



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



May 20, 2022

Cortney Flather, Natural Resources Technician
 County of Lassen
 Department of Planning and Building Services
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SUBJECT: REVIEW OF DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT EIR #2021-001 WARD LAKE QUARRY EXPANSION, USE PERMIT AMENDMENT (# 2021-003) AND RECLAMATION PLAN AMENDMENT (# 2021-001), STATE CLEARINGHOUSE NUMBER 2018022056, ASSESSOR'S PARCEL NUMBERS 109-100-059 AND 109-100-060, NEAR COMMUNITY OF LITCHFIELD, LASSEN COUNTY

Dear Cortney Flather:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Subsequent Environmental Impact Report (DSEIR) dated March 2022, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq.

Project Description

The Project as described is an amendment to Use Permit #2021-003 and Reclamation Plan #2021-001 and includes *“expansion of approximately 78.6 acres with an associated additional volume of 5,000,000 tons of material, extension of the life of the mine from 2030 to 2050 and increase in the maximum volume extracted per year from 100,000 tons to 200,000 tons. These amendments will allow the facility to continue to provide local construction materials in Lassen County.”*

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The DSEIR further states, "*The expansion will follow the same operating procedures already approved for the current operations. Activities at the processing location will not change. The current mine face will be reclaimed as the expansion area is mined.*"

The Project is located approximately three miles northwest of the Community of Litchfield on Assessor's Parcel Numbers 109-100-059 and 109-100-060.

Comments and Recommendations

The Department has consulted and commented on this Project since 2018.

The Department has the following comments and recommendations as they pertain to biological resources:

Mitigation Measures

All mitigation measures stating, "Upon completion, all survey results shall be submitted to Lassen County" should be changed to include the Department. The sentence should read, "Upon completion, all survey results shall be submitted to Lassen County **and the California Department of Fish and Wildlife.**"

Mitigation measure 4.5-1(a) states in the event nesting burrowing owls are found, a mitigation and monitoring plan shall be prepared to identify methods to offset the loss of nesting habitat at a minimum 1:1 ratio. The Department recommends this ratio be changed to a minimum of 2:1 to offset indirect impacts from disturbance and account for differences in habitat quality; a 1:1 ratio may unintentionally create a loss of habitat for the species.

Mitigation measure 4.5-4 states, "*Prior to new ground disturbance, a qualified biologist shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat for pallid bats.*" The Department recommends this sentence say, "Prior to new ground disturbance, a qualified **bat** biologist **familiar with pallid bats (*Antrozous pallidus*)**, shall conduct a survey in areas that contain rock outcrops or other potentially suitable roosting habitat." Within this mitigation measure, the Department recommends using qualified **bat** biologist, not qualified biologist. Further, if a maternity roost, hibernacula, or other type of roost is found, additional mitigation may be necessary as roost sites are a limiting factor for this species.


Mitigation measure 4.5-7 is written with no success criteria although the Reclamation Plan, dated February 2021 and revised March 2022, is referenced. The Department recommends the measures from the Reclamation Plan be included in this mitigation measure to make it clear restoration success criteria are

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included. Further, this measure, along with 4.5-8, is intended to help minimize impacts to mule deer (*Odocoileus hemionus*) and pronghorn (*Antilocapra americana*), presumably by restoring the area after it has been mined. The Department recommends the County and/or the Project applicant place a conservation easement or some other permanent protection over the area proposed not to be mined. Restoring sagebrush scrub is difficult and takes decades. Protecting intact habitat, in perpetuity, is the best type of mitigation for large migrating mammals.

If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 598-7194, or by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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For Tina Bartlett, Regional Manager
Northern Region

ec: State Clearinghouse
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Amy Henderson
California Department of Fish and Wildlife

Habitat Conservation Planning Branch