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**GAVIN NEWSOM, Governor**  
**Meghan Hertel, Director**



February 18, 2026

Susan Hartman  
Community Development Director  
Town of Paradise  
6295 Skyway  
Paradise, CA 95969  
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Subject: Paradise General Plan and Zoning Ordinance Updates  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH No. 2026010387

Dear Susan Hartman:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) from the Town of Paradise (the Town) for the Paradise General Plan and Zoning Ordinance Updates (Project) in Butte County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.<sup>1</sup>

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

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<sup>1</sup> 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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environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) 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 California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### **PROJECT DESCRIPTION SUMMARY**

The Project's Planning Area covers the Town of Paradise in north-central Butte County, in the state of California. The area is bounded to the east by the West Branch of the Feather River drainage and to the northwest by the Butte Creek – Little Butte Creek drainage.

The Project consists of updating the existing General Plan, Zoning Ordinance, and Zoning Map. The General Plan will guide land use, development, infrastructure, and environmental policy through the year 2045. The updated General Plan will include the following elements: Land Use, Circulation, Conservation, Open Space, and Noise. The proposed Project considers land in two areas – within the existing town limits and the sphere of influence. Together, these areas define the General Plan's planning area (Planning Area), which encompasses both incorporated land and surrounding unincorporated land the Town may annex in the future.

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations presented below to assist the Town in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR address the following:

#### **Project Description**

The Project description should include the whole action as defined in the CEQA Guidelines § 15378 and should include appropriate detailed exhibits disclosing the Planning Area.

As required by § 15126.6 of the CEQA Guidelines, the EIR should include an appropriate range of reasonable and feasible alternatives that would attain most of the basic Project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

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CDFW acknowledges that updating the Town's General Plan and zoning ordinance may not cause direct physical changes to the environment, but it will result in reasonably foreseeable indirect physical changes to biological resources from future development for which the General Plan and zoning ordinances facilitated through land use designations.

### Assessment of Biological Resources

CDFW recommends that the conservation of fish, wildlife, and plant resources, and the habitats they depend on, be identified as one of the General Plan's goals. This goal would help preserve both the ecological values of those habitats and secure their long-term availability for the enjoyment by the people of Paradise. As part of this goal, the EIR should identify biological resources within the Planning Area. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. The EIR should include a complete assessment of the habitats within and adjacent to the Planning Area, with emphasis on identifying habitats that support rare, threatened, endangered, and other sensitive species. CDFW recommends the EIR specifically include:

1. An assessment of all habitat types located within the Planning Area, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following, *The Manual of California Vegetation*, second edition (Sawyer 2009). Adjoining habitat areas should also be included in this assessment where activities could lead to indirect impacts. Habitat mapping at the alliance level will help establish baseline vegetation conditions and identify opportunities at a regional scale for Conservation and Open Space land use designations. For example, the canyons that convey the flows of Butte Creek, Middle Butte Creek, Little Butte Creek, Honey Run and their tributaries could be designated as Conservation and Open Space land use, preserving the natural habitats for watershed health, wildlife habitat and connectivity, and the public's enjoyment.
2. An assessment of special-status species located within the Planning Area. CDFW recommends that the California Natural Diversity Database (CNDDDB) and iNaturalist research grade observations, as well as previous studies performed in the Planning Area, be consulted to assess the potential presence of sensitive species and habitats including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Species to be identified should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines § 15380) including but not limited to California Species of Special Concern and California Fully Protected Species (Fish & G. Code § § 3511, 4700, 5050, and 5515). Identifying known populations or occurrences of special-status species can help inform the Town on where Conservation or Open Space designations might be the most meaningful. Please note that iNaturalist and CDFW's CNDDDB are not exhaustive in terms of the data they house, nor are

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they absence databases. CDFW recommends that these databases be used as a starting point in gathering information about the *potential presence* of species within the general area of the Planning Area. Other sources for identification of species and habitats near or adjacent to the Planning Area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations.

