State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
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GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

April 29, 2026

Kevin Williams
District Engineer
Calaveras County Water District
120 Toma Court
San Andreas, CA 95249
kevinw@ccwd.org

Subject: CALAVERAS COUNTY WATER DISTRICT – LA CONTENTA WASTEWATER TREATMENT FACILITY PHASE 3
MITIGATED NEGATIVE DECLARATION (MND)
SCH NO. 2026040188

Dear Kevin Williams:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from the Calaveras County Water District for the Calaveras County Water District – La Contenta Wastewater Treatment Facility Phase 3 (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, CDFW appreciates 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.

[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.

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 26 acres of land in Calaveras County, located in Sections 24 and 25 of Township 4 North, Range 10 East, Mount Diablo Base and Meridian, as depicted on the 1962 U.S. Geological Survey Valley Springs, California 7.5-minute topographic map. The Project Area includes the La Contenta Wastewater Treatment Facility and the proposed Treatment Effluent Pipeline. The pipeline runs through an easement area to the south of the Upper Effluent Storage Pond for 0.2 miles, and at its intersection with East Eberhard Drive, continues southward for 0.2 miles until it terminates at Lower Effluent Storage Pond.

The Project consists of the following replacement and/or improvement of facilities at the existing 26 acres La Contenta Wastewater Treatment Facility.

Treatment Process Upgrades

The existing aeration and clarification process for the treatment plant is a Biolac system, located immediately east of the existing holding pond, and north of the Upper Effluent Storage Pond (UESP). The Project will add a new extended aeration activated sludge basin with an integral clarifier to provide additional treatment capacity to the existing Biolac treatment system for projected flows. Construction of the new sludge basin will require excavation, shoring, and backfill.

The Project will also include a new UESP pump station to allow the full volume of the UESP to be utilized for seasonal storage of final effluent. The pump station construction and installation will include floating pump platforms, pipe floats, submersible pumps, valves, flow meter, instrumentation, piping, and appurtenances.

Additionally, the Project will install new aeration system blowers in the existing treatment plant building for the new active sludge aeration basin.

Electrical Upgrades

The Project will improve yard piping, power distribution utility power supply, instrumentation, and internal system controls.

Treated Effluent Pipeline Replacement

The existing pipeline consists of a 12-inch pipeline exiting the Parshall flume which transitions to an 8-inch pipeline outside the perimeter berm of the UESP. The 8-inch pipeline interconnects with the UESP valve assembly located south of the UESP,

comprising 1,100 feet of piping. The effluent is conveyed south to the Lower Effluent Storage Pond (LESP) via 2,700 feet of pipeline. To accommodate existing and future peak hour flows, the Project will install a replacement pipeline to convey a minimum of 2 million gallons of effluent per day to the LESP, increasing capacity from the existing 0.73 million gallons per day. The total run of the new pipeline will be 3,800 feet.

Construction Staging Area

Temporary staging will occur onsite at the La Contenta Wastewater Treatment Facility within areas that have already been paved or are highly disturbed.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Calaveras County Water District 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: California Tiger Salamander and California Endangered Species Act

Issue: CDFW is primarily concerned with potential Project impacts to the Central Valley Distinct Population Segment (DPS) of the California tiger salamander (*Ambystoma californiense pop. 1, CTS*), a species listed as Threatened under both the Federal Endangered Species Act and California Endangered Species Act. The IS/MND on page 4-26 states "these activities could result in direct injury or mortality of California tiger salamander, or temporary avoidance of suitable habitat areas." Even with the proposed biological mitigation measures, including BIO-4 which specifies preconstruction surveys for CTS, CDFW believes that take of CTS is possible.

Evidence: According to page 4-26 of the IS/MND, "the seasonal wetlands and southern pond within the Study Area provide marginally suitable habitat for CTS." The IS/MND also states that there are several known occurrences of CTS within the vicinity of the Study Area. There are several other aquatic features that are visible on aerial imagery within the approximate 1.3-mile dispersal range for CTS from the Project site. Due to the Project containing suitable habitat for CTS, several known occurrences of CTS within the vicinity of the Study Area, and a close proximity of a number of potential breeding ponds, it is probable that CTS are dispersed throughout the Project site and could be killed or injured during Project activities, as stated on page 4-26 of the IS/MND. Lastly, the United States Fish and Wildlife Service has designated critical habitat for Central Valley DPS CTS; the grasslands and open woodland habitats within the Project vicinity are comparable to these identified critical habitats.

