STATE AGENCIES

Letter 1 – Governor's Office of Planning and Research (January 2, 2018)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

January 2, 2018

RECEIVED
JAN 5 2018
County of Shasta
Building Division

Kent Hector
Shasta County Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Subject: Zone Amendment 10-002, Tract Map 1996 - Tierra Robles Planned Development
SCH#: 2012102051

Dear Kent Hector:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 29, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1-a

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	**2012102051**
Project Title	Zone Amendment 10-002, Tract Map 1996 - Tierra Robles Planned Development
Lead Agency	Shasta County
Type	**EIR** Draft EIR
Description	Note: Extended Per Lead

The proposed project consists of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5-acre min (RR-BA-5), Rural Residential 3-acre min, and Unclassified to a Planned Development zone district establishing a conceptual development plan covering the entire site; and a Tract Map to divide the 715.4-acre property into 166 residential parcels ranging from 1.38 acres to 6.81 acres in size. The project proposes the formation of the Tierra Robles Community Services District as a means to provide operation and maintenance of the wastewater treatment system, maintenance of improved streets within the subdivision, management of open spaces, including preservation and fire management operations, and maintenance of drainage improvements. The ultimate approval of the TRCSD would be subject to separate application and approval from the Shasta County Local Agency Formation Commission. 1-a

The planned development proposes the following design features: (1) grey water diverter system; (2) inclusion of solar design in new homes which reduces annual energy usage by 15% or more; (3) variation of housing design and setbacks with not more than 5% of the same building footprint or building design; (4) class I public bikeways within the project site and pedestrian trails. The proposed project would include 192.7 acres of open space, which contain sensitive habitat features and/or species. The largest open space parcel is generally located on steep slopes adjacent to waterways in the eastern portion of the project site. This open space area would serve as both a conservation and recreation area for the proposed subdivision.

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Lead Agency Contact

Name Kent Hector
Agency Shasta County Department of Resource Management
Phone 530-225-5532 **Fax**
email
Address 1855 Placer Street, Suite 103

City Redding **State** CA **Zip** 96001

Project Location

County Shasta
City
Region
Lat / Long 40° 35' 36" N / 122° 16' 01" W
Cross Streets Boyle Road / Porta Dego Way
Parcel No. 061-210-001, 061-240-001, 078-060-036, 078-060-039, and 078-250-002
Township 32 N **Range** 3, 4 W **Section** 19,30, **Base** MDBM

Proximity to:

Highways SR-299
Airports
Railways
Waterways Clough Creek
Schools No. Cow Creek Elem, Bella Vista Elem
Land Use Ag - Grazing
RR-BA-5
RR-BA-3
U/RA

1-a

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Aesthetic/Visual; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Schools/Universities

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 1; Department of Conservation; Department of Parks and Recreation; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Divison of Financial Assistance; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Bd., Region 5 (Redding); California Highway Patrol; Caltrans, District 2; Delta Stewardship Council; California Energy Commission; Native American Heritage Commission; Public Utilities Commission

Date Received 10/24/2017 **Start of Review** 10/24/2017 **End of Review** 12/29/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

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Governor's Office of Planning & Research
DEC 27 2017
STATE CLEARINGHOUSE

December 26, 2017

Kim Hunter, Division Manager
Shasta County Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Subject: Review of the Draft Environmental Impact Report for the Tierra Robles Planned Development, State Clearinghouse Number 2012102051, Clough Creek, Shasta County

Dear Ms. Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) dated October 2017, 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 (FGC) 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 1-a

The Project as described in the DEIR "*consists of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U) to a Planned Development (PD) zone district establishing a conceptual development plan covering the entire site; and a Tract Map (TR 1996) to divide the 715.4-acre property into 166 residential parcels ranging from 1.38 acres to 6.81 acres in size, and six open space parcels totaling 192.7 acres.*"

Comments and Recommendations

The Department reviewed the DEIR as well as the attached appendices. The Department appreciates the DEIR discussion of many of our comments and recommendations from our Notice of Preparation comment letter dated March 24, 2016.

Conserving California's Wildlife Since 1870

Kim Hunter, Division Manager
Shasta County Department of Resource Management
December 26, 2017
Page 2

The Department has the following comments and recommendations as they pertain to biological resources.

Oak Woodland Vegetation Community

The Project as proposed will permanently impact 146.2 acres of blue oak woodland and indirectly impact 300.4 acres of blue oak woodland by build-out of the Project, for a total impact of 446.6 acres. To mitigate this significant impact, the Project applicant proposes to mitigate at a 2:1 ratio for oak woodland through offsite purchase of a conservation easement and mitigation credits. The Project applicant proposes to purchase 137.8 acres of offsite blue oak woodland conservation easement and apply 304.2 acres of mitigation credits for preservation and enhancement of the Resource Management Areas (RMA) within the Project footprint to fulfill the remaining acreage needed to satisfy the mitigation requirements.

Currently, 638.3 acres of blue oak woodland exists on the Project site. The Project applicant is proposing to offset a subset of the required blue oak mitigation by taking credit for the preservation of the RMAs (1.25:1) and for providing enhancement (fuel modification as described in the DEIR and summarized below in perpetuity (1.1:1). The Department disagrees with the rationale for the mitigation credits. Although these RMA areas will have California oak trees within them, the ecological processes of an oak woodland will not remain intact. The areas will be park-like and aesthetically pleasing, but the value to wildlife and overall biodiversity will decrease. The RMAs proposed are too small and fragmented to be considered mitigation. The bulk of the RMAs are small, fragmented locations consisting of homeowners' backyards, introducing noise, light, increased domestic animal and recreational impacts to the RMAs. These impacts, in addition to the perpetual fuel modification practices, further reduce their value as mitigation. Habitat that occurs in less fragmented, contiguous blocks would be preferable as mitigation to habitat in the RMAs that is fragmented or isolated by urban lands. Roads, even two-lane asphalt, represent permanent barriers to small mammals and many herpetofauna. When looking at the design of the RMAs, clustering the homes to one side and having one large open space connected to other open space via a corridor should be considered if mitigation credits are proposed within these areas. 1-a

The Department maintains that a 3:1 ratio for the permanent and "enhanced" blue oak woodland mitigation is more appropriate for the Project if the current crediting system is used. A survey of other projects in other areas of California shows that Lead Agencies routinely apply 3:1 up to 20:1 mitigation ratios for oak woodland impacts.

Kim Hunter, Division Manager
Shasta County Department of Resource Management
December 26, 2017
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A 2:1 replacement ratio does not adequately replace the habitat value lost as a result of removing the oak woodland habitat and the continual management of the remaining oak trees in the RMAs.

The *"Assessment of Proposed Blue Oak Mitigation Measures Necessary to Meet CEQA and Shasta County Requirements for the Tierra Robles Sub-Division Project"* dated October 2016 states the timber stand improvement techniques *"will meet the CEQA threshold for mitigation by not only retaining but enhancing the overall tree canopy on the site."* This approach, described in the Tierra Robles Oak Management Plan is silviculture based and focuses on growing healthy trees. This approach does not take into consideration the overall woodland habitat, which is being heavily modified by fuel modification practices. The Oak Management Plan describes the *"reduction of heavy fuels on the site"* as a major oak management objective. The plan goes on to describe the ideal oak stand, which includes the following: mature trees generally spaced 15 feet or more apart; seedlings interspersed within the stand; seedlings present; clusters of trees and shrubs approximately 15 feet by 15 feet; lower limbs of oaks limbed up 8 feet; understory height reduced to less than 4 inches; and standing snags and down logs retained unless there is a safety hazard to the public. This constitutes an aesthetically pleasing oak stand such as in a park, but is not the same as preserved open space oak woodland that provides functional habitat for native species. Fully functional oak woodland will not be preserved onsite with fuel modification in every resource management zone, 166 houses plus secondary structures being built, infrastructure to support those houses, an increase in edge effects, lighting, noise, and human disturbance. Generalist wildlife and plant species will survive but the biodiversity will be greatly decreased and the use by wildlife will ultimately decrease due to an increase in edge effects, lighting, noise, and human disturbance. In addition, due to the small size of many of RMAs and their proximity to houses, there will likely be increased wildlife issues and negative interactions related to species such as coyotes, raccoons, and bobcats that may not be compatible with landowners. Interactions such as these further add to the argument that habitat is not truly being preserved. 1-a

As stated above, the California Department of Forestry and Fire Protection (CAL FIRE) has identified the entire Project as being in a *"Very High Fire Severity Zone."* The RMAs, infrastructure, and building envelopes are all required by CAL FIRE to have fuel modification. The presence of urban development next to natural areas increases the likelihood of fires in the wildland-urban interface. To reduce the likelihood of fire, CAL FIRE prescribes specific prescriptions to reduce fuel loading based on the topography and vegetation present. Although some of the oak woodland vegetation will remain, it will always be managed or suppressed for fuel modification. According to the *Tierra Robles Wildland Fuel/Vegetation Management* Plan dated July 2015, each prescription *"could be applied uniformly*

to the lots within that RMA." Depending upon the specific RMA, prescriptions include maintaining grass height at or below 4 or 6 inches, limbing oaks up to 8 feet, retaining only a fraction of various size classes for trees and shrubs, removal of shrubs to increase spacing, and removal of dead and down brush and limbs. Throughout the DEIR, it is stated that much of the oak woodland has been left in place and therefore the management of the oaks should count as mitigation. Though the Department supports habitat retention within development, with the effects of housing, recreation, and both vegetation management plans, the Department believes areas within the RMAs will have reduced habitat values and should be assigned a partial credit for mitigation, such as 0.75/1. The Department appreciates that certain RMAs will not be developed with houses, but these areas are subject to the same impacts from fuels reduction and recreation described above. The Department recommends eliminating the *"25 percent loss of oak woodland habitat values within the RMAs"* and increasing the amount of proposed offsite mitigation for the loss of 484.2 acres of blue oak woodland. In addition, the Department does not agree that *"enhancement,"* which in this case is fuel modification, should be considered mitigation. The Department recommends that the eastern open space preserve (154.90 acres) receive preservation credits at 0.75:1 for a total of 115.58 acres of preservation credits. The recommended mitigation for impacts to oak woodlands would be as follows:

Impacts total:	484.2 acres @ 3:1	= 1452.6 acres
Preservation credits total:	154.1@ 0.75:1	= 115.58 acres
Offsite mitigation credit total:	137.8 @ 1:1	= 137.8 acres
Total Oak Woodland Mitigation Required:		1199.22 acres

1-a

Vegetation Prescriptions

The Oak Woodland Management Plan and the Wildland Fire Vegetation Management Plan are inconsistent regarding habitat conservation and fuel modification. The Department recommends developing a strategy for fuel modification in consultation with the Department and CAL FIRE as the strategies presented in both plans address only fuel modification and enhancing trees, not maintaining oak woodland function, and the diversity of species within the Project. For example, in the Oak Management Plan, it says the grasses will be maintained at 4 inches but the Fire Vegetation Plan states 6 inches. Neither height is appropriate for some of the grassland areas that should be considered prairie (as described below) as they consist predominantly of annuals, geophytes, and forbs, and a reduced number of actual grass species. These annuals can grow taller than 6 inches and if you are constantly managing them to less than that, they will not be able to flower and set seed. Development of a strategy that allows for natural annual regeneration will increase the likelihood that they will persist over time.

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Shasta County Department of Resource Management
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On page 32 of the Oak Management Plan it states:

> "*This plan has taken an ecosystem approach to the management of the oak woodland and by proxy, the habitats found within the Tierra Robles project area. Habitat requirements of selected wildlife species, such as bats, raccoons, skunks, raptors, various amphibians and reptile species will, by association with the oak woodlands, be maintained and enhanced through time. Though subdivision development is not often considered as a positive impact to wildlife habitat values, there are some positive elements. For example, with the build-out of the subdivision there will be the introduction of more varieties of plant species as homeowners landscape their yards, having the effect of increased diversity of vegetative habitats within the present oak woodlands. The irrigation of these yards will have the effect of more dispersed and continual sources of water through the summer months.*"

The Department is not clear how landscaping and increased water enhances existing oak woodland habitat. The increased diversity of non-native vegetation may help some year-round species but should not be viewed as enhancing oak woodland habitat and may in fact lead to more non-natives within the RMAs. In addition, any expected benefits from the landscaping and additional water will likely be offset by increased use of herbicides, fertilizers, and domesticated animals such as cats and dogs. Continual summer irrigation can kill native vegetation especially oaks, which are adapted to a Mediterranean climate, change the species composition, and increase the amount of non-natives. 1-a

Biological Resources

Existing Biological Communities

This section of the DEIR describes the annual grassland, seasonal stream, riparian, wetland and oak woodland vegetation communities present onsite. The annual grassland is described by listing a number of non-native grasses and one native grass; however, several native grasses, geophytes, and native forbs were found onsite according to Table 5.4-1. Native grassland communities typically include perennial bunchgrasses, but some native grasses are annuals. Native grassland communities are extremely rare due to the proliferation of agricultural activities and the invasion of naturalized annual and perennial grasses (Stromberg et al. 2007; Fremontia 2011). Many of the botanical species found on the Project actually describe a forb-dominated prairie (Fremontia 2011) rather than a grass dominated community. Because Project vegetation mapping did not estimate dominant plant cover, it is not currently possible to classify herbaceous dominated communities on the Project site. Because many of these prairie communities are

of conservation concern (Fremontia 2011), they should be better described and impacts should be analyzed. The Department recommends that herbaceous communities currently lumped together as *"annual grassland"* are mapped separately and each vegetation type described in detail, in accordance with the Manual of California Vegetation (2009). Substantial impacts to native grasslands and rare prairie community types would need to be mitigated.

On page 5.4-5, annual grasslands are described as only having marginal habitat for wildlife species. The Department is unclear as to why the grassland provides a moderate value to wildlife. In addition to the annual grasslands, it appears that seasonal streams and riparian also only provide "moderate" values for wildlife, but on page 5.4-40 in the mitigation credit calculation, *"the stream corridors provide some of the highest wildlife habitat values on the site."* Wetlands only appear to *"provide some value to wildlife species."* These assumptions should be better articulated and clarified.

On page 5.4-6, it is stated that riparian habitat was not mapped *"due to the minimal extent of the riparian vegetation onsite."* All vegetation communities existing onsite should have been mapped, acreage disclosed, and whether or not the vegetation community was impacted by the Project or not.

1-a

Special Status Plant Species

In a DEIR, it is typical to describe if there were any extenuating circumstances during the course of conducting surveys. Having read the majority of the document, the Department does not see a discussion on the drought, which is when ENPLAN conducted the most recent botanical and wildlife surveys. The Department recommends including a description of the effects of the drought on the surveys and the impacts it could have had on the ability to identify all species on the Project site.

It states on page 5.4-28: "*The field surveys were undertaken in general accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.*" The Department is unclear on what it means to undertake field surveys in general accordance with our 2009 protocols. The DEIR should describe in what way the surveys were not consistent with the protocol. If there are specific reasons the protocol could not be followed for the 2012 surveys, they should be stated in the DEIR. The DEIR and the attached botanical surveys only specify the days that the surveys were conducted. The Department would like to see the actual survey results for the 2012 botanical surveys, which would include the number of acres surveyed per day and by whom, which reference sites were visited to ensure that the special status species would have been seen at the time the surveys took

place, and the qualifications of the surveyor(s). The Department is concerned that the information gathered on rare plants is not sufficient to fully disclose the nature and extent of impacts. Only focused surveys for slender Orcutt grass were conducted but not for the other special status plant species. Further, a preliminary review of the California Natural Diversity Database (CNDDB) found three additional species that were not in Table 5.4-4: Henderson's bentgrass (*Agrostis hendersonii*)(Rare Plant Rank 3.2 with an Elemental Rank of G2Q/S2[1]); dubious pea (*Lathyrus sulphureus* var. *argillaceus*)(Rare Plant Rank 3 with an Elemental Rank of G5T1T2/S1S2); and woolly meadowfoam (*Limnanthes floccosa* ssp. *floccosa*)(Rare Plant Rank 4.2 with an Elemental Rank of G4T4/S3). The Department recommends conducting a focused plant survey for all of the special status plant species during the appropriate blooming time and following the Department's 2009 protocols. Reference sites shall be utilized to determine the detectability of the special status plant species.

