



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



April 3, 2020

Governor's Office of Planning & Research

APR 03 2020

Brian Winstead, Superintendent
 Enterprise Elementary School District
 1155 Mistletoe Lane
 Redding, CA 96002

STATE CLEARINGHOUSE

Subject: Review of the Mitigated Negative Declaration for the Mistletoe Elementary School Project, State Clearinghouse Number 2020039015, City of Redding, Shasta County

Dear Brian Winstead:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated March 2020, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department 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. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

Project Description

The Project as proposed "...is for the construction of a gymnasium, operations and maintenance building, an athletic field, bus parking area and a new drive aisle between the exiting Mistletoe Elementary School driveway and Del Monte Street (which are currently not connected). This new drive aisle will allow for better site circulation during drop-off and pick-up times for the school students."

Comments and Recommendations

The Department has the following comments and recommendations:

Botanical Surveys

Botanical surveys need to be conducted across the entire Project site during the appropriate blooming time prior to the approval of this Project. Botanical surveys should follow the Department's March 20, 2018, *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Surveys for this Project were conducted in December and February, well outside the blooming period for the special-status species identified as potentially occurring onsite.

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If no special status plant species are found during the botanical survey, no other measures will be required. If special status plant species are found during the botanical surveys, the plants should be marked by a qualified biologist familiar with the species. If the area can be avoided, exclusionary fencing will be placed around the plants and no pedestrian or vehicular entry shall be allowed. Botanical survey results shall be e-mailed to the Department at R1CEQARedding@wildlife.ca.gov or mailed to California Department of Fish and Wildlife, ATTN: CEQA, 601 Locust Street, Redding, California 96001.

Nesting Bird Surveys

The Department recommends changing mitigation measure BIO-2 to state, “*A qualified biologist shall conduct a pre-construction nesting bird survey of all suitable trees and habitat on the Project site within 7 days prior to the commencement of construction during the nesting season (February 1 – August 31).*”

Bat Surveys

Two special status bat species, pallid bat (*Antrozous pallidus*) and western red bat (*Lasiurus blossevillii*) have a low potential of occurring onsite based on the spatial structure of the vegetation present. The Department recommends that when removal of habitat trees (large trees with cavities, crevices, or snags) commences, it occurs September 1 - October 15. If removal of large habitat trees occurs outside this window, the following should occur:

1. A two-day vegetation removal process shall be used as follows:
 - a. Day 1: Identify potential habitat trees. Remove non-habitat vegetation including shrubs and small diameter trees as well as specific small limbs and branches of habitat trees.
 - b. Day 2: Remove the remaining large tree branches on the habitat tree and then removal of the main tree trunk.

Survey results should be e-mailed to the Department at R1CEQARedding@wildlife.ca.gov or mailed to California Department of Fish and Wildlife, ATTN: CEQA, 601 Locust Street, Redding, California 96001.

Wetland and Riparian Vegetation

The MND explains that approximately 0.0497 acre of marsh habitat and 0.068 acre of intermittent drainage are present on site. A “*riparian corridor*” is also present within the intermittent drainage; however, no acreage amount is given. The “*riparian corridor*” would need to be measured from edge of the riparian tree dripline on one side of the drainage to the end of dripline on the opposite site. The MND does not clearly state if there will be impacts to these aquatic resources or not. Mitigation Measure BIO-4 says, “*No construction work is anticipated to penetrate the area adjacent to the intermittent drainage located on the Project site. If, however, construction results in work within the intermittent drainage or riparian vegetation, then a 1602 streambed alteration notification shall be prepared.*” Mitigation Measures BIO-5 states, “*The Project has the potential to impact 0.565 acre of potential Waters of the U.S.*” The measure goes on to state, “*If it is determined that construction may penetrate the wetland feature, an aquatic resources delineation shall be prepared by a qualified biologist according to United States Army Corps of Engineers (USACE) standards.*” It should be determined now, during the design phase, if the riparian,

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marsh, or intermittent drainage will be impacted by construction. Obtaining the necessary permits takes time and may require further technical study. Further, no compensatory mitigation was proposed to offset the permanent and/or temporary impacts of wetlands, riparian vegetation, and intermittent drainages, which are considered sensitive. The Department considers all wetlands sensitive and the State has a “*No Net Loss*” wetland Policy.¹

According to the Department’s Wetland Technical Memorandum², numerous studies have shown that wetland mitigation projects often do not meet their required U.S. Army Corps of Engineers permit conditions. Along with the risk of mitigation underperformance or failure, the temporal loss of wetland function from the time of impact to the time a mitigation site is fully functional is also a factor in potentially diminishing the value of compensatory restored wetlands. Such temporal loss may vary depending on habitat type and other factors. For the above reasons, the Department recommends that mitigation for the loss of wetlands and riparian habitat begin at 3:1 or greater.

The Department recommends compensatory mitigation at a 3:1 ratio for the permanent loss of riparian and marsh vegetation communities, which is presumably larger than the documented 0.497 acre of marsh habitat. Impacts to the intermittent drainage, totaling 0.068 acre, would need to be mitigated at a 2:1 ratio or higher.

Additionally, the Department recommends that if there is the potential for construction to impact these sensitive resources, the wetland delineation be conducted now, and permits obtained prior to the start of construction. If it is determined that no impacts will occur, then high-visibility silt fencing and straw wattles (weed free), shall be placed at a minimum 25 feet away from the top of bank or edge of riparian, whichever is greater, to protect the wetland, riparian vegetation, and drainage.

Lake or Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a Lake and Streambed Alteration (LSA) Notification from the applicant, pursuant to Fish and Game Code section 1600 et seq. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA> or to request a notification package, contact the Lake and Streambed Alteration Program at (530) 225-2367.

¹ Fish and Game Commission Wetlands Resources Policy (Amended 8/18/05)

² <https://wildlife.ca.gov/Search-Results.aspx?q=Wetland%20Technical%20Memorandum>

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Lighting

The Department recognizes the effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 225-2779, or by e-mail at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
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Curt Babcock
Habitat Conservation Program Manager

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