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

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

June 22, 2026

Gaylord F. Norwood
Director
County of Lassen Dept. of Planning and Building Services
707 Nevada Street
Susanville CA, 96130
gnorwood@co.lassen.ca.us

SUBJECT: REVIEW OF SKYLINE MINE, TLT ENTERPRISES (UP #2023-010, RP #2023-001, EIR #2023-004), DRAFT ENVIRONMENTAL IMPACT REPORT, LASSEN COUNTY, STATE CLEARINGHOUSE NUMBER 2023100834

Dear Gaylord F. Norwood:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) dated May 2026 for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines[1].

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its Trustee Agency capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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result in "take", as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

California Endangered Species Act

Please be advised that a CESA permit[2] must be obtained if the Project has the potential to result in "take" (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA permit 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 result in the take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code section 2081(b)(2).

Lake and Streambed Alteration (LSA) Agreements

A stream flows through the eastern part of the Project area. Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Work within perennial and ephemeral streams and watercourses with a subsurface flow, is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling or trenching, is also generally subject to notification requirements. Therefore, impacts to the mainstems, tributaries,

[2] https://wildlife.ca.gov/Conservation/CESA/Permitting

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associated riparian habitat, and hydrologically connected floodplains caused by the proposed Project may require an LSA notification.

CDFW, 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. LSA Program staff are available to assist and can be contacted at r1lsaredding@wildlife.ca.gov. To obtain information about the 1602 Notification process, please visit the LSA Program website[3].

Nesting Birds

CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Lead Agency: Lassen County

Location: The Project site is located at Assessor Parcel Number 101-110-24, northeast of Susanville, off Skyline Road, east of Hwy 139.

Project Description: The Project, as described in the DEIR, includes Hat Creek Construction & Materials to conduct mining and reclamation activities on a 640-acre undeveloped parcel located just northeast of the City of Susanville. The proposed Project includes surface mining and reclamation activities on 460 acres of the parcel for the extraction of 39,864,900 cubic yards of hard rock aggregate. Mining operations would include the extraction of material at a rate of 450,000 tons per year, the processing of aggregate with a crusher, a concrete plant, an asphalt plant, and aggregate transportation. Following mining activities, the 460-acre mining area would be reclaimed for agricultural use. The proposed Project will require Conditional Use Permit from Lassen County Planning Commission, Reclamation Plan from Lassen County Planning

[3] https://wildlife.ca.gov/Conservation/Environmental-Review/LSA

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Commission and Department of Conservation, Division of Mine Reclamation, Permits for Operation from Lassen County Air Pollution Control District, *Industrial General Permit Order 2014-0057-DWQ as amended in 2015 and 2018* (Industrial General Permit) from Lahontan Regional Water Quality Control Board General Waste Discharge Requirements for Aggregate and Concrete Facilities, State Water Resources Control Board and Sewage Disposal Permit from Lassen County Environmental Health Department.

Biological Setting:
This undeveloped parcel in Lassen County is characteristic of the region's high desert shrub steppe habitat, dominated by sagebrush, bitterbrush, and scattered juniper.

According to the California Natural Diversity Database (CNDDB), the Project area occurs within the range of several special-status species including, but not limited to:

- Burrowing owl (*Athene cunicularia*, CESA Candidate)
- Swainson's hawk (*Buteo swainsoni,* CESA Threatened)
- Greater-sage grouse (*Centrocercus urophasianus*, CESA Candidate)
- Tricolored blackbird (*Agelaius tricolor*, CESA Threatened)
- Bank swallow (*Riparia riparia*, CESA Threatened)
- Greater sandhill crane (*Antigone canadensis tabida*, CESA Threatened)
- Western bumble bee (*Bombus occidentalis*, CESA Candidate)
- Adobe lomatium (*Lomatium roseanum*, CRPR 1B.2)
- Susanville beartongue (*Penstemon sudans*, CRPR 4.3)
- Lahontan mountain sucker (*Pantosteus lahontan,* SSC)
- Sheldon's sedge (*Carex sheldonii*, CRPR 2B.2)

