



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Habitat Conservation Planning Branch
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EDMUND G. BROWN JR., Governor
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January 12, 2018

Ms. Edith Hannigan, Board Analyst
California State Board of Forestry and Fire Protection
Post Office Box 944246
Sacramento, CA 94244
VegetationTreatment@bof.ca.gov

ATTN: Mr. Matt Dias, Executive Officer
California Board of Forestry and Fire Protection

Dear Ms. Hannigan:

Vegetation Treatment Program (Project)
Draft Program Environmental Impact Report (DPEIR)
SCH# 2005082054

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DPEIR from the California State Board of Forestry and Fire Protection (Board) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DPEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through exercise of its own regulatory authority under the Fish and Game Code.

This letter is an update of the May 31, 2016, letter CDFW submitted for the original circulation of the DPEIR. Additionally, CDFW provided comments on the Notice of Preparation (NOP) for this DPEIR (Attachment B), and in 2013 CDFW commented on an earlier version of the PEIR. Many of the issues detailed in this letter are similar to those that CDFW commented on in the past.

In addition to our previous letters, the 1994 *Interim Joint CDFW/Board Policy on Pre, During, and Post Fire Activities and Wildlife Habitat* (Joint Policy) outlines a process to facilitate needed coordination to achieve common goals and objectives, develop implementation plans for fire-related activities and address potential effects on wildlife habitat. CDFW recommends that the VTP PEIR acknowledge this Joint Policy and its guidance for developing and maintaining a cooperative working relationship between CAL FIRE and CDFW regarding the Board's VTP.

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.

CDFW 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 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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.). 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 & G. Code, § 2050 et seq.), related authorization, as provided by the Fish and Game Code, may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: California State Board of Forestry and Fire Protection

Objective: Treat vegetation for fire prevention and protection, and ecological restoration. Implement vegetation treatment activities that would meet the goals outlined in the Board of Forestry and Fire Protection's 2010 Strategic Fire Plan for California and California Department of Forestry and Fire Protection's 2012 Strategic Plan in a manner that both reduces wildfire risk and severity and avoids significant environmental effects, to the extent feasible. The primary purpose of these documents and the Project is to strategically implement actions to minimize the negative effects of wildfire in areas with high values at risk. Primary Project activities include:

- Prescribed fire (under burn, jackpot burn, broadcast burn, pile burn, establishment of control lines)
- Mechanical (chaining, tilling, mowing, roller chopping, masticating, brush raking, skidding and removal, chipping, piling, pile burning)
- Manual (hand pull and grub, thin, prune, hand pile, pile burning, lop and scatter, hand plant)
- Prescribed herbivory (grazing by domestic animals)
- Herbicides (ground applications only, such as backpack spray, hypo hatchet, and pellet dispersal).

Location: Statewide in the CAL FIRE State Responsibility Area (approximately 23.2 million acres of the 31 million acres that make up the State Responsibility Area (SRA)).

The project would treat 60,000 acres annually for a total of 600,000 acres (937 square miles).

Timeframe: 10 years

COMMENTS AND RECOMMENDATIONS

SUMMARY OF COMMENTS

CDFW is recommending changes to specific components of the DPEIR. If implemented, we believe that these changes will sufficiently support the viability of the Vegetation Treatment Program. These recommendations are summarized in the list below. Following this list, CDFW provides general, overarching comments to the DPEIR. In Attachment A, CDFW provides specific comments that fit into the configuration of the CEQA Appendix G Checklist and editorial comments that are intended to improve the clarity of the DPEIR. The following is a list of our key recommendations (numbers correspond to General Comments below and Attachment A):

- Modify the significance thresholds [General Comment #3]
- Evaluate special status species in the Project Scale Analysis [General Comment #3]
- Modify methods for conducting biological impact analysis [General Comment #4]
- Improve environmental baseline identification (mapping, natural communities, etc.) [Recommendations #6]
- Improve the complete project scale analysis [General Comment #4]
- Add measures for some tiered projects in addition to the Standard Project Requirements and Mitigation Measures [General Comment #5]
- Supplement buffer distances for special status species [General Comment # 4]
- Augment invasive species prevention measures [General Comment #7]

GENERAL COMMENTS

The following comments cover the breadth of the DPEIR. These comments are fundamental in nature and speak to essential pieces that are necessary for the DPEIR to function as an adequate CEQA document.

