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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
wildlife.ca.gov

**GAVIN NEWSOM, Governor**
**MEGHAN HERTEL, Director**

August 10, 2026

Joseph Hess
Fire Chief/Town Administrator
Town of Fort Jones
11960 East Street
Fort Jones, CA 96032
jhess@fortjonesca.com

**SUBJECT: REVIEW OF TOWN OF FORT JONES WASTEWATER TREATEMENT FACILITY UPGRADES PROJECT, INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION, SISKIYOU COUNTY, STATE CLEARINGHOUSE NUMBER 2026070268**

Dear Joseph Hess:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (MND) posted for public review on July 8, 2026, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines[1].

**CDFW's 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; Public Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its Trustee Agency capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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 is also submitting comments 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. Likewise, to the extent implementation of the Project as proposed may

[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.

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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.), or state listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 et seq.) authorization as provided by the applicable Fish and Game Code will be required.

California Endangered Species Act

Please be advised that a CESA permit[2] must be obtained if the Project has the potential to result in "take" (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in the take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code section 2081(b)(2).

Lake and Streambed Alteration (LSA) Agreements

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Work within perennial and ephemeral streams and watercourses with a subsurface flow, is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling or trenching, is also generally subject to notification requirements. Therefore, impacts to the mainstems, tributaries,

[2] https://wildlife.ca.gov/Conservation/CESA/Permitting

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associated riparian habitat, and hydrologically connected floodplains caused by the proposed Project may require an LSA notification.

CDFW, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. LSA Program staff are available to assist and can be contacted at r1lsaredding@wildlife.ca.gov. To obtain information about the 1602 Notification process, please visit the LSA Program website[3].

Nesting Birds

CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**PROJECT DESCRIPTION SUMMARY**

Lead Agency: Town of Fort Jones

Location: The Project site is located throughout Assessor Parcel Numbers 024-040-080-000, 024-030-490-000, 055-241-010-000, 055-241-020-000, west of Scott River Road at the western edge of Fort Jones, east of Scott River-Moffett Creek confluence.

Project Description: The Project, as described in the MND, proposes to decommission the Town of Fort Jones' existing Wastewater Treatment Facility (WWTF) and construct a new WWTF 1,500 feet east of the existing facility (Project area). The proposed Project will require reconfiguring three existing parcels and work would include constructing a new influent lift station, headworks, and treatment ponds. An offsite sewer pump station that serves the commercial area south and southwest of the new WWTF site will also be rehabilitated and a new 3-inch diameter force main will be installed from the existing pump station to a new manhole structure along the new influent sewer

[3] https://wildlife.ca.gov/Conservation/Environmental-Review/LSA

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main line east of the new WWTF.

Biological Setting:
The existing WWTF occupies approximately 3.99 acres at the southeastern corner of the Scott River–Moffett Creek confluence. The proposed WWTF Project site is located roughly 1,500 feet east of the existing facility, along the south side of Moffett Creek. The Project area is surrounded by agricultural fields, predominately actively irrigated alfalfa hay production, with Moffett Creek forming the northern boundary of the site.

Moffett Creek is an intermittent tributary to the Scott River, one of the two major tributaries of the Klamath River system. Both Moffett Creek and the Scott River support a diverse assemblage of state special-status aquatic and terrestrial species. Notably, these waterways provide habitat for multiple anadromous fish species, including Chinook salmon (*Oncorhynchus tshawytscha*); Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), listed as threatened under both CESA and the federal Endangered Species Act(ESA); steelhead Trout (*Oncorhynchus mykiss*); and Pacific lamprey (*Entosphenus tridentatus*), designated as a state Species of Special Concern (SSC).

The riparian corridor throughout the Scott River watershed supports a high diversity of migratory and resident birds, including Bald Eagle (*Haliaeetus leucocephalus*, CESA endangered) and Bank Swallow (*Riparia riparia*, CESA threatened). In addition, Western Pond Turtle (*Actinemys marmorata*; SSC and ESA candidate), occurs in the riparian channel margins of the Scott River, and its tributaries, nesting in adjacent upland habitats. The surrounding alfalfa fields provide important foraging habitat for Swainson's Hawk (*Buteo swainsoni*, CESA threatened), while the grassland, chaparral/scrub, and forested habitats throughout the broader watershed support seasonal movements and foraging by Roosevelt Elk and Black-tailed Deer.

