

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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October 20, 2026

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Subject: Notice of Preparation (NOP) of a Subsequent Environmental Impact Report (SEIR) for the Jeepster Farms Mining Expansion Project (Project) Conditional Use Permit Nos. CUP24-004 and CUP25-018. State Clearinghouse No.: 2003021087

Dear Ana Browning:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Merced (City) for the above referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

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.

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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(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.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

Water Rights: The capture of unallocated stream flows to artificially recharge groundwater aquifers is subject to appropriation and approval by the State Water Resources Control Board (SWRCB) pursuant to Water Code section 1200 et seq. CDFW, as Trustee Agency, is consulted by SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Certain fish and wildlife are reliant upon aquatic and riparian ecosystems, which in turn are reliant upon adequate flows of water. CDFW therefore has a material interest in assuring that adequate water flows within streams for the protection, maintenance, and proper stewardship of those resources. CDFW provides, as available, biological expertise to review and comment on environmental documents and impacts arising from Project activities.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

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PROJECT DESCRIPTION SUMMARY

Proponent: Jeepster Farms, LLC

Objective: The Project proposes to expand the footprint of an existing aggregate mine to include an adjacent parcel where the mining of aggregate material would be permitted through 2047. The Project also proposes to eliminate any phasing restrictions associated with the original permit and increase the permitted lifetime extraction limit from 6 million tons to 8 million tons, the active disturbance cap from 60 acres to 80 acres, and the depth of extraction to 33 feet below ground surface. No other changes to operations or the reclamation plan are proposed, with the exception of a minor increase in internal truck trip length for transport of material from the Jeepster Farms parcel to the processing facilities at the existing mining operation.

Location: The Project site is located in unincorporated Merced County at 3000 White Rock Road. The Project site is located within Assessor's Parcel Number 068-020-024.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the SEIR prepared for this Project.

The NOP notes that the Merced County Planning Commission certified the existing mine in May 2008 and the original project was evaluated in the Jaxon Enterprises, Inc. Mine Expansion and Reclamation Plan, Final Environmental Impact Report (EIR) (State Clearinghouse No. 2003021087). As noted above, the proposed Project would expand mining operations of the existing mine onto an adjacent 160-acre parcel which is currently an orchard. Two water retention basins and a single residence are located in the southeast corner of the Project site. The eastern portion of the Project site contains disturbed annual grassland, unpaved road access and topographic features associated with historic or ongoing mining activities. Adjacent land use to the east and northeast includes the Le Grand Asphalt mining operations, a single residence and annual grassland and vernal pool habitats to the north, and annual grassland and vernal pool and stream habitats, including Mariposa Creek, to the west and northwest. Annual grassland and vernal pools habitats also border the Project site to the south and southeast.

Based on aerial imagery, previous Project documentation, and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2026), the Project is within the geographic range of, and contains suitable habitat for, several special-status animal species, including, but not limited to: the State and federally

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threatened California tiger salamander-central California Distinct Population Segment (DPS) (*Ambystoma californiense* pop.1); the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*), western spadefoot (*Spea hammondi*), and Crotch's bumble bee (*Bombus crotchii*); the State special animal and federally endangered Conservancy fairy shrimp (*Branchinecta conservation*) and vernal pool tadpole shrimp (*Lepidurus packardii*); and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

The Project site is also within the geographic range of several special-status plant species including, but not limited to: the State endangered, California Rare Plant Rank (CRPR) 1B.1 and federally threatened Colusa grass (*Neostapfia colusana*) and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*); the State endangered, CRPR 1B.1 and federally endangered hairy Orcutt grass (*Orcuttia pilosa*); the State endangered, CRPR 1B.2 and federally threatened succulent owls-clover (*Castilleja campestris* var. *succulenta*); the State rare, CRPR 1B.1 and federally endangered Greene's tuctoria (*Tuctoria greeneri*); the CRPR 1B.3 beaked clarkia (*Clarkia rostrata*) and Hoover's calycadenia (*Calycadenia hooveri*); the CRPR 2B.2 dwarf downingia (*Downingia pusilla*); and the CRPR 1B.2 shining navarretia (*Navarretia nigelliformis* ssp. *radians*) and spiny-sealed button-celery (*Eryngium spinosepalum*).

