



CITY OF REDDING

777 CYPRESS AVENUE, REDDING, CA 96001

P.O. Box 496071, REDDING, CA 96049-6071

MITIGATED NEGATIVE DECLARATION

Use Permit Application UP-2016-00392

Henderson – Parkview Open Space Restoration, Trail, and Kayak Access Project

SUBJECT

Use Permit Application UP-2016-00392, Henderson – Parkview Open Space Restoration, Trail, and Kayak Access, by City of Redding. Propose environmental restoration and improve the site with trails and public access to an existing kayak launch on 40 acres of resource lands located on both sides of the Sacramento River, just south of the Cypress Bridge. The project site is zoned “OS” Open Space District and “GO” General Office District with a General Plan designation of “Greenway” and “Open Space.”

PROJECT DESCRIPTION

The City of Redding’s Community Service Department is requesting approval to allow environmental restoration and public-access improvements. The goal of the restoration component has been to complete removal of invasive species within 20 acres of riparian forest on the Henderson Open Space. For several years there has been an effort by the City and volunteer groups to remove invasive species, estimated to be less than 25 percent of the vegetative cover within the open space. These prior efforts were accomplished using hand tools (weed eaters and chain saws). To discourage regrowth of invasive species, some, but not all of those efforts included herbicide applications. Approximately 75 percent of invasive plant species were removed over the last four or five years. These efforts have been accomplished under a 1602 permit issued by the California Department of Fish and Wildlife. The intent of this project is to address the remaining invasive plant species within the Henderson Open Space area, including new growth and utilizing herbicide treatment where appropriate. The proposed restoration will also include the planting of 4 acres of California native plants within the Henderson Open Space area, planting of a one-acre pollinator garden within the Parkview Open Space area, and where feasible, the planting of shaded aquatic plants along the edge of the river within both open space areas. The public-access improvement component consists of a driveway access from Henderson Road, construction of 12 trailhead parking spaces and 17 kayak access parking spaces, 13 of which are car and trailer spaces, a vehicle drop-off zone near a calm water lagoon natural access to the river, 1,109 feet of 7-foot-wide trail, utilizing an existing historic riverside road, 600 feet of 5-foot-wide trail connecting the kayak access area to the Cypress Bridge, a self-contained restroom, solar-powered lights for the parking areas, and directional and interpretive signage. The project does not include any improvements below the Ordinary High Watermark of the Sacramento River. The kayak launch is existing and therefore the proposed improvements will not encroach within the vicinity of the existing kayak launch area. The use permit is to allow the public-access improvements to encroach into the Federal Emergency Management Agency (FEMA) regulated 100-year floodplain of the Sacramento River.

ENVIRONMENTAL SETTING

The site is bounded by Cypress Avenue to the north, the Cobblestone shopping center to the west, riparian woodland and open space to the south, and the Sacramento River to the east. The project site is located on the east bank of the Sacramento River just south of the Cypress Avenue Bridge.

The Federal Emergency Management Agency 100-year floodplain of the Sacramento River inundates approximately 7.53 acres of the site. The Henderson Open Space area is considered by the City to be a natural park area. The Henderson Open Space and Parkview Open Space (located directly across the river on the west bank) total approximately 40 acres of resource lands owned by the City just south of the Cypress Avenue Bridge. These lands include a total of 1 mile of river frontage and riparian dominated vegetation communities that include mature stands of Fremont cottonwood, valley oak, and willows. Historical land uses of the Henderson Open Space area and vicinity include use by Native Americans, ranching, and a bridge crossing location in the 1800s. Other historic land uses include a diversion of river flow into a horizontal paddlewheel facility in the early 1900s; a forest products, cement plant, and gravel operation in the 1940s through the 1960s; and a gravel operation used in the construction of Interstate 5 during the 1960s and 1970s. The remnants of some of these land uses are visible today.

