



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



April 15, 2024

Governor's Office of Planning & Research

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April 15 2024

STATE CLEARINGHOUSE

**SUBJECT: CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION
SHASTA-TRINITY UNIT HEADQUARTERS AND NORTHERN REGION
HEADQUARTERS RELOCATION, STATE CLEARING HOUSE NUMBER
2024030583, SHASTA COUNTY**

Dear Terry Ash:

The California Department of Fish and Wildlife (CDFW) has reviewed the California Department of General Services (Lead Agency) Draft Initial Study and Mitigated Negative Declaration (ISMND), for the above-referenced project (Project). CDFW appreciates this opportunity to provide comments 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 and G. Code, §§ 711.7, subd. (a) & 1802; Public Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its Trustee Agency 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

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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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 (Public 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 G. Code, § 2050 et seq.), or state listed rare plants 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.

Project Description

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

"The Project proposes the relocation of the existing California Department of Forestry and Fire Protection (CAL FIRE) Shasta-Trinity Unit Headquarters and Northern Region Headquarters to a new co-located facility. The Project would allow CAL FIRE to operate in a safe and efficient manner, efficiently dispatch resources and services, enhance response times, and comply with the Governor's Executive Order B-18-12."

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying, avoiding, minimizing and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources. Editorial comments are also included to improve the document.

Crotch's Bumble Bee

The California Fish and Game Commission accepted a petition to list Crotch's bumble bee (*Bombus crotchii*) as endangered under CESA, advancing the species to the candidacy stage of the CESA listing process on September 30, 2022. Crotch's bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, Crotch's bumble bee has a state ranking of S1/S2 - imperiled/critically imperiled and extremely rare

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(often five or fewer populations) and Crotch's bumble bee is listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)².

Based on the habitat description of the Project area in the ISMND, the Project area likely contains suitable foraging, nesting and/or overwintering habitat for Crotch's bumble bee, which is not mentioned in the ISMND. CDFW supports the implementation of avoidance and minimization measures to avoid and reduce potentially significant impacts to Crotch's bumble bee. CDFW recommends including an avoidance and minimization measure that aligns with the survey protocol guidelines in the [June 2023 Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#)³.

CDFW recommends inclusion of a Mitigation Measure that states:

"To prevent impacts to special-status bumble bees, the following steps shall be implemented, in accordance with CDFW guidelines:

- a. A qualified biologist, specifically those qualified under a research Memorandum of Understanding or authorizing Incidental Take Permit (as described on page 7 of CDFW's Guidelines), shall conduct surveys for special-status bumble bees during the peak months of Crotch's bumble bee colony flight season (April to September) prior to the start of construction and in accordance with the CDFW's June 2023 Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Three on-site surveys shall be conducted two to four weeks apart, weather depending, and when floral resources are present.*
- b. Species identification and photographic vouchers shall be submitted to CDFW and experts from the [Bumble Bee Watch](#)⁴ for species verification by an experienced taxonomist prior to the start of land modification and/or vegetation removal.*
- c. If special-status bumble bees are detected, a nesting survey as the protocol is described in CDFW's June 2023 Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, shall be performed throughout the Project area.*

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149499&inline>

³ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

⁴ <https://www.bumblebeewatch.org/>

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d. If special-status bumble bees and/or their nests are detected, the potential for "take" as defined by Fish and Game Code section 86 shall be analyzed and quantified. If suitable avoidance and minimization measures to fully avoid take are not feasible, CDFW shall be consulted regarding the need for take authorization pursuant to Fish and Game Code section 2081(b). Otherwise, suitable avoidance and minimization measures to fully avoid take should be employed, and/or the formulation of a Mitigation and Monitoring Plan should be developed for impacts to suitable Crotch's bumble bee habitat.