As mining and final reclamation activities would occur through 2047, CDFW offers the comments and recommendations below, but further recommends that the Project proponent consult with CDFW during the implementation of Project activities to assist with determining the most recent survey and/or avoidance recommendations. In addition, in order to adequately assess potential impacts to biological resources, a qualified biologist should perform database and other research of the Project site, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site. CDFW recommends this initial work be documented and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys, and the development of avoidance, minimization, and mitigation measures. This information and analysis should also be used to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

California Tiger Salamander

The Project site is within the known geographic range of California tiger salamander (CTS) and a historical occurrence was documented approximately ½ mile from the Project site (CDFW 2026). CTS breed and develop in vernal and seasonal pools and

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stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1 ½-miles from seasonally flooded wetlands (Searcy and Shaffer 2011). CTS have also been known to utilize agricultural habitats, including orchards, within the San Joaquin Valley (CDFW 2026). Based on aerial imagery, the Project site contains suitable dispersal habitat and may contain suitable breeding habitat within the retention ponds and mining areas located within the eastern portion of the Project site. Additionally, the Project is surrounded by high quality vernal pool and grassland habitats to the north, west, and south. As such, CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the U.S. Fish and Wildlife Service (USFWS) Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS 2003) as part of the biological technical studies conducted in support of the SEIR. CDFW also recommends including the following measures in the SEIR and that these measures be incorporated prior to the initiation of any ground-disturbing activities associated with mining and/or extraction:

Recommended Mitigation Measure 1: CTS Protocol-Level Surveys

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) at the appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 2: CTS Avoidance Buffer

If CTS protocol-level surveys as described in Recommended Mitigation Measure 1 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. In the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an Incidental Take Permit (ITP) from CDFW.

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Recommended Mitigation Measure 3: CTS Take Authorization

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Swainson's Hawk

The Project site is within the known geographic range of Swainson's hawk (SWHA) and a historical occurrence was documented within 1 mile from the Project site (CDFW 2026). SWHA are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, most of the Project site contains suitable habitat for SWHA foraging. In addition, there are trees located adjacent to the north of the Project site that may provide suitable nesting habitat. As the Project site and vicinity contains suitable nesting and foraging habitat, CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the SEIR.

In addition to conducting SWHA surveys, CDFW recommends including the following measures in the SEIR and that these measures be incorporated prior to the initiation of ground-disturbing activities associated with mining and/or extraction:

Recommended Mitigation Measure 4: SWHA Pre-Construction Surveys

CDFW recommends that surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000), be conducted by a qualified biologist the survey season immediately prior to mining and/or extraction activities associated with each Project phase.

Recommended Mitigation Measure 5: SWHA No-Disturbance Buffer

If any active SWHA nest is detected during pre-construction surveys or Project activities, CDFW recommends delineating and maintaining a minimum ½-mile no-disturbance buffer around each nest prior to and during any development or ground-disturbing activities. To prevent nest abandonment and other take of SWHA as a result of Project activities, CDFW advises that these no-disturbance buffers remain in place until the breeding season (March 1 through September 15) has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

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Recommended Mitigation Measure 6: SWHA Take Authorization

If any active SWHA nest is detected during pre-construction surveys or Project activities, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Western Burrowing Owl

The Project site is within the known geographic range of western burrowing owl (BUOW) and a historical occurrence was documented within approximately 5 miles from the Project site (CDFW 2026). BUOW are known to utilize annual grassland habitats and agricultural areas and have been documented also breeding and foraging along canal banks and roadways within agricultural settings. Aerial imagery shows some of these features occurring within and in the vicinity of the Project site. Furthermore, BUOW were documented in several locations surrounding the Project site during survey efforts that were conducted in 1999 to inform the 2008 original mine DEIR. As the Project site and vicinity contains suitable nesting and foraging habitat, and BUOW have been documented historically within the Project vicinity, CDFW recommends that focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted as part of the biological technical studies to inform the SEIR. Additionally, CDFW recommends including the following measures in the SEIR and that these measures be incorporated prior to any ground-disturbing activities associated with mining and/or extraction:

