



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 24, 2025

Evan Senf
Siskiyou Resource Conservation District
P.O. Box 268
Etna, CA 96027
evan@siskiyoucd.com

Subject: Review of the Mitigated Negative Declaration for the Upper Mainstem Scott River Habitat Enhancement Project: Phase II, State Clearinghouse Number 2025110168, Etna, Siskiyou County

Dear Evan Senf:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (MND) dated October 2025, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines¹.

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; Pub. 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 result in "take" as defined by state law, of any species protected under the

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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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 may be required.

Project Description

The Project as proposed in the MND “is to improve ecological function through implementation of instream and floodplain restoration treatments.” The Project will occur on the Scott River, a tributary to the Klamath River, in Siskiyou County, California. The Project site is located in the Scott Valley and covers an approximately 4-mile-long contiguous stretch of the Scott River, encompassing around 700 acres of the river channel and floodplain. Planned restoration treatments include side channel excavation, channel contouring, installation of instream large woody structures (e.g., engineered log jams), riparian planting, and other enhancements to improve instream and off-channel habitat, enhance floodplain connectivity, improve riparian health, establish drought resiliency, and reduce sediment and erosion affecting aquatic habitats as well as adjacent agricultural lands.

Comments and Recommendations

CDFW has the following comments and recommendations:

Western pond turtle (*Emys marmorata*)

The MND indicates aquatic and terrestrial habitat exists for western pond turtle (WPT) throughout the Project area and proposes pre-construction visual encounter surveys. While CDFW staff agree with implementing pre-construction surveys, WPT exhibits high site fidelity. If found, and relocated, the likelihood of the WPT coming back into the construction zone is high. Therefore, CDFW recommends that a qualified biological monitor, experienced with the WPT, be present in the construction areas where there is a high probability pond turtle could be present.

Fish

MM-BIO-6 Protection of Special-Status Fish

The MND states that protection of special status fish would be done by working with CDFW And National Oceanic and Atmospheric Administration. The measure states “Agency personnel will be granted access (with appropriate prior notice to landowners) to construction sites during construction and

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following project completion in order to evaluate species presence, condition, and/or habitat conditions." Waiting for landowner approval if a fish rescue or other action becomes necessary could be detrimental. CDFW would prefer timely access to the work area during construction if assistance is requested. CDFW suggests obtaining permission for the length of the construction period. In the section of the Scott River where the Project is located an in-water construction period of July 15th to October 1st would be more appropriate to reduce impacts to fisheries and the need for fish rescue and relocation.

MM-BIO-6 Protection of Special-Status Fish

The last avoidance measure states "All fish trapped within the exclusion zone will be captured and relocated to suitable habitat outside the work area in consultation with NMFS and CDFW." Capturing, handling and relocating state-listed species would require compliance with CESA and other species would require a Scientific Collecting Permit².

Bank Swallows (*Riparia riparia*)

The bank swallow is listed as a Threatened species under CESA. CDFW strongly recommends final Project designs avoid all bank swallow nesting habitat, including both potentially suitable habitat and documented habitat. Vertical streambanks should remain untouched and unaltered, especially those occurring near known nesting colony sites within the Project.

In Scott Valley there are minimal opportunities to create bank swallow habitat, and those areas have not been identified in the MND. Therefore, the proposed mitigation to compensate or offset the loss of habitat by constructing habitat is not adequate. CDFW staff are concerned about bank stability and loss of habitat with the proposed Project activities. Please note that the decline of suitable habitat is the main cause of the bank swallow decline. CDFW strongly recommends conditioning a 250-foot buffer of no disturbance around the bank swallow nesting habitat. Although the Project is to enhance stream conditions that will benefit listed fish species, the Project should similarly be designed to protect all species with potential to occur and known to occur. If bank swallow habitat cannot be avoided and protected the proposed mitigations are not adequate in mitigating the proposed Projects impacts to less than significant and consultation with CDFW is warranted prior to Project approval.

Riparian Planting

² [Scientific Collecting Permits](#)

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CDFW recommends including more information on the proposed methods for monitoring the success of the riparian vegetation, and what metrics will be used for measuring that success. CDFW recommends the development of a riparian revegetation plan (plan) as part of Project implementation. The plan should include a plant palette of species to be used in revegetation, success criteria, monitoring & reporting, and corrective actions to be taken when mitigation measures do not meet the proposed success criteria. The MND also identifies that riparian monitoring will occur during the period of the grant. Grant funding typically is for two to three years, which is not sufficient to determine success. CDFW recommends a five-year period for riparian monitoring.

California Endangered Species Act

Please be advised that a [CESA Incidental Take Permit](#)³ or other CESA coverage 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 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, subdivision (b)(2).

Lake and Streambed Alteration Agreement

The MND indicates Project activities and improvements will bisect a perennial stream and a hydrologically connected wetland feature. Please note that these actions may be subject to Fish and Game Code section 1602, which 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.

³ <https://wildlife.ca.gov/Conservation/CESA/Permitting>

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Lake and Streambed Alteration Program staff are available to assist and can be contacted at rlsaredding@wildlife.ca.gov. To obtain information about the 1602 Notification process, access the [Lake and Streambed Alteration Program](#)⁴.

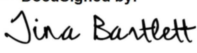
Please note projects such as the one identified in the MND will likely require CDFW conservation engineering review during the Lake and Streambed Alteration Agreement issuance process which may include more design specific comments and recommendations.

Permitting Pathways

Many restoration projects qualify for expedited permitting pathways which include CDFW's new Restoration Management Permit that consolidates five of the most common CDFW authorizations typically needed for restoration projects into a single, streamlined approval. CDFW recommends contacting our Cutting the Green Tape Program at restorationpermitting@wildlife.ca.gov to see if your project qualifies for one of our expedited permitting pathways.

CDFW appreciates the opportunity to comment on the MND to assist the Scott River Resource Conservation District in adequately analyzing and minimizing impacts to biological resources. If you have any questions, please contact Stephanie Houtman, Environmental Scientist-Specialist, by email at Stephanie.Houtman@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett

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⁴ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>