1) Intended Uses of the DPEIR

The DPEIR should state that CDFW is anticipated to be a Responsible Agency that will use the DPEIR in its decision making for Project activities (CEQA Guidelines, § 15124). To remain consistent with other sections of the DPEIR, this information could be added to Section 4.5.1

2) Early Consultation

Early consultation or “project scoping” is an informal process for purposes of determining the scope, focus, and content of a subsequent EIR. For example, CEQA Guidelines section 15083 identify the scoping process as being “...helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR...” and “...has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies...” (See CEQA Guidelines section 15083 (a) & (b)). CDFW encourages early consultation on tiered environmental documents subsequent to this DPEIR. However, we recommend that the DPEIR modify the Standard Project Requirements (SPRs) and Mitigation Measures (MM) so as not to defer the impacts assessment and mitigation requirements by relying on CDFW’s consultation on every project.

3) Scoping and Significance Thresholds

The DPEIR biological resource thresholds will not effectively identify potentially significant impacts (DPEIR Section 4.5.2.1). The DPEIR should utilize the CEQA Guidelines Appendix G (Appendix G) significance thresholds to analyze Project impacts on biological resources. CDFW and most other State agencies commonly use the Appendix G significance thresholds because they are considered to be adequate.

The DPEIR duplicates the CEQA Appendix G thresholds of significance in DPEIR Section 4.5.2.1, and then proffers different thresholds will be used for biological resources in the DPEIR, without providing justification for adopting a different standard. However, the CEQA Appendix G thresholds for biological resources are duplicated in the Cumulative Effects Analysis (DPEIR Section 5.5.4.1). It is unclear why the thresholds of significance used in the cumulative effects section are different from those used in Section 4.5.2.1 of the DPEIR. Furthermore, the DPEIR does not adequately address the *mandatory findings of significance* found in the CEQA Guidelines section 15065 and Appendix G, which state, for example, that a project would result in a potentially significant impact if it would “substantially reduce the number or restrict the range of a rare or endangered plant or animal...”

The first biological resource threshold used in the DPEIR states that “a significant effect occurs when there is a [t]hreat to eliminate a plant community.” However, significant impacts on sensitive plant communities may occur with a substantial reduction in riparian or other sensitive plant communities, for example, which could be a significant impact. Appendix G significance thresholds more adequately state that a project would cause a potentially significant impact if it would “[h]ave a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by [CDFW] or U.S. Fish and Wildlife Service [USFWS].” The BOF should consider potentially significant impacts on wetlands not subject to Section 404 of the Clean Water Act which is currently under consideration by the Office of Planning and Research for inclusion in Appendix G. Additionally, as a Responsible Agency under CEQA, CDFW relies on the comprehensive analysis provided in CEQA documents to prepare permits and agreements, including in this example, impact analysis on streams and banks with associated riparian vegetation that will aid CDFW in preparing Lake and Streambed Alteration Agreements.

The definition of Special Status Species used in the DPEIR does not include plants and wildlife that meet the definition of endangered, rare or threatened as described in Section 15380 of the CEQA Guidelines. CDFW recommends for the Standard Protection Requirements and Project Scale Analysis, the Board include scoping and impacts analysis for plants and wildlife that meet the definition in Section 15380 of the CEQA Guidelines.

The DPEIR could analyze potential impacts on a suite of fish, wildlife, and habitat resources that are more likely to be significantly impacted by the Project (e.g., species with a wide range), and include mitigation as necessary, to avoid frequent preparation of additional CEQA environmental documents. A program EIR is most helpful in addressing subsequent activities if it treats the effects of the program as specifically and comprehensively as possible (CEQA Guidelines, § 15168).

