



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**



August 17, 2023

Governor's Office of Planning & Research

Lio Salazar, Planning Manager  
 Shasta County Resource Management  
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**Aug 17 2023**

**STATE CLEARINGHOUSE**

**SUBJECT: REVIEW OF ZONE AMENDMENT 21-0002, STATE CLEARINGHOUSE  
 NUMBER 2023070442, SHASTA COUNTY**

Dear Lio Salazar:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Negative Declaration (ISND) dated July 2023, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines<sup>1</sup>.

### **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 and Game 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 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. 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 and Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code § 1900 et

<sup>1</sup> 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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seq.) authorization as provided by the applicable Fish and Game Code will be required.

## **Project Description**

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

*“The project is a zone amendment that proposes to amend the 2016 [Planned Development] (PD) text and Conceptual Development Plan as it relates to APN 057-190-031, which is occupied by the retail/wholesale farm supply store and parking for the agritourism/agritainment area, and to change the principal zone districts of APNs 057-190-036, 057-190-037, 057-190-041, and 057-190-040 from PD and [Limited Agriculture] to [Commercial-Residential] (no change is proposed to the combining districts for these APNs, including to the limit of the F-2 and F1 zoning present within the southern portion of the project site, the Building Site (B) zone districts applicable to APNs 057-190-037 and 057-190-041, and/or the Interim Mineral Resource (IMR) zone district applicable to APN 057-190-041).”*

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist Shasta County in adequately identifying, minimizing and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. After thorough review of the ISND, CDFW concludes that the ISND does not provide a well-supported explanation for its conclusion that this Project *could not* have a significant effect on the environment. CDFW recommends including additional details and supporting actions to be included in the Project Description, and to complete a more thorough analysis in the Biological Resources and Noise sections to provide adequate justification for this determination.

CEQA Guidelines require that the Initial Study includes “all phases of project planning, implementation, and operation” [Cal. Code Regs., tit. 14, § 15063, subd. (a)(1)]. In addition, an ND must include a brief description of the project and project location [Cal. Code Regs., tit. 14, § 15071, subds. (a) and (b)]. “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (Cal. Code Regs., tit.14, § 15378).

The ISND biological resource section states, *“There is little natural habitat uninfluenced by human activity left on the site. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on natural habitat at the project site would continue, including within riparian and wetland habitats present within the project site. No species*

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*identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service are known to occur at the project site. The proposed project would not involve significant habitat modification as construction of proposed improvements described in the project description would take place previously within previously disturbed areas and would not require tree removal, impact wetland habitats present within the project site through direct removal, filling, hydrological interruption, or other means, interfere with any native resident or migratory fish or wildlife species, nor impede the use of native wildlife nursery sites, and/or would not conflict with any ordinances or policies which protect biological resources. There are no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plans for the project site or project area.”*

CDFW does not concur that this information, as it is detailed above and presented in the ISND, adequately supports a determination of *Less Than Significant Impacts* and *No Impacts*. While CDFW agrees that the Project would not involve significant habitat modification beyond what has already occurred, sensitive resources and habitats have been previously modified without the appropriate level of study, analysis, and notification.

The Project area occurs adjacent to two waterways, the Sacramento River and Stillwater Creek, both known to have state-listed anadromous fish. Habitat within the Project area may serve as foraging habitat for several birds of prey known to occur in Shasta County. Riparian habitat associated with the Sacramento River and Stillwater Creek may serve as suitable nesting, foraging and dispersal habitat for countless migratory birds. Additionally, based on the Project Description in the ISND, the Project area may contain wetland features. The Sacramento River, and its surrounding habitats, support a rich diversity of wildlife and ecosystems. CDFW encourages Shasta County to include a more comprehensive assessment and summary of potential effects on the biological resources known to occur, and to include pertinent details as to how Project activities *could not* have a significant effect. Such assessment and summary may include specific action of which would minimize potential impacts such that *Less Than Significant Impacts* or *No Impact* may be justified.

Specific details appear to be omitted from the ISND, of which would lend a more comprehensive review of the Project activities actively occurring/proposed. For example, the proximity in which Project activities may occur in relation to The Sacramento River, Stillwater Creek, and their associated riparian habitat is unclear from both the Project description and supplemental mapping. Project activities are likely to increase ambient noise and artificial light of the Project area, which are known to alter the behaviors of wildlife. CDFW strongly recommends including the distance in which Project activities occur/will occur from each watercourse, and

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any pertinent actions that will be implemented to reduce any potential impacts to less than significant. Such actions may include noise and artificial light attenuation systems and limited operating periods, among others.

CDFW recommends clarifying additional details to include where wetlands occur throughout the Project area and what Project activities are occurring within or adjacent to wetlands. CDFW strongly discourages disturbance, staging and/or development in wetlands. Due to severe decline of wetlands throughout the state, CDFW has established a “no net loss” policy regarding wetland habitat<sup>2</sup>. Project activities within or adjacent to wetlands should be avoided to the maximum extent possible. If unauthorized activity pursuant to County zoning has been found to have previously occurred in or adjacent to wetland habitats, such activities should be remediated prior to Project approval. If Project activities are occurring within or adjacent to wetlands, and such wetlands are determined to be hydrologically connected to the Sacramento River or Stillwater Creek, notification pursuant to Fish and Game Code 1600 may be required. Wetland features also fall under the jurisdiction of the United States Army Corps of Engineers and the Regional Water Quality Control Board, as highlighted in their comment letter dated March 2023.

#### Lake and Streambed Alteration Agreement

The ISND describes activities that are occurring/may occur within the bed, bank or channel of Stillwater Creek and/or the Sacramento River; therefore, a notification to CDFW pursuant to Fish and Game Code section 1602 may be 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>.

#### Mapping

Some mapping appears to be omitted from the ISND, including a complete map of the “Enlarged Site Plan”. Such maps will lend a more comprehensive review of the Project activities proposed. Additionally, the “Overall Site Plan” map indicates “Solar” on the south side of the Project area. It is unclear if solar will be included as part of the Project and if so, such activities should be included and evaluated in the

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<sup>2</sup> Fish and Game Commission Wetlands Resources Policy; Amended 08/18/05

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environmental document.

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

Sincerely,

DocuSigned by:  
  
132FDFEFCF23F4FD...

Jason Roberts for  
Tina Bartlett, Regional Manager  
Northern Region

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