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September 17, 2019

SEP 17 2019

STATE CLEARINGHOUSE

Sean Geivet
General Manager
Porterville Irrigation District
22086 Avenue 160
Porterville, California 93257

Subject: Tule River – Friant Kern Canal Water Bank (Project)
Mitigated Negative Declaration (MND)
State Clearinghouse No. 2019089059

Dear Mr. Geivet:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Porterville Irrigation District (PID) 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. (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

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.

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 will be required.

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 §§ 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).

PROJECT DESCRIPTION SUMMARY

The proposed Project will involve construction and operation of six water recovery wells, a turnout from the Woods Central Canal, a pump station, 0.5 miles of canal, one mile of pipeline, and overflow monitoring and alarm system, and 125 acres of permanent groundwater recharge basin to replace 90 acres of existing temporary basins. The site is currently operated as a groundwater recharge basin and is designated for agricultural use by the Tulare County General Plan and Tulare County Zoning Code.

The purpose of the proposed Project is to bank water that is periodically available above current needs from the Friant Division of the Central Valley Project and the Tule River, and to make that water available to lawful recipients during times when it is needed. The Project will incorporate 26 acres of existing permanent recharge basins and one existing irrigation well into Project operations. The Project does not entail any modifications to the Friant Kern Canal and does not include pump-in of recovered water into the Friant Kern Canal. Homer, LLC ("Homer") is the owner and operator of the proposed Project in accordance with PID policies. Homer has received a 5-year "License For Access to Install, Operate and Maintain Temporary Pump Facilities," from the United States Bureau of Reclamation (Contract No. 19-LC-20-2499, March 28, 2019, "Temporary Turnout License") that will also be incorporated into Project operations.

The proposed pump station will pump Friant Water and Tule River water from a proposed turnout from the Woods Central Canal for groundwater recharge. The pump station will include a reinforced concrete pump structure, four 25 cubic foot per second pumps, a steel grate walk deck, a propeller meter, 48-inch pipeline, reinforced concrete turnout structure with two 48-inch slide gates, and trash rack. The pump station will divert water from the proposed turnout into the proposed canal, which will distribute water into the proposed groundwater recharge basins.

Proponent: PID

Objectives: The purpose of the proposed Project is to bank water that is periodically available above current needs from the Friant Division of the Central Valley Project and from the Tule River, and to make that water available to lawful recipients during times when it is needed. The proposed Project objectives are as follows:

- Increase water supply: The Project would increase supplies available to PID, Homer, and other participants.
- Improve groundwater conditions: The Project would reduce aquifer overdraft in the PID, the East Tule Groundwater Sustainability Agency, the Tule Sub Basin, and other areas that receive recovered water.
- Reduce costs to produce groundwater: The Project would cause water levels to rise, thus reducing groundwater pumping costs.
- Increase diversification and availability of water supplies: The Project would increase the diversity of water supplies available to the District, its landowners, and other participants.
- Facilitate compliance with the Sustainable Groundwater Management Act (SGMA): The Project would significantly advance PID's efforts to comply with SGMA.
- Subsidence reduction: The Project would help to reduce ground subsidence by accruing more water to the local aquifer system and by reducing groundwater pumping in the places of use.

Location: The proposed Project site is in the southwest portion of Tulare County within the PID boundary, approximately one mile west of the City of Porterville. The nearest cross streets are Avenue 152 and Cedar Road. The Project would involve construction on approximately 130 acres within parcels 240-150-032, 240-190-010, and 240-190-035.

Timeframe: None given.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist PID 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 document.

The MND prepared for the Project indicates that the Project area has the potential to support sensitive biological resources including the State threatened Swainson's hawk (*Buteo swainsoni*), the Federal endangered and State threatened San Joaquin kit fox (*Vulpes macrotis mutica*), the State threatened tricolored blackbird (*Agelaius tricolor*), and other nesting birds. The Project therefore has the potential to impact these resources. CDFW recognizes that the MND outlines mitigation measures to reduce impacts to these biological resources; however, CDFW is concerned that, as currently drafted, these measures may not be adequate to reduce impacts to a level that is less than significant.

In addition, the MND currently does not include any mitigation measures for the State species of special concern burrowing owl (*Athene cunicularia*), which has potential to occur in the vicinity of the Project area.

CDFW recommends that the following modifications and/or edits be incorporated into the MND prior to its adoption by PID.

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or United States Fish and Wildlife Service (USFWS)?

