



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Jun 20 2022**

June 20, 2022

## STATE CLEARINGHOUSE

Hailey Lang, Deputy Director of Planning  
County of Siskiyou  
Community Development - Planning  
806 South Main Street  
Yreka, CA 96097  
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**SUBJECT: Review of the Partially Recirculated Draft Environmental Impact Report for the Kidder Creek Orchard Camp Project, State Clearinghouse Number 2016092016, Siskiyou County, California**

Dear Hailey Lang:

The California Department of Fish and Wildlife (Department) has reviewed the Partially Recirculated Draft Environmental Impact Report (RDEIR) and attached appendices for the Kidder Creek Orchard Camp project (Project), dated April 2022. 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 section 21000 et seq.

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 necessary for biologically sustainable populations of those species (Fish and Game Code (FGC) sections 1801 and 1802). As the Trustee Agency for fish and wildlife resources, the Department provides requisite biological expertise to review and comment upon CEQA documents and makes recommendations regarding those resources held in trust for the people of California.

The Department may also assume the role of Responsible Agency. A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for carrying out or approving a project. A Responsible Agency actively participates in the Lead Agency's CEQA process, reviews the Lead Agency's CEQA document and uses that document when making a decision on a project. The Responsible Agency must rely on the Lead Agency's CEQA document to prepare and issue its own findings regarding a project (CEQA Guidelines, sections 15096 and 15381).

*Conserving California's Wildlife Since 1870*

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The Department most often becomes a Responsible Agency when a Lake or Streambed Alteration Agreement (FGC section 1600 et. seq.) or a California Endangered Species Act (CESA) Incidental Take Permit (FGC section 2081(b)) is needed for a project. The Department relies on the CEQA document prepared by the Lead Agency to make a finding and decide whether to issue the permit or agreement. It is important that the Lead Agency's Environmental Impact Report (EIR) considers the Department's Responsible Agency requirements. For example, CEQA requires the Department to include additional feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect a project would have on the environment (CEQA Guidelines, section 15096 (g) (2)). Under certain conditions, the Department may be required to assume the role of the Lead Agency (see CEQA Guidelines, section 15052) during the course of issuing a permit or agreement.

### **Project Description and Location**

As a result of comments received on the Draft Environmental Impact Report (DEIR) dated August 2019, the County determined further analysis was necessary for impacts to specific resource areas. Siskiyou County determined the new information brought to light by this analysis warranted recirculation of portions of the DEIR including the Executive Summary, Introduction, Project Description, Hazardous and Hazardous Materials, Hydrology and Water Quality, and Noise.

The Proposed Project includes a request to expand the use of the Kidder Creek Orchard Camp, which involves rescinding and re-issuing an updated use permit to consolidate all the approved uses into a single use permit. The use permit application requests approval to increase the allowable occupancy at the camp from 165 guests (310 including staff and volunteers) to a total occupancy of 844 (guests, staff, and volunteers), increase the physical size of the camp from 333 acres to 580 acres, and add a number of structures and recreation features. The proposed expansion is expected to occur over a twenty-year period.

The Project includes four major facilities to be constructed including the following:

- Welcome Center and Dining – this building would create new office space, dining hall, and restroom.
- Equestrian Center – existing equestrian area will move to a new location with expanded facilities.
- Cabins for Pines/Ranch Camp – these are new winterized buildings.
- Staff housing/ Adult Retreat Centers – these are new winterized buildings, but further studies are needed to determine if the camp will move forward with these plans. This RDEIR assumes the structures will be built.

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The Project also includes a request for a zone change (Z-14-01) to rezone approximately 170 acres from Timber Production Zone (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40).

The Project site is located at the west end of South Kidder Creek Road, approximately 2 miles west of State Highway 3, south of the community of Greenview, in Siskiyou County.

### **Consultation History**

The Department provided comments during early consultation and during the circulation of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) and Notice of Preparation in letters dated August 29, 2014; October 5, 2016; September 25, 2018; and March 24, 2022. Additionally, Department staff visited the Project site on February 9, 2015; March 24, 2015; May 23, 2018; and August 2, 2018. The Department has also reviewed and commented on the biological surveys conducted for this Project and the placement of proposed facilities.

### **Comments and Recommendations**

The Department has the following comments on the recirculated Hydrology and Water Quality section as it pertains to biological resources.

