



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

March 26, 2021

**Mar 26 2021**

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001

**STATE CLEARINGHOUSE**

**Subject: Review of the Notice of Preparation for the Crystal Creek Aggregates Expansion Project, Use Permit Amendment 19-0007 and Reclamation Amendment Plan 19-0001, State Clearinghouse Number 2019090702, Shasta County**

Dear Tara Petti:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) and Initial Study (IS) for the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project) dated February 2021. The Department appreciates this opportunity to comment on the Project, relative to impacts to biological resources.

The Department is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA). As the Trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat necessary for biologically sustainable populations of those species (Fish and Game Code (FGC), sections 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines sections 15096 and 15381). The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (LSA) (FGC section 1600 et. seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC section 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue the permit or agreement. It is important that the

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 2

Lead Agency's Environmental Impact Report (DEIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines section 15096(g)(2)).

The Department offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency:

### **Project Description and Location**

The Project is described in the IS as follows:

*The project applicant proposes an overall project area of approximately 179.97 acres within which the existing approved Use Permit and Reclamation Plan Areas of 110.69 acres will be maintained but modified to increase the amount of aggregate to be mined. The use permit area is proposed to be expanded by an additional 69.28 acres referenced as the remaining Mineral Resource Area (MR) to serve to buffer lands to the south, west and north from noise, light and other mining related activities (refer to Figure 3, COMPREHENSIVE PROJECT PLAN OVERVIEW).*

*The total amount of aggregate to be processed yearly is proposed to increase from 250,000 to 500,000 tons and the total estimated amount proposed to be mined will increase from 15.92 million tons to 25.4 million tons over a period of three phases with an estimated life of the phases varying from 14 to 35 years. The estimated life of the mining operation will increase from the currently approved end of Year 2072 by 27 years to end of Year 2099. Also proposed is a portable propane powered drum mix asphalt plant. The plant could utilize up to 200,000 tons of the 500,000 tons of aggregate processed yearly for the production of asphalt.*

*No additional structures or operations other than those associated with the asphalt asphalt [sic] plant are proposed. The locations of the existing scales and office, rock crushing, screen and washing operational, primary and secondary entrances/exits, diesel fuel storage tanks, waste oil tank, two motor oil and one lubricating oil tank, and five settling and two recycle ponds will remain. The existing Concrete Recycle Area location and operation for which an administrative permit was issued and subsequently reissued by the County due to the Carr Fire is proposed as a project component. The location of the material and topsoil stockpiles will also remain in their current general location which will expand and contract as part of the mining operation. The number of full-time employees will increase from eight to 14 with one part-time employee. All existing and proposed uses are allowed under the existing General Plan Land Use Classifications and Zoning District Designations.*

*Amending Use Permit UP-07-020 will modify the design of the existing mining area or quarry of approximately 57.31 acres and the plant area of approximately 53.38 acres which together total 110.69 acres that will be maintained as the Reclamation*

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 3

*Plan Area with associated boundaries. However, the amount of aggregate mined, as noted, will be increased as will the hours of operation, particularly with respect to the asphalt plant (24 hours per day generally Sunday evenings through Friday afternoons), and yearly blasting maximums (24 instead of 12). The average height of the highwalls will increase from 22 feet to 40 feet, except for one highwall at 44 feet. Benches will also be increased in width from 30 feet to 40 feet, except for the bench along the perimeter of the pond which will be increased to 60 feet in width. The pond surface area will increase from 23.49 acres to 32.67 acres.*

The Project is located at 10936 Iron Mountain Road, Redding, California on Assessor's Parcel Numbers 065-250-002, -024, -025, -026, and 065-260-010.

### **Comments and Recommendations**

To enable Department staff to adequately review and comment on the proposed Project, we recommend the following information be included in the DEIR, as applicable.

