

Haggerty, Nicole@Wildlife

From: Hosea, Robert@Wildlife
Sent: Monday, March 30, 2026 9:30 AM
To: Ciara Fisher
Cc: Wildlife R2 CEQA
Subject: California Department of Fish and Wildlife Comments-Westside Aggregates IS-MND

Ciara Fisher-

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) from Colusa County Community Development Department (CCCDD) for the Westside Aggregates Project (Project) in Colusa County pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.

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 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 in Colusa County west of the town of Arbuckle just north of the intersection of Cortina School Road and Hillgate Road (Latitude 39.508209° North, Longitude 122.145648° West). The majority of the operations of the site are located immediately adjacent to Sand Creek.

The Project consists of the following activities:

1. Conversion of farmland to a mined aggregate processing plant, equipment maintenance facilities, and an office.
2. Development of multiple excavated multi-acre pits during the course of aggregate resource extraction. These pits may be as deep as forty-five (45) feet below the surrounding soil level.
3. Development and operation of multiple processing wash water settling ponds on the site.
4. Restoration of the project site to pre-existing land uses upon closure of the facility.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the CCCDD in adequately addressing 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.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The IS/MND does not appear to adequately address the potential long-term impacts to regional populations of shining navarretia (*Navarretia nigelliformis* ssp. *radians*) or pappose tarplant (*Centromadia parryi* ssp. *parryi*) (Rank 1B.2 plant species) resulting from the removal for a period of up to 30 years of at least 924 and 210 individuals (respectively) as a result of initiating mining operations identified in the IS/MND.

Mitigation Measures for Project Impacts to Biological Resources

1. In those cases where individuals of shining navarretia or pappose tarplant (Rank 1B.2 plant species) will be removed from the area populations as part of the project site development or operations, CDFW recommends the mitigation plan include preservation through a conservation easement and management of existing populations that will not be disturbed. Preservation through a conservation easement and management funded through an endowment for existing populations would provide the most benefit to ensure these species are not disturbed in the future. Purchasing credits at a mitigation bank for special-status plants or paying in-lieu fees won't directly benefit the species and populations that this project will impact. In addition to preservation and management, CDFW recommends the mitigation plan include salvage of seed and topsoil of both species to be stored and applied later in reclamation in suitably created habitat or used to enhance preserved areas of undisturbed populations.
2. The reclamation of the project site as discussed in the IS/MND should not rely solely on the continued existence of a "seed bank" of native plants within the surface topsoil removed from the various excavation pits. Mitigation plans should include augmented reseeding of excavation sites and other disturbed areas with seed stock of those native plant species originally identified from each area.
3. The IS/MND should specify that reseeding of any areas within the project footprint with non-native plant species is prohibited.

Lake and Streambed Alteration Program

Section 1602 of the Fish and Game Code requires an entity to notify 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.

Though a setback of 35 feet from the top of the bank of Sand Creek is specified in the IS/MND as a mitigation measure to preclude impacts to the creek, it is important to note that the active channel of the creek is situated in a sand and gravel lens which extends fully into the area identified for mining as part of the Project. The IS/MND has identified at least one area (Scour) where Sand Creek has notable instability in the north bank of the creek adjacent to one of the proposed excavation areas. This instability could lead to a rupture of the 35-foot setback at that point and lead to a complete alteration of the channel of Sand Creek and significant impacts to the overall flows in the creek. The Hydrology Report appended to the IS/MND notes that a highly vertical water infiltration rate exists within the project area as opposed to a more horizontal situation which would indicate that the rate of water from Sand Creek passing through

the setback and into the excavation areas should not be significant. However, areas along Sand Creek where soil porosity is greater could result in significant movement of creek waters horizontally away from the stream channel, resulting in a measurable decrease in flows within the creek.

It is recommended that the project proponent submit a Notification to CDFW under Section 1602 of the Fish and Game Code to allow CDFW to more closely analyze the potential for horizontal migration of stream waters into the excavation areas adjacent to Sand Creek and to allow for the stabilization of the north bank scour area of Sand Creek should it be deemed necessary to protect the project operations within that excavation area. If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports, mitigated negative declarations 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.

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 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 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.

CDFW appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration for the Westside Aggregates and recommends that the CCCDD address CDFW's comments and concerns prior to adopting the IS/MND. 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 me at (530) 708-1199 or by email.

Robert (Bob) Hosea, Environmental Scientist
North Central Region, Habitat conservation Program
California Department of Fish and Wildlife
(530) 708-1199