COMMENT 1: Swainson's Hawk (SWHA)

Issue: Several SWHA sightings are documented in the Project vicinity, including a SWHA nest located approximately 0.7 miles north from the Project boundary. The MND includes the following SWHA mitigation measures on page 3-28:

- Mitigation Measure BIO-1b – Preconstruction Survey: If the Project is constructed between March 1 and September 15, a qualified biologist will conduct preconstruction surveys for SWHA nests on and within ½ mile of the Project site and within 10 days of the onset of these activities.
- Mitigation Measure BIO-1c – Avoidance: Should any active SWHA nests be discovered in or near the construction zone the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging, fencing, and will be maintained until the biologist has determined that the young have fledged.
- Mitigation Measure BIO-1d – Nest Monitoring: Should construction activity be necessary within the designated buffer around an active SWHA nest, a qualified biologist will monitor the nest daily for one week, and thereafter once a week, for the duration of the activity or until the nest is no longer active, whichever comes first. Should construction activity within the buffer change

such that a higher level of disturbance will be generated, monitoring will occur daily for one week and then resume the once-a-week regimen. If, at any time, the biologist determines that construction activity may be compromising nesting success, construction activity within the buffer will be altered or suspended until the biologist determines that the nest is no longer at risk of failing.

The MND biological analysis does not explain how the above measures are determined to be adequate to avoid significant impacts, including, but not limited to, take (as defined pursuant to Fish and Game Code section 86), as a result of Project implementation.

Specific impact: As noted in the MND, SWHA are known to nest in the Project area and have the potential to nest in riparian habitat and mature trees located along the Tule River. Suitable foraging habitat occurs in the Project vicinity including pasture, row crops, and ruderal habitats. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts include nest abandonment and reduced reproductive success that includes mortality of young, and reduced health and vigor of eggs and/or young.

Evidence impact is potentially significant: Project activities near the nest that differ from baseline disturbance regimes in type, timing, and/or magnitude can affect adults caring for eggs and young in the nest, and can affect nestling behavior. Project activities including noise, vibration, odors, visual disturbance, and movement of workers or equipment could affect nesting individuals and have the potential to result in nest abandonment or reduced nesting success, significantly impacting local nesting SWHA.

Recommended Potentially Feasible Mitigation Measures: To evaluate potential Project-related impacts to SWHA, CDFW recommends conducting the following evaluation of the entire Project site and changing the mitigation measures to include the following measures.

Focused SWHA Surveys

Mitigation Measure BIO-1b proposes to conduct preconstruction surveys between March 1 and September 15 but does not state whether these surveys will follow protocol survey methodology for SWHA. To reduce potential Project-related impacts to SWHA, CDFW recommends that a qualified wildlife biologist conduct surveys following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) prior to Project initiation, within the Project area and a ½-mile buffer around the Project area. In addition, if Project activities will take place during the breeding season (February 15 through September 15), CDFW recommends that additional preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

SWHA Buffers

Mitigation Measure BIO-1c states that if active SWHA nests are detected, the biologist will identify a suitable construction-free buffer around the nest. As stated above, Project activities outside of baseline disturbances are more likely to result in affecting adult SWHA nesting behavior and nestling survivorship. Implementation of a no-disturbance nest buffer of less than ½ mile may not be adequate to avoid and minimize take of this species. If an active SWHA nest is found during protocol or preconstruction surveys, CDFW recommends changing this measure to require implementing a minimum ½-mile no-disturbance buffer until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest site or parental care for survival.

SWHA Nest Tree Avoidance

In addition to avoiding occupied nest trees, CDFW recommends that impacts to known nest trees be avoided at all times of year. Although the Project description does not mention tree removal, the removal of mature trees is a potentially significant impact to nesting birds of prey and CDFW advises mitigation of these impacts. As described above, removal of known nest trees is a potentially significant impact under CEQA and could also result in take under CESA. This is especially true with species such as SWHA, which exhibit high nest-site fidelity year after year. Regardless of nesting status, if potential or known SWHA nesting trees are removed, CDFW recommends they be replaced with an appropriate native tree species, planted at a ratio of 3:1 (replaced to removed), in an area that will be protected in perpetuity. This mitigation will offset potential impacts of the loss of potential nesting habitat.

SWHA Take Authorization

If a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted, and acquisition of a State Incidental Take Permit (State ITP) for SWHA may be necessary prior to project implementation, to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision (b).

