



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 13, 2025

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**SUBJECT: Review of Use Permit 19-0014, Shasta County, State Clearing House
Number 2025010324**

Dear Tara Petti:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (MND), dated January 2025, for the above-referenced project (Project). CDFW appreciates this opportunity to comment 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 & 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.

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

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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California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or state listed rare plants pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code § 1900 et seq.), authorization as provided by the applicable Fish and Game Code may be required.

Project Description: The Project is a Use Permit for a commercial riding stable that would board up to 25 horses, with services including boarding, training, riding lessons, and up to four equestrian clinics annually.

Improvements outside of the lease area would include utilities to serve the installation, including a small transformer on a 54-inch by 52-inch prefabricated concrete slab, fiber, and electric utility lines; construction of an approximately 450-foot all-weather gravel access driveway within a 15-foot-wide access and utility easement where there is an existing unimproved driveway; an approximately 630-foot underground utility run from an existing power pole and transformer; and an approximately 680-foot fiber-optic cable run to a new point of connection on an existing fiber optic cable at Camino Real.

Comments and Recommendations

In January 2020 CDFW responded to an early consultation solicitation from Shasta County (Lead Agency) and in April 2020, CDFW performed a formal CEQA review of the Initial Study and MND published by the Lead Agency under State Clearinghouse Number 2020039011. Under the current State Clearinghouse Number, CDFW staff have reviewed the Initial Study and MND, the revised-in-2023 Biological Resources Assessment (BRA) and the 2024 Bumble Bee Memo (Memo).

CDFW staff concurs with mitigation measures IV.a.1-4 to avoid and minimize potential impacts to CESA-listed bumble bees, IV.d.1-4 to avoid and minimize potential impacts to nesting birds and bats. However, 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.

California Endangered Species Act

This Project has the potential to impact CESA-listed species. Please be advised that a [CESA permit](#)² must be obtained if the Project has the potential to result in

² <https://wildlife.ca.gov/Conservation/CESA/Permitting>

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“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 the 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).

Lake and Streambed Alteration Agreement

The MND states *“Impacts to the riparian area and the intermittent stream could potentially occur during project construction. The project would disturb approximately 1.5 acres, and that a stream crossing may be established.* Please note that these actions may be subject to Fish and Game Code section 1602 which 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:

- Substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- 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.

Lake and Streambed Alteration Program staff are available to assist and can be contacted at r1lsaredding@wildlife.ca.gov. To obtain information about the 1602 Notification process, please access the [Lake and Streambed Alteration Program](#)³.

Oak Woodlands

The BRA includes a tree inventory which indicates 279 blue oak trees, 16 interior live oak and 21 foothill pine trees that occur throughout the oak woodlands on the property ranging in size between 0.5 and 42 Diameter at Breast Height. Of these 216 total trees, 87 blue oaks, 8 foothill pine and 5 interior live oak trees will be permanently removed with the implementation of this Project. The MND offers mitigation measure IV.e.3 which states *“Native trees shall be planted*

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

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onsite wherever possible to replace mature trees that are removed during construction."

Lead Agencies have a responsibility under Section 21083.2 of the California Public Resources Code to consider cumulative impacts to oak woodlands, and their significance, and have the authority to require mitigation for impacts within County limits and require mitigation such as land preservation, enhancement, restoration, and conservation anywhere that is within the general ecological subregion (i.e., within the northern Central Valley).

CDFW does not believe mitigation measure IV.e.3 adequately reduces the Project's impacts to oak woodlands to less than significant. Blue oak woodland is classified as a State Rank 4 [Sensitive Natural Community](#)⁴, which are at moderate risk of extinction due to restricted range, relatively few populations, low regeneration, overall ecological benefits and their susceptibility to long term climatic changes. The ongoing loss of oak woodlands throughout Shasta County without adequate mitigation is resulting in a cumulative total loss of oak woodlands in our region.

CDFW strongly recommends the Lead Agency re-analyze this Project's permanent removal of oak woodlands and consult the [Oak Woodland Impact Decision Matrix](#)⁵ for most appropriate mitigation considerations for oak woodland impacts. For mitigation that includes establishment and revegetation, oak trees should be replaced at the following mitigation to impact ratios:

Oak trees:

- 1:1 replacement for trees up to 3 inches DBH
- 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks.

