



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 27, 2025

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**Subject: Ridgemark Subdivision Project (Project)  
Draft Environmental Impact Report (DEIR)  
SCH No.: 2020109022**

Dear Michael Kelly:

The California Department of Fish and Wildlife (CDFW) received the DEIR from San Benito County for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding the Project activities that may affect California fish and wildlife. Likewise, we appreciate the chance to comment on aspects of the Project that CDFW, by law, may be required to carry out or approve through its regulatory authority under the Fish and Game Code. While the comment period may have ended, CDFW respectfully requests that San Benito County still consider our comments.

#### **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)). In its trustee capacity, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary to sustain biologically viable populations of these species (Id., § 1802). Similarly, for CEQA purposes, CDFW is charged by law with providing biological expertise during public agency environmental review, focusing specifically on projects and related activities that could adversely affect fish and wildlife resources.

*Conserving California's Wildlife Since 1870*

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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 under the Fish and Game Code. For example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, if Project implementation may result in "take" of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), authorization pursuant to Fish and Game Code will be required.

**Fully Protected Species:** CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

**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 Plan.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Angels Company LLC / John Wynn

**Objective:** The proposed Project includes a vesting tentative map to re-subdivide the Project site for up to 175 residential lots, allowing construction of 160 market-rate single-family homes and 30 below-market-rate duplex or duet units (on 15 lots), along with commercial/non-residential development, recreational/open space improvements, roadway improvements, and related utility infrastructure within the Project site.

**Location:** The Project is located within the Ridgemark Golf Course and Country Club property, south of State Route 25 (Airline Highway) in unincorporated San Benito County.

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## COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist San Benito County in adequately identifying and mitigating the Project's significant or potentially significant direct and indirect impacts on fish and wildlife resources.

CDFW originally provided comments to San Benito County for the Notice of Preparation (NOP) on November 4, 2021, addressing species including the State and federally threatened California tiger salamander (*Ambystoma californiense*) - central California Distinct Population Segment (DPS); the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*); the State species of special concern and federally proposed threatened southwestern pond turtle (*Emys marmorata*), the State Species of Concern and federally threatened California red-legged frog (*Rana draytonii*); the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*), roosting bats, nesting birds, and raptors.

Currently, the DEIR acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including the State and federally threatened California tiger salamander – central California DPS; the State threatened Tricolored Blackbird (*Agelaius tricolor*); the State fully protected white-tailed kite (*Elanus leucurus*); the State candidate western burrowing owl and Crotch's bumble bee (*Bombus crotchii*); and the State species of special concern and federally threatened California red-legged frog.

### California Tiger Salamander and California Red-legged Frog

CDFW concurs with the mitigation measures that are provided within the DEIR for California tiger salamander (CTS) and appreciates the inclusion of Mitigation Measure BIO-2 (i.e., coordination with CDFW to comply with CESA). The DEIR notes that the Project applicant initiated consultation with CDFW in 2021 to obtain an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b). CDFW is not aware of any conversations with the Project applicant (including any conversations from 2021) but strongly recommends the applicant consult with CDFW well in advance of the initiation of Project activities.

The DEIR also includes Mitigation Measure BIO-5 to mitigate for night-time impacts to CTS and California red-legged frog (CRLF) and states that: "To the maximum extent possible, night-time construction shall be minimized or avoided because dusk and dawn are often the times when the California red-legged frog and California tiger salamander

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are most actively moving and foraging.” CDFW concurs with this measure but recommends that no construction occur from dusk to dawn to avoid potential impacts to these species.

### **Tricolored Blackbird**

Mitigation Measure BIO-9, on page 184 of the DEIR, states that, “Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors. Surveys shall be conducted at the appropriate times of day to observe nesting activities”. CDFW concurs with portions of Mitigation Measure BIO-9, such as the implementation of 250-foot no-disturbance buffers for non-listed passerines, but recommends increasing the no-disturbance buffer distance to 300 feet for tricolored blackbird (TRBL) nest colonies. CDFW recommends that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. Additionally, if a TRBL nesting colony is detected during surveys and a 300-foot no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground-disturbing activities.

### **White-Tailed Kite**

The Project site lies within the known range of the white-tailed kite (WTKI). As noted on page 164 of the DEIR, “Additional species with the potential to occur include white-tailed kite.” CDFW concurs that the Project site contains suitable foraging habitat and that WTKI has the potential to forage and nest within the Project and vicinity.

Mitigation Measure BIO-9 is provided to mitigate for potential impacts to nesting passerines and raptors, including WTKI. CDFW does not concur that this measure is adequate to mitigate for potential significant impacts to WTKI and avoid the unauthorized take of the species. Given the DEIR notes that WTKI have the potential to occur, CDFW recommends the following:

### **Recommended Mitigation Measure 1: WTKI Surveys**

CDFW recommends that a qualified biologist conduct focused surveys for nesting WTKI within the Project site and a ½-mile buffer of the Project site prior to beginning Project activities.

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## **Recommended Mitigation Measure 2: WTKI Avoidance Buffer**

CDFW recommends a minimum no-disturbance buffer of ½ mile be delineated around active nests of WTKI 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. CDFW advises Project proponents not to allow reductions in no-disturbance buffer size for WTKI or any fully protected bird species absent a compelling biological or ecological reason to do so. Further consultation with CDFW is warranted to discuss Project implementation and take avoidance.