COMMENT 2: Tricolored blackbird (TRBL)

Issue: The MND on page 3-29 states the recharge basins support dense vegetation with the potential to support nesting tricolored blackbirds. Suitable foraging habitat occurs in the site's basins and ruderal areas. Recharge basins provide habitat similar to flood-irrigated agricultural land which is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley (Meese et al. 2014).

Mitigation Measure BIO-3c does not identify minimum avoidance buffer distance for nesting TRBL. The measure states the biologist will identify suitable construction-free buffers around active TRBL nests which will be maintained until the young have fledged.

Specific impact: Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated with subsequent development include nesting habitat loss, nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: As mentioned above, flood-irrigated agricultural land is an increasingly important nesting habitat type for TRBL, particularly in the San Joaquin Valley, and is present within the Project's recharge basin area. TRBL aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Approximately 86% of the global population is found in the San Joaquin Valley (Kelsey 2008, Weintraub et al. 2016). In addition, TRBL have been forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55% of the species' global population nested in only two colonies, which were in silage fields (Kelsey 2008). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause nest site abandonment, significantly impacting TRBL populations (Meese et al. 2014).

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential impacts to TRBL associated from Project-related construction, CDFW recommends conducting the following evaluation of Project areas and implementing the following mitigation measures.

Focused TRBL Surveys

CDFW recommends that construction be timed to avoid the typical bird breeding season of February 1 through September 15. If Project activity that could disrupt nesting must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence/absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

TRBL Nesting Colony Avoidance

CDFW recommends changing Mitigation Measure BIO-3c of the MND to implement a minimum 300-foot no-disturbance buffer around any active TRBL colony, in accordance with CDFW's "Staff Guidance Regarding Avoidance of Impacts to

Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015" (CDFW 2015), until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant upon the colony or parental care for survival. It is important to note that TRBL colonies can expand over time and for this reason CDFW recommends that an active colony be reassessed to determine its extent within 10 days prior to Project initiation.

TRBL Take Authorization

In the event that a TRBL nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081(b), prior to any Project activities.

COMMENT 3: Burrowing Owl (BUOW)

Issue: The MND does not evaluate potential impacts to BUOW. Page 3-29 states that implementation of mitigation measures will reduce potential impacts to burrowing owls to a less than significant level; however, the mitigation measures referred to are Measures BIO-2a through BIO-2e, which apply to San Joaquin kit fox.

Specific impact: BUOW rely on burrow habitat year-round for their survival and reproduction. BUOW forage in areas with relatively short vegetation and only sparse shrub cover (Gervais et al. 2008). Without appropriate avoidance and minimization measures for BUOW, potential significant impacts include nest abandonment, which may result in reduced nesting success such as reduced health or vigor of eggs or young, in addition to direct mortality at any time of the year as a result of encroachment and increased potential of vehicle strikes, impacts to foraging success, and potentially increased predation. Potentially significant direct impacts associated with eviction and passive relocation of BUOW include inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. Indirect impacts associated with temporary or permanent closure of burrows include increased stress and competition.

Evidence impact is potentially significant: The Project site is within the range of BUOW and a review of aerial photographs indicates the site surrounding vicinity supports potentially suitable burrow and foraging habitat. The Project has the potential to result in loss of burrow habitat for local populations. Habitat loss and degradation are considered the greatest threats to BUOW in California's Central Valley (Gervais et al. 2008). In addition, and as described in CDFW's "*Staff Report on Burrowing Owl Mitigation*" (CDFG 2012), passively relocating and excluding BUOW is considered a potentially significant impact under CEQA.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential Project-related impacts to BUOW, CDFW recommends conducting the following evaluation of the Project site and including the following measures in the MND.

Focused BUOW Surveys

CDFW recommends assessing presence/absence of BUOW by conducting surveys following the California Burrowing Owl Consortium’s “*Burrowing Owl Survey Protocol and Mitigation Guidelines*” (CBOC 1993). CDFW further recommends that the “*Staff Report on Burrowing Owl Mitigation*” (CDFG 2012) be followed prior to and during any ground-disturbing activities associated with Project implementation. CDFW’s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by CDFW verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

BUOW Exclusion Methods

If BUOW are found to occupy a Project site and avoidance is not possible, it is important to note that according to the Staff Report (CDFG 2012), exclusion in and of itself is not a take avoidance, minimization, or mitigation method. If deemed necessary, CDFW recommends that burrow exclusion be conducted by qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of a minimum 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting BUOW. In addition, CDFW further recommends that burrow closure be employed only where there are adjacent natural burrows and sufficient non-impacted habitat for BUOW to occupy with permanent protection mechanisms in place. In addition, BUOW may attempt to colonize or re-colonize an area that will be impacted; thus, CDFW recommends ongoing surveillance of the Project site during project activities, at a rate that is sufficient to detect BUOW if they return.

