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From: Morford, Samantha@Wildlife
Sent: Friday, February 13, 2026 8:55 AM
To: Mendoza, Alyssa
Cc: Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife
Subject: CDFW Comments on the MND for The Towers, LLC, Conditional Use Permit (SCH No. 2026010359)

Dear Alyssa Mendoza:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt a MND from Butte County – Department of Development Services for The Towers, LLC, Conditional Use Permit (Project) pursuant 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.

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 site is located on a 2,500 square foot lease area on the northwest corner of the parcel addressed as 1225 Richins Avenue, located northwest of the Richins Avenue and West Liberty Road intersection, Gridley, California. APN 021-260-052.

The Project consists of (1) installing a 100-foot-tall unmanned wireless communications monopole; (2) installing 6-foot high privacy slated chain link fence with a 12-foot wide access gate around the 50-foot by 50-foot leased area; (3) establishment of a 50-foot by 20-foot utility easement adjacent to the western

side of the lease area; and (4) construction of a 12-foot wide, 490-foot long graveled access driveway adjacent to the existing drainage ditch, along the western property boundary. The Project will install nine antennas and accessory equipment on the monopole. Related equipment will be installed on the ground in the fenced lease area. A new 10/30 kW generator and diesel fuel tank will be installed within the fenced lease area on a 3-foot 8-inch by 7-foot 6-inch concrete pad. The ground within the lease area would be covered with gravel over a weed barrier. Within the utility easement, a new step-down Pacific Gas and Electric (PGE) transformer would be installed on a 50-inch by 52-inch concrete pad. The Project would remove 77 kiwi trees and trim several oak trees for construction access and implementation.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Butte County – Department of Development Services 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 MND states that there is potential for giant garter snake to occur within the project site. Giant garter snake is listed as a threatened species under CESA and as such it is afforded full protection under the act. It is unlawful to take a State-listed endangered or threatened species (Fish & G. Code §2050 et seq.). Take is defined as “hunt, pursue, catch, capture or kill or attempt to hunt, pursue, catch, capture or kill” (Fish & G. Code §86).

Recommendation: CDFW recommends the County incorporate avoidance and minimization measures specific to giant garter snake into the MND to ensure take of the species does not result from the Project. At a minimum these measures should include preconstruction surveys performed by a qualified biologist and timing activities between May 1 and October 1 when giant garter snakes are active and able to move away when disturbed.

If during Project analysis it is determined that the project may result in the take of giant garter snake, CDFW recommends that an incidental take permit (ITP) is obtained prior to starting construction activities.

COMMENT 2: Biological Resources, Section 1.4 (a), Page 27

Issue: The MND 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 or herbaceous vegetation clumps for ground nesting). 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 MND 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 MND and/or Conditional 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/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@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 M ND for The Towers, LLC, Conditional Use Permit to assist Butte County – Department of Development Services 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)

1701 Nimbus Rd., Suite A

Rancho Cordova, CA 95670



^[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.