



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



March 3, 2025

Elias Scott
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403
Elias.Scott@waterboards.ca.gov

SUBJECT: GENERAL WASTE DISCHARGE REQUIREMENTS (WDRS) FOR COMMERCIAL AGRICULTURAL OPERATIONS IN THE SCOTT RIVER AND SHASTA RIVER WATERSHEDS PROJECT, NOTICE OF PREPARATION (NOP) OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), STATE CLEARING HOUSE NUMBER [2025020048](#)¹

Dear Elias Scott:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) and Initial Study dated February 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 and 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

¹ <https://ceqanet.opr.ca.gov/2025020048>

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.

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 2

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 will be required.

PROJECT DESCRIPTION SUMMARY

Lead Agency: North Coast Regional Water Quality Control Board

Project Applicant: North Coast Regional Water Quality Control Board

Objective: North Coast Regional Water Quality Control Board proposes establishing General WDRs for commercial agricultural operations within the Scott River and Shasta River watersheds (Project). The Project will manage activities that impact riparian health and function, and those activities that affect controllable anthropogenic factors that impact water quality as described in the Scott River Total Maximum Daily Load (TMDL) for sediment and temperature and the Shasta River TMDL for temperature and dissolved oxygen. The Project will require dischargers to assess, plan and implement a strategy of site-specific actions and best management practices (BMPs) to prevent or minimize discharges from their operations into the watersheds.

Biological Setting: The Project area includes the Scott River and Shasta River watersheds which are both major tributaries of the Klamath River, within Siskiyou County. The Scott River watershed and Shasta River watershed are approximately 813 square miles and 795 square miles.

Both watersheds are primarily comprised of riverine, riparian, wetland, and grassland habitats. The watersheds contain diverse ecosystems and host a variety of CESA-listed and other state special status aquatic and terrestrial species. Among these special status species are anadromous fishes including, but not limited to, Chinook Salmon (*Oncorhynchus tshawytscha*), Southern Oregon/Northern California Coast [SONCC] Coho Salmon (*Oncorhynchus kisutch*, CESA and Endangered Species Act (ESA) threatened), Steelhead Trout (*Oncorhynchus mykiss*), and Pacific Lamprey (*Entosphenus tridentatus*, Species of Special Concern [SSC]). The riparian habitat supports countless migrant and resident birds, including bald eagle (*Haliaeetus leucocephalus*, CESA

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 3

endangered), bank swallow (*Riparia riparia*, CESA threatened) and greater sandhill crane (*Antigone canadensis tabida*, CESA threatened); while reptiles, such as the western pond turtle (*Actinemys marmorata*, SSC and ESA candidate), find refuge in the riparian corridor and nest throughout the terrestrial landscapes adjacent to the river. The grassland, chaparral/scrub and forested habitats throughout the watersheds provide foraging and migration opportunities for Roosevelt elk, pronghorn and black-tailed deer.

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(c) of the CEQA Guidelines state 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.

CDFW understands that completing a thorough biological field assessment may be challenging at this time in the CEQA review process; however, the Project site contains suitable habitat for state special status species. CDFW recommends the Lead Agency consider the potential for presence of special status species, potential impacts to these species and applicable avoidance and minimization measures. The DEIR should include the following information, where feasible:

- A. A 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

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

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 4

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 where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

- B. A recent 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). California Natural Diversity Database (CNDDDB) indicates the occurrence of many special status species within and adjacent to the Project area. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW, National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). 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.
- 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](#)⁵ and U.S. Fish and Wildlife Service (USFWS) [Information for Planning and Consultation](#)⁶ (IPaC) are queried for additional species with potential to occur. [CDFW's Areas of Conservation Emphasis](#)⁷ (ACE) viewer is also available. The ACE maps show the relative biological value of an area compared with all other

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

⁵ <https://rareplants.cnps.org/Home/Index>

⁶ <https://ipac.ecosphere.fws.gov/>

⁷ <https://wildlife.ca.gov/Data/Analysis/Ace>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 5

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. 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](#)⁸ is recommended for reference.

Wildlife and Habitat Connectivity

Connectivity refers to the degree that organisms or natural processes can move unimpeded across landscapes – both terrestrial and aquatic. Natural and semi-natural components of the landscape must be large enough and connected enough to meet the needs of all species that use them. A functional network of connected habitats is essential to the continued existence of California's diverse species and natural communities, in the face of both human land use and climate change. Climate change may impact both the quality and distribution of habitat and shift the known and historical ranges of species. Thus, connectivity is important to allow for wildlife to adapt, adjust, and move in response to climate change. Habitat connectivity is also

⁸ <https://wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 6

necessary to reduce wildlife-vehicle collisions, which put both people and wildlife at risk of injury or death.

