



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Habitat Conservation Planning Branch
P.O. Box 944209
Sacramento, Ca 94244-2090
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 17, 2025

Terrance Rodgers
Economic Development Officer
Golden State Finance Authority
1215 K Street, Suite 1650
Sacramento, CA 95814
trodgers@rcrcnet.org

Subject: Golden State Natural Resources Forest Resiliency Demonstration Project
Draft Environmental Impact Report (DEIR)
State Clearinghouse Number: 20221 10466

Dear Terrance Rodgers:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the Golden State Finance Authority for the Golden State Natural Resources Forest Resiliency Demonstration Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of 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. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically

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.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 2

on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments 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

Proponent: Golden State Finance Authority

Objective: The objective of the Project is to procure and process excess forestland biomass into feedstock pellets for use in renewable energy generation overseas. There are three parts to this Project:

- Acquire underutilized forest material for feedstock. The feedstock will be sourced from various forest materials including products from fuel reduction processes.
- Produce wood pellets in facilities located in the Central Sierra Nevada foothills in Tuolumne County and in Northern California in Lassen County.
- Transport the pellets to markets using the Port of Stockton where they will be stored in large domes and loaded into cargo ships for delivery to international energy markets.

Location: Lassen County, San Joaquin County, and Tuolumne County

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Golden State Finance Authority in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 3

COMMENT 1: Special Status Plant Species

Section 2, Project Description PDF-BIO-5, Page 2-21

Issue: The DEIR states that surveys will not be required under the following circumstances for special-status plants not listed under CESA or Federal Endangered Species Act (FESA):

- “If protocol level surveys, consisting of at least two survey visits (e.g., early blooming season and later blooming season) during a normal weather year, have been completed in the 5 years before implementation of the treatment project and no special-status plants were found, and no treatment activity has occurred following the protocol-level survey, treatment may proceed without additional plant surveys.
- If the target special-status plant species is an herbaceous annual, stump-sprouting, or geophyte species, the treatment may be carried out during the dormant season for that species or when the species has completed its annual lifecycle without conducting surveys provided the treatment will not alter habitat or destroy seeds, stumps, or roots, rhizomes, bulbs and other underground parts in a way that would make it unsuitable for the target species to reestablish following treatment.”

CDFW has concerns regarding the 5-year period mentioned above and would like to recommend more specific guidance on how the vegetation surveys should be conducted to reduce the likelihood of significant impacts to special-status plants.

Specific impact: Potential impacts to special-status plants include a reduction of reproductive success, habitat loss, habitat fragmentation, and direct mortality.

Why impact would occur: Due to the project's large footprint, which includes the Lassen Site Facility and the associated working area which spans Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, there is a high potential for encountering special-status plants on-site. Without appropriate survey methodologies for species detection, special-status plants may go undetected and project activities may result in significant impacts.

Evidence the Impact would be significant: Plants ranked as California Rare Plant Ranking 1A, 1b, 2A, or 2B may qualify as endangered, rare or threatened species within the definition of CEQA Guidelines Section 15380. Special-status plants are often narrowly distributed endemic species. They are susceptible to habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species, all of which are potential impacts of

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 4

this project. Therefore, there is high potential for the Project to have significant impacts to special-status plants not listed under CESA or FESA populations.

There is great potential for the environmental setting to change within a 5-year timeframe. If protocol level surveys are not performed more regularly, Project related disturbances have the potential to significantly impact special status plant species.

Recommendations: CDFW recommends reducing the amount of time between completed surveys by incorporating a more robust survey protocol, and mitigation requirements to prevent the Project from causing significant impacts on special-status plant species. For an adequate environmental setting and to reduce impacts to special status plants to less-than-significant, CDFW recommends adding the following information to PDF-BIO-5:

- *The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised EIR. The botanical survey results shall follow CDFW's [2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities](#), including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA Incidental Take Permit (ITP) from CDFW prior to construction and comply with all requirements of the ITP.*

The applicant should provide a copy of the botanical survey results and a proposed mitigation and monitoring plan to the Lead Agency with a copy sent to CDFW. Based on the results of botanical surveys, a Mitigation and Monitoring Plan should be prepared and submitted for CDFW review prior to Project implementation if special-status plants, including those with a rare plant ranking, are detected.

COMMENT 2: Nesting Bird Mitigation Measures

Section 3.3.4.4, MM-BIO-6: Nesting Bird Surveys and Avoidance at the Lassen Facility Site, Page 3.3-122

Issue: The DEIR proposes MM-BIO-6 Nesting Bird Surveys and Avoidance at the Lassen Facility Site which indicates that tree and vegetation removal at the Lassen

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 5

Facility Site will be conducted outside of the nesting season (February through September) as feasible. This measure should include associated work areas where the work window will be applied.

