



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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GAVIN NEWSOM, Governor
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March 3, 2025

Dan Newton
City Manager
City of Susanville
66 N Lassen Street
Susanville CA, 96130

SUBJECT: CITY OF SUSANVILLE TRAVEL STOP PROJECT, NOTICE OF PREPARATION (NOP) OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), STATE CLEARING HOUSE NUMBER [2025011078](#)¹

Dear Dan Newton:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) and Initial Study dated January 2025 for a Draft Environmental Impact Report (DEIR) for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines².

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; 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 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

¹ <https://ceqanet.opr.ca.gov/2025011078>

² 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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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.), 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 will be required.

PROJECT DESCRIPTION SUMMARY

Lead Agency: City of Susanville

Project Applicant: Lane Engineering, Inc.

Objective: Lane Engineering, Inc. is proposing to construct a full-service travel stop on approximately 14.15 acres of vacant land to the southeast of the City of Susanville. The proposed project includes a travel stop, which would provide professional truck drivers and motorists with 24-hour access to purchase gasoline, diesel, propane, electronic items, snacks, travel items, and food from two fast-food restaurants, one with drive-thru. A dog park, recreational vehicle (RV) dump station, bioretention basins, truck, RV and automobile parking areas and landscaping/lighting are also proposed, along with a 10-space overnight RV park.

Biological Setting: The Project area is located on an approximate 14.15-acre vacant parcel situated to the southeast of the City of Susanville in the Honey Lake Valley. The parcel appears to be comprised of an herbaceous layer, devoid of any trees, with a potential for wetlands. The Susan River flows along the northern parcel boundary of the Project area. The Susan River's riverine, riparian, and wetland habitats are home to an abundant amount of species including, but not limited to, Lahontan Lake tui chub (*Siphateles bicolor pectinifer*, Species of Special Concern [SSC]), Lahontan mountain sucker (*Catostomus Lahontan*, SSC), greater sandhill crane (*Antigone canadensis tabida*, CESA Threatened), Swainson's Hawk (*Buteo swainsoni*, CESA Threatened), Tricolored blackbird (*Agelaius tricolor*, CESA Threatened), bank swallow (*Riparia riparia*, CESA Threatened), western bumble bee (*Bombus occidentalis*, CESA Candidate) and Aleppo avens (*Geum aleppicum*, California Rare Plant Rank 2B.2). The Initial Study indicates wetlands may occur just north of the Project area, the parcel has been previously disturbed and contains State Rank 3 Ashy ryegrass - Creeping wildrye turfs (*Leymus cinereus* - *Leymus triticoides*) state sensitive natural community.

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Comments and Recommendations

CDFW offers the following 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.

Biological Assessment

Section 15125, subdivision (c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and provide meaningful and relevant comments to the Lead Agency, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats. The DEIR should include the following information:

- A. A thorough, floristic-based assessment of special status plants and natural communities should be included following [CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities](#)³ or other comprehensive survey and evaluation. CDFW recommends that floristic, alliance-based and/or association-based mapping and vegetation impact assessments be conducted at the Project site and neighboring vicinity, and at potential mitigation sites for the Project. Adjoining habitat, staging areas, and access areas should be included in this assessment of where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions. Rare plant survey results and impact evaluation should be included in the DEIR.

- B. A recent and complete inventory of rare, threatened, endangered, fully protected and other sensitive species on site and within the area of potential effect. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines, § 15380). CNDDDB indicates the occurrence of many special status species within and adjacent to the Project area. The Susan River is a valuable resource to plants and wildlife year-round therefore, seasonal biological variations should also

³ <https://www.wildlife.ca.gov/Conservation/Plants/Info>

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be addressed. Focused species-specific surveys should be conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, to accurately assess project impacts on sensitive species. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service. While some species may be assumed present, the completion of protocol-level surveys is important to determine species that are present. CNDDDB is not an exhaustive and/or comprehensive inventory of all rare species and natural communities statewide and therefore, species that have not been reported to CNDDDB does not negate their potential to occur. CDFW recommends that CNDDDB be used as a starting point in gathering information about the potential presence of species within the general area of the Project area. Please visit the [CDFW survey guidelines and recommended protocols for plants and special-status species](#)⁴ for more information.

CDFW recommends the following CESA-listed species, which have potential to occur, are surveyed by a qualified professional(s) prior to the development and release of the DEIR:

1. Greater Sandhill Crane (SACR)

SACR nesting occurs in the Honey Lake Basin of Lassen County. According to CNDDDB and eBird, several observations of SACR have been recently recorded throughout Susanville and in proximity to the Project area. Therefore, CDFW recommends SACR surveys are performed by a qualified biologist. SACR nesting survey results and impact evaluation should be provided in the DEIR.