Its proximity within the floodplain of the Sacramento River and gentle topography make it suitable for recreational river access. This area is used by fisherman, kayakers, and others to access the river, while other recreationalists use the primitive trails that meander through the site for activities such as wildlife viewing. The area is largely unimproved, but does contain old road cuts, primitive trails, arbitrary parking areas, and river access.

FINDINGS AND DETERMINATION

The City of Redding conducted an Initial Study (attached), which determined that the proposed project could have significant environmental effects. Subsequent revisions in the project proposal create the specific mitigation measures identified below. The project, as revised and as agreed to by the applicant, avoids or mitigates the potentially significant environmental effects identified, and the preparation of an environmental impact report will not be required. There is no substantial evidence, in light of the whole record before the City, that the project as revised may have a significant effect on the environment. If there are substantial changes that alter the character or impacts of the proposed project, another environmental impact determination will be necessary.

The project includes measures to mitigate potentially significant impacts of biological resources impacts.

Prior to approval of the project, the lead agency may conclude, at a public hearing, that certain mitigation measures identified in the Mitigated Negative Declaration are infeasible or undesirable. In accordance with CEQA, Section 15074.1, the lead agency may delete those mitigation measures and substitute other measures which it determines are equivalent or more effective. The lead agency would adopt written findings that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it, in itself, would not cause any potentially significant effect on the environment.

- 1. Based on the whole record (including the Initial Study and any supporting documentation) and the mitigation measures incorporated into the project, the City of Redding has determined that there is no substantial evidence that the project will have a significant effect on the environment.**
- 2. The Mitigated Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the City of Redding.**

DOCUMENTATION

The attached Initial Study documents the reasons to support the above determination.

MITIGATION MEASURES

Biological Resources

Mitigation Measure 1 – *Riparian Habitat*

- a. The width of the construction disturbance with riparian habitat shall be minimized through careful pre-construction planning.
- b. Exclusionary fencing shall be installed along the boundaries of all riparian areas to be avoided to ensure impacts on riparian vegetation outside of the construction area are minimized. All construction-related pedestrian and vehicle/equipment travel shall be prohibited from these fenced off areas. The exclusionary fencing shall be inspected and maintained on a regular basis throughout project construction and removed upon project completion.
- c. Riparian habitat areas temporarily disturbed shall be replanted with native riparian species known to occur in the project area and general vicinity.
- d. Areas planted with native riparian species shall be maintained and monitored to ensure the plantings are surviving and healthy.
- e. Riparian habitat, including trees, permanently disturbed shall be replaced at a 3:1 ratio with native riparian species known to occur in the project area and general vicinity.

Mitigation Measure 2 – *Non-Native and Invasive Plant Species*

- a. All equipment used for off-road construction activities will be weed-free prior to entering the project area.
- b. If project implementation calls for mulches or fill, they will be weed free.
- c. Any seed mixes or other vegetative material used for re-vegetation of disturbed sites will consist of locally adapted native plant materials to the extent practicable.
- d. Non-native and invasive species removed during project construction will be properly removed and disposed of to prevent the spread of non-native and invasive species in the project area and vicinity.

Mitigation Measure 3 – *Waters of the United States*

- a. If any stockpiled materials are to remain on site through the wet season, they should be covered and/or protected (e.g., silt fence, straw wattles) to prevent erosion.
- b. Prior to construction, temporary fencing shall be installed to create Environmentally Sensitive Areas (ESA) between construction areas and waters of the United States that are adjacent to construction areas. Fencing shall be maintained until construction is complete.