Recommendations: CDFW appreciates that vegetation removal will aim to be conducted outside of the nesting bird season as feasible and concurs that MM-BIO-6 Nesting Bird Surveys and Avoidance should be implemented if vegetation removal does not occur outside of the nesting bird window. CDFW recommends the DEIR include the following revisions (in bold) to the mitigation measure:

- *MM-BIO-6: Nesting Bird Surveys and Avoidance at the Lassen Site Facility and associated work area spanning **Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties.** Vegetation removal, land modification and other ground disturbing activities at the Lassen Facility site will be conducted outside of the nesting season (February through September) as feasible. If not feasible, the following measures will be implemented to avoid or minimize impacts to nesting birds.*
- *A qualified biologist shall conduct a pre-construction survey for nesting birds no more than 7 days prior to vegetation or structure removal or ground-disturbing activities conducted during the nesting season (February through September). The survey shall cover the limits of construction and suitable nesting habitat at a minimum, within 500 feet for raptors and 100 feet for other nesting birds, as feasible and accessible.*
- *If any active nests are observed during surveys, a qualified biologist shall establish a suitable avoidance buffer from the active nest. The buffer distance shall typically range from a minimum of 50 to 500 feet and shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground-disturbance schedule. Limits of construction to avoid active nests shall be established in the field with flagging, fencing, or other appropriate barriers, and shall be maintained until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.*
- *If vegetation removal activities are delayed, additional nest surveys shall be conducted such that no more than 7 days elapse between the survey and vegetation removal activities.*
- *If an active nest is identified in or adjacent to the construction zone after construction has started, work in the vicinity of the nest shall be halted until the qualified biologist can provide appropriate avoidance and minimization measures to ensure that the nest is not disturbed by construction.*
- *Appropriate measures may include a no-disturbance buffer until the birds have fledged and/or full-time monitoring by a qualified biologist during construction activities conducted near the nest.*

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 6

COMMENT 3: Nest Surveys

Section 2.4.2 GSNR Biomass Only Thinning Projects, Page 2-22; Section 3.3.4.4 Mitigation Measures, MM BIO-10 Nesting Bird Surveys and Avoidance at the Tuolumne Facility Site, Page 3.3-124

Issue: PDF-BIO-8 states that nesting bird surveys will be conducted up to two weeks prior to the commencement of Project related activities. MM-BIO-10 states that the buffer distance shall typically range from 50 to 500 feet and shall be determined based on factors such as the species of bird, topographic features, intensity and extent of the disturbance, timing relative to the nesting cycle, and anticipated ground-disturbance schedule. CDFW is concerned that allowing nesting bird surveys to occur up to two weeks prior to Project activities and implementing buffers that could be as small as 50 feet could lead to nests being missed or could potentially lead to the take of an active nest via nest removal or abandonment.

Specific impact: Inadequate nesting bird surveys and avoidance buffers could result in the take of a nest.

Why impact would occur: Nesting bird surveys conducted two weeks prior to Project related activities may not detect and identify all nests prior to initiation of Project activities, particularly for the nests of passerine species that are able to build their nests over a short period of time. Buffers that are not sufficient in size may lead to nest abandonment due to indirect impacts from Project activities.

Recommendation: CDFW recommends that PDF-BIO-8 and MM-BIO-10 be modified so that a qualified biologist conducts a pre-construction survey for nesting birds no more than seven (7) days prior to vegetation or structure removal or ground-disturbing activities conducted during the nesting season (February through September). CDFW also recommends that a minimum no-disturbance buffer of 250 feet be established around active nests of non-listed bird species and a 500-foot no-disturbance buffer be implemented around active nests of non-listed raptors. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

COMMENT 4: Revise Burrowing Owls Listing

Section 3.3 Biological Resources, Page 3.3-1

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 7

Issue: The DEIR does not accurately reflect burrowing owl current listing status. Throughout the DEIR, burrowing owl is referred to as a species of special concern. In October 2024 the Fish and Game Commission voted to make burrowing owl a candidate species under CESA.

Recommendation: The DEIR should be revised such that each instance of burrowing owl listing should be changed from species of special concern to “CESA candidate species.”

COMMENT 5: Burrowing Owl Preconstruction Surveys

Section 3.3.4.4, Biological Resources, Page 3.3-129

Issue: MM-BIO-20 states that preconstruction surveys will be conducted in accordance with the [Staff Report on Burrowing Owl Mitigation \(CDFW 2012\)](#) and also states that burrowing owl surveys will be conducted within 30 days prior to ground-disturbing activities at the Port site, which is inconsistent with the *Staff Report on Burrowing Owl Mitigation* recommendation.

MM-BIO-20 (Protocol-Level Surveys for Burrowing Owl at the Port Site) states that protocol level surveys will be conducted per the CDFW *Staff Report on Burrowing Owl Mitigation*. Appendix D of this document describes the number of visits and timing, survey method, weather conditions, and time of day for breeding and non-breeding season surveys and reporting to determine if burrowing owl is present on the Project site. The Staff Report recommends four survey visits prior to construction, but the mitigation measure proposes surveys only within 30 days prior to ground disturbing activities within 300 feet of potential suitable nesting habitat, to the extent feasible, contradicting the sentence preceding it.

Specific impact: Loss of reproductive success, nest abandonment, habitat loss or direct mortality.

