

Memorandum

Governor's Office of Planning & Research

FEB 11 2020

STATE CLEARINGHOUSE

Date: February 11, 2020

To: Stephanie Coleman
Senior Environmental Planner
Department of General Services

From: **Curt Babcock**
Habitat Conservation Program Manager
Northern Region

Subject: **California Conservation Corps, Willits Center (State Clearinghouse #2020019042)**

Dear Ms. Coleman:

On January 21, 2020, California Department of Fish and Wildlife (CDFW) received a Notice of Completion for a draft Initial Study/Mitigated Negative Declaration (ISMND) from the California Conservation Corps (CCC) for the CCC, Willits Center Project (Project) located in Mendocino County, California. As a Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Pub. Resource Code § 21000 et seq.).

The Project develops a new operations center at 440 East Hill Road in Willits, CA, APN 007-160-18 and 007-100-28. Twelve new buildings, encompassing approximately 64,000 square feet, will be built on the 27.7-acre site, and development will include paved asphalt surfaces for driveways and parking, as well as a paved asphalt emergency crew/vehicle staging area. Further development includes a solar array, a foot trail, and a bridge over a watercourse.

CDFW Region 1 staff were not provided the opportunity to consult on any aspect of this Project, or ISMND prior to receiving the Notice of Completion.

CDFW has three primary concerns with the ISMND:

1. The Biological Resource Assessment (BRA) does not include rare plant and Sensitive Natural Community (SNC) survey results, despite the potential presence of 24 rare plant species and a SNC. Without baseline knowledge of the presence and extent of these biological resources, CDFW cannot evaluate the potential impacts, determinations of significance, or efficacy of mitigations described in the ISMND.
2. CDFW has determined that impacts to streams and wetlands will be significant, given the buffers proposed, and is concerned about unaddressed impacts due to fire safety management of vegetation.

3. CDFW is unaware of any operating mitigation banks in Mendocino County. Therefore, details of compensatory mitigation, as necessary, should be included in the ISMND so that agencies and the public may adequately review their effectiveness.

Therefore, CDFW recommends the Lead Agency include rare plant and SNC surveys in the ISMND prior to adoption, increase the disturbance buffers for sensitive biological resources, and propose specific compensatory mitigation when necessary. These changes are necessary for CDFW to determine that the Project, as a whole, will have a less than significant impact on biological resources.

Rare Plants and Sensitive Natural Communities

Although the ISMND describes the presence of wetlands, riparian vegetation, streams, and two populations of north coast semaphore grass (*Pleuropogon hooverianus*), a rare plant (State Rank 2 – “*imperiled*”), and the potential presence of up to 23 other species of rare plant, no other botanical surveys are reported for the site. The ISMND conditions further botanical studies in Mitigation BIO-1, which further states that mitigations for impacts to any special status plants may be developed, if present. The ISMND concludes that the mitigation measures described in BIO-1 reduce the potential impacts to all rare plants and SNC to less than significant.

The ISMND also includes a wetland delineation report that describes plants and natural communities on the site. This report differs considerably from the BRA in its description. It maps the riparian trees on the site as “*Valley Oak Riparian*,” which corresponds to a *Quercus lobata* Woodland Alliance (Valley Oak Woodland), a SNC with State Rank 3 (“*vulnerable*”). It also describes the grassland community as a “*bentgrass meadow*,” whereas the BRA describes the grassland as “*annual grassland*” and provides a list of dominant species that does not include bentgrass (*Agrostis spp.*). This conflicting reporting leaves uncertainty about the natural communities on the site and the potential for SNC.

At the time this ISMND was drafted, definitive information describing the presence and extent of rare plants and SNC could have been known from botanical surveys to accepted protocols. Because these surveys are deferred to a pre-construction date, and due to inconsistencies in existing botanical assessment, there is uncertainty in the environmental setting of the Project. Because this baseline of environmental setting is uncertain, CDFW, other agencies, and the public do not have a basis from which to assess the potential impacts to biological resources, the significance of these potential impacts, or the adequacy of proposed mitigations to reduce the impacts to less than significant.

CDFW recommends that the Lead Agency provide the results of rare plant and SNC surveys for all locations that may be impacted by the Project. Survey results should be included in the Initial Study and inform both the Initial Study and Findings of Significance. This should occur prior to notification of intent to adopt this Mitigated Negative Declaration (MND). As needed, specific mitigation and a Mitigation Monitoring Reporting Plan (MMRP) should be provided.

Wetland, Stream, and Riparian Buffers

The ISMND identifies 1.07 acres of stream, wetland adjacent to stream, and seasonal wetland depressions at the site. Although many of these features appear to support riparian vegetation, the riparian vegetation is not mapped or buffered. The ISMND approximates direct impacts to 0.006 acres of riparian habitat, and 0.027 acres of waters of the State.

On page 2-11 ("*Avoidance Areas*") the ISMND states that streams will be protected with a 50-foot buffer, and wetlands with a 25-foot buffer. Project mapping indicates that riparian trees are not included as a buffered resource. Other than the mention of these buffers, the ISMND does not discuss impacts to streams, wetlands, or riparian vegetation other than direct impacts from the installation of a bridge and the filling of two wetlands. Therefore, CDFW assumes that the Lead Agency determines that the proposed buffers are adequate to reduce impacts to wetlands and streams, other than the direct impacts cited, to less than significant.