Mitigation Measure 4 – *Critical Fish Habitat*

- a. The project shall at all times provide adequate erosion and sediment control devices to prevent potential degradation of water quality.
- b. The contractor shall prevent the discharge of sediment, and/or muddy, turbid, or silt laden waters, resulting from project activities, into the river. Where necessary, sediment barriers (e.g., filter fabric fencing, fiber mats, straw or wattles/rolls) capable of preventing sedimentation/turbidity shall be installed and maintained.
- c. Minimization of the width of the construction disturbance zone within the riparian habitat through careful pre-construction planning.
- d. Erecting construction fencing along the outer edges of the construction zone where needed to prevent accidental entry into riparian habitat.
- e. Mature cottonwoods, alders, and valley oaks located near construction areas shall be flagged and avoided during construction. Only those branches in the lower 10 feet of any woody plant may be trimmed to accommodate vehicular access. Stockpiling equipment and materials outside of riparian habitat.
- f. Stockpiling equipment and materials outside of riparian habitat.
- g. Impacts on herbaceous cover will be offset by reseeded and/or mulching any un-vegetated

- and impacted areas with a suitable seed mixture post construction.
- h. Lighting along trails and parking spaces will be directed towards the ground and away from the Sacramento River.

Mitigation Measure 5 – *California Red-legged Frog*

- a. Environmental awareness training for construction personnel will be conducted by a qualified biologist prior to the on-set of work to brief them on how to recognize California Red-legged Frog (CRLF) and other potentially occurring special-status species, and what measures to take if a special-status species is encountered during project activities.
- b. A qualified biologist should conduct pre-construction surveys within two weeks prior to commencement of construction for CRLF for work activities occurring near aquatic habitats and dense riparian vegetation. If CRLF is encountered during surveys, the appropriate agencies (United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) shall be notified.
- c. Construction activities should occur during the dry season when CRLF are more closely tied to aquatic habitats.
- d. To avoid potential injury or mortality, vegetation clearing will be done manually using hand tools (e.g., chainsaw, loppers, weed trimmer). The cut vegetation will be removed from the work area by hand.
- e. If a CRLF is encountered during project activities the project activities will stop and the appropriate agencies (USFWS and CDFW) shall be notified.
- f. The project shall at all times provide adequate erosion and sediment control devices to prevent potential degradation of water quality.

Mitigation Measure 6 – *Bald Eagle and Special-Status Bird Species*

- a. If construction activities are planned during the nesting season (February 1 through August 31), then pre-construction surveys for nesting raptors including the bald eagles shall be conducted within seven (7) days prior to commencement of construction by a qualified biologist within the project area and a 250-foot buffer around the project area to ensure that no nests will be disturbed during project implementation. At least one survey should be conducted no more than seven days prior to the initiation of construction activities. If an active raptor nest is found within 250 feet of the project area, the City in consultation with the CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest. A biological monitor will be present during construction activities in the area to ensure that the nesting special-status birds are not disturbed by these activities.
- b. Potential nesting substrate (e.g., trees) that will be removed by the project should be removed before the onset of the nesting season, if practicable. This will help preclude nesting and substantially decrease the likelihood of direct impacts.

Mitigation Measure 7 – *Western Pond Turtle*

- a. Because turtles may move into and out of the project area, a pre-construction survey shall be conducted prior to commencement of construction for the species to confirm its status (presence/absence) on the site. The survey will be conducted by a qualified biologist and shall consist of at least one survey of the project site for western pond turtle and their nests. The survey shall be conducted a maximum of one week prior to construction activities. If a western pond turtle is found, the biologist shall move it to a safe location within similar habitat. If a western pond turtle nest is found, the biologist shall flag the site and determine if project activities can avoid affecting the nest. If the nest cannot be avoided, it will be excavated and re-buried at a suitable location outside of the construction impact zone by a qualified biologist.
- b. If a western pond turtle is encountered during construction activities, the activities in the vicinity shall cease until appropriate corrective measures have been implemented or it has been determined that the turtle will not be harmed. Any turtles encountered during work shall be allowed to move away on their own. Any trapped, injured, or killed turtles shall be reported immediately to CDFW.