## **Burrowing Owl**

### *State Listing Update*

The California Fish and Game Commission (FGC) approved the western burrowing owl (BUOW) as a candidate species for potential listing under CESA on October 10, 2024, with findings published in the California Regulatory Notice Register on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protections as endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085). The DEIR currently lists BUOW as a State species of special concern and should be modified to note the species is now a candidate under CESA.

### *Mitigation Measure BIO-8*

Mitigation Measure BIO-8, on Page 183, states that, “If burrowing owls are found to occupy the development areas and avoidance is not possible, burrow exclusion may be conducted by qualified biologists only during the nonbreeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance.” CDFW does not concur with this portion of Mitigation Measure BIO-8; implementation of burrow exclusion is likely to result in the unauthorized take of BUOW. As such, if a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the Staff Report 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.

## **Crotch’s Bumble Bee**

The DEIR did not include Crotch’s bumble bee (CBB) as part of the analysis of potential Project-related impacts to biological resources. The Project site is within the range of CBB, and the species is known to inhabit a variety of habitats, including grasslands,

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scrublands, openings in woodlands, areas with bare ground including vacant lots, dirt roads, and levees (Xerces Society et al. 2018; CDFW 2025). Based on aerial imagery and the information provided in the DEIR, it appears that potentially suitable nesting and foraging habitat is present within the Project site. To reduce potential impacts to less than significant and avoid the unauthorized take of this species, CDFW recommends including the following measures be implemented prior to the initiation of Project activities:

### **Recommended Mitigation Measure 3: CBB Habitat Assessment**

A qualified biologist should conduct a habitat assessment to determine if the Project site and immediate vicinity contain habitat suitable to support CBB. Potential nesting sites include small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs. These should be documented as part of the assessment.

### **Recommended Mitigation Measure 4: CBB Surveys Prior to Construction**

If suitable habitat is identified, regardless of when Project activities occur, a qualified biologist should conduct focused surveys for CBB and their habitat features following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (2023).

### **Recommended Mitigation Measure 5: CBB Avoidance**

If CBB is detected, all small mammal burrows and thatched/bunch grasses should be avoided by at least 50 feet to prevent take and significant impacts. If ground-disturbing activities occur during the overwintering period (October through February), consultation with CDFW is recommended to discuss avoidance measures. Any CBB detections before or during Project implementation warrant consultation with CDFW.

### **Recommended Mitigation Measure 6: CBB Take Authorization**

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.

### **BIO-3: Monitor Training**

Mitigation Measure BIO-3 states that, "The qualified biologist shall train biological monitors selected from the construction crew by the construction contractor (typically the project foreman). Before the start of work each day, the monitor shall check for

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animals under any equipment such as vehicles and stored pipes within active construction zones.”

CDFW concurs with having construction personnel assist with avoiding impacts to biological resources by checking under vehicles and equipment but strongly recommends that a qualified biologist be tasked with complying with the applicable biological resource mitigation measures outlined in the DEIR.

## **EDITORIAL NOTES AND SUGGESTIONS**

**Federally Listed Species:** CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species including but not limited to San Joaquin kit fox, CTS, CRLF, western spadefoot, and southwestern pond turtle. Take under the Federal Endangered Species Act (ESA) is more broadly defined than CESA; take under the ESA also includes 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 the ESA is advised well in advance of any Project activities.

**Lake and Streambed Alteration:** Based on aerial imagery, it appears there are several ponds and streams within the Project site and vicinity, and these features may be subject to CDFW’s regulatory authority pursuant to Fish and Game Code section 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW’s regulatory authority pursuant Fish and Game Code section 1600 et seq. 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 and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW’s website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

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## 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, Section 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during any future project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). 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. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist San Benito County in identifying and mitigating this Project's impact 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>). Questions regarding this letter or further coordination should be directed to Evelyn Barajas-Perez, Environmental Scientist, at (805) 503-5738 or [evelyn.barajas-perez@wildlife.ca.gov](mailto:evelyn.barajas-perez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

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ATTACHMENT

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## REFERENCES

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act (CESA) candidate bumble bee species. Sacramento, California, USA.

California Department of Fish and Wildlife. 2025. Biogeographic Information and Observation System, Version 6 (BIOS 6). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 22 June 2025.

Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission 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.

**Attachment 1**

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

**PROJECT: Ridgemark Subdivision Project (Project)Draft  
Environmental Impact Report (DEIR)**

**SCH No.: 2020109022**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<b><i>Before Disturbing Soil or Vegetation</i></b>	
White-tailed Kite (WTKI)	
<b>Recommended Mitigation Measure 1:</b> WTKI surveys	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 3:</b> CBB Habitat Assessment	
<b>Recommended Mitigation Measure 4:</b> CBB Surveys Prior to Construction	
<b>Recommended Mitigation Measure 6:</b> CBB Take Authorization	
<b><i>During Construction</i></b>	
White-tailed Kite (WTKI)	
<b>Recommended Mitigation Measure 2:</b> WTKI Avoidance Buffer	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 5:</b> CBB Avoidance Buffer	