

## Haggerty, Nicole@Wildlife

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**From:** Bryant, Claire@Wildlife  
**Sent:** Tuesday, February 4, 2025 8:46 AM  
**To:** kramsaur@cityofwilliams.org  
**Cc:** Wildlife R2 CEQA; Sheya, Tanya@Wildlife; Kilgour, Morgan@Wildlife; Wood, Dylan@Wildlife  
**Subject:** CDFW Comments on the Williams Electric Vehicle and Low Carbon Fuels Travel Center [SCH No. 2024121132]

Dear Katheryn Ramsaur:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from City of Williams for the Williams Electric Vehicle and Low Carbon Fuels Center Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.<sup>[1]</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

### **CDFW 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. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) 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 & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### **PROJECT DESCRIPTION SUMMARY**

The Project site is located on a 20.63- acre parcel in northwestern Williams, in Colusa County, CA. The site is south of SR 20, west of I-5, north of North St, and east of Virginia St. The Assessor Parcel Numbers (APNs) are: 016-070-036, 005-013-003, 005-201-037, 005-011-003, 005-013-006. Latitude and longitude of the site are 39.160847 and -122.157158 respectively.

The Project consists of an electric vehicle charging (EVC) and low carbon fuels center on 20.63 acres, including a 3.21-acre commercial and passenger vehicle area with a 15,000 sf commercial center/convenience store, a 14.71-acre truck/travel trailer area with a 5,000-sf truck maintenance and scales building and a 2- lane truck wash of approximately 6,000 sf, a new access road on 2.53, and an emergency access road. The project also includes a

General Plan Map Amendment to redesignate 22.54 acres of Parks and Recreation to 20.24 acres of Commercial and 13.95 acres of Urban Residential High Density to 13.72 acres of the same designation; a General Plan text amendment to amend maps in the Circulation Element to add signalization to an intersection, and to add a portion of a street as a Truck Route; a Zoning Map Amendment to rezone 22.54 acres of Agriculture to 20.24 acres of Commercial-Highway Overlay and 13.95 of RU-HD to 13.72 acres; and a Zoning Text Amendment to add a portion of a road as a Truck route, add the Highway Overlay Zone to the property, and allow truck stops within the Highway Overlay Zone. The total area affected by development and map amendments is approx. 36.5 acres.

The proposed EVC/LCFC Project would entail comprehensive surface and subsurface disturbance and is likely to include the following:

- Footings excavations for signage piers, retail facilities, truck and automobile fueling bays, solar panel piers, and associated shade structures;
- Vault excavations for fuel storage tanks and stormwater storage;
- Underground utility excavations for air, water, stormwater drainage, and sewer drain conveyances;
- Miscellaneous cut-and-fill for installation of auto and truck parking and access and landscaping for remaining bare earth areas.

It is assumed that up to 90 percent of the development portion (20.63 acres) of the site would be leveled and covered in concrete and asphalt-concrete paving. Two detention basins totaling 1.75 acres would also be constructed to contain stormwater runoff to City standards.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Williams in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended below, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

CDFW is primarily concerned with the project impacts to special status species, migratory birds and birds of prey.

### COMMENT 1: Threatened, Endangered, Candidate Species

**Issue:** The Project area as shown in the MND is in proximity or contains suitable habitat for State and federally listed species such as giant garter snake (*Thamnophis gigas*) (GGs), Swainson's hawk (*Buteo swainsoni*) (SWHA), tricolored blackbird (*Agelaius tricolor*), and burrowing owl (*Athene cunicularia*). The environmental document must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

**Recommendation:** CDFW encourages preconstruction surveys (described below) to potential presence of listed species. If listed species are identified, CDFW recommends consultation to and coordination with the U.S. Fish and Wildlife Service and CDFW to avoid impacts to listed species.

### COMMENT 2: Migratory Birds and Birds of Prey, BIO-1, page 42-43

**Issue:** Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & G. Code section 3513. Fish & G. Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Suitable foraging and nesting habitat for birds and birds of prey is present on and adjacent to the Project area. Ground disturbing and other construction activities could result in the take of migratory native bird species, including ground nesting species such as northern harrier (*Circus hudsonius*), California quail (*Callipepla californica*), and western meadowlark (*Sturnella neglecta*). The proposed Project

should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. The existing mitigation measure does not include a sufficient survey radius to reduce potential impacts to nesting raptors. In addition, the work window stated in the mitigation measure (Feb 15- September 1) varies from the typical nesting period for migratory birds in California's Central Valley. The environmental document did not include analysis to support this variance in work window.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends updating Mitigation Measure BIO-1 for appropriate avoidance and mitigation measures to avoid take of migratory birds and birds of prey by implementing the following nesting bird survey measure prior to the initiation of construction activities:

Nesting Bird Survey. If project-related activities are scheduled between February 1 and August 31 (the typical nesting season), a focused survey for nests shall be conducted by a qualified biologist within no greater than fifteen (15) calendar days prior to the beginning of Project-related activities. The qualified biologist shall survey a minimum radius of 500-feet for migratory birds and 1/2-mile for raptors around the Project area that can be accessed by Project proponent. The results of the survey shall be provided to the City of Williams upon completion. If no active nests are found, Project activities may proceed as scheduled.

