



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 5, 2024

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**SUBJECT: REVIEW OF MACDOEL FIRE STATION, SISKIYOU COUNTY, STATE  
CLEARINGHOUSE NUMBER: 2024080369**

Dear Christina Snow:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND), dated July 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:**

The Project site is approximately 36.7 acres of undeveloped and inactive agricultural land bounded on the north, south, and west by undeveloped sagebrush/grassland, and to the east by US Route 97 and the Union Pacific Railroad Company's mainline. The Project, as described in the ISMND, is as follows:

*“Construction of a 2-engine fire station single building with 16-bed barracks and 3-bay apparatus (9,296 sf), office/administration building (2,047 sf), storage building (247 sf), and pump building (648 sf). Site development will include earthwork, storm drainage and treatment, driveways, curbs and gutters, walkways, fuel vault (1,500g diesel/500g gas), site lighting, enclosed generator, electric vehicle chargers, hose drying rack, trash enclosure, hazardous materials storage locker, fencing and gates, flagpoles, station monument and sign, and landscaping. Utilities will include water tanks (fire protection and domestic), water well, water distribution, sanitary sewer and treatment/disposal system, electrical power distribution, ground-mounted solar farm, liquified petroleum gas tank and distribution, and communication cabling. Demolition work includes the destruction of existing water wells.”*

**Comments and Recommendations**

CDFW staff recognize that the California Department of Forestry and Fire Protection (Lead Agency) has taken some appropriate steps to evaluate this Project's impacts to biological resources including a biological resources evaluation with potentially occurring special-status species however, without the incorporation of Avoidance and Minimization Measures (AMM's), this Project may have a significant impact to sensitive biological resources. CDFW offers the following comments and recommendations to further assist the Lead Agency in adequately identifying, avoiding, and minimizing potentially significant, direct, and indirect impacts on biological resources with the implementation of the Project.

### Western Bumble Bee and other *Bombus* species

The ISMND includes a brief description for Western bumble bee (*Bombus occidentalis*, WBB) and concludes that nesting habitat is not available within or adjacent to the Project area but may support foraging habitat. The ISMND does not consider Franklin's bumble bee (*Bombus franklini*, FBB) or Suckley's bumble bee (*Bombus suckleyi*, SBB), both of which are known only to Siskiyou County.

The California Fish and Game Commission accepted a petition to list all three *Bombus* species under CESA, advancing their listing status to the candidacy stage of the CESA listing process on September 30, 2022. Therefore, these species are granted full protection as 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, all three species have a state ranking of S1, critically imperiled and extremely rare (often five or fewer populations), as listed [Terrestrial and Vernal Pool Invertebrates of Conservation Priority](#)<sup>2</sup>.

While the current range projections for all three species do not bisect the Project area, their historical range boundaries do, and newly collected bumble bee survey data suggests the range boundaries for these species may extend beyond their previously projected range maps distinguished in 2022. For example, the current WBB range map does not extend into eastern Siskiyou County however, a 2023 [verified WBB observation](#)<sup>3</sup> was recorded just 38 miles south of the Project area in eastern Siskiyou County, within this species historical range boundary. Additionally, satellite imagery indicates that the Project area appears to have been left fallow for over a decade. Such length of time would typically allow for small rodents to create potentially suitable nesting habitat for *Bombus* species. Considering the potential for nesting habitat, and the abundance of foraging habitat in the surrounding area, the Project area may provide suitable nesting habitat for listed *Bombus* species.

The ISMND does not include AMM's for CESA candidate listed bumble bees. Without appropriate AMM's, potentially significant impacts may be associated with Project activities including, but not limited to, land modification resulting in a loss of foraging habitat, changes in foraging behavior, burrow collapse resulting in entrapment or crushing of burrows, nest abandonment, reduced nest success, reduced health, and vigor of eggs, young, and/or queens and

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

<sup>3</sup> <https://www.bumblebeewatch.org/sightings/bee/145467/>

direct mortality. CDFW recommends incorporating the following AMM's into the ISMND to avoid potentially significant impacts to special-status bumble bees:

*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 June 2023 Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#)<sup>4</sup>, shall conduct surveys for special-status bumble bees during the peak months of western bumble bee colony flight season (April to September) prior to the start of construction and in accordance with the 2023 survey considerations. 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](#)<sup>4</sup> for species verification by experienced taxonomists 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.*
- 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 bumble bee habitat.*
- e. *All data, including negative and/or positive observations, shall be submitted to the Bumble Bee Watch and CDFW.*

#### Swainson's Hawk

The ISMND discusses that multiple observations of Swainson's hawk (*Buteo swainsoni*, CESA Threatened) occur around the Project area and recently

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<sup>4</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

reported observations from [eBird](#)<sup>5</sup> indicate Swainson's hawk may be nesting within 5 miles of the Project area. While CDFW staff agree that the Project area does not contain suitable nesting habitat for Swainson's hawk, suitable nesting habitat does occur adjacent to the Project area and Swainson's hawks may be utilizing the Project area for foraging. CDFW recommends including an analysis for the loss of Swainson's hawk foraging habitat in the ISMND.

