



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

May 5, 2023

May 05 2023

STATE CLEARINGHOUSE

Cortney Flather, Natural Resources Coordinator
 Lassen County
 707 Nevada Street
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**SUBJECT: REVIEW OF GEOFORTIS POZZOLAN MINE, STATE
 CLEARINGHOUSE NUMBER 2023040120, LASSEN COUNTY**

Dear Courtney Flather:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND) dated March 2018 and revised April 1, 2021, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines¹.

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

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. Likewise, "take" authorization, as outlined by the applicable Fish and Game code, may be required if 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.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and G. Code § 1900 et seq.), authorization as provided by the applicable Fish and Game Code will be required.

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.

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Project Summary

The Project, as described in the ISMND, is as follows:

“Geofortis plans to develop a 100-acre pozzolan mine consisting of mineral claims CAL MIN 120-126, 131, 132, 137, 138, and 159. Mine operations will run year-round and will follow a proposed three phased schedule for excavations on undisturbed areas. Phase I will cover 35.3 acres and may produce 3.5 million cubic yards of pozzolan material. Phase II will cover 37.5 acres and could produce up to 4.9 million cubic yards of pozzolan material. Phase III will cover 27.4 acres and may produce 1.7 million cubic yards. It is estimated these mineral claims will produce 10.1 million cubic yards of pozzolan material. Along with ground disturbing activities with the mine, Geofortis is proposing to construct a new 1,000-foot-long access road.

Geofortis also plans to operate on previously-mined Ironcloud claims 11 and 12. This area is previously mined and encompasses 4.9 acres of disturbed area. The mine pit extends a maximum of 41.5 feet below the existing surface, averaging 16.5 feet below the existing surface. These mineral claims may produce a total of 140,000 cubic yards of pozzolan material.”

Comments and Recommendations

CDFW recognizes that Lassen County has taken some appropriate steps to identify and assess potential impacts to biological resources, including a biological evaluation of potentially occurring species and habitats. CDFW responded to early consultation requests from Lassen County in September 2018 and May 2022. While CDFW recognizes that many of the concerns and recommendations identified throughout early consultation have been addressed, and that many of the avoidance and minimization measures listed in the ISMND are adequate in avoiding and minimizing potential impacts to biological resources, CDFW offers the following comments and recommendations.

Rare Plants

CDFW concurs with many of the minimization measures listed in the ISMND regarding potential impacts to white woolly buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*, WWB); however, some information appears to be omitted or unclear. As the ISMND describes, WWB is ranked by the California Native Plant Society as rare, threatened, or endangered in California and common elsewhere (2B.2). The Seed Collection Plan (SCP) states eight populations and ~5,800 individuals of WWB were observed throughout the Project area. The ISMND describes the range of WWB as primarily confined to Long Valley of Lassen

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County and has identified mining to be the largest threat to the species.

A thorough evaluation of WWB populations found onsite compared to populations known to occur offsite throughout Long Valley was not included in the Biological Survey Report (BSR), ISMND, or the SCP. Additionally, the total number of individual plants/populations that will be disturbed with the implementation of the Project is not clearly stated. Detailed impact analyses are critical in the determination of impact significance. While CDFW supports transplantation and seed collection in an effort to minimize impacts to WWB, a thorough impact analysis should be included in the ISMND, especially considering the species extremely limited range within California. The impact analysis should include total amount (acreage) of potential disturbance to onsite populations, how potential disturbance may impact the species' overall population throughout California, and how the proposed minimization strategies would reduce impacts to less than significant.

Additionally, pertinent information appears to be omitted from the SCP and corresponding minimization measures in the ISMND. CDFW strongly recommends including the following information into the SCP and ISMND:

- Who is responsible for transplanting and re-seeding
- Who is responsible for maintenance and monitoring of transplants and seedlings
- How often will maintenance and monitoring be performed
- A concise description of where WWB will be transplanted within the Project area and how this area will be protected from mining activity
- A map of proposed WWB population removal
- A map of proposed WWB transplant and re-seeding areas

The ISMND states “*Success standards to restore this species at a ratio of 1:1 or more shall be achieved (number of individual plants established is equal to or greater than the number of plants identified in the Biological Report).*” CDFW reiterates that if the species cannot be avoided, mitigation measures should be formulated to restore this species at a ratio of 2:1 or more.

Dust Abatement

The ISMND indicates dust palliatives may be applied. CDFW does not encourage the use of dust palliatives and CDFW recommends against applying dust palliatives, especially where transmission to a waterway or sensitive habitat could occur. Many dust palliatives are toxic to fish and wildlife and have adverse effects on the environment. Transmission of palliatives may occur from run-off, leaching, deposition of palliative laden dust, and release from tires after traffic has traversed areas treated with palliative. CDFW is primarily concerned with the transport of palliatives during storm events from areas of approved use into depressions, streams and washes that

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may be sources of water for wildlife. If dust palliatives will be used, impacts to fish, wildlife, and sensitive habitats should be addressed and measures proposed to reduce impacts to less than significant.

Lake and Streambed Alteration Agreement

The ISMND states “As a condition of approval, the applicant shall submit the permit/agreement with CDFW or a letter from CDFW stating that an agreement is not necessary to Lassen County before an Authorization to Operate is issued.”. The Hydrology Report indicates that the Project may modify the hydrology of ephemeral drainages; therefore, a notification to CDFW pursuant to Fish and Game Code section 1602 appears warranted.

Fish and Game Code Section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

1. substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
2. substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
3. deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

To obtain information about the 1600 Notification process, please access CDFW’s website at: <https://www.wildlife.ca.gov/Conservation/LSA>.

Submitting Data

CEQA requires that information developed in environmental documents be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code section 21003(e)). Please report any special status species observations and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

Avoiding Inadvertent Wildlife Entrapment

CDFW recommends installing wildlife escape ramps on all detention basins to allow wildlife to exit. The dimensions of the ramps should be a minimum of 12 inches wide (e.g., 2-inch x 12-inch timber), fastened to the soil for stability and not exceeding a 2:1 slope. If the dynamics of the reclamation ponds change throughout time, so should the exit ramps, to ensure continued functionality. Ramps should be evaluated monthly, at minimum, to ensure proper function.

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If trenching and excavation will be included in Project activities, any open trench and excavation areas should be covered securely prior to stopping work each day and/or a wildlife exit ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for wildlife prior to burying, capping, moving, or filling.

We appreciate the opportunity to offer comments and recommendations that may assist in adequately analyzing and minimizing impacts to biological resources. If you have any questions, please contact Erika Iacona, Environmental Scientist, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Jason Roberts for
Tina Bartlett, Regional Manager
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