All data, including negative and/or positive observations, shall be submitted to the Bumble Bee Watch. "

Western Spadefoot

Western spadefoot (*Spea hammondi*) is a Priority 1 California Species of Special Concern (SSC) and a candidate species under the federal Endangered Species Act (ESA). Priority 1 SSC are those taxa that are likely to experience severe future declines and/or extirpation without immediate conservation actions. Habitat loss and fragmentation resulting from agricultural and urban development is the primary threat to western spadefoot. CEQA provides protection not only for ESA or CESA listed species, but for any species including, but not limited to, SSC that can be shown to meet the criteria for state listing. Based on the continued loss of more than 80% of this species' habitat, declining population trends, and future threats including urban development and climate change, CDFW believes western spadefoot meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380) and CDFW recommends western spadefoot is fully considered in the environmental analysis for the Project.

The western spadefoot is a burrowing toad that breeds in ephemeral features and spends most of its life in underground burrows in adjacent terrestrial habitat. Several wetland features identified adjacent to the Project area, specifically within 0.2 miles at the Stillwater Plains Mitigation Bank, is confirmed spadefoot breeding habitat, therefore, potentially suitable terrestrial habitat occurs within the Project area. If western spadefoot is present, Project activities may result in trampling or crushing of individuals or egg masses. Demolition and paving after false negative conclusions may trap spadefoots hiding under refugia and in burrows.

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ISMND Mitigation Measure BIO-3 (BIO-3) does not adequately avoid potentially significant impacts to western spadefoot. This species requires specific survey conditions, which are unlikely to align with the "14-days prior to construction start date." Detecting western spadefoot in their burrows can be challenging and therefore, is not recommended. Although suitable breeding habitat does not occur within the Project area, surveys should be performed during the breeding season, in optimal conditions when adults are most likely to be active (moving from terrestrial habitat to breeding habitat), generally when it's wet and humid, with high soil moisture, and at night. A 2022 study found spadefoot movements increased by 2.4 times for every 20mm of rainfall⁵.

CDFW recommends revising Mitigation Measure BIO-3 to align with the information offered for appropriate survey methods and optimal survey conditions (e.g., when soil moisture has risen and air temperatures have lowered following a storm; breeding typically occurs between January and February, 1-2 days after heavy rains, sometimes as few as one or two nights each year at a particular location) such as those found in the [May 2023 Species Status Assessment Report for Western Spadefoot](#)⁶ and [A Guide to the Amphibians and Reptiles of California](#)⁷. CDFW strongly recommends performing western spadefoot surveys prior to the development of the final ISMND, and results should be included in the final ISMND. Additionally, based on survey results, applicable avoidance, minimization and/or mitigation measures should also be included in the final ISMND. CDFW staff are available for the development of most appropriate survey methods and avoidance, minimization and/or mitigation measures.

Nesting Birds

The Project contains suitable habitat for nesting birds. Nesting migratory birds if present, could be directly or indirectly impacted by construction activities. Indirect effects could include nest abandonment by adults in response to higher-than-ambient noise levels, human encroachment, visual disturbance and/or a reduction in food availability for young birds due to disruption of feeding behavior of adult birds.

⁵ Jonathan P. Rose, Brian J. Halstead, Robert H. Packard, Robert N. Fisher, Projecting the remaining habitat for the western spadefoot (*Spea hammondi*) in heavily urbanized southern California, *Global Ecology and Conservation*, 10.1016/j.gecco.2021.e01944, 33, (e01944), (2022).

⁶ <https://ecos.fws.gov/ServCat/DownloadFile/238764>

⁷ <https://www.californiaherps.com/frogs/pages/s.hammondi.html>

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The ISMND includes avoidance and minimization measures to avoid or reduce potentially significant impacts to nesting migratory birds. CDFW supports the implementation of avoidance and minimization measures to avoid and reduce potentially significant impacts to nesting birds, specifically with the use of Mitigation Measure BIO-4. However, considering the potential for nesting and foraging habitat on and adjacent to the Project, to avoid impacts to all nesting birds protected under Fish & Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, CDFW recommends revising the Mitigation Measure BIO-4 to incorporate the following survey protocols:

- a. Construction activities, vegetation removal, and other ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
- b. If construction activities, vegetation removal, and other ground-disturbing activities are to occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify any active nests on or adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, presence of predators).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in consultation with CDFW and U.S. Fish and Wildlife Service to comply with Fish & Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Measures to avoid and minimize impacts to an active nest may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

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Nesting bird surveys should be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed.

