

From: Morford, Samantha@Wildlife
Sent: Friday, August 15, 2025 6:06 PM
To: Tracy Bettencourt
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: CDFW Comments on the MND for the Big Chico Creek Erosion Repair Project (SCH No. 2025070810)

Dear Tracy Bettencourt:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from City of Chico for the Big Chico Creek Erosion Repair Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.^[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at two bridge crossings and an eroded bank site over Big Chico Creek within the City of Chico Butte County, California. The first bridge, Rose Avenue Bridge, is approximately 0.5 miles west of State Route 32, at the intersection of Rose Avenue and Bidwell Avenue; Latitude 39.72698, Longitude -121.86337 (WGS 84 datum, decimal degrees). The second bridge, Warner Street Bridge, is on Chico State University's campus, between Legion Avenue and West 1st Street; Latitude 39.72889, Longitude -121.84845. The third site, the site of an eroded bank site, is located just downstream of the

intersection of Manzanita Avenue and Vallombrosa Avenue along the west bank of Big Chico Creek; Latitude 39.75774, Longitude -121.79677.

The Project at Rose Avenue Bridge consists of removing the failed hard armoring at the northeast abutment, reconfiguring the existing rock slope protection (RSP) at the northern abutment, and installing a total of 116 linear feet of RSP along the base of the northern bridge abutment and along the north and south creek banks upstream of the bridge. RSP will also be placed on the downstream side of the existing concrete encased sewer pipe. A temporary water diversion would be installed to de-water the work area. Vegetation will be cleared and grubbed from the top of bank down to the water line in areas where the RSP will be placed. Temporary construction access would occur at the eastern corner of the Bidwell Avenue and Rose Avenue intersection. Project activities at this location will result in 0.03 acre of permanent impacts and 0.10 acre of temporary impacts to aquatic resources and 0.04 acre of permanent impacts and 0.03 acre of temporary impacts to riparian habitat.

The Project at Warner Street Bridge consists of installing a total of 180 linear feet of RSP along the base of the northern bridge abutment and along the northern creek bank upstream and downstream of the bridge. A temporary water diversion would be installed to de-water the work area. Vegetation will be cleared and grubbed from the top of bank down to the water line in areas where the RSP will be placed. Temporary construction access would occur from the top of the northern bank. Rough grading will be required to facilitate access down to the creek at this location. Project activities at this location will result in 0.06 acre of permanent impacts and 0.20 acre of temporary impacts to aquatic resources and 0.03 acre of permanent impacts and 0.03 acre of temporary impacts to riparian habitat.

The Project at the Manzanita Avenue and Vallombrosa Avenue location consists of collapsing the existing undercut cave in the western bank of Big Chico Creek and regrading the area. Then a total of 187 linear feet of RSP would be installed along the western bank. A temporary water diversion would be installed to de-water the work area. Vegetation will be cleared and grubbed from the top of bank down to the water line in areas where the RSP will be placed. Temporary construction access would occur from the top of the western bank. Project activities at this location will result in 0.07 acre of permanent impacts and 0.21 acre of temporary impacts to aquatic resources and 0.04 acre of permanent impacts and 0.04 acre of temporary impacts to riparian habitat.

The Project is anticipated to take approximately 30 working days at each location. In-water work in Big Chico Creek will be limited to July 15 to September 30.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Chico in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: *D. Biological Resources, Page 36-60*

Issue: Special-status species include but are not limited to those considered either rare or regionally unique throughout their range (CEQA Guidelines § 15125[c]), identified as threatened, endangered, rare, or candidate by CDFW or U.S. Fish and Wildlife Service (USFWS) (CEQA Guidelines § 15380.), or plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, 2B, 3 and 4 (CEQA Guidelines § 15125[c]). Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA.

The MND and Biological Assessment (BA) documents briefly mention surveying for sensitive plant species but do not discuss the methods or findings of the surveys. As currently proposed in the MND, the Project has the potential to have a significant impact on special-status plant species as it does not include survey results or adequate mitigation measures for potential Project related impacts to special-status plant species.

Recommended Mitigation Measure: It is recommended that the botanical survey methods and results be added to the *Affect Environment* section of the MND document as well as an analysis on how this will or will not be a significant impact to special-status plant species. If the botanical surveys were not conducted in accordance with CDFW's, *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (3/18), CDFW recommends the following mitigation measure be included in the MND:

“Protocol-level surveys in accordance with CDFW's, *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (3/18), will be conducted during the appropriate blooming period and will be performed by a qualified botanist for all special-status plant species with the potential to occur within or adjacent to the Project sites. A survey report which at a minimum includes the methods, results, and a map that shows the survey boundary and location of special-status plant species observations will be prepared and submitted to CDFW. If special-status plants are detected, the City will make every effort to avoid the occurrences. If full avoidance is not feasible the City shall prepare a mitigation plan in consultation with CDFW to minimize or mitigate species impacts to a less than significant level.”

COMMENT 2: *D. Biological Resources, Page 36-60*

Issue: The unauthorized take of bats is prohibited under the California Fish and Game Code (§4150, §2126, §3007) and California Code of Regulation (Title 14, §251.1). The MND and BA documents briefly mention surveying for bat maternity roost habitat and the BA states that no suitable bat roosting crevices or cavities were observed under the existing bridge structures. However, neither document states if suitable tree roosting habitat is present. The MND does not analyze project impacts on tree roosting bats including potential nursery colonies.

Recommended Mitigation Measure: Since there will be removal of riparian trees and tree roosting bat species are known to inhabit the project vicinity, it is recommended that the number, species, and size of the trees to be removed are included in the *Affect Environment* section of the document. The MND should also include an analysis on the project's impact to tree roosting bat species including potential nursery colonies. If impacts to tree roosting bats are anticipated, the MND should include appropriate avoidance, minimization, and mitigation measures to reduce impacts to a less than significant level.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the MND for the Big Chico Creek Erosion Repair Project to assist the City of Chico in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Sammi Morford, Environmental Scientist at (916) 880-8324 or samantha.morford@wildlife.ca.gov.

Thank you,

Sammi Morford

Environmental Scientist (Caltrans Liaison)

Habitat Conservation Program | North Central Region (R2)

1701 Nimbus Rd., Suite A

Rancho Cordova, CA 95670



^[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.