



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

GAVIN NEWSOM, Governor
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April 28, 2025

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SUBJECT: Review of City of Shasta Lake 7-Eleven, City of Shasta Lake, State Clearing House Number 2025040139

Dear Peter Bird:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (ISMND), dated March 3, 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, as described in the ISMND, is proposing to construct a 7-Eleven convenience store and gas station with associated infrastructure on a partially disturbed 3.07-acre Project site. The Project site includes old-growth oak trees, old growth cottonwood trees, non-native grassland habitat and riparian habitat along Moody Creek. Two detention basins are proposed to capture, treat, and disperse stormwater runoff from the Project area before flowing into Moody Creek.

Comments and Recommendations

In October 2024, CDFW responded to an early consultation solicitation from the City of Shasta Lake (Lead Agency). CDFW staff met with the Lead Agency at the Project site on October 31, 2024, to discuss potentially suitable habitat. CDFW staff have since reviewed the ISMND with updated attachments and proposed avoidance and minimization measures (AMMs).

Crotch's Bumble Bee

As stated in CDFW's October communication, on September 30, 2022, the California Fish and Game Commission accepted a petition to list Crotch's bumble bee (*Bombus crotchii*; CBB) as endangered under CESA, advancing the species to the candidacy stage of the CESA listing process. Candidate species are granted full protection under CESA during this period. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, CBB has a state ranking of S2, which means it is imperiled and extremely rare (often five or fewer populations) and is listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Invertebrates of Conservation Priority.

This Project bisects this species' recently updated distribution range. The ISMND states "the grassland within the Project Site may contain suitable foraging habitat for Crotch's bumblebee should flowering plants with pollen be present". CDFW staff agree that the Project area contains suitable foraging habitat, as well as opportunities for overwintering and nesting habitat. BIO-1 states "A qualified biologist shall conduct a pre-construction survey across the

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Project Site for special status animals, including but not limited to, Crotch's bumblebee, special-status bats, foothill yellow legged frog, western spadefoot, and northwestern pond turtle." While CDFW agrees pre-construction surveys for CBB should be conducted, please note that surveys should follow the best available life-history and protocol survey guidance. CDFW recommends specifying this information in the ISMND.

Without appropriate AMMs, direct mortality and potentially significant indirect impacts associated with ground and vegetation-disturbing activities may occur as a result of Project activities. Due to potentially suitable habitat throughout the Project site and the potential for significant impacts to CBB with the implementation of this Project CBB, protocol level surveys should be performed by a qualified biologist in accordance with [June 2023 Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#)². For further clarification, Section 4 on Page 3 recommends at least 3 surveys, spaced 2-4 weeks apart during the colony active period, located in Table 1.

Please note, conducting protocol-level surveys for CESA-listed species before finalizing an environmental document is important to ensure an accurate environmental assessment is performed, avoid inadequate mitigation decisions, and accurately comply with CESA regulatory requirements. Surveys will help to identify species presence, preventing potentially costly Project modifications, delays, or the need for CESA permitting. Conducting these surveys prior to Project approval supports a comprehensive approval process and minimizes the likelihood of potentially costly Project revisions. Therefore, CDFW recommends performing bumble bee surveys prior to Project approval.

Protection of Nesting Birds

The Project area contains suitable habitat for nesting birds. As stated in CDFW's October communication, the ISMND offers BIO-2 for the protection of nesting birds; however, the measure is not written to prioritize avoidance. To adequately avoid impacts to nesting birds protected under Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, please include the following:

- a) Vegetation removal and other ground-disturbing activities should occur between September 1 and January 31, when birds are not anticipated to be nesting.

² <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

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- b) If vegetation removal or ground disturbing activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should consider acoustic impacts and line of sight Project disturbances to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and, at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, presence of predators).

If an active nest is located during pre-construction surveys, a non-disturbance buffer should be established around the nest by a qualified biologist in consultation with CDFW and U.S. Fish and Wildlife Service to comply with Fish and Game Code sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified during the survey, as well as ongoing monitoring by biologists.