On page 5.4-6, under the Wetlands subheading, it says a seep was located in the eastern portion of the site. Table 5.4-4 describes the habitat for Bellinger's meadowfoam (*Limnanthes floccosa* ssp. *bellingeriana*) as occurring "*around meadows, seeps, damp stony flats, and in cismontane woodland below 3,600 feet in elevation in Shasta County.*" It then goes on to say there is no suitable habitat in the Project area for this species. It is not discussed in either botanical report or within the DEIR if a focused survey for this California Rare Plant Rank 1B.2 was conducted. The Department recommends surveying for this species following the Department's 2009 protocols during the appropriate blooming period. 1-a

On page 5.4-24, in Table 5.4-4, the DEIR discusses oval-leaved viburnum. In the last column it says: "*In California, oval-leaved viburnum is an introduced weed. Review of CNDDB records found that oval-leaved viburnum has been reported within 10 miles of the project area. However, CDFW does not consider oval-leaved viburnum to be a special-status species. No further evaluation of this species is warranted.*" Oval-leaved viburnum, (*Viburnum ellipticum*) is a California native species and according to the Jepson manual, Calflora, California Native Plant Society, and published scientific literature is not an introduced weed. The Department considers this species to have special status and it is listed in our *Special Vascular Plants, Bryophytes, and Lichens List* as well as being included in the CNDDB. This species is listed as a California Rare Plant Rank 2B.3 meaning that the plant is rare, threatened, or endangered in California, but more common elsewhere. With this ranking, the importance lies in protecting the geographic range of widespread species. Protecting the diversity of California's flora will help maintain evolutionary processes and genetic diversity within the species. This ranking meets the definitions of CESA and is eligible for State listing. Impacts to the species or its habitat, if present onsite, need to be analyzed in the DEIR. The species meets the definition of Rare or Endangered under CEQA Guidelines sections 15125 (c)

[1] Definitions of the Elemental Ranking can be found at the following websites: http://explorer.natureserve.org/granks.htm and https://wildlife.ca.gov/Conservation/Plants/Info

and section 15380. The Department recommends surveying for this species following the Department's 2009 protocols during the appropriate blooming period.

Invasive or Noxious Weed Species

Invasive species have been identified onsite. Invasive or noxious weed species can be inadvertently transported by vehicles, equipment, and people. On page 5.4-42, it states that the construction contractor is required "*to thoroughly wash all equipment at a commercial wash facility prior to entering the County (if the equipment has most recently been used within the County, cleaning would not be required)*." The Department recommends the contractor wash all equipment before and after use with every project to help prevent the spread of invasive and noxious weeds between projects within Shasta County.

Special Status Wildlife Species

Western Spadefoot Toad (*Spea hammondii*)

Western spadefoot toad is a Priority 1 Species of Special Concern, which are taxa that are likely to experience severe future declines and/or extirpation without immediate conservation actions. The Department asserts that this species meets the criteria of a rare, threatened, or endangered species pursuant to CEQA Guidelines section 15380. Therefore, impacts to this species are potentially significant. Surveys for this species by a biologist familiar with its life history were not conducted. This species is known to occur less than 5 miles away and suitable habitat exists onsite for this species. This species does not necessarily breed every year and is dependent upon adequate rainfall – both the timing and duration are important cues for the western spadefoot to come out of dormancy. Both daytime and nighttime surveys are required. The information provided in the DEIR and appendices does not state the actual timing of the nighttime surveys, the temperature of the water, humidity, and air temperature for the surveys conducted on March 26 and April 2, 2015. Since this survey was conducted during the drought, the western spadefoot may have been in its underground burrow at that time. The species could also have been finished breeding and would have possibly been found in the oak woodland areas. The Department believes these surveys were incomplete and inconclusive. The Department recommends proper surveys for this species be conducted by a qualified biologist familiar with this species' life history requirements. If western spadefoot toad is shown to be present, the EIR should include avoidance and mitigation. 1-a

Bat Surveys

Although not listed in the special status species table, pallid bats (*Antrozous pallidus*), a California Species of Special Concern, are known to occur in oak woodlands. Given the amount of oak woodland habitat available onsite and known water sources, there is a high probability the species could occur onsite. This species may meet the

requirement of section 15380 of the CEQA Guidelines, and therefore impacts may be significant. There is not enough information provided in the DEIR to determine potential significant impacts to bat species as no formal or protocol survey was conducted to determine presence. The Department recommends conducting surveys during the appropriate time of year, by a qualified bat biologist. The EIR should include an analysis and proposed avoidance and mitigation.

Western Pond Turtle (*Emys marmorata*)

Western pond turtle is a Priority 3 Species of Special Concern, which are taxa that are clearly at risk but likely are not experiencing a substantial and immediate threat of extirpation. According to the Biological Review dated July 2015 (revised August 2016) and prepared by Wildland Resource Managers, two wildlife surveys were conducted for western pond turtle: March 26 and April 2, 2015. The western pond turtles could have still been overwintering. The Project site has suitable habitat for the western pond turtle; therefore, the Department recommends that western pond turtle be surveyed prior to the start of construction by a qualified biologist during a time when the species would be most detectable, and avoidance measures included to move this species into suitable adjacent habitat.

Wildlife Movement Corridors

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There is not enough information in the DEIR for the Department to determine if there is a significant impact to wildlife movement corridors. It does not appear a wildlife movement study was conducted. As this project will impact a large area of habitat that lies in between other development, the Department recommends completing a Wildlife Movement Study to evaluate potential impacts to wildlife movement from the proposed project.

Lighting and Noise

The Department recognizes the effects that artificial lighting and noise 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.

Mitigation Measures

Mitigation Measure 5.4-1a should have a sentence that says: *"Prior to the removal of any vegetation, the applicant shall establish an offsite conservation easement in consultation with the Department."* The second paragraph of the same mitigation measure should say: *"A conservation-oriented third-party entity acceptable to Shasta*

Kim Hunter, Division Manager
Shasta County Department of Resource Management
December 26, 2017
Page 10

*County **and approved by the State** shall hold the conservation easement and shall be responsible for ongoing monitoring and management of the site in accordance with the management plan."* The last paragraph shall say, *"Monitoring reports shall be submitted to Shasta County **and the California Department of Fish and Wildlife** at least once every three years."*

Mitigation Measure 5.4-1g should wait to be finalized until a bat survey by a qualified bat biologist can be conducted.

Mitigation Lands and Conservation Easements

All entities that will hold land are required to go through the Department's due diligence process in order to hold lands. The information for this process can be found at: https://wildlife.ca.gov/Conservation/Planning/Endowments. 1-a

Lake or Streambed Alteration Agreement

It is stated in the DEIR that no impacts to drainages or wetlands will occur. However, in the event that changes, FGC section 1602 requires any entity to notify CDFW before beginning any activity that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake.

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

Sincerely,

Curt Babcock
Habitat Conservation Program Manager

ec: Kim Hunter
Shasta County Department of Resource Management
khunter @co.shasta.ca.us

State Clearinghouse
state.clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov

References

California Department of Fish and Wildlife, Natural Diversity Database. October 2017. Special Vascular Plants, Bryophytes, and Lichens List. Quarterly publication. 127 pp.

Holstein, Glen. "Prairies and Grasslands: What's in a Name?" *Fremontia: A Journal of the California Native Plant Society*, vol. 39, no. 2, May 2011, pp. 1–11.

Stromberg, Mark R., et al. *California grasslands: ecology and management*. University of California Press, 2007.

1-a

State of California—Transportation Agency EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
2503 Cascade Boulevard
Redding, CA 96003
(530) 225-0500
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

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November 28, 2017

File No.: 135.15251

Governor's Office of Planning & Research
NOV 29 2017
STATE CLEARINGHOUSE

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Subject: **SCH# 2012102051**

The California Highway Patrol (CHP), Redding Area, was recently requested to review environmental impact documents related to the proposed Tierra Robles Planned Development Project, bordered primarily by Old Alturas Road, Boyle Road, and Deschutes Road, between the communities of Palo Cedro, California, and Bella Vista, California.

The CHP services and has primary jurisdiction for traffic enforcement in the unincorporated area of Shasta County, within the proposed project location. Primary law enforcement services would be provided by the Shasta County Sheriff's Office.

After reviewing the Draft Environmental Impact Report (EIR), the CHP shares in the concern for potentially significant transportation/traffic impacts created by the project. Specifically, the increased traffic volumes created at the intersections of Old Oregon Trail/Old Alturas Road, Deschutes Road/ Old Highway 44, Boyle Road/Deschutes Road, and Deschutes Road/Lassen View Drive should be carefully evaluated for congestion management, as well as emergency access to and from the project location. 1-a

Thank you for bringing this project to our attention. Should you have any questions, please contact me at (530) 225-0500.

Sincerely,

S. R. FREDRICK, Lieutenant
Acting Commander
Redding Area

cc: CHP Northern Division

Safety, Service, and Security *An Internationally Accredited Agency*

State of California | Transportation Agency

Memorandum

Date: November 8, 2017

To: Redding Area (135)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A09293.A14630.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2012102051

Special Projects Section (SPS) recently received the referenced "Notice of Completion" environmental impact document from the State Clearinghouse.

Due to the project's geographical proximity to the Redding Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above State Clearinghouse (SCH) number must be mailed to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814. Your written comments must be received by SCH no later than **December 7, 2017**. If the due date to SCH cannot be met, please send comments directly to the lead agency (refer to the Notice of Completion) no later than three working days after the original due date - by **December 12, 2017**. For reference, additional information can be found in General Order 41.2, Environmental Impact Documents. 1-a

For project tracking purposes, SPS must be notified of Redding Area's assessment of the project (including negative reports). Please e-mail a copy of Area's response to Associate Governmental Program Analyst Leah Mora at LeMora@chp.ca.gov. For questions or concerns, please contact Ms. Mora at (916) 843-3382.

S. F. BARSANTI, SSM III
Commander

Attachments: Checklist
Project File

cc: Northern Division

Safety, Service, and Security | *An Internationally Accredited Agency*
CHP 51 (Rev. 03-11) OPI 076

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Zone Amendment 10-002, Tract Map 1996 - Tierra Robles Planned Development
Lead Agency: Shasta County, Department of Resource Management — Contact Person: Kent Hector, Senior Planner
Mailing Address: 1855 Placer Street, Suite 103 — Phone: (530) 225-5532
City: Redding — Zip: 96001 — County: Shasta

Project Location: County: Shasta — City/Nearest Community: Palo Cedro & Bella Vista
Cross Streets: Bayle Road / Ports Dego Way — Zip Code: 96073
Lat. / Long.: 40° 35' 36" N/ 122° 16' 01" W — Total Acres: Approximately 715
Assessor's Parcel No.: 061-210-001, 061-240-001, 078-060-036, 078-060-039, and 078-250-002
Sections: Portions of Section 19, 30 — Twp.: 32 North — Range: 3 West — Base: MDBM
Portions of Section 24, 25 — Twp.: 32 North — Range: 4 West — Base: MDBM

Within 2 Miles: State Hwy #: SR-299 — Waterways: Clough Creek
Airports: — Railways: — Schools: North Cow Creek Elem., Bella Vista Elem.

Document Type:
CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other

OCT 23 2017
STATE CLEARINGHOUSE

Local Action Type:
☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☒ Site Plan
☒ Rezone ☐ Prezone ☐ Use Permit ☒ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other CSD

Development Type:
☒ Residential: Units 166 Acres 715
☐ Water Facilities: Type MGD

Project Issues Discussed in Document:
☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☒ Biological Resources ☐ Coastal Zone ☒ Drainage/Absorption ☒ Economic/Jobs ☐ Other
☒ Fiscal ☒ Flood Plain/Flooding ☒ Forest Land/Fire Hazard ☒ Geologic/Seismic ☐ Minerals ☒ Noise ☒ Population/Housing Balance ☒ Public Services/Facilities
☒ Recreation/Parks ☒ Schools/Universities ☒ Septic Systems ☒ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☒ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation
☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☒ Growth Inducing ☒ Land Use ☒ Cumulative Effects

Present Land Use/Zoning/General Plan Designation:
Agricultural - Grazing/ Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U)/ Rural Residential 'A' (RA).

Project Description:
The proposed project consists of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U) to a Planned Development (PD) zone district establishing a conceptual development plan covering the entire site; and a Tract Map (TR 1996) to divide the 715.4-acre property into 166 residential parcels ranging from 1.38 acres to 6.81 acres in size. The project proposes the formation of the Tierra Robles Community Services District (TRCSD) as a means to provide operation and maintenance of the wastewater treatment system, maintenance of improved streets within the subdivision, management of open spaces, including preservation and fire management operations, and maintenance of drainage improvements. The ultimate approval of the TRCSD would be subject to separate application and approval from the Shasta County Local Agency Formation Commission (LAFCO).
The Planned Development proposes the following design features: (1) Grey water diverter system; (2) Inclusion of solar design in new homes which reduces annual energy usage by 15 percent or more; (3) Variation of housing design and setbacks with not more than 5 percent of the same building footprint or building design; (4) Class I public bikeways within the project site and pedestrian trails. The proposed project would include 192.7 acres of open space, which contain sensitive habitat features and/or species. The largest open space parcel is generally located on steep slopes (>30% slope) adjacent to waterways in the eastern portion of the project site. This open space area would serve as both a conservation and recreation area for the proposed subdivision.

1-a

State Clearinghouse Contact: (916) 445-0613 SG
State Review Began: 10-24-2017
SCH COMPLIANCE 12-07-2017

Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 2012102051
Please forward late comments directly to the Lead Agency

AQMD/APCD 31
(Resources: 10/24)

Project Sent to the following State Agencies

X Resources
Boating & Waterways
X Central Valley Flood Prot.
Coastal Comm
Colorado Rvr Bd
X Conservation
X CDFW # 1
Cal Fire
Historic Preservation
X Parks & Rec
Bay Cons & Dev Comm.
DWR

CalSTA
Aeronautics
X CHP
X Caltrans# 2
Trans Planning

Other
Education
OES
Food & Agriculture
HCD

State/Consumer Svcs
General Services

Cal EPA
ARB: Airport & Freight
ARB: Transportation Projects
ARB: Major Industrial/Energy
Resources, Recycl.& Recovery
X SWRCB: Div. of Drinking Water
SWRCB: Div. Drinking Wtr #
X SWRCB: Div. Financial Assist.
X SWRCB: Wtr Quality
SWRCB: Wtr Rights
X Reg. WQCB # 5R
Toxic Sub Ctrl-CTC

Yth/Adlt Corrections
Corrections

Independent Comm
Delta Protection Comm
X Delta Stewardship Council
X Energy Commission
X NAHC
X Public Utilities Comm
Santa Monica Bay Restoration
State Lands Comm
Tahoe Rgl Plan Agency

Conservancy

Other:

ENVIRONMENTAL IMPACT REPORT
EVALUATION/RESPONSE CHECKLIST
FOR AREA/SECTION

Reference: Highway Patrol Manual 41.1
Transportation Planning Manual
Chapter 6: Environmental Impact Documents

	Action	Reference HPM 41.1 Chapter 6
☑	Review memorandum for the due date(s).	12/7
☑	Determine if the proposed project might impact local operations and/or public safety. Examples include: housing developments, large commercial projects, large recreational developments or expansions, landfill or quarry operations, hazardous materials storage and/or dump sites, highway construction/improvement projects, new schools, airport improvements, annexations/incorporations, off-highway vehicle facilities, and Indian gaming facilities.	Pages 3-4
☑	Review environmental impact documents to identify issues or concerns with possible impact to departmental operations (i.e., increased response times, enforcement, emergency services, service calls, telecommunications, public safety).	TRAFFIC IMPACTS
	Responses	
☑	If comments are advisable:	
☑	Correspondence should focus primarily on traffic safety, congestion, or other impacts to the CHP's mission; however, **Areas shall not indicate to the lead agency that additional personnel, facilities, vehicles, etc., are a means to mitigate departmental service issues.**	Page 6
☑	Ensure the State Clearinghouse number (SCH#) is included in all correspondence.	
☑	Comments shall be provided directly to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814, or the lead agency as deemed appropriate, no later than the designated due date. Provide a copy to Special Projects Section (SPS) via electronic mail (e-mail).	
✓	For project tracking purposes, SPS must be notified of Area/Section's assessment of the project. After mailing your comments to the SCH or lead agency, send a scanned copy via e-mail to SPS.	
☒	If no impact is determined:	
☒	Via e-mail, please respond "no impact to _____ Area's local operations and/or public safety by SCH# _____ was identified," by the designated SCH due date to the SPS analyst listed on the Environmental Document Review and Response memorandum. Ensure the SCH# is included.	

