



637-01

November 16, 2020

**Peter Bird, Associate Planner**  
City of Shasta Lake  
4477 Main Street  
Shasta Lake, CA 96019

**SUBJECT: Responses to Comments and Mitigation Monitoring and Reporting Program:  
Windsor Estates 3 Subdivision**

Dear Peter:

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 *et seq.*) and CEQA Guidelines (California Code of Regulations §15000 *et seq.*), an Initial Study/Mitigated Negative Declaration (IS/MND) for the Windsor Estates 3 Subdivision project was prepared and made available to the general public and interested agencies for a 30-day public review period that ended on November 9, 2020.

Pursuant to CEQA §21091(d)(1), the lead agency must consider comments it receives on a draft environmental impact report (DEIR), proposed negative declaration (ND), or proposed MND if those comments are received within the public review period. In accordance with §15088 of the CEQA Guidelines, the lead agency shall respond to comments that raise significant environmental issues.

The written response must be detailed, especially when specific comments or suggestions (e.g., revisions to the project to mitigate anticipated impacts) are not accepted by the lead agency. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment (§15088 of the CEQA Guidelines).

Comments on the IS/MND were submitted by the following during the public review period:

Letter	Name	Agency/Entity
1	Gavin McCreary, Project Manager	Department of Toxic Substances Control
2	Curt Babcock, Habitat Conservation Program Manager	California Department of Fish and Wildlife

Each letter is included in its entirety in the attached Responses to Comments followed by the responses to the letters. As documented in the Responses to Comments, no substantial evidence was presented to support a fair argument that the proposed project would cause a significant impact on the environment, either directly or indirectly. Further, no revisions to the IS/MND or additional or revised mitigation measures are warranted. Also attached is the final Mitigation Monitoring and Reporting Program (MMRP) for adoption by the City Council.

Peter Bird  
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Please feel free to contact me at **530.221.0440, ext. 7112**, or [cthompson@enplan.com](mailto:cthompson@enplan.com) if you have any questions or require additional information.

Sincerely,



**Carla L. Thompson, AICP**  
Senior Environmental Planner

Enclosures:

- Public Comment Letters and Responses
- Mitigation Monitoring and Reporting Program

# RESPONSES TO COMMENTS

*INITIAL STUDY/MITIGATED NEGATIVE DECLARATION*

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## CITY OF SHASTA LAKE

### WINDSOR ESTATES 3 SUBDIVISION GENERAL PLAN AMENDMENT, REZONE, AND TENTATIVE MAP

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**LEAD AGENCY:**



**City of Shasta Lake**  
P.O. Box 777  
Shasta Lake, CA  
**530.275.7400**

**PREPARED BY:**

**ENPLAN**

3179 Bechelli Lane, Suite 100  
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**530.221.0440**

November 2020



## Department of Toxic Substances Control

Jared Blumenfeld  
Secretary for  
Environmental Protection

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200

Gavin Newsom  
Governor

October 12, 2020

Mr. Peter Bird  
City of Shasta Lake  
4477 Main Street  
Shasta Lake, CA 96019  
[PBird@cityofshastalake.org](mailto:PBird@cityofshastalake.org)

MITIGATED NEGATIVE DECLARATION FOR WINDSOR ESTATES 3 – DATED  
SEPTEMBER 2020 (STATE CLEARINGHOUSE NUMBER: 2020100176)

Mr. Bird:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for Windsor Estates 3 (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

1-1

DTSC recommends that the following issues be evaluated in the MND. Hazards and Hazardous Materials section:

1. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist

1-2

1-3

along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.

**1-3  
Cont.**

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml\\_handbook.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf)).

**1-4**

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf)).

**1-5**

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).

