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From: Morford, Samantha@Wildlife
Sent: Wednesday, February 4, 2026 8:24 AM
To: mmichelena@buttecounty.net
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: CDFW Comments on the ND for the Verizon Wireless and Everest Infrastructure Partners (SCH No. 2026010339)

Dear Mark Michelena:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a Negative Declaration (ND) from Butte County (County) for the Verizon Wireless and Everest Infrastructure Partners (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.^[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW 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 capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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.

PROJECT DESCRIPTION SUMMARY

The Project site is located approximately 2,300 feet east of the intersection of Coal Canyon Road and Flag Creek Road, on the northern side of Flag Creek Road, in unincorporated Butte County. The Project is located on Assessor's Parcel Number 041-140-023.

The Project consists of constructing a new unmanned wireless communications monopole, 165 feet in height. A five-foot tall lightning rod would extend from the top of the pole. The Project would include ground equipment that consists of two (2) equipment cabinets (with space for a third) and a 30-kW emergency backup generator with a 203-gallon diesel fuel tank, all installed on a concrete slab. The compound would be secured by a 6-foot-tall chain link fence with a 12-foot wide access gate. Fiber-optic cable would be installed underground from Coal Canyon Road to the monopole ground equipment. The Project would construct a new, approximately 300-foot-long, all-weather access road from Flag Creek Road to the Project site. All pervious area would be covered with gravel over a weed barrier. The antennas and accessory equipment on the monopole tower will be painted to match the surrounding environment. All paint will have an anti-glare finish.

The facility will be un-staffed, and once in operation will generate approximately one vehicle trip per quarter for routine maintenance and inspections. The generator would be tested for approximately one hour monthly. The project is proposed for construction in mid-2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Butte County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Biological Resources, Section 1.4 (a), Page 27

Issue: The ND does not adequately analyze the potential impacts to migratory nongame native bird species. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & G. Code section 3513. Fish & G. Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within and adjacent to the project area (i.e. trees, shrubs, gravel substrate and herbaceous vegetation clumps). Disturbance from construction activities have the potential to impact nesting birds within and adjacent to the project site and "take" could occur if avoidance and minimization measures are not incorporated into the ND and/or Use Permit.

Recommended Mitigation Measure:

To reduce impacts to nesting birds to a less-than-significant level, CDFW recommends the County include the following measure language in the ND and/or Use Permit:

"If project-related activities are scheduled between February 1 to August 31 (the typical nesting season), a focused survey for nests shall be conducted by a qualified biologist within three (3) calendar days prior to the beginning of project-related activities. The qualified biologist shall survey a minimum radius of 500-feet for migratory birds and 1/2-mile for raptors around the project area. The results of the survey shall be provided to Butte the County upon completion. If no active nests are found, project activities may proceed as scheduled.

- Active Nests. If an active nest is found, active nests should be avoided, and a no disturbance buffer shall be determined and established by the qualified biologist. The buffer shall be kept in place until after the nesting season or until the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the qualified biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.
- Project Delay. If a lapse in project-related work of seven (7) calendar days or longer occurs, the qualified biologist shall complete another focused survey before project work can be reinitiated."

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports 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 the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following

link: <https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

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.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the ND for the Version Wireless and Everest Infrastructure Partners Project to assist Butte County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Sammi Morford, Environmental Scientist at (916) 880-8324 or samantha.morford@wildlife.ca.gov.

Sincerely,

Sammi Morford

Environmental Scientist (Caltrans Liaison)

Habitat Conservation Program | North Central Region (R2)

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