Recommendations: CDFW recommends revising the DEIR to state that protocol level preconstruction surveys will be conducted per the timing recommendations in the Staff Report on Burrowing Owl Mitigation and include the following mitigation measure in the DEIR:

- *Burrowing Surveys. A habitat survey on the project site for burrowing owl shall be conducted prior to commencement of Project activities. Burrowing owl preconstruction surveys shall be conducted according to the methodology described in the March 7, 2012, CDFW Staff Report on Burrowing Owl Mitigation at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds> as follows:*

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 8

- *Breeding Season Surveys*
 - *At least one (1) survey between February 15 and April 15.*
 - *A minimum of three (3) surveys between April 15 and July 15, at least three (3) weeks apart.*
 - *Of the three (3) survey visits, one (1) survey shall occur after June 15.*

- *Non-Breeding Season Surveys*
 - *At least four (4) visits, spread evenly throughout the non-breeding season.*
 - *All surveys shall be conducted during crepuscular hours.*

- *If burrowing owl surveys locate occupied burrows, avoidance measures must be developed and reviewed by CDFW prior to the start of construction. If burrows become occupied during project activities or if burrowing owl activity is discovered within 100 feet of the project activities, work must halt immediately and may not continue until CDFW has been consulted. If impacts to burrowing owls or burrows cannot be avoided, a CESA ITP shall be obtained.*

COMMENT 6: Burrowing Owl Exclusion

Section 3.3.4.4, Biological Resources, MM-BIO-20: Protocol-Level Surveys for Burrowing Owl at the Port Site, Page 3.3-129

Issue: MM-BIO-20 states that a burrow exclusion plan will be conducted if overwintering owls are observed in or adjacent to the construction footprint during the burrowing owl preconstruction survey. Burrowing owl exclusion should not be conducted without a CESA take authorization.

Specific impact: Burrowing owls are a candidate species protected by CESA, exclusion may result in “take” and should not occur, except as allowed by an ITP. Burrow exclusion may result in direct mortality through predation or other means.

Why impact would occur: Minimization measure MM-BIO-20 (Protocol-Level Surveys for Burrowing Owl at the Port Site) states that a CDFW-approved burrow exclusion plan will be conducted per the CDFW *Staff Report on Burrowing Owl Mitigation* if overwintering owls are observed in or adjacent to the project construction footprint. Since burrowing owls are a candidate species protected by CESA, excluding burrowing owl from being able to take shelter and expose them to predation may result in take.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 9

Recommendations: CDFW recommends revision of the DEIR to state that if overwintering owls are observed in or adjacent to the construction footprint, the Project proponent will obtain a CESA ITP prior to activities that could result in “take” of burrowing owl(s).

Additionally, the DEIR should be revised to state that if surveys confirm occupied burrowing owl habitat in or adjoining the Project site, the qualified biologist shall complete an impact assessment for burrowing owl and that if burrowing owl habitat loss or degradation occurs on the Project site, impacts to burrowing owl will be mitigated to less-than-significant. The DEIR should include a specific mitigation proposal for burrowing owl that includes permanent protection and funding for perpetual management of compensatory habitats, such as mitigation bank credits or a conservation easement with a management plan and endowments to manage the land and conservation easement in perpetuity.

COMMENT 7: Swainson’s Hawk Surveys

Section 3.3.4.4, Mitigation Measures, MM-BIO-19 Protocol-Level Surveys for Swainson’s Hawk at the Port Site, Page 3.3-129

Issue: Appendix C of the DEIR states that the review area for the Lassen Facility Site does not contain suitable nesting habitat for Swainson’s hawk. Foraging habitat in the review area is low quality and that the nearest documented occurrence is approximately 10 miles northeast of the review area. Appendix C of the DEIR also states that no active bird nests were observed, but a focused survey for nests was not conducted. Examples of suitable habitats include grasslands, desert scrub communities, and agricultural lands (such as alfalfa, fallow fields, beet, tomato, onions, and other low-growing row or field crops, dry-land and irrigated pasture, cereal grain crops [including corn after harvest], and new orchards). According to [eBird](#), numerous observations of Swainson’s hawk occur just north of the Project site along State Route 299. The most recent observation was a pair, documented in June of 2024, the known breeding season for this species. The Lassen Facility Site is within Swainson’s hawk known range and has the potential for Swainson’s hawk to be nesting within 5 miles of the Project site and/or utilizing the habitat onsite for foraging habitat. Noise-generating or vegetation-disturbing activities as described in the project description, and the permanent removal of foraging habitat, may result in significant impacts to Swainson’s hawk.

Impacts to suitable habitat within a 5-mile radius of an active nest will be considered significant and has the potential to “take” Swainson’s hawks. An evaluation of potential nesting sites within a 5-mile radius of the Project should be performed by a qualified biologist and included in the DEIR. CDFW recommends

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 10

that the evaluation consider all nest sites used in the last five years to be active nests.