**COMMENTS AND RECCOMMENDATIONS**
CDFW offers the following comments and recommendations to assist the Lead Agency in adequately identifying, avoiding, minimizing and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

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Indirect Impacts on Aquatic Species

The MND includes a species analysis table which states that potential impacts to various aquatic species are avoided because construction will not occur within a waterway; however, beyond this, the MND does not provide an additional analysis of potential impacts. While the absence of in-channel work reduces the likelihood of direct impacts, an analysis of indirect impacts would be appropriate since this Project is proposed to discharge into Moffett Creek and be constructed within a Regulatory Floodway. Indirect impacts to aquatic species, particularly salmonids like CESA-listed coho salmon, should be considered and included in the MND. This year, the Scott River has been experiencing low flows, with June 2026 flows measured between 117–137 cubic feet per second[4], triggering emergency curtailments of all surface water diversions[5]. This ongoing drought exacerbates salmonid vulnerability by reducing base flows, reducing habitat, and concentrating contaminants, while increasing the importance of off-channel refugia, like that in the upper reaches of Moffett Creek, accessible to salmonids during high-flow pulses. Inflows from the Project may enhance seasonal connectivity, but only if the delivered water maintains adequate water quality and does not introduce elevated contaminant loads.

Without a thorough impacts analysis on salmonids, the MND does not fully evaluate potentially significant impacts. CDFW recommends revising the MND to incorporate an assessment of construction-phase and operation-phase indirect impacts on salmonids, and to identify appropriate avoidance, minimization and mitigation measures (AMM's) to reduce those impacts to a less than significant.

Construction Impacts and Aquatic Resources

The MND includes an assessment of biological resources, acknowledging the presence of Moffett Creek and the Scott River, both of which support CESA listed coho salmon and other sensitive aquatic species. Standard construction Best Management Practices (BMPs) are cited in the MND intended to minimize erosion and sedimentation during construction. However, the MND does not

[4] U.S. Geological Survey (USGS). 2026. "Scott River near Fort Jones, CA (11519500) – Streamflow Data." Available here: https://waterdata.usgs.gov/nwis/uv?site_no=11519500

[5] State Water Resources Control Board (SWRCB). 2026. "Scott River Watershed: Reinstatement of Curtailments for All Surface Water Rights (Groups 1–8), Addendum 12." Issued June 9, 2026.

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sufficiently address how construction of a WWTF within a Regulatory Floodway may indirectly impact aquatic species during highflow events. Construction activities such as grading, trenching, pond excavation, and decommissioning of the existing WWTF will occur within flood-prone areas where disturbed soils, stockpiled materials, uncured concrete, or construction-related organic matter could be mobilized during flood events. Studies have shown that flood-driven pulses of nutrients and organic material can depress dissolved oxygen concentrations, increase biochemical oxygen demand, and alter macroinvertebrate communities essential for juvenile salmonid foraging[6,7].

Although the MND notes compliance with standard BMPs, it does not appear to include turbidity monitoring, flood-adaptive nutrient monitoring, dry-season construction windows, flood-response thresholds, or adaptive management measures that are necessary to demonstrate that construction-phase, flood-related indirect impacts on salmonids will be reduced to a less-than-significant level. Since the Project footprint lies within the Regulatory Floodway, CDFW recommends revising the MND to include enforceable construction-phase measures such as turbidity/nutrient monitoring tied to forecasted high-flow events, dry-season schedules for ground-disturbing activities, enhanced erosion control designed for flood-prone timing and flood-adaptive BMPs requiring the securing of materials and suspension of work when elevated flow conditions are predicted. Without these measures, the MND does not provide adequate evidence that construction-phase flood-related impacts to aquatic species will be less than significant.

Operation Phase and Salmonid Impacts

The MND includes a general description of WWTF operations and acknowledges that the new facility will be regulated under Regional Water Quality Control Board Waste Discharge Requirements (WDR) or NPDES permits, which typically include nutrient and effluent monitoring. However, the MND does not analyze how long-term operation of a WWTF located within a Regulatory Floodway may indirectly impact salmonids during periodic flood events. Even with regulatory compliance, scientific literature indicates that floodwaters can mobilize nutrients, residual organic material, and contaminants from wastewater infrastructure, such as treatment plants and

[6] Minshall, G. W. (1988). Stream ecosystem theory: a global perspective. *Journal of the North American Benthological Society*, 7(4), 263–288.
[7] Morley, S. A., Foley, M. M., Duda, J. J., et al. (2020). *Shifting food web structure during dam removal—Disturbance and recovery during a major restoration action*. PLoS ONE, 15(9), e0239198.

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sewer systems, in ways that differ substantially from routine dry-weather wastewater discharge[8,9,10]. These flood-related pulses can contribute to dissolved oxygen depression and altered food-web dynamics that negatively affect juvenile salmonid survival.

Additionally, changes in flood conveyance arising from permanent infrastructure or higher discharge rates may alter velocity flows, inundation patterns, or floodplain refugia availability over the long term. Juvenile coho salmon survivorship is closely tied to their access to low-velocity refugia during flood events[11,12] which may make alteration to hydrology a potentially significant indirect impact.

