



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**



October 27, 2022

Chrissy Meeds  
City of Corning  
794 Third Street  
Corning, CA 96021  
530-824-7036  
[cmeeds@corning.org](mailto:cmeeds@corning.org)

**SUBJECT: Review of the Initial Study Mitigated Negative Declaration for Laurel Ag & Water Storage Yard Expansion, State Clearing House Number 2022090549, Tehama County**

Dear Chrissy Meeds,

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study Mitigated Negative Declaration (IS MND) dated September 19, 2022, 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 (CEQA), California Public Resources Code §21000 et seq.

### **Project Description**

The Project as described in the IS MND is as follows:

*"Laurel Ag & Water (herein also referred to as "Applicant") proposes to expand the storage of their existing irrigation material area onto an undeveloped 4.47-acre parcel (APN 087-040-073) that they have leased adjacent to and directly north of their current location. The additional area will be used not only for storing irrigation materials but also to accommodate the equipment and vehicles used by their construction crews. The existing storage yard is currently at capacity."*

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## Comments and Recommendations

The Department recognizes that the Project applicant has taken some appropriate steps to identify and assess biological resources and state special status species that have potential to occur within or in-proximity to the Project area. The Department has the following comments and recommendations addressing the remainder of the proposed mitigation measures, as they pertain to biological resources:

### Wetlands

Due to the severe declines of wetlands, the Department considers impacts to wetlands to be potentially significant and has a “no net loss” policy regarding wetland habitat<sup>1</sup>. The Department strongly discourages disturbance and/or development in wetlands; therefore, the Department concurs with the Project applicant to redesign the Project by restricting the expansion of the storage yard to the south-western corner of the parcel to avoid impacting wetland features.

The IS MND indicates that through “*reconnaissance-level screening of the study area identified several seasonal wetlands that appear to be subject to the jurisdiction of the U.S. Department of the Army and/ State Water Board*” and “*To protect the wetland pools, they will remain in a natural state and fenced to create a 10-15 foot buffer from the wetland pools.*” The Department concurs with a wetland buffer in lieu of protecting wetland features, as indicated in the IS MND however, because an official wetland delineation was not performed, the Department cannot deem a 10-15 foot buffer adequate in protecting these wetlands. The Department strongly encourages a wetland delineation be conducted by a qualified biologist, to classify wetland features and recommend an adequate buffer, especially because these seasonal wetlands may classify as vernal pools.

It is estimated that approximately 90 percent or more of the vernal pool habitat in the Central Valley, and in other parts of the state, have been lost<sup>2</sup>. More recent studies have documented continuing vernal pool habitat loss in recent decades, with over 13 percent of the remaining Central Valley vernal pool habitat (137,100 acres) being lost from baseline conditions in 1976-1995 to the conditions in 2005. Additional studies are currently underway to determine the amount of habitat lost since 2005<sup>2</sup>. Vernal pools and vernal pool species are adapted to living with wet winter and spring conditions followed by dry summer and fall conditions and can remain dormant for many years, an adaptation that allows them to survive through periods of drought. Vernal pools have been adversely impacted by many developments throughout Tehama County,

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<sup>1</sup> Fish and Game Commission Wetlands Resources Policy; Amended 08/18/05

<sup>2</sup> California Department of Fish and Wildlife, April 4, 2022. *California's Vernal Pools*. Accessible at: <https://wildlife.ca.gov/Conservation/Plants/Vernal-Pools>

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leading to cumulative impacts on species which depend on vernal pools.

If a wetland delineation is performed, the wetland delineation report should include an assessment of jurisdictional waters including all lakes, streams (ephemeral, intermittent, and perennial), and wetlands occurring on the Project site. The jurisdictional delineation report should include a map depicting all jurisdictional waters including those potentially impacted by the Project. Upon acceptance by the Department, the wetlands delineation report may determine the formal Department jurisdictional boundary and may be used in support of obtaining a Lake or Streambed Alteration notification, if required. It is acceptable to prepare a single delineation report with separate jurisdictional results sections for both the U.S. Army Corps of Engineers and the Department. Standard methods, such as the 1987 Corps of Engineers Wetlands Delineation Manual and applicable regional supplements may be used to evaluate field indicators of flow, hydrology, limits of hydrophytic vegetation, and soils for assessing Department jurisdiction<sup>3</sup>. The delineation report should also include wetlands identification pursuant to the U.S. Fish and Wildlife Service wetland definition<sup>4</sup> as adopted by the Department<sup>5</sup>. Please note that some aquatic habitats subject to the Department's authority may extend beyond the jurisdictional limits of the Corps.

