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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

August 14, 2025

Devon Rabellino
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Devon.Rabellino@waterboards.ca.gov

Subject: Development of General Waste Discharge Requirements and Water Quality Certification for Sediment Reduction and Road Maintenance Activities in Gualala Watershed, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2025070552, Sonoma and Mendocino counties

Dear Devon Rabellino:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Development of General Waste Discharge Requirements and Water Quality Certification for Sediment Reduction and Road Maintenance Activities in Gualala Watershed (Project).

CDFW is providing the North Coast Regional Water Quality Control Board (NCRWQCB) (Lead Agency) with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)). CDFW appreciates NCRWQCB's efforts through the Project to reduce sediment discharges from roads into streams and other waterbodies.

## CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

## PROJECT DESCRIPTION AND LOCATION

The Project objective is to develop a new water quality permit called the "Gualala Roads Permit" that applies to landowners in the Gualala River Watershed. The Project

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proposes to reduce and regulate sediment discharges from private, rural roads in the Gualala River Watershed to implement the Sediment Total Maximum Daily Load for the Gualala River Watershed, Porter-Cologne Water Quality Control Act, Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program, and other water quality laws and regulations. The Project would require private landowners to address sediment sources on their roads over time and comply with permit requirements to ensure that water quality impacts are prevented and minimized during implementation of road improvements. Primary Project activities include ground-disturbing work associated with implementing road fixes and upgrades and other potential permit requirements, and new road construction. The Project will be located throughout the entire Gualala River watershed, within portions of Sonoma and Mendocino counties.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Land use changes resulting from, for example, rezoning certain areas;
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features; and
- Construction schedule, activities, equipment, and crew sizes.

## REGULATORY REQUIREMENTS

### California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed or candidates species under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be

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incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, such as those in **Attachment 1**, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

**Lake and Streambed Alteration**

An LSA Notification is required, pursuant to Fish and Game Code sections 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The Project may impact named and unnamed tributaries to the Gualala River. Impacts to any stream would likely require an LSA Notification. If an LSA Notification is required, CDFW recommends that the EIR include a mitigation measure requiring the Project to submit an LSA Notification and compliance with the LSA Agreement, if issued.** CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

**California Fully Protected Species**

Fully protected species, such white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or

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- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the project planning process.

**Raptors and Other Nesting Birds**

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

**ENVIRONMENTAL SETTING**

The EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances that Sonoma County or cities may require. Fully protected, threatened or endangered, candidate, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include but are not limited to those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB) and California Aquatic Resources Inventory (CARI). Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species

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are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrological conditions, and require the identification of reference populations[1]. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

**IMPACT ANALYSIS AND MITIGATION MEASURES**

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Impacts to the bed, channel, and bank, in the streams and rivers downstream of the Project;
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat;
- Changes in hydrological conditions that could alter the timing and magnitude of stream flows both during construction and operation of the Project;
- Potential for impacts to special-status species;

[1] CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's Special Vascular Plants, Bryophytes, and Lichens List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline) and on the California Native Plant Society website (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks).

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- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);

- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;

- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;

- Water quality impacts resulting from construction and operation of the Project; and

- Impacts both from construction and operation of the Project.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNNDB online field survey form and other methods for submitting data can be found at the following link:

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https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plantsand-Animals.

**FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

If you have any questions, please contact James Hansen, Environmental Scientist, at (707) 576-2869 or James.Hansen@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species

ec: Office of Land Use and Climate Innovation, State Clearinghouse No. 2025070552
Rebecca Garwood, CDFW Northern Region -Rebecca.Garwood@wildlife.ca.gov

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## ATTACHMENT 1: Special-Status Species

| Scientific Name | Common Name | Status |
|---|---|---|
| Fish | | |
| *Oncorhynchus kisutch* pop. 4 | Coho salmon – central California coast evolutionarily significant unit | SE, FE |
| *Oncorhynchus mykiss irideus* pop. 49 | Steelhead – central Calofornia coast distinct population segment | SSC, FT |
| *Hesperoleucus parvipinnis* | Gualala Roach | SSC |
| Invertebrates | | |
| *Syncaris pacifica* | California freshwater shrimp | SE, FE |
| Amphibians | | |
| *Rana boylii* pop. 1 | Foothill yellow-legged frog – North Coast distinct population segment | SSC |
| *Rana draytonii* | California red-legged frog | SSC, FT |
| *Dicamptodon ensatus* | California giant salamander | SSC |
| *Taricha rivularis* | Red-bellied newt | SSC |
| Reptiles | | |
| *Actinemys marmorata* | Northwestern pond turtle | SSC, FC |
| Plants | | |
| *Trifolium buckwestiorum* | Santa Cruz clover | CRPR 1B.1 |
| *Lilium maritimum* | Coast lily | CRPR 1B.1 |
| *Hemizonia congesta* ssp. *congesta* | Congested-headed hayfield tarplant | CRPR 1B.2 |
| *Centromadia parryi* ssp. *parryi* | Pappose tarplant | CRPR 1B.2 |
| *Amorpha California* var. *napensis* | Napa false indigo | CRPR 1B.2 |
| *Brodiaea leptandra* | Narrow-anthered brodiaea | CRPR 1B.2 |

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| | | |
|---|---|---|
| *Lesthenia californica* ssp. *bakeri* | Baker's goldfields | CRPR 1B.2 |
| *Sidalcea malviflora* ssp. *purpurea* | Purple-stemmed checkerbloom | CRPR 1B.2 |
| *Lasthenia californica* ssp. *marcantha* | Perennial goldfields | CRPR 1B.2 |
| *Eastwoodiella californica* | Swamp harebell | CRPR 1B.2 |
| *Piperia candida* | White-flowered rein orchid | CRPR 1B.2 |
| *Calochortus raichei* | Ceders fairy-lantern | CRPR 1B.2 |
| *Arctostaphylos bakeri* ssp. *sublaevis* | Ceders manzanita | CRPR 1B.2 |
| *Holodiscus discolor* var. *cedrorum* | Ceders oceanspray | CRPR 1B.3 |
| *Streptanthus glandulosus* ssp. *hoffmanii* | Hoffman's bristly jewelflower | CRPR 1B.3 |
| Mammals | | |
| *Taxidea taxus* | American badger | SSC |
| *Antrozous pallidus* | Pallid bat | SSC |
| *Corynorhinus townsendii* | Townsend's big-eared bat | SSC |
| *Arborimus pomo* | Sonoma tree vole | SSC |
| Birds | | |
| *Brachyramphus marmoratus* | Marbled murrelet | SE, FT |
| *Strix occidentalis caurina* | Northern spotted owl | ST, FT |
| *Elanus leucurus* | White-tailed kite | FP |
| *Athene cunicularia* | Burrowing owl | SSC, SCE |

SE = state endangered species under CESA; SCE = state candidate endangered species under CESA; FP = state fully protected; FE = federally endangered species under the Endangered Species Act (ESA) FT = federally threatened species under ESA; FC = federally candidate species under ESA; SSC = state Species of Special Concern; CRPR = California Rare Plant Rank