Furthermore, the DEIR's proposed survey methodology for Swainson's hawk in BIO-MM-19 is inconsistent with the protocol level survey the DEIR indicates it will follow. MM-BIO-19 states that preconstruction surveys will be conducted in accordance with the [Swainson's Hawk Technical Advisory Committee \(TAC\) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley](#). This document describes when and how to conduct protocol level surveys for Swainson's hawk and recommends conducting survey for a ½-mile radius. The mitigation measure goes on to state that the survey will cover the limits of construction and suitable nesting habitat within 500 feet, to the extent feasible, which contradicts the sentence preceding it.

Additionally, the mitigation measure states that if any active nest is observed in the survey area, construction within 500 feet of the nest will be delayed until young hawks have fledged and are independent of the nest, as determined by a qualified biologist. Swainson's hawk is listed as threatened under CESA and to avoid take, the no-disturbance buffer should be greater than 500 feet.

Recommendations: CDFW recommends applying mitigation measure MM-BIO-19 to the Lassen Facility Site and revising the protocol level preconstruction surveys to be conducted within a ¼ -mile radius of the Project site in urban areas and a ½-mile radius in rural areas. Also, the DEIR should be revised to state that, if an active nest is observed, construction within ¼-mile of the active nest will be delayed until young hawks have fledged and are independent of the nest, as determined by a qualified biologist. CDFW recommends MM-BIO-19 is replaced with the following:

- *Preconstruction Surveys and Nest Buffers for Swainson's Hawk at both the Port Site and the Lassen Facility Site. If project activities will either begin or be re-initiated during the breeding season, surveys for Swainson's hawks and their nests shall be conducted by the Qualified Biologist prior to the beginning of project-related activities. Surveys shall be conducted in a manner consistent with the [Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley](#). Surveys shall cover a minimum of two survey periods with the minimum number of surveys prior to project initiation as follows:*
 - *January to March 20 – survey any time of day as needed for raptor nests, for a minimum of one (1) survey.*
 - *March 20 to April 5 – survey from either sunrise to 1000 or 1600 to sunset, for a minimum of three (3) surveys.*

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 11

- *April 5 to April 20 – survey from either sunrise to 1200 or 1630 to sunset for a minimum of three (3) surveys.*
- *An alternative methodology may be approved by CDFW specific to work within the project area.*
- *If a lapse in project-related work of seven (7) days or longer occurs within the nesting season, then a focused survey shall be performed at the appropriate time period per the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, and the results shall be sent to CDFW prior to resuming work. Surveys shall be conducted in work areas, staging and storage areas, and access routes.*
- *If any active Swainson's hawk nests are found within ½-mile of a project site, an avoidance buffer of ¼-mile in urban areas or a ½-mile buffer in non-urban areas shall be implemented from March 20 to September 15, or until the young fledge, are feeding independently, and are no longer dependent on the nest, as determined by the Qualified Biologist, unless otherwise approved in writing by CDFW.*
- *To mitigate the loss of foraging habitat, Habitat Management (HM) lands shall be protected with a conservation easement based on the following ratios:*
 - *Projects within 1 mile of an active nest tree shall provide:*
 - *One acre of HM land for each acre of development authorized (1:1 ratio) or one-half acre of HM land which allows for the active management of the habitat for prey production on the HM lands for each acre of development authorized (0.5:1 ratio).*
 - *Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio).*
 - *Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide (0.5:1 ratio).*
 - *Projects shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM land acre (adjusted annually for inflation and varying interest rates).*

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 12

COMMENT 8: Greater Sandhill Crane

Section 3.3, Biological Resources, Page 3.3-1

Issue: Greater sandhill crane are listed as threatened under CESA and are a fully protected species; therefore, this species may not be taken or possessed except under specific circumstances with authorization from CDFW.

Appendix C2 included with the DEIR states that greater sandhill cranes have a low potential to occur and that the review area is unlikely to support roosting habitat except during heavy rain years, and states that the nearest documented occurrence is approximately 2.5 miles northeast of the review area.

CDFW has concerns that activities associated with the development of the Lassen facility, and activities over the lifetime of the Project, may have direct and/or indirect impacts on greater sandhill cranes and their habitat, of which may be potentially significant, if appropriate avoidance and minimization, and/or mitigation measures are not adopted. It should be noted that greater sandhill cranes are particularly sensitive to disturbance.

Recommendations: With consideration of this Project's potential impacts, CDFW recommends the following avoidance and minimization measures be included in the DEIR:

- *Prior to project construction a qualified biologist familiar with greater sandhill crane behaviors will conduct preconstruction surveys to determine if active roosting sites are present within a 0.5-mile radius of a project footprint (September 1 through March 1).*
- *A qualified biologist will conduct preconstruction surveys within 15 days prior to initiating ground-disturbing activities, and within 0.5-mile of a project footprint, to determine presence of roosting greater sandhill cranes.*
- *Preconstruction surveys will be conducted September 1 through March 15, when wintering flocks are present in the Project area.*
- *If birds are present at active roosting sites within a 0.5-mile buffer of the project footprint, then the following measures will be implemented.*
 - *The qualified biologist will inform the project manager, or similar.*
 - *The biologist will establish a 0.5-mile temporary roosting no disturbance buffer around the roosting site until the cranes have left or construct a visual barrier for the duration of project construction.*
 - *The biologist will be retained by the project manager to monitor the roosting site throughout the wintering season and to determine when the birds have left the roost. The approved biologist will be on-site daily while construction-related activities are taking place in the no*

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 13

disturbance buffer zone. If greater sandhill cranes show any sign of distress, the biologist will have the authority to stop construction activities. If roost abandonment occurs, the biologist shall immediately consult CDFW.