1. A complete assessment of the flora and fauna within and adjacent to the Project area should be conducted, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species as well as fire followers, which can take up to two years to bloom after a fire. This assessment should also address locally unique species, rare natural communities, and wetlands. The assessment area for the Project should be large enough to encompass areas potentially subject to both direct and indirect Project affects. Both the Project footprint and the assessment area (if different) should be clearly defined and mapped in the DEIR. If previous surveys have been conducted, they should be less than two years old and conducted during the appropriate blooming time for plants and when wildlife would be most active. Previous surveys should be attached to the DEIR. Botanical surveys should be conducted by a qualified botanist.
  - a. The Department's California Natural Diversity Data Base (CNDDDB) should be searched to obtain current information on previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12, Sections 1930-1940 of the FGC. To provide an adequate assessment of special-status species potentially occurring within the Project vicinity, the search area for CNDDDB occurrences should include all United States Geological Survey (USGS) 7.5-minute topographic quadrangles with Project activities, and all adjoining 7.5-minute topographic quadrangles. The DEIR should discuss how and when the CNDDDB search was conducted, including the names of each quadrangle queried, or why any areas may have been intentionally excluded from the CNDDDB query. As a reminder, the

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 4

Department cannot and does not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of its users. Likewise, your contribution of data to the CNDDDB is equally important to the maintenance of the CNDDDB. Whenever possible, we request that data be submitted using our online field survey form along with a map with the rare populations or stands indicated.

- b. In addition to the CNDDDB, other electronic databases such as those maintained by the California Native Plant Society and U.S. Fish and Wildlife Service (USFWS) should be queried.
- c. A complete assessment of rare, threatened, and endangered invertebrate, fish, wildlife, reptile, and amphibian species should be presented in the DEIR. Rare, threatened, and endangered species to be addressed shall include all those that meet the CEQA definition (see CEQA Guidelines section 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the species are active or otherwise identifiable, are recommended. Acceptable species-specific survey procedures should be developed in consultation with the Department and the USFWS. Links to some survey procedures are provided on the Department's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>).
- d. Species of Special Concern (SSC) status applies to animals generally not listed under the federal Endangered Species Act or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist (see CEQA Guidelines section 15380 and CEQA Guidelines Appendix G (IV)(a)). SSC should be considered during the environmental review process. CEQA (California Public Resources Code sections 21000-21177) requires State agencies, local governments, and special districts to evaluate and disclose impacts from "projects" in the State. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.

Sections 15063 and 15065 of the CEQA Guidelines, which address how an impact is identified as significant, are particularly relevant to SSCs. Project-level impacts to listed (rare, threatened, or endangered species)

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 5

species are generally considered significant thus requiring lead agencies to prepare an EIR to fully analyze and evaluate the impacts. In assigning "impact significance" to populations of non-listed species, analysts usually consider factors such as population-level effects, proportion of the taxon's range affected by a project, regional effects, and impacts to habitat features.

- e. Fully Protected animals may not be taken or possessed at any time and the Department is not authorized to issue permits or licenses for their incidental take<sup>1</sup>. Fully Protected animals should be considered during the environmental review process and all Project-related take must be avoided.
  - f. A thorough assessment of rare plants and rare natural communities should be conducted, following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>
  - g. A detailed vegetation map should be prepared, preferably overlaid on an aerial photograph. The map should be of sufficient resolution to depict the locations of the Project site's major vegetation communities and show Project impacts relative to each community type. The Department's preferred vegetation classification system should be used to name the polygons; however, the vegetation classification ultimately used should be described in detail. Additional information for vegetation mapping can be found on the Department's website (<https://www.wildlife.ca.gov/Data/VegCAMP>). Special Status natural communities should be specifically noted on the map.
  - h. The DEIR should include survey methods, dates, and results, and should list all plant and animal species (with scientific names) detected within the Project study area. Special emphasis should be directed toward describing the status of rare, threatened, and endangered species in all areas potentially affected by the Project. All necessary biological surveys should be conducted in advance of the DEIR circulation and should not be deferred until after Project approval.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.

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<sup>1</sup> Scientific research, take authorized under an approved NCCP, and certain recovery actions may be allowed under some circumstances; contact the Department for more information.

