

**From:** [Rian, Kathryn\(Katie\)@Wildlife](mailto:Rian,Kathryn(Katie)@Wildlife)  
**To:** [Johnson, Cliff](mailto:Johnson,Cliff)  
**Cc:** [Van Hatten, Michael@Wildlife](mailto:VanHatten,Michael@Wildlife)  
**Subject:** Kernan CUP Hearing  
**Date:** Tuesday, November 19, 2024 4:25:37 PM

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Hi Cliff,

I understand the County is accepting comments in advance of the December 3<sup>rd</sup> hearing for the potential revocation of the Kernan Construction Conditional Use Permit. I would like to offer a summary clarifying my limited involvement over recent vegetation removal.

In response to complaints about vegetation removal along Hall Creek, I visited APN 516-151-016-000 on June 12, 2024, at the invitation of LED Officers Colin McHugh and Michael Hampton, who sought scientific staff support. I documented the removal of willows (*Salix* spp.) along an embankment running parallel to the eastern edge of the property. While I was in the process of documenting conditions, a masticator resumed work nearby. LED Officers engaged and advised the operator to cease work. In a subsequent conversation, Mr. Farley referred to an existing Use Permit from the County, but did not mention any plans for future development or construction. I stated that vegetation removal during the nesting season could result in take of resident and migratory birds, a violation of Fish and Game Code (§§ 3503, 3503.5, and 3513). Based on the nature of vegetation removal observed at that time, CDFW LED decided not to exert its enforcement authority but did caution the operator against conducting vegetation removal during nesting season.

CDFW was not aware of the work described in your October 29 email, nor did we provide authorization. In early September, I received a phone call from the operator's representative, NorthPoint Consulting, asking whether nesting season had ended. I confirmed that it had indeed concluded, not expecting my brief response would be misconstrued as authorization for a much larger project. I was not under the impression that work included construction of a berm in the Streamside Management Area and floodplain, nor would I condone such activities. In its capacity as a Trustee Agency, CDFW discourages the removal of riparian habitat and advocates for appropriate avoidance, minimization, and mitigation measures for any authorized development.

Sincerely,  
Katie

**Kathryn M. Rian**  
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