- c. Standard Best Management Practices (BMPs) shall be implemented to ensure no potentially hazardous materials reach surface water features. Recommended BMPs include the following:
 - i. If necessary, a site specific spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. Containment berms shall be constructed to prevent spill materials from reaching surface water features.
 - ii. Equipment and hazardous materials shall be stored at least 50 feet away from surface water features.
 - iii. Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdown leading to a spill of materials. Maintenance and fueling shall be conducted in an area at least 50 feet away from water features.

Mitigation Measure 8 – *Ringtail Cat*

- a. If proposed tree and snag removal or construction activities occur outside of the breeding season for ringtail cat (February 1 through May 1), no further mitigation is necessary. If the breeding season cannot be completely avoided, the following measures will be implemented.
- b. If proposed tree and snag removal are to occur in suitable habitat for ringtail cat during the breeding season, a qualified biologist shall conduct a pre-construction survey within two weeks prior to commencement of construction for potential natal or maternity den trees. If an active den is found, the City, in consultation with CDFW, will determine a construction-free buffer zone to be established around the den until the mother and young have dispersed.

Mitigation Measure 9 – *Migratory Birds*

- a. Project activities should be scheduled to avoid the nesting season to the extent feasible. The typical nesting season in northern California extends from February 1 through August 31. Thus, if project activities can be scheduled to occur outside of the nesting season, no impacts would be expected. If the nesting season cannot be completely avoided, Mitigation Measure 6 shall be implemented.

Mitigation Measure 10 – *Pallid Bat, Townsend's Big-eared Bat, and Western Red Bat*

- a. To the extent practicable, the removal of any large trees, if necessary, shall occur outside of the breeding season for bats. For purposes of implementation of this measure, the breeding season is considered to be April 1 through August 31.

PUBLIC REVIEW DISTRIBUTION

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

- Shasta County Clerk
- Butte Environmental Council
- Defenders of Wildlife
- California Native Plant Society
- California Department of Fish and Wildlife
- All property owners within 300 feet of the property boundary

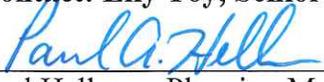
PUBLIC REVIEW

- Draft document referred for comments May 19, 2017.
- No comments were received during the public review period.
- Comments were received but did not address the draft Mitigated Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public review period. The letters and responses follow (see Memo to Redding Planning Commission, dated June 27, 2017, attached). In response to the comments and adopted by the Planning Commission, minor edits to Mitigation Nos. 6 and 9 have been made.

Copies of the Mitigated Negative Declaration, the Initial Study, documentation materials, and the Mitigation Monitoring Program may be obtained at the City of Redding Development Services Planning Division at 777 Cypress Avenue, Redding, CA 96001 or online at www.cityofredding.org/departments/developmentservices/planning/projects.

Contact: Lily Toy, Senior Planner, 225-4020.

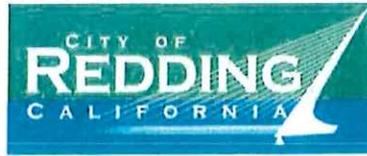


Paul Hellman, Planning Manager

6-28-2017
Date

Attachments:

- A. Location Map
- B. Initial Study
- C. Mitigation Monitoring Program



**INTERNAL
COMMUNICATION**

DATE: June 27, 2017 **CODE:** L-010-390
TO: Redding Planning Commission
FROM: Lily Toy, Senior Planner *LT*
SUBJECT: Agenda Item 4(b)3 Use Permit Application UP-2016-00392
Henderson Open Space Kayak Public Access Project

Since the writing of the staff report for the above referenced item on today's agenda, several comments have been received from concerned citizens and one from the California Department of Fish and Wildlife (CDFW). The three issues brought up by CDFW are addressed below:

1. *Botanical Resources:* CDFW is requesting a riparian planting/enhancement plant listing native species proposed in the replanting, pollinator garden and seed mixes and is requesting an additional mitigation measure be included in the Mitigated Negative Declaration.

