



032-46

December 15, 2020

**Juliana Lucchesi, AICP, City Planner**

City of Mt. Shasta  
305 N. Mt. Shasta Blvd.  
Mt. Shasta, CA 96067

**SUBJECT: Responses to Comments from Peggy Risch: Golden Eagle Charter School**

It was brought to my attention that comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Golden Eagle Charter School Project were submitted via email by Peggy Risch on September 14, 2020; however, the email was inadvertently omitted from the Responses to Comments.

Ms. Risch's email is attached as Letter 26, followed by a summary of comments included in the letter and a response to each of the comments. As documented in the responses, no additional analysis or revisions to the IS/MND are required as a result of these comments.

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,

A handwritten signature in blue ink that reads "Carla L. Thompson".

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

Enclosures:

- Public Comment Letter
- Responses

## Letter 26 Peggy Risch

**From:** Peggy Risch <[shastacranial@gmail.com](mailto:shastacranial@gmail.com)>

**Sent:** Monday, September 14, 2020 12:29 PM

**To:** Juliana Lucchesi <[jlucchesi@mtshastaca.gov](mailto:jlucchesi@mtshastaca.gov)>; Bruce Pope <[bpoppe@mtshastaca.gov](mailto:bpoppe@mtshastaca.gov)>

**Subject:** Golden Eagle Charter School IS/MND comments

To: Juliana Lucchesi, City Planner Sept 14, 2020

Mt Shasta Planning Commissioners

Bruce Pope, City Manager

Re: Golden Eagle Charter School IS/MND

Dear Juliana Lucchesi, Planning Commissioners, City Manager:

Thank you for your attention to my timely submitted comments on the CEQA document for the Recirculated Golden Eagle Charter School IS/MND dated August 2020. As usual, please forward these comments to the Planning Commissioners as their e-mails are not available. My comments are contained within this e-mail and also attached as a word document.

A. The following areas in the Recirculated August 2020 IS/MND require further attention and clarification:

1. Biological Impacts to wetlands and other 'Waters of the U.S.' and State

For References, see Recirculated IS/MND August 2020 \*

\*Figure 4.4-1 Wetlands and Other Waters of the U.S. and State

This map outlines the 13-acre proposed area with the delineation of the specific types of wetlands and 'Waters of the U.S.' and their corresponding size.

\*and page 52 of the IS/MND which states:

"The development site contains 0.107 acres of wetlands and 0.063 acres of streams and ditches, for a total of 0.170 acres of Waters of the U.S. and State. [emphasis added] The project as currently proposed would avoid direct impacts to all wetlands and other waters."

As this is not the final design of the proposed project, any changes must take into consideration impacts to wetlands and 'Waters of the U.S' that would be affected by that final design. For example, any discharges to Waters of the U.S. are subject to conditions of the Clean Water Act (CWA) Section 404 permit as required by the Army Corps of Engineers. A project requiring a 404 permit is also required to obtain a State Water Quality Certification (or waiver).

In addition, any streambed alterations would require a California Department of Fish and Wildlife (CDFW) agreement; and loss of montane riparian habitat- that qualifies as "Waters of the State" -would require further mitigations for the loss of that habitat by this agency. However, instead of providing a final design in the IS/MND with concrete, enforceable mitigations by the CDFW, we have a negligent Mitigation measure 4.4.3 which defers disclosure of specific mitigations to some future time post-CEQA certification. The mitigation measure

should be based on a final design. Although the CDFW commented on the previous project design in 2019, it is unclear whether the CDFW has actually seen the 2020 Recirculated IS/MND project design. It doesn't sound like it based on Mitigation 4.4.3 found in the Recirculated 2020 IS/MND:

**Mitigation 4.4.3** If the final project design would result in permanent impacts to riparian habitat, the applicant shall develop a planting plan describing how impacts would be offset. The planting plan shall be submitted to the City and California Department of Fish and Wildlife for review and approval prior to any earth disturbance that could impact riparian habitat.

**26-1  
Cont.**

\* Preliminary Drainage Report dated April 22, 2020 Appendix D [emphasis added]

As the name implies, this Drainage Report is not the Final. The Planning Commissioners should direct the environmental consultants to provide the Final now for public review before proceeding. It would be premature to certify the IS/MND without the Final Drainage Study. Any changes in the project design could affect the determinations of impacts to wetlands and 'Waters of the U.S.' and the corresponding required permits and mitigations by federal and state agencies.