COMMENTS AND RECCOMMENDATIONS
In December 2023, CDFW reviewed and responded to a Notice of Preparation of a Draft Environmental Document for this Project. CDFW offers the following comments and recommendations to assist the Lead Agency in adequately identifying, avoiding, minimizing and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

Conservation, Zoning and Land Conversion
The DEIR notes that the Project site is designated "Urban Reserve/Intensive" under the Lassen County General Plan and is currently zoned U-C-A-P (Upland Conservation, Agricultural Preserve Combining District). The DEIR does not

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appear to adequately assess the Project's conversion of land designated Upland Conservation-Agricultural Preserve to a long-term industrial mining operation, and does not analyze whether the proposed Project is compatible with the Urban Reserve designation. Although surface mining may be allowable by County Use Permit, CEQA Guidelines section 15125(d) requires an assessment of consistency with the Conservation Element and associated natural resource protection policies of the Lassen County General Plan.

The DEIR acknowledges that the Project will physically convert 460 acres of upland conservation land to an industrial mining and processing complex for approximately 50 years, with permanent topographic changes, removal of juniper woodland and sensitive and declining sagebrush communities, long-term degradation of visual character, and permanent loss of avian nesting and foraging habitat. Such impacts the DEIR itself identifies as "significant and unavoidable."

Despite the proposed impacts, the DEIR concludes that the Project is consistent with the Conservation Element solely because mining is permitted within the zoning district and because the site will be reclaimed to "agricultural/open space." This conclusion does not appear to be supported by substantial evidence and does not appear to satisfy CEQA's requirement for a meaningful analysis of applicable plan policies.

The Lassen County Conservation Element contains numerous policies requiring preservation of upland habitats, protection of wildlife movement areas, avoidance of incompatible industrial uses in conservation districts, protection of scenic resources, and long-term maintenance of natural open space values. The DEIR does not evaluate whether the 50-year industrial conversion, including removal of native vegetation, excavation of 50–65 feet of basalt, installation of asphalt and concrete plants, permanent landscape modifications and continuous truck operations, conflicts with or impedes these conservation objectives.

Additionally, reclamation to pastureland is not equivalent to the sensitive and valuable native upland habitats proposed for permanent removal, and the DEIR itself acknowledges that habitat loss for avian species is permanent and cannot be mitigated. The DEIR does not appear to provide evidence that reclamation will re-establish the ecological functions, vegetation communities, wildlife habitat values, or topographic conditions that currently support the

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Conservation Element's goals. Reliance on future reclamation therefore appears speculative under CEQA.

To comply with CEQA Guidelines sections 15125(d) and 15126.2(a), CDFW recommends revising the DEIR to include a full, evidence-based analysis of the Project's consistency with the Conservation Element and applicable land-use policies, including whether the Project constitutes a significant conversion of conservation-designated land to industrial use, and whether the Conservation Element's goals for habitat protection, scenic resources, and open-space preservation are considered.

CESA Listed Bumble Bees

On September 30, 2022, CESA reinstated candidate status for four bumble bee species, including the Western bumble bee (*Bombus occidentalis*, WBB), whose range overlaps the Project area but is not included in any Avoidance and Minimization Measures listed in the DEIR. The DEIR considers Suckley's bumble bee (*Bombus suckleyi,* SBB), although SBB range does not overlap the Project area. These bumble bees receive the same legal protection afforded to an endangered or threatened species (Fish and Game Code, §§ 2074.2 & 2085). It is illegal to import, export, take (hunt, pursue, catch, capture, or kill, or attempt engage in any of these activities), possess, purchase, or sell CESA-listed species, or any part or product thereof (Fish and Game Code, §§ 86, 2080, 2085). WBB's were once common throughout most of California and the western United States however, research and analysis by the Xerces Society suggests there have been sharp declines in their relative abundance due to habitat disturbances, increasing temperatures, drought, and pesticide use.