Despite these known relationships, the MND does not appear to include operational-phase flood-response thresholds, emergency overflow or bypass contingencies specific to aquatic resource protection, high-flow monitoring triggers, or adaptive management measures addressing nutrient mobilization during flood conditions. CDFW recommends revising the MND to include an analysis of how operational infrastructure may interact with flood events, as well as the inclusion of flood-responsive measures addressing nutrient monitoring, emergency containment practices, adaptive management procedures triggered by forecasted high-flow events. CDFW also recommends expanding the cumulative impacts discussion, given ongoing pressures on salmonid populations within the Scott River watershed and the potential for incremental floodplain and hydrologic changes associated with WWTF operations to contribute to watershed-level effects. Without these measures, the MND does not provide adequate evidence that operational-phase flood-related impacts to aquatic species will be less than significant.

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[8] Shucksmith, J., Addison-Atkinson, W., Fagour, C., Gostiaux, L., Grosjean, N., Nichols, A., Mignot, E., Muraro, F., & Rubinato, M. (2025). *Experiments on contaminant transport from sewer infrastructure within shallow floodwater.* Journal of Hydraulic Research, 63(5), 521–535.

[9] Jess (2024). *Monitoring (micro-)pollutants in wastewater treatment plants: Comparing discharges in wet- and dry-weather.* Environmental Research, 263(2), 120132.

[10] Kumar, A., Batley, G. E., Nguyen, T. V., Trinh Nguyen, C. T., Cassidy, M., & Besley, C. H. (2025). *Pulsed versus continuous exposures to evaluate the toxicity of sanitary sewer wet-weather overflows.* Environmental Toxicology and Chemistry, 45(4), 914–926.

[11] Bell, E. B., Duffy, W. G., & Roelofs, T. D. (2001). *Fidelity and survival of juvenile Coho salmon in response to a flood*. Transactions of the American Fisheries Society, 130(3), 450–458.

[12] Pollock, M. M., Pess, G. R., Beechie, T. J., & Montgomery, D. R. (2004). *The importance of beaver ponds to Coho salmon production in the Stillaguamish River basin, Washington, USA*. North American Journal of Fisheries Management, 24(3), 749–760.

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Lighting

The MND includes an evaluation of nighttime lighting under the Aesthetics section and concludes impacts would be less than significant based on fixture shielding, motion-activated controls, and confinement of lighting to the facility footprint. However, the MND does not evaluate nighttime lighting as a potential biological resource impact, particularly given the Project's proximity to Moffett Creek and the presence of sensitive riparian and aquatic wildlife.

Artificial light at night has been shown to disrupt nocturnal wildlife movement, alter insect communities, reduce prey availability for salmonids and riparian birds, and interfere with bat foraging behavior. Lighting may also suppress or redirect nighttime insect emergence that supports aquatic food webs[13,14] , disorient migratory birds and alter navigation[15], and exclude light-averse bat species from riparian foraging areas[16]. Research also identifies artificial lighting as a contributor to insect declines[17] which may indirectly affect juvenile salmonid foraging opportunities adjacent to the Project site.

CDFW recommends the MND include an assessment of potential biological impacts associated with operational lighting, including evaluation of light spill into riparian habitat, effects on nocturnal species, and measures to minimize illumination near Moffett Creek and employing appropriate AMM's. AMM's may include directional shielding, maintaining dark buffers adjacent to riparian vegetation, limiting illumination duration through motion-activated controls, and restricting nighttime lighting in areas adjacent to the creek.

**SUBMITTING ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental documents be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code, § 21003,

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[13] Perkin, E. K., et al. (2014). *The influence of artificial light on stream and riparian ecosystems*. Freshwater Biology, **59**(1), 2–4.
[14] Baxter, C. V., Fausch, K. D., & Saunders, W. C. (2005). *Tangled webs: reciprocal flows of invertebrate prey link streams and riparian zones*. Freshwater Biology, **50**(2), 201–220.
[15] Longcore, T., & Rich, C. (2004). *Ecological light pollution*. Frontiers in Ecology and the Environment, 2(4), 191–198.
[16] Stone, E. L., Jones, G., & Harris, S. (2012). *Conserving energy at the cost of biodiversity? Impacts of artificial lighting on bats*. Animal Conservation, 15, 1–9.
[17] Owens, A. C. S., Cochard, P., Durrant, J., Farnworth, B., Perkin, E. K., & Seymoure, B. M. (2020). *Light pollution is a driver of insect declines*. Biological Conservation, 241, 108259.

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subd. (e).) Accordingly, please report any observation of special status species to the CNDDB using the CNNDB field survey form[18,19].

**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and an assessment of filing fees is necessary. Fees are payable upon filing 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 to assist the Lead Agency in identifying potential Project impacts on biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist, Specialist by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Michael Harris
AA601B4C4B11422...

Michael Harris, Acting Regional Manager
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[18] California Department of Fish and Wildlife. (2016, November). *CNDDB Online Field Survey Form User Guide*. Retrieved from https://nrm.dfg.ca.gov/fieldSurvey/default.aspx
[19] California Department of Fish and Wildlife. (n.d.). *Submitting data to the California Natural Diversity Database (CNDDB)*. Retrieved from https://wildlife.ca.gov/Data/CNDDB/Submitting-Data