**26-2**

\*Perennial Creek -listed in **Wetlands and Other Waters of the U.S. and State** Figure 4.4-1 as PC1 that is 513 feet long

Please clarify whether any development would occur within 50 feet of the perennial creek that bisects the property. The 2019 IS/MND clearly stated that there would be no direct impacts to this perennial creek because of this physical distance, but the Recirculated 2020 IS/MND has omitted this very important statement. It is also important to consider this perennial creek and any proposed changes in a final design.

"No development is proposed within  $\pm 50$  feet of the perennial creek that bisects the property, and no direct impacts to the creek would occur." *2019 IS/MND* at page 45

**26-3**

Thus, the Final Design of the project, including the Final Drainage study is not a minor point to dismiss because of the potentially significant impacts to wetlands and 'Waters of the U.S.' and State.

Respectfully submitted,

Peggy Risch, Mt Shasta resident

Note: Figure 4.4-1 is the same in both the 2019 IS/MND and the 2020 Recirculated IS/MND

## LETTER 26

## RESPONSES

**Comment 26-1:** The Commenter acknowledges that the project, as currently proposed, would avoid direct impacts to all wetlands and other waters. She states that because this is not the final design of the project, any changes must take into consideration impacts to wetlands and other waters of the U.S. She outlines permits that would be required if wetlands and/or other waters are impacted (Army Corps Section 404 permit, State Water Quality Certification, and California Department of Fish and Wildlife (CDFW) agreement).

She states that Mitigation Measure (MM) 4.4.3 is negligent and defers mitigation to a future date. The measure should be based on a final design. She questions whether CDFW has seen the 2020 recirculated IS/MND.

**Response 26-1:** The Commenter's statements about permit requirements are correct. These requirements are discussed in detail under Regulatory Context on pages 45 and 46 of the IS/MND.

The 2020 IS/MND was routed to CDFW by the State Clearinghouse. The City also directly notified CDFW of its availability. Further, both the subject line and comment in CDFW's email (Letter A) specifically refer to the recirculated IS/MND. Therefore, CDFW did review the revised project and MMs, including MM 4.4.3.

MM 4.4.3 requires onsite mitigation for the loss of riparian habitat at a 3:1 ratio. Although the specifics of the planting plan are not known, mitigation requirements and performance standards that will be included in the planting plan are clear. MM 4.4.3 satisfies CDFW's previous concerns.

No further analysis or revisions to the IS/MND are warranted.

**Comment 26-2:** The Commenter states that a final drainage study/plan should be prepared now for public review. Any changes in the project design could affect the determinations of impacts to wetlands and other waters.

**Response 26-2:** See Response 1-2(f).

**MM 4.10.1** requires that prior to issuance of a building permit or any earth disturbance, a final drainage/hydrology study, based on final project design, shall be submitted to the City Engineer for review and approval. The drainage/hydrology study shall be prepared by a registered professional engineer and shall include drainage calculations and a storm drain plan. The storm drain plan shall be consistent with the post-construction measures outlined in the State Water Resources Control Board's NPDES permit for *Discharges of Storm Water Runoff Associated with Construction Activity*.

In addition, the final site plan will be reviewed by the Planning Commission, City Planner, and Building Official. Because the boundaries of wetlands and other jurisdictional waters are known, the Commission and City staff will be able to identify whether the final design has the potential to impact wetlands and other waters. Any revisions to the project design that could impact wetlands or other waters would be subject to additional environmental review.

**Comment 26-3:** The Commenter asks for clarification of whether any development would occur within 50 feet of the perennial creek that bisects the property. She states the 2019 IS/MND states that there would be no direct impacts to the creek because of this physical distance, but the 2020 IS/MND has omitted this statement.

**Response 26-3:** As currently proposed, setbacks from the perennial creek range from about 40 feet to 90 feet (see Figure 2 in the IS/MND), and no direct impacts to the creek would occur. As described in **MM 4.4.1**, temporary fencing will be installed as determined by a qualified biologist to ensure that appropriate setbacks from the creek are maintained throughout construction.

No further analysis or revisions to the IS/MND are warranted.