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From: Oswalt, Caitlyn@Wildlife
Sent: Friday, December 20, 2024 2:06 PM
To: cschiestel@cityofplacerville.org
Cc: Wildlife R2 CEQA; Wilson, Billie@Wildlife; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: CEQA Comments for the Sewer Line Relocation - Clay Street to Locust Avenue Project (MND); SCH No. 2024110681

Dear A. Cory Schiestel,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a MND from the City of Placerville for the Sewer Line Relocation - Clay Street to Locust Avenue Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.^[1]

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 within Hangtown Creek between Locust Avenue and Clay Street and along the El Dorado Trail within the city of Placerville in El Dorado county.

The Project consists of the relocation of a 16-inch sanitary sewer trunk line from the current alignment within Hangtown Creek between Locust Avenue and Clay Street. The sewer trunk would be intercepted in Locust Avenue between Main Street and the El Dorado Trail and then routed within

the El Dorado Trail to a connection point on the existing 24-inch sanitary sewer trunk east of Clay Street. Following completion of the Trunk relocation, the existing 16-inch pipeline and manholes would be removed from Hangtown Creek, and the creek bottom would be restored. Work within Hangtown Creek would necessitate the construction of a temporary cofferdam and rerouting of creek flows around the construction area.

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City of Placerville in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a MND is appropriate for the Project.

CDFW is primarily concerned with the project impacts to Hangtown Creek, migratory birds, fish, and amphibian species.

COMMENT 1: Water Diversion along Hangtown Creek

Issue: Work in the flowing portion of the Hangtown creek could cause turbidity, siltation, or pollution downstream. Flows downstream should be provided during all times that the natural flow would have supported aquatic life. Said flows should be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion.

Recommendation: CDFW recommends if work in the flowing portion of the creek is unavoidable, the entire creek flow should be diverted around or through the work area during the excavation and/or construction operations. Creek flow should be diverted using gravity flow through temporary culverts/pipes/k-rails or pumped around the work site with the use of hoses. When a temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water should at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Section 5937 of the Fish and Game Code. Any temporary dam or other artificial obstruction constructed should only be built from clean materials such as, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. The City should divert flow in a manner that prevents turbidity, siltation, or pollution and provides flow downstream.

COMMENT 2: Migratory Bird Treaty Act

Issue: During construction, the proposed project would potentially have an impact on nesting birds along Hangtown Creek.

Recommendation: CDFW recommends if project-related activities are scheduled between February 1 to August 31, a focused survey for nests should be conducted by a Designated Biologist prior to the beginning of Project-related activities. The Designated Biologist should survey a minimum radius of 500-feet (for migratory birds) and 1/2-mile (for raptors) around the Project area that can be accessed by the Project proponent. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer should be determined and established by a Designated Biologist. The buffer should be kept in place until after the breeding nesting season or the Designated Biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for

the season. The extent of these buffers should be determined by the Designated Biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

COMMENT 3: Streambed Alteration Agreement

Issue: The IS/MND has identified Project activities that will require notification to CDFW pursuant to Section 1602 of the Fish and Game Code. Notification is required for any activity that may do one or more of the following:

- a. Substantially divert or obstruct the natural flow of any river, stream, or lake;
- b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- c. Deposit debris, waste, or other materials where it may pass into any river, stream, or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Recommendation: CDFW recommends the City submit a notification pursuant to Section 1602 of the Fish and Game Code. Upon receipt of a complete notification, CDFW will determine if the Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. The Project as currently proposed in the IS/MND will require an LSA Agreement. An LSA Agreement will include measures necessary to protect existing fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, the IS/MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, minimization, mitigation, and monitoring and reporting commitments.

Environmental Data

CEQA requires that information developed in mitigated 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 Sewer Line Relocation-Clay Street to Locust Avenue to assist the City of Placerville 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 Caitlyn Oswald, Environmental Scientist at (916) 358-4315 or caitlyn.oswalt@wildlife.ca.gov.

Sincerely,

Caitlyn Oswald

(She/Her)

Environmental Scientist | 916.358.4315

North Central Region – Region 2

1701 Nimbus Road, Rancho Cordova

California Department of Fish and Wildlife