#### Groundwater Wells and Coho Salmon Habitat

The Department previously recommended an analysis of impacts of the proposed Project on listed salmonid species especially the federally and state-listed southern Oregon northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*), which have been documented within in the vicinity of the Project. The Department was concerned Project activities requiring increased water usage (i.e., the creation of additional wells and water storage) and development within the Kidder Creek floodplain may impact water volume and temperature in Kidder Creek, which would cause significant impacts to SONCC coho salmon, especially during drought years.

In order to determine potential impacts to surface water and groundwater resources, an analysis was completed entitled, *Supplemental Groundwater and Surface Water Analysis for Kidder Creek Orchard Camp* (Analysis) prepared by G.S. Pearson and dated September 17, 2021. The determination of complete hydraulic disconnection in this analysis is not supported by the information provided. The Department concludes based on available information that there is spatial and temporal variation in hydraulic connection of groundwater to surface

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water within Kidder Creek. Therefore, the Department recommends that any additional wells installed to source groundwater from the Kidder Creek Alluvial Fan should be located such that the cone of depression calculated under maximal pumping conditions is located outside the watercourse and floodplain, with an additional factor of safety to best protect aquatic and riparian resources. This is especially true if a well is to be installed near pool #5 as shown in Figure 17 of the Analysis. If a well is installed within the floodplain of Kidder Creek, Kidder Creek Orchard Camp may need to notify pursuant to FGC § 1600.

### New Pond

The Department previously commented that multiple considerations should go into the design of the pond including: ensuring measures are in place to decrease the likelihood of invasive bullfrog habitation; ensuring the pond is situated well outside of the 100-year flood zone and the 150-foot riparian no-disturbance buffer that was discussed during the February 5, 2015 site visit; and including measures in the design to prevent the trapping of native fish and ensure increased water temperatures from holding water in the pond don't reach Kidder Creek and impact SONCC coho salmon. The Department recommends further consultation during the design process.

Consistent with our previous letters, the Department recommends consultation with the State Water Resources Control Board (SWRCB) regarding water rights that are proposed to fill the new pond. The SWRCB Division of Water Rights may require permits or an amendment of the existing decree to allow for the proposed use of upstream water to fill the new pond. The Department requests to be copied on water right applications for new permits and amendments as well as final authorizations.

### Kidder Creek Floodplain

The RDEIR states according to a 2014<sup>1</sup> study on base flood elevation by Chris Gaido, the proposed pond location is not within the Kidder Creek floodplain. The hydraulic analysis provided in the DEIR and used to define the physical extent of the floodplain was based on hydrologic calculations using a mean annual precipitation value of 20.5 inches and a 100-year recurrence interval flood discharge of 3,050 cubic feet per second (cfs) Precipitation data from PRISM Climate Group (2014)<sup>2</sup> indicates the mean annual precipitation is over 49 inches per year. Further, the online USGS StreamStats application provides a 100-year recurrence interval discharge of 6,480 cfs at the Kidder Creek Orchard Camp site (USGS, 2016)<sup>3</sup>. USGS' 100-year recurrence interval flood discharge of 6,480 cfs is more than two times the value used for hydraulic

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<sup>1</sup> Gaido, Chris, P.E., 2014. Calculation of Base Flood Elevation Kidder Creek Approximately 2.5-mi above Br 02-052 SR003 PM 27.03, February 20, 2014, 38 pgs.

<sup>2</sup> PRISM Climate Group, Oregon State University, <https://prism.oregonstate.edu>, data created 4 Feb 2014, accessed 14 Jun 2022.

<sup>3</sup> U.S. Geological Survey, 2016, The StreamStats program, online at <http://streamstats.usgs.gov>, accessed 10 June 2022.

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modeling provided in the RDEIR; therefore, the Department recommends mapping of the base flood elevation be revisited and potentially revised using updated hydraulic modeling in combination with field-based geomorphic mapping of the floodplain landform.

#### Lake or Streambed Alteration Agreement

The Project description for Kidder Creek Orchard Camps, Inc., includes a new seven-acre pond. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department may require a Lake and Streambed Alteration (LSA) Notification, pursuant to Section 1600 et seq. of the Fish and Game Code, from the applicant. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at: <https://www.wildlife.ca.gov/Conservation/LSA> or to request a notification package, contact the Lake and Streambed Alteration Program at (530) 225-2367.

The Department appreciates the opportunity to comment on this RDEIR to assist the Lead Agency in identifying and mitigating potentially significant impacts of the Project on biological resources. If you have any questions, please contact Amy Henderson, Senior Environmental Scientist (Specialist), at (530) 598-7194, or by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tina Bartlett, Regional Manager  
Northern Region

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