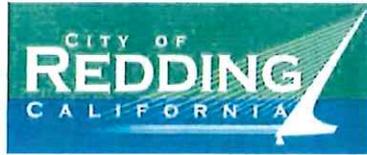
Staff's Response: The planting and enhancement plan will be developed in coordination with CDFW during their permitting process for the required Section 1600 permit. Additional mitigation measures are unnecessary as this component of the project has no potential for a significant impact and a Section 1600 permit would not be issued without CDFW's concurrence.

2. *Projects Impacts and Mitigation:* CDFW points out: (1) the biological study prepared for the project does not cover the entire project area; (2) the initial study does not provide a specific amount of riparian habitat that will be permanently impacted; and (3) the initial study does not discuss ongoing and/or foreseeable impacts.

Staff's Response: (1) This comment is correct; the biological study prepared for the project entailed the area the driveway, parking, and trail areas. The work in the remaining areas is the restoration component. This component has been an ongoing, expanding over a 4 year period and has been authorized under a previous Section 1600 permit. Therefore, the restoration area was not included in the biological study.

3. *Bird Nesting:* There was a typo in CDFW's previous comment letter in regards to the bird nesting period and recommends using February 1 through August 31 as the breeding season. Additionally, CDFW recommends the pre-construction surveys be conducted seven (7) days prior to the removal of vegetation if work is completed within the nesting season.

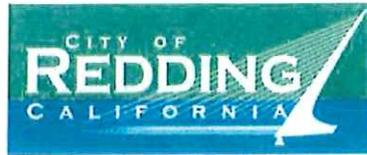
Staff's Response: Staff concurs with the revised bird nesting period and the timing of the pre-construction surveys and will correct the mitigation requirements accordingly.



INTERNAL COMMUNICATION

Concerned citizens brought up issues regarding the adequacy of the revised Mitigated Negative Declaration and Initial Study in regards to: (1) impacts to riparian vegetation, trees, and aesthetics; (2) implementation of Best Management Practices; (3) implementation of construction standards for public roads; (4) severity of the proposed grading; (5) compliance with the American with Disabilities Act (ADA); (6) compliance with the standards of the Federal Emergency Management Agency (FEMA); (7) compliance with the City's Tree Management Ordinance; and (8) compliance with the City's River/Creek Corridor Development Ordinance.

1. The revised Mitigated Negative Declaration and Initial study discusses the specific impacts to riparian habitat on pages 10 and 11 of the initial study. The project may permanently affect up to 400 square feet of valley foothill riparian habitat as a result of understory brush removal and may permanently impact up to two trees, an alder and an interior live oak. Mitigation No. 1 addresses riparian mitigation. The mitigation requires the offset of any loss of riparian vegetation by establishing new riparian vegetation at a replacement ratio of 3:1. In regards to aesthetics, the project's 120 square foot restroom building and solar lighting are considered minimal development. Shielding of lighting, as required by City Ordinance, will minimize any impact of the solar lighting to a level less than significant.
2. Projects within the City are subject to Chapter 14.19 of the Redding Municipal Code (RMC), *Stormwater Quality Management and Discharge Control*, and the City of Redding MS4 Phase II General Permit from the California Regional Water Quality Control Board (Water Quality Order No. 2013-0001 – DWQ). Best Management Practices for new development and redevelopment are outlined in the General Permit. The project will be subject to the implementation of these Best Management Practices.
3. The project does not propose any public roads. The project consists of a 25 foot wide driveway access from Henderson Road leading into a 25-foot driveway which narrows down to a 20-foot-wide driveway within the rear loop adjacent to the launch area. These facilities will meet both the City of Redding and the Division of Boating and Waterway standards for structural sections and widths.
4. The comment does not match the existing conditions of the project. The project hydrology report does not mention elevation difference of 15 feet. The project area contains minimal areas consisting of steep slopes. There is a 2-foot fill and 2-foot cut in one short area of the driveway.
5. The project is subject to the American with Disabilities Act (ADA) requirements. The Building Division is charged with ensuring projects comply with ADA requirements and will, prior to the issuance of a building permit, ensure the project's compliance with these requirements.