1-a

Response to Letter 1 – Governor's Office of Planning and Research

Response 1-a: The participation of the State Clearinghouse in the public review of this document is appreciated. The commenter states that the Governor's Office of Planning and Research (OPR) State Clearinghouse distributed the Draft EIR for selected agencies to review, in accordance with the requirements of the California Environmental Quality Act (CEQA). Comment letters were received from the California Department of Fish and Wildlife (CDFW, December 29, 2017) and Department of California Highway Patrol (CHP, November 28, 2017) and are attached to this comment letter.

Responses to the CDFW letter (Letter 3) are provided in ***Responses 3-a*** through ***3-v*** and responses to the CHP letter (Letter 4) are provided in ***Responses 4-a*** through ***4-c***. No further response is required and no changes to the Draft EIR have been made as a result of this comment. All comments received from State agencies, and responses thereto, will be provided to the Shasta County Planning Commission and Board of Supervisors for consideration.

Letter 2 – Central Valley Regional Water Quality Control Board (November 1, 2017)

CALIFORNIA Water Boards

RECEIVED
NOV 3 2017
County of Shasta
Building Division

EDMUND G. BROWN JR., GOVERNOR
MATTHEW RODRIQUEZ, SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

1 November 2017

Kent Hector, AICP
Shasta County Department of Resource Management
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR TIERRA ROBLES PLANNED DEVELOPMENT, ZONE AMENDMENT 10-002, TRACT MAP 1996, SHASTA COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 26 October 2017 we received your request for comments on the Draft Environmental Impact Report for the Tierra Robles Planned Development located in Shasta County.

Shasta Red, LLC is proposing to divide a 715.4-acre property into 166 residential parcels and six open space parcels including an internal 6.07mile road system, two bridges, and an on-site wastewater collection, treatment and dispersal system. 2-a

Based on our review of the information submitted for the proposed project, we have the following comments:

Clean Water Act (CWA) Section 401, Water Quality Certification
The Central Valley Water Board has regulatory authority over wetlands and waterways under both the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and 401 Water Quality Certification must be obtained prior to site disturbance. 2-b
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/wqc_application.pdf

Isolated wetlands and other waters not covered by the Federal Clean Water Act
Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act (e.g., isolated wetlands, vernal 2-c

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | www.waterboards.ca.gov/centralvalley

RECYCLED PAPER

pools, or stream banks above the ordinary high water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has the potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action. 2-c Cont.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. The requirements to submit a report of waste discharge may be met using the same application form, found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Stream, Wetland, and Riparian Setbacks and Buffer Zones

To ensure the protection of the Beneficial Uses of waters of the State, we recommend that Shasta County establish and incorporate appropriate setbacks and buffers as protective measures for any on-site stream habitat, wetlands, riparian areas, and species of special concern. Buffer width is important as a measure of pollutant removal effectiveness, and to maintain wildlife. Wider buffers offer increased detention times, infiltration rates, and diversity of soil, vegetation, and wildlife. Buffers should be sized to protect both water quality and wildlife habitat needs. 2-d

General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP)

Construction activity, including demolition, resulting in a land disturbance of one acre or more must obtain coverage under the CGP. The Tierra Robles Planned Development Project must be conditioned to implement storm water pollution controls during construction and post-construction as required by the CGP. To apply for coverage under the CGP the property owner must submit Permit Registration Documents electronically prior to construction. Detailed information on the CGP can be found on the State Water Board website: http://www.waterboards.ca.gov/water_issues/programs/stormwater/gen_const.shtml 2-e

Sewage Collection, Treatment, and Disposal

The current project design includes a community sewage collection, treatment and disposal system. Due to the size of the system a permit (referred to as Waste Discharge Requirements, or WDRs) from the Central Valley Water Board will be required. A complete application for WDRs (referred to as a Report of Waste Discharge, or ROWD) must be submitted at least 140 days prior to discharging waste. The applicant should contact Central Valley Water Board staff to discuss this process. 2-f

On 23 April 2009, the Central Valley Water Board adopted Resolution No. R5-2009-0028 in support of regionalization of wastewater management opportunities and solutions. This resolution requires applicants for State wastewater discharge permits to evaluate and consider regionalization opportunities, rather than isolated, individual wastewater systems. As such, any application for a State wastewater discharge permit for the proposed Tierra Robles Planned Development Project would need to include a full evaluation and feasibility analysis of wastewater regionalization opportunities and efforts. This analysis should include any options to connect to existing municipal wastewater sewer systems within the vicinity of the proposed project. 2-g

Mr. Kent Hector - 3 - 1 November 2017
Shasta County Planning Division

While the Central Valley Water Board has no opinion on the merits of the proposed Tierra Robles planned development, we strongly support any efforts to regionalize wastewater services throughout Shasta County. Regionalization of wastewater services helps to end the proliferation of small community treatment plants that are very costly to operate and have a high incidence of noncompliance with our regulatory permits. Established municipalities, operating regional wastewater systems, generally have the financial stability, knowledge, and infrastructure in place to properly maintain and operate such systems, as opposed to allowing another isolated onsite wastewater system to be installed. Regional wastewater systems help to protect, enhance, and preserve water resources.

Central Valley Water Board staff recommends that the Shasta Local Agency Formation Commission (LAFCO) and Shasta County work together to limit the development of new small community treatment plants that are not served by municipalities, due to difficulties in maintaining the long term financial stability and regulatory compliance of these types of systems. We offer our assistance and support to work with the County, LAFCO, and the Developers to implement a solution that meets the needs of all. 2-g

If you have any questions or comments regarding this matter, please contact me at (530) 224-3208, George.Low@waterboards.ca.gov, or the footer address.

George Low, P.G.
Senior Engineering Geologist
Waste Discharge Requirements Unit

GL: db

cc: Shasta Red, LLC, Beverly Hills
Mr. Steve Nelson, $S_2 \sim J_2$ Engineering, Inc., Cottonwood
Kimerly-Horn and Associates, Inc., Sacramento
Shasta County Environmental Health, Redding
Shasta Local Agency Formation Commission, Redding

Response to Letter 2 – Central Valley Regional Water Quality Control Board

Response 2-a: The participation of the Central Valley Regional Water Quality Control Board (CVRWQCB) in the public review of this document is appreciated. The CVRWQCB provided introductory remarks to the comment letter. No environmental issues or concerns were raised in this summary paragraph; therefore, no further response is necessary.

Response 2-b: The CVRWQCB notes that the proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State and steps must be taken to first avoid and minimize impacts to these waters and then mitigate for impacts. The CVRWQCB further states that a Clean Water Act (CWA) Section 404 Permit and a Section 401 Water Quality Certification must be obtained prior to site disturbance. The commenter is referred to Section 5.4, BIOLOGICAL RESOURCES, and Section 5.9, HYDROLOGY AND WATER QUALITY, of the Draft EIR, for a detailed analysis of biological resources and regulatory requirements, including short-term and long-term water quality control measures.

Jurisdictional delineation studies were prepared by qualified professional biologists for the proposed project site (refer to Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR). Appendix 15.4 contains the following biological resource documents that address CWA Section 401 Water Quality Certifications and other resource agency permit requirements:

- Wildland Resource Managers. *Wetland Delineation for Chatham Ranch*. December 2008.
- Wildland Resource Managers. *Chatham Ranch Wetland Delineation Addendum*. May 2011.
- Wildland Resource Managers. *Chatham Ranch Biological Evaluation*. January 2005.
- Wildland Resource Managers. *Biological Review for Geringer's Capitol "Tierra Robles Ranch."* August 2016.

As discussed on page 5.4-37 of the Draft EIR, the proposed project has been designed to avoid waters of the U.S and wetlands, and thus, would not result in the permanent fill of these features. Pages 5.4-38, 5.4-45, 5.4-45, and 5.4-53, of the Draft EIR discusses that the proposed roadway network would result in the crossing of Clough Creek at two locations with bridge piers located outside the limits of the riparian zone along the stream channel. Page 5.4-53 of the Draft EIR discusses that other smaller crossings of natural onsite drainages will require shorter precast concrete structures and have been designed to avoid the need for permanent or temporary fill of the drainages (refer to Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION). In addition, potential indirect impacts to jurisdictional waters would be reduced through compliance with conditions of the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (refer to pages 5.9-12, 5.9-16, and 5.9-19 in Section 5.9, HYDROLOGY AND WATER QUALITY). No change to the Draft EIR is required.

Response 2-c: The commenter states that some wetlands and waters are considered "geographically isolated" and thus are not within the jurisdiction of the Clean Water Act and that discharge or fill into these waters may require waste discharge permits from the CVRWQCB.

Refer to ***Response 2-b***, immediately above. In addition, page 5.4-34 of the Draft EIR addresses isolated waters and recognizes that the State more broadly defines waters of the state as "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code Section 13050(e)). This broader definition would allow the State to regulate the discharge of dredge or fill material within waters not regulated by the Corps (e.g., isolated waters). This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No change to the Draft EIR is required.

Response 2-d: The commenter recommends that the County establish and incorporate appropriate setbacks and buffers as protective measures for any onsite stream habitat, wetlands, riparian areas, and species of special concern.

The commenter is referred to Section 3.0, PROJECT DESCRIPTION, Section 5.4, BIOLOGICAL RESOURCES, and Appendix 15.2, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR for information regarding the project's unique planning efforts in avoiding impacts to the above-mentioned resources. The following provides for a summary of project specific design elements that serve to achieve the CVRWQCB stated recommendation regarding setbacks:

The proposed project site was subdivided into five Resource Management Areas (RMA's) representing distinct and identifiable habitat types (refer to Section 3.0, PROJECT DESCRIPTION). The RMA's would provide buffers between areas of proposed disturbance and would serve as protective measures for onsite stream habitat, wetlands, riparian areas, and species of special concern. Buffers are discussed on pages 5.4-19, 5.4-40, 5.4-42, 5.4-51, and 5.4-53 in Section 5.4, BIOLOGICAL RESOURCES. These buffers and/or detailed development and management restrictions were developed for each RMA and are evaluated in detail in Section 5.4, BIOLOGICAL RESOURCES, and Section 5.8, HAZARDS AND HAZARDOUS MATERIALS, and Section 5.9, HYDROLOGY AND WATER QUALITY, of the Draft EIR. Full RMA descriptions, fire fuel prescription methods, and other development restrictions are contained in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, of the Draft EIR.

As noted in Section 3.0, PROJECT DESCRIPTION, a RMA has been established within each residential lot to create setbacks from property lines, stream channels and/or critical natural resources. These setback areas would remain undisturbed and would be managed by the private land owner under direction of the Tierra Robles Community Services District (TRCSD) as specified in the *Tierra Robles Wildland Fuel/Vegetation Management Plan* (TRWF/VMP). The total area of resource management is 333.9 acres or 46.9% of the total project site. In addition, the project proposes 192.7 acres or 26.9% of the total project area as managed Open Space to ensure the undeveloped areas of the property continue as a means of fire protection and environmental preservation throughout the life of the project.

In addition to the above RMA's and in an effort to provide specific guidance for future lot development, an individual parcel "Lot Book" page has been created and reflects the unique characteristic for each lot with the goal of providing long-term resource protection, including the management and maintenance resources and avoidance of onsite drainages and streams as directed by the TRWF/VMP. The designated building envelope for each individual lot would allow for the area to be cleared and graded for the construction of one single family residence and desired accessory buildings. The Lot Book is included in its entirety in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT. These individual lot development requirements in addition to the management prescriptions of onsite RMA's and permanent open space areas would serve to maintain appropriate setbacks and minimize impacts to sensitive onsite resources. No change to the Draft EIR is required.

Response 2-e: Comment noted. The CVRWQCB comment notes that construction activity, including demolition resulting disturbance of one acre or more must obtain coverage under the State General Construction Activity Storm Water Permit and that the proposed project must be conditioned to implement controls as required by the CGP. The County recognizes the State Water Resources Control Board's (SWRCB) responsibility for implementing the Clean Water Act and continues to comply with the statewide General Permit (Water Quality Order No. R5-2016-0040) for construction activities within the State. The County further notes and recognizes that a CGP is implemented and enforced by the Regional Water Quality Control Boards (RWQCBs) statewide and the CVRWQCB is responsible for administering the CGP process for projects in Shasta County. The CGP applies to construction activity that disturbs one acre or more, and requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies Best Management Practices (BMPs) to minimize the discharge of pollutants from construction sites to the maximum extent practicable. The proposed project will be conditioned to design and construct all site facilities in accordance with *Shasta County Code* Chapter 12.12 and the statewide General Permit (Water Quality Order No. R5-2016-0040). No change to the Draft EIR is necessary.

Response 2-f: The CVRWQCB notes that the proposed community sewage collection, treatment and disposal system requires issuance of a Waste Discharge Requirements (WDR) permit and completion of a Report of Waste Discharge (ROWD) must be submitted at least 140 days prior to discharging waste.

The proposed treatment system would be designed to meet the reuse requirements for discharge of Title 22 Disinfected Secondary Effluent as well as the CVRWQCB's Waste Discharge Requirements. This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration. No change to the Draft EIR is necessary.

Response 2-g: The commenter provides information on Resolution No. R5-2009-0028 and states that any application for a wastewater discharge permit will need to include a full evaluation and feasibility analysis of wastewater regionalization opportunities, including any options to connect to existing municipal wastewater sewer systems. The commenter strongly supports any efforts to regionalize wastewater services and recommends that Shasta County Local Agency Formation Commission (LAFCO) and

Shasta County work together to limit the development of small community treatment plants.

The requested information regarding the feasibility of wastewater regionalization opportunities associated with this proposed project will be provided to the CVRWQCB concurrent with the WDR application and ROWD described above under preceding ***Response 2-f***. It should be noted that between 2010 and 2012 the project applicant extensively studied an option to annex the project site into County Service Area (CSA) No. 8 for sewage and treatment disposal. Refer to Appendix 15.1, NOTICE OF PREPARATION, which includes the project's *Public Scoping Report* that specifically discusses this early project concept.

Annexation to CSA No. 8 would have required the construction of approximately 3.4-miles of new force main sewer line offsite within the Boyle Road and Deschutes Road rights-of-ways from the southern portion of the proposed project to an existing CSA No. 8 manhole located near the intersection of Old 44 Drive and Deschutes Road in Palo Cedro. The new sewer collection system would collect the sewage from the individual parcels and ultimately transmit it to a wet well and pump house located at the southern portion of the proposed project site. From the wet well and pump house, it would be sent by force main to a connection point within the existing gravity sewer line system in the north portion of CSA No. 8. It would then be transmitted through the existing infrastructure to the treatment facility and ponds at the CSA No. 8 treatment facility (refer to Draft EIR page 7-5 and Figure 7-2, 2011 PROPOSED ANNEXATION BOUNDARY AND OFFSITE UTILITIES IMPROVEMENTS, in Section 7.0, ALTERNATIVES TO THE PROPOSED PROJECT).

The concept of connecting to CSA No. 8 through over 3 miles of new pipeline infrastructure did not include the formation of a CSD as proposed by the project. The proposed project's CSD has been specifically developed to oversee and implement the plans and facilities which are a critical aspect of the proposed project and include the following: *Tierra Robles Oak Woodland Management Plan; Tierra Robles Wildland Fuel/Vegetation Management Plan; Open Space Management*; Resource Management Area management and oversight; *Tierra Robles Design Guidelines*; road maintenance; storm drain maintenance; and wastewater collection, Treatment and Dispersal Facilities. Absent formation of a CSD similar to the proposed project, the same level of resource management and environmental stewardship would not be achieved with annexing the project to CSA No. 8 (refer to Section 7.0, ALTERNATIVES TO THE PROPOSED PROJECT).

When compared to the proposed project, impacts related to air quality (construction) and offsite biological impacts (two creek crossings) as a result of the 3.4-miles of pipeline construction to CSA No. 8, and increased wastewater delivery and treatment at CSA No. 8's existing treatment facility would be greater.

Annexation to CSA No. 8 under this concept would require a separate application and approval from the Shasta County LAFCO. Given the distance of the project from CSA No. 8 and the noncontiguous nature of the boundary modification request, it was unlikely that the annexation would have been ultimately supported. As such the applicant withdrew this concept and revised the proposed project based on a localized

community collection and treatment system. The County will continue to work collaboratively with the CVRWQCB and Shasta County LAFCO on efforts to regionalize wastewater services throughout Shasta County. No change to the Draft EIR is necessary.