If nesting SACR are detected within proximity to the Project area consultation with CDFW is warranted to discuss how to avoid take and implement appropriate avoidance, minimization, and mitigation measures (AMM's). AMM's should be included in the DEIR in accordance with the [Greater Sandhill Crane 5 Year Status Review](#)⁵.

2. Bank Swallow (BANS)

BANS nesting occurs in the Honey Lake Basin of Lassen County. According to CNDDDB and eBird, several observations of BANS have

⁴ <https://wildlife.ca.gov/Conservation/Survey-Protocols>

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=3521>

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been recently recorded throughout Susanville along the Susan River. In 2018, a small colony was recorded along the Susan River on the northern boundary of the Project area. Therefore, CDFW recommends BANS surveys are performed by a qualified biologist in accordance with approved survey methodology such as [Bank Swallow Survey Methods for the Sacramento and Feather Rivers, California](#)⁶. BANS nesting survey results and impact evaluation should be provided in the DEIR.

If nesting BANS are detected within proximity to the Project area, consultation with CDFW is warranted to discuss how to avoid take and implement appropriate AMM's. AMM's should be included in the DEIR in accordance with the [1992 Bank Swallow Recovery Plan](#)⁷, [1995 Bank Swallow Five-Year Status Review](#)⁸ and [Bank Swallow Conservation Strategy for the Sacramento River Watershed](#)⁹.

3. Swainson's Hawk (SWHA)

SWHA nesting occurs in the Honey Lake Basin of Lassen County. According to CNDDDB and eBird, several observations of SWHA have been recently recorded throughout Susanville and surrounding landscapes. Aerial imagery indicates potentially suitable nesting habitat for SWHA may occur in proximity to the Project area, and the Project area itself may function as foraging habitat for SWHA. Therefore, CDFW recommends SWHA surveys are performed by a qualified biologist in accordance with approved survey methodology such as [Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys](#)¹⁰. SWHA nesting survey results and impact evaluation should be provided in the DEIR.

If nesting SWHA is detected within proximity of the Project area, and/or the Project area is determined to be suitable foraging habitat with an active SWHA nest within 5 miles, consultation with CDFW is warranted to discuss how to avoid take and implement

⁶https://www.sacramentoriver.org/bans/publications/Bank_Swallow_Survey_Methods_Sacramento_Feather_Rivers_Ver%201.0_Jan2017.pdf

⁷ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2945>

⁸ [https://www.sacramentoriver.org/bans/bans_lib/Five-year%20Status%20Review%20-%20Bank%20Swallow%20\(DFG%201995\).pdf](https://www.sacramentoriver.org/bans/bans_lib/Five-year%20Status%20Review%20-%20Bank%20Swallow%20(DFG%201995).pdf)

⁹ https://www.sacramentoriver.org/bans/bans_lib/BANSConsStrat_062813_final.pdf

¹⁰ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

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appropriate AMM's. AMM's should be included in the DEIR in accordance with CDFW's [Staff Report Regarding Mitigation for Impacts to Swainson's Hawks \(*Buteo swainsoni*\) in the Central Valley of California](#)¹¹. Please note that the primary threat to SWHA continues to be habitat loss, especially the loss of suitable foraging habitat¹².

4. Tricolored Blackbird (TRBL)

TRBL nesting occurs in the Honey Lake Basin of Lassen County. According to the CNDDDB, a breeding colony has been recorded southeast of the Project area in Johnstonville. eBird also indicates several recent TRBL observations with proximity to the Project area. Parts of the Susan River and the agricultural fields surrounding the Project area may provide suitable nesting habitat for this species therefore, CDFW recommends TRBL surveys are performed by a qualified biologist in accordance with approved survey methodology such as [Tricolored Blackbird Survey Methods](#)¹³. TRBL nesting survey results and impact evaluation should be provided in the DEIR.

If a TRBL nesting colony is detected, consultation with CDFW is warranted to discuss how to avoid take and implement appropriate AMM's. AMM's should be included in the DEIR and developed in accordance with CDFW's [Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields](#)¹⁴.

C. In addition to the CNDDDB, CDFW recommends that other relevant electronic databases such as those maintained by the [California Native Plant Society Rare Plant Inventory](#)¹⁵ and U.S. Fish and Wildlife Service (USFWS) [Information for Planning and Consultation](#)¹⁶ (IPaC) are queried for additional species with potential to occur. [CDFW's Areas of Conservation Emphasis](#)¹⁷ (ACE) viewer is also available. The ACE maps

¹¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline>

¹² California Department of Fish and Wildlife (CDFW), 2016. 5-year Status Review: Swainson's hawk (*Buteo swainsoni*). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA.