4) Impact Analysis and Mitigation

CDFW acknowledges the challenges with preparing a statewide Program EIR that provides a clear structure for determining any subsequent project review and mitigation that may be necessary. As a means to address the multiple issues presented below, CDFW recommends that the Board consider the Department of Conservation Draft Program EIR for Analysis of Oil and Gas Well Stimulation Treatments in California (http://www.conservation.ca.gov/dog/Pages/SB4_Final_EIR_TOC.aspx) as an example to follow for a comprehensive structure and initial study checklist for subsequent activities.

CDFW is concerned the DPEIR incorrectly concludes that impacts on biological resources will be less than significant with implementation of SPRs and MMs as they are presented. This combination would not mitigate impacts to less than significant levels for “in scope” Project activities, for several reasons as discussed below.

Appropriate significance thresholds should be evaluated during the Project Scale Analysis (PSA) for each subsequent activity, yet they are not in the PSA analysis in Chapter 7.

PSA worksheet question two (DPEIR, p. 7-5) and MM BIO-1 states “a field review will then be conducted by the “project coordinator” to identify the presence or absence of any special status species, or appropriate habitat for special status species, within the subsequent activity area”. The qualifications of this individual are unclear with respect to their expertise in recognizing habitats where special status species may be present and subsequently determining their presence or absence. The project coordinator may not be able to identify the absence of special status species without conducting site-specific and species-specific surveys using standard protocols (where available) during the times the species of concern would likely be identifiable. The PSA worksheet does not contemplate the need for scoping that may include surveys by trained biologists and/or species experts.

Mitigation Measure (MM) BIO-1 states that a CALFIRE Environmental Coordinator will summarize and conduct a preliminary analysis of impacts to special status species which will then be submitted to CDFW, USFWS, and NOAA Fisheries (wildlife agencies) for consultation, and if CDFW has not responded within 30 days, the SPR’s and proposed

mitigation measures disclosed in the letter will be implemented. These SPRs performed as part of the PSA (essentially the initial study checklist) would rely on CDFW to actively or otherwise provide some review and approval of the scoping, impacts assessment and proposed mitigation, possibly outside of the CEQA process. Unlike with timber harvest review, the Department is not a part of the review team and is not staffed to provide this level of review and consultation for each project, particularly if a trained biologist has not conducted the scoping, analyzed the impacts, made threshold determinations and recommended mitigation.

In addition, Chapter 7 does not identify the criteria (e.g., thresholds) that would be used to determine when an impact to special status species or sensitive habitats would be considered significant or not. Without such an analysis, the SPRs and MMs may not be sufficient to disclose all impacts from subsequent activities, and therefore significant impacts to the environment could occur. Furthermore, the PSA worksheet provides check boxes, for “YES,” “N/A,” and “OTHER” next to SPRs, yet the PSA does not describe the meaning and consequences of using the “N/A” and “OTHER” checkboxes for a subsequent activity, nor how they relate to the ultimate recommendation by the Environmental Coordinator on page 7-26 of the DPEIR.

The SPRs and MMs do not mitigate impacts on biological resources to less than significant. For example, if a project may substantially adversely impact a special status species:

- The SPRs and MMs would not necessarily identify species potentially impacted because of the proposed method that will establish the environmental setting (baseline conditions).
- As described above in the impacts assessment, if a species was identified as potentially impacted, the “field review” conducted by the project coordinator may not detect the species without conducting accepted survey protocols or other detection methods. Such survey protocols often need to be conducted at specific time periods by trained biologists, to identify presence and the extent at which the impact may occur.
- A response from CDFW within 30 days or lack thereof does not entitle CAL FIRE to proceed without adequate disclosure and mitigation requirements of CEQA; the requirement to notify CDFW of a potential alteration to the bed, bank, or channel of a stream; or the authorizations required for incidental take of species listed under the California Endangered Species Act. The latter two authorizations require a separate notification or application. CDFW may assist as resources allow in consulting on subsequent activities; however, it is not incumbent on CDFW to assess take avoidance measures unless our project authorization (e.g., California Endangered Species Act Incidental Take Permit) is warranted (CEQA Guidelines, § 15020). Proposed mitigation measures that are sufficient to reduce potentially significant impacts to a level of less than significance should either be disclosed in the DPEIR, or impacts should be disclosed to the public in a subsequent environmental document.