Letter 3 – California Department of Fish and Wildlife (December 26, 2017)

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

December 26, 2017

Kim Hunter, Division Manager
Shasta County Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Subject: Review of the Draft Environmental Impact Report for the Tierra Robles Planned Development, State Clearinghouse Number 2012102051, Clough Creek, Shasta County

Dear Ms. Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) dated October 2017, 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 (FGC) 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. 3-a

Project Description

The Project as described in the DEIR "*consists of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U) to a Planned Development (PD) zone district establishing a conceptual development plan covering the entire site; and a Tract Map (TR 1996) to divide the 715.4-acre property into 166 residential parcels ranging from 1.38 acres to 6.81 acres in size, and six open space parcels totaling 192.7 acres.*"

Comments and Recommendations

The Department reviewed the DEIR as well as the attached appendices. The Department appreciates the DEIR discussion of many of our comments and recommendations from our Notice of Preparation comment letter dated March 24, 2016.

Conserving California's Wildlife Since 1870

Kim Hunter, Division Manager
Shasta County Department of Resource Management
December 26, 2017
Page 2

The Department has the following comments and recommendations as they pertain to biological resources. 3-a Cont.

Oak Woodland Vegetation Community

The Project as proposed will permanently impact 146.2 acres of blue oak woodland and indirectly impact 300.4 acres of blue oak woodland by build-out of the Project, for a total impact of 446.6 acres. To mitigate this significant impact, the Project applicant proposes to mitigate at a 2:1 ratio for oak woodland through offsite purchase of a conservation easement and mitigation credits. The Project applicant proposes to purchase 137.8 acres of offsite blue oak woodland conservation easement and apply 304.2 acres of mitigation credits for preservation and enhancement of the Resource Management Areas (RMA) within the Project footprint to fulfill the remaining acreage needed to satisfy the mitigation requirements.

Currently, 638.3 acres of blue oak woodland exists on the Project site. The Project applicant is proposing to offset a subset of the required blue oak mitigation by taking credit for the preservation of the RMAs (1.25:1) and for providing enhancement (fuel modification as described in the DEIR and summarized below in perpetuity (1.1:1). The Department disagrees with the rationale for the mitigation credits. Although these RMA areas will have California oak trees within them, the ecological processes of an oak woodland will not remain intact. The areas will be park-like and aesthetically pleasing, but the value to wildlife and overall biodiversity will decrease. The RMAs proposed are too small and fragmented to be considered mitigation. The bulk of the RMAs are small, fragmented locations consisting of homeowners' backyards, introducing noise, light, increased domestic animal and recreational impacts to the RMAs. These impacts, in addition to the perpetual fuel modification practices, further reduce their value as mitigation. Habitat that occurs in less fragmented, contiguous blocks would be preferable as mitigation to habitat in the RMAs that is fragmented or isolated by urban lands. Roads, even two-lane asphalt, represent permanent barriers to small mammals and many herpetofauna. When looking at the design of the RMAs, clustering the homes to one side and having one large open space connected to other open space via a corridor should be considered if mitigation credits are proposed within these areas. 3-b

The Department maintains that a 3:1 ratio for the permanent and "enhanced" blue oak woodland mitigation is more appropriate for the Project if the current crediting system is used. A survey of other projects in other areas of California shows that Lead Agencies routinely apply 3:1 up to 20:1 mitigation ratios for oak woodland impacts.

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A 2:1 replacement ratio does not adequately replace the habitat value lost as a result of removing the oak woodland habitat and the continual management of the remaining oak trees in the RMAs. 3-b Cont.

The *"Assessment of Proposed Blue Oak Mitigation Measures Necessary to Meet CEQA and Shasta County Requirements for the Tierra Robles Sub-Division Project"* dated October 2016 states the timber stand improvement techniques *"will meet the CEQA threshold for mitigation by not only retaining but enhancing the overall tree canopy on the site."* This approach, described in the Tierra Robles Oak Management Plan is silviculture based and focuses on growing healthy trees. This approach does not take into consideration the overall woodland habitat, which is being heavily modified by fuel modification practices. The Oak Management Plan describes the *"reduction of heavy fuels on the site"* as a major oak management objective. The plan goes on to describe the ideal oak stand, which includes the following: mature trees generally spaced 15 feet or more apart; seedlings interspersed within the stand; seedlings present; clusters of trees and shrubs approximately 15 feet by 15 feet; lower limbs of oaks limbed up 8 feet; understory height reduced to less than 4 inches; and standing snags and down logs retained unless there is a safety hazard to the public. This constitutes an aesthetically pleasing oak stand such as in a park, but is not the same as preserved open space oak woodland that provides functional habitat for native species. Fully functional oak woodland will not be preserved onsite with fuel modification in every resource management zone, 166 houses plus secondary structures being built, infrastructure to support those houses, an increase in edge effects, lighting, noise, and human disturbance. Generalist wildlife and plant species will survive but the biodiversity will be greatly decreased and the use by wildlife will ultimately decrease due to an increase in edge effects, lighting, noise, and human disturbance. In addition, due to the small size of many of RMAs and their proximity to houses, there will likely be increased wildlife issues and negative interactions related to species such as coyotes, raccoons, and bobcats that may not be compatible with landowners. Interactions such as these further add to the argument that habitat is not truly being preserved. 3-c

As stated above, the California Department of Forestry and Fire Protection (CAL FIRE) has identified the entire Project as being in a *"Very High Fire Severity Zone."* The RMAs, infrastructure, and building envelopes are all required by CAL FIRE to have fuel modification. The presence of urban development next to natural areas increases the likelihood of fires in the wildland-urban interface. To reduce the likelihood of fire, CAL FIRE prescribes specific prescriptions to reduce fuel loading based on the topography and vegetation present. Although some of the oak woodland vegetation will remain, it will always be managed or suppressed for fuel modification. According to the *Tierra Robles Wildland Fuel/Vegetation Management* Plan dated July 2015, each prescription *"could be applied uniformly* 3-d

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to the lots within that RMA." Depending upon the specific RMA, prescriptions include maintaining grass height at or below 4 or 6 inches, limbing oaks up to 8 feet, retaining only a fraction of various size classes for trees and shrubs, removal of shrubs to increase spacing, and removal of dead and down brush and limbs. Throughout the DEIR, it is stated that much of the oak woodland has been left in place and therefore the management of the oaks should count as mitigation. Though the Department supports habitat retention within development, with the effects of housing, recreation, and both vegetation management plans, the Department believes areas within the RMAs will have reduced habitat values and should be assigned a partial credit for mitigation, such as 0.75/1. The Department appreciates that certain RMAs will not be developed with houses, but these areas are subject to the same impacts from fuels reduction and recreation described above. The Department recommends eliminating the *"25 percent loss of oak woodland habitat values within the RMAs"* and increasing the amount of proposed offsite mitigation for the loss of 484.2 acres of blue oak woodland. In addition, the Department does not agree that *"enhancement,"* which in this case is fuel modification, should be considered mitigation. The Department recommends that the eastern open space preserve (154.90 acres) receive preservation credits at 0.75:1 for a total of 115.58 acres of preservation credits. The recommended mitigation for impacts to oak woodlands would be as follows: 3-d Cont.

Impacts total:	484.2 acres @ 3:1	= 1452.6 acres
Preservation credits total:	154.1@ 0.75:1	= 115.58 acres
Offsite mitigation credit total:	137.8 @ 1:1	= 137.8 acres
Total Oak Woodland Mitigation Required:		1199.22 acres

Vegetation Prescriptions

The Oak Woodland Management Plan and the Wildland Fire Vegetation Management Plan are inconsistent regarding habitat conservation and fuel modification. The Department recommends developing a strategy for fuel modification in consultation with the Department and CAL FIRE as the strategies presented in both plans address only fuel modification and enhancing trees, not maintaining oak woodland function, and the diversity of species within the Project. For example, in the Oak Management Plan, it says the grasses will be maintained at 4 inches but the Fire Vegetation Plan states 6 inches. Neither height is appropriate for some of the grassland areas that should be considered prairie (as described below) as they consist predominantly of annuals, geophytes, and forbs, and a reduced number of actual grass species. These annuals can grow taller than 6 inches and if you are constantly managing them to less than that, they will not be able to flower and set seed. Development of a strategy that allows for natural annual regeneration will increase the likelihood that they will persist over time. 3-e

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On page 32 of the Oak Management Plan it states:

> *"This plan has taken an ecosystem approach to the management of the oak woodland and by proxy, the habitats found within the Tierra Robles project area. Habitat requirements of selected wildlife species, such as bats, raccoons, skunks, raptors, various amphibians and reptile species will, by association with the oak woodlands, be maintained and enhanced through time. Though subdivision development is not often considered as a positive impact to wildlife habitat values, there are some positive elements. For example, with the build-out of the subdivision there will be the introduction of more varieties of plant species as homeowners landscape their yards, having the effect of increased diversity of vegetative habitats within the present oak woodlands. The irrigation of these yards will have the effect of more dispersed and continual sources of water through the summer months."*

3-e Cont.

The Department is not clear how landscaping and increased water enhances existing oak woodland habitat. The increased diversity of non-native vegetation may help some year-round species but should not be viewed as enhancing oak woodland habitat and may in fact lead to more non-natives within the RMAs. In addition, any expected benefits from the landscaping and additional water will likely be offset by increased use of herbicides, fertilizers, and domesticated animals such as cats and dogs. Continual summer irrigation can kill native vegetation especially oaks, which are adapted to a Mediterranean climate, change the species composition, and increase the amount of non-natives.

Biological Resources

Existing Biological Communities

This section of the DEIR describes the annual grassland, seasonal stream, riparian, wetland and oak woodland vegetation communities present onsite. The annual grassland is described by listing a number of non-native grasses and one native grass; however, several native grasses, geophytes, and native forbs were found onsite according to Table 5.4-1. Native grassland communities typically include perennial bunchgrasses, but some native grasses are annuals. Native grassland communities are extremely rare due to the proliferation of agricultural activities and the invasion of naturalized annual and perennial grasses (Stromberg et al. 2007; Fremontia 2011). Many of the botanical species found on the Project actually describe a forb-dominated prairie (Fremontia 2011) rather than a grass dominated community. Because Project vegetation mapping did not estimate dominant plant cover, it is not currently possible to classify herbaceous dominated communities on the Project site. Because many of these prairie communities are

3-f

of conservation concern (Fremontia 2011), they should be better described and impacts should be analyzed. The Department recommends that herbaceous communities currently lumped together as *"annual grassland"* are mapped separately and each vegetation type described in detail, in accordance with the Manual of California Vegetation (2009). Substantial impacts to native grasslands and rare prairie community types would need to be mitigated. 3-f Cont.

On page 5.4-5, annual grasslands are described as only having marginal habitat for wildlife species. The Department is unclear as to why the grassland provides a moderate value to wildlife. In addition to the annual grasslands, it appears that seasonal streams and riparian also only provide "moderate" values for wildlife, but on page 5.4-40 in the mitigation credit calculation, *"the stream corridors provide some of the highest wildlife habitat values on the site."* Wetlands only appear to "*provide some value to wildlife species.*" These assumptions should be better articulated and clarified. 3-g

On page 5.4-6, it is stated that riparian habitat was not mapped *"due to the minimal extent of the riparian vegetation onsite."* All vegetation communities existing onsite should have been mapped, acreage disclosed, and whether or not the vegetation community was impacted by the Project or not. 3-h

Special Status Plant Species

In a DEIR, it is typical to describe if there were any extenuating circumstances during the course of conducting surveys. Having read the majority of the document, the Department does not see a discussion on the drought, which is when ENPLAN conducted the most recent botanical and wildlife surveys. The Department recommends including a description of the effects of the drought on the surveys and the impacts it could have had on the ability to identify all species on the Project site. 3-i

It states on page 5.4-28: "*The field surveys were undertaken in general accordance with CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.*" The Department is unclear on what it means to undertake field surveys in general accordance with our 2009 protocols. The DEIR should describe in what way the surveys were not consistent with the protocol. If there are specific reasons the protocol could not be followed for the 2012 surveys, they should be stated in the DEIR. The DEIR and the attached botanical surveys only specify the days that the surveys were conducted. The Department would like to see the actual survey results for the 2012 botanical surveys, which would include the number of acres surveyed per day and by whom, which reference sites were visited to ensure that the special status species would have been seen at the time the surveys took 3-j

place, and the qualifications of the surveyor(s). The Department is concerned that the information gathered on rare plants is not sufficient to fully disclose the nature and extent of impacts. Only focused surveys for slender Orcutt grass were conducted but not for the other special status plant species. Further, a preliminary review of the California Natural Diversity Database (CNDDB) found three additional species that were not in Table 5.4-4: Henderson's bentgrass (*Agrostis hendersonii*)(Rare Plant Rank 3.2 with an Elemental Rank of G2Q/S2[1]); dubious pea (*Lathyrus sulphureus* var. *argillaceus*)(Rare Plant Rank 3 with an Elemental Rank of G5T1T2/S1S2); and woolly meadowfoam (*Limnanthes floccosa* ssp. *floccosa*)(Rare Plant Rank 4.2 with an Elemental Rank of G4T4/S3). The Department recommends conducting a focused plant survey for all of the special status plant species during the appropriate blooming time and following the Department's 2009 protocols. Reference sites shall be utilized to determine the detectability of the special status plant species. 3-j

On page 5.4-6, under the Wetlands subheading, it says a seep was located in the eastern portion of the site. Table 5.4-4 describes the habitat for Bellinger's meadowfoam (*Limnanthes floccosa* ssp. *bellingeriana*) as occurring "*around meadows, seeps, damp stony flats, and in cismontane woodland below 3,600 feet in elevation in Shasta County.*" It then goes on to say there is no suitable habitat in the Project area for this species. It is not discussed in either botanical report or within the DEIR if a focused survey for this California Rare Plant Rank 1B.2 was conducted. The Department recommends surveying for this species following the Department's 2009 protocols during the appropriate blooming period. 3-k

On page 5.4-24, in Table 5.4-4, the DEIR discusses oval-leaved viburnum. In the last column it says: "*In California, oval-leaved viburnum is an introduced weed. Review of CNDDB records found that oval-leaved viburnum has been reported within 10 miles of the project area. However, CDFW does not consider oval-leaved viburnum to be a special-status species. No further evaluation of this species is warranted.*" Oval-leaved viburnum, (*Viburnum ellipticum*) is a California native species and according to the Jepson manual, Calflora, California Native Plant Society, and published scientific literature is not an introduced weed. The Department considers this species to have special status and it is listed in our *Special Vascular Plants, Bryophytes, and Lichens List* as well as being included in the CNDDB. This species is listed as a California Rare Plant Rank 2B.3 meaning that the plant is rare, threatened, or endangered in California, but more common elsewhere. With this ranking, the importance lies in protecting the geographic range of widespread species. Protecting the diversity of California's flora will help maintain evolutionary processes and genetic diversity within the species. This ranking meets the definitions of CESA and is eligible for State listing. Impacts to the species or its habitat, if present onsite, need to be analyzed in the DEIR. The species meets the definition of Rare or Endangered under CEQA Guidelines sections 15125 (c) 3-l

[1] Definitions of the Elemental Ranking can be found at the following websites: http://explorer.natureserve.org/granks.htm and https://wildlife.ca.gov/Conservation/Plants/Info

and section 15380. The Department recommends surveying for this species following the Department's 2009 protocols during the appropriate blooming period. 3-l Con t.

Invasive or Noxious Weed Species

Invasive species have been identified onsite. Invasive or noxious weed species can be inadvertently transported by vehicles, equipment, and people. On page 5.4-42, it states that the construction contractor is required "*to thoroughly wash all equipment at a commercial wash facility prior to entering the County (if the equipment has most recently been used within the County, cleaning would not be required)*." The Department recommends the contractor wash all equipment before and after use with every project to help prevent the spread of invasive and noxious weeds between projects within Shasta County. 3-m

Special Status Wildlife Species

Western Spadefoot Toad (*Spea hammondii*)

Western spadefoot toad is a Priority 1 Species of Special Concern, which are taxa that are likely to experience severe future declines and/or extirpation without immediate conservation actions. The Department asserts that this species meets the criteria of a rare, threatened, or endangered species pursuant to CEQA Guidelines section 15380. Therefore, impacts to this species are potentially significant. Surveys for this species by a biologist familiar with its life history were not conducted. This species is known to occur less than 5 miles away and suitable habitat exists onsite for this species. This species does not necessarily breed every year and is dependent upon adequate rainfall – both the timing and duration are important cues for the western spadefoot to come out of dormancy. Both daytime and nighttime surveys are required. The information provided in the DEIR and appendices does not state the actual timing of the nighttime surveys, the temperature of the water, humidity, and air temperature for the surveys conducted on March 26 and April 2, 2015. Since this survey was conducted during the drought, the western spadefoot may have been in its underground burrow at that time. The species could also have been finished breeding and would have possibly been found in the oak woodland areas. The Department believes these surveys were incomplete and inconclusive. The Department recommends proper surveys for this species be conducted by a qualified biologist familiar with this species' life history requirements. If western spadefoot toad is shown to be present, the EIR should include avoidance and mitigation. 3-n

Bat Surveys

Although not listed in the special status species table, pallid bats (*Antrozous pallidus*), a California Species of Special Concern, are known to occur in oak woodlands. Given the amount of oak woodland habitat available onsite and known water sources, there is a high probability the species could occur onsite. This species may meet the 3-o

requirement of section 15380 of the CEQA Guidelines, and therefore impacts may be significant. There is not enough information provided in the DEIR to determine potential significant impacts to bat species as no formal or protocol survey was conducted to determine presence. The Department recommends conducting surveys during the appropriate time of year, by a qualified bat biologist. The EIR should include an analysis and proposed avoidance and mitigation. 3-o Cont.