**1-6**

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

**1-7**

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

Mr. Peter Bird  
October 12, 2020  
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If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

## LETTER 1

## RESPONSES

**Comment 1-1:** The Commenter provides an overview of topics addressed in the comment letter.

**Response 1-1:** Comment noted.

**Comment 1-2:** The Commenter states that the IS/MND should acknowledge historic or future activities on or near the site that could result in the release of hazardous wastes/ substances on the project site. If such releases have or may occur, studies should be completed to identify the nature/ extent of the contamination and potential effects. The Commenter states that the IS/MND should identify the mechanism for initiating any required investigation and the agency that would be responsible for regulatory oversight.

**Response 1-2:** As stated in Section 4.9 of the IS/MND (Hazards and Hazardous Materials) under Question D (page 85), the following databases were reviewed to identify hazardous waste/substances clean-up sites in proximity to the proposed project.

- Department of Toxic Substances Control (DTSC) EnviroStor database.
- State Water Resources Control Board (SWRCB) GeoTracker Database.
- Solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit.
- Cease and Desist Orders and Clean-Up and Abatement Orders from the SWRCB.

As documented in the IS/MND, DTSC records identify the nearest clean-up site as Valley Plating on El Cajon Avenue, approximately 0.75 miles northwest of the project site. SWRCB records identify the nearest clean-up site as Flying J on Shasta Dam Boulevard, approximately 1.2 miles northeast of the project site. Due to these distances, there is no potential that these clean-up sites would have resulted in contamination of the project site. Further, with the exception of overhead powerlines, dirt roads, and drainage improvements, there is no record or evidence of past improvements or activities in the area that could have resulted in the release of hazardous wastes/substances on the project site.

As stated on page 84 of the IS/MND under Questions A and B, hazardous substances stored and used at the residences would be limited to cleaning supplies, gasoline for landscaping equipment, fertilizers, pesticides, etc. There is nothing unique about the proposed project that would result in an increased risk of release of hazardous substances compared to other single-family residential subdivisions. Therefore, no additional analysis or revisions to the IS/MND are necessary.

**Comment 1-3:** The Commenter states that historical use of leaded gasoline in automobiles resulted in aerially deposited lead (ADL) in and along roadways throughout the State. Due to the potential for ADL-contaminated soil, DTSC recommends that soils on the project site be tested for ADLs prior to completing intrusive activities on the site.

**Response 1-3:** In the early 1970s, the U.S. Environmental Protection Agency established national regulations to gradually reduce the lead content in gasoline. In addition, in 1976, the California Air Resources Board (CARB) adopted regulations that led to a phase-out of lead in gasoline<sup>1</sup>. As of January 1, 1992, California banned the use of leaded gasoline in motor vehicles (California Code of Regulations §2253.4 *et seq.*).

The section of Pine Grove Avenue between Cascade Boulevard and Ashby Road, including the section that fronts the project site, was constructed in the late 1990s and was opened as a public road in 1999. Therefore, there is no likelihood of ADL in the

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<sup>1</sup> California Air Resources Board. 2020. Lead and Health (Website). <https://ww2.arb.ca.gov/resources/lead-and-health>.

project area as a result of leaded gasoline. No further analysis or revisions to the IS/MND are warranted.

**Comment 1-4:** The Commenter states that if any sites in the project area have been used or are suspected of having been used for mining activities, investigations for mine waste should be addressed in the IS/MND.

**Response 1-4:** As documented in Section 4.5 (Cultural Resources) of the IS/MND, the project area has been extensively surveyed over the years to identify potential historic resources. Because evidence of past mining activities could be considered a historic resource, such evidence would be noted in cultural resources surveys, including those identified on pages 57 and 58 of the IS/MND.

The Cultural Resources Inventory Report prepared by ENPLAN in 2019 for the City's Force Main Improvement project (confidential document on file at the Northeast Information Center, CSU, Chico), documents the results of prior surveys conducted within a half-mile radius of the project site. In 2007, a mining tailings pile and a prospecting pit were identified  $\pm 0.25$  miles from the project site.

As documented in the IS/MND (page 58), an ENPLAN archaeologist conducted a field survey of the project site on December 30, 2019. Although contemporary garbage and check dams were present on the site, no evidence of past mining activity in proximity to the project site was identified. Therefore, no further analysis or revisions to the IS/MND are warranted.