Fully Protected Species (Fish & G. Code § 3511 and 4700) with the potential to occur within or adjacent to the Planning Area, include, but are not limited to: white-tailed kite (*Elanus leucurus*), California black rail (*Laterallus jamaicensis coturniculus*), golden eagle (*Aquila chrysaetos*), and ringtail (*Bassariscus astutus*). Species of Special Concern (SSC) with the potential to occur within or adjacent to the Planning Area, include, but are not limited to: coast horned lizard (*Phrynosoma blainvillii*), northwestern pond turtle (*Actinemys marmorata*), American goshawk (*Astur atricapillus*), northern harrier (*Circus hudsonius*), long-eared owl (*Asio otus*), California spotted owl (*Strix occidentalis occidentalis*), lesser sandhill crane (*Antigone canadensis canadensis*), loggerhead shrike (*Lanius ludovicianus*), purple martin (*Progne subis*), yellow warbler (*Setophaga petechia*), olive-side flycatcher (*Contopus cooperi*), grasshopper sparrow (*Ammodramus savannarum*), yellow-breasted chat (*Icteria virens*), fisher (*Pekania pennanti*), American badger (*Taxidea taxus*), western mastiff bat (*Eumops perotis californicus*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), and western red bat (*Lasiurus frantzii*). State-listed species with the potential to occur in the Planning Area include, but are not limited to: bald eagle (*Haliaeetus leucocephalus*), greater sandhill crane (*Antigone canadensis tabida*), least bell's vireo (*Vireo bellii pusillus*), tricolored black bird (*Agelaius tricolor*), burrowing owl (*Athene cunicularia*), western bumble bee (*Bombus occidentalis*), and Feather River distinct population segment of foothill yellow-legged frog (*Rana boylei* pop. 2).

- Information on the regional setting and baseline conditions that are critical to an assessment of environmental impacts including impacts to special-status species populations and habitats resulting from the Camp Fire and subsequent on-going fuels reduction efforts within the Planning Area, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).

### **Analysis of Reasonably Foreseeable Indirect, and Cumulative Impacts to Biological Resources**

Determinations made during a General Plan and zoning update can provide a comprehensive framework for the continued development and growth of the Town while providing meaningful biological resource conservation. The EIR should provide a thorough discussion of the Project's reasonably foreseeable potential indirect, and cumulative impacts on biological resources resulting from land designation and zoning

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ordinance decisions made during the General Plan update. To ensure that impacts on biological resources are fully analyzed, the following information should be included in the EIR:

1. The EIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The EIR must demonstrate that the significant environmental impacts of the Project were adequately investigated and discussed and it must permit the significant effects of the Project to be considered in the full environmental context.
2. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by the reasonably foreseeable development of the Planning Area facilitated by the updates made to the General Plan and zoning ordinances. The EIR should address how changes in land use designation and zoning may result in varying densities of development which may result in changes to drainage patterns and water quality within, upstream, and downstream of the Planning Area, including: volume, velocity, and frequency of existing and post-Project surface flows.
3. A discussion of potential indirect impacts on wildlife connectivity resulting from updates to the General Plan and zoning ordinances, especially in areas that are proposed for future growth of urban development and areas that are adjacent to public lands (e.g., National Forests, State Parks, etc.), open space, natural habitats, and riparian ecosystems. This should include a landscape level analysis of existing connectivity permeability, existing or planned wildlife passage features, and the impact of land use designations and development pressure on wildlife connectivity. CDFW recommends the Town include this in the analysis of proposed zoning designations. Appropriate avoidance, minimization, and mitigation measures that could be included in the EIR to mitigate proposed General Plan and zoning ordinance changes include, but are not limited to, designation of open space corridors that connect existing areas designated as open space land use, the installation of wildlife crossings under or over roadways, requiring wildlife friendly fencing, and requiring directional, downward-shielded lighting. It should be noted that the "Room to Roam Act" (California Government Code Section 65302) will go into effect in 2028 and requires that General Plan updates made on or after January 1, 2028, include an update to the conservation element identifying and analyzing wildlife connectivity.
4. A discussion of potential indirect impacts that are reasonably foreseeable result of the land use changes and updates to the General Plan and zoning ordinances on biological resources. These resources include areas adjacent to the Planning Area, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).

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5. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The EIR should discuss the Project's cumulative impacts to natural resources and determine if that contribution would result in a significant impact. The EIR should include a list of present, past, and probable future projects producing related impacts to biological resources or shall include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect. The cumulative analysis shall include impact analysis of vegetation and habitat reductions within the area and their potential cumulative effects. Please include all potential indirect Project-related impacts to riparian areas, wetlands, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and/or special-status species, open space, and adjacent natural habitats in the cumulative effects analysis.

