



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

December 15, 2020

Janice L. Waddell  
Section Chief  
CA Department of Housing and Community Development  
2020 West El Camino Avenue Suite 200  
Sacramento, CA 95833

Re: Tiered Environmental Review of Single-Family Home Projects in Butte, Lake, Los Angeles, Shasta, and Ventura Counties, California 2018 Community Development Block Grant Disaster Recovery

Dear Ms. Waddell,

On November 9, 2020, NOAA's National Marine Fisheries Service (NMFS) received your request for technical assistance for the California Department of Housing and Community Development (CA-HCD) on administering the 2018 Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to support long-term disaster recovery efforts. Under the CDBG-DR funding umbrella, HCD has established an Owner-Occupied Rehabilitation and Reconstruction Program (the "Program") to support long-term recovery efforts and address unmet housing needs in areas of California impacted by the Camp, Carr, Mendocino Complex, and Woolsey Fires in 2018.

NMFS is responsible for the administration of the Endangered Species Act of 1973 (ESA), as amended [16 U.S.C. 1531 et seq.] concerning ESA-listed anadromous fish species and their designated critical habitat. Additionally, NMFS administers the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for essential fish habitat (EFH) for Pacific Coast Salmon.

The proposed activities funded by the CA-HCD Program could result in "may affect" determinations for the following federally ESA-listed fish species or any of their designated critical habitats in the proposed areas:

#### Camp Fire

- Threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*)
- Threatened California Central Valley steelhead (*O. mykiss*)

#### Carr Fire

- Endangered Sacramento River winter-run Chinook salmon (*O. tshawytscha*)
- Threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*)
- Threatened California Central Valley steelhead (*O. mykiss*)
- Threatened Southern distinct population segment of North American green sturgeon (*Acipenser medirostris*)

#### Mendocino Complex Fire

- Endangered Central California Coast coho salmon (*O. kisutch*)
- Threatened Southern Oregon/Northern California Coast coho salmon (*O. kisutch*)
- Threatened California Coastal Chinook salmon (*O. tshawytscha*)



- Threatened California Central Coast steelhead (*O. mykiss*)

#### Woolsey Fire

- Endangered Southern California steelhead (*O. mykiss*)
- Note: there may be additional habitat/species considerations for the areas near the Pacific Ocean

The proposed areas included in the Program also encompasses EFH for Pacific Coast Salmon designated under the MSA and could result in a “may adversely affect” determination for EFH.

Based on the information in your letter, consultation may be needed if work to repair or reconstruct homes would include work in or adjacent to streams (or tributaries to such streams) that are known to contain ESA-listed fish species (salmon, steelhead, and sturgeon), their critical habitat, or EFH. Such work routinely triggers a “may affect” determination for ESA, a “may adversely affect” determination for EFH, and the need to consult. For example, if a homeowner, as part of their home rebuild funded by CA HCD, plans to repair a private bridge over a stream that contained listed salmon, consultation may be necessary. This is due to potential construction activities that may affect the species or habitat through hydro acoustic effects, floodplain loss, vegetation removal, bank stabilization, degraded water quality, etc. Similarly, if your agency was funding a homeowner to clear vegetation adjacent to a stream to meet California Wildland Urban Interface standards, consultation with NMFS may be necessary.

In cases where home repairs, rebuilds, vegetation clearing, upgrades, accessibility work, toxic abatement, and equipment replacement would take place far from streams with no possibility of any impact to streams or riparian areas, consultation would likely not be needed for ESA-listed fish species and their critical habitat, or EFH.

In cases where the reconstruction work has already occurred and your agency is reimbursing homeowners, we are unlikely to be able to consult under Section 7 of the ESA.

NMFS is available to assist CA-HCD in determining where a Section 7 and/or MSA consultation is needed. To begin discussions on whether a consultation is necessary, NMFS would need more detailed project information including project area maps, descriptions of construction activities, and identified conservation measures that reduce impacts to ESA-listed species and their critical habitats. Specifically, your letter indicates that this Program would include burn areas from 2018 fires. CA-HCD would need to clarify if structures that are eligible for this Program are structures exclusively burned in the 2018 fires, or if structures burned in more recent fire events would also be eligible. Additionally, Butte County received an exemption from the requirement of home and building reconstruction to occur on the same site in substantially the same footprint and manner. This exemption is due to the severity of the destruction in the City of Paradise, but detailed information would be required on exact boundaries of reconstruction and if this exemption applies to all of Butte County or specifically to the City of Paradise.

If consultation is necessary, we recommend a programmatic approach rather than individual consultations given the large burn areas and the Program likely funding a large number of projects. Programmatic consultations address multiple projects with one permit; these are often repeated actions or multiple actions with similar impact types for which similar species/habitat avoidance and minimizations measures are implemented. NMFS has found that programmatic consultations reduce the time required for NMFS biologists to complete Section 7 consultations, resulting in a significant time and cost savings for both agencies and project applicants. Furthermore, programmatic consultations often facilitate project implementation and provide greater and more consistent conservation value for NMFS species.

Please contact Erin Strange at [erin.strange@noaa.gov](mailto:erin.strange@noaa.gov) or by phone at (916) 996-7249 if you have any questions concerning this letter, or if you require additional information.

Sincerely,

A handwritten signature in cursive script that reads "A. Catherine Marcinkevage".

Cathy Marcinkevage  
Assistant Regional Administrator  
California Central Valley Office