



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



July 23, 2021

Governor's Office of Planning & Research

July 23 2021

STATE CLEARINGHOUSE

Cortney Flather, Natural Resources Technician
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
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SUBJECT: REVIEW OF MITIGATED NEGATIVE DECLARATION FOR THE HWY 36/DEVIL'S CORRAL MINE MINOR AMENDMENT #2020-001 AND RECLAMATION PLAN #2020-003, STATE CLEARINGHOUSE NUMBER 2021060402, ASSESSOR'S PARCEL NUMBERS 115-200-055-11 AND 115-200-032-11, LASSEN COUNTY

Dear Cortney Flather:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) dated June 15, 2021, 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, California Public Resources Code §21000 et seq.

Project Description

The Project as proposed is "a *Minor Amendment to the vested Hwy 36 Mine (Resolution No. 05-01-10) and Reclamation Plan for a 9.2-acre construction aggregate surface mine. If approved, the minor amendment would allow for mining on an existing 5.29-acre vested mine in addition to a 3.91-acre spill-over portion not included in the vested right to mine. The project site is in Lassen County approximately 7 miles west of Susanville via State Highway 36 (Hwy 36), near Devil's Corral. The applicant estimates that there is approximately 300,000 yd³ of material (construction aggregates) to be mined. The proposed end date of the mine is 2050, however, said material could be exhausted within less than ten years from the start of mining. Reclamation is proposed to initiate after mining is complete. The area to be reclaimed is approximately 9.2-acres. The proposed use*

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after mining is timberland and/or open space.”

Comments and Recommendations

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

Mitigation Measures

The Department appreciates the inclusion of a mitigation measure to re-establish the Susanville beardtongue (*Penstemon sudans*) population during reclamation. However, mitigation measure Bio-1 is vague and needs more specific details such as when to collect, how to collect, how to store the seed, how to propagate the seed or broadcast the seed and how and when to monitor the seed germination and subsequent growth. Without such details the enforcement of the measure would be difficult and would threaten the effectiveness of the measure. Much of this information may be found on the following websites: U.S. Forest Service, Bureau of Land Management, California Native Plant Society, or other restoration references¹. Department staff are available to provide direction and clarification on that effort.

Mitigation measure Bio-1 currently states, “*Susanville beardtongue seeds shall be collected at the appropriate time of year and stored to be used for reclamation. Flowering species shall be planted at reclamation. In addition, areas of the Susanville beardtongue populations shall be preserved onsite to ensure population survival. Those areas shall be marked with earth-toned exclusion fencing.*” The Department recommends rewriting the measure using the language below, or substantially similar language (changes in bold):

In order to reduce impacts to the Susanville beardtongue (*Penstemon sudans*) from mining activities, seeds shall be collected for use during reclamation. Seeds will be collected at the appropriate time of year before mining activities commence. The project applicant shall collect and store seed ~~and stored~~ using scientifically sound collection and storage techniques. ~~to be used for reclamation.~~ Seeds shall be broadcast seeded during the appropriate planting time during reclamation. All areas planted with Susanville beardtongue shall be mapped. ~~Flowering species shall be planted at reclamation.~~ Monitoring methods shall occur

¹ <https://www.blm.gov/programs/natural-resources/native-plant-communities/native-plant-and-seed-material-development/collection>, <https://cnpsslo.org/wp-content/uploads/2016/05/Collecting-and-Saving-Native-Seeds-April-2016.pdf>, <http://www.sci.sdsu.edu/serg/techniques/native.html>, https://www.fs.fed.us/wildflowers/Native_Plant_Materials/developing/collecting.shtml.

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according to the revised SMARA Reclamation Plan. In addition, areas of the Susanville beardtongue populations shall be preserved onsite to ensure population survival. ~~These areas~~ Susanville beardtongue preservation areas shall be marked with earth-toned exclusion fencing. All preservation areas shall be mapped, and protection of the mapped population shall be a condition of approval. All maps shall be provided to CDFW.

Mitigation measure Bio-5 currently states, “*The project area shall be monitored for invasive plant species which, if encountered, shall be removed by hand, bagged, and taken to a landfill.*” The Department recommends rewriting the measure to something like below (changes in bold):

The project area shall be monitored for invasive plant species by the project applicant. Removal shall be done ~~which, if encountered, shall be removed by hand.~~ Invasive plants shall be bagged and taken to a landfill. The removal shall be conducted annually before invasive seed is set and until reclamation is completed.

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

Sincerely,

DocuSigned by:
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Curt Babcock
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