DPEIR MM BIO-4 states unless otherwise directed by CDFW, a minimum 50-foot and 15-foot avoidance buffer shall be established around special status species, nest sites, or den locations may be insufficient to avoid and or mitigate impacts on these species and additional buffer distances may be required through consultation with the appropriate wildlife agency or a qualified biologist. As mentioned above, the SPRs and MMs developed in subsequent analysis should not rely on CDFW consultation, however, we support the need to seek expert analysis from a qualified biologist in developing measures to avoid and/or mitigate impacts to special status species.

Possible MM additions could include:

- If buffers are deemed necessary for special status species, the buffer area will be as large as necessary to ensure avoidance and/or minimization of species impacts. Species impacts may include but are not limited to behavior modification, nest/den abandonment, deterring foraging activities, and interfering with social cues.
- The Project proponent will install and maintain high-visibility flagging or fencing at the outer margins of buffer areas surrounding the plant populations before and during Project activities and prohibit all Project activities within the buffer zone. These measures will be included in all Project plans and contracts.

5) Tiering

The SPRs, MMs, and PSA checklist do not adequately identify potentially significant impacts in or out of the DPEIR scope because the DPEIR significance thresholds are insufficient as are the methods of establishing the environmental setting and determining impacts as discussed above.

Establishing a clear procedure in the DPEIR for determining if subsequent Project activities are within the scope of the DPEIR or require an additional environmental document is critical to ensuring adequate analysis of Project activity effects on biological resources. Simply asking project proponents whether mitigation activities have been completed (or not) is not sufficient.

The checklist should be accompanied by enough relevant information and reasonable inferences from this information to support each conclusion concerning biological resources. For subsequent Project activities that may affect sensitive biological resources, a *site-specific analysis* should be prepared, from which the supporting information would be derived and a trained biologist should prepare the site-specific analysis. The checklist should cite the specific portions of the DPEIR, including page and section references, containing the analysis of the subsequent Project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the DPEIR.

The DPEIR should state that as soon as the lead agency has determined that an additional environmental document will be required for a subsequent Project activity, it shall consult with all responsible and trustee agencies, including CDFW, to obtain recommendations as

to whether an additional EIR or negative declaration should be prepared (CEQA Guidelines, § 15063).

6) Improve Environmental Baseline

The mapping standard for vegetation is coarse in scale and insufficient to assist in determining sensitive natural communities present, therefore, the Project could result in undisclosed impacts to sensitive natural communities. Although the current mapping standard may be sufficient for analyzing fire risk, it is not sufficient to determine impacts to sensitive natural communities. The DPEIR must employ a finer-grain analysis to determine impacts on sensitive natural communities. The presence of sensitive natural communities within the project area is not disclosed in the DPEIR, and there is no requirement that sensitive natural communities be identified or mapped for subsequent activities during the PSA.

A list of sensitive natural communities in California has been provided as an attachment to this document (Attachment A). This list of sensitive natural communities is derived from the September 2010 list of all natural communities that have been identified in California so far, which is available on CDFW's website at the following location:

<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/List>. Impacts to the sensitive natural communities identified by CDFW and provided to the Board in the attached document has not been disclosed in the DPEIR, and would not be disclosed based upon the PSA proposed in the DPEIR. Vegetation identified in the DPEIR is mapped to a coarse level that is simplified from California Wildlife Habitat Relationships (CWHR) categories; CWHR is a classification of habitat, not vegetation (CDFW 2014). California's standard for vegetation mapping is described in A Manual of California Vegetation, Second Edition and in other resources online. Without a finer-scale analysis of the natural communities within the project area, impacts to sensitive natural communities cannot be assessed and disclosed.

Many natural communities within the Project area (SRA) are sensitive and face many threats, including: development, fire, climate change, and grazing. Examples of sensitive natural communities that could be impacted by treatment activities include Oregon white oak woodlands and Valley oak woodlands which have a State-rank of S3 ("vulnerable"), some chaparral, and serpentine endemics.

