



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Jan 03 2022**

December 29, 2021

## STATE CLEARINGHOUSE

Luis Topete  
Associate Planner  
Shasta County Department of Resource Management  
Planning Division  
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**SUBJECT: Review of the Mitigated Negative Declaration for Zone Amendment 21-0001 and Use Permit 21-0001, LW Holdings, LLC, State Clearinghouse Number 2021120061, Shasta County**

Dear Luis Topete:

The California Department of Fish and Wildlife (Department) has reviewed the Mitigated Negative Declaration (MND) 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 (FGC) 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 section 21000 et seq.

### Project Description

The proposed Project consists of a Zone Amendment to change the zoning from the Public Facilities combined with Mineral Resource Buffer (PF-MRB) zone district to the Mixed Use combined with Mineral Resource Buffer (MU-MRB) zone district and a Use Permit to redevelop the project site into a recreational vehicle, boat, and mini-storage facility comprised of 53,862 square feet of storage space. The proposal includes the repurposing of four buildings, demolishing three buildings, and constructing ten new buildings. The project includes a 1,140-square-foot office/caretaker's residence, grading to prepare the site for improvements, paving for parking and drive aisles, landscaping, drainage improvements, fencing, abandonment of an onsite sewage disposal system, installation of an onsite wastewater treatment system, and other ancillary onsite improvements. The Project is located on the former North Woods Discovery School property located in the Mountain Gate area of Shasta County.

Luis Topete, Associate Planner  
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## Comments and Recommendations

The Department appreciates that comments provided during the early consultation period were incorporated into the current MND. The following comment serves to reiterate and provide further explanation regarding the previous nesting bird avoidance recommendation of pre-construction surveys occurring no more than seven (7) days prior to vegetation removal or construction activities.

### Nesting Birds

The Department appreciates the incorporation of measures to avoid or minimize impacts to nesting birds, and to ensure compliance with the federal Migratory Bird Treaty Act (MBTA) and FGC Sections 3503 and 3503.5. Mitigation Measure IV.a.1 states that a qualified biologist shall conduct a pre-construction nesting bird survey within fourteen (14) days of vegetation removal or construction activities. Fourteen (14) days leaves too much time between the surveys and the disturbance. Many species that are likely to nest in the oak trees on site, including migratory birds such as Lewis's woodpecker (*Melanerpes lewis*, U.S. Fish and Wildlife Service Birds of Conservation Concern), commonly build nests in less than one week. Therefore, pre-construction surveys should be conducted no more than seven (7) days prior to any construction or disturbance that could result in take of an active nest.

If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by e-mail at [kristin.hubbard@wildlife.ca.gov](mailto:kristin.hubbard@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tina Bartlett, Regional Manager  
Northern Region

ec: State Clearinghouse  
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Habitat Conservation Planning Branch

Kristin Hubbard, Amy Henderson  
California Department of Fish and Wildlife