



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



October 9, 2024

David Schlegel
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Shasta County Resource Management
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**SUBJECT: REVIEW OF PARCEL MAP 23-0006, SHASTA COUNTY,
STATE CLEARINGHOUSE NO: 2024090170**

Dear David Schlegel:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND), dated September 2024, 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 G. Code, §§ 711.7, subd. (a) & 1802; Pub. 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 (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. 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 may be required.

Project Description:

The Project, as described in the IS/MND, is as follows:

“The proposal consists of subdividing the 16.3-acre project site into 12 lots, ranging in size from 0.5 acres to 5.13 acres, to facilitate commercial-light industrial development; one lot would accommodate Bella Vista Water District infrastructure. The project would extend Palo Way approximately 690 feet from its current terminus. Road improvements would include curb, gutter, and sidewalk and end in cul-de-sac. Sewer, water, natural gas and electric utilities would be extended off existing utility lines along Palo Way for connection to future development of the subsequent lots. Palo Way is served by an existing emergency fire escape road that connects to Grand Estates Drive. Two lots would be accessed via a shared flag lot driveway at the eastern end of Palo Way.

The project site is vacant and undeveloped. The property has a very gentle eastward slope with steeper slopes near Cow Creek, which flows, along the eastern boundary of the project site, and near an existing ephemeral wet swale. There are several oak trees on the property and approximately 0.76 acres of potentially jurisdictional wetlands. The northern boundary of the project site is adjacent to State Highway 44. The land to the west is developed with commercial uses and the property to the south has been subdivided and partially developed with one-family residences.”

Comments and Recommendations

CDFW responded to an early consultation solicitation from Shasta County (Lead Agency) in January 2024 and has been consulting with Shasta County since 201 when this Project was originally proposed under State Clearing House 2020059005. CDFW staff are pleased to see that some of our previous recommendations were considered when analyzing this Projects impacts to

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biological resources in the IS/MND and supports many of the avoidance and minimization measures included in the IS/MND however, CDFW offers the following comments and recommendations to further assist the Lead Agency in adequately identifying, avoiding, and minimizing potentially significant, direct, and indirect impacts on biological resources with the implementation of the Project.

Oak Woodlands

The IS/MND describes the Project area to have approximately 120 live oaks ranging in size from 1 to 5 inches Diameter at Breast Height (DBH) and 399 valley oaks ranging in size from 1 to 71 inches DBH which equates to 519 oaks within 0.442 acres of oak woodland. The IS/MND mentions the possibility of future tree removal, however, does not indicate the amount to be removed.

Lead Agencies have a responsibility under Section 21083.2 of the California Public Resources Code to consider cumulative impacts to oak woodlands, and their significance, and have the authority to require mitigation for impacts within County limits and require mitigation such as land preservation, enhancement, restoration, and conservation anywhere that is within the general ecological subregion (i.e., within the northern Central Valley).

On Page 12 of the IS/MND, Mitigation Measure IV.b.1. is proposed for the potentially significant impacts to oak woodland habitat. This measure states that oak trees over 5 inches DBH will be maintained on the property where feasible, oak trees within the non-building/non-disturbance areas shall be maintained on the property, oaks greater than 5 inches DBH identified for removal shall be replaced at a ratio of 2:1 in a suitable location elsewhere on or off site with monitoring of the survival of the plantings for a period of three years.

While CDFW staff support the Lead Agency's condition to mitigate for the permanent removal of oak trees throughout the Project area, CDFW does not believe a 2:1 mitigation ratio is adequate to reduce this Projects impacts to less than significant. Valley oak woodland is classified as a State Rank 3 [Sensitive Natural Community](#)², which are at moderate risk of extinction due to restricted range, relatively few populations, low regeneration, overall ecological benefits and their susceptibility to long term climatic changes. Similarly, blue oak

² <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

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woodlands are a State Rank 4 Sensitive Natural Community, faced with similar risks. The ongoing loss of oak woodlands throughout Shasta County without adequate mitigation will result in a cumulative total loss of oak woodlands in our region.

CDFW recommends the Lead Agency consult the [Oak Woodland Impact Decision Matrix](#)³ for most appropriate mitigation considerations for oak woodland impacts. For mitigation that includes revegetation, either onsite or offsite, oak trees should be replaced at the following mitigation to impact ratios:

Oak trees:

- 1:1 replacement for trees up to 3 inches DBH
- 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks.

Non-oak trees:

- 1:1 replacement for non-native trees
- 1:1 replacement for native trees up to 3 inches DBH
- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH
- 6:1 replacement for trees greater than 15 inches DBH.

Since onsite oak habitat restoration appears unfeasible, offsite oak woodland mitigation strategies should be strongly considered as a condition of this Projects approval by the Lead Agency. Oak woodlands may be mitigated by establishing a conservation easement to offset impacts to oak woodlands (acres protected to acres affected at a minimum 3:1 ratio) or contributions to an appropriate compensation fee to an Oak Woodlands Conservation Fund, such as those managed by the [California Wildlife Conservation Board](#)⁴. The goal of mitigation should be to effectively attain no net loss of oak woodland habitat. CDFW continues to encourage retaining, designing, and constructing around existing mature and healthy oak trees and therefore, supports these aspects of Mitigation Measure IV.b.1. Please note that even when retaining mature oak trees, developing between and around the trees permanently alters the values and functions of oak woodland as a habitat for fish, wildlife, and associated plant communities.

³ https://docs.vcrma.org/images/pdf/planning/bio/Oak_Impact_Matrix.pdf

⁴ <https://wcb.ca.gov/Programs/Oaks>

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CDFW recommends the Lead Agency condition the formulation of a Habitat Restoration Plan, or similar, prior to land modification which would explicitly quantify the number of trees to be removed, acres of habitat impacted, trees to be planted onsite, monitoring and success criteria, and any additional onsite/offsite mitigation strategies, to be reviewed and approved by CDFW.

Wetland Features

The tentative parcel map indicates a wetland feature extending throughout the eastern portion of the Project area, proposed to be divided between two newly established parcels. Wetlands function best when their hydrology, habitat, and conservation are managed as a cohesive unit. CDFW recommends that the Lead Agency adjust the parcel map to ensure that the wetlands remain intact within a single parcel. Dividing the wetland may complicate regulatory compliance and create challenges for coordinated management between future parcel owners. By maintaining the wetland as a single parcel, we can better protect its ecological functions, ensure regulatory consistency, and avoid potential land use conflicts that could lead to degradation.

Furthermore, CDFW strongly encourages the Lead Agency to conserve the entire wetland parcel and discourages the use of this parcel for commercial-light industrial development. Although the proposed 50-foot buffer may provide some level of protection, development and land modifications within this area are likely to degrade the wetland and compromise its beneficial functions.

Promoting Collaboration

CDFW is charged with preserving and protecting the state's diverse ecosystems and wildlife; therefore, CDFW maintains a strong commitment to collaborate with local government entities. CDFW is enthusiastic to continue assisting the Lead Agency in implementing comprehensive avoidance and minimization for the benefit of California's sensitive resources and aligning regulatory frameworks and appreciates the collaboration thus far.

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Conclusion

CDFW staff appreciate the opportunity to comment on the IS/MND to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist (Specialist) by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
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