CDFW maintains a list of natural communities derived from A Manual of California Vegetation, Second Edition. This publication includes global and state rarity rankings. More information on California's standard for vegetation mapping and sensitive natural communities is available online from the following resources

- <https://www.wildlife.ca.gov/Data/VegCAMP>
- <http://vegetation.cnps.org/>

To reduce impacts to less than significant: The DPEIR should employ a fine grain analysis to determine impacts on sensitive natural communities. The use of a vegetation classification scheme that employs a classification system with more detail than "trees, shrubs, and grasses" and the other coarse classifications used in the DPEIR is an

essential starting point. CDFW can work with the Board and other lead agencies to implement methods used to develop A Manual of California Vegetation and map natural communities and assess potential impacts. Once it is understood where sensitive natural communities are relative to the treatable area, the lead agencies can assess potential impacts to them and alter (or restrict entirely) the types of treatments relative to these sensitive resources. A description of methods to be employed to classify natural communities is found in: Survey of California Vegetation Classification and Mapping Standards, June 30, 2015. <https://www.wildlife.ca.gov/Data/VegCAMP/Mapping-Standards>.

We recommend on a project by project basis, prior to the PSA for each subsequent activity, biologists will identify all natural communities within the project footprint using the best means possible, including keying them out in A Manual of California Vegetation, Second Edition or in reports, many of which are available from VegCAMP. Biologists shall refer to the current standard list of natural communities, or the list of sensitive natural communities that CDFW provided to the Board with this letter, to determine if any of these types are considered of special concern (S1-S3 rank), or may not yet be described, and could therefore be rare. Rare and sensitive natural communities will be avoided and/or impacts minimized to a level less than significant.

7) Invasives

DPEIR Mitigation Measures BIO-5, 6, 7 and HYD-8 do not address impacts on special status species by plant and aquatic invasive species (e.g., mudsnails, mussels), disease (e.g., chytrid fungus), and plant pathogens such as *Phytophthora* spp. Additionally, pile burning-related impacts on special status species, especially with regard to invasive species dissemination and spread minimization, are not assessed. However, we acknowledge burning may also be a preferred method to control invasive species in some locations.

The Project may transport these invasive species with logging/water drafting equipment. The high heat of Project pile burning activities may damage native seed banks, soil structure, and micro-organisms, resulting in gradual replacement by invasive weeds and fragmented, degraded habitat. According to the U.S. Forest Service: "Burning to reduce fuels would increase the likelihood of noxious weed establishment due to the exposure of mineral soil by fire. Pile burning is especially conducive to weed establishment since it creates small areas devoid of any ground cover... Scattered burn piles would require more time and manpower to monitor for weeds... cheatgrass establishment post burning would be a major concern because of the difficulty in displacing established species with native plants... Depending upon the level of treatment completed and amount of access it will be important to monitor and treat any noxious invasive weeds post treatment to limit establishment or spread." (U.S. Department of Agriculture 2005)

Use of weed-free straw described in Mitigation Measure BIO-5 would not measurably reduce damage caused to soils and seedbanks from the high heat caused by pile burning. Additionally, limiting the size and location of burn piles as required under Mitigation Measure HYD-8 does not fully address the potential impacts. Wind and animal-dispersed

invasive seed may reach these areas and weeds are likely to establish and persist, absent a direct program to control subsequent invaders and reintroduce appropriate native species. CDFW staff has repeatedly observed that burn piles in chaparral typically become weed dominated and support few, if any, native species. Project activities, particularly those resulting in soil movement or plant parts via vehicles, clothing or equipment, has the potential to spread plant pathogens.