- *The biologist will train construction personnel on the avoidance procedures, buffer zones and protocols in the event that greater sandhill cranes move into an active construction zone (i.e., outside the buffer zone).*
- *If it is determined during surveys or project implementation that project activities may impact greater sandhill crane, project personnel shall fully avoid any impacts that may result in take if greater sandhill crane is observed to be utilizing the project area, or adjacent.*
- *If Project activities cannot occur outside of the known breeding season for greater sandhill cranes (typically April 1- August 31), a qualified biologist shall perform greater sandhill crane nesting surveys within a 0.5-mile radius of the Project area. If greater sandhill cranes are observed to be nesting, the biologist shall consult CDFW prior to the initiation of Project activities to demonstrate how the project will avoid take of greater sandhill crane.*

COMMENT 9: Native Bat Roost Protection

Section 3.3.4.4, MM-BIO-14: Native Bat Roost Protection at the Tuolumne Facility Site Page 3.3-126

Issue: Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (FGC § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern (SSC) and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Impacts to nesting or roosting bats should be analyzed, and avoidance or mitigation included.

MM-BIO-14 states that “riparian vegetation and various human-made structures at the Tuolumne site may provide roosting habitat for native bats. To address potential significant impacts, surveys will include a visual inspection of potential roosting features (bats need not be present) and presence of guano in the construction footprint and within 50 feet.” CDFW is concerned the survey buffer may not be adequate to identify all native bats that could be impacted by project activities.

Specific impact: Project activities could cause significant impacts to special-status bats from direct mortality, destruction of roost sites, and potential roost site abandonment.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 14

Why impact would occur: Inadequate surveys could lead to native bats and their roosts not being detected, and subsequently being impacted.

Recommendation: CDFW recommends modifying MM-BIO-14 to extend the special-status bat survey from within 50 feet of the construction site to 100 feet. CDFW also concurs with the survey method of guano detection and recommends the survey methods include use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk and dawn surveys to maximize detectability, and that each survey needs to be conducted within one 24-hour period. CDFW also recommends establishing a 100-foot no-disturbance buffer around roost sites and installing temporary exclusionary devices at the appropriate time of year to avoid take and installing new roost sites prior to initiation of Project related activities to allow enough time for bats to relocate. CDFW recommends consultation with CDFW if bats may be disturbed by Project related activities.

Comment 10: Bat Roost Mitigation at the Lassen Facility Site

Section 3.3.4.4, MM-BIO-14: Native Bat Roost Protection at the Tuolumne Facility Site, Page 3.3-126

Issue: The DEIR proposes the mitigation measure MM-BIO-14 for the Tuolumne Facility Site but does not propose this measure at the Lassen Facility Site. Due to the presence of suitable habitat in the Project area at the Lassen Facility Site, CDFW strongly encourages construction activities that have potential to adversely impact bats such as the activities described in the DEIR associated with the demolition of current structures located in the Lassen Facility Site.

Recommendation: To adequately reduce potential significant impacts to native bats at the Lassen Facility Site, CDFW recommends applying mitigation measure MM-BIO-14 to the Lassen Facility Site.

COMMENT 11: Impacts From Shipping Traffic

Section 3.3 Biological Resources, Page 3.3-1

Issue: The DEIR describes impacts related to construction, but not does address the impacts to aquatic habitats due to the increase in shipping traffic in the San Joaquin River.

Specific impact: There is the potential for Project operations to impact aquatic species habitat in the San Joaquin River because of the increased ship traffic. Increased shipping traffic may have potentially significant impacts on aquatic species and marine mammals by triggering avoidance behavior, oil and other

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 15

hazardous material spills, water quality degradation, vessel strikes, and the introduction of invasive species which may compete for food and habitat.

Why impact would occur: Increased ship traffic from exporting wood pellets out of the Port of Stockton on loaded cargo ships, could create or exacerbate conditions that could have a significant impact. Increased ship traffic to and from the Port of Stockton could introduce the potential for spills of hazardous materials/contamination from the ships, vessel strikes of fish and wildlife, the introduction of invasive species via ballast water, and increased pressure on shoreline erosion as ships enter and exit the Delta.

Recommendation: CDFW recommends that the DEIR analyze the Project's potential impacts of increased ship traffic on aquatic biological resources and aquatic habitat. If ship traffic is found to have the potential for significant impacts, CDFW recommends that additional mitigation measures are adopted to address said impacts.