Without proper avoidance and minimization measures, proposed Project activities can lead to direct and indirect impacts to WBB, including take. Removal of flowering plants reduces foraging resources critical for colony growth, forcing bees to expend additional energy traveling longer distances, a factor linked to reduced colony health and queen production[4]. Habitat alteration may cause burrow collapse, crushing queens or workers, and triggering nest abandonment; such events lower reproductive success and increase mortality risks[5]. Moreover, disturbances during nesting can degrade nest health and vigor, affecting egg and larval survival, and potentially result in

[4] Mola, J. M., Richardson, L. L., & Pearse, I. S. "Long-term surveys support declines in early-season forest plants used by bumblebees." Journal of Applied Ecology, 58(5): 1025–1037 (2021). https://doi.org/10.1111/1365-2664.13886

[5] Robinson, J. L. Project-specific Bumble Bee Habitat Quality Assessment. (2024). Available via PMC: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10832483/

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direct contact mortality. These documented effects substantiate CDFW's recommendation for rigorous habitat assessments and adaptive mitigation strategies to avoid significant impacts.

To adequately assess this Project's potentially significant impacts on special status bumble bees, the DEIR should include an analysis of the Project's impact on floral resources, nesting habitat, and overwintering habitat found onsite. The proposed Mitigation Measure 4.5-14 does not include WBB, nor are the proposed measures adequate to ensure this Project avoids and minimizes the potential for take of WBB. Due to suitable habitat within the Project area, CDFW recommends the following measures are included in the DEIR to adequately analyze and avoid Project impacts to WBB:

Mitigation Measure X: Surveys shall be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Western bumble bee within one year prior to vegetation removal and/or grading following CDFW's Survey Considerations for CESA Candidate Bumble Bee Species[6]. Surveys shall be conducted during flying season when the species is most likely to be detected above ground. Survey results, including negative findings, shall be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report shall provide the following:

a) *A description and map of the survey area, focusing on areas that could provide suitable habitat for Western bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.*

b) *Field survey conditions that shall include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.*

c) *Map(s) showing the location of nests/colonies.*

d) *A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A*

[6] California Department of Fish and Wildlife. CDFW's Survey Considerations for CESA Candidate Bumble Bee Species: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline

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sufficient description of biological conditions, primarily impacted habitat, shall include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

MM X: Avoidance Plan – If Western bumble bee is detected, qualified biologist shall immediately notify CDFW as further coordination will be required to avoid or mitigate significant impacts. In addition, a Western Bumble Bee Avoidance Plan shall be developed.

At a minimum, the avoidance plan shall identify the location of all nests in or adjacent to the Project site as well as all inactive small mammal burrows and thatched/bunch grasses. If an inactive burrow may be disturbed by Project activities, it shall be resurveyed for Western bumble bee within seven (7) days prior to the scheduled disturbance. A minimum 100-foot no disturbance buffer zone shall be established around nests to reduce the risk of disturbance or accidental take. The qualified biologist shall expand the buffer zone as necessary to prevent disturbance or take. An avoidance plan shall be submitted prior to the issuing of the Project a grading permit.

MM X #3: Incidental Take Permit – If the Project proponent is unable to avoid impacts to Western bumble bee, the Project proponent shall consult with CDFW and obtain appropriate take authorization (pursuant to Fish & G. Code, § 2080 et seq.). The Project proponent shall obtain appropriate take authorization prior to the issuing of a grading permit.

MM X #4: Habitat Replacement – The Project proponent shall provide no less than 1:1 compensatory mitigation for removal or damage of any floral resource associated with Western bumble bee. Floral resources shall be replaced as close to their original location as is feasible. If floral resources cannot be replaced within 200 meters of their original location, floral resources shall be planted in the most centrally available location relative to identified Crotch's bumble bee nests. This location shall be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources shall be maintained in perpetuity and replanted and managed as needed to ensure the habitat is preserved.