Recommended Mitigation Measure 7: BUOW Pre-Construction Surveys

CDFW recommends that focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to mining and/or extraction activities associated with each Project phase. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 8: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

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Recommended Mitigation Measure 9: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Western Spadefoot

The California Fish and Game Commission (FGC) approved western spadefoot (WESP) as a candidate for potential listing as a protected species under CESA on August 13, 2026, and published these findings in the California Regulatory Notice Register (Notice Register) on September 25, 2026. As such, WESP is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Project site is within the known geographic range of WESP and a historical occurrence was documented approximately ½ mile from the Project site (CDFW 2026). While WESP occurs primarily in grasslands, seasonal wetlands, and vernal features, they are also known to utilize agricultural ponds, ditches, and canals for breeding. Based on aerial imagery, the Project site contains suitable dispersal habitat and may contain suitable breeding habitat within the retention ponds and mining areas located within the eastern portion of the Project site. Additionally, the Project is surrounded by high quality vernal pool and grassland habitats to the north, west, and south. As such, CDFW recommends that a qualified biologist conduct a habitat assessment for WESP to determine if the Project site and the immediate surrounding vicinity contain habitat suitable habitat for WESP. If potential habitat exists, CDFW recommends a qualified biologist conduct multiple focused daytime and nighttime surveys for WESP during and following rainfall events during the WESP breeding season as part of the biological technical studies to inform the SEIR. Two years of surveys demonstrating absence of breeding activity are recommended before work occurs in or adjacent to potential breeding features.

CDFW also recommends including the following measures in the SEIR and that these measures be incorporated prior to the initiation of any ground-disturbing activities associated with mining and/or extraction:

Recommended Mitigation Measure 10: WESP Habitat Assessment and Pre-Activity Surveys

CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support WESP. If suitable habitat is identified through the habitat

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assessment, CDFW recommends conducting multiple focused daytime and nighttime surveys for WESP during and following rainfall events during the WESP breeding season. Two years of surveys demonstrating absence of breeding activity are recommended before work occurs in or adjacent to potential breeding features.

Recommended Mitigation Measure 11: WESP Avoidance Buffer

If burrows, cracks, loose soil, soft soil areas immediately adjacent to water features, or other refugia are found to be used by WESP during focused surveys, CDFW recommends implementation of a 1,000-foot no-disturbance buffer around these outer edge of these habitats. If any life stage of WESP is observed on the Project site, Project activities within 1,000 feet should cease and a no-disturbance buffer should be delineated in compliance with this measure.

Recommended Mitigation Measure 12: WESP Take Authorization

If any life stage of WESP is observed on or in the vicinity of the Project site and take cannot be avoided, CDFW should be contacted immediately to initiate acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) or section 2084, if applicable, to comply with CESA. The Project would not be permitted to operate within the no-disturbance buffer until after the ITP is issued and all pre-Project ITP requirements have been met.

Crotch's Bumble Bee

The Project site is within the known geographic range of Crotch's bumble bee (CBB) and a historical occurrence was documented within approximately 6 ½ miles from the Project site (CDFW 2026). CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and areas with bare ground such as vacant lots, dirt roads, and levees (Xerces Society et al. 2018). CBB uses requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, and based on aerial imagery, these habitat elements may be present within the vicinity of the Project site. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological studies conducted in support of the SEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, and old bird nests would need to be documented as part of the assessment. If potentially suitable habitat is identified, CDFW recommends that a qualified biologist conduct focused surveys for CBB, and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023), as part of the biological studies conducted in support of the SEIR. If surveys indicate the presence or potential presence of CBB, consultation with CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation. If take cannot be avoided, take authorization

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through the acquisition of an ITP is necessary to comply with CESA, pursuant to Fish and Game Code section 2081 subdivision (b).