The ISMND does not include AMM's for Swainson's hawk. Without appropriate AMM's, potentially significant impacts to nesting Swainson's hawks may be associated with construction of the Project due to an increase in ambient noise levels, line-of-sight disturbance, and altered foraging behavior. Project activities which result in nest abandonment, starvation of young; and/or reduced health and vigor of eggs and nestlings may result in the take of Swainson's hawks. The taking of Swainson's hawk in this manner may be a violation of Section 2080 of the Fish and Game Code and should be avoided.

As a CESA threatened species, Swainson's hawk warrants special considerations if indirect and/or direct impacts from the Project are anticipated. Since suitable nesting habitat occurs adjacent to the Project site, CDFW recommends that [Swainson's hawk surveys](#)<sup>6</sup> are conducted by a qualified biologist at the appropriate time of year, prior to implementation of Project activities.

According to methods developed in the document [Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley](#)<sup>7</sup>, surveys should be conducted within a 0.5 mile radius around the Project area during at least two specific survey windows defined in the protocol. The protocol also includes early season surveys to assist in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities. If ground-disturbing Project activities will take place during the Swainson's hawk nesting season (March 1 through September 15), and surveys find active nests, CDFW recommends a minimum no-disturbance buffer of 0.5 mile be delineated around active nests. If "take" or adverse impacts to Swainson's hawk cannot be avoided during Project activities, a CESA Incidental Take Permit must be obtained pursuant to FGC section 2080 et seq.

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<sup>5</sup> <https://ebird.org/map/swahaw>

<sup>6</sup> <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

<sup>7</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

### Nesting Migratory Birds

The Project area, and adjacent, contains suitable habitat for nesting birds. The ISMND does not include AMM's for nesting birds. Nesting migratory birds could be directly or indirectly impacted by construction, land modification, and vegetation removal activities. Direct effects may include mortality resulting from vegetation removal and/or construction equipment operating in an area containing an active nest with eggs or chicks. Indirect effects could include nest abandonment by adults in response to an increase in ambient noise levels, human encroachment, or a reduction in the amount of food available to young birds due to changes in feeding behavior by adults. Implementation of nest season surveys, outlined below, would ensure that impacts to nesting birds are less than significant.

To avoid impacts to nesting birds protected under Fish and Game Code Sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following should be implemented:

1. Vegetation removal and other ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting; or
2. If vegetation removal or ground disturbing activities cannot feasibly occur outside of the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Nesting bird surveys should begin prior to sunrise and continue until all nesting habitats have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius. 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 and Game Code Sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Feasible AMM's may include, but are not limited to, exclusion buffers, sound-



attenuation measures, seasonal work closures based on the known life history of the species identified during the survey, as well as ongoing monitoring by biologists.

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.

### Fencing

CDFW supports the construction of fencing to ensure that wildlife would not be adversely impacted, as mentioned in the ISMND however, the details of wildlife friendly fencing to be implemented were not discussed. CDFW recommends including the fencing design in the ISMND and how the chosen design will be implemented to alleviate potential hazards to wildlife. [A Landowners Guide to Wildlife Friendly Fences](#)<sup>8</sup> may provide useful information for fencing design strategies.

### **California Endangered Species Act**

Please be advised that a [CESA Incidental Take Permit](#)<sup>9</sup> must be obtained if the Project has the potential to result in “take” (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in take of a CESA-listed species, early consultation is encouraged, as significant modification to the Project may be necessary to minimize and fully mitigate impacts as required by Fish and Game Code Section 2081 (b) (2).

### **Submitting Data**

CEQA requires that information developed in environmental documents is incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Public Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during surveys to the [California Natural Diversity Database](#)<sup>10</sup> (CNDDDB).

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<sup>8</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161708>

<sup>9</sup> <https://wildlife.ca.gov/Conservation/CESA/Permitting>

<sup>10</sup> <https://wildlife.ca.gov/Data/CNDDDB>

**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 other state agencies. CDFW is enthusiastic to continue assisting the Lead Agency in implementing comprehensive avoidance and minimization strategies for the benefit of California's sensitive resources and aligning regulatory frameworks.

**Conclusion**

CDFW appreciates the opportunity to comment on the MND and to assist the Lead Agency in identifying, avoiding, minimizing and mitigating potentially significant Project 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,

Tina Bartlett, Regional Manager  
Northern Region

cc: State Clearinghouse  
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