Active Nests. If an active nest is found, active nests should be avoided, and a no disturbance or destruction buffer shall be determined and established by a qualified biologist. The buffer shall be kept in place until after the breeding nesting season or the qualified biologist confirms the young have fledged, are foraging independently, and the nest is no longer active for the season. The extent of these buffers shall be determined by the qualified biologist and will depend on the species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers.

Project Delay. If a lapse in project-related work of fourteen (14) calendar days or longer occurs, the qualified biologist shall complete another focused survey before Project work can be reinitiated.

Project proponent Responsibility. It is the Project proponent's responsibility to comply with Fish and Game Code Sections 3503, 3503.5, and 3513, regardless of the time of year. This Agreement does not authorize take of birds, their nests, or their eggs.

### **COMMENT 3: Swainson's hawk Protocol-level Surveys, page 40**

**Issue:** SWHA (*Buteo swainsoni*) are a state threatened species, also protected under Fish and Game Code section 3503, 3503.5 and the federal Migratory Bird Treaty Act (MBTA). The environmental analysis recognizes that the project area contains suitable SWHA nesting and foraging habitat. There is a high probability of SWHA presence in the project area; the California Natural Diversity Database records nine SWHA occurrences within a five-mile radius of the project location. The IS/MND mitigation measures are insufficient to reduce SWHA impacts. Therefore, impacts to SWHA may be considered potentially significant unless adequate species-specific mitigation is incorporated.

**Recommendation:** CDFW recommends that a qualified biologist conduct SWHA protocol-level surveys during all survey periods throughout the nesting season prior to the commencement of all construction activities, regardless of potential vegetation removal. Protocol-level surveys should be conducted within a minimum 1/2-mile radius around the project area in accordance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee, 2000) as follows:

- January to March 20- One (1) Survey, All Day
- March 20 to April 5- Three (3) Surveys, Sunrise to 1000 / 1600 to Sunset
- April 5 to April 20- Three (3) Surveys, Sunrise to 1200 / 1630 to Sunset
- April 21 to June 10- Monitoring

- June 10 to July 30- Three (3) Surveys, Sunrise to 1200 / 1600 to Sunset

Nests found within 0.50 miles should be monitored either continuously or periodically depending on the construction activities and level of disturbance until young have fledged, are feeding independently and are no longer dependent on the nest. Additionally, CDFW recommends on-site monitoring by a qualified biologist familiar with the species, as buffers may need to be increased based on the birds' tolerance level to the disturbance as activities change and as the birds' transition through different stages of the nesting cycle. If SWHA are found, no work shall begin until CDFW has been consulted and compliance with CESA can be demonstrated.

#### **Comment 4. Swainson's Hawk Loss of Foraging Habitat, page 38-39**

**Issue:** The current state of the project site as mixed residential and fallow agricultural field provides suitable foraging habitat to a mix of raptor communities, including SWHA. The IS/MND states that the 22.54 acres of Agricultural land will be converted to paved commercial. The primary threat to the SWHA population in California continues to be habitat loss, especially the loss of suitable foraging habitat, but also nesting habitat in some portions of the species' breeding range, due to urban development and incompatible agriculture. This impact may have been the greatest factor in reducing SWHA range and abundance in California over the last century (California Department of Fish and Game 1993, California Department of Conservation 2011).

Suitable foraging habitat is necessary to provide an adequate energy source for breeding SWHA adults, including support of nestlings and fledglings. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling health and survival with an increased likelihood of disease and/or starvation. In more extreme cases, the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985). The conversion of agricultural land to paved commercial will permanently reduce the amount of SWHA foraging habitat.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the City of Williams quantify the total acreage of Project impacts to SWHA foraging and nesting habitat. To reduce impacts to SWHA foraging and nesting habitat to a less than significant level, CDFW recommends a minimum of acre for acre habitat replacement in the form of fee title acquisition with a conservation easement to protect SWHA foraging and nesting habitat. To reduce impacts to a level of less than significant, CDFW recommends incorporating the following mitigation measure in the IS/MND that adequately addresses impacts to SWHA nesting and foraging habitat:

SWHA Foraging Habitat. To compensate for the permanent loss of 22.54 acres of SWHA foraging habitat, the project proponent shall preserve foraging habitat for SWHA or shall purchase SWHA foraging habitat mitigation credits at a CDFW-approved mitigation bank, at a minimum 1:1 ratio. Before purchase of credits at a mitigation bank and/or acquisition of mitigation land, location of the mitigation shall be determined by the lead agency and a qualified biologist based on habitat suitability. This mitigation shall be implemented by the project proponent prior to starting project activities in suitable SHWA foraging habitat.