**Comment 1-5:** The Commenter states that if buildings or other structures are to be demolished, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk.

**Response 1-5:** There are no buildings or structures on the project site that would be demolished. Therefore, no additional response or revisions to the IS/MND are necessary.

**Comment 1-6:** The Commenter states that any imported soil should undergo sampling to ensure that the soil is free of contamination.

**Response 1-6:** As documented in Section 4.7 of the IS/MND (Geology and Soils) and required by MM 4.7.2, the project must comply with the recommendations included in the Geotechnical Investigation Report (Appendix D of the IS/MND). The Geotechnical Report requires that all imported soil and/or soil-aggregate mixtures used for engineered fill *"be sampled, tested and approved by the project Geotechnical Engineer prior to being transported to the site"* (page 14 of the Geotechnical Report).

As required by MM 4.7.2, this requirement must be noted on the improvement plans and in applicable project plans and specifications, and applicable plans and specifications must be reviewed by a California registered geotechnical engineer, certified engineering geologist, or other qualified professional approved by the City Engineer to ensure that all recommendations in the Geotechnical Report are implemented. Therefore, no further analysis or revisions to the IS/MND are necessary.

**Comment 1-7:** The Commenter states that if the project area has been used for agricultural, weed abatement, or related activities, investigation for organochlorinated pesticides should be addressed in the MND.

**Response 1-7:** A review of available historic aerial imagery does not show any evidence that the project area has been used for agricultural or other activities over the past 27 years. No evidence has been presented to indicate that organochlorinated pesticides have been used in the project area. No further analysis or revisions to the IS/MND are warranted.



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Northern Region  
 601 Locust Street  
 Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
 CHARLTON H. BONHAM, Director



## LETTER 2

November 6, 2020

Peter Bird, Associate Planner  
 City of Shasta Lake  
 P.O. Box 777  
 Shasta Lake, CA 96019

**Subject: Review of the Mitigated Negative Declaration for Windsor Estates 3 Subdivision, General Plan Amendment, Rezone, and Tentative Map, State Clearinghouse Number 2020100176, City of Shasta Lake, Shasta County**

Dear Peter Bird:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated September 2020, 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 (CESA) 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 Resources Code section 21000 et seq. The Department commented formally on this Project January 3, 2020, during the early consultation period. The Department appreciates the incorporation of our comments into the MND.

2-1

### Project Description

The Project as proposed includes "a Tentative Subdivision Map that would subdivide ±35 net acres into 80 lots. The project also includes a General Plan Amendment for a portion of the property from Light Industrial (IL) to Suburban Residential (SR) and a rezone from Unclassified (U) and Single-Family Residential-12,000 square-foot minimum lot size (R-1-B-12) to Planned Development. Main access to the subdivision would be from Pine Grove Avenue. Chaucer Way in the northern end of Phase 2 of the Windsor Estates Subdivision would be extended to Pine Grove Avenue." The Project is located within the City of Shasta Lake on the south side of Pine Grove Avenue, west of Cascade Boulevard and east of Ashby Road.

### Comments and Recommendations

The Department has the following recommendations and comments as they pertain to biological resources:

#### Redding checkerbloom (*Sidalcea celata*)

During the early consultation period of this Project, the Department, ENPLAN, and the City of Shasta Lake exchanged emails regarding the rare plant rank of this species in response to the incorrect use of the Native Plant Protection Act (NPPA) by Gallaway Enterprises in the

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Biological Resource Assessment (BRA) dated May 2018. In the BRA, Gallaway recommended one of the mitigation measures be to notify the Department 10 days prior to affecting Redding checkerbloom to allow us to salvage the species. The 10-day notification process is taken from the NPPA and only applies to the 64 state-listed rare plants, which does not include Redding checkerbloom. The only protections afforded to this species comes from the CEQA process i.e. avoid, minimize, or mitigate impacts.