¹³ <https://journal.wildlife.ca.gov/2024/06/06/tricolored-blackbird-survey-methods/>

¹⁴ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310&inline>

¹⁵ <https://rareplants.cnps.org/Home/Index>

¹⁶ <https://ipac.ecosphere.fws.gov/>

¹⁷ <https://wildlife.ca.gov/Data/Analysis/Ace>

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show the relative biological value of an area compared with all other areas across the state. ACE is a decision support tool used in conjunction with species-specific information and local-scale conservation prioritization analyses. The ACE maps do not replace the need for site-specific evaluation of biological resources and is not recommended for use as the sole measure of conservation priority during planning.

- D. A delineation of all wetlands, lakes, streams, and any associated riparian habitats (as defined by the state of California and federally) should be performed and results included in the DEIR. The delineation report should include a preliminary jurisdictional delineation, including wetlands identification pursuant to the U. S. Fish and Wildlife Service wetland definition, as adopted by CDFW. Please note that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. In addition to "federally protected wetlands" (see CEQA Appendix G (IV)(c)), CDFW considers impacts to any wetlands (as defined by CDFW) as potentially significant.
- E. CDFW recommends review of previous biological technical reports and CEQA documents prepared for other projects in the vicinity, if applicable, to identify biological resources in the area and to perform a cumulative impacts analysis.
- F. Habitat connectivity for both plants and wildlife should be determined and assessed for Project impacts. For more information regarding the importance of habitat connectivity, framework for local analyses and implementation, the [California Essential Habitat Connectivity Project](#)¹⁸ is recommended for reference.

Biological Direct, Indirect, and Cumulative Impacts

To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:

- A. Specific acreages of habitat types that will be impacted due to Project-related activities. Mapping and concise details, including temporary, permanent, direct and/or indirect impacts, should be included.

¹⁸ <https://wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>

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- B. Potential adverse impacts from lighting, noise, human activity, invasive species, permanent removal or modification of habitat, connectivity, and drainage, among others, may occur. While mitigation measures may be proposed to minimize such impacts, the Lead Agency should make avoidance of impacts a top priority and the minimization of project impacts secondary.
- C. Direct and indirect project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands. Impacts on, and maintenance of, wildlife corridors/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR. Pursuant to CEQA Guidelines, section 15126.2, subdivision (a), impacts associated with initial Project implementation, and long-term operation and maintenance, should be addressed in the DEIR.
- D. CDFW also recommends that the DEIR consider future decommission of Project facilities and describe remedial efforts to restore habitat known to be present on the parcel prior to Project initiation.
- E. Cumulative effects on biological resources should be developed as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impact on similar plant communities and wildlife habitats.
- F. CDFW recommends that a range of Project alternatives are analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated, such as identification and analysis of alternatives that avoid or otherwise minimize impacts on sensitive biological resources, in addition to identifying and prioritizing alternatives that maximize environmental benefits.
 - a. If the Project will result in any impacts described under the Mandatory Findings of Significance (CEQA Guidelines, § 15065), the impacts must be analyzed in depth in the DEIR, and the Lead Agency is required to make detailed findings on the feasibility of alternatives or mitigation measures to substantially lessen or avoid the significant effects on the environment. When mitigation

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measures or Project changes are found to be feasible, CDFW advises that such measures be incorporated into the Project to lessen or avoid significant effects.

- b. CDFW recommends consulting with the USFWS on potential impacts to federal listed species. Take, under the federal Endangered Species Act (ESA), is more broadly defined than CESA; take under ESA includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS, to comply with ESA, is recommended. Such consultation would typically occur well in advance of any ground-disturbing activities.

Avoidance, Minimization, and Mitigation of Project-Related Biological Impacts

The DEIR should identify avoidance and minimization measures, mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The Lead Agency should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of Project implementation and the Project's long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *State Fully Protected Species*: Fully Protected Species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows: take is for necessary scientific research, efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code, § 2081.15). Project proponents should consult with CDFW early in the project planning process.

