



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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



November 13, 2020

Stefano Richichi, Senior Planner
 County of Lassen
 Department of Planning and Building Services
 707 Nevada Street, Suite 5
 Susanville, CA 96130

Governor's Office of Planning & Research

November 13, 2020

STATE CLEARINGHOUSE

Subject: Review of the Early Consultation for Initial Study #2020-004 and Use Permit #2020-004 (Hooper), Assessor Parcel Numbers 137-170-12 and 137-170-13, State Clearinghouse Number 2020100366, Lassen County

Dear Mr. Richichi:

The California Department of Fish and Wildlife (Department) has reviewed the Early Consultation dated October 20, 2020, for the above-referenced project (Project). As a 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. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project as proposed is *“to construct a 50-megawatt photovoltaic solar array and a battery energy storage system (BESS) that would store 25 megawatts or 100 megawatt hours of electricity, along with related infrastructure. Such infrastructure would include a substation, a dead-end tower up to 90 feet tall, 24 130-foot tall steel gen-tie line poles to interconnect with the Plumas-Sierra Rural Electric 120-kV transmission line approximately 3 miles south of the project site, access roads, and perimeter fencing. The project has an approximate footprint of 278 acres, not including the proposed gen-tie lines.”*

The subject parcels are located approximately nine miles northeast of Herlong off Calneva Road, adjacent to the Nevada Border, Assessor Parcel Numbers 137-170-12 and 137-170-13.

Comments and Recommendations

The Department has the following recommendations and comments as they pertain to biological resources:

Stefano Richichi, Senior Planner
 November 13, 2020
 Page 2

Biological Resources

Biological Surveys

Since the Project is proposed in wildlife habitat, the Department will require a basic botanical, wildlife, and habitat assessment (conducted at the appropriate time of the year) to determine whether focused or protocol-level surveys are warranted. The Department recommends all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

A preliminary query of the CNDDDB identified 18 special-status species known to occur within a five-mile radius of the Project including, but not limited to, the following:

Plants

- Lance-leaved scurf-pea (*Ladeania lanceolata*)(California Rare Plant Rank 2B.3)
- Many-flowered thelypodium (*Thelypodium milleflorum*)(California Rare Plant Rank 2B.2)
- Dugway wild buckwheat (*Eriogonum nutans* var. *nutans*)(California Rare Plant Rank 2B.3)
- Kellogg's sand-verbena (*Tripterocalyx crux-maltae*)(California Rare Plant Rank 2B.2)
- Hillman's cleomella (*Cleomella hillmanii* var. *hillmanii*)(California Rare Plant Rank 2B.2)
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*)(California Rare Plant Rank 2B.2)
- Geyer's milk-vetch (*Astragalus geyeri* var. *geyeri*)(California Rare Plant Rank 2B.2)
- Western seablite (*Suaeda occidentalis*)(California Rare Plant Rank 2B.3)
- Intermontane lupine (*Lupinus pusillus* var. *intermontanus*)(California Rare Plant Rank 2B.3)
- Currant-leaved desert mallow (*Sphaeralcea grossulariifolia*)(California Rare Plant Rank 2B.3)
- Cruciform evening-primrose (*Chylismia claviformis* ssp. *cruciformis*)(California Rare Plant Rank 2B.3)
- Macdougall's lomatium (*Lomatium foeniculaceum* ssp. *macdougallii*)(California Rare Plant Rank 2B.2)
- Nelson's evening-primrose (*Eremothera minor*)(California Rare Plant Rank 2B.3)
- Winged dock (*Rumex venosus*)(California Rare Plant Rank 2B.3)
- Ochre-flowered buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*)(California Rare Plant Rank 2B.2)
- Paiute lomatium (*Lomatium ravenii* var. *paiutense*)(California Rare Plant Rank 2B.3)

Wildlife

- Long-eared owl (*Asio otus*)(California Species of Special Concern)
- American badger (*Taxidea taxus*)(California Species of Special Concern)

Stefano Richichi, Senior Planner
November 13, 2020
Page 3

This list should not be considered comprehensive as additional special-status plant and animal species may occur within the Project vicinity. The CNDDDB is a positive sighting database. It does not predict where something may be found. The Department maps occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present. The next step is to conduct surveys to document what is present and submit the information on special status species to the Department and CNDDDB.

Botanical Surveys

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 Sensitive Natural Communities* (<https://www.wildlife.ca.gov/conservation/survey-protocols#377281280-plants>). As stated in the Protocols, these surveys must be conducted by a qualified botanist during the appropriate time of year to identify species of concern and should include areas with both direct and indirect impacts. Impacts to special status species and sensitive natural communities found during surveys should be analyzed and specific mitigation should be required to reduce any impacts to less than significant.

Nesting Birds

If vegetation removal will be associated with the Project, these activities should be conducted outside of the bird nesting season (generally no work during February 1 – August 31) in order to avoid 'take' as defined and prohibited by Fish and Game Code sections 86, 3503, 3503.5, 3511, and 3513. If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California/Great Basin birds, and who has experience in nest searching for passerines and raptors) should thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers should be developed in consultation with the Department to avoid take. The qualified ornithologist should delineate the buffer zone with construction tape or pin flags that should remain in place until the young have fledged, as determined through additional monitoring. These surveys should occur within and surrounding all areas of the Project site in which Project activities take place, including construction and ground disturbance areas, staging areas, areas of fuel modification, ingress and egress routes, and utility routes, and be large enough to encompass areas subject to both direct and indirect Project impacts. Nesting survey results should also be sent to the Department at R1CEQARedding@wildlife.ca.gov, or at California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, California 96001.

Habitat Assessment

American badger has numerous observations in the CNDDDB within and adjacent to this Project. The Department recommends as part of the basic biological survey a burrow survey also be conducted to determine if habitat is present for the badger and/or other fossorial specialists.

Stefano Richichi, Senior Planner
November 13, 2020
Page 4

Survey Results

All surveys should be conducted prior to approval of the Project and survey results should be sent to the Department at the following address: Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001 or submitted via email to R1CEQARedding@wildlife.ca.gov. If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out online or sent to Sacramento and a copy of the form be sent or emailed to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Mitigation

Avoidance and mitigation measures for impacts to special-status species and sensitive habitats, if found, should be proposed in subsequent environmental review to avoid any significant effects the Project would have on the species or its habitat. Examples of mitigation measures for special-status species and habitat include, but are not limited to, project modification to avoid the species and its habitat, enhancement of existing onsite habitat, offsite restoration or enhancement of habitat, or onsite/offsite preservation of habitat. Since appropriate botanical surveys were not conducted, it is unknown if those species are present, if they are impacted, or if the impact is significant to warrant mitigation.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
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Curt Babcock
Habitat Conservation Program Manager

cc: Stefano Richichi, Associate Planner
County of Lassen
srichichi@co.lassen.ca.us

State Clearinghouse
State.clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov

Habitat Conservation Planning Branch
CEQAComentLetters@wildlife.ca.gov