Nesting bird surveys should be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site should be resurveyed.

Protection of Roosting Bats

As stated in CDFW's October communication, bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Construction activities, including ground disturbance, vegetation removal, and any activities leading to increased noise levels, may have direct and/or indirect impacts on bats and bat roosts. As confirmed in the field on October 31, the Project area contains suitable bat roosting habitat including two snags and several cottonwoods that have crevices, exfoliated bark and interstitial spaces. While a maternity colony is unlikely, removal of these snags and trees should be performed with consideration of roosting bats.

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Bio-1 includes pre-construction surveys for roosting bats. CDFW advises against including pre-construction surveys for roosting bats and instead recommends the follow avoidance and minimization measures are included in the ISMND to adequately avoid impacts to bats protected under Fish and Game Code section 4150. Please include the following AMMs in the ISMND:

- a) A qualified biologist shall clearly mark the snags and trees that have potential for roosting bats.
- b) Removal of marked trees should occur only during the following time frames and subject to the following weather conditions, or as otherwise approved/recommended by a qualified bat biologist:
 - Between March 15 and April 30, and between August 15 and October 1; and
 - Between October 2 and March 14 when evening temperatures are above 45°F, and no more than ½" of rainfall within a 24-hour period prior to tree removal.
- c) Marked trees shall be removed using a two-step process to allow bats the opportunity to abandon the roost prior to removal. The two-step removal process is as follows:
 - Day 1: Remove small-diameter trees, brush, and non-habitat features of large trees (branches without cavities, crevices, or exfoliating bark) to create noise and vibration disturbance on the tree and to alter the air flow and temperature around the roost feature, thus encouraging bats to vacate roost features on their own. The tree shall then be left for 24 hours to allow the bats to move to another roost site. No excavators, grinders, or other heavy equipment should be used for the first day trimming of bat habitat trees.
 - Day 2: If bats may be in branches that can be removed from the tree and set aside, cut the branches off intact and set them upright against trees away from the Project area to allow any bats present to passively escape. Then, remove the remainder of the tree.

This two-step process changes the microhabitat of the area, causing bats to vacate under their own volition, therefore minimizing direct and indirect impacts to bat species.

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Native Vegetation in Landscaping

The Proposed Site Plan indicates a "Landscape Drawing" but this drawing is not included in the ISMND. CDFW recommends the Lead Agency condition the landscaping of this Project with vegetation native to the local area. Benefits of utilizing native vegetation in landscaping are numerous and include providing vital resources for native 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](https://calscape.org/)³ 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 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

This Project has the potential to impact CESA-listed species, including CBB. Please be advised that a [CESA permit](#)⁴ must be obtained if the Project has the potential to result in "take" (hunt, pursue, catch, capture, kill, or attempt thereof) of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project has the potential to result in 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

Moody Creek flows along the northeastern boundary of the parcel. Moody Creek is known to support anadromous fish and as stated in the ISMND "The riparian habitat along Moody Creek, located at the northern edge of the Project Site, is considered a sensitive natural community. In addition to the designated riparian habitat, there are oak and conifer trees along and immediately adjacent to Moody Creek that provide shade and water quality

³ <https://calscape.org/>

⁴ <https://wildlife.ca.gov/Conservation/CESA/Permitting>

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filtration benefits to the riparian ecosystem." Please note that Project activities 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](#)⁵.

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. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any observation of special status species to the California Natural Diversity Database (CNDDDB). Use this link to access the [CNDDDB field survey form](#)⁶ and this link for additional information on the type of [information reported to CNDDDB](#)⁷. Additionally, a copy of the form should be sent to the Northern Region office at R1CEQARedding@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 collaborating with local government entities. CDFW looks forward to continuing collaboration with the Lead Agency to implement comprehensive avoidance and minimization for the benefit of California's sensitive resources and aligning our regulatory frameworks.

Conclusion

CDFW appreciates the opportunity to comment on the MND to assist the Lead

⁵ <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>


⁶ <https://nrm.dfg.ca.gov/fieldSurvey/default.aspx>

⁷ <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

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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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