Non-oak trees:

- 1:1 replacement for non-native trees
- 1:1 replacement for native trees up to 3 inches DBH

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

⁵ https://docs.vcrma.org/images/pdf/planning/bio/Oak_Impact_Matrix.pdf

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- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH
- 6:1 replacement for trees greater than 15 inches DBH.

Since onsite oak habitat establishment appears unfeasible and is not recommended, offsite oak woodland mitigation strategies should be considered as a condition of this Projects approval by the Lead Agency. Oak woodlands may be mitigated by establishing a conservation easement to offset impacts to oak woodlands (acres protected to acres affected at a minimum 3:1 ratio) or contributions to an appropriate compensation fee to an Oak Woodlands Conservation Fund, such as those managed by the [California Wildlife Conservation Board](#)⁶. The goal of mitigation should be to effectively attain no net loss of oak woodland habitat. Please note that even when retaining mature oak trees, developing between and around the trees permanently alters the values and functions of oak woodland habitat.

Additionally, to make mitigation efforts effective and enforceable, the Lead Agency should condition the formulation of a Habitat Restoration Plan, or similar, prior to the approval of land modification which would explicitly quantify the number of trees to be removed, acres of habitat impacted, trees to be planted onsite, monitoring and success criteria, and any additional onsite/offsite mitigation strategies, to be reviewed and approved by CDFW, of which is not currently included in the BRA.

Pesticide Use

In addition to the proposed mitigation measure IV.a.2, CDFW requests the Lead Agency to forward to following considerations to the Project applicant when applying pesticides:

- Follow the best management practices described by the [Guidance to Protect Habitat from Pesticide Contamination](#)⁷.
- Avoid using pesticides marked with the US Environmental Protection Agency's bee hazard icon.
- Avoid spraying pesticides onto any flowering plant.
- Use pesticides with a short residual toxicity to bees; bee pesticide toxicity can be checked via UC ANR's [Bee Precaution Database](#)⁸.

⁶ <https://wcb.ca.gov/Programs/Oaks>

⁷ https://xerces.org/sites/default/files/2019-10/16-024_01_XercesSoc_Guidance-to-Protect-Habitat-from-Pesticides_web.pdf

⁸ <https://ipm.ucanr.edu/bee-precaution-pesticide-ratings/>

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- Use targeted application instead of broadcast spraying whenever possible.
- Avoid mixtures of pesticides as they are only evaluated in scenarios in which they are not mixed; thus, potentially harmful synergies are unknown.
- All pesticide applications must be conducted by a Licensed and Certified Pesticide Applicator and should be used as directed by the manufacturer.

Additional guidance on this topic is offered by [Xerces Smarter Pest Management: Protecting Pollinators](#)⁹, the [United States Environmental Protection Agency](#)¹⁰ and the [California Department of Pesticide Regulation](#)¹¹.

Wildlife Friendly Fencing

CDFW understands fences are essential for human safety and the control of livestock, however, inappropriately designed and/or installed fencing may create serious hazards for wildlife. Therefore, CDFW encourages the Lead Agency to consider designing and constructing perimeter 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](#)¹² for construction recommendations and use of wildlife friendly fencing. CDFW staff are also available to assist in providing further recommendations for effective wildlife friendly fencing techniques.

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 observation of special status species to the CNDDDB. Use this link to access the [CNDDDB field survey form](#)¹³ and this link for additional information on the type of [information reported to CNDDDB](#)¹⁴.

Promoting Collaboration

CDFW is charged with preserving and protecting the state's diverse

⁹ <https://xerces.org/publications/fact-sheets/smarter-pest-management-protecting-pollinators-at-home>

¹⁰ <https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators>

¹¹ <https://www.cdpr.ca.gov/docs/enforce/pollinators/>

¹² https://fwp.mt.gov/binaries/content/assets/fwp/conservation/land-owner-wildlife-resources/a_landowners_guide_to_wildlife_friendly_fences.pdf

¹³ <https://nrm.dfg.ca.gov/fieldSurvey/default.aspx>

¹⁴ <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

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ecosystems and wildlife; therefore, CDFW maintains a strong commitment to collaborate with local government entities. CDFW is enthusiastic to continue assisting the Lead Agency in implementing comprehensive avoidance and minimization for the benefit of California's sensitive resources and aligning regulatory frameworks and appreciates the collaboration thus far.

Conclusion

CDFW appreciates the opportunity to comment on the MND to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist (Specialist) by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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