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Surveys prior to Project approval are particularly important for CESA-listed species like the WBB, as this species has the potential to occur in the Project area during all life-cycle phases/year-round. Impacts to a CESA-listed species may trigger a mandatory finding of significance (CEQA Guidelines §15065(a)(1)).

Swainson's Hawk

Swainson's Hawk (*Buteo swainsoni,* SWHA) are listed as a CESA threatened species and the Project area is located within 1 mile of known SWHA occurrences on CNDDB. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat. Loss of foraging habitat may have been the greatest factor in reducing SWHA range and abundance in California over the last century[7]. Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young[8].

The Project area appears to have suitable nesting and/or foraging habitat for SWHA. As a CESA threatened species, SWHA warrants special considerations if indirect and/or direct impacts from the Project are anticipated. Since suitable nesting habitat may occur within/adjacent to the Project area, CDFW recommends that SWHA surveys[9] are conducted by a qualified biologist at the appropriate time of year, prior to implementation of the CEQA document and any Project activities. CDFW recommends compensation for the loss of SWHA foraging habitat as described in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks*[10]. The report recommends that mitigation for

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[7] California Department of Fish and Game (CDFG). 1993. 5-year Status Review: Swainson's hawk (Buteo swainsoni). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA

[8] Woodbridge, B. 1985. Biology and management of Swainson's hawk in the Butte Valley, California. U.S. Forest Service Report, 19 pp.

[9] California Department of Fish and Wildlife. (2010, June 1). *Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties* [PDF]. Retrieve from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline

[10] California Department of Fish and Wildlife. (n.d.). *Staff report regarding mitigation for impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California* [PDF]. Retrieved from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992

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habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised

Based on the presence of suitable nesting and foraging habitat within and adjacent to the Project area, as well as the Project's proximity to known SWHA occurrences, CDFW recommends that focused, protocol-level Swainson's Hawk surveys be conducted by a qualified biologist prior to the final EIR and any ground-disturbing activities. If active nests or suitable habitat are confirmed, the Project should incorporate appropriate avoidance, minimization, and compensatory mitigation measures consistent with CDFW's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawk*. For any permanent loss of SWHA foraging habitat, compensation should be provided at the ratios of 1.0, 0.75, or 0.5 acres of habitat management land per acre of impact, depending on the Project's distance from the nearest active nest. Implementation of these recommendations will help ensure that potential direct and indirect impacts to this CESA-threatened species are fully addressed.

<u>Deferral of Rare Plant Protocol Surveys</u>
The DEIR defers protocol level surveys for several special status plant species, including Susanville beardtongue (*Penstemon sudans*), Pulsifer's milkvetch (*Astragalus pulsiferae* var. *pulsiferae*), Sheldon's sedge (*Carex sheldonii*), and grass alisma (*Alisma gramineum*), to a brief preconstruction window tied to initial ground disturbing activities. CDFW discourages deferring surveys that are essential for evaluating Project impacts and informing appropriate avoidance, minimization, and mitigation measures. CEQA Guidelines section 15126.4(a)(1)(B) specifies that mitigation measures must be based on information capable of providing substantial evidence and cannot rely on future studies to determine whether significant impacts would occur.

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CDFW recommends that the Lead Agency require full protocol level botanical surveys[11] prior to Project approval for all special status plant species with potential to occur onsite. These surveys must be conducted during the appropriate blooming periods to ensure detectability. Survey results should inform avoidance and minimization measures included directly in the DEIR and should guide development of clear, enforceable mitigation measures with performance standards, long-term monitoring, and adaptive management triggers.