Branchiopods

The Project site is within the geographic range of conservancy fairy shrimp, vernal pool tadpole shrimp (VPTS), and vernal pool fairy shrimp (VPFS) (branchiopods), and there are historical occurrences of VPFS and VPTS within 2 miles of the Project site. Additionally, the Project is surrounded by high-quality vernal pool habitats to the north, west, and south. As it appears habitat features, such as vernal pools, low lying depressional areas, and roadside ditches may be present within the Project site and Project vicinity, CDFW recommends that a habitat assessment be conducted as part of the biological technical studies conducted in support of the SEIR. If the habitat assessment indicates that suitable branchiopod habitat is present within the Project site, CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) as part of the biological technical studies conducted in support of the SEIR. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers.

Special-Status Plants

The Project site is within the known geographic range of several special-status plant species including, but not limited to, the plant species listed above, there are numerous historical occurrences documented within 3 miles of the Project site (CDFW 2026), and suitable habitat may be present within the Project site and vicinity. Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species (California Native Plant Society 2018), all of which may be direct or indirect impacts of the Project.

To determine whether special-status plants are present within the Project site and would be impacted by Project activities, CDFW recommends that the Project site(s) be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2018) as part of the biological technical studies conducted in support of the SEIR. This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If surveys indicate the

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presence or potential presence of special-status plants, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

If State endangered, threatened, or rare plants are identified during special-status plant surveys, consultation with CDFW is warranted to determine if the Project can avoid take of that species. If take cannot be avoided, then to ensure compliance with CESA and the Native Plant Protection Act (NPPA), consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b), is necessary to comply with CESA and the NPPA.

Editorial Comments and/or Suggestions

Nesting Birds: The Project site is within the known geographic range of several species of migratory and non-migratory birds and may contain suitable habitat for an abundance of nesting bird species. To evaluate Project-related impacts on migratory and nonmigratory birds, CDFW recommends that a general habitat assessment for nesting and foraging birds be conducted as part of the biological technical studies conducted in support of the SEIR.

Furthermore, CDFW encourages that all ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15th through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-

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listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Water Rights: CDFW recommends that the SEIR include a detailed description of the water rights and water entitlements that would pertain specifically to the Project and address any applications or change petitions that may be filed. CDFW, as Trustee Agency, is consulted by the SWRCB during the water rights process to provide terms and conditions designed to protect fish and wildlife prior to appropriation of the State's water resources. Given the potential for impacts to special-status species and their habitats, it is advised that required consultation with CDFW occur well in advance of the SWRCB water right application process.

Lake and Streambed Alteration: Based on a review of current and historical aerial imagery, several hydrologic features, including several streams, are present within the immediate vicinity of the Project. Mining activities, as proposed by the Project, may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For additional information on notification requirements, please contact our staff in the Lake and Streambed Alteration (LSA) Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

CDFW therefore recommends that the SEIR for this Project include information related to these requirements of Fish and Game code and advise that the Project retain a qualified biologist during implementation of the Project to determine if potential impacts to streams may require the need to obtain a 1600 LSA Agreement.

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, mammals, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from increased sediment, salts, nitrates, and pathogens in storm water runoff; discharge of other constituents of concern such as

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endocrine disruptors; or disturbance-related erosion which could impact fish and wildlife resources. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also have jurisdiction regarding discharge and pollution to "Waters of the State."

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Project's SEIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

Cumulative Impacts: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project. Including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

CNDDDB Positive Submission of Data: Please note that the CNDDDB is populated by voluntary submission records of species detections. As a result, species may be present in locations not depicted in the CNDDDB, but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

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<https://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>.