Western Pond Turtle (*Emys marmorata*)

Western pond turtle is a Priority 3 Species of Special Concern, which are taxa that are clearly at risk but likely are not experiencing a substantial and immediate threat of extirpation. According to the Biological Review dated July 2015 (revised August 2016) and prepared by Wildland Resource Managers, two wildlife surveys were conducted for western pond turtle: March 26 and April 2, 2015. The western pond turtles could have still been overwintering. The Project site has suitable habitat for the western pond turtle; therefore, the Department recommends that western pond turtle be surveyed prior to the start of construction by a qualified biologist during a time when the species would be most detectable, and avoidance measures included to move this species into suitable adjacent habitat. 3-p

Wildlife Movement Corridors

There is not enough information in the DEIR for the Department to determine if there is a significant impact to wildlife movement corridors. It does not appear a wildlife movement study was conducted. As this project will impact a large area of habitat that lies in between other development, the Department recommends completing a Wildlife Movement Study to evaluate potential impacts to wildlife movement from the proposed project. 3-q

Lighting and Noise

The Department recognizes the effects that artificial lighting and noise 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. 3-r

Mitigation Measures

Mitigation Measure 5.4-1a should have a sentence that says: *"Prior to the removal of any vegetation, the applicant shall establish an offsite conservation easement in consultation with the Department."* The second paragraph of the same mitigation measure should say: *"A conservation-oriented third-party entity acceptable to Shasta* 3-s

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*County **and approved by the State** shall hold the conservation easement and shall be responsible for ongoing monitoring and management of the site in accordance with the management plan."* The last paragraph shall say, *"Monitoring reports shall be submitted to Shasta County **and the California Department of Fish and Wildlife** at least once every three years."* 3-s Cont.

Mitigation Measure 5.4-1g should wait to be finalized until a bat survey by a qualified bat biologist can be conducted. 3-t

Mitigation Lands and Conservation Easements

All entities that will hold land are required to go through the Department's due diligence process in order to hold lands. The information for this process can be found at: https://wildlife.ca.gov/Conservation/Planning/Endowments. 3-u

Lake or Streambed Alteration Agreement

It is stated in the DEIR that no impacts to drainages or wetlands will occur. However, in the event that changes, FGC section 1602 requires any entity to notify CDFW before beginning any activity that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. 3-v

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

Sincerely,

Curt Babcock
Habitat Conservation Program Manager

ec: Kim Hunter
Shasta County Department of Resource Management
khunter @co.shasta.ca.us

State Clearinghouse
state.clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov

References

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Response to Letter 3 –– California Department of Fish and Wildlife

Response 3-a: The participation of the California Department of Fish and Wildlife (CDFW) in the public review of this document is appreciated. The commenter summarizes the role of CDFW, the CEQA process, and the project description from Section 3.0, PROJECT DESCRIPTION, of the Draft EIR, and notes that the Draft EIR addresses comments and recommendations that CDFW provided on the Notice of Preparation (NOP). The commenter feels that there are remaining questions regarding impact analyses and the listed mitigation measures.

The Lead Agency has prepared ***Responses 3-b*** through ***3-v***, below, to specifically address the commenter's concerns. The comments are noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 3-b: The commenter maintains that the RMAs are too small, and while they would provide oak trees, the ecological processes of an oak woodland would not stay intact. In addition, the commenter states that a 3:1 ratios for the permanent and enhanced blue oak woodland mitigation, if the current crediting system is used. The commenter also suggests clustering the homes to one side and creating one large open space connected by a corridor should be considered.

The Lead Agency analyzed impacts to biological resources in Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, and Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR.

With respect to the management and function of the RMAs, please refer to ***Master Response-4***, above. The *Tierra Robles Oak Management Plan*, provided in Appendix 15.2 of the Draft EIR, was developed by a team that included a PhD blue oak resource scientist, a registered professional forester and a certified wildlife biologist. The Curriculum Vitae (CV) of each member is provided below:

- Dr. Phil McDonald: Registered Forest Ecologist, Pacific South West Research Station, USDA Forest Service (ret). Redding, CA (Dr. McDonald wrote the taxonomy for the Blue Oak in CA.)
- Dr. Jerry Walters: Research Forester, Pacific South West Research Station, USDA Forest Service (ret), Oak Run, CA.
- Frank Lehmann: Registered Professional Forester, Licensed Land Surveyor, Lehmann and Associates, Redding, CA.
- Steve Nelson: Licensed Civil Engineer, S2~J2 Engineering, Cottonwood, CA.
- Daniel Kerns: Licensed Civil Engineer M.S. Hydrology, Provost & Pritchard Engineering, Chico, CA.
- Steven J. Kerns: Certified Wildlife Biologist, Wildland Resource Managers. Round Mountain, CA.

The *Tierra Robles Oak Management Plan* was developed with the purpose of integrating a housing development within the oak woodlands while retaining the ecological process of the oak woodlands based on existing vegetative composition and topographical features (refer to the *Tierra Robles Wildland Fuel/Vegetation Management Plan* contained in Draft EIR Appendix 15.2. To do this, oak management prescriptions were developed to enhance the quality of the oak woodland through increasing the crown development, stand vigor and fire fuel reduction, while retaining diversity of stand structure and vegetative understory and facilitate increased wildlife habitat value. Accordingly, as discussed on pages 21 through 26 of Appendix 15.2.3, the intent is to create an Ideal Oak Stand (IOS). The use of the RMA management guidelines would create an IOS with characteristics including a reduced fuel load to reduce the risk of fires, providing foraging, nesting, escape cover, and microhabitats for species, improving breeding habitat, encouraging acorn production and establishment of replacement trees, and encouraging diversity of vegetative species and vegetative structure both horizontal and vertical would increase the value of the habitat.[1] In addition, the project's design placed roads and residential unit envelopes in locations that minimized the impacts to the oak woodland resources (refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, for further detail). Roads and residential unit envelopes were placed at locations to minimize, to the greatest extent possible, the impact to the oak woodland resource. As a result, more than 85% of the oak woodland resource will remain intact. Through the resource management prescriptions, the oak woodland will be enhanced as compared to the present condition.

The project area is composed of four vegetative associations as identified in the Draft EIR Section 5.4, BIOLOGICAL RESOURCES, and further described in the Tierra Robles Biological Reviews (refer to Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR). To effectively manage these associations to retain their biological diversity, management prescriptions needed to be developed for each association. To do this, the project area was divided into five RMAs, four of which were the vegetative associations and the fifth being the open space areas (refer to *Tierra Robles Wildland Fuel/Vegetation Management Plan*, page 10 and Figure 8; Appendix 15.2 of the Draft EIR). RMA sizes were dependent upon the size of the vegetation association, the smallest of which was 43.89 acres and the largest being 318.97 acres. Each RMA is contiguous within itself and not fragmented; collectively, the five RMAs included all areas within the project site with the exception of the road and house pad footprints.

With respect to the impacts and mitigation measures identified within the Draft EIR, while the commenter requests additional mitigation for oak woodland and provides a "routine range" of mitigation ratios, the commenter does not provide any justification as to why this project would be subject to higher mitigation ratios or larger RMAs. Implementation of the project would comply with all existing laws related to the protection of biological resources, including oak woodlands. There is no law in the State, in the governing documents of Shasta County or from within policy documents of State agencies that mandates and prescribes an appropriate amount of mitigation for oak woodlands resulting from the impacts of development. Pursuant to State

[1] See *University of California Oak Woodland Management Symposium Series* 1979, 1986, 1990, 1996, 2001, 2006, 2014. www.ucanr.edu/sites/oak_range/Oak_Symposium_Series/

CEQA Guidelines §15041, "a lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the 'nexus' and 'rough proportionality' standards established by case law." The Lead Agency has exercised its judgment on appropriate mitigation measures after determining that a loss of oak woodlands will result from the implementation of the project. Pursuant to CEQA Statute §21083.4, discretion given to the Lead Agency is as follows:

> "...a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the county shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:
>
> (1) Conserve oak woodlands, through the use of conservation easements.
> (2) (A) Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
> (B) The requirement to maintain trees pursuant to this paragraph terminates seven years after the trees are planted.
> (C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of the mitigation requirement for the project.
> (D) The requirements imposed pursuant to this paragraph also may be used to restore former oak woodlands.
> (3) Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. A project applicant that contributes funds under this paragraph shall not receive a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project.
> (4) Other mitigation measures developed by the county."

The County, as Lead Agency, has assessed the impacts of the proposed project and exercised its discretion in calculating an appropriate amount of mitigation and provided mitigation requirements accordingly (pursuant to CEQA Statute §20183.4) and included them within the Draft EIR. The County has not abused its discretion granted by CEQA and a thoughtful and deliberate discussion of a calculation (for mitigation) has been provided in the Draft EIR, Section 5.4, BIOLOGICAL RESOURCES.

In response to the commenter's suggestion that clustering homes to one side and having one large open space connected by a corridor should be considered, the commenter is referred to Chapter 7.0, ALTERNATIVES TO THE PROPOSED PROJECT. Page 7-1 describes what State *CEQA Guidelines* requires for analysis of a reasonable range of Alternative. State *CEQA Guidelines* requires, "an EIR describe a reasonable range of Alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or

substantially lessen any of the significant effects of the project and evaluates the comparative merits of the alternatives."

The Draft EIR analyzes in detail four project alternatives including the "No Project" Alternative, a "No Project/Development in Accordance with Existing Zoning" Alternative, a "Non-Clustered Large Lot" Alternative, and a "Reduced Density" (25% Reduction) Alternative. In addition, there were four Alternatives that were eliminated from further consideration for their failure to meet basic project objectives; or that they were infeasible; or would not avoid significant environmental impacts.

In addition, page 3-16 of Section 3.0, PROJECT DESCRIPTION, shows that the proposed project provides six open space preserve lots totaling 192.68 acres. Of these areas, a single parcel on the east side of the project site consists of 154.90 acres and the other five open space areas would total 37.78 acres. In addition, as discussed on page 3-20, the proposed project includes RMA's totaling 333.9 acres. As discussed on page 5.4-40 in Section 5.4, BIOLOGICAL RESOURCES, the onsite preserves include the principal onsite stream corridors, which provide some of the highest wildlife habitat values on the site. The onsite preserves provide "islands" and corridors for wildlife use and dispersal, which are particularly valuable in the urbanizing portions of the County. This also would ensure connectivity to other undeveloped locations in adjacent offsite undeveloped lands. Were the development to be clustered to one side of the property, while a larger single parcel could be maintained, the areas that are designed to provide for offsite connectivity would be less useable to species and could reduce the value of the remaining habitat.

Therefore, although none of the alternatives analyzed in the Draft EIR evaluated a one sided clustered development, the Draft EIR does comply with CEQA requirements and does provide for, and evaluate a reasonable range of alternatives. While this comment does not require a change to the Draft EIR, the comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 3-c: The commenter maintains that fully functional oak woodlands will not be preserved onsite and that the project will result in an increase in edge effects, lighting, noise, and human disturbance. In addition, the commenter reiterates that the RMA size is too small and that the Oak Management Plan does not take into consideration the overall woodland habitat.

As disclosed on pages 5.4-38, 5.4-40, and 5.4-41 the commenter is correct that the proposed project would result increased edge effects within the proposed project area. The Draft EIR discusses the value of the onsite preserves and notes they are clearly capable of supporting the same suite of plants and wildlife that occupy the planned development areas; an ability that is unlikely to be met in full at offsite preserves. The onsite preserves also would provide "islands" and corridors for wildlife use and dispersal, which are particularly valuable in the urbanizing portions of the County. In addition, the much larger eastern open space preserve (±154.1 acres), would provide a consolidated block of wildlife habitat and would be predominantly well-buffered by adjoining RMAs. Therefore, while the proposed project also would preserve offsite areas as mitigation, the preservation of the proposed onsite areas is

important to maintain connectivity and habitat functionality. Edge effects in the eastern open space would remain relatively unchanged from the current conditions. Additional details are provided on the listed pages. No change to the Draft EIR is required.

As described on page 5.1-20, all residential exterior lighting would be required to comply with the *Design Guidelines*, and §17.84.050 (Lighting), of the Shasta County Code. The *Design Guidelines* and Shasta County Code §17.84.050 require new exterior lighting to be oriented or shielded to minimize glare and avoid light spillage onto adjacent neighbors. Glare shields would be required to eliminate bright spots and glare sources, and exterior lighting would utilize low-voltage or similar non-glare direct task type fixtures as close to grade as possible. All exterior lighting would be equivalent to "Good Light Fixtures" as defined by the International Dark Sky Association and would be reviewed and approved by the Tierra Robles Architectural Review Committee (TRARC) prior to installation. Compliance with the *Design Guidelines* and County's lighting standards would result in a *less than significant* impact from exterior lighting sources at the project site. No change to the Draft EIR is required.

Potential Noise impacts associated with biological species are discussed and disclosed on pages 5.4-38, 5.4-40, 5.4-46, 5.4-47, 5.4-49, and 5.4-51, and 5.4-54. Impacts and mitigation associated with nesting migratory birds, from construction noise as well operations noise impacts from vehicles and noise from residences such as landscape maintenance equipment, loud music, air conditions, generators, etc. Page 5.4-47 of the Draft EIR notes that although no active bird nests were observed on the proposed project site during the field inspections, birds could establish nests in vegetation on or adjacent to these areas in future nesting seasons, and could be affected by increased noise levels. The proposed project would incorporate mitigation to reduce noise impacts and result in *less than significant* impacts.

The Draft EIR analyzed 18 resource topics within the Draft EIR, including impacts related to light, biological resources, and noise, as provided in Section 5.1, AESTHETICS AND VISUAL RESOURCES, Section 5.4, BIOLOGICAL RESOURCES, and Section 5.11, NOISE, of the Draft EIR. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, and Appendix 15.7, NOISE DATA, of the Draft EIR.

Please refer to ***Master Response-4*** and ***Response 3-b***, regarding the size of the RMAs and maintaining intact oak woodland. Every effort was made by the project applicant to design the project site in order to minimize impacts to biological resources. The management prescriptions for each RMA utilize proven forest timber stand (TSI) practices to enhance the function (stand vigor and health and associated wildlife utilization) of the oak stands. It is anticipated and expected that through time, the function of the oak woodlands would increase, not decrease, as evidenced by the results of such TSI work throughout the western forest ecosystems and the eastern oak woodlands.[2] Accordingly, as discussed on pages 21 through 26 of Appendix

[2] See *Tierra Robles Oak Management Plan,* within Draft EIR Appendix 15.2, prepared by Wildland Resource Managers 2016
Also, Forestland and Timber Harvesting Best Management Practices

15.2.3, the intent is to create an Ideal Oak Stand (IOS). The use of the RMA management guidelines would create an IOS with characteristics including a reduced fuel load to reduce the risk of fires, providing foraging, nesting, escape cover, and microhabitats for species, improving breeding habitat, encouraging acorn production and establishment of replacement trees, and encouraging diversity of vegetative species and vegetative structure both horizontal and vertical would increase the value of the habitat. In addition, the project design placed roads and residential unit envelopes in locations that minimized the impacts to the oak woodland resources (refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, for further detail). Further detail and analysis is provided in the Draft EIR, on page 5.4-48 through 5.4-56 which disclose impacts and details the implementation of mitigation measures that would reduce impacts related to biological resources to a *less than significant* level.

Response 3-d: The commenter believes that the project and RMAs will have reduced habitat values and that CAL FIRE and RMA fuel reduction prescriptions will result in a continuously managed oak woodland. Thus, the commenter recommends that the eastern open space preserve receive preservation credits at 0.75:1, and provides the total mitigation recommended for oak trees at 1,199.22 acres.