In a review of wetland and riparian buffers (CDFW 2014), CDFW concludes that failure to maintain buffers connecting wetland and upland features "*will result in the creation of isolated wetland enclaves scattered throughout highly urbanized areas and result in indirect loss of wetland habitat values.*" A review by the Coastal Commission showed that 30 meter-wide to 59 meter-wide (100-foot-wide to 195-foot-wide) buffers are generally accepted in the scientific literature as effectively protecting aquatic resources (California Coastal Commission 2007). CDFW typically recommends habitat buffer widths of at least 150 feet for streams and wetlands (CDFW 2014). Development setbacks of at least 100 feet are commonly employed to minimize indirect impacts to rare plant populations and SNC, however the width and placement of effective and appropriate development setbacks should be site and project-specific and thus should be developed in consultation with CDFW and analyzed and mapped in the Project CEQA document.

Heightened concern for fire-safe buffers around structures is another reason why the proposed buffers are unlikely to be effective. CALFIRE recommends, and insurance companies increasingly require, 100-foot fire-safe buffers around structures. These activities, plus further vegetation removal and land use adjacent to structures, such as the removal of snake habitat discussed in the ISMND, will likely occur within the proposed buffers for streams, wetlands, riparian vegetation, rare plants, and SNC. Consequently, fire safety and land use considerations may impose a need for wider disturbance buffers.

The ISMND should describe adequate disturbance buffers for riparian vegetation, streams, and wetlands. CDFW recommends that the buffer be measured from the dripline of riparian vegetation, top of stream bank when riparian vegetation is absent, or from the delineated edge of wetlands. The buffer should extend, at a minimum, 100 feet from this edge. Furthermore, the ISMND should define appropriate uses within these buffers, and condition them as necessary to reduce impacts to less than significant. Alternatively, the ISMND should propose compensatory mitigation for significant impacts to these resources if adequate buffers cannot be accommodated.

Wetland and Riparian Mitigation

Mitigation measures BIO-6 and BIO-7 propose the purchase of credits at an approved mitigation bank as a means of compensatory mitigation for permanent impacts. CDFW is unaware of any operating mitigation banks in Mendocino County.

Mitigation measure BIO-6 further proposes that compensatory mitigation for permanent impacts to riparian vegetation will be formulated during CDFW section 1602 permitting along with a MMRP. Similarly, BIO-7 defers compensatory mitigation for permanent impacts to waters of the State to permitting through North Coast Regional Water Quality Control Board and U.S. Army Corps of Engineers.

Since the Lead Agency is able to predict impacts to these resources, and since the Lead Agency is able to consult with responsible agencies to determine the details of adequate and appropriate compensatory mitigation, these impacts and their mitigations should be considered a part of the whole of the Project. Because the whole of the Project should be available for agency and public review, CDFW recommends the Lead Agency include details of proposed mitigations and a draft MMRP in the ISMND prior to notification for adoption.

Further Considerations

Botanists should review recent CDFW guidance regarding grasslands (CDFW 2020) before conducting further surveys at the site. It is sometimes difficult to determine whether a given grassland represents a native grassland impacted by invasive, non-native plants, or whether it is truly a non-native (semi-natural) grassland, as reported in the ISMND.

Wildlife species evaluated in the ISMND should include grasshopper sparrow (*Ammodramus savannarum*) (Species of Special Concern), white-tailed kite (*Elanus leucurus*) (Fully Protected), and western bumblebee (*Bombus occidentalis ssp occidentalis*) (Candidate for State Listing). The Lead Agency should review the wildlife scoping tables and ensure that no other species are missing from the ISMND analysis.

Summary of Recommendations

1. In order to establish an adequate baseline and environmental setting, the Lead Agency should provide the results of rare plant and SNC surveys for all locations that may be impacted by the Project. These survey results should be included in the Initial Study and inform both the Initial Study and Findings of Significance. This should occur prior to notification of intent to adopt this MND. As needed, specific mitigation and MMRP should be provided.

2. The ISMND should propose adequate disturbance buffers for riparian vegetation, streams, and wetlands. CDFW recommends that the buffer be measured from the dripline of riparian vegetation, top of stream bank when riparian vegetation is absent, or from the delineated edge of wetlands. The buffer should extend, at a minimum, 100 feet from this edge. Alternatively, the ISMND should propose compensatory mitigation for significant impacts to these resources.
3. The Lead Agency should, with consultation from responsible and trustee agencies, propose feasible and effective mitigations such that the impacts of the whole of the Project will be less than significant. Compensatory mitigations and a MMRP should be included in the ISMND prior to notification for adoption.
4. Project botanists should review recent CDFW guidance on grassland natural communities before surveying the site.
5. The assessment of impacts to potentially-occurring wildlife should include all potentially-occurring species, including, but not limited to, grasshopper sparrow (Species of Special Concern); white-tailed kite (Fully Protected); and western bumble bee (Candidate for State Listing).

Thank you for the opportunity to comment on this draft ISMND. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Environmental Scientist Daniel Harrington at (707) 456-0335 or by e-mail at daniel.harrington@wildlife.ca.gov.

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