INTERNAL COMMUNICATION

6. The project is subject to Federal Emergency Management Agency (FEMA) standards. The City of Redding participates in the National Flood Insurance Program and the Community Rating System. FEMA requires that flood-hazard regulations be adopted by all participating agencies. To fulfill this requirement, the City's Floodplain Ordinance was adopted in 1985 and remains compliant with FEMA regulations. The City's Floodplain Ordinance requires any development within the regulated floodplain to submit a hydraulic analysis that has determined that the project will not have an impact on the 100-year floodplain and to obtain a Use Permit to encroach into the regulated floodplain. As discussed in the staff report, the hydraulic analysis has determined that this project is not likely to be measurable given the analytical tools available. Lastly, the purpose this item before you is to obtain the Use Permit to encroach into the regulated floodplain. Therefore, this project is compliant with FEMA standards.
7. As previously discussed, the project may impact two trees. The potential removal of the two trees is incorporated as a part of the Use Permit. Therefore, a separate tree removal permit is not necessary.
8. Per RMC Section 18.48.030.D & E, this project is a public facility/improvement. Therefore, if approved, is not subject to the River/Creek Corridor Development Standards.

In summary, staff has reviewed all the comments received and has reviewed the revised Mitigated Negative Declaration and Initial Study and feel that the document fully addresses the potential environmental impacts of the proposed project. Special studies have been requested to study the potential impacts of the proposed development and those impacts are fully discussed in the Initial Study and are summarized in the staff report. Staff is of the opinion that appropriate mitigation measures are recommended to ensure that the project will not have a significant effect on the environment.

LT:et

N:\Plan\Proj\UP\2016\UP-2016-00392 Henderson

Attachments



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



June 21, 2017

Lily Toy, CFM
Senior Planner
City of Redding
Development Services Department
Planning Division
777 Cypress Avenue
Redding, CA 96001

RECEIVED
JUN 21 2017

DEVELOPMENT SERVICES DEPT.

Subject: Review of the Mitigated Negative Declaration for Use Permit UP-2016-00392 for the Henderson and Parkview Open Space Restoration Trail and Kayak Access, State Clearinghouse Number 2017042027, City of Redding, Shasta County

Dear Ms. Toy:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND), 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 and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act, California Public Resource Code §21000 et seq.

Project Description

The Project proposes to remove approximately 20 acres of invasive plant species and plant four acres of California native plants, including a one-acre pollinator garden. The Project also has a public access component, which includes the following: (1) driveway access from Henderson Road; (2) construction of 12 trailhead parking spaces and 17 kayak access parking spaces; (3) a vehicle drop-off zone; (4) 1,109 feet of seven-foot wide trail, utilizing an existing historic riverside road; and (5) 600 feet of five-foot wide trail connecting the kayak access area to the Cypress Bridge.

Comments and Recommendations

The Department commented on this Project on May 6, 2016, during early consultation and May 8, 2017. The following are issues brought up in our letter that were not discussed in the MND.

Conserving California's Wildlife Since 1870

Botanical Resources

The Department previously requested a riparian planting/enhancement plan listing native species used in the replanting, pollinator garden and seed mixes. Since the plan has not been developed, a separate mitigation measure should be included in the final MND that states, "Prior to construction of the kayak launch and the removal of the remaining invasive species, the City shall prepare a planting plan. The City shall obtain written approval of the planting plan from the Department."

Of the 20 acres of invasive species removal, only four acres will be restored. There was no information on what will happen with the remaining 16 acres where removal has occurred. Without seeding or replanting of natives, these cleared areas will not remain free of invasive species. The MND should specify the plans for the remaining 16 acres.

