



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



Governor's Office of Planning & Research

10/25/2023

October 26 2023

Shawn Ankeny, Principal Engineer
Shasta County Department of Public Works
1855 Placer Street
Redding, CA 96001

STATE CLEARINGHOUSE

SUBJECT: Review of Old Juvenile Hall Justice Center Demolition Project, State Clearing House Number 2023090612, Shasta County

Dear Shawn Ankeny,

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Initial Study and Mitigated Negative Declaration (ISMND) dated September 2023, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines¹.

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 and Game Code, §§ 711.7, subd. (a) & 1802; Public 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 is also submitting comments as a Responsible Agency under CEQA (Public 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, 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 and Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

¹CEQA 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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Project Description

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

“The County proposes to abatement, demolition, remove, and dispose of the former 21,275 square foot, 56-bed Juvenile Justice Center facility. Upon the completion of demolition and cleanup activities, a new security chain link fence will be installed around the perimeter of the property. No onsite development is proposed at this time. The existing garden, located on the northern portion of the site, will continue to be maintained and utilized by the Department of Probation.”

Comments and Recommendations

CDFW finds that some of the proposed Avoidance and Minimization Measures (AMM's) in the ISMND are not adequate for avoiding and minimizing potential impacts to biological resources. Therefore, CDFW offers the comments and recommendations below to assist Shasta County in adequately identifying, minimizing and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife.

Nesting Birds and Mitigation Measure BIO-2 (MM BIO-2)

The 2010 Biological Study and Wetland Screening for Expansion of Juvenile Hall Facility indicates birds were observed nesting within the Juvenile Hall structure proposed for demolition and within vegetation adjacent to the structure proposed for demolition. Despite the elapsed time since this assessment was performed, it can be assumed that nesting birds continue to use the juvenile hall structure for nesting. Therefore, MM BIO-2 is not adequate for avoiding and minimizing impacts to nesting birds, as this measure appears to be written only with consideration for the removal of vegetation and other ground-disturbing activities. For clarity, MM BIO-2 should state that ground disturbing activities includes demolition of structures.

MM BIO-2 should be re-written and implemented, as described below:

“To avoid impacts to nesting birds and/or raptors protected under Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented:

- a. Vegetation removal, ground disturbing activities **and structure demolition** should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b. If vegetation removal, ground disturbing activities **or structure demolition** occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and other nesting structures have been thoroughly observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to

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maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, presence of predators).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in consultation with CDFW and United States Fish and Wildlife Service to comply with Fish and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

Nesting bird surveys should be conducted no more than seven days prior to the initiation of construction. If construction activities are delayed or suspended for more than seven days after the pre-construction nesting bird survey, the site should be resurveyed.”

Bats and Mitigation Measure BIO-3 (MM BIO-3)

Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code, Section 4150; California Code of Regulations, Section 251.1). The 2010 Biological Study and Wetland Screening for Expansion of Juvenile Hall Facility states, *“Hoary bats, pallid bats, and silver-haired bats have a moderate potential to roost in trees on the site, while spotted bats have a moderate potential to roost in buildings on the site. No evidence of bat roosting was observed on the buildings proposed to be dismantled, or elsewhere on the site. Given the extent of suitable roosting habitat elsewhere in the vicinity, site development should have a negligible effect on these bat species. No mitigation measures are warranted for potential impacts to bat species.”*

While the site assessment from 2010 did not find evidence to support the presence of roosting bats, the length of elapsed time eliminates the validity of this assessment for current consideration. The juvenile hall structure and adjacent vegetation provide habitat for roosting bats therefore, the presence of roosting bats may be assumed. CDFW supports Shasta County in the use of pertinent AMM's to avoid and minimize potential impacts to bat species. Due to the assumption of roosting bats, CDFW discourages the use of bat exclusionary measures that do not allow exit, including but not limited to plugging potential points of entry, as proposed by Shasta County.

Due to the likelihood of roosting bats, MM BIO-3 should be re-written and implemented, as described below:

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“The following minimization measures for bats shall be implemented:

- Environmental training including information regarding local bat species and their general roost ecology for demolition crews prior to demolition.
- **If feasible Tree removal and structure demolition shall be conducted outside the expected bat maternity season (March 1 – August 31) and outside of bat hibernacula (November 1 – March 1).**
- ~~The Shasta County Department of Public Works shall inspect and plug soffit access points along the south side of the building, western field, and eastern chicken coop and receiving bay. If needed, a qualified biologist shall assist in identifying and plugging entry and exit locations and all other points identified during the surveys. The County shall use expanding foam or hardware cloth to plug and remove the potential bat entry and exit locations outside the maternity (April 16th – September 1st) and winter hibernation seasons (October 16th – February 28th).~~

~~Should demolition activities occur outside of the expected bat maternity season (March 1 – August 31), the following measures shall be implemented by the County:~~

- ~~Within two days (48 hours) of the start of **demolition** a preconstruction bat roost survey shall be conducted by a qualified **bat** biologist, **at the appropriate time of day/night**. Surveys shall include internal and external surveys for roosting bats, and inspection of all bat exclusion measures to ensure they are in working order. This survey can be combined with general preconstruction surveys (e.g., nesting bird survey). If bat exclusion measures are determined to be in poor working order, then night emergence surveys shall be conducted to determine if bats are currently occupying onsite structures.~~
- ~~If bats are observed, at any time, within onsite structures, bats shall be allowed to leave on their own. Under the supervision of a qualified bat biologist, one-way bat doors may be used to ensure bats cannot reenter the identified roost. ~~Once bats are confirmed to have left, the roost habitat shall be completely sealed so bat cannot reenter.~~ In addition, the roost habitat shall be modified to reduce the suitability for roosting bats (e.g., placing fans in the barn increase the airflow and lower the structure daytime and nighttime temperatures). Bat eviction methods (e.g., one-way doors) and roost modifications shall only occur outside the bat maternity season (**March 1 – August 31**) and/or bat hibernacula (**November 1- March 1**). **One-way doors, or similar devices, shall be installed for a minimum of 7 days and monitored daily by a qualified bat biologist to ensure devices are in working order.**~~
- ~~If individual nonbreeding and non-special status bats are present, a qualified biologist may be retained to develop a roost protection plan, remove the bats, and work may proceed ~~year-round onsite~~. If a maternity roost or special status species bat is observed, no work is allowed without first, notifying and consultation with CDFW, development of a bat protection plan, excluding bats outside of the breeding season,~~

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and providing alternate roost site(s).”

CDFW appreciates the opportunity to comment on the ISMND to assist Shasta County in adequately analyzing and minimizing impacts to biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
Northern Region

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