during its blooming period in addition to the survey proposed during Stony Creek spurge's blooming period. If possible, the surveying biologist(s) should monitor nearby reference populations of the target species and time the surveys to occur while the reference populations are blooming, as plant populations may bloom at different times in different years depending on the current weather and climate conditions. CDFW recommends the surveys be designed following the considerations described in the 'Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities' document found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

COMMENT 2: Mitigation Measure MM-7: Crotch Bumble Bee, page 26

Issue: Habitat potentially suitable for Crotch's bumble bee (*Bombus crotchii*) has been identified at the Project site. Mitigation Measure MM-7 proposes to avoid impacts to Crotch's bumble bee by requiring a preconstruction survey to determine the presence or absence of the species within 15 days prior to the initiation of construction, avoidance of habitat if the species is present, and minimization efforts such as stockpiling of topsoil if avoidance of the habitat is not practicable. However, the proposed measure may not be sufficient to determine the presence or absence of the species and, if present, may also be insufficient to avoid "take" ("take" is defined by Fish and Game Code section 86 as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill). Because Crotch's bumble bee is a candidate for listing pursuant to CESA, the Project may not legally take the species unless appropriate CESA authorization is obtained.

MM-7 requires at least one preconstruction survey during the period from March to June. However, for the best chance at detection, CDFW recommends at least three survey visits spaced two to four weeks apart during the colony active period (April-August). Please note that even the best survey may fail to detect the presence of the species.

If the species is present and avoidance of habitat is not practicable, MM-7 requires efforts such as the stockpiling of topsoil after plants have gone to seed. While this may help to restore the site following disturbance, it will not prevent incidental take if a colony is present within the area of disturbance.

Recommendation or Recommended Mitigation Measure: CDFW recommends MM-7 be revised to require at least three survey visits spaced two to four weeks apart during the colony active period (April-August). The surveys should be designed to follow the methodology described in the 'Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species' document found here:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>.

Surveys involving capture and handling of Crotch's bumble bee should only be conducted by individuals who possess a CESA Memorandum of Understanding authorizing take of the species for scientific, educational, or management purposes.

If it is determined that the species is present or assumed present and that the Project may result in incidental take, CDFW recommends the County obtain a CESA Incidental Take Permit (ITP) prior to initiation of disturbance. CDFW recommends early coordination if the County decides to obtain an ITP, as the process may take several months or longer depending on the Project circumstances.

For more information on CESA permitting, please see <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Country Road 200 over Branch of Salt Creek Bridge Replacement Project to assist the County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Gabriele Quillman, Environmental Scientist at (916) 358-2955 or gabriele.quillman@wildlife.ca.gov.

Sincerely,

Gabriele (Gabe) Quillman
She/Her
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