



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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Eureka, CA 95501
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 24, 2025

Jared Walker
General Manager
Willow County Water District
151 Laws Ave, Ukiah, CA 95482
jwalker@willowc wd.org

Dear Jared Walker:

Willow County Water District Water Line Replacement Project
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025010834

The California Department of Fish and Wildlife (CDFW) received a notice of a Mitigated Negative Declaration (MND) for the Willow County Water District Water Line Replacement Project (Project) from the Willow County Water District (District) on January 28, 2025. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

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 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. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code. For example, if changes are proposed, the Project may be subject to CDFW's lake and

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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 proponent, Willow County Water District, proposes to replace three sections of the District's water main on Laws Avenue (1,000 linear feet), Pomo Lane (550 linear feet), and Canyon Drive (1,000 linear feet). The proposed improvements would disturb a total of 7,650 square feet within the existing road rights-of-way with staging areas being established in the developed areas along the Project route. Construction activities include open-cut trenching, replacing the old pipe, trench backfilling, and road repaving.

Location:

The 2,550 linear foot Project is located in the City of Ukiah in Mendocino County, California at three locations on Laws Avenue, Pomo Lane, and Canyon Drive. The Laws Avenue water main pipeline extends from the eastern end of Laws Avenue to its junction with South Dora Street, west of the Ukiah Municipal Airport. The Pomo Lane water main extends along the entirety of Pomo Lane between Bethal Lane and Townsend Lane. The Canyon Drive water main begins approximately 150 feet west of its junction with Rosemary Lane, extending west along Canyon Lane into adjacent private properties.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Willow County Water District in adequately identifying and/or 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, including those CDFW recommends below, CDFW concurs that a Mitigated Negative Declaration is appropriate for the Project.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Issue 1: The Biological Resources Survey (BRS) report (Area West Environment, April 2024) identified an unnamed intermittent stream north of Canyon Drive that is hydrologically connected to the Russian River. While the stream is outside the Project alignment, the report presumed this stream would be subject to the authority of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and CDFW. The report recommended the stream be designated on the

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Project's engineering plans as an Environmentally Sensitive Area and the area be avoided during construction.

CDFW recommendation 1: To avoid potential impacts to this stream, include a mitigation measure in the MND that identifies the stream on the Project's engineering drawings as an Environmentally Sensitive Area to be avoided and require temporary avoidance fencing to be installed prior to the start of work at the edge of the existing road.

Issue 2: The Project is primarily within residential areas with deciduous woodlands present at the western end of Canyon Drive and annual grasslands to the west of Pomo Lane. The BRS report recommended nesting bird surveys should be conducted to avoid and minimize impacts to nesting birds. Fish and Game Code sections 3503 and 3503.5 prohibit the taking or destroying of native bird nests or eggs.

CDFW recommendation 2: To avoid or minimize impacts to nesting birds, include a mitigation measure in the MND to require pre-construction nesting bird surveys to be conducted if work occurs between March 15th and August 30th. This survey shall be conducted by a qualified biologist no more than 14 days prior to the start of work including vegetation maintenance and removal. The measure shall include the requirement for a no-disturbance buffer, established by a qualified biologist, to be maintained until the young have fledged their nest(s).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental

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document filing 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

CDFW appreciates the opportunity to comment on the MND to assist the Willow County Water District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jennifer Garrison, Senior Environmental Scientist (Specialist) at 707-477-7792 or e-mail Jennifer.Garrison@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Rebecca Garwood, Acting for
Tina Bartlett, Regional Manager
Northern Region
California Department of Fish and Wildlife

ec: Office of Planning and Research, State Clearinghouse
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Angela Liebenberg, Jennifer Garrison
California Department of Fish and Wildlife

REFERENCES

Initial Study/Mitigated Negative Declaration (SCH# 2025010834). January 2025.
Willow County Water District.

Biological Resources Survey (BRS) Results at the Willow County Water District Water Main Replacement Project. April 2024. Area West Environmental.

Follow-up Botanical Survey Results at the Willow County Water District Water Main Replacement Project. July 2024. Area West Environmental.