#### **COMMENT 5: Tricolored blackbird Preconstruction Survey, page 40**

**Issue:** The project site is within approximately 600 feet of a recorded TRBL (*Agelaius tricolor*) occurrence on the California Natural Diversity Database. Construction activities could result in significant impacts to nesting tricolored blackbird through noise, fugitive dust, human presence, and/or night lighting. Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Bayne et al. (2008) found that songbird abundance and density was significantly reduced in areas with high levels of noise. The survey included in the IS/MND for presence or absence of TRBL on the project site did not include a protocol level survey for TRBL populations within a ¼ mile of the project area. The provided analysis is not sufficient to eliminate the

consideration of impacts to TRBL. As a result, the nesting bird mitigation measure included in the IS/MND does not reduce impacts to TRBL to less than significant.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends implementing the following TRBL preconstruction survey measure prior to initiation of construction activities:

Tricolored Blackbird Nesting Survey. Prior to initiation of construction in the project work area and within a ¼-mile of the project work area, a qualified biologist shall conduct protocol-level surveys to evaluate the presence of TRBL breeding colonies, suitable nesting and foraging habitat. Surveys shall be conducted during the nesting season (March 15 to July 31). If construction is initiated in the project work area during the nesting season, three (3) surveys shall be conducted within fifteen (15) days prior to the construction activity, with one of the surveys within three (3) days prior to the start of the construction. The surveys shall be based on survey methods identified in the Results of the 2017 Tricolored Blackbird Statewide Survey, Appendix 1 (Meese 2017). If breeding colonies are found, the foraging behavior of the colony shall also be documented. Many TRBL breeding colonies expand over time as additional birds are recruited at the edges of established colonies. For this reason, it is important to reassess the extent of a breeding colony before the start of construction activities. If TRBL are found, no work shall begin until CDFW has been consulted and compliance with CESA can be demonstrated.

#### **COMMENT 6: Burrowing Owl preconstruction survey and Avoidance**

**Issue:** On October 10, 2024, the California Fish and Game Commission granted the western burrowing owls candidate species protections under CESA. The candidacy designation temporarily affords the burrowing owl broad CESA protections (including prohibitions against “take” without permit authorization) throughout the entirety of California for 12-18 months while CDFW conducts a species status review to confirm whether (and where) listing is warranted and to recommend management and recovery actions. The California Natural Diversity Database shows burrowing owl occurrence within 5 miles of the project location. The IS/MND does not include analysis or mitigation measures concerning the potential impacts to burrowing owls.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends implementing the following burrowing owl avoidance and mitigation measures prior to initiation of construction activities:

Burrowing Owl Surveys. A qualified biologist shall conduct burrowing owl surveys within and adjacent to the project area. Burrowing owl surveys shall be conducted in accordance with the protocol described in the *Staff Report on Burrowing Owl Mitigation – Appendix D* (CDFW, March 7, 2012). Surveys shall be conducted during the breeding (February 1 to August 31) season and include no fewer than four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. Surveys shall also be conducted during the non-breeding season (September 1 to January 31) before the start of construction activities to determine seasonal residency. Non-breeding season surveys shall consist of at least four (4) visits, spread evenly, throughout the nonbreeding season. The presence of burrows, burrowing owl, or their sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, owl whitewash, nest burrow decoration materials, etc.), anywhere on the site or within a 1,650-foot accessible radius around the project site (i.e., survey area), shall be recorded and mapped. Survey reports shall be prepared in accordance with the *Staff Report on Burrowing Owl Mitigation* and submitted to CDFW no later than three (3) days prior to the start of project activities. If a lapse in project-related work of seven (7) calendar days or longer occurs, another focused survey and consultation with CDFW shall be required before project work can be reinitiated. If burrowing owl are found, no work shall begin until CDFW has been consulted and compliance with CESA can be demonstrated.

Burrowing Owl Take Avoidance. If an active (i.e. occupied by burrowing owl individuals or family groups) burrow is found, the burrow shall be avoided and no disturbance buffers shall be established by the qualified biologist. The size of the no disturbance buffer shall be consistent with the *Staff Report on Burrowing Owl Mitigation* shown in

Table 1. The no disturbance buffer shall be clearly marked with high-visibility flagging, signage, or other methods determined by the qualified biologist.