Sagebrush Habitat

The DEIR documents that the Project area is dominated by *Artemisia arbuscula* ssp. *arbuscula* Shrubland Alliance and *Artemisia tridentata* Shrubland Alliance (DEIR Section 3.2.4; Fig. 37), which are assigned S4-S5 status under the CDFW Natural Communities List. While these ranks indicate that sagebrush communities are not classified as "Sensitive Natural Communities", sagebrush shrub-steppe remains an ecologically important and increasingly threatened vegetation type across northeastern California due to widespread loss, fragmentation, invasive annual grass expansion, altered fire regimes, and conifer encroachment.

The DEIR states that the Project will remove approximately 460 acres of existing vegetation, including nearly all sagebrush shrubland and juniper woodland onsite (Impact 4.52). The DEIR acknowledges that this removal results in a permanent, unrecoverable loss of nesting and foraging habitat for songbirds and other wildlife associated with sagebrush ecosystems, and that indirect impacts from human presence, noise, light, and long-term vegetation removal remain significant and unavoidable during the 50 year life of the mine (DEIR Section 2.8.4).

However, the Reclamation Plan does not restore sagebrush habitat, nor does it propose reestablishment of *Artemisia* shrublands. Instead, the Reclamation Plan proposes conversion of the entire 460-acre mining footprint to dryland grazing pasture with a general dryland seed mix. This end use does not replace the structure, species composition, or ecological functions of sagebrush shrub-steppe. Sagebrush ecosystems require decades to centuries to naturally

[11] California Department of Fish and Wildlife. (2016, November 8). *Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities*. Retrieved June 18, 2026, from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959

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establish due to low seed viability, slow growth rates, strict soil and microclimate requirements, and high sensitivity to disturbance[12]. Reclamation to pastureland represents a permanent type conversion from native shrub-steppe to agricultural/open space that is not functionally equivalent to pre-project- habitat.

The DEIR does not currently include compensatory mitigation for the permanent removal of several hundred acres of shrub-steppe habitat. As a result, the document does not fully address the Project's long-term effects on shrub-steppe ecological function, habitat connectivity, and wildlife use. CEQA Guidelines sections 15021 and 15126.4 require feasible mitigation measures for significant impacts, and revising the DEIR to include compensatory mitigation will ensure compliance with these requirements and reduce the ecological consequences of permanent habitat conversion.

Given the Project's permanent removal of native shrub-steppe vegetation and conversion to non-native pastureland and the DEIR's own finding that wildlife habitat impacts remain significant and unavoidable, CDFW recommends including compensatory mitigation for loss of sagebrush habitat.

Appropriate mitigation options may include:

- Preservation of intact sagebrush steppe at a compensatory ratio (e.g., 1:1 to 2:1) within the same ecoregion and equivalent to the habitat found onsite through conservation easements or acquisition.
- Restoration or enhancement of sagebrush habitat offsite where feasible, with long-term management commitments.
- Invasive species prevention funding to address regional pressures from cheatgrass and medusahead, which contribute to sagebrush reduction.
- Monitoring and performance standards specific to sagebrush habitat function, not just vegetative cover.

<u>Noxious Weed and Invasive Species Management</u>

The DEIR acknowledges that invasive and noxious weeds, including cheatgrass (*Bromus tectorum*) and medusahead (*Taeniatherum caput-medusae*), are present throughout the Project area. However, aside from MM 4.5-11, which requires equipment cleaning, the DEIR does not include a comprehensive plan

[12] Roth, C. L., O'Neil, S. T., Coates, P. S., Ricca, M. A., Pyke, D. A., Aldridge, C. L., … Delehanty, D. J. (2022). Targeting *Artemisia* (sagebrush) restoration following wildfire with Greater Sage-Grouse nest selection and survival models. *Environmental Management, 70*(2), 288–306. https://doi.org/10.1007/s00267-022-01649-0

