



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

July 19, 2021

July 15 2021

STATE CLEARINGHOUSE

Heidi Kunstal, Director
Del Norte County Community Development Department
981 H Street, Suite 110
Crescent City, CA. 95531
hkunstal@co.del-norte.ca.us

Subject: Rowdy and Dominie Creek Fish Passage Improvement Project ([SCH# 2021060436](#))

Dear Heidi Kunstal:

The California Department of Fish and Wildlife (CDFW) received from Del Norte County (Lead Agency) an Initial Study and Draft Mitigated Negative Declaration (IS/MND), received by the State Clearing House on June 18, 2021, for the Rowdy and Dominie Creek Fish Passage Improvement Project (Project), in Smith River, Del Norte County, California. CDFW understands the Lead Agency will accept comments on the Project through July 19, 2021.

As the Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Project Description

The Project is located at 10202 US Highway 101, Smith River, CA. As described in the IS/MND, the three major components of the Project are: 1) demolition and removal of instream infrastructures associated with the Rowdy Creek Fish Hatchery, 2) replacement of infrastructure allowing improved fish passage, and 3) instream habitat enhancement.

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CDFW Comments on the IS/MND:

Lake and Streambed Alteration Notification


CDFW recommends the Project submit a Lake and Streambed Alteration Notification (Notification) to CDFW pursuant to FGC §1602. In addition to demolition/replacement of instream infrastructures and instream habitat enhancements, the Notification should also include the hatchery's instream water diversion. The Notification should demonstrate how the hatchery's water diversion will provide sufficient bypass flow and water quality for downstream aquatic life. Information on how to submit a Notification can be found at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

California Endangered Species Act Compliance

CDFW recommends an Incidental Take Permit (ITP) or Consistency Determination (CD) be obtained for construction dewatering and fish relocation to address impacts of coho salmon (*Oncorhynchus kisutch*; Threatened under the California Endangered Species Act [CESA]) "take" pursuant to FGC §§2080.1 or 2081(b), and California Code of Regulations (CCR) §783 *et seq.* The ITP or CD application should include a complete project description, as well as other required elements per CCR §783.2. Information on how to obtain CESA permits can be found at <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

We appreciate the opportunity to comment on this IS/MND. If you have any questions, please contact Environmental Scientist Greg O'Connell by email at Gregory.OConnell@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett

Regional Manager, Northern Region
California Department of Fish and Wildlife

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ec: **State Clearinghouse, Office of Planning and Research**
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California Department of Fish and Wildlife

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