**Table 1. Burrowing Owl Avoidance Buffers**

Time of Year	Buffer Size (in feet) per Level of Disturbance		
	Low	Medium	High
April 1- Aug 15	650	1650	1650
Aug 15- Oct 15	650	650	1650
Oct 16- Mar 31	165	330	1650

To ensure the buffer is sufficiently sized to avoid take, the qualified biologist shall conduct a minimum of two days of baseline monitoring of burrowing owl behavior prior to the start of project activities and then be onsite to monitor the burrow during the start of project activities. No disturbance buffers shall remain in place until the qualified biologist determines the burrow is unoccupied by adults or young (occupation includes individuals or family groups using the burrow or foraging on or near the site following fledging). Should project activities cause burrowing owls to exhibit territorial or agitated behavior (e.g. flushing, vocalizing, making defensive flights at intruders, etc.) then the no disturbance buffer shall be increased such that activities are far enough from the burrow so that the bird(s) no longer display the agitated behavior. Any reductions or modifications to this buffer shall be approved by City of Williams and CDFW prior to its implementation. The buffer reduction request shall include relevant rationale and may propose new measures to further justify the buffer reduction.

**COMMENT 7: GGS Work Window and Pre-construction Survey, page 40**

**Issue:** The California Natural Diversity Database shows twelve occurrences of GGS within five miles of the project location. Construction activities or mechanical vegetation management along canal banks such as disking, mowing, and grading near canals can result in direct mortalities and destruction of basking vegetation and burrows used for refugia. GGS have adapted to using irrigation canals and rice fields as wetlands have been reduced in the Central Valley (Halstead et al. 2010) and small mammal burrows in upland habitat are generally used for cover and retreat during the active season and for refuge from flood waters during the dormant season (Halstead et al. 2015). The IS/MND states that no water was seen in the irrigation canals during the site visits in September and November 2022; however, a review of satellite imagery of the project location shows water is regularly present in the irrigation canals surrounding the project location. The cattails within the western and southern sections of the area also supports presence of suitable GGS habitat. The current IS/MND does not include mitigation measures to reduce impacts to GGS to a less than significant level.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends implementing the following GGS preconstruction survey and work window measures prior to initiation of construction activities:

Giant garter snake Pre-construction Survey. No more than 24 hours prior to the commencement of initial ground disturbance, a qualified biologist shall survey for GGS within 200-feet of suitable aquatic habitat. If GGS are found, no work shall begin until CDFW has been consulted and compliance with CESA can be demonstrated. The project area shall be re-inspected by a qualified biologist whenever a lapse in ground disturbance of two weeks or greater has occurred.

Giant Garter Snake Work Window. All ground disturbing construction activities within GGS upland and aquatic habitat be conducted between May 1 and October 1. This is the active period for GGS and direct impacts are lessened because snakes are more likely actively moving and avoiding danger.

#### **COMMENT 8: American Badger**

**Issue:** American badgers (*Taxidea taxus*) are a CDFW species of special concern (SSC) and have been exhibiting substantial population decline which if continued or resumed, could qualify it for State threatened or endangered status.

The American badger utilize different types of dens throughout their life: reproductive (natal and rearing), over-wintering and hunting. The American badger mates between July and September with delayed implantation of the embryo occurring between January and February (Long, 1973). Females give birth underground between March and April. Kits typically disperse from the reproductive den at three to four months of age (Messick et al., 1981) although some young American badgers have delayed dispersal until their second year. Forced relocation of kits prior to their ability to disperse on their own can result in unforeseen stressors or impacts to local badger populations. No measures were included in the IS/MND to reduce impacts to American Badgers.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends that the project proponent implement the following American badger preconstruction survey measure prior to the initiation of construction activities:

American Badger Preconstruction Survey. A qualified biologist shall conduct an American badger preconstruction survey within 3 calendar days prior to the initiation of construction activities within suitable habitat for American badger. If no American badger individuals and/or burrows are found during the preconstruction survey, the biologist shall document the findings in a letter report to City of Williams, and no further mitigation shall be required. If individuals and/or burrows are found, the project proponent shall consult with City of Williams and CDFW, and a qualified biologist to determine an appropriate no disturbance buffer to avoid impacts to the den. If impacts cannot be avoided, den excavation and exclusion implementation shall take place during the non-breeding season (typically September 1 through January 1) in consultation with CDFW.

#### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

#### **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

#### **CONCLUSION**

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the MND for the Williams Electric Vehicle and Low Carbon Fuels Center Project to assist City of Williams in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Claire Bryant, Environmental Scientist, at 530-333-7748 or by email at [Claire.Bryant@Wildlife.ca.gov](mailto:Claire.Bryant@Wildlife.ca.gov)

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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.