



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 28, 2022

Nancy McAllister, Senior Planner
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130-3912

SUBJECT: Review of the Mitigated Negative Declaration for Use Permit #2021-002, Parcel Map #2021-001 and Initial Study #2021-001 (Gajj and Gondal), State Clearinghouse Number 2021020471, Lassen County

Dear Nancy McAllister:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) for the above-referenced project (Project) dated February 24, 2022. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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 (CEQA), California Public Resources Code section 21000 et seq.

For further information please also refer to the Department's March 26, 2021, comments during the early consultation period (attached).

COMMENTS AND RECOMMENDATIONS

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

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Biological Surveys

The Department previously requested basic biological surveys be conducted (Attachment). A basic biological assessment would include botanical, wildlife, and habitat surveys (conducted at the appropriate time of the year) to determine whether focused or protocol-level surveys are warranted. The Department recommends the Lead Agency require the Project applicant to conduct a biological assessment. The Department does not have enough information to determine if there are significant impacts to biological resources without these surveys. A query of the California Natural Diversity Database indicates a number of California Rank 1B botanical species and Swainson's hawk (*Buteo swainsoni*), a California threatened species, are known to occur adjacent to the Project. These species must be analyzed under CEQA. The Department recommends a basic biological survey for wildlife and botanical species and their habitats be conducted by a qualified biologist familiar with the area as described in the Department's early consultation letter, which is attached for your review.

Further, a jurisdictional delineation was not conducted according to the U.S. Army Corps of Engineers Delineation Manual. Impacts to the intermittent drainage located on the site and proposed to be filled will require a jurisdictional delineation. The delineation should include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project.

Lake or Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a Lake and Streambed Alteration (LSA) Notification, pursuant to section 1600 et seq. of the Fish and Game Code, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

California Endangered Species Act

Take of any California Endangered Species Act (CESA)-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). CDFW recommends that the Permittee seek appropriate authorization prior to project

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implementation. This may include an Incidental Take Permit (ITP) or a Consistency Determination (Fish and Game Code, §§ 2080.1 & 2081). Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA-ITP permit. Information on how to apply for a CESA-ITP permit is available here:

<https://wildlife.ca.gov/Conservation/CESA/Permitting>

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist) at (530) 598-7194, or by e-mail at

R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
Northern Region

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Attachment