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**From:** Hosea, Robert@Wildlife  
**Sent:** Friday, September 29, 2023 3:06 PM  
**To:** Donald Rust  
**Cc:** Wildlife R2 CEQA; Boyd, Ian@Wildlife  
**Subject:** California Department of Fish and Wildlife Comments for ISMND for County Road 303 over South Fork Willow Creek Bridge Replacement Project, Bridge No. 11C-0163

Donald Rust, Director  
Glenn County Public Works Agency  
777 North Colusa Street, Willows, CA 95988

Governor's Office of Planning & Research



2023

### STATE CLEARINGHOUSE

Dear Donald Rust:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from Glenn County Public Works Agency for the County Road 303 over South Fork Willow Creek Bridge Replacement Project, Bridge No. 11C-0163 (project) in the County of Glenn pursuant to 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, plants, and their habitats. 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 (Fish & G. 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 (Id., § 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 on County Road (CR) 303 at its crossing over South Fork Willow Creek in Glenn County, at Latitude 39.539104° North, Longitude 122.453320 ° West. The project consists of the construction of a new multi-lane vehicle bridge over the South Fork Willow Creek, construction of new road approaches for

the new bridge, as well as removal of the old bridge, existing road approaches, and habitat restoration of the area currently occupied by the roadway approaches and current bridge including the banks and channel of South Fork Willow Creek.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations presented below to assist the Glenn County Public Works Agency in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed project with respect to impacts on biological resources. CDFW recommends that the IS/MND address the following:

### **PERMITTING REQUIREMENTS**

The IS/MND notes that the existing County Road 303 bridge over South Fork Willow Creek is structurally unsafe and suffers from significant scour. The new bridge, with new road approaches, will be constructed to current structural safety standards and with current design specifications to minimize the risk of bank scour associated with the bridge abutments. The IS/MND also notes that CDFW would need to be notified under the Lake and Streambed Alteration Program (Fish and G. Code, § 1602) prior to constructing either the new bridge, the bridge abutments and all associated rock slope protection or removal of the old bridge, associated infrastructure, and erosion control. In addition to the notification requirement for constructing the new bridge and removing the existing bridge, CDFW would require notification for any construction resulting in impacts to riparian areas or riparian vegetation within the project area.

### **SURVEY TIMING TO DETERMINE WILDLIFE AND SPECIAL STATUS PLANT PRESENCE**

The IS/MND appears to rely on two biological resource (Special-Status Plant) surveys conducted during daylight hours. The presence of bats and other nocturnal and crepuscular wildlife would not necessarily have been identified during these surveys. Additionally, specific surveys for Crotch's bumblebee or nesting birds (resident gamebird, migratory neotropical songbirds or raptors) were not conducted.

### **SPECIAL-STATUS PLANT SURVEYS**

The IS/MND notes that Special Status Plant Surveys were conducted using the 2009 CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The survey protocols were updated in March of 2018. A copy of the updated survey protocols can be found at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. CDFW recommends that Survey(s) within the blooming season for Stony Creek spurge (*Euphorbia ocellata* ssp. *rattanii*), be conducted using the revised 2018 protocols, prior to the initiation of any site disturbance activities. If the species is identified, then an avoidance plan should be prepared by a qualified botanist and should include at a minimum, the avoidance and minimization measures identified in the IS/MND and any other measures that may be appropriate for special-status plant species. CDFW further recommends that any future Special Status Plant Species surveys be conducted using the updated Survey Protocols from 2018.

### **BAT SURVEYS**

The project site appears to contain habitat that may be suitable for tree roosting bats like Western red bat (*Lasiurus blossevillii*) as well as structure roosting species such as Mexican free-tailed bats (*Tadarida brasiliensis*). Disturbance of roost sites during the maternity and hibernation seasons are considered primary factors that may negatively impact bats and have the potential to result in take. Bats are considered non-game

mammals and are afforded protection by state law from take and/or harassment, (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). During the hibernation period, bats are very slow to respond to disturbance during torpor and can lose fat stores needed to survive the winter, while pups in a maternity colony may not have the ability to fly. The disturbance and removal of roost sites may have a significant adverse effect on resident or migratory bat species. CDFW recommends the following to reduce impacts to a less than significant level:

