



State of California
Department of Fish and Wildlife

Memorandum

Date: October 6, 2020

To: Mr. Joseph Helo
California Department of Housing and Community Development
2020 West El Camino Avenue, Suite 670
Sacramento, CA 94252
Joseph.Helo@hcd.ca.gov

DocuSigned by:

Gregg Erickson

From: Mr. Gregg Erickson, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Tiered Environmental Review of Single-Family Home Projects in Napa and Sonoma County – 2017 Community Development and Block Grant Disaster Recovery

Thank you for your letter, dated July 1, 2020, regarding the Tiered Environmental Review of Single-Family Home Projects in Napa and Sonoma County; and the Owner-Occupied Rehabilitation and Reconstruction Program (Program), which will provide grants to homeowners to reconstruct their homes that were destroyed during the October 2017 North Bay fires.

During our meeting on September 10, 2020, you indicated that implementation of the Program is both Categorical and Statutorily Exempt from the California Environmental Quality Act (CEQA) per Title 14 of the California Code of Regulations, sections 15302, 15303, and 15269(a). CDFW is providing the following comments to inform the California Department of Housing and Community Development (CDHCD), as the lead and responsible agency for the Program, of instances when CDFW wishes to be consulted with regarding the reconstruction of single-family homes.

California Endangered Species Act

Consultation with CDFW would be required if a project has the potential to cause take¹ of a California Endangered Species Act (CESA)-listed species, such as the northern spotted owl (*Strix occidentalis caurina*). Prior to implementing projects under the Program, each project location should be evaluated, using resources such as the California Natural Diversity Database, to determine if the project is occurring within, or in close proximity to, habitat that could support CESA-listed species. CDFW is available to assist CDHCD in determining which project areas could support CESA-listed species. Please note that if a project does have the potential to cause take of a CESA-listed

¹ Fish and Game Code, section 86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill

Mr. Joseph Helo
California Department of Housing
and Community Development

2

October 6, 2020

species, CDHCD may need to obtain a CESA Incidental Take Permit from CDFW prior to implementing the project. In this instance, a CEQA document will need to be prepared for the project and must contain mitigation measures that fully mitigate for impacts to the listed species. CDFW recommends early consultation (at least 6 months prior to beginning the project) if a project may cause take of a CESA-listed species. be required for the project and the project must fully mitigate for impacts to the listed species. For more information, please visit our website:

<https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>.

Lake and Streambed Alteration

CDFW requires an entity to notify CDFW before commencing any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of rainfall) are also subject to Fish and Game Code section 1602; and CDFW may require a Lake and Streambed Alteration Agreement (LSA Agreement) with the applicant, pursuant to Section 1600 et seq. of the Fish and Game Code.

It is possible that some homes lost during the October 2017 fires occurred near lakes, rivers, or streams. If a project's footprint will occur near the top of bank of a lake, river, or stream, CDFW should be consulted with to determine if notification per Fish and Game Code section 1602 is necessary. For more information, please visit our website: <https://wildlife.ca.gov/Conservation/LSA>.

Migratory Bird Treaty Act of 1918

If a project is going to be implemented during the general nesting season of protected raptors and migratory birds (i.e., February 1 to August 31), pre-project surveys should be conducted by a qualified biologist to determine if active nests occur near the project site. If active nests are discovered during surveys, CDHCD or the qualified biologist who conducted the surveys should consult with CDFW on appropriate avoidance and minimization measures to ensure the protection of nesting birds or raptors throughout the project.

CDFW appreciates the opportunity to consult with CDHCD on projects implemented under the Program. If you have any questions regarding projects in Napa County, please contact Mr. Garrett Allen, Environmental Scientist, at Garrett.Allen@wildlife.ca.gov; or Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov. For projects occurring in Sonoma County, please contact James Hansen, Environmental Scientist, at James.Hansen@wildlife.ca.gov and Melanie Day, Senior Environmental Scientist (Specialist), at Melanie.Day@wildlife.ca.gov.