COMMENT 12: Aquatic Resources Mitigation Measure

Section 3.3.4.4, MM-BIO-4: Compensate for Unavoidable Loss of Wetlands and Other Aquatic Resources, Page 3.3-120

Issue: The DEIR states that the Project "will sufficiently mitigate to ensure-no-net-loss of waters at a minimum of 1:1 with establishment or re-establishment for impacts on aquatic resources as a part of an overall strategy to ensure no net loss, or at a higher ratio if establishment or re-establishment mitigation is not available. Final mitigation ratios and credits will be a minimum of 1:1 and determined in consultation with the USACE, RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency's respective permitting process." The current proposal of a 1:1 replacement does sufficiently reduce the impacts to less than significant. California has lost much of its original wetland and riparian habitat, with acreage and values continuing to decline².

Recommendation: To adequately minimize and mitigate impacts to aquatic resources to less than significant, CDFW recommends that the DEIR includes onsite replacement at a minimum of 2:1 to ensure a no-net-loss of wetlands and other aquatic resources. If onsite replacement is infeasible, then replacement should be as close to the impact site as possible to replace functions and values to the fish and wildlife resources directly and indirectly impacted by the project

² California Department of Fish and Wildlife (2007). *California wildlife: conservation challenges*. California Department of Fish and Game. Sacramento, CA.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 16

COMMENT 13: Inadequate Compensatory Mitigation Ratios

Section 3.3.4.4, MM-BIO-7: Compensatory Mitigation Plan for the Permanent Loss of Wetlands and Other Aquatic Resources at the Lassen Facility, Page 3.3-122

Issue: The DEIR states that the project applicant will compensate for the permanent loss of wetlands and other aquatic resources anticipated from facility construction. Compensatory mitigation to ensure no-net-loss of aquatic resources at a minimum of 1:1 ratio shall be achieved. CDFW discourages disturbance, staging and/or development in wetlands. Project activities within or adjacent to wetlands, should be avoided to the maximum extent possible. CDFW concurs with the implementation of on-site applicant-sponsored mitigation in accordance with an agency approved Wetland Mitigation and Monitoring Plan, developed in accordance with resource agency guidelines. However, the proposal for 1:1 mitigation for the permanent loss of wetlands and other aquatic resources is not sufficient in maintaining a no-net-loss.

Recommendation: To adequately reduce potential significant impacts to wetlands and other aquatic resources at the Lassen Facility Site, CDFW recommends the DEIR raise the mitigation measure ratio from 1:1 to 3:1. A mitigation ratio of 3:1 or more begins to address the temporal and functional loss of the proposed impacts to wetlands.

Please note that for the on-site applicant-sponsored mitigation, an endowment should be established and set aside for both enhancement and long-term management of the site prior to project approval. For the proposal to purchase mitigation credits at an agency-approved wetland mitigation bank, there are currently no mitigation banks with a service area that covers the portion of Lassen County where impacts will occur.

COMMENT 14: Impact analysis to Spring-run Chinook Salmon (*Oncorhynchus tshawytscha*), Winter-run Chinook Salmon (*O. tshawytscha*), Longfin Smelt (*Spirinchus thaleichthys*), and White Sturgeon (*Acipenser transmontanus*) to the DEIR

Section 3.3, Biological Resources, Page 3.3-1

Issue: The DEIR addresses green sturgeon, steelhead, fall/late fall-run Chinook salmon, and Delta smelt, but does not include, address, or analyze Project impacts to other special-status fish species including spring-run Chinook salmon, winter-run Chinook salmon, longfin smelt, and white sturgeon that may be in the Project area.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 17

Specific impact: Lack of impact analysis on these species in the DEIR may result in unavoidable and unmitigated impacts.

Recommendation: The DEIR should be revised to include spring-run Chinook salmon, winter-run Chinook salmon, longfin smelt, and white sturgeon. Additionally, the following information should be added to the DEIR for each species:

- Common and scientific names of each species;
- A description of each species;
- Summary of their life histories in the Project area;
- Direct, indirect, and/or cumulative impacts the Project operations could have on these species;
- Avoidance, minimization, and mitigation measures to avoid impacts to these species;
- A determination if the impacts are significant or less-than-significant to these species;
- If the impacts are significant after avoidance and minimization measures are incorporated, propose and describe mitigation for significant impacts to the species.

COMMENT 15: Lack of impact analysis to fish species

Section 3.3 Biological Resources, Transport to Market, Port of Stockton, Page 3.3-96

Issue: The DEIR indicates that the Project will not have a significant impact on special status fish species the San Joaquin River because the area is already a disturbed aquatic habitat. Disturbed habitats may still house special-status species which are not immune to the effects of additional disturbance. If there is a potential to encounter these fish species within the Project area, then the DEIR should analyze the potential impacts from the Project. The lack of analysis in the DEIR limits CDFW's ability to analyze the potential impacts of this Project on aquatic biological resources.

Recommendations: CDFW recommends that the DEIR appropriately analyze impacts to aquatic resources in the San Joaquin River from increased ship traffic.