The California Essential Habitat Connectivity dataset available in CDFW's [Biogeographic Information System](#)⁹ (BIOS), indicates that the Project area contains an Essential Connectivity Area (ECA) that spans the entire length of the Project area to the east of Shasta Valley and crosses to the west into Scott Valley. Similarly, the [California Fish Passage Assessment Database](#)¹⁰, available in BIOS, indicates numerous unassessed potential fish passage barriers. ECA's support for native biodiversity and areas essential for ecological connectivity between them. Future Project facilitation has the potential to impact on the ecological integrity and function of wildlife corridors supporting resident and transient wildlife movement and such habitat fragmentation could threaten the viability of remaining natural resources. Maintaining, evaluating, and remediating wildlife corridors and habitat connectivity is essential in evaluating longevity of species and remains increasingly important with consideration to California's existing and continued habitat loss and climate change.

CDFW recommends including specifics about how the Lead Agency will include, analyze and plan for terrestrial and aquatic habitat connectivity in the DEIR. Including such information may ensure local wildlife corridors, migration routes and barriers are identified, mapped, preserved and/or remediated. The acknowledgment of local and migratory corridors, and barriers in watershed-wide planning will aid the Lead Agency in avoiding the division of Natural Habitat Blocks and Essential Connectivity Areas across landscapes.

For more information regarding the importance of habitat connectivity and framework for analyses and implementation, the [California Essential Habitat Connectivity Project](#)¹¹ may be a useful resource.

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:

⁹ <https://wildlife.ca.gov/Data/BIOS>

¹⁰ <https://nrm.dfg.ca.gov/PAD/>

¹¹ <https://wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 7

- 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.
- 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 corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR. Pursuant to CEQA Guidelines 15126.2 (a), impacts associated with initial Project implementation, and long-term operation and maintenance, should be addressed in the DEIR.
- D. 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 impacts on similar plant communities and wildlife habitats.
- E. 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 to 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 section 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

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 8

mitigation 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 NMFS and/or 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 NMFS and/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

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 9

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](#)¹². 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](#)¹³, 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

¹² <https://www.cnps.org/vegetation/manual-of-california-vegetation>

¹³ <https://wcb.ca.gov/Programs>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 10

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 impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The 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

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 11

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

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 12

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 IS mentions riparian fencing has been implemented voluntarily by Commercial Agricultural Operators as management practices completed under the Scott and Shasta Waivers as voluntary around the existing parcel. CDFW understands fences are beneficial for water quality and the control of trespass, however, inappropriately designed and/or installed fencing may create serious hazards and/or barriers for wildlife. Therefore, CDFW encourages the Lead Agency to consider

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 13

designing and constructing riparian fencing with wildlife friendly fencing techniques to reduce the potential of injury or death and provide safe connections and corridors between the habitats that wildlife species use during daily and annual movements. Please consult [A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind](#)¹⁴ 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 and the locations where they should be used.

8. The IS mentions riparian planting, thus, CDFW encourages planting with vegetation native to the local area. Benefits of utilizing native vegetation are numerous and include providing vital resources for native wildlife such as hummingbirds and other beneficial pollinators, conserving water, reducing pesticide use, and reducing 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](#)¹⁵ generates a list of native plants that grow in an area based on a specific address and can be used to develop a planting palette for riparian planting plans. For more information regarding the importance of using native species in riparian planting, 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](#)¹⁶. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if Project actions have the potential to result in "take" (California Fish and Game Code Section 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.

¹⁴ https://fwp.mt.gov/binaries/content/assets/fwp/conservation/land-owner-wildlife-resources/a_landowners_guide_to_wildlife_friendly_fences.pdf

¹⁵ <https://calscape.org/>

¹⁶ <https://wildlife.ca.gov/Conservation/CESA>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 14

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 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 the IS, this Project may include actions require notification under Fish and Game Code section 1602. Fish and Game Code section 1602 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)¹⁷ for additional information.

¹⁷ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>

Elias Scott
North Coast Regional Water Quality Control Board
March 3, 2025
Page 15

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 CNDDDB using the [CNNDDB field survey form](#)¹⁸.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

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 for the possibility to assist 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 NOP to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Janae Scruggs, Senior Environmental Scientist, by email at Janae.Scruggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

F8D52F774C764C2...

Robert Hawkins, Acting for
Tina Bartlett, Regional Manager
Northern Region

ec: State Clearinghouse
State.Clearinghouse@opr.ca.gov

Janae Scruggs, CDFW

¹⁸ http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf