

## Haggerty, Nicole@Wildlife

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**From:** Morford, Samantha@Wildlife  
**Sent:** Friday, March 27, 2026 10:43 AM  
**To:** rhickel@buttecounty.net  
**Cc:** Stanfield, Melissa@Wildlife; Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife  
**Subject:** CDFW Comments on the MND for the Hurleton West Telecommunication Facility (SCH No. 20260073)

Dear Rowland Hickel:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Butte County - Department of Development Services for the Hurleton West Telecommunication Facility Use Permit (PROJ-25-0006) (Project) pursuant 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, 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 is located in the County of Butte, State of California; Latitude 39.506702, Longitude - 121.433543 (WGS 84 datum, decimal degrees); Assessor's Parcel Number 072-190-038-000.

The Project consists of constructing a new 100-foot-tall wireless telecommunication monopine tower. Several types of antennas and remote radio units would be mounted to the monopine tower. The tower and equipment for the antennas would be located within a 50-foot by 50-foot enclosed lease area behind a proposed 8-foot-tall chain-link fence. A new 12-foot by 4-foot concrete pad would be constructed within the lease area and used to mount the equipment. Electrical service would be provided by hooking up to an existing PG&E utility pole east of the Project site. Installation of the electrical services would require approximately 290 feet of trenching between the monopine and the existing utility pole. A 15-foot-wide gravel road and 20-foot by 10-foot parking area will be established for access.

### **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.

CDFW is primarily concerned with the Project impacts to nesting birds and raptors.

**COMMENT 1:** Biological Resources, Section 1.4 (a), Page 30

**Issue:** The MND does not adequately analyze the potential impacts to migratory and resident native bird species. 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 raptors is present within and adjacent to the Project area (e.g. trees, shrubs, gravel substrate, herbaceous vegetation clumps, etc.). 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 Conditional Use Permit.

**Recommended Mitigation Measure:**

To reduce impacts to nesting birds and raptors to a less-than-significant level, CDFW recommends Butte County - Department of Development Services 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 County - Department of Development Services upon completion. If no active nests are found, project activities may proceed as scheduled.

- Active Nests. If an active nest is found, active nests shall 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](mailto: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**

CDFW appreciates the opportunity to comment on the MND for the Hurlton West Telecommunication Facility Use Permit (PROJ-25-0006) 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](mailto:samantha.morford@wildlife.ca.gov).

Sincerely,

**Sammi Morford**

Environmental Scientist (Caltrans Liaison)

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