- Habitat Assessment. The special-status plant surveys indicated the presence of potentially suitable bat habitat. A qualified bat biologist should conduct presence/absence surveys during the peak activity periods for both structure roosting (old bridge) and vegetation roosting species. If bats are present, then the qualified bat biologist should prepare a Bat Avoidance Plan.
- Bat Avoidance Plan. The bat avoidance plan should identify: 1) the location of the-roosting sites; 2) the number of bats present at the time of assessment (count or estimate); 3) species of bats present; 4) the type of roost (e.g., day/night, maternity, hibernaculum, bachelor); and 5) species specific measures to-avoid and minimize impacts to bats. The bat avoidance plan should evaluate the length of time of disturbance, equipment noise, type(s) of habitat present at the project and potential impacts to the habitat.
- No Disturbance Buffer. If during the habitat assessment the qualified bat biologist identifies a bat roost within the project boundary that is not proposed for demolition or removal, then a no disturbance buffer should be established around the roost in consultation with CDFW. The width of the buffer should be determined by the qualified bat biologist based on the bat species, specific site conditions, and level of disturbance. The buffer should be maintained until the qualified bat biologist determines that the roost is no longer occupied.
- Replacement Structures. If the bat roost cannot be avoided, replacement roost structures (bat houses or other structures) are recommended to accommodate the bat species impacted by the project. Replacement roost structures should be in place for a minimum of one full year prior to implementing the project. The replacement structures should be monitored to document bat use. Ideally, the project would not be implemented unless and until replacement roost structures on site are documented to be acceptable and used by the bat species of interest.
- Roost Removal Timing. Project activities that result in the loss or modification of the original roost structure should be implemented outside hibernation and maternity seasons, Nov. 1 – Feb. 1 and April 1 – August 31 respectively.
- Bat Exclusion. If an active bat roost is found in a tree or structure that must be removed, the qualified bat biologist should prepare a Bat Exclusion Plan for the passive exclusion of the bats from the roost. CDFW recommends that exclusion devices are installed either (1) between March 1 and March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½ inch in 24 hours). The qualified bat biologist should confirm the absence of bats prior to the start of construction.
- Tree Removal. Tree removal shall be scheduled either (1) between approximately March 1 March 31, prior to parturition of pups; or (2) between September 1 and October 31 prior to hibernation (or prior to evening temperatures dropping below 45°F and onset of rainfall greater

than ½ inch in 24 hours). Removal of trees containing suitable bat habitat should be conducted under the supervision of a qualified bat biologist.

## **NESTING MIGRATORY BIRD SPECIES**

With the presence of riparian associated trees and Oak Woodland habitat, CDFW recommends all preconstruction nesting bird surveys should include protocols to identify the presence of tree cavity nesting species.

Nesting bird surveys should be conducted if work is scheduled to start during the active nesting season (February 01 and August 31). Survey distances should extend outward from the project area for at least five hundred (500) feet for migratory neotropical songbirds, cavity nesting species and resident gamebirds and up to ½ mile for raptor species (e.g., Golden Eagle (*Aquila chrysaetos*), White-tailed Kite (*Elanus leucurus*), Red-tailed Hawk (*Buteo jamaicensis*). The two hundred-fifty (250) foot survey buffer beyond the Biological Study Area proposed for nesting birds may be inadequate to determine nesting bird status and to develop minimization measures for potential adverse impacts to nesting birds, particularly for nesting raptors.

### **CLIFF SWALLOW (*Petrochelidon pyrrhonota*)**

The IS/MND notes the potential use of the existing bridge as a nesting substrate for Cliff Swallows (*Petrochelidon pyrrhonota*). Removal of the existing bridge or any support structures during the breeding season for this, or any other migratory bird species using it as nesting substrate is prohibited (Fish and G. Code, § 3503). The IS/MND addresses measures to either exclude birds from utilizing the old bridge associated with the project, prior to the commencement of demolition, and/or specifies timing of removal of the bridge and supporting structures outside of the breeding season. CDFW recommends avoiding the use of netting as an exclusionary device. Birds and bats can become entangled in exclusion netting when trying to exit or enter bridge overhangs. CDFW recommends utilizing other methods such as the manual removal of existing nests on the bridge outside of the nesting bird season or when surveys have determined existing nests are not active.

## **STATE LISTED CESA SPECIES**

### **CROTCH'S BUMBLEBEE (*Bombus crotchii*)**

Crotch's Bumblebee (CBB) (*Bombus crotchii*) is currently a candidate species under the CESA. As a candidate species, it receives the same legal protections afforded to endangered or threatened species. The special-status plant surveys and initial Biological Resource Assessment indicated that suitable habitat for CBB was present on the project. The IS/MND and its supporting documentation does not include any discussion about this species except to mention that a single survey for presence/absence of the species should be conducted prior to the start of construction activities. The IS/MND should include an analysis of the potential presence of this species within the project site and any potentially significant impacts from the proposed project. Without appropriate avoidance and minimization measures for CBB and its habitat, project-related activities involving ground and vegetation-disturbance could result in significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality of individuals.

CDFW recommends CBB specific surveys be conducted by qualified biologists possessing CESA take authorization (i.e., CESA Memorandum of Understanding, Fish and G. Code, § 2081(a)), specific to CBB surveys, to determine if this species is present within the project site. The timing and number of the surveys should be appropriate to make a valid determination of presence or absence. CDFW believes a single survey

for this species is not deemed to be sufficient to determine presence/absence. CDFW recommends the IS/MND analyze the project's potentially significant impacts if the species is determined to be present during surveys and propose additional avoidance, minimization, and mitigation measures to reduce impacts to a less-than-significant level. Measures may include, but are not limited to, the following: avoidance of nesting sites, timing of grading, or planting of pollinator plant species.

## **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](mailto:CNDDDB@wildlife.ca.gov).

## **FILING FEES**

The project, as proposed, would have an effect on fish and 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 sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the IS/MND for the County Road 303 over South Fork Willow Creek Bridge Replacement Project and recommends that the Glenn County Public Works Agency address CDFW's comments and concerns. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this email, or wish to schedule a meeting and/or site visit, please contact Robert Hosea, Environmental Scientist at (530) 708-1199 or by email at [robert.hosea@wildlife.ca.gov](mailto:robert.hosea@wildlife.ca.gov).