Western Pond Turtle

Western pond turtle (*Emys marmorata*) is a SSC. The SSC designation is given to species native to California satisfying one or more of the following criteria: 1) is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role; 2) is listed as federal (but not state) threatened or endangered; 3) meets the state definition of threatened or endangered, but has not formally been listed; 4) is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status; or 5) has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status. Therefore, if western pond turtle is present in the Project area, Project impacts to western pond turtle may be potentially significant.

Appendix B of the ISMND states that suitable aquatic habitat is present within 0.5 miles of the Project area, with a low potential to occur. CDFW recommends revision of Mitigation Measure BIO-2 to align with the information offered for appropriate survey methods in [USGS Western Pond Turtle \(*Emys marmorata*\) Visual Survey Protocol for the Southcoast Ecoregion](#)⁸ and that surveys are conducted by a qualified biologist familiar with the life cycle of western pond turtles.

Low Impact Development

Aerial imagery indicates Stillwater Creek flows just west of the Project area and critical vernal pool habitat exists east and south of the Project area. It was unclear from the ISMND if [Low Impact Development](#)⁹ (LID) strategies are to be employed for the avoidance and reduction in potentially harmful stormwater runoff. Due to the likelihood of stormwater discharge into nearby streams, and the reference in the ISMND to the Project increasing impervious surfaces, CDFW recommends the implementation of LID strategies to prevent a net-increase in

⁸https://sdmmp.com/upload/SDMMP_Repository/0/4fnpv18xm0sqtw29j7d3rz56bkychg.pdf

⁹ https://www.waterboards.ca.gov/water_issues/programs/low_impact_development/

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stormwater runoff from new development and parking lots that may occur during the life of the Project.

LID strategies may include permeable pavement, vegetated stormwater bio-swales and retention basins to treat, retain and infiltrate stormwater runoff on-site. These LID strategies are typically designed to prevent project generated stormwater runoff from exceeding that of a 100-year storm event, to protect water quality and manage stormwater as close to its source as possible, thus mitigating potential flooding and the outflow of toxic pollutants such as 6-ppd quinone, a chemical contaminant derived from vehicle tires, suspected to negatively impact aquatic organisms¹⁰, including CESA-listed salmonids. Ideally, post project stormwater run-off volume, rate and duration will match pre-project conditions and hydro modification would not occur as a result of the Project. CDFW supports and encourages the use of LID strategies because they have been found to minimize impacts to aquatic habitats by filtering out pollutants, decrease peak flows, minimize erosion, and increase ground water recharge. The use of LID strategies should be included in the ISMND.

Future CEQA Consultation

CDFW would like to thank the Lead Agency for engaging in early coordination prior to release of the draft ISMND, and to further emphasize that our staff remain available for consultation at every stage of the project development process. CDFW strongly encourages the Lead Agency to continue to consult with CDFW before and during the development of future projects and their equivalent CEQA documents, specifically regarding the analyses of biological resources and the formulation of avoidance, minimization, and mitigation measures for such resources. Engaging with CDFW early-on plays a critical role in allowing our agency to fulfill our mandate to conserve California's valuable fish and wildlife resources and will simultaneously aid the Lead Agency in an efficient and comprehensive CEQA review.


¹⁰ Tian, Z. et al. 2021. A ubiquitous tire rubber-derived chemical induces acute mortality in coho salmon. *Science* 371: 185-18.

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Conclusion

CDFW appreciates the opportunity to comment on the Project to assist the Lead Agency in adequately analyzing and minimizing impacts to biological resources. If you have any questions regarding the information above, or for future CEQA consultation requests, please contact Colton Trent, Environmental Scientist, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Tina Bartlett, Regional Manager
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