To reduce impacts to less than significant CDFW recommends including MMs for invasives:

The Project proponent will, to the extent feasible, implement protocols to decontaminate equipment and prevent the spread of invasive species and disease, including but not limited to the following:

- California Department of Fish and Wildlife. 2013. Aquatic Invasive Species Decontamination Protocol. Invasive Species Program, Sacramento, CA (<http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43333>)
- California Oak Mortality Task Force. 2014. Sudden Oak Death Guidelines for Forestry. Berkeley, CA <http://www.suddenoakdeath.org/wp-content/uploads/2014/12/forestry-08-10-with-new-2014-map.pdf>
- Johnson, M.L., Berger, L., Philips, L., and R. Speare. 2003. Fungicidal effects of chemical disinfectants, UV light, desiccation and heat on the amphibian chytrid *Batrachochytrium dendrobatidis*. *Diseases of Aquatic Organisms* 57:255-260

The Project proponent will, to the extent feasible and where such measures are practical and efficacious based on the individual projects, proactively control for invasive species by:

- Reducing or otherwise directly controlling existing weeds on existing or new fire lines, historic fuel or fire breaks, roadsides and staging areas prior to initiating treatments in adjoining areas;
- Ongoing Integrated Pest Management (IPM) activities: Direct weed management by appropriately trained personnel and direct monitoring of treatment areas annually or during the duration of the project. Weed management teams will undertake direct control of invasive weeds if they are establishing or expanding following treatments;
- Explicit incorporation of the Best Management Practices described in Chapter 10.2 of the California Invasive Pest Plant Council's (Cal-IPC) "Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers (3rd edition)" (California Invasive Pest Plant Council, 2012).
- Locating burn piles on previously disturbed ground and outside all natural habitat areas (not just outside the WLPZ as required under Mitigation Measure HYD-8). As an alternative, burn pile locations will receive direct subsequent weed control treatments and native species suitable to the location will be restored through direct methods including reseeded.
- Minimize disturbance in areas susceptible to invasive plant establishment.

Project activities will fully incorporate specific measures, appropriate to the activity and location, to prevent the establishment, spread, and persistence of invasive weeds by following the established procedures outlined in Cal-IPC (2012). For

projects on private lands with local stakeholders, their equipment and personnel will also comply with these procedures to prevent invasive species from spreading into more remote areas where treatments may occur.

Plant pathogen best management practices will be implemented from the following sources:

http://www.valleywater.org/uploadedFiles/Programs/Safe_Clean_Water_and_Natural_Flood_Protection/Priority_D/sensitive_contam_site_final_bmp_072215.pdf?n=4310

[http://www.valleywater.org/uploadedFiles/Programs/Safe_Clean_Water_and_Natural_Flood_Protection/Priority_D/General%20construction%20BMP_final_081915%20\(2\).pdf?n=](http://www.valleywater.org/uploadedFiles/Programs/Safe_Clean_Water_and_Natural_Flood_Protection/Priority_D/General%20construction%20BMP_final_081915%20(2).pdf?n=)

8) Timeframe

CAL FIRE has been implementing some variation of the Vegetation Management Program (VMP) since the early 1980s. This program allows CAL FIRE to treat fuels in a manner similar to that described in the DPEIR. However, while CAL FIRE continues to operate under the auspices of the VMP over 30 years after its introduction, the DPEIR sets a timeframe of 10 years and posits acreage impacts on that 10-year timeframe. It is not clear if the DPEIR will be effective after 10 years of being “active,” or if another subsequent or supplemental EIR will be required. The current DPEIR should indicate what the options are beyond the 10-year time horizon.

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 California Natural Diversity Database (CNDDDB). The CNDDDB accepts many different forms of data, but prefers the use of their online field survey form, which can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of 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. An additional filing fee is required for each separate environmental

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document prepared for Project subsequent activities unless the Project proponent obtains a No Effect Determination from CDFW (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the DPEIR to assist the Board in identifying and mitigating Project impacts on biological resources and would appreciate the opportunity to meet with you in the near future to discuss our comments in detail and assist the Board in addressing the comments.

If you have any questions regarding this letter or further coordination please contact Mr. Elliot Chasin, Senior Environmental Scientist (Specialist), at (916) 651-7879, or elliott.chasin@wildlife.ca.gov.

Sincerely,

Signed copy sent via hard copy

Tina Bartlett
Deputy Director
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Attachment

A. Sensitive Natural Communities

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