The Lead Agency analyzed impacts to biological resources in Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR. In addition, technical details and analyses, as well as resource management plans, are provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, and 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR.

With respect to the management and function of the RMAs, please refer to ***Master Response-4*** and ***Responses 3-b*** and ***3-c***, above. With respect to the project impacts and mitigation measures, please refer to ***Response 3-b***, above. With respect to habitat value and functional oak woodlands, please refer to ***Response 3-c***, above.

Every effort was made by the project applicant to design the project site in order to minimize impacts to biological resources. The *Tierra Robles Oak Management Plan*, provided in Appendix 15.2 of the Draft EIR, was developed by a team that included a PhD blue oak resource scientist, a registered professional forester and a certified wildlife biologist. The Curriculum Vitae (CV) of each member is provided above under ***Response 3-b***.

The management prescriptions for each RMA utilize proven TSI practices to enhance the function (stand vigor and health and associated wildlife utilization) of the oak stands. The management prescriptions for the five RMAs are unique and designed to enhance the oak stand character in terms of improved stand vigor, crown development, and mast production. To do this, oak management prescriptions were developed to enhance the quality of the oak woodland through increasing the crown development, stand vigor and fire fuel reduction, while retaining diversity of stand structure and vegetative understory and facilitate increased wildlife habitat value. Accordingly, as discussed on pages 21 through 26 of Appendix 15.2.3, the intent is to

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create an Ideal Oak Stand (IOS). The use of the RMA management guidelines would create an IOS with characteristics including a reduced fuel load to reduce the risk of fires, providing foraging, nesting, escape cover, and microhabitats for species, improving breeding habitat, encouraging acorn production and establishment of replacement trees, and encouraging diversity of vegetative species and vegetative structure both horizontal and vertical would increase the value of the habitat. In addition, the project's design placed roads and residential unit envelopes in locations that minimized the impacts to the oak woodland resources (refer to Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT, for further detail).

Lastly, the fuel reduction practices have two objectives: first to remove the danger of catastrophic fire and second to reduce competition with the oak resource.[3] The *Tierra Robles Wildland Fuel/Vegetation Management Plan* specifies the retention of mid-story brush species of specific size and location to provide habitat diversity while at the same time minimizing the fuel loading. As analyzed in the Draft EIR, on page 5.4-48 through 5.4-56 which discuss impacts to biological resources, the project design and the implementation of the associated mitigation measures, the *Tierra Robles Oak Management Plan*, and the *Tierra Robles Wildland Fuel/Vegetation Management Plan* would reduce impacts related to biological resources, to a *less than significant level*.

Related to the commenter's recommendation that the eastern open space preserve receive preservation credits at 0.75:1 with a total recommended mitigation for oak trees at 1,199.22 acres, the commenter is referred to ***Response 3-b***, above. ***Response 3-b*** explains CEQA requirements and allowance for Lead Agency discretion in analyzing impacts and proposed mitigation to reduce impacts related to oak woodlands. The County, as Lead Agency, has assessed the impacts of the proposed project and exercised its discretion in calculating an appropriate amount of mitigation and provided mitigation requirements accordingly (pursuant to CEQA Statute §20183.4) and included them within the Draft EIR.

Response 3-e: The commenter states that neither the *Tierra Robles Oak Woodland Management Plan* nor the *Tierra Robles Wildland Fire Vegetation Management Plan* address maintaining oak woodland function and diversity of species. The commenter recommends developing a strategy in consultation with the CDFW and CAL FIRE. Additionally, the commenter is not clear on how landscaping and increased water enhances existing oak woodland habitat, as discussed on page 32 of the *Tierra Robles Oak Management Plan* (Appendix 15.2 of the Draft EIR).

With respect to addressing the *Tierra Robles Oak Management Plan* and the *Tierra Robles Wildland Fuel/Vegetation Management Plan* and maintaining functional oak woodland and diversity of species, please refer to ***Responses 3-b, 3-c,*** and ***3-d***. The management prescriptions for each RMA utilize proven TSI practices to enhance the function (stand vigor and health and associated wildlife utilization) of the oak stands. The management prescriptions for the five RMAs are unique and designed to enhance the oak stand character in terms of improved stand vigor, crown development, and mast production. The fuel reduction practices have two objectives: first to remove

[3] See *Tierra Robles Oak Management Plan* 2016, within Draft EIR Appendix 15.2, prepared by Wildland Resource Managers
Also, Forestland and Timber Harvesting Best Management Practices
www.2.dnr.cornell.edu/ext/bmp/contents/nonharvest/non_tsi.htm

the danger of catastrophic fire and second to reduce competition with the oak resource. The *Tierra Robles Wildland Fuel/Vegetation Management Plan* specifies the retention of mid-story brush species of specific size and location to provide habitat diversity while at the same time minimizing the fuel loading. As analyzed in the Draft EIR, the project design and the implementation of mitigation measures, the *Tierra Robles Oak Management Plan*, and the *Tierra Robles Wildland Fuel/Vegetation Management Plan* would reduce impacts related to biological resources, to a *less than significant* level.

With respect to developing a strategy in consultation with local and State agencies, the fuel management prescriptions present in the *Tierra Robles Wildland Fuel/Vegetation Management Plan* were developed using the California Public Resources Code, Section 4291-4299 guidelines as well as the U.S. Department of Agriculture (USDA) fire models for different vegetation communities and input from Shasta County Fire Warden per letter to the Director of the Shasta County Department of Resource Management. As stated in ***Master Response-4***, ***Response 3-b***, and ***Response 3-c***, above, the *Tierra Robles Oak Management Plan*, provided in Appendix 15.2 of the Draft EIR, was developed by a team that included a PhD blue oak resource scientist, a registered professional forester and a certified wildlife biologist. As stated in Section 5.4, BIOLOGICAL RESOURCES, on page 5.4-31 of the Draft EIR, consultation with Shasta County and CDFW occurred regarding oak woodland analysis during the preparation of the Draft EIR. In addition, CDFW received notices of availability and the opportunity to respond to the Notices of Preparation (2012 and 2016) and the Draft EIR (2017).

Page 5.4-40 of the Draft EIR discloses that of the total 446.6 acres of direct impacts to oak woodlands, 146.2 would be directly impacted by building envelopes and roads. With respect to landscaping and irrigation water, the project is designed so that the building envelopes are located in areas where the presence of the oak trees are limited. Page 5.4-40 discusses the impacts to oak woodlands and potentially harmful "edge effects" from landscaped areas. In addition, page 32 of the *Tierra Robles Oak Management Plan*, states, "Though subdivision development is not often considered as a positive impact to wildlife habitat values, there are some positive elements." While the commenter questions how landscaping and increased water enhances oak woodland habitat and states that "continual summer irrigation can kill native vegetation especially oaks," the commenter notes, "any expected benefits from the landscaping and additional water will likely be offset by increased use of herbicides, fertilizers, and domesticated animals such as cats and dogs." This comment implies that some increased watering could in fact benefit the oak woodlands. While, overwatering of oaks could result in harm to the trees, watering would take place during warmer summer months when rain is scarce. As noted on page 32 of the *Tierra Robles Oak Management Plan*, irrigation will have the effect of more *dispersed* and continual sources of water. In addition, due to the soil conditions of the site, as described on page 5 of the biological review for Geringer's Capitol "Tierra Robles Ranch," onsite soils are defined as part of the Newton-Red Bluff association and consist of well-drained and moderately well-drained clays and clay loams formed in old alluvium on high terraces. Accordingly, these soils would allow for increased water infiltration and percolation through the soil so that oak woodlands are not harmed.

Further, with respect to landscaping, the project is designed so that the building envelopes are located in areas where the presence of the oak trees are limited. Additionally, as discussed on page 32, as noted by the commenter, the diversity of vegetation and plants species would provide additional habitats that would be usable by the species listed. When this is combined with the fact that the associated landscape irrigation would be in areas where oaks are least affected, some of the effects are considered positive. Increased vegetative diversity resultant of irrigation would add additional habitat niches and more floral diversification to the overall ecosystem.

Response 3-f: The commenter states that herbaceous communities within the project site should be mapped separately and each vegetation type described in detail in accordance with the Manual of California Vegetation (2009). Substantial impacts to native grasslands and rare prairie types need to be mitigated.

As stated in Section 5.4.2, METHODOLOGY, of the Draft EIR, page 5.4-28, the field surveys were undertaken in general accordance with the CDFW's *Protocols for surveying and evaluating impacts to special status native plant populations and natural* communities. In addition, field surveys were conducted during the blooming period (late May to early June) for slender Orcutt grass. All plant species observed are documented in Table 5.4-1, PLANT SPECIES OBSERVED, beginning on page 5.4-7 of the Draft EIR. As discussed further in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, the grassland areas on the project site are typical of north state annual grassland as described by Kie in Meyers and Laudenslayer (1988) and are comprised of native and non-native species. Therefore, these areas are not sensitive, and no mitigation is required.[4]

The Draft EIR analyzes the project impacts to the annual grasslands. As discussed on page 5.4-38 of the Draft EIR, annual grasslands are not considered a sensitive natural community by CDFW, and mitigation for the conversion of annual grasslands is typically not warranted. The annual grassland located within the project site is heavily disturbed by past and on-going seasonal livestock grazing. This has resulted in a low diversity of plant species, high proportion of introduced plant species, and a limited amount of vegetative cover. The Draft EIR further states that the proposed protection of nearly half of the annual grassland in the residential RMAs will provide 42 acres of grassland preservation. Impacts are not considered to be significant. No further mitigation is required.

Response 3-g: The commenter requests that the assumptions on habitat value be better articulated and clarified.

Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, provides the basis for Section 5.4, BIOLOGICAL RESOURCES. Therefore, the text within the Draft EIR has been revised to clarify the project site's existing habitat and habitat value, as well as to better align with the information provided in Appendix 15.4 (also refer to ES2, ERRATA TO THE DRAFT EIR).

[4] See *A Guide To Wildlife Habitats Of California 1988,* pages 118-119.

Page 5.4-5 of the Draft EIR has been revised as follows:

The grassland areas can have values ~~has moderate~~ ~~values~~ for wildlife species. The grassland provides habitat for a variety of mammals such as black-tailed deer, coyote, mice, gophers, and moles. Reptiles expected to utilize the grassland may include gopher snakes, rattlesnakes, and kingsnakes. The grassland may also provide potential nesting habitat for ground-nesting migratory birds such as killdeer and California quail, which were observed onsite during the field inspections. Pacific treefrogs were observed in pools associated with Clough Creek on the site.

Page 5.4-6 of the Draft EIR has been revised as follows:

Although no salmonids were observed during the field surveys, Clough Creek and the unnamed seasonal stream in the eastern portion of the site provide potential rearing/spawning habitat for salmonids during spring and early summer when flows are adequate and water temperatures are below 77°F. Additionally, the streams support a variety of freshwater invertebrates, and the shallow waters and the relatively short duration of ponding provide marginally suitable breeding habitat for Pacific tree frogs and western toads. These streams also provide potential habitat for western pond turtles during spring and early summer. Standing pools in the unnamed seasonal stream that drains the eastern portion of the project site were inhabited by bluegill and mosquitofish. Common garter snakes may forage for frogs and toads along the seasonal streams; waterfowl may forage for invertebrates. In addition, the presence of water within these drainages for most of the year and the greater diversity of vegetative composition are natural attractions for wildlife. Though not quantified during the field surveys, deer, turkey, raccoon, fox, bobcat, ducks and various song bird species were observed within these drainages in greater numbers than the upland oak woodlands. ~~The streams have moderate values to wildlife given the variety of species that may be present.~~

Page Draft EIR has been revised as follows:

Wetlands on the project site include wet swales located in the central and southern portions of the site, two seasonal ponds (associated with Clough Creek and the unnamed stream that flows from north to southeast across the eastern side of the project site), and a seep located in the eastern portion of the site. These water features can provide ~~some~~ value to wildlife species given their large-ranging size (the largest is 11,543 square feet) and increased ponding duration. The wet swales support ostracods and caddisflies, and provides marginal breeding habitat for frogs. Similar to the wet swales, the ponds on the site have very low value to wildlife species given their very small size, shallow depth, and brief duration of ponding. The ponds provide marginal breeding habitat for frogs.

Response 3-h: The commenter states that on page 5.4-6 of the Draft EIR, there is language stating that the riparian habitat was not mapped. The commenter requests that all vegetation communities existing onsite should be mapped, acreages disclosed, and impacts evaluated.

As discussed in further detail in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR, within Clough Creek drainage, there is no significant riparian vegetation associated with this stream; however, there are clumps of isolated willow bushes scattered along the stream in various locations. The same is true for East Creek drainage. These occurrences of individual plants are isolated and do not constitute a riparian habitat as defined by CDFW. Thus, the stream side vegetation is not considered a riparian habitat type and they were not mapped as such.

Response 3-i: The commenter states that the biological surveys were conducted during the drought and therefore the Draft EIR should include a description of the effects of the drought on the surveys.

As mentioned in Section 5.17, UTILITIES AND SERVICE SYSTEMS, beginning in January 2014, Governor Jerry Brown issued a series of Executive Orders regarding the drought. As discussed in the Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR and further discussed in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR, the original botanical survey of the project site was conducted in April 2005. Subsequent surveys were conducted in 2008, 2009, 2011, 2012, and 2015. The original 2005 survey was conducted prior to the onset of the drought, while subsequent surveys were conducted during the course of the drought, which is estimated to be approximately 2011.[5] Between 2005 and 2015, each year had unique weather patterns of sufficient diversity to facilitate a complete determination of the floral conditions of the project area. Therefore, a discussion specific to the limitations of the botanical surveys as a result of the drought is not needed.

Response 3-j: The commenter requests additional information regarding the botanical surveys and the qualifications of the surveyors. In addition, the commenter recommends conducting a focused plant survey for all of the special status plant species during the appropriate blooming time and following the Department's 2009 protocols.

Regarding surveyor qualifications, Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, of the Draft EIR, contains the biological technical studies, which include the names of the main authors of each study. The main authors include, but are not limited to, certified wildlife biologist(s), forest research ecologist(s), registered professional forester(s), and wetland delineation specialist(s). Refer to ***Response 3-b***, above.

Regarding the botanical surveys, please refer to ***Response 3-i***, regarding the number of surveys and the timing of the surveys. As discussed in further detail in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, a complete biological survey was conducted by establishing 200-foot transects through the eight vegetative communities found on the project site. Each transect consisted of 10-meter plots spaced 20 feet apart. All plant species within the plots were identified. In addition, any other plants found outside of the plots were also identified and recorded. During the course of the biological surveys, including the wetland delineations, every drainage and upland area was examined numerous times on foot, horseback, and

[5] California Drought information, executive orders, and timelines are provided by the State of California and can be accessed at http://drought.ca.gov/.

ATV. State *CEQA Guidelines* Section 15149(b) states that "... The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project, and ways to minimize adverse effects and to increase beneficial effects." The County, as Lead Agency, determined that the surveys completed by Wildland Resource Managers and ENPLAN are sufficient to describe the biological resources, including flora, onsite and meet CEQA and other regulatory requirements.

Response 3-k: The commenter recommends surveying for Bellinger's meadowfoam during the appropriate blooming period because it can occur around seeps, and a seep is located in the eastern portion of the project site.

As stated in Table 5.4-4, POTENTIALLY IMPACTED SPECIAL-STATUS SPECIES IN THE PROJECT AREA, of the Draft EIR, Bellinger's meadowfoam was not observed during the botanical surveys and is not expected to be present within the project site. One special-status plant species, Red Bluff dwarf rush, was observed in the project study area during a 2012 field evaluation. A subsequent evaluation entitled, "Tierra Robles Planned Development – Potential Biological Impacts and Mitigation Measures" was prepared by ENPLAN on February 20, 2017. In that report it was stated in part: "It is our expectation that the project will have no significant adverse impacts on the following resources: Special-status plants other than Red Bluff dwarf rush."

In addition, as shown in Figure 3-6, PROPOSED TENTATIVE MAP, the seep in question would not be impacted, as it is within designated open space. Additionally, wetland features on the project site will be protected under either open space or RMAs and setbacks. The same February 2017 ENPLAN review found that the project would have no significant adverse impacts on streams, wetlands, and other water of the state and United States. Therefore, potential habitat for Bellinger's meadowfoam will remain intact. Refer to ***Responses 3-i*** and ***3-j*** for further detail regarding botanical surveys.