Redding checkerbloom is listed as a Rare Plant Rank 3 by the California Native Plant Society (CNPS), which as stated in the MND means CNPS lacks the necessary information to assign these plants to one of the other ranks or reject them. Most Rank 3 species do have taxonomic issues, but not all. In their 2012 status review of Redding checkerbloom, CNPS ranked the species as a 3 not because of taxonomic issues but instead because of the uncertainty about its distribution<sup>1</sup>.

Many Rank 3 plants meet the definitions of CESA and are eligible for state listing. As stated in the MND, ENPLAN did consult with the Department and we did not have any additional information to add to what was already publicly available. Currently, there are 17 occurrences of this species listed in the Consortium of California Herbaria ([ucjeps.berkeley.edu/consortium](http://ucjeps.berkeley.edu/consortium)). The CNDDDB QuickView finder lists the species on 15 quadrangles. If Redding checkerbloom was abundant and widespread, the Department would expect to see observations in citizen science apps such as iNaturalist, and we have not.

The conservation of special status native plants and their habitats, as well as sensitive natural communities, is integral to maintaining biological diversity. The Department recommends the Lead Agency consider Redding checkerbloom a rare species based on the low number of occurrences and mitigate accordingly through avoidance, minimization, or mitigation of the impacts. Mitigation measures could include the following:

1. Redesigning the portion of the Project impacting Redding checkerbloom.
2. Project Applicant would collect seeds from at least 50 plants along maternal lines (one paper or cloth bag per plant) and arrange for them to be accepted for germination testing and long term conservation storage at a reputable conservation seed bank such as California Botanic Garden (formerly Rancho Santa Ana Botanic Garden) or Santa Barbara Botanic Garden.
3. Project Applicant would purchase and place a conservation easement over a parcel of land that has this species present onsite. Prior to purchase, the Project Applicant should coordinate with the Department.

### Oak Woodland Habitat

On page 55 of the MND, it states, "CDFW does not consider this oak woodland a sensitive natural community..." The blue oak/gray pine woodland is not specifically listed as sensitive, but the Department does consider oak woodland to be an extremely vital ecosystem. In Shasta County, oak woodlands continue to be removed without any effective mitigation measures, resulting in a continuous regional loss of oak woodlands. Oak woodlands are important to a wide range of wildlife species and have higher levels of biodiversity than virtually any other terrestrial ecosystem in California. Oak woodlands provide

<sup>1</sup> California Native Plant Society. May 29, 2012. Rare Plant Status Review: *Sidalcea celata* Proposed New Add to Rank 3, G2G3/S2S3.

**2-2**  
**Cont.**

**2-3**

Peter Bird, Associate Planner

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habitat for nearly half of the 632 terrestrial vertebrates species found in the state. Acorns are a key resource for deer, squirrels, turkeys, jays, quail, and bear. Standing dead trees provide an important habitat resource for raptors, bats, salamanders, and lizards. Coarse woody tree material lying on the ground, particularly large logs, is a very important wildlife habitat element because they retain moisture in a seasonally dry ecosystem.

Mitigation Measure 4.4.3 potentially replaces individual trees but it does not replace the ecological functions and values of the oak woodland proposed for removal. Under that mitigation measures the Project Applicant has the choice to do one or more of the following: (1) plant three fifteen gallon trees for each protected tree removed or (2) plant larger replacement trees to count as two replacement trees; (3) plant replacement trees at an off-site location; and/or (4) pay an in-lieu fee to the City to purchase trees that would be planted on public property. None of these recreate the oak woodland habitat removed by the Project. Oak woodlands are a community that includes the trees, as well as any understory plants, duff, and dead logs that provide ecosystem function and habitat for wildlife. The Department appreciates the oaks are being mitigated; however, we recommend and strongly encourage retaining and working around the existing mature, healthy oaks and the habitat features they provide; conserving existing oak woodland habitat at an appropriate ratio; or reestablishing oak woodland habitat in areas where it has been lost. Under any mitigation scenario that proposes to plant oaks, the Department recommends that replacement oaks come from nursery stock grown from locally sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they were planted.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
5910E5B980854CF...