Additionally, the IS MND states “...provide a fenced buffer area around each pool to create a usable storage area.”. While the Department agrees that a buffer should be defined between Project activities and wetland features, the Department does not concur with the measure to fence around each wetland area, nor to utilize the space between each wetland area to store equipment and materials. There is a possibility that these wetlands may be connected, however unknown without a wetland delineation. Installing fencing and/or storing equipment may result in inadvertent temporary/permanent fills to wetland habitat, which is prohibited, unless permitted.

Lastly, the IS MND states “*Wetlands will be avoided to the maximum degree feasible.*” This statement is indeterminate. The Department encourages the City of Corning to remove vague and unenforceable language and incorporate more determinate language.

### Special Status Wildlife

The Department recommends wildlife surveys be conducted at the appropriate time of the year within the wetlands and swales to determine if any special-status species are

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<sup>3</sup> Please contact the Lake and Streambed Alteration program for guidance on preparing jurisdictional delineation reports.

<sup>4</sup> Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

<sup>5</sup> California Fish and Game Commission Policies: Wetlands Resources Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Strategy; Amended 1994.

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present. Surveys should be conducted according to protocols specific to that species. These surveys will help to determine an appropriate buffer for the wetland features that occur onsite. If vernal pools are present, the U.S. Fish and Wildlife Service and the Department typically require a 250-foot buffer, which is substantially larger than a 10-15 foot buffer. The following are mostly vernal pool species that are known to occur within a five-mile radius of the Project however, this list is not exhaustive.

- Vernal pool fairy shrimp (*Branchinecta lynchi*) Federally listed as Threatened; State Ranked as S31
- Vernal pool tadpole shrimp (*Lepidurus packardii*), Federally listed as Endangered, State Rank of S3S4
- Western spadefoot toad (*Spea hammondi*), Priority 1 California Species of Special Concern, Globally Ranked G2G3 and State Ranked as S3

#### Rare Plants

The IS MND states “*ENPLAN conducted a field evaluation of the study area on April 30, 2022. Many of the special status species potentially occurring in the area would have been evident at the time the fieldwork was conducted. The potential presence of species not readily identifiable during the field studies was determined on the basis of observed habitat characteristics*”. “Focused surveys” that are limited to habitats known to support special status plants or that are restricted to lists of likely potential special status plants are not considered floristic in nature and are not adequate to identify all plants in a project area to the level necessary to determine if they are special status plants. The Department does not consider the reconnaissance level biological survey performed in April 2022 as a comprehensive and complete rare plant survey. Rare plants do have the potential to occur on this parcel based on the habitats identified in the biological evaluation, including wetlands. Since land alteration will be included in Project activities, the Department strongly encourages the inclusion of a thorough assessment of rare plants and rare natural communities to be conducted prior to modification of the parcel, including in areas thought to be wetlands.

Conducting surveys ahead of Project approval is critical in that it allows the Department, land use planning agencies, and Project proponents to make educated land use decisions. It also allows for the Project proponents ample time to redesign their project to avoid and/or minimize significant impacts, if necessary.

Botanical surveys should follow the Department’s March 20, 2018, *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, available here:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>. As stated in the Protocols, these surveys must be conducted by a qualified botanical field surveyor during the appropriate times of year to identify species of concern and should include areas with both direct and indirect impacts.

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If no special status plant species are observed during the botanical survey, no other measures will be required. However, if drought conditions exist, additional pre-construction surveys for special status plant species may be warranted. If special status plant species are found during the botanical surveys, the plants should be marked by a qualified biologist familiar with the species. Impacts to special status species and sensitive natural communities found during surveys should be analyzed and specific mitigation would be required to reduce any impacts to less than significant. If the area can be avoided, exclusionary fencing should be placed around the plants and no pedestrian or vehicular entry shall be allowed. Botanical survey results should be emailed to the Department at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

If you have any questions, please contact Erika Iacona, Environmental Scientist by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
F8D52F774C764C2...

Robert Hawkins for  
Tina Bartlett, Regional Manager  
Northern Region

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