Response 3-l: The commenter states that oval-leaved viburnum is listed as a California Rare Plant Rank 2B.3, meaning that the plant is rare, threatened, or endangered in California, but more common elsewhere. Thus, the oval-leaved viburnum meets the definition of Rare or Endangered under State *CEQA Guidelines* §15125(c) and §15380. The commenter recommends surveying for this species following the Department's 2009 protocols during the appropriate blooming period.

Table 5.4-4, POTENTIALLY IMPACTED SPECIAL-STATUS SPECIES IN THE PROJECT AREA, of the Draft EIR, has been revised to identify oval-leaved viburnum as a California native plant species. Table 5.4-4 identifies oval-leaved viburnum as a California Rare Plant Rank 2B.3. Changes to the text in Table 5.4-4 on page 5.4-24 of the Draft EIR are as follows (refer to ES2, ERRATA TO THE DRAFT EIR TEXT):

Oval-leaved viburnum	*Viburnum ellipticum*	2B.3	Oval-leaved viburnum is a perennial deciduous shrub that occurs in chaparral, cismontane woodland, and lower montane coniferous forests. The species often occurs on north-facing slopes covered by dense brush. Oval-leaved viburnum is found between 700 and 4,600 feet in elevation. The flowering period is May and June.	In California, oval-leaved viburnum is considered a California native species ~~an introduced weed~~. Review of CNDDB records found that oval-leaved viburnum has been reported within 10 miles of the project area. ~~However, CDFW does not consider oval-leaved viburnum to be a special-status species. No further evaluation of this species is warranted~~. Oval-leaved viburnum was not observed during the botanical surveys and is not expected to be present.

As discussed in ***Responses 3-i, 3-j,*** and ***3-k***, above, the original botanical survey of the project site was conducted in April 2005, and five subsequent surveys were conducted in 2008, 2009, 2011, 2012, and 2015, and in February 2017, ENPLAN provided a letter entitled *Tierra Robles Planned Development – Potential Biological Impacts and Mitigation Measures* which identified potentially significant impacts and provided mitigation to reduce impacts to *less than significant*.

During the course of the biological surveys, including the wetland delineations, every drainage and upland area was examined numerous times on foot, horseback, and ATV. The number of surveys and span of time over which they were conducted was adequate to identify Oval-leaved viburnum were it on the project site. Accordingly, all plant species within the 10-meter plots were identified. In addition, any other plants found outside of the plots were also identified and recorded. Oval-leaved viburnum, if present, would have been identified. As mentioned above, one special-status plant species, Red Bluff dwarf rush, was observed in the project study area during a 2012 field evaluation. No other special-status plant species are expected to be present within the project site.

Response 3-m: The commenter recommends that the contractor wash all equipment before and after use with every project to help prevent the spread of invasive and noxious weeds between projects within Shasta County.

Page 5.4-42 of the Draft EIR has been revised as follows (refer to ES2, ERRATA TO THE DRAFT EIR TEXT):

Weed Species. A number of introduced weed species are present in the study area. The proposed project could potentially introduce additional weed species into the study area or facilitate the spread of unique weed species to other locations. The potential for introduction and spread of weeds can be avoided/minimized by using only certified weed-free erosion control materials, mulch, and seed; precluding the use of rice straw in riparian areas; limiting any import or export of fill to material known to be weed free; and requiring all construction contractors to thoroughly wash all equipment at a commercial wash facility prior to entering the County and the project site ~~(if the equipment has most recently been used within the County, cleaning would not be required)~~, and requiring the contractor to thoroughly wash all equipment upon completion of its onsite use. With implementation of **MM 5.4-1d** impacts with respect to weed species would be *less than significant*.

MM 5.4-1d has been revised as follows (refer to ES2, ERRATA TO THE DRAFT EIR TEXT):

MM 5.4-1d: Grading plans prepared by the project applicant shall note the following construction specifications designed to avoid the introduction and spread of weeds:

- Using only certified weed-free erosion control materials, mulch, and seed.
- Precluding the use of rice straw in riparian areas.
- Limiting any import or export of fill material to material known to be weed free.
- Requiring the construction contractor to thoroughly wash all equipment at a commercial wash facility prior to entering the County <u>and the project site</u>. ~~If the equipment has most recently been used within the County, cleaning is not required.~~
- Requiring the construction contractor to thoroughly wash all equipment at a commercial wash facility immediately upon termination of its use at the project site.
- The project contractor shall continuously comply with the above stated measures throughout the duration of onsite and offsite construction activities.

Response 3-n: The commenter states that the western spadefoot toad is a rare, threatened, and endangered species pursuant to State *CEQA Guidelines* §15380. The commenter believes that the surveys conducted for western spadefoot road were incomplete and inconclusive. The commenter recommends proper surveys for this species be conducted by a qualified biologist familiar with this species' life history requirements. If western spadefoot toad is present, the EIR should be revised to include avoidance and mitigation measures.

The Draft EIR Section 5.4, BIOLOGICAL RESOURCES, provides discussions on special-status species, including existing conditions, survey results and survey methods, and analysis of project impacts. Section 5.4 of the Draft EIR is based on the biological resources studies provided in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, as well as resource management reports provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT. The main authors include, but are not limited to, certified wildlife biologist(s), forest research ecologist(s), registered professional forester(s), and wetland delineation specialist(s). The Curriculum Vitae (CV) of each is summarized under ***Response 3-b***, above.

Field surveys were conducted in conformance with existing protocols for species of interest to identify any plant communities, listed plant species, listed wildlife species, and wildlife habitat present on the proposed biological resource study area. Data sources examined for the literature review and known species occurrence, as related to special-status wildlife species, included the California Natural Diversity Database (CNDDB), California Department of Fish and Wildlife (CDFW) Special-Status Animals list and BIOS database, United States Fish and Wildlife Service (USFWS) records, and the National Marine Fisheries Service (NMFS).

As discussed on page 5.4-18 of the Draft EIR, the USFWS official species list identified eight federally listed animal species as potentially being affect by work in the project area. Review of the CNDDB records found that no special-status animal species or animal species proposed for listing have been reported within the project study area. Seventeen (17) special-status animal species and 10 non-status species are known to occur within 10 miles of the project area. The 17 special-status animal species known to occur within 10 miles of the project site includes the western spadefoot.

Table 5.4-4, POTENTIALLY IMPACTED SPECIAL-STATUS SPECIES IN THE PROJECT AREA, discusses the western spadefoot status, general habitat, and the potential to occur in the project area; refer to page 5.4-23 of the Draft EIR. Further, as discussed in Draft EIR Section 5.4, BIOLOGICAL RESOURCES, and Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, the initial wildlife surveys were conducted in 2005, with subsequent surveys in 2012, 2016, and 2017. Spadefoot Toad surveys were conducted by experienced field personnel familiar with the species habitat requirements and life history. During the 2016 surveys, Wildland Resource Managers conducted six site visits in 2016 in an attempt to locate any toads. Vernal swales and other streams were walked in the morning and late evening hours as the toads were looked and listened for. These visits were done during a very wet spring with abundant surface water on the site. No toads were detected. The onsite aquatic habitats remained ponded for a length of time considered normal for similar shallow habitats in the Redding area. The results of these surveys provide a reliable basis for concluding that western spadefoot toads are not utilizing the onsite aquatic features as breeding habitat. As discussed in ***Response 3-j***, the County, as Lead Agency, determined that the surveys completed by Wildland Resource Managers and ENPLAN are sufficient to describe the biological resources onsite and meet CEQA and other regulatory requirements.

Response 3-o: The commenter states that the pallid bat is known to occur in oak woodlands and thus recommends conducting proper surveys by a qualified biologist. If pallid bat is present, the EIR should be revised to include avoidance and mitigation measures.

Refer to ***Response 3-n*** regarding general information on field surveys, data sources, the number of listed species, and the qualifications of the biological resources team. A "bat-biologist" is required to have an understanding of the habitat conditions favoring presence of any bat species. Biologists conducted bat surveys for this project maintain such knowledge. The 17 special-status animal species known to occur within 10 miles of the project site do not include the pallid bat; however, two other bat species, spotted bat and silver-haired bat, were included in this list.

Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, provides a more detailed discussion on bats, including the pallid bat. Wildland Resource Managers conducted field inspections for bats in June and July 2015 and April and May 2016. Bats were observed in flight, with flight patterns indicative of foraging behavior. While these observations were not in the woodland areas of the project, the tree structure of the larger trees in the woodlands contains bat habitat roosting features such as cavities, defoliating bark and other crevices in the bowls and limbs. These features most often occur in standing snags and tress with a diameter at breast height (dbh) greater than 12 inches and which are in a declining condition.

While pallid bat was not specifically identified in database searches, bats were identified during the 2015 and 2016 bat surveys. Therefore, the Draft EIR impact analysis determined that vegetation removal associate with the implementation of the proposed project could potentially cause physical harm to roosting bats, thus, Mitigation Measure (MM) 5.4-1f, Mitigation Measure (MM) 5.4-1g, and Mitigation Measure (MM) 5.4-1h would reduce potential impacts to roosting bats, including the pallid bat, to less than significant. These mitigation measures are written such that it covers all bat species, which would include pallid bat. These measures include identifying and retaining trees that provide bat roosting habitat, conducting tree removal outside of the bat maternity season (typically March 1 through August 31), and install four-chambered bat houses within the project site.

Section 5.4, BIOLOGICAL RESOURCES, of the Draft EIR is based on the biological resources studies provided in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, as well as resource management reports provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT. These documents were prepared by a team that included a PhD blue oak resource scientist, a registered professional forester and a certified wildlife biologist. The Curriculum Vitae (CV) of each is summarized under ***Response 3-b***, above.

Response 3-p: The commenter states that western pond turtle could have been overwintering during the spring surveys and recommends conducting proper surveys by a qualified biologist. If western pond turtle is present, the EIR should be revised to include avoidance and mitigation measures.

Refer to ***Response 3-n*** regarding general information on field surveys, data sources, and the number of listed species. The 17 special-status animal species known to occur within 10 miles of the project site include the western pond turtle.

Table 5.4-4, POTENTIALLY IMPACTED SPECIAL-STATUS SPECIES IN THE PROJECT AREA, discusses the western pond turtle, general habitat, and the potential to occur in the project area; refer to page 5.4-21 of the Draft EIR. Further, as discussed in Draft EIR Section 5.4, BIOLOGICAL RESOURCES, and Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, the initial wildlife surveys were conducted in 2005, with subsequent surveys in 2012, 2015, 2016, and 2017. During the 2015 surveys, the Clough Creek area was surveyed by walking the length of the stream in March and the East Creek drainage and surrounding area was surveyed by walking the length in April. During the 2016 surveys, Wildland Resource Managers conducted six site visits in 2016. No western pond turtles were observed at any wetland areas within the project site during the surveys. As discussed in ***Response 3-j***, the County, as Lead Agency, determined that the surveys completed by Wildland Resource Managers and ENPLAN are sufficient to describe the biological resources onsite and meet CEQA and other regulatory requirements.

The Draft EIR impact analysis acknowledges that there is potential habitat for western pond turtle on the project site. However, the proposed project would not directly affect western pond turtle because the project has been designed to fully avoid all streams. Indirect effects to western pond turtle would occur if sediment or pollutant concentrations are sufficiently high to cause physical impairment of turtles or

degradation of turtle habitat. Compliance with conditions of the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities would preclude potential indirect impacts to western pond turtle. No mitigation measures are warranted and impacts were found to be *less than significant*.

Response 3-q: The commenter recommends completing a Wildlife Movement Study to evaluate potential impacts to wildlife movement from the proposed project.

As shown on Figure 3-6, PROPOSED TENTATIVE MAP, of the Draft EIR, the project would provide approximately 526 acres designated as RMA or open space, which is approximately 73.6% of the project site. As shown in Figure 3-6, these areas allow for wildlife movement throughout the project site, including drainages and well as along upland areas. The RMAs and open space have been designed to link the entire project site to facilitate movement on land by providing contiguous areas of sufficient size (width and cover). These areas would act as movement corridors.

The Draft EIR provides an impact analysis of wildlife movement in Impact 5.4-3, beginning on page 5.4-53. The RMAs within each residential lot has been created to establish setbacks from property lines, stream channels, and/or critical natural resources. These areas would remain undisturbed and would be managed by the probate land owner under direction of the TRCSD. These areas would allow for travel corridors for wildlife. Additionally, the open space preserves, which accounts for more than a quarter of the total acres of the project site, would also remain undeveloped under management of the TRCSD and would allow for wildlife movement. For aquatic species, the project has been designed to fully avoid all streams, thus the project would not impede movement. Terrestrial wildlife would not be significantly affected by the proposed project because the site has been designed to allow for wildlife movement throughout the project site.

A discussion of domesticated animals and the effect they may have on biological resources also is provided in Section 5.4, BIOLOGICAL RESOURCES, beginning on page 5.4-13, and including 5.4-38, 5.4-39, and 5.4-46 through 5.4-49. With the implementation of Mitigation Measure (MM) 5.4-1b and Mitigation Measure (MM) 5.4-1c, these impacts would be *less than significant*.

Therefore, due to the extent of the areas available for wildlife movement (73.6% of the project site), a movement study was not deemed necessary for the purposes of CEQA. Rather, the project can facilitate movement by providing habitat corridors as shown on the project plan.

Response 3-r: The commenter recommends that lighting fixtures associated with the project be downward facing, fully-shielded, and designed and installed to minimize photo-pollution in order to minimize adverse effects of artificial light on wildlife.

The Draft EIR discusses light and glare in Section 5.1, AESTHETICS AND VISUAL RESOURCES, as well as in Section 5.4, BIOLOGICAL RESOURCES. Impacts on wildlife related to nighttime lighting are discussed beginning on page 5.4-47 of the Draft EIR. As stated in Section 5.4, while the proposed project would introduce new light sources, in accordance with the *Design Guidelines* prepared by Shasta Red, LLC for the

project, lighting should be oriented downward or shielded to minimize glare. Page 5.4-47 has been revised to reflect the following (refer to ES2, ERRATA TO THE DRAFT EIR TEXT):

"lighting ~~should~~ will be ~~carefully used and~~ oriented downward or shielded"

The more specific language in the following paragraph explaining that the project would conform to applicable lighting standards and section §17.84.050 (Lighting), of the *Shasta County Code*, as described in Section 5.1, AESTHETICS AND VISUAL RESOURCES, remains unchanged. As explained, glare shields are required to eliminate bright spots and glare sources on pool and landscape lighting. Exterior lighting should utilize low-voltage or similar non-glare direct task type fixtures as close to grade as possible. Light fixtures shall be equivalent to "Good Light Fixtures" as defined by the International Dark Sky Association. Side shielding should restrict sideways light to at least 20 degrees below the horizontal plane at the light fixture.

As discussed above, in Section 5.1, AESTHETICS AND VISUAL RESOURCES, all residential exterior lighting would be required to comply with the *Design Guidelines*, and Section 17.84.050 (Lighting) of the *Shasta County Code* requiring new exterior lighting to be oriented and shielded to minimize glare, and avoid light spillage onto adjacent properties. Shielding of light would reduce impacts on nocturnal wildlife species. No revision to the Draft EIR is required.

Response 3-s: The commenter requests revisions to Mitigation Measure (MM) 5.4-1a to include the timing of the conservation easement establishment as well as to clarify responsible agencies.

Mitigation Measure (MM) 5.4-1a has been revised as follows (refer to ES2, ERRATA TO THE DRAFT EIR TEXT):

MM 5.4-1a: Subject to review and approval by the Shasta County Resource Management Department Director, and prior to the removal of any vegetation, the applicant shall establish an offsite conservation easement covering a minimum of 137.8 acres of blue oak woodland in Shasta County. A detailed management plan guiding long-term preservation of the oak woodland, which may include a regulated intensity of grazing on the site, shall be provided for Shasta County and the California Department of Fish and Wildlife review and acceptance prior to establishment of the easement. The management plan shall identify monitoring and maintenance activities, conservation easement and deed restriction terms, the easement holder, and remedial actions to be taken if the management plan objectives are not met.

A conservation-oriented third-party entity acceptable to Shasta County and the California Department of Fish and Wildlife shall hold the conservation easement and shall be responsible for ongoing monitoring and management of the site in accordance with the management plan.

Monitoring reports shall be submitted to Shasta County and the California Department of Fish and Wildlife at least once every three years; if management problems are identified or other concerns arise, the County may require submittal of more frequent reports (up to two per year) until the concerns are adequately addressed. Management activities shall be funded through an endowment account established by the project applicant or through fees collected by the Tierra Robles Community Services District.

Response 3-t: The commenter states that Mitigation Measure (MM) 5.4-1g should not be finalized until a bat survey by a qualified bat biologist can be conducted.