Project Impacts and Mitigation

The Project description states that the goal of the restoration component is to complete the removal of invasive species within 20 acres of riparian forest; however, the biological report prepared by North State Resources dated September 2016 only covers 7.53 acres. Biological surveys should be conducted for the entire Project area not just a small portion of the Project. An unknown amount of riparian habitat will be permanently impacted. There is no discussion on the indirect, direct or cumulative impacts this Project will have on riparian resources and wildlife within the Project area. An impact analysis should have been provided in the MND. The impact discussion should consider the proposed Dignity Health Project, Central Valley Project Improvement Act B13 channel restoration, and any other activities planned in the immediate vicinity of the Project. These are ongoing and/or foreseeable impacts under CEQA. Increases in noise, human activity and lighting will impact the Project area both during construction and subsequent use by the public.

Many of the mitigation measures proposed are vague and unenforceable, or are listing actions that should have already taken place. For example, Mitigation Measure 1 states, "The width of the construction disturbance with riparian habitat shall be minimized through careful pre-construction planning." Construction access widths should have already been carefully planned, impact minimization should have already occurred, and the reduced construction widths should have been disclosed in the MND. Mitigation Measure 1 also states, "Areas planted with native riparian species shall be maintained and monitored to ensure the plantings are surviving and healthy." This could have been part of the Project description, not a mitigation measure. The MND should include specific monitoring methods, success criteria and a timeframe for which monitoring will occur.

Bird Nesting Period

The nesting season was changed from February 15 through September 30 to February 1 – August 1; however, there was a typo in our previous comment letter and it should have said August 31. The Department recommends using February 1 through August 31 as the breeding season. Additionally, the Department recommends revising Mitigation Measure 6 to state pre-construction surveys be conducted seven (7) days prior to the removal of vegetation if work is completed within the nesting season.

Lily Toy
Senior Planner
June 21, 2017
Page 3

Lake or Streambed Alteration Agreement

Based on the Project description in the MND, the Project will require a Lake or Streambed Alteration Agreement (LSAA) notification, pursuant to Fish and Game Code section 1600 et seq. The Department's issuance of a LSAA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the Lead Agency's environmental document for the Project. To minimize additional requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to wetland, stream, or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. A LSAA notification package may be obtained through the Department's website at: <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

The Department is supportive of invasive species removal, riparian restoration, and public access for enjoyment of natural habitats. We appreciate the opportunity to comment on this MND.

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

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

cc: Lily Toy
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ltoy@ci.redding.ca.us

Paul Hellman
phellman@ci.redding.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

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June 22, 2017

Ms. Lily Toy, CFM
Senior Planner
Development Services Department
City of Redding
777 Cypress Ave.
Redding, Ca.



Dear Ms. Toy

Stream And Greenways Alliance (SAGA) has carefully reviewed the Notice of Intent to Adopt Mitigated Negative Declaration and Use Permit Application UP-2016-00392 and have concluded that the documents provided are insufficient and inadequate for a determination that environmental impacts are mitigated as required by the California Environmental Quality Act.

In an MND, reduction of impacts must be "clearly" to a less than significant level. Proposed mitigations for impacts to riparian vegetation improperly defers mitigation for impacts upon mature trees to a future time and lacks evidence that mitigation measures, as offered, are feasible or desirable

Legal Standard maintains that an EIR is required if fair argument exists that a project may have a significant effect on the environment. Here, argument is backed by approved standards for Best Management Practices with construction in proximity to trees that are to be preserved. The BMP's have been circulated by CalTrans for use by all agencies. Further, similar BMPs have been established by arborists and adopted by many local agencies throughout our state.

Planning to plan, as the documents declare, is not a mitigation. The applicant must demonstrate a reasonable understanding of known adverse impacts when excavating or grading for roads in the project area and describe methods which could be utilized to protect root systems from damaging effects. Code requirements for construction of public roads include scarification and re-compaction at depths typically deeper than expected root systems. Minimizing the width of roadways cannot be considered to be a mitigation as minimum widths are dictated by code.