COMMENT 16: Mitigation for Loss of Trees

Section 3.3.4.4 Biological Resources, MM-BIO-3: Compensate for Unavoidable Loss of Sensitive Natural Communities and Oak Woodlands, Page 3.3-120

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 18

Issue: MM-BIO-3 states that a botanist will determine the number of trees to be removed/disturbed and prepare a mitigation plan with a 1:1 replacement ratio. The number and size of trees to be removed is not described in the DEIR. Without sufficient information on the proposed mitigation plans, CDFW cannot determine whether the planned mitigation (compensatory or otherwise) brings the impacts of the Project on trees to a less-than-significant level. MM-BIO-3 addresses replacement ratio, but does not include details on the locations, species, origin, or sizes of removed or replanted trees, or any success criteria or monitoring and management plans for replacement trees. Additional mitigation may be necessary to reduce impacts to onsite trees, especially for oak trees, to a less-than-significant level.

Specific impact: The proposed mitigation ratio is insufficient and can result in significant impact to mature trees and the ecological functions they provide.

Why impact would occur: CEQA Guidelines section 15126.4 states that mitigation cannot be deferred and must have a nexus to and be roughly proportional to the impacts. Without a proposed comprehensive plan for compensatory mitigation, CDFW cannot determine whether the mitigation is roughly proportional to the biological impacts it is intended to reduce. Mature trees are biologically valuable and any loss without sufficient mitigation could be a significant impact. Newly planted trees may struggle to become established without appropriate planting methodologies and support and may take time to mature to the functional equivalent of the trees being removed. Mature trees provide nesting and foraging habitat, as well as shade for wildlife. Loss of trees onsite may remove available perching and nesting habitat for raptors. Newly planted trees will not fill the same ecological role as mature trees for several years or more, thus, the temporal loss of habitat may render the proposed replanting ratios insufficient.

Recommendation: The DEIR should include the following:

- For known areas of impact, a description of the number of trees onsite to be removed/disturbed, species (common and scientific names), diameter in inches at breast height of each tree to be removed, and if trees to be removed are native.
- A discussion of alternatives to impacting mature trees. If avoidance of tree removal will not occur, the DEIR should include a rationale as to why tree removal avoidance is not feasible.
- A detailed compensatory mitigation plan for impacts from the removal of mature trees, if removal or destruction of mature trees cannot be avoided. The plan for compensatory mitigation for tree replacement should include locations of where trees will be replaced; species, origin, and size of trees to be planted; monitoring methods and timing; invasive species and eradication methods; interim and final success criteria/performance

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 19

standards; measures to be taken in the event that the propagation and planting is not successful; identification of responsible entities; and reporting requirements. Regionally and biologically appropriate species should be selected, and details should be provided in the DEIR.

- In-kind replacement of oak trees. Oak trees should be monitored and managed for a minimum of 10 years to ensure the success of the restoration effort.

COMMENT 17: Lack of Impact Analysis for Species Listed in Appendix C1, Table 3

Section Appendix C1: Biological Resources Summary Table 3, Page C1-53 and Section 2 Project Description (DEIR), Project Design Feature, Page 2-20

Issue: Numerous special status species, including several listed species, occur or have the potential to occur within the footprint of the feedstock acquisition area. Table 3 of Appendix C1 Biological Resources Summary, provides a list of those species and their habitat within the Project area. There are 230 special-status wildlife species documented as occurring inside or within five (5) miles of the Project area. Of these 230 species, habitat for 30 species is considered absent from the Project area; these species are identified in in this table, but not analyzed further. Thus, a total of 200 special-status wildlife species have potential to occur within the Project area based on the presence of potentially suitable habitat identified in Table 3.3-4; Vegetation Communities and Land Cover Types in the Working Area.

For the vegetation removal projects, the DEIR relies on general Project Design Features and mitigation measures to be incorporated into a future Project Specific Analysis for each future project, which would range from 10 to 2,000 acres each in size, with an annual average of treating 85,779 acres annually. The Project Design Features and mitigation measures are very general, and it is unclear how these future projects will mitigate for potentially significant impacts, including take of listed species. For example, PDF-BIO-1 on page 127 of DEIR is unclear when reconnaissance level surveys will be conducted, how suitable habitat will be avoided, how buffers will be determined, how seasonal work periods will be determined, what species-specific survey protocols will be utilized, how it will be determined if take can be avoided, etc. Further, the Project Specific Analysis is a Golden State Natural Resource (GSNR) internal process with no public review or comment period, and no requirement to consult with regulatory agencies for every project. As an example, several measures, such as PDF-BIO-10, states the project proponent *may* consult with CDFW for technical information, or use language such as “if GSNR determines.”

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 20

Specific impact: Without appropriate avoidance and minimization measures for each species listed in Appendix C1 Table 3, potential significant impacts associated with future feedstock projects include but are not limited to; habitat loss, burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals. Project activities have the potential to significantly impact local populations of the species, including take of listed species, listed in Table 3 of Appendix C1.

