



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



Governor's Office of Planning & Research

May 26 2021

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STATE CLEARINGHOUSE

Cortney Flather
 Natural Resources Technician
 Lassen County Department of Planning and Building
 707 Nevada Street
 Susanville, CA 96130

SUBJECT: REVIEW OF NOTICE OF PREPARATION FOR WARD LAKE PIT EXPANSION ENVIRONMENTAL IMPACT REPORT #2021-001, STATE CLEARINGHOUSE NUMBER 2021040627, ASSESSOR PARCEL NUMBERS 109-100-059-000 AND 109-100-060-000, NEAR THE CITY OF SUSANVILLE, LASSEN COUNTY

Dear Cortney Flather:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) and a preliminary draft Subsequent Environmental Impact Report (DSEIR) dated February 2021, and prepared by VESTRA Resources, Inc. 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.

Project Description

The Project *"includes modifications to existing permitted operations at the Ward Lake Quarry. The Project includes to following changes to existing operations:*

- *Expansion of approximately 51 acres, with an associated additional volume of 5,000,000 tons of material*
- *Extension of life of the mine from 2030 to 2050*
- *Increase of maximum volume per year from 100,000 tons to 200,000 tons per year"*

Comments and Recommendations

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

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General Comments:

The Department recommends changing California Department of Fish and Game to California Department of Fish and Wildlife and to include updated scientific names with both genus and species.

Per CEQA Guidelines section 21082.2(a), "*the Lead Agency shall determine whether a project may have a significant effect on the environment based on substantial evidence in light of the whole record.*" The Department recommends the forthcoming DSEIR look at impacts to the entire project and not just special status species or habitats. Currently, the preliminary DSEIR focuses almost solely on special status species with no common species or habitats described. Reptiles, for instance, are not even discussed in the preliminary DSEIR.

California Natural Diversity Database (CNDDDB)

The California Natural Diversity Database (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. All surveys should be conducted prior to approval of the Project and survey results should be sent to the Department at R1CEQARedding@wildlife.ca.gov.

Many of the wildlife and botanical descriptions repeatedly state that based on the CNDDDB, there are no records and/or observations of a specific species. The Department recommends these descriptions be based on habitat present currently on site, current survey results, CNDDDB, and other incidental information and not based solely on CNDDDB records.

Habitats and Sensitive Natural Communities

The Department strongly recommends a thorough assessment of rare plants, and natural communities follow the Department's March 2018 "*Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.*" The preliminary DSEIR described the habitat(s) using the Department's California Wildlife Habitat Relationships (CWHR). This document is useful for determining which wildlife species utilize what habitats, but it cannot be used for vegetation mapping. CWHR is not specific enough and can not determine sensitive natural communities. The Department recommends *A Manual of California Vegetation* (<https://www.cnps.org/vegetation/manual-of-california-vegetation>) along with the Department's March 2018 protocols be used to describe habitats present onsite.

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Golden Eagle (*Aquila chrysaetos*)

The preliminary DSEIR states, “*according to CNDDDB, there are no known golden eagle occurrences within five miles of the proposed expansion area.*” The Department’s website has several references that could be of use to the consultant to determine impacts to this species. Threats to this species are varied but include loss of foraging areas, loss of nesting habitat, pesticide poisoning, lead poisoning, and collision with man-made structures such as wind turbines. Since this Project proposes the loss of 51 acres of foraging habitat, the Department strongly encourages the consultant contact the Department for further information and to conduct golden eagle surveys to ensure they are not utilizing the area.

Hydrology

Section 4.11.1 in the preliminary DSEIR states:

There are no existing streams or bodies of water within the boundaries of the proposed expansion area or current mining area. The Project is not located within a 100-year floodplain. The closest bodies of water to the Project site include an unnamed tributary to Secret Creek, Secret Creek, Willow Creek, Eagle Lake Ditch located 375 feet west of the Project site, and Ward Lake located 0.5 miles southwest of the Project site. Willow Creek is approximately 1 mile west of the site and the Susan River is approximately 2 miles south of the site. Hydrology is shown on Figure 3-5.

The Project site contains several permitted settling basins near the north end of the existing mining area which drain into intermittent channels. The quarry site is made up of mostly fractured and weathered rock; therefore, the site is pervious and a majority of stormwater infiltrates. Concentrated flows are observed only during heavy rain events. The flows within the existing mine area are contained and slowed by berms and benches and ultimately directed into settling basins.

The current mining operation on the Project site does not discharge stormwater. A Notice of Non-Applicability (NONA) for the General Permit for Storm Water Discharges Associated with Industrial Activities (NPDES No. CAS000001) was submitted for the current mining operation in 2015. Standard soil erosion control protocols are currently practiced throughout the site include the use of berms, water bars, or rolling dips, rock check dams on roadway ditches, diverting run-on away from stockpile areas, installing stabilizers as necessary (silt fence, wattles, etc.), and directing runoff within quarry to detention ponds.

These paragraphs appear to conflict and should be clarified. There are settling basins, which are small bodies of water, located on the existing mine. These basins discharge into intermittent streams according to paragraph #2 above, but then paragraph #3 states there is no stormwater discharge. The Department recommends revising the hydrology section and include information on whether or not additional basins will be needed to offset the drainage from the expansion area.

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Mitigation

Impacting 51 acres of intact sagebrush scrub will have a significant impact on both common and special status species utilizing that area. The preliminary DSEIR states mammals or birds will go elsewhere once the area is impacted, however fails to acknowledge the permanent habitat loss and assumes that the remaining habitat has the carrying capacity to accept the displaced animals. The loss of foraging habitat is a potential significant impact and should be mitigated. Restoration of the area decades later should not be considered mitigation due to the temporal impact. The DSEIR states that the project applicant may choose to employ one of five proposed mitigation measures because the expansion will not have a significant adverse effect on special status wildlife or their habitat. The Department does not have enough information to concur with this conclusion and recommends the completion of additional field surveys to confirm this.

If the project applicant decides to acquire land for permanent protection, the parcel should be identified and evaluated. The Department requests a site visit to the proposed parcel and that they will have the ability to approve the use of the parcel for mitigation.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 225-2779, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Donna L. Cobb
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Curt Babcock
Habitat Conservation Program Manager

cc: Cortney Flather, Natural Resources Technician
Lassen County Department of Planning and Building
cflather@co.lassen.ca.us

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

State Clearinghouse
State.clearinghouse@opr.ca.gov

Habitat Conservation Planning Branch
CEQACommentLetters@wildlife.ca.gov