



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



March 29, 2024

Governor's Office of Planning & Research

Mar 29 2024

STATE CLEARING HOUSE

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**SUBJECT: SILVERSTONE UNIT 5 PROJECT, STATE CLEARING HOUSE NUMBER
2024030361, SHASTA COUNTY**

Dear Tiffany Lightle:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Redding (Lead Agency) Draft Initial Study and Mitigated Negative Declaration (ISMND), for the above-referenced project (Project). CDFW appreciates this opportunity to provide comments 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 G. Code, §§ 711.7, subd. (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its Trustee Agency 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.

¹ 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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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 G. Code, § 2050 et seq.), or state listed rare plants pursuant to the Native Plant Protection Act (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 summary, as described in the ISMND, is as follows:

“Tentative Subdivision Map Application S-2023-00027, Silverstone Unit 5, and Planned Development Application Amendment AMND-2024-00226 to Planned Development Plan PD-2019-00309, is a request to subdivide 5.41 acres of land into 41 single-family residences on property located at 2923 Rancho Road. The project involves an amendment to the existing Planned Development Plan to allow development of the property with 24 motor court lots: six houses will take access from each of the four proposed motor courts, and 17 lots will have direct access to the street. The project is an extension to the previously approved and recorded Silverstone Subdivision, Units 1 through 4, currently under construction.”

Comments and Recommendations

CDFW responded to an early consultation request from the Lead Agency in February 2023. While many of the recommendations included in our early consultation communication have been addressed, CDFW offers the following comments and recommendations to further assist the Lead Agency in avoiding and minimizing potentially significant impacts to biological resources.

Nesting Birds

The ISMND does not include any avoidance and minimization measures to avoid or reduce potentially significant impacts to nesting migratory birds. While the Project area may be largely devoid of suitable nesting habitat for migratory birds, as the ISMND implies, suitable nesting habitat occurs immediately adjacent to the Project area in all directions.

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Nesting migratory birds and raptors, if present, could be directly or indirectly impacted by construction activities. Indirect effects could include nest abandonment by adults in response to higher-than-ambient noise levels, human encroachment, visual disturbance and/or a reduction in food availability for young birds due to disruption of feeding behavior of adult birds. Including the following avoidance and minimization measure into the final ISMND would ensure that potential impacts to nesting birds are less than significant.

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

- a. Construction activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b. If construction activities are to occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify any active nests adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to 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 U.S. Fish and Wildlife Service to comply with Fish & 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

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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 one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed.

Low Impact Development

CDFW supports the inclusion of stormwater detention basins, as described in the ISMND however, it was unclear if [Low Impact Development](#)² (LID) strategies are to be employed for the avoidance and reduction in potentially harmful stormwater runoff. CDFW recommends the implementation of LID strategies, specifically bio-retention basins, to prevent a net-increase in potentially toxic stormwater runoff from an increase in impervious surfaces that may occur during the life of the Project.

LID strategies aim to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and the outflow of toxic pollutants such as 6PPD-quinone, a chemical contaminant derived from vehicle tires, suspected to negatively impact aquatic organisms³, including CESA-listed salmonids occurring downstream of the Project area.

CDFW supports and encourages the use of LID strategies because they have been found to minimize impacts to aquatic habitats by filtering out pollutants, decrease peak flows, minimize erosion, and increase ground water recharge. CDFW recommends expanding upon the stormwater detention basins with the inclusion of LID strategies and outlining such strategies in the ISMND. Implementing bio-retention basins will aim to avoid and reduce potentially significant impacts to sensitive aquatic species known to occur locally and throughout the Sacramento River watershed.

Future CEQA Consultation

CDFW would like to thank the Lead Agency for engaging in early coordination prior to release of the draft ISMND, and to further emphasize that our staff remain available for consultation at every stage of the project development process. CDFW strongly encourages the Lead Agency to continue to consult

² https://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

³ Tian, Z. et al. 2021. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon. *Science* 371: 185-18.

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with CDFW before and during the development of future projects and their equivalent CEQA documents, specifically regarding the analyses of biological resources and the formulation of avoidance, minimization, and mitigation measures for such resources. Engaging with CDFW early-on plays a critical role in allowing our agency to fulfill our mandate to conserve California's valuable fish and wildlife resources and will simultaneously aid the Lead Agency in an efficient and comprehensive CEQA review.

Conclusion

CDFW appreciates the opportunity to comment on the Project to assist the Lead Agency in adequately analyzing and minimizing impacts to biological resources. If you have any questions regarding the information above, or for future CEQA consultation requests, please contact Erika Iacona, Senior Environmental Scientist, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

AA601B4C4B11422...

Michael Harris, Acting for
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