



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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Redding, CA 96001
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 13, 2022

John Smith
Public Works Director/Acting Community Development Director
City of Fort Bragg
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SUBJECT: Use Permit for C&S Waste Transfer Station ([SCH# 2022090248](#)) Initial Study and Draft Mitigated Negative Declaration

Dear John Smith:

The California Department of Fish and Wildlife (CDFW) received an Initial Study and Draft Mitigated Negative Declaration (IS/MND) from the City of Fort Bragg (Lead Agency), for the City of Fort Bragg Use Permit for C&S Waste Transfer Station Project (Project), dated September 15, 2022. The Project is located on Mendocino County Assessor's Parcel Numbers (APN) 069-231-21.

The proposed Project is the development of a direct transfer station with a direct transfer operation and a parking lot. Once constructed, the transfer station would be owned and operated by C&W Waste Solutions (C&W), through a subsidiary, Redwood Waste Solutions, Inc. (RWS). The north-west portion of the Project site would remain undeveloped. The south-eastern portion of the Project site would include the direct transfer operation, including truck vehicle parking and employee parking. The entire site would be restricted to employees of the operation and would not be open to the public.

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 the Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Project's impacts on public trust resources.

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Botanical Surveys

CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities¹ recommend that botanical field surveys are conducted in the field at the times of year when plants will be both evident and identifiable. This is usually during periods of flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project area. This typically involves multiple visits to the Project area (e.g., in early, mid, and late season) to capture the floristic diversity at a level necessary to determine if special status plants are present. The timing and number of visits necessary to determine if special status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted.

The IS/MND states the botanical assessment period for the Project occurred on April 6 and April 13, 2022. The surveys as conducted are not sufficient to allow CDFW or the lead agency to determine the potential impacts of development on the site. For example, one species with insufficient survey coverage is Howell's spineflower (*Chorizanthe howellii*). Howell's spineflower is listed as threatened under the California Endangered Species Act (CESA) and endangered under the federal Endangered Species Act (ESA). The California Natural Diversity Database (CNDDDB) contains documented occurrences of this species in nearby areas west of the Project property. The botanical surveys as conducted and disclosed in the IS/MND do not capture May - July, the bloom window for Howell's spineflower. As conducted, the botanical surveys submitted were not adequate to determine if Howell's spineflower is present on the Project site. Potential impacts to Howell's spineflower would require consultation with CDFW and the United States Fish and Wildlife Service (USFWS), and potentially an incidental take permit from one or both agencies.

(Recommendation #1) CDFW recommends that additional botanical surveys occur on the Project site during the appropriate survey windows to determine whether Howell's spineflower or other special status species with potential to occur are present on site.

Project Site Fencing

The IS/MND discloses that habitat protection fencing with appropriate signage shall be installed prior to any other fencing in the Biological Resources Assessment Area (BRAA). The permanent habitat protective fence (T-stakes with 5 feet high coated livestock wire) is proposed to be installed along the border with the paved zones, the driveway, the parking area, and the property frontage (east of the informal parking area) to protect special status habitats and species at the site.

¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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The current design of the habitat protection fence is likely to exclude a variety of wildlife from utilizing the area. To address this, CDFW recommends that fencing in habitat areas consist of a “symbolic fence” to dissuade human encroachment but allow for wildlife movement. To reduce the potential for wildlife entanglement, the fencing should not include barbed wire. The fence design should allow for the bottom strand to be at least 11 inches above the ground for unimpeded wildlife movement, and may consist of smooth wire or wood. CDFW concurs with the use of wildlife excluding barrier fencing directly surrounding the transfer station facility, and recommends a reconfiguration of the proposed site fencing to serve both purposes.

(Recommendation #2) CDFW recommends symbolic fencing to protect habitat areas, and wildlife-exclusionary fencing directly surrounding the transfer station facility.

We appreciate the opportunity to comment on this IS/MND. If you have any questions, please contact Environmental Scientist [Lee Margadant](#).

Sincerely,

DocuSigned by:

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