**Curt Babcock**

Habitat Conservation Program Manager

ec: Peter Bird, Associate Planner  
City of Shasta Lake  
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**2-3**  
**Cont.**

## LETTER 2      RESPONSES

**Comment 2-1:**      The Commenter states that CDFW is a Trustee Agency and has jurisdiction over the conservation, protection, and management of the State's fish, wildlife, native plants, and their habitat. CDFW is also a Responsible Agency and administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife resources. The Commenter confirms his understanding of the proposed project.

**Response 2-1:**      Comment noted.

**Comment 2-2:**      The Commenter acknowledges that early consultation on the project included emails between CDFW, the City of Shasta Lake, and ENPLAN regarding Redding checkerbloom. The Commenter states that Redding checkerbloom is listed as a Rare Plant Rank 3 by the California Native Plant Society (CNPS). CNPS lacks the necessary information to assign Rank 3 plants to one of the other ranks or reject them; Redding checkerbloom is identified as a Rank 3 not because of taxonomic issues but because of the uncertainty about its distribution.

CDFW recommends that the City consider Redding checkerbloom a rare species based on the low number of reported occurrences and mitigate through avoidance, minimization, or mitigation of impacts.

**Response 2-2:**      As stated in the IS/MND, page 47, on June 5, 2020, a Senior Environmental Scientist with CDFW provided written comments in an email stating that CDFW does not have any additional data to confirm that Redding checkerbloom is endangered, rare, or threatened pursuant to CEQA Guidelines §15380. Because no evidence was provided to confirm that the plant is considered endangered, rare, or threatened as defined by CEQA, no mitigation measures were included. As requested by CDFW during project consultation, a California Native Species Field Survey form was completed by an ENPLAN biologist and submitted to CDFW on June 16, 2020, for posting in the CNDDDB. No revisions to the IS/MND or additional mitigation measures are warranted.

**Comment 2-3:**      The Commenter acknowledges that while CDFW does not specifically list blue oak/gray pine woodland as sensitive, the Department does consider oak woodland to be an extremely vital ecosystem that provides habitat for nearly half of the 632 terrestrial vertebrate species found in the state. Standing dead trees and coarse woody tree material lying on the ground, particularly large logs, are important wildlife habitat elements.

The Commenter states that MM 4.4.3 potentially replaces individual trees, but none of the potential options identified in MM 4.4.3 replace the ecological functions and values of the oak woodland that would be removed.

The Commenter recommends retaining and working around the existing mature, healthy oaks; conserving existing oak woodland habitat at an appropriate ratio; or reestablishing oak woodland habitat in areas where it has been lost.

**Response 2-3:**      As stated on page 50 of the IS/MND, the Tree Inventory completed by Sharrah Dunlap Sawyer (Appendix C of the IS/MND) identified 164 protected trees (as defined in Chapter 12.36, Tree Conservation, of the Shasta Lake Municipal Code) in the survey area, which includes the development site and steep areas adjacent to the development site. As indicated in the Tree Inventory, 57 protected trees would be retained, which represents almost 35 percent of protected trees in the survey area. As shown in Figure 3.1-1 on page 19 of the IS/MND (Tentative Map Cover Sheet), many of these trees are located in a 9.3-acre area that will remain undeveloped and continue to provide wildlife habitat.

MM 4.4.3 provides options for mitigation, including planting three 15-gallon trees for each protected tree removed; identifying an alternative site within the City for tree planting; paying an in-lieu fee to the City to purchase trees; and/or recording deed restrictions to prohibit future development in an area of the property that contains protected trees.

The Tree Replacement Plan must be approved by the City prior to issuance of a grading permit, and implementation of the Plan would be verified by the City's Building Official in accordance with the Plan.

Therefore, because the applicant is retaining approximately 35 percent of the protected trees on the property, including trees in a 9.3-acre area that will remain undeveloped and continue to provide wildlife habitat, and MM 4.4.3 provides for mitigation options to offset the loss of protected trees, no revisions to the IS/MND or additional mitigation measures are warranted.