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to prevent spread or manage invasive plant species during the 50-year life of the mine or throughout reclamation. This omission appears inconsistent with Lassen County General Plan Policy NR-29, which states: "*The County supports strong measures to eliminate or prevent the spread of invasive and noxious weeds and plant species including, but not limited to, medusahead, yellow starthistle, and perennial pepperweed (whitetop), and to control the adverse effects from the excessive spreading of such species as juniper and cheatgrass.*"

Large-scale soil disturbance, top-soil stockpiling, long-term bare ground exposure, and heavy equipment movement, including offsite trucking of materials, associated with mining operations substantially increase the risk of invasive species establishment and spread. Invasive annual grasses such as cheatgrass and medusahead can outcompete native vegetation, alter fire regimes, and significantly hinder the long-term success of reclamation efforts, particularly where the Reclamation Plan relies on reestablishing grazing lands or native shrubs.

CDFW recommends that the Final EIR includes a Noxious Weed and Invasive Species Prevention and Management Plan that incorporates, at minimum:

- Pre-construction weed mapping to identify baseline conditions and priority treatment areas;
- Clean-equipment protocols for all vehicles and machinery entering and exiting the site, not only those leaving;
- Use of certified weed-free materials, including fill, gravel, seed, and erosion control products;
- Active noxious weed treatment methods (e.g., mechanical, chemical, or cultural control) during mining phases;
- Monitoring and early-detection protocols throughout operations and reclamation; and
- Performance standards tied to weed cover thresholds within reclaimed areas to ensure successful vegetation establishment.

Without a robust invasive species management plan, the Project risks exacerbating the spread of noxious weeds into adjacent shrub-steppe, wetland, and agricultural habitats, undermining both reclamation success and regional habitat quality.

<u>Pesticide Use</u>
If treating noxious weeds or invasive species includes applying pesticides:

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- Follow the best management practices described by the Guidance to Protect Habitat from Pesticide Contamination[13].
- Avoid using pesticides marked with the US Environmental Protection Agency's bee hazard icon.
- Avoid spraying pesticides onto any flowering plant.
- Use pesticides with a short residual toxicity to bees; bee pesticide toxicity can be checked via UC Agriculture and Natural Resources' Bee Precaution Database[14].
- Use targeted application instead of broadcast spraying whenever possible.
- Avoid mixtures of pesticides as they are only evaluated in scenarios in which they are not mixed; thus, potentially harmful synergies are unknown.
- All pesticide applications must be conducted by a Licensed and Certified Pesticide Applicator and should be used as directed by the manufacturer.

Additional guidance on this topic is offered by Xerces Smarter Pest Management: Protecting Pollinators[15], the United States Environmental Protection Agency[16] and the California Department of Pesticide Regulation[17].

SUBMITTING ENVIRONMENTAL DATA

CEQA requires that information developed in environmental documents be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code, § 21003, subd. (e).) Accordingly, please report any observation of special status species to the CNDDB using the CNNDB field survey form[18,19].

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and an assessment of filing fees is necessary. Fees are payable upon filing the Notice of Determination by the Lead Agency and serve to help defray the cost of

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[13] https://xerces.org/sites/default/files/2019-10/16-024_01_XercesSoc_Guidance-to-Protect-Habitat-from-Pesticides_web.pdf
[14] https://www2.ipm.ucanr.edu/beeprecaution/
[15] https://xerces.org/publications/fact-sheets/smarter-pest-management-protecting-pollinators-at-home
[16] https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators
[17] https://www.cdpr.ca.gov/enforcement/
[18] California Department of Fish and Wildlife. (2016, November). *CNDDB Online Field Survey Form User Guide*. Retrieved from https://nrm.dfg.ca.gov/fieldSurvey/default.aspx
[19] California Department of Fish and Wildlife. (n.d.). *Submitting data to the California Natural Diversity Database (CNDDB)*. Retrieved from https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

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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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the Lead Agency in identifying potential Project impacts on biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Jason Roberts
132FDFECF23F4FD...

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