Why impact would occur: As an example, if a GSNR-led feedstock project occurs within the range of the State threatened and federally endangered fisher - southern Sierra Nevada ESU (*Pekania pennanti*), it is unclear what is considered potential habitat for the species, what seasonal restrictions would be required, what surveys would be conducted, and how the species will be avoided. Protocol level surveys for the fisher consist of implementing camera stations, which can take a lot of effort and time (Tucker et. al. 2020). Additionally, the natal and maternal denning period (i.e. March to September) is within the future feedstock projects normal operation season. It is unclear in the DEIR what survey protocols for fisher would be conducted. The DEIR should also discuss any species-specific seasonal limitations, no disturbance buffers, or how the species will be avoided if it is present or if presence is assumed. This type of information is necessary for CDFW to conduct an effective review of potentially significant impacts to the species. The DEIR states that with the implementation of the Project Design Features and MM-BIO-2 that impacts would be reduced to less than significant for Tree-, Shrub-, and Cavity-nesting Wildlife, including the fisher (Section 3.3, page 3.3-86). CDFW does not concur with this conclusion, and potentially significant impacts to the fisher, including take, could occur. CDFW has similar comments and concerns for the other species listed in Appendix C1 Table 3.

Recommendation: CDFW recommends the DEIR includes enforceable measures to require GSNR to consult with CDFW on each individual future GSNR led feedstock project well advance of project activities. CDFW also recommends that:

- CDFW is provided the draft Project Specific Analysis for review and comment,
- All final Project Specific Analysis are publicly posted online, and
- CDFW is notified of when and where the final Project Specific Analysis is posted.

If any listed species, or their habitat, is observed within the GSNR led feedstock Project areas, it is recommended that GSNR consults with CDFW to determine if acquisition of an ITP pursuant to Fish and Game Code section 2081 (b) would be warranted to comply with CESA well in advance of initiating ground-disturbing

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 21

activities. Alternatively, the Project proponent has the option of assuming presence of listed species in Table 3 species and securing an ITP.

COMMENT 18: Invasive Species

Section # 3.3.4.4 Mitigation Measures, MM-BIO-16: Invasive Plant Control at the Tuolumne Facility Site, Page 3.3-127

Issue: MM-BIO-16 states that the contractor will clean all construction vehicles and equipment prior to entering undeveloped portions of the site (overland travel). This measure, without also implementing PDF-BIO-3 and PDF-BIO-4, may be inadequate to prevent the spread of non-native and invasive plant species and pathogens.

Specific impact: Introduction of invasive species from inadequate mitigation measures to prevent the spread of non-native and invasive plant species and pathogens.

Why impact would occur: This measure may not adequately prevent the spread of invasive species and noxious weeds and could contribute to the spread of non-native and invasive species and pathogens. This measure also allows for the introduction of material for erosion and control purposes to originate from a source that could contribute to the spread of non-native and invasive species and pathogens.

Recommendation: CDFW concurs with MM-BIO-16 but recommends it be modified to incorporate mitigation measures outlined in PDF-BIO-3 and PDF-BIO-4. CDFW would also like to note that MM-BIO-16 states that rock, sand, and any other material used for erosion control purposes will originate from a weed-free source if available. CDFW recommends only using weed free source material for erosion control and only proceeding when a weed free source is available.

COMMENT 19: Unclear labeling of Map

Section 2, Project Description, Figure 2-10 (Project Location), Page 2-75

Issue: Figure 2-10 is not clearly labeled. It is unclear as to what structures are marked on the map other than the domes and conveyor. CDFW is not able to clearly identify the structures in the map and understand the citing of structures within the Project area.

Recommendation: CDFW recommends revising Figure 2-10 to add clear labels indicating the names and placement of structures within the Project area.

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 22

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 filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Golden State Finance Authority and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing 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

CDFW appreciates the opportunity to comment on the DEIR to assist Golden State Finance Authority in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Karen Carpio, Senior Environmental Scientist at CEQA@wildlife.ca.gov.

Sincerely,

DocuSigned by:

377B732789B3C4E2
Jeff Drongesen
Branch Manager

ec: Governor's Office of Land Use and Climate Innovation, State Clearinghouse,
Sacramento

Department of Fish and Wildlife:

Terrance Rodgers, Economic Development Officer
Golden State Finance Authority
January 17, 2025
Page 23

Adam McKannay
Senior Environmental Scientist, Supervisor
Northern Region

Sarah Kern
Senior Environmental Scientist, Supervisor
Bay Delta Region

Jeremy Polhman
Senior Environmental Scientist, Supervisor
Central Region

REFERENCES

Tucker, J. M., R. Green, K. Purcell, and D. Green. 2020. Survey protocol for fisher denning season: methods for informing denning protection measures. U.S. Department of Agriculture Forest Service, Pacific Southwest Region, Vallejo, California, USA.

California Department of Fish and Wildlife. 2015. [Staff guidance regarding avoidance of impacts to tricolored blackbird breeding colonies on agricultural fields in 2015](#). Sacramento, California, USA.