COMMENT 4: San Joaquin kit fox (SJKF)

**Page 3-28, Mitigation Measure BIO-2a – Preconstruction Surveys
Page 3-29, Mitigation Measure BIO-2e – Mortality Reporting**

Issue: SJKF occurrences have been documented within the Project vicinity. Mitigation Measure BIO-2a states that preconstruction surveys for SJKF will be conducted on and within 200 feet of the Project site, no less than 14 days and no more than 30 days prior to the start of ground disturbance activities on the site. If an active kit fox den is detected within or immediately adjacent to the work area, the USFWS will be contacted immediately. Mitigation Measure BIO-2e also states that the Sacramento Field Office of the USFWS and the Fresno Field Office of CDFW will be notified in writing within three working days in case of accidental death or injury to a SJKF during construction.

Specific impact: SJKF den in right-of-ways, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields, and utilize streams and canals as dispersal corridors. As a result, there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area.

Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Evidence impact is potentially significant: Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al. 2013). Tulare County supports relatively large areas of high and medium suitability habitat (Cypher et al. 2013). The Project area is bordered by this remaining highly suitable habitat, which is otherwise intensively managed for agriculture. Therefore, subsequent ground-disturbing activities have the potential to significantly impact local SJKF populations.

Recommended Potentially Feasible Mitigation Measure(s)

To evaluate potential Project-related impacts to BUOW, CDFW recommends including the following in the MND.

SJKF Take Authorization

SJKF detection warrants consultation with CDFW to discuss how to avoid take or, if avoidance is not feasible, to acquire a State ITP prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081(b). CDFW recommends changing Mitigation Measure BIO-2a to require contacting CDFW if SJKF are detected within 200 feet of the Project boundary.

If mortality of SJKF is a possibility, as discussed in Mitigation Measure BIO-2e, then consultation with CDFW is warranted, and acquisition of a State ITP for SWHA may be necessary prior to project implementation, to avoid unauthorized take, pursuant to Fish and Game Code section 2081, subdivision(b).

Editorial Comments and/or Suggestions

Nesting Birds: Page 3-31, Mitigation Measures BIO-4a and 4b – Preconstruction Surveys and Avoidance

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).

Reconnaissance biological surveys documented that the recharge basins were being used for nesting by substantial numbers of red-winged blackbirds (*Agelaius phoeniceus*) and black-necked stilts (*Himantopus mexicanus*). CDFW encourages Project implementation during the avian non-nesting season; however, if ground-disturbing activities must occur during the breeding season (i.e., February through mid-September), 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.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife biologist conduct preconstruction surveys for active nests no more than 10 days prior to the start of ground 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 work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a

qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends that the work causing that change cease and CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends changing Mitigation Measure BIO-4c to require a minimum no-disturbance buffer of 250 feet around active nests of non-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 that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no-disturbance buffers is possible when there are compelling biological or ecological reasons to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration: Project-related activities have the potential to substantially change the bed, bank, and channel of wetlands and waterways onsite that are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq.; therefore, notification is warranted. Fish and Game Code section 1602 requires an entity 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 (including the removal of riparian vegetation); (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. CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (Agreement); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for Agreement issuance. For additional information on notification requirements, please contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

Endangered Species Act Consultation: CDFW recommends consultation with the USFWS prior to any ground disturbance related to this Project due to potential impacts to Federal listed species. Take under the Federal Endangered Species Act (ESA) is more stringently defined than under CESA; take under ESA may also include significant habitat modification or degradation that could result in death or injury to a listed species, by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of Project implementation.

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 field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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 (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 MND to assist PID in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Annette Tenneboe, Senior Environmental Scientist (Specialist) at (559) 243-4014 ext. 231 or annette.tenneboe@wildlife.ca.gov.

Sincerely,



 Julie A. Vance
Regional Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Andrew Gordus, PhD.
Briana Seapy
Annette Tenneboe
California Department of Fish and Wildlife

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