

Sheila Brown

From: Boyd, Ian@Wildlife <Ian.Boyd@Wildlife.ca.gov>
Sent: Tuesday, September 3, 2019 12:07 PM
To: Nichols@yolorcd.org
Cc: OPR State Clearinghouse; Wildlife R2 CEQA
Subject: CDFW Comments on the Putah-Cache Watershed Arundo Eradication Project IS/MND (SCH# 2019089063)

Hello Ms. Nichols,

The California Department of Fish and Wildlife (CDFW) has completed the review of the Initial Study/Mitigated Negative Declaration (MND) for the Putah-Cache Watershed Arundo Eradication Project (SCH# 2019089063) (Project). The Project proposes to perform the removal of and control of invasive plant species (i.e. *Arundo donax*, *Tamarix parviflora* and *T. ramosissima*, *Saccharum ravennae*, and *Lepidium latifolium*) throughout the Putah-Cache Creek watersheds with revegetation of riparian habitat to assist in bank stabilization and to prevent the recolonization of invasive weeds.

CDFW is responding as a **Trustee Agency** for fish and wildlife resources, which 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 may potentially be a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) if it may need to make discretionary actions under the Fish and Game Code, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code, § 1600 et seq.) and/or a California Endangered Species Act (CESA) Incidental Take Permit (Fish & G. Code, § 2080 et seq.).

CDFW offers the comments and recommendations presented below to assist the Yolo County Resource Conservation District (YCRCD) in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources:

Table 2 on page 15: *Alnus rubra* (red alder) may not be suitable for revegetation in Putah and Cache Creeks because it is more frequent along coastal woodlands. *Alnus rhombifolia* (white alder) is more commonly found in riparian habitats throughout California's Central Valley and may be more suitable for revegetation activities in the Putah and Cache Creek watersheds.

4) Maintenance on page 15: Maintenance activities include watering vegetation that was installed for revegetation activities and are described to occur between May 1 and July 15. Watering may be needed throughout all summer months until installed plantings can demonstrate establishment and are no longer dependent on supplemental irrigation. To reduce risk of planting mortality watering of installed trees and shrubs is recommended to occur through the late September or early October. CDFW recommends developing a watering schedule identifying the amount of water given to each planting per year of its establishment. Typically, watering frequency and quantity would be reduced towards the third or fifth year of establishment so that plantings can become acclimated to natural conditions and self-sustaining when watering is no longer feasible.

E. Measure to Protect Natural Resources on page 17 and Herbicide Analysis for Biological Resources on page 46: CDFW recommends including language to the General Avoidance and Mitigation Measures to include that all herbicide treatments will be conducted per the recommendation of a licensed Pest Control Advisor and will be performed under the direct supervision of a licensed Qualified Applicator.

3. Specific actions to avoid impacts to riparian systems when applying herbicides, I. on page 19: The MND states that woody vegetation that is in excess of six inches in diameter may not be trimmed. CDFW generally recommends that trees in excess of four inches diameter breast height (DBH) should not be removed without mitigating for the removal of those trees. Pruning and trimming of branches for trees over 4 inches in DBH do not require mitigation since that is seen as a temporary impact and may be performed to improve the health of the tree, gain access, or to remove hazardous conditions.

Bio-3: Wildlife on multiple pages. Mitigation measure Bio-3 provides for the YCRCD Project Manager to direct crews to avoid spraying in the presence of wildlife observed in the treatment areas and defers to a CDFW Lake and Streambed Alteration Agreement for additional avoidance and minimization requirements. CDFW recommends that this measure include general habitat assessment surveys for potential wildlife to be performed by a qualified biologist (YCRCD biologist or consultant) prior to the start of project activities. If the habitat assessment reveals that there is suitable habitat for a particular species then a more focused survey should be performed prior to the start of project activities. CDFW also recommends including an environmental awareness training program for YCRCD employees and contractors who are performing the work so that staff is aware of the potential species that may be present, their habitats, and procedures to avoid the species if discovered.

CDFW also recommends developing an additional mitigation measure for nesting birds. CDFW generally identifies the bird nesting season to occur between February 1 and August 31 for each year. Any activities that are to occur within that period should require a nesting bird survey to be performed by a qualified biologist 15 days prior to the start of project activities. The qualified biologist should survey the area within a 500 foot radius of the project site. If an active nest is discovered of the typical nesting season, it should be avoided until such time as the young have fully fledged and are foraging independently of their parents or the qualified biologist should establish a buffer around an active nest and develop a Bird Management and Monitoring Plan in coordination with CDFW. If there is a break in project activity of more than 15 days or if there is a change in the level of disturbance at a site, then subsequent surveys should be conducted.

Notification to CDFW is required, pursuant to Fish and Game Code section 1602 if a Project proposes activities that will substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. The Project description (mowing, cutting, and modification of riparian vegetation within a stream bank and channel, crossing the low-flow portion of a channel, and spraying herbicide on non-native invasive weeds where it may pass into a stream) has proposed activities that are subject to Notification under Fish and Game Code section 1602.

CDFW approval of projects subject to Notification under Fish and Game Code section 1602 is facilitated when the environmental documentation discloses the impacts to and proposes measures to avoid, minimize, and mitigate impacts to perennial, intermittent, and ephemeral rivers, streams, and lakes, other features, and any associated biological resources/habitats present within the Project study area. CDFW relies on the Lead Agency environmental analysis when acting as a responsible agency if it is necessary to issue a Lake or Streambed Alteration Agreement for the Project. CDFW encourages the Lead Agency to perform an environmental review when approving the Flood hazard Development Permit. Addressing the Department comments ensures that the environmental document appropriately addresses project impacts and facilitating the approval of the Project. Please visit <https://www.wildlife.ca.gov/Conservation/LSA> for more information about obtaining a Lake or Streambed Alteration Agreement.

CDFW appreciates the opportunity to comment on the MND for the Project, and requests that the YCRCD consider CDFW's comments. If you have any questions pertaining to these comments, please contact me by at (916) 358-1134 or ian.boyd@wildlife.ca.gov.

Thank you,

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SEP 03 2019

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