



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**



September 4, 2024

Elisabeth Towers  
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**SUBJECT: REVIEW OF USE PERMIT 23-0007, SHASTA COUNTY, STATE  
CLEARINGHOUSE NUMBER: 2024080303**

Dear Elisabeth Towers:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND), dated August 2024, 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 G. Code, §§ 711.7, subd. (a) & 1802; Pub. 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 environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<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.

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 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 may be required.

**Project Description:** Shasta County Resource Management Department (Lead Agency) is proposing to issue a use permit to construct a contractor’s storage yard, that includes a 5-acre outdoor storage area, installation of a 10,080-square-foot shop building, a vehicle/equipment wash station, a 10,000-gallon diesel tank fuel containment area, and a 1,000-square-foot office space, in Anderson, Shasta County (Project).

### **Comments and Recommendations**

In June 2024, CDFW responded to early consultation solicitations regarding the Project from the Lead Agency (herein, June letter). CDFW has reviewed the most recent Project documentation provided by the Lead Agency which includes a Biological Resource Assessment, Hydrologic Report, and an Updated Project Description. CDFW offers the following comments and recommendations to further assist the Lead Agency in adequately identifying, avoiding, minimizing and/or mitigating potentially significant, direct, and indirect impacts on biological resources with the implementation of the Project.

#### 1) Wetlands and Streams

As stated in CDFW’s June letter, due to the severe declines of wetlands throughout the state of California, CDFW considers impacts to wetlands to be significant and has a “no net loss” policy regarding wetland habitat.

Page 10 of the ISMND states “two of the identified wetlands, the 0.02-acre emergent wetland and 0.003-acre stream, are proposed to be removed as part of the proposed project.” CDFW discourages disturbance and/or development in wetlands; therefore, CDFW maintains the recommendation to re-design the Project to avoid impacts to wetland features. Mitigation Measure IV.c.1 on page 11 of the ISMND states “Compensatory mitigation shall be provided at not less than a 2:1 ratio unless mitigation at a ratio between 1:1 and 2:1 is acceptable to the regulatory agencies with jurisdiction.” If avoidance of impacts to wetlands remains infeasible, CDFW recommends

mitigation for impacts to wetlands at a minimum mitigation ratio **3:1 onsite**. If onsite habitat preservation, restoration and/or enhancement is not feasible, CDFW recommends contributing funds, at a **3:1 ratio**, to a mitigation bank for the protection of these habitats in perpetuity, or contributing funds to a conservation fund that creates, restores and/or enhances wetland habitats in Shasta County. Mitigating permanent impacts to wetlands at a mitigation ratio of 3:1 or greater will address temporal and functional loss and assures there will be “no net loss” of either wetland habitat value or acreage.

The Army Corps of Engineers Jurisdictional Delineation for the Project did not indicate any water features that flow offsite and connect to traditional navigable water. However, [State Water Resources Control Board mapping indicates<sup>2</sup>](#) that an intermittent stream may be present on site that flows north out of the Project parcel and connects with Anderson Creek. If Project activities will encroach upon or modify the creek, or its associated bed, bank, or channel, notification pursuant to Fish and Game Code section 1602 may be warranted:

## 2) Lake and Streambed Alteration Agreement

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 1602 Notification process, please access the [Lake and Streambed Alteration Program<sup>3</sup>](#).

## 3) Wildlife Friendly Fencing

The project description of the ISMND lists Installation of fencing as a proposed action under the Project, however; specific information given about the design of proposed fencing is included within the ISMND. As originally stated

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<sup>2</sup><https://gispublic.waterboards.ca.gov/portal/apps/View/index.html?appid=9b7f9b80c1904869b0f2a98e1c10f81e>

<sup>3</sup> <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

CDFW'S June 2024 early consultation letter, CDFW understands fences are essential for the control of trespass and privacy, however; inappropriately designed and/or installed fencing may create serious hazards for wildlife. CDFW recommends that the proposed equipment storage yard and the vicinity of the shop area incorporate a fencing style that provides necessary security for the site. If any fencing will be installed around the greater perimeter of the site, including the northeast portion of the property outside the equipment storage yard, CDFW recommends that wildlife friendly fencing be used. A fence that is friendly to wildlife may allow animals to jump over and crawl under easily without injury and are highly visible for both ungulates and birds. CDFW continues to encourage the Lead Agency to consider designing and constructing fencing with wildlife friendly fencing techniques to reduce the potential of injury or death. Please consult [A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind](#)<sup>4</sup> for construction recommendations and use of wildlife friendly fencing.

### **Promoting Collaboration**

CDFW is charged with preserving and protecting the state's diverse ecosystems and wildlife, therefore, CDFW maintains a strong commitment to collaborate with government entities. CDFW is enthusiastic to assist the Lead Agency in implementing comprehensive avoidance and minimization for the benefit of California's sensitive resources and aligning regulatory frameworks.

### **Conclusion**

CDFW appreciates the opportunity to comment on the Final Environmental Impact Statement to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Colton Trent, Environmental Scientist by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

Sincerely,

Tina Bartlett, Regional Manager  
Northern Region

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<sup>4</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161709>

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