BIO-4 describes that a qualified biologist will conduct a preconstruction survey within the Project area where CTS are most likely to be impacted by Project activities within 48 hours of the start of construction. Based on CTS life history, CDFW does not find BIO-4 to protect against the risk of take. CTS is a lowland inhabitant restricted to grasslands and

open woodland habitats within approximately 1.3 miles of breeding ponds where small mammal burrows are available. CTS spend much of their lives in underground refuges, often in burrowing mammal (ground squirrel, pocket gopher, and other burrowing mammal) burrows (USFWS, 2004). Because CTS spend much of their lives in underground retreat, CDFW considers BIO-4 to be inadequate to mitigate potential impacts to CTS. CTS' potential year-around presence in underground burrows indicates a year-round risk of take for this Project that will disturb subsurface potential habitat and require the use of heavy equipment over and around burrow systems that could result in burrow collapse and entombment of CTS.

A preconstruction survey 48 hours in advance of construction for a project that is expected to take 12-14 months to complete is not adequate based on the life cycle for CTS. CTS are active on the surface of the terrestrial habitat during juvenile dispersal into the uplands, adult breeding in fall and winter rain events, and when metamorphs emerge from the pond in the spring and summer (Searcy and Shaffer, 2011). Dimmit and Ruibal (1980) found that western spadefoot toads, used as a proxy for CTS when analyzing construction impacts for their comparable life histories, relied primarily on vibration from rain falling on the ground at their burrows, rather than increased moisture in the soil from rainfall, as the trigger to emerge from underground refuges. Dimmit and Ruibal (1980) also found that sound-induced vibration from violent, rainless thunderstorms would also produce the emergence response from western spadefoot toads, suggesting other events simulating rain vibrations may trigger CTS to leave their burrows absent rain. An example of this would be when the use of water trucks during project activities such as dust abatement trigger CTS to leave their burrows prematurely. Although no study similar to Dimmit and Ruibal's has been applied to CTS, similarities between western spadefoot toad and CTS emergence triggers, habitat, and breeding requirements suggest that the two species are comparable for the purposes of developing conservation strategies and protective measures. Provided that CTS may exit burrows absent a significant rain event suggests that a preconstruction survey does not sufficiently reduce the risk of take to exposed CTS and recommends more consistent biomonitoring (see Recommendations below).

Mitigation Measure BIO-4 will not likely eliminate the potential for take of CTS, as CTS may go undetected during surveys by inhabiting underground burrows within the Project site that are not affected until after 'initial ground-disturbing activities', and/or move into the Project site after ground disturbance begins. Based on CTS life history, it is highly unlikely any CTS would be found during pre-construction surveys unless the surveys include actions such as burrow excavation, pitfall traps, and drift fencing over multiple seasons, if authorized under CESA. For example, CDFW staff could find no record of adult or juvenile CTS found in Calaveras County during pre-construction surveys or habitat assessment surveys *except* those conducted at breeding ponds; however, there are several known CTS populations in Calaveras County. Therefore, it is insufficient to conclude based on pre-construction surveys alone that because no CTS were found during a pre-construction survey, there are no CTS present and/or the risk of impacts to CTS is low. Further, immature salamanders may not migrate to a breeding pond and instead remain in the upland until they are sexually mature, which can take between 3-5 years, so these young salamanders would be undetected in a pre-construction survey and could be killed or

injured during Project ground-disturbing activities at any point during construction without ever being seen. CDFW finds Mitigation Measure BIO-4 to not be protective enough for CTS since they may go undetected during pre-construction surveys. Accordingly, CDFW recommends more consistent biomonitoring during *all* ground disturbing activities and securing CTS take coverage (see Recommendations below).

Recommendations: CDFW recommends that the Project proponent assume presence of CTS over the entire Project site and obtain federal and state take authorities in advance of Project implementation which will require compensatory mitigation for impacts to listed species. Seeking take authorization close to the start of Project construction could result in significant delays in Project implementation, therefore it is recommended to seek take authorization well in advance of construction.

CDFW also recommends a qualified biologist be present on-site during all ground disturbing activities to better identify and avoid impacts to any emerged CTS.

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 (CNDDB). The CNNDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@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 Calaveras County Water District La Contenta Wastewater Treatment Facility Phase 3 Project to assist the Calaveras County Water District 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 Will Kanz, Environmental Scientist at 916-880-8981 or by email at Will.Kanz@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Morgan Kilgour
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Morgan Kilgour
Regional Manager

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REFERENCES

Dimmitt, Mark A. and Rodolfo Ruibal. 1980. Environmental correlates of emergence in spadefoot toads (*Scaphiopus*). Journal of herpetology 14(1):1-29.

Searcy, C.A. and H.B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? Pages 73-87 in D.G. Alexander and R.A. Schlising (Eds.), Research and Recovery in Vernal Pool Landscapes. Studies from the Herbarium, Number 16. California State University, Chico, CA.

U. S. Fish and Wildlife Service. 2004. Determination of threatened status for the California tiger salamander; and special rule exemption for existing routine ranching activities; Final Rule. Federal Register, Vol. 69:47212-47248.