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 6

- a. The DEIR should present clear thresholds of significance to be used by the Lead Agency in its determination of environmental effects. A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. (CEQA Guidelines section 15064.7)
- b. CEQA Guidelines, section 15125 (a-e), direct that knowledge of environmental conditions at both the local and regional levels is critical to an assessment of environmental impacts and that special emphasis shall be placed on resources that are rare or unique to the region. This will be especially important because of the impact the Carr Fire had on the Project area and adjacent area.
- c. Additional information on biodiversity, wildlife linkages, and significant habitats can be found on the Department's Areas of Conservation Emphasis: <https://wildlife.ca.gov/Data/Analysis/ACE#523731770-species-biodiversity>.
- d. Impacts associated with initial Project implementation as well as long-term operation and maintenance of the Project shall be addressed in the DEIR pursuant to CEQA Guidelines 15126.2 (a).
- e. In evaluating the significance of the environmental effect of the Project, the Lead Agency should consider direct physical changes in the environment, which may be caused by the Project and reasonably foreseeable indirect physical changes in the environment, which may be caused by the Project. Expected impacts should be quantified (e.g., acres, linear feet, number of individuals taken, volume or rate of water extracted, etc.).
- f. Project impacts should be analyzed relative to their effects on off-site habitats and species. Specifically, this may include public lands, open space, downstream aquatic habitats, areas of groundwater depletion, or any other natural habitat or species that could be affected by the Project (CEQA Guidelines Appendix G (IV and IX)).
- g. Impacts to, and maintenance of wildlife corridor/movement areas and other key seasonal use areas should be fully evaluated and provided (CEQA Guidelines Appendix G (IV), FGC section 1930, and <https://www.wildlife.ca.gov/Conservation/Planning/Connectivity>).
- h. A discussion of impacts, including but not limited to the following, should be included in the DEIR: increased lighting, nighttime operations, noise,

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 7

human activity, changes in drainage patterns, changes in water volume, velocity, quantity and quality, soil erosion, and/or sedimentation in streams and watercourses.

The Department recognizes the effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully-shielded and designed and installed to minimize photo-pollution.

For this Project, nighttime operations, especially noise, will need to be fully analyzed. This is especially important for direct impacts but also for indirect impacts to wildlife which may reside in various habitats on adjacent parcels.

- i. A cumulative effects analysis must be developed for species and habitats potentially affected by the Project as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts to species and habitats.
3. A range of Project alternatives must be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated. Alternatives, which avoid or otherwise minimize impacts to sensitive biological resources must be identified.
    - a. If the Project will result in any impacts described under the Mandatory Findings of Significance (CEQA Guidelines section 15065) the impacts must be analyzed in depth in the DEIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation measures or Project changes are found to be feasible, such measures should be incorporated into the Project to lessen or avoid significant effects.
  4. Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 8

site mitigation through habitat creation, enhancement, acquisition, and preservation in perpetuity should be addressed.

- a. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for most impacts to rare, threatened, or endangered species. Studies have shown that these efforts are experimental in nature and largely unsuccessful. If considered, these types of mitigation measures must be discussed with the Department prior to release of the DEIR.
  - b. Areas reserved as mitigation for Project impacts must be legally protected from future direct and indirect development impacts. Potential issues to be considered include public access, conservation easements, species monitoring and management programs, water pollution, and fire management.
  - c. Plans for restoration and revegetation should be prepared by persons with expertise in northern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and/or seeding rates; (c) a schematic depicting the mitigation area; (d) planting/seeding schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for long-term conservation of the mitigation site.
5. Please include fuel modification impacts on vegetation in the biological resources section of the DEIR. All impacts, including future maintenance, should be quantified and described.
  6. Take of species of plants or animals listed as endangered or threatened under CESA is unlawful unless authorized by the Department. However, a CESA 2081(b) Incidental Take Permit (ITP) may authorize incidental take during Project construction or over the life of the Project. The DEIR must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. Information on how to obtain an ITP is available through the Department's website at: <https://www.wildlife.ca.gov/Conservation/CESA/Incidental-Take-Permits>.



Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 9

The Department's issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's EIR for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit.

To expedite the CESA permitting process, the Department recommends that the DEIR addresses the following CESA Permit requirements:

- a. The impacts of the authorized take are minimized and fully mitigated;
  - b. The measures required to minimize and fully mitigate the impacts of the authorized take and: (1) are roughly proportional in extent to the impact of the taking on the species; (2) maintain the applicant's objectives to the greatest extent possible, and (3) are capable of successful implementation;
  - c. Adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with and the effectiveness of the measures; and
  - d. Issuance of the permit will not jeopardize the continued existence of a State-listed species.
7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion, which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The DEIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage. All wetland delineations conducted for this Project should be attached to the DEIR.
- a. The Project location has the potential to support aquatic, riparian, or wetland habitat. A delineation of lakes, streams, and associated riparian habitats potentially affected by the Project should be provided for agency and public review. This report should include a preliminary

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 10

jurisdictional delineation including wetlands identification pursuant to the USFWS wetland definition<sup>2</sup> as adopted by the Department<sup>3</sup>. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should also include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project. The Department considers impacts to any wetlands (as defined by the Department) as potentially significant.

- b. The Department has received a LSA notification (Notification #1600-2020-0112-R1) for the proposed Project. The Department's issuance of the LSA Agreement for the project will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) Environmental Impact Report for the Project. To minimize additional requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement.
8. 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. (Public Resources Code section 21003(e)). Please report any special status species and natural communities detected during Project surveys to the 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 mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.
  9. The Reclamation Plan associated with this Project will be updated per the NOP. The comments provided in our October 29, 2019 CEQA comment letter are still applicable. The Reclamation Plan should be attached as an appendix to the DEIR.

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<sup>2</sup> Cowardin, Lewis M., et al. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, U.S. Fish and Wildlife Service.

<sup>3</sup>California Fish and Game Policies: Wetlands and Resource Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Methodology; Amended 1994.

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 11

10. The DEIR should describe the asphalt batch plant in detail and describe the design and safety features that will be used to keep the asphalt and the asphalt oil away from the ponds and unnamed tributary.
11. A bullfrog management plan should be prepared to stop the spread of this invasive species.
12. The final design of the expansion is to have a 32.67-acre pond with a 40-foot-high wall and 60-foot-wide benches surrounding it. The water will attract wildlife and they will be able to get down to it but may not be able to climb out. The Department recommends putting in ramps in various parts of the mine to allow wildlife to escape.
13. In the DEIR, please provide an analysis of what would occur if the settling ponds were to overflow and the non-native, non-permitted fish in Settling pond number 5 are accidentally released during a high flow into the unnamed tributary or if toxic pollutant water is accidentally released into the unnamed tributary.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 598-7194, or by e-mail at [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Curt Babcock*  
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**Curt Babcock**  
Habitat Conservation Program Manager

cc: Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
[tpetti@co.shasta.ca.us](mailto:tpetti@co.shasta.ca.us)

State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Bryan Smith, P.E.  
Central Valley Regional Water Quality Control Board  
[Bryan.Smith@waterboards.ca.gov](mailto:Bryan.Smith@waterboards.ca.gov)

Tara Petti, Associate Planner  
Shasta County Department of Resource Management  
March 26, 2021  
Page 12

Carol E. Atkins  
Division of Mine Reclamation  
[Carol.Atkins@conservation.ca.gov](mailto:Carol.Atkins@conservation.ca.gov)

Matthew J. Roberts  
U.S. Army Corps of Engineers  
[Matthew.J.Roberts@usace.army.mil](mailto:Matthew.J.Roberts@usace.army.mil)

Adam McKannay and Amy Henderson  
California Department of Fish and Wildlife  
[Adam.McKannay@wildlife.ca.gov](mailto:Adam.McKannay@wildlife.ca.gov) and [Amy.Henderson@wildlife.ca.gov](mailto:Amy.Henderson@wildlife.ca.gov)

Habitat Conservation Planning Branch  
[CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)