The applicant claims that only "minor" excavation will be required. Recent Engineered Hydrological Reports show a difference in elevations of up to 15 feet, most of which, occurs in the initial 80 feet of proposed work. Achieving code mandated standards for public access and egress will require much more than minor cut and fill operations.

100 year-old trees cannot be replaced with any number of planter trees. Mitigation measures replacement at 3:1 ratio, is thereby obviously insufficient. Injury to mature trees may not be recognised for many years. Slow degradation of the health of mature trees can result in toppling, disease and fungal infection, resulting in death.

"Substantial or potentially substantial adverse change to any of the physical conditions within the area affected by the project equals "significant" adverse effects. The wholesale conversion of a quiet, green Nature Park into a dusty auto park with the unnatural glare of steel and glass constitutes a major adverse "significant" effect. The project application wrongly considers this work as No Impacts to aesthetics.

CEQA requires adherence to all Federal, and State Statutes, Codes and Laws and local ordinances. American Disability Act (ADA) requirements for asphaltic or concrete pavement marking with White Wheelchair insignia on blue background is missing entirely. The project is not ADA compliant.

The project, as designed does not meet the minimum requirement of FEMA for construction in Special Hazard Zones. A Permit from FEMA, with complete description of the applicant's plan must be included with the project Use Permit Application and Notice to Adopt Prior to approvals by the local agencies.

The applicant intends to kill, destroy, or remove (hereafter referred to as "remove") one or more trees that exceed 6 inches dbh on any parcel of land not exempted by this chapter and shall file an application for a Tree Removal Permit with the Director and pay the necessary fee as established by resolution

The Stream Corridor Ordinances apply to any property adjoining or including any of the waterways identified for protection in the general plan, except those properties previously developed in accordance with applicable codes and those "RE" and "RS" zoned parcels created prior to the adoption of this chapter. These waterways and their corresponding average buffer widths (setbacks) are shown in Schedule 18.48.020-A.

Riparian Vegetation (including mature trees) associated with the Sacramento River require a Buffer of "No Construction" activities within 150 feet of riparian vegetation. The project as described, is infeasible as City Ordinance mandated buffers cannot be avoided.

Respectfully, Always

Mike Jones, **Pres. Pro. Tem**

Stream and Greenways Alliance

3075 Northwoods Way

Redding, Ca.

mjonesrdg@gmail.com

530 515 6304

Toy, Lily

From: duanemilleman@charter.net
Sent: Sunday, June 25, 2017 12:33 PM
To: Toy, Lily
Cc: 'mjonesrdg@gmail.com'; 'howell.debbie@charter.net'
Subject: Henderson Nature Park

RECEIVED
JUN 26 2017

DEVELOPMENT SERVICES DEPT.

Dear Ms Toy,

As a member of SAGA I wish to voice my opposition to the location of the proposed kayak launch in the Henderson Nature Area. It would unnecessarily encroach on existing cottonwood trees and other natural vegetation, both of which are in short supply along the Sacramento River within the city limits of Redding. To do so would not only be a death sentence to said trees and vegetation, but it would also go against existing regulations meant to protect that kind of habitat. Rather than to list those regulations I would just point to the latest communication you received from Mike Jones, president of SAGA.

Duane Milleman (6/25/17)

Toy, Lily

From: Wendy Sabine <wendyksabine@gmail.com>
Sent: Monday, June 26, 2017 6:23 AM
To: Toy, Lily
Subject: "Save all Trees, No Development in Henderson Nature Park"

RECEIVED
JUN 26 2017

DEVELOPMENT SERVICES DEPT.

"Save all Trees, No Development in Henderson Nature Park"

Wendy Sabine
Home Owner with There Generations of Family in Redding