Please refer to ***Response 3-o***, above regarding surveys, impacts, and mitigation measures associated with bats and bat habitat. Section 5.4 of the Draft EIR is based on the biological resources studies provided in Appendix 15.4, BIOLOGICAL RESOURCES DOCUMENTATION, as well as resource management reports provided in Appendix 15.2, TIERRA ROBLES COMMUNITY SERVICES DISTRICT. These documents were prepared by a team that included a PhD blue oak resource scientist, a registered professional forester and a certified wildlife biologist. The Curriculum Vitae (CV) of each is summarized under ***Response 3-b***, above.

Response 3-u: The commenter states that for mitigation lands and conservation easements, all entities that will hold land are required to go through CDFW's due diligence process.

This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 3-v: The commenter acknowledges that the Draft EIR states that no impacts to drainages or wetlands would occur. The commenter states that the Fish and Game Code Section 1602 requires any entity to notify CDFW before beginning any activity that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream or lake.

This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Letter 4 –– California Highway Patrol (November 28, 2017)

State of California—Transportation Agency EDMUND G. BROWN Jr., Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
2503 Cascade Boulevard
Redding, CA 96003
(530) 225-0500
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

clear 12/4/17 6

Governor's Office of Planning & Research
NOV 29 2017
STATE CLEARINGHOUSE

November 28, 2017

File No.: 135.15251

State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Subject: **SCH# 2012102051**

The California Highway Patrol (CHP), Redding Area, was recently requested to review environmental impact documents related to the proposed Tierra Robles Planned Development Project, bordered primarily by Old Alturas Road, Boyle Road, and Deschutes Road, between the communities of Palo Cedro, California, and Bella Vista, California. 4-a

The CHP services and has primary jurisdiction for traffic enforcement in the unincorporated area of Shasta County, within the proposed project location. Primary law enforcement services would be provided by the Shasta County Sheriff's Office.

After reviewing the Draft Environmental Impact Report (EIR), the CHP shares in the concern for potentially significant transportation/traffic impacts created by the project. Specifically, the increased traffic volumes created at the intersections of Old Oregon Trail/Old Alturas Road, Deschutes Road/ Old Highway 44, Boyle Road/Deschutes Road, and Deschutes Road/Lassen View Drive should be carefully evaluated for congestion management, as well as emergency access to and from the project location. 4-b

Thank you for bringing this project to our attention. Should you have any questions, please contact me at (530) 225-0500.

Sincerely,

S. R. FREDRICK, Lieutenant
Acting Commander
Redding Area

cc: CHP Northern Division

Safety, Service, and Security *An Internationally Accredited Agency*

State of California | Transportation Agency

Memorandum

Date: November 8, 2017

To: Redding Area (135)

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Special Projects Section

File No.: 063.A09293.A14630.Noc.Doc

Subject: ENVIRONMENTAL DOCUMENT REVIEW AND RESPONSE
SCH# 2012102051

Special Projects Section (SPS) recently received the referenced "Notice of Completion" environmental impact document from the State Clearinghouse.

4-c

Due to the project's geographical proximity to the Redding Area, please use the attached checklist to assess its potential impact to local Area operations and public safety. If it is determined that departmental input is advisable, your written comments referencing the above State Clearinghouse (SCH) number must be mailed to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814. Your written comments must be received by SCH no later than **December 7, 2017**. If the due date to SCH cannot be met, please send comments directly to the lead agency (refer to the Notice of Completion) no later than three working days after the original due date - by **December 12, 2017**. For reference, additional information can be found in General Order 41.2, Environmental Impact Documents.

For project tracking purposes, SPS must be notified of Redding Area's assessment of the project (including negative reports). Please e-mail a copy of Area's response to Associate Governmental Program Analyst Leah Mora at LeMora@chp.ca.gov. For questions or concerns, please contact Ms. Mora at (916) 843-3382.

S. F. BARSANTI, SSM III
Commander

Attachments: Checklist
Project File

cc: Northern Division

Safety, Service, and Security | *An Internationally Accredited Agency*
CHP 51 (Rev. 03-11) OPI 076

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

Project Title: Zone Amendment 10-002, Tract Map 1996 - Tierra Robles Planned Development
Lead Agency: Shasta County, Department of Resource Management — Contact Person: Kent Hector, Senior Planner
Mailing Address: 1855 Placer Street, Suite 103 — Phone: (530) 225-5532
City: Redding — Zip: 96001 — County: Shasta

Project Location: County: Shasta — City/Nearest Community: Palo Cedro & Bella Vista
Cross Streets: Bayle Road / Porta Dego Way — Zip Code: 96073
Lat. / Long.: 40° 35' 36" N/ 122° 16' 01" W — Total Acres: Approximately 715
Assessor's Parcel No.: 061-210-001, 061-240-001, 078-060-036, 078-060-039, and 078-250-002
Sections: Portions of Section 19, 30 — Twp.: 32 North — Range: 3 West — Base: MDBM
Portions of Section 24, 25 — Twp.: 32 North — Range: 4 West — Base: MDBM

Within 2 Miles: State Hwy #: SR-299 — Waterways: Clough Creek
Airports: — Railways: — Schools: North Cow Creek Elem., Bella Vista Elem.

Document Type:
CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☒ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other

OCT 23 2017
STATE CLEARINGHOUSE

Local Action Type:
☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☒ Site Plan
☒ Rezone ☐ Prezone ☐ Use Permit ☒ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other CSD

Development Type:
☒ Residential: Units 166 Acres 715
☐ Water Facilities: Type MGD

Project Issues Discussed in Document:
☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☒ Biological Resources ☐ Coastal Zone ☒ Drainage/Absorption ☒ Economic/Jobs ☐ Other
☒ Fiscal ☒ Flood Plain/Flooding ☒ Forest Land/Fire Hazard ☒ Geologic/Seismic ☐ Minerals ☒ Noise ☒ Population/Housing Balance ☒ Public Services/Facilities
☒ Recreation/Parks ☒ Schools/Universities ☒ Septic Systems ☒ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☒ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation
☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Wildlife ☒ Growth Inducing ☒ Land Use ☒ Cumulative Effects

Present Land Use/Zoning/General Plan Designation:
Agricultural - Grazing/ Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U)/ Rural Residential 'A' (RA).

Project Description:
The proposed project consists of a residential Planned Development requiring a Zone Amendment (Z10-002) to change the current zoning from Rural Residential 5-acre minimum (RR-BA-5), Rural Residential 3-acre minimum (RR-BA-3), and Unclassified (U) to a Planned Development (PD) zone district establishing a conceptual development plan covering the entire site; and a Tract Map (TR 1996) to divide the 715.4-acre property into 166 residential parcels ranging from 1.38 acres to 6.81 acres in size. The project proposes the formation of the Tierra Robles Community Services District (TRCSD) as a means to provide operation and maintenance of the wastewater treatment system, maintenance of improved streets within the subdivision, management of open spaces, including preservation and fire management operations, and maintenance of drainage improvements. The ultimate approval of the TRCSD would be subject to separate application and approval from the Shasta County Local Agency Formation Commission (LAFCO).
The Planned Development proposes the following design features: (1) Grey water diverter system; (2) Inclusion of solar design in new homes which reduces annual energy usage by 15 percent or more; (3) Variation of housing design and setbacks with not more than 5 percent of the same building footprint or building design; (4) Class I public bikeways within the project site and pedestrian trails. The proposed project would include 192.7 acres of open space, which contain sensitive habitat features and/or species. The largest open space parcel is generally located on steep slopes (>30% slope) adjacent to waterways in the eastern portion of the project site. This open space area would serve as both a conservation and recreation area for the proposed subdivision.

4-c

State Clearinghouse Contact: (916) 445-0613 SG
State Review Began: 10 - 24 - 2017
SCH COMPLIANCE 12 - 07 - 2017

Please note State Clearinghouse Number (SCH#) on all Comments
SCH#: 2012102051
Please forward late comments directly to the Lead Agency

AQMD/APCD 31
(Resources: 10 / 24)

Project Sent to the following State Agencies

X Resources
Boating & Waterways
X Central Valley Flood Prot.
Coastal Comm
Colorado Rvr Bd
X Conservation
X CDFW # 1
Cal Fire
Historic Preservation
X Parks & Rec
Bay Cons & Dev Comm.
DWR

CalSTA
Aeronautics
X CHP
X Caltrans# 2
Trans Planning

Other
Education
OES
Food & Agriculture
HCD

State/Consumer Svcs
General Services

Cal EPA
ARB: Airport & Freight
ARB: Transportation Projects
ARB: Major Industrial/Energy
Resources, Recycl.& Recovery
X SWRCB: Div. of Drinking Water
SWRCB: Div. Drinking Wtr #
X SWRCB: Div. Financial Assist.
X SWRCB: Wtr Quality
SWRCB: Wtr Rights
X Reg. WQCB # 5R
Toxic Sub Ctl-CTC
Yth/Adlt Corrections
Corrections

Independent Comm
Delta Protection Comm
X Delta Stewardship Council
X Energy Commission
X NAHC
X Public Utilities Comm
Santa Monica Bay Restoration
State Lands Comm
Tahoe Rgl Plan Agency

Conservancy

Other:

ENVIRONMENTAL IMPACT REPORT
EVALUATION/RESPONSE CHECKLIST
FOR AREA/SECTION

Reference: Highway Patrol Manual 41.1
Transportation Planning Manual
Chapter 6: Environmental Impact Documents

	Action	Reference HPM 41.1 Chapter 6
☑	Review memorandum for the due date(s).	12/7
☑	Determine if the proposed project might impact local operations and/or public safety. Examples include: housing developments, large commercial projects, large recreational developments or expansions, landfill or quarry operations, hazardous materials storage and/or dump sites, highway construction/improvement projects, new schools, airport improvements, annexations/incorporations, off-highway vehicle facilities, and Indian gaming facilities.	Pages 3-4
☑	Review environmental impact documents to identify issues or concerns with possible impact to departmental operations (i.e., increased response times, enforcement, emergency services, service calls, telecommunications, public safety).	TRAFFIC IMPACTS
	Responses	
☑	If comments are advisable:	
☑	Correspondence should focus primarily on traffic safety, congestion, or other impacts to the CHP's mission; however, **Areas shall not indicate to the lead agency that additional personnel, facilities, vehicles, etc., are a means to mitigate departmental service issues.**	Page 6
☑	Ensure the State Clearinghouse number (SCH#) is included in all correspondence.	
☑	Comments shall be provided directly to the State Clearinghouse at 1400 Tenth Street, Room 121, Sacramento, CA 95814, or the lead agency as deemed appropriate, no later than the designated due date. Provide a copy to Special Projects Section (SPS) via electronic mail (e-mail).	
✓	For project tracking purposes, SPS must be notified of Area/Section's assessment of the project. After mailing your comments to the SCH or lead agency, send a scanned copy via e-mail to SPS.	
☒	If no impact is determined:	
☒	Via e-mail, please respond "no impact to _____ Area's local operations and/or public safety by SCH# _____ was identified," by the designated SCH due date to the SPS analyst listed on the Environmental Document Review and Response memorandum. Ensure the SCH# is included.	

4-c

Response to Letter 4 –– California Highway Patrol

Response 4-a: The commenter provides the project location and states that the CHP serves and has primary jurisdiction over the unincorporated areas of Shasta County, including the proposed project.

This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.

Response 4-b: The commenter shared in the concern for potentially significant transportation/traffic impacts created by the project. The commenter states that four intersections, Old Oregon Trail & Old Alturas Road, Deschutes Road & Old Highway 44, Boyle Road & Deschutes Road, and Deschutes Road & Lassen View Drive, should be carefully evaluated for congestion management as well as emergency access to and from the project location.

The Draft EIR analyzed 18 environmental resources including traffic and circulation (refer to Section 5.16). Details regarding traffic are also provided in Appendix 15.9, TRAFFIC IMPACT STUDY, of the Draft EIR. Section 5.16, TRAFFIC AND CIRCULATION, identified three of the intersections of concern as follows:

- Old Alturas Road & Old Oregon Trail (Intersection #8)
- Boyle Road & Deschutes Road (Intersection #13)
- Deschutes Road & Old 44 Drive (Intersection #14)

As discussed in Section 5.16, TRAFFIC AND CIRCULATION, and evaluated in detail in Appendix 15.9, these three intersections would operate below the threshold LOS under *Existing Plus Project* conditions and *Year 2035 Plus Project Conditions*; refer to page 5.16-34 of the Draft EIR. The traffic impact analysis analyzed the potential for the project to increase congestion to unacceptable levels and identified mitigation measures where the project would have an unacceptable impact on congestion.

For more specific detail related to Old Alturas Road & Old Oregon Trail (Intersection #8). The commenter is referred to page 5.16-37 of Section 5.16, TRAFFIC AND CIRCULATION, which notes that this iintersection is projected to operate at an unacceptable LOS F in the weekday AM and PM peak hours. Although this intersection operates at an unacceptable LOS F in the *No Project* condition, the proposed project creates a *potentially significant* impact by causing the delay to increase by more than 5 seconds per vehicle. Implementation of Mitigation Measure (MM) 5.16-3 would mitigate AM and PM peak hour intersection operations to a *less than significant* level (LOS B).

For more specific detail related to Boyle Road & Deschutes Road (Intersection #13), the commenter is referred to page 5.16-37 of Section 5.16, TRAFFIC AND CIRCULATION, which notes that this intersection is projected to operate at an unacceptable LOS F during the AM peak hour. Although this intersection operates at an unacceptable LOS F in the *No Project* condition, the proposed project creates a *potentially significant* impact by causing the delay to increase by more than 5 seconds

per vehicle. Implementation of Mitigation Measure (MM) 5.16-4 would mitigate AM peak hour intersection operations to an acceptable LOS (LOS C).

Regarding Deschutes Road & Old 44 Drive (Intersection #14) the commenter is referred to Table 5.16-17, YEAR 2035 PLUS PROJECT SIGNIFICANT IMPACTS, on page 5.16-36 of Section 5.16, TRAFFIC AND CIRCULATION. The table presents the intersections projected to operate at unacceptable levels of service under the *Year 2035 Project* conditions and those intersections that warrant mitigation. As shown Deschutes Road & Old 44 Drive (Intersection #14) is discussed and traffic impacts to the intersection were not deemed to be significant and traffic mitigation is not required.

With respect to the Deschutes Road & Lassen View Drive intersection, it is located between two studied intersections, Boyle Road & Deschutes Road (Intersection #13) and Deschutes Road & Old 44 Drive (Intersection #14). Deschutes Road was analyzed Boyle Road to SR-44 as a roadway segment and mitigation measures are required. Implementation of Mitigation Measure (MM) 5.16-2 would reduce impacts *for Existing, Existing Plus Project*, and *Year 2035 Plus Project* conditions on Deschutes Road. Mitigation Measure (MM) 5.16-2 requires the installation of intersection warning signs with advanced street name plaques at several intersections, including Lassen View Drive.

Regarding emergency access, the commenter is referred to Impact 5.13-1, in Section 5.13, PUBLIC SERVICES AND FISCAL IMPACTS, of the Draft EIR. As noted on page 5.13-12 and page 5.13-13, the proposed project is within the Shasta County Fire Department/CAL FIRE Station 32 response area and the proposed project would be designed to ensure proper emergency access and meet roadway requirements. The proposed project would conform to all of the Shasta County Fire Safety Standards, *Uniform Fire Code*, and applicable sections of the *California Safety Code of Regulation* and *National Fire Prevention Association Standards*, which would ensure safety access (ingress and egress) to the proposed project is adequate and impacts would be *less than significant*.

Primary access to and from the proposed project would be from Boyle Road at the southern end of the project site, with a north-south oriented internal arterial roadway (Tierra Robles Parkway) that connects with Old Alturas Road (via Chatham Ranch Drive) at the north end of the project site. The proposed internal street network consists of approximately 15 roadway segments and would be designed and constructed to meet applicable County street standards. In addition, by mitigating the projects significant traffic impacts, emergency access not be adversely impacted by the project. The project itself will have two public street access points meeting the Shasta County emergency access requirements.

It is important to note that since preparation and circulation of the Draft EIR the proposed emergency access at Northgate Drive has been omitted from the project. No additional access is proposed or required. No further response or change to the Draft EIR is necessary.

Response 4-c: This was an attached letter from the Special Projects Section of the CHP to the Redding Area CHP requesting that the Redding Area review the Draft EIR and use a checklist to assess the project's potential impact to local area operations and public safety.

This comment is noted for the record and will be provided to the Planning Commission and Board of Supervisors for consideration.