### Mitigation Measures for Impacts to Biological Resources

The EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all reasonably foreseeable indirect, and cumulative impacts expected to occur as a result of the updates to the General Plan and zoning ordinances. CDFW also recommends the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's reasonably foreseeable significant impacts upon fish and wildlife and their habitat.

1. CDFW recommends full avoidance of special status species and their habitats. When not feasible, CDFW recommends a general mitigation approach for the EIR include designating those sensitive areas for Conservation and or compatible Open Space to protect and minimize impacts to those biological resources. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer 2009). The EIR should include measures to fully avoid and otherwise protect sensitive plant communities by designating for Conservation and or compatible Open Space the parcels on which those communities occur.
2. Oak Woodland Habitats: CDFW considers impacts to oak woodland habitats to be significant. CDFW recommends that the EIR include an inventory of the oak woodland habitats within the Planning Area. The inventory should inform a quantified analysis of the loss, degradation, and fragmentation of oak woodlands that may occur as a result of the changes to zoning and land use designations. The analysis should consider cumulative impacts to oak woodland within the Planning Area from both development pressure and catastrophic wildfires. The analysis should consider the impacts to wildlife food sources; changes in size and configuration of woodland habitat patches and increased edge habitat;

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fragmentation and/or parcelization of contiguous ownerships; construction of barriers (fences); severing wildlife corridors or habitat linkages thereby impacting wildlife connectivity; and increasing human-wildlife conflicts. CDFW recommends that the EIR incorporate appropriate avoidance, minimization and mitigation measures to reduce or mitigate reasonably foreseeable significant impacts. Measures may include but are not limited to: designating oak woodlands as Open Space or conservation land use. If the loss of oak woodland is unavoidable, CDFW recommends the Town adopt an Oak Woodland Conservation policy and/or zoning ordinance to mitigate the conversion of oak woodlands. The Oak Woodland Conservation policy at a minimum should include the analysis and mitigation elements found in Public Resources Code § 21083.4.

### **Lake and Streambed Alteration Program**

The EIR should identify all perennial, intermittent, and ephemeral rivers, streams, lakes, other hydrologically connected aquatic features, and any associated biological resources/habitats present within the entire Planning Area. The environmental document should analyze all potential temporary, permanent, indirect and/or cumulative impacts to the above-mentioned features and associated biological resources/habitats that are reasonably expected to occur because of the updates to the General Plan and zoning ordinances. If it is determined the Project will result in significant impacts to these resources the EIR shall propose appropriate avoidance, minimization and/or mitigation measures to reduce impacts to a less-than-significant level. CDFW recommends that the General Plan update include a policy under the Open Space/Conservation Element that requires a project proponent to comply with Section 1602 of the Fish and Game Code by notifying CDFW prior to commencing any activity that may do one or more of the following:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;
2. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
3. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such

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as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.

CDFW relies on the lead agency environmental document analysis when acting as a responsible agency issuing an LSA Agreement. CDFW recommends lead agencies coordinate with us as early as possible, since potential modification of the proposed Project may avoid or reduce impacts to fish and wildlife resources and expedite the Project approval process.

Based on review of Project materials, aerial photography and observation of the site from public roadways, the Project site supports a number of waterways, their unnamed tributaries, and associated riparian habitat. This includes, but is not limited to, Paradise Lake, Magalia Reservoir, Kunkle Reservoir, Mosquito Creek, Little Butte Creek, Middle Butte Creek, Dry Creek, Little Dry Creek, Honey Run, Clear Creek, West Branch Clear Creek, Upper Miocene Canal, and numerous unnamed seasonal streams and channels. CDFW recommends the EIR fully identify the Project's potential impacts to lakes, streams and/or associated vegetation and wetlands.

### **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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

### **FILING FEES**

The Project, as proposed, would have an effect on fish and wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Town 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 sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the 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](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the Notice of Preparation of the EIR for the Paradise General Plan and Zoning Ordinance Updates and recommends

Paradise General Plan and Zoning Ordinance Updates

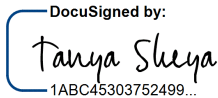
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that the Town address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Sammi Morford, Environmental Scientist at (916) 880-8324 or [samantha.morford@wildlife.ca.gov](mailto:samantha.morford@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tanya Sheya  
Environmental Program Manager

ec: Melissa Stanfield, Senior Environmental Scientist (Supervisory)  
Sammi Morford, Environmental Scientist  
*Department of Fish and Wildlife*

Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento

**REFERENCES**

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California.  
<http://vegetation.cnps.org/>