Project activities described in the DEIR should generally be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also

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recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, and/or alliances and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and evaluated for declines at the local and regional level. Sensitive Plant rank information can be obtained by querying the CNDDDB and are included in [The Manual of California Vegetation](#)¹⁹. Sensitive plant communities have the potential to occur within the Project area. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities, and/or alliances and associations from Project-related if direct and indirect impacts may be significant.
3. *Mitigation for significant impacts*: CDFW recommends the Lead Agency evaluate project-related impacts to sensitive species and habitats for significance at both local and regional ecosystems, and the DEIR should include mitigation measures for significant adverse Project-related impacts to these resources. The DEIR may also describe any beneficial outcomes for sensitive species and habitats in which the Project may result. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be considered and discussed in detail. If on-site mitigation is not feasible or is not biologically viable (may not adequately mitigate the loss of biological functions and values) off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity, funding such actions through a conservation fund program such as those managed by the [Wildlife Conservation Board](#)²⁰, or a combination thereof, is recommended.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts to meet mitigation objectives to offset project-induced

¹⁹ <https://www.cnps.org/vegetation/manual-of-california-vegetation>

²⁰ <https://wcb.ca.gov/Programs>

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qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions of access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc. If sensitive species and/or their habitat may be impacted from the Project, the Lead Agency should include any specific mitigation strategies in the DEIR. CEQA Guidelines, section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until a future date.

CDFW recommends that the DEIR specify mitigation measures that are proportional to the level of impact, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4, subds. (a)(4)(B), 15064, 15065, and 16355). Mitigation should provide long term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

If mitigation land will be conserved and managed, specific details, such as exact location and acreages of mitigation lands should be described in the DEIR. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity, such as a Conservation Easement. An appropriate non-wasting endowment should also be set aside to provide for long-term management of mitigation lands. CDFW strongly recommends that any long-term resource management plan for mitigation land be provided to CDFW and the U.S. Fish and Wildlife Service for review and approval.

4. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by professionals with expertise in northern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control

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exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity are collected and used for restoration purposes. Onsite seed collection should be initiated in advance of Project impacts to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or recreating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

5. *Nesting Birds and the Migratory Bird Treaty Act*: Fish and Game Code sections 3503, 3503.5, and 3513 affords these protective measures: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code, section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code, section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that

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impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, limited operating work periods (working outside the nesting season), Project phasing and timing, monitoring of Project related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. CDFW recommends pre-construction nesting bird surveys be required in the DEIR and should be conducted no more than three (3) days prior to vegetation clearing or ground disturbance activities.

6. *Moving out of Harm's Way*: To avoid direct mortality to any non-listed terrestrial wildlife, CDFW recommends that the Lead Agency condition the DEIR to require that a qualified biologist is retained onsite prior to and during all ground- and habitat-disturbing activities to inspect the Project area prior and during Project activities. Wildlife shall not be harassed and shall be allowed to leave the Project area unharmed. If needed, a qualified biologist may guide, handle, or capture an individual non-listed, non-special-status wildlife species to move it to a nearby safe location within nearby refugium, or it shall be allowed to leave the Project site of its own volition. Capture methods may include hand, dip net, lizard lasso, snake tongs and snake hook. If the wildlife species is discovered or is caught in any pits, ditches, or other types of excavations, the qualified biologist shall release it into the most suitable habitat near the site of capture. Moving wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Only biologists with appropriate authorization by CDFW shall move CESA-listed or other special-status species. Additionally, the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.
7. The NOP mentions barbed wire fencing around the existing parcel. CDFW understands fences are essential for human safety and the control of trespass, 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](#):

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[How to Build Fence with Wildlife in Mind](#)²¹ 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.

8. The NOP mentions landscaping, thus, CDFW encourages landscaping with vegetation native to the local area. Benefits of utilizing native vegetation in landscaping are numerous and include providing vital resources for native wildlife such as hummingbirds and other beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool [Calscape](#)²² generates a list of native plants that grow in an area based on a specific address and can be used to develop a planting palate for landscaping plans. For more information regarding the importance of using native species in landscaping, please refer to the CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to [CESA](#)²³. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (Fish & G. Code, § 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of state-listed species, either through construction or over the life of the project.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. CDFW must comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA. Based on review

²¹ https://fwp.mt.gov/binaries/content/assets/fwpcconservation/land-owner-wildlife-resources/a_landowners_guide_to_wildlife_friendly_fences.pdf

²² <https://calscape.org/>

²³ <https://wildlife.ca.gov/Conservation/CESA>

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of CNDDDB and local knowledge of the Project area, CESA-listed species have the potential to occur onsite.

Lake and Streambed Alteration Program

Based on review of material submitted with the NOP, this Project may require notification under Fish and Game Code, section 1602 which requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a discretionary action subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early coordination with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. Please visit [CDFW's Lake and Streambed Alteration Program](https://wildlife.ca.gov/Conservation/Environmental-Review/LSA)²⁴ for additional information.

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

²⁴ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

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special status species and natural communities detected during Project surveys to the CNDDDB using the [CNNDDB field survey form](#)²⁵. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and an assessment of filing fees is necessary. Fees are payable upon filing 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

CDFW appreciates the opportunity to comment on the NOP 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, by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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²⁵ http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf