



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 4, 2024

Chuck Beatty
Planning Director
Amador County
810 Court Street
Jackson, CA 95642
planning@amadorgov.org

Subject: Lone Quarry Expansion Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2021090273

Dear Chuck Beatty:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from Amador County for the Lone Quarry Expansion Project (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ione Quarry Expansion Project

October 4, 2024

Page 2 of 6

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at approximately Latitude: 38.370518 and Longitude: -121.002217 (WGS 84 datum, decimal degrees), in Amador County.

The proposed Project consists of expanding the quarry and stockpile areas and extending operations for an additional 100 years (to 2175). Material mined under the proposed project would remain the same as existing conditions (primarily meta-andesite). The total anticipated amount of material mined would be 67,800,000 cubic yards (157,975,000 tons).

The Project description should include the whole action as defined in the CEQA Guidelines section 15070 and should include appropriate detailed exhibits disclosing the Project area including temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, and access and haul roads if applicable.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Amador County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

COMMENT 1: Mitigation Measure 3.3-1a: Conduct Botanical Surveys, Summary of Project Impacts and Mitigation Measures, ES-16

Issue: Mitigation Measure 3.3-1a does not reduce impacts to a less than significant level, as it does not indicate appropriate next steps if a CESA listed species is detected in the floristic surveys. Additionally, the proposed mitigation ratio of 1:1 for identified rare plant communities is not sufficient to ensure no net loss of habitat.

Recommendation or Recommended Mitigation Measure: This measure should require consultation with CDFW and compliance with CESA if a CESA listed species is identified on site. Where impacts to CESA listed species cannot be fully avoided, CDFW recommends acquiring an Incidental Take Permit (ITP). Applicants are encouraged to consult with CDFW early to ensure there are no unaccounted-for project delays due to

Ione Quarry Expansion Project

October 4, 2024

Page 3 of 6

processing the ITP. To ensure there is no net loss of habitat after project completion, CDFW recommends a ratio of at least 3:1, based on habitat quality, to ensure impacts are fully mitigated.

COMMENT 2: Mitigation Measure 3.3-1c: Golden Eagle, Summary of Project Impacts and Mitigation Measures, ES-17

Issue: Measure 3.3-1c does not reduce project impacts to a less than significant level, as it does not include required consultation with CDFW if occupied Golden Eagle (*Aquila chrysaetos*) nests or individuals are identified. The Golden Eagle is a fully protected species in California, and fully protected species may only be “taken” with authorization from CDFW and only under special circumstances.

Recommendation or Recommended Mitigation Measure: This mitigation measure should require consultation with CDFW prior to initiating or reinitiating project activities to ensure the species and any active nests are fully avoided. For a positive occurrence, the measure should require the qualified biologist to fill out the GEWG Golden Eagle Database Submission Template (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=108214&inline>), and submit the occurrence data to kate.keiser@wildlife.ca.gov so it may be added to the Golden Eagle Database.

COMMENT 3: Mitigation Measure 3.3-1e: Swainson’s Hawk, Summary of Project Impacts and Mitigation Measures, ES-18 & ES-19

Issue: Mitigation Measures 3.3-1e states that surveys will follow the *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley* (CDFG 2000). However, the measure also states that, "If work is beginning before March 20th, or after September 1st, a single preconstruction nesting bird survey as described in 3.3-1g is sufficient to avoid impacts to Swainson’s hawk." CDFW believes this will not reduce project impacts to a less than significant level, as it will not be sufficient to meet the recommendations in *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley* (CDFG 2000) and therefore will risk missing identification of a nest. Without multiple visits, surveyors inadvertently miss key signs of active Swainson’s Hawk nesting. During certain phases of nesting, the female Swainson’s Hawk is in brood position, very low in the nest, laying eggs, incubating, or protecting the newly hatched and vulnerable chicks; her head may or may not be visible. Nests are often well-hidden, built into heavily vegetated sections of trees or in clumps of mistletoe, making them all but invisible if surveys are initiated late in the spring. At this stage, following the male to the nest may be the only method to locate it, and the male will spend hours away from the nest foraging, soaring, and will generally avoid drawing attention to the nest site.

Recommendation or Recommended Mitigation Measure: To meet the minimum level of protection for the species, surveys should be completed for at least the two survey periods immediately prior to a project’s initiation, which should include a minimum of four visits if initiated in Period I or a minimum of six visits if initiated in Periods II or III. The survey

Ione Quarry Expansion Project

October 4, 2024

Page 4 of 6

periods are defined by the timing of migration, courtship, and nesting in a “typical” year for the majority of Swainson’s hawks. Completing the surveys within the survey periods in accordance with the recommended timing and visit frequency maximizes the likelihood of detecting an active Swainson's Hawk nest. CDFW recommends initiating surveys in Period I and continuing surveys and observations throughout the nesting season due to the high likelihood of encountering an active nest. This will allow surveyors the best chance to observe nests from relatively long distances, giving the surveyor the opportunity to identify potential nest sites, as well as becoming familiar with the project area. It also gives the surveyor the opportunity to locate and map competing species nest sites such as great homed owls from February on, and red-tailed hawks from March on. After March 1, surveyors are likely to observe Swainson’s hawks staging in traditional nest territories and most effectively monitor nesting stages throughout the breeding season. To meet the minimum level of protection for the species, surveys should be completed for at least the two survey periods immediately prior to a project’s initiation. For example, if a project is scheduled to begin on June 20, you should complete three surveys in Period III and three surveys in Period V. However, it is always recommended that surveys be completed in Periods II, III and V. Surveys should not be conducted in Period IV.

COMMENT 4: Mitigation Measure 3.3-1g, Special-Status and Other Nesting Bird Species, ES-19 & ES-20

Issue: Mitigation Measure 3.3-1g states that nesting bird surveys will be conducted 14 days prior to ground disturbing activities, if those activities take place during the nesting season. However, CDFW believes the March 1 through July 31 period may not sufficiently capture the nesting season; therefore, this measure does not reduce project impacts to a less than significant level.

Recommendation or Recommended Mitigation Measure: CDFW recommends the nesting season be adjusted to span from February 1 through August 31.

COMMENT 5: Mitigation Measure 3.3-1i, California Tiger Salamander and Western Spadefoot, ES-21 & ES-22

Issue: Mitigation Measure 3.3-1i states compensatory mitigation will be set at a 1:1 ratio if “take” coverage is obtained for California tiger salamander (*Ambystoma californiense*). This mitigation ratio will not reduce impacts to a less than significant level, nor is it adequate to ensure there is no net loss of habitat after all Project activities.

Recommendation or Recommended Mitigation Measure: CDFW recommends the proposed mitigation ratio be increased to ensure that occupied habitat is protected in perpetuity, and Project related impacts are fully mitigated. CDFW recommends a compensatory mitigation ratio of at least 3:1, to ensure impacts are fully mitigated.

Ione Quarry Expansion Project

October 4, 2024

Page 5 of 6

COMMENT 6: Mitigation Measure 3.3-3a, Protection of Oak Woodlands, ES-24 & ES-25

Issue: The DEIR describes the acreage of oak woodland on site but does not define a quantitative baseline for the existing oak trees; therefore, this measure does not reduce project impacts to a less than significant level

Recommendation or Recommended Mitigation Measure: CEQA guidelines Section 15125 states that “an EIR must include a description of the physical environmental conditions within the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” CDFW’s review of historic satellite imagery of the proposed project site identified substantial oak tree density decline over the last ten (10) years. In order to accurately assess the significance of further oak tree loss as a result of project activities, CDFW recommends the document include a quantitative baseline for the oak woodland on site and analyze potential baseline factors that may be exacerbating tree mortality in the vicinity of the project site.

ENVIRONMENTAL DATA

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 (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (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 submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

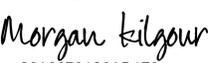
Ione Quarry Expansion Project

October 4, 2024

Page 6 of 6

CDFW appreciates the opportunity to comment on the DEIR for the Ione Quarry Expansion Project to assist Amador County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Zach Kearns, Environmental Scientist at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Morgan Kilgour, PhD
Regional Manager

ec: Tanya Sheya, Environmental Program Manager
Billie Wilson, Senior Environmental Scientist (Supervisory)
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Office of Planning and Research, State Clearinghouse, Sacramento