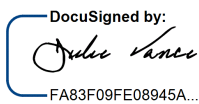
FILING FEES

The Project, as proposed, could have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). A Mitigation and Monitoring Program (MMRP) (**Attachment 1**) is included to assist the City with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachment 1- MMRP Table

cc: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

U.S. Fish and Wildlife Service
Matthew Nelson
matthew_nelsoni@fws.gov

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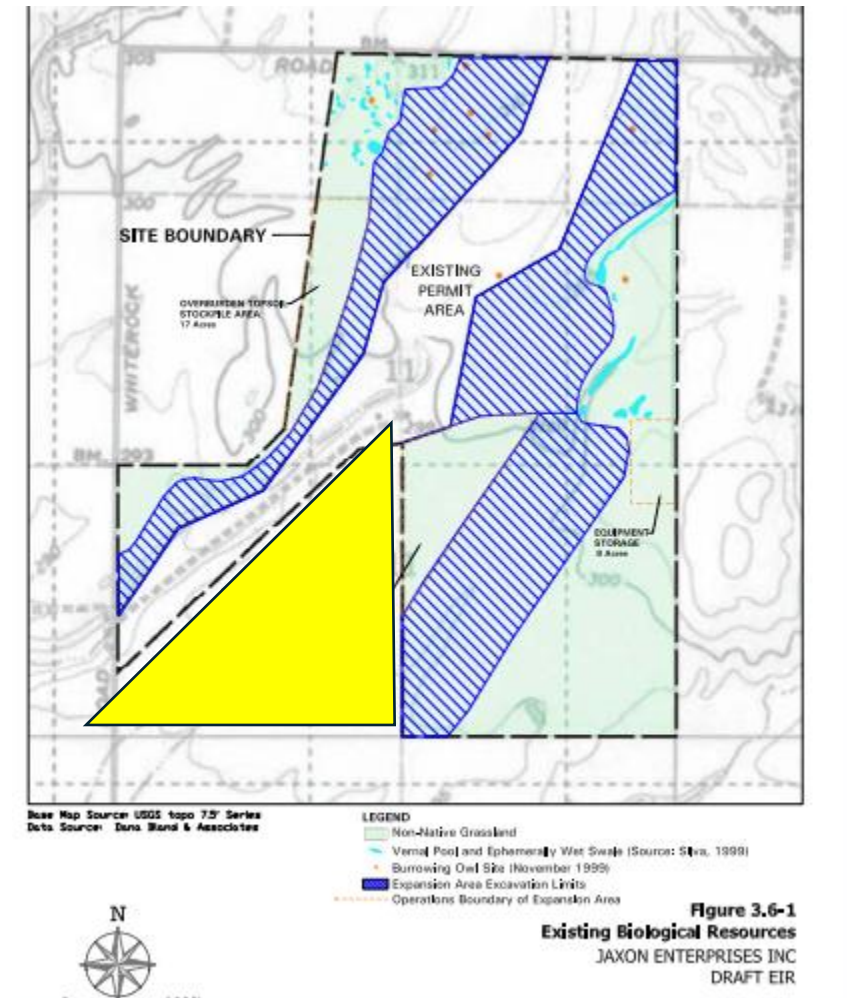
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to list the Crotch's bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. October 2018.

Figure is from the Final EIR Site Management Plan for BUOW and Vernal Pools. Current Project is in bottom left corner highlighted in yellow that I added for context.



Attachment 1

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

PROJECT: Jeepster Farms Mining Expansion Project

SCH No.: 2003021087

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 1: CTS protocol-level surveys	
Recommended Mitigation Measure 3: CTS take authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: SWHA pre-construction surveys	
Recommended Mitigation Measure 6: SWHA take authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 7: BUOW pre-construction surveys	
Recommended Mitigation Measure 9: BUOW take authorization	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 10: WESP habitat assessments and pre-activity surveys	
Recommended Mitigation Measure 12: WESP take authorization	
<i>During Construction</i>	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 2: CTS avoidance buffer	

Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 5: SWHA no-disturbance buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 8: BUOW avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 11: WESP avoidance buffer	