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March 20, 2026

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**Subject: H-Land Specific Plan (Plan)
Notice of Preparation (NOP)
State Clearinghouse No.: 2022020221**

Dear Lily Cha-Haydostian:

The California Department of Fish and Wildlife (CDFW) received an NOP from the City of Clovis, as Lead Agency, for the above-referenced Plan pursuant to 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 Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan 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.

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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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, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects 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, 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 on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Plan.

Other Special-Status Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Plan.

PLAN DESCRIPTION SUMMARY

Proponent: Heritage Development Company

Objective: This Plan proposes to develop residential, mixed-use, and neighborhood commercial infrastructure along with parks and public facilities on approximately 900 acres. As part of the Plan, development would be subdivided into thirty-eight (38) Plan Areas (PAs).

The Plan is being proposed as a hybrid EIR that covers both potential programmatic and project-level impacts. The analysis includes a review of programmatic-level impacts of the development of 2,323 residential dwelling units, 534,650 square feet of retail

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space, 564,090 square feet of commercial/office space, a 150-room hotel, an elementary school, and 18.27 acres of parks and public/quasi-public uses. The project-level analysis would include the development of 3,528 residential dwelling units, 23.61 acres of parks and public/quasi-public uses, and the development of PA 31a, which includes 300,000 square feet of retail space and 50,000 square feet of commercial/office space. The proposed Plan would generally be developed in three phases, although construction on individual planning areas would begin when allowed by market conditions. Infrastructure improvements including roadways and utilities will also be part of the Plan.

Location: The Plan area is located on approximately 900 acres of agricultural land in the northwest portion of the City of Clovis, known as the Heritage Grove area. Portions of the Plan area are within the current City of Clovis and with some parcels outside of the city limits but within the City's Sphere of Influence. The Plan is bordered by North Willow Avenue to the west; East International Avenue to the north; West Sheperd Avenue to the south; and portions of the Plan extend to North Sunnyside Avenue to the east. The Plan area includes the following Assessor's Parcel Numbers: 556-010-05S, -06S, -07S, -08S, -09, -10, -37, -39, -43; 556-020-03, -04, -05, -08S, -18, -20S, -22S, -24S, -25ST, -27, -29S, -31S, -33; 556-030-04S, -06S, -08S, -09S, -35S; 556-050-34S, -39S; 580-072-39; 580-080-17S, -18S; 556-040-01S, and -03S.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Clovis in adequately identifying and/or mitigating the Plan'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 Draft Environmental Impact Report (DEIR) prepared for this Plan.

Special-status Species

Aerial imagery shows the majority of the Plan area contains agricultural land with orchards and several parcels of vacant, undeveloped land comprised of ruderal vegetation and annual grassland. The Enterprise Canal traverses north to south along the eastern portion of the Plan area. The Plan area is bordered by low, medium, and suburban density residential development to the west, south, and east and undeveloped land on the north.

Based on a review of the Plan area's aerial imagery, the surrounding habitat, and California Natural Diversity Database (CNDDDB) records (CDFW 2026), the Plan area is within the geographic range of several special-status animal species and animals including, but are not limited to, the species identified in **Attachment 1** of this letter. These resources would need to be evaluated and addressed as part of the DEIR for this Plan and prior to any approvals that would allow ground-disturbing activities. CDFW

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also recommends that the DEIR analyze potential impacts to these species and provide mitigation measures that would reduce impacts to less than significant levels as needed for implementation of the Plan.

To adequately assess potential Plan related impacts to biological resources in the DEIR, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Plan area, 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 Plan area. 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/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used to consider the development of modified or new Plan 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 Plan compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*; 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). SWHA exhibit high nest-site fidelity year after year, and lack of suitable habitat limits their local distribution and abundance (CDFW 2016). Power poles and any trees, even those of ornamental species and in association with homes and other structures in the Plan area and vicinity may be utilized for perching and/or nesting. Additionally, SWHA are known to travel up to 18 miles to forage and are also attracted to ground disturbing activities such as disking because these activities make prey vulnerable by reducing cover (Estep 1989). There are multiple recent occurrences of SWHA within the Plan area, including several within the past five years, and historical occurrences of SWHA are noted within vicinity of the Plan area (CDFW 2026).

As the Plan is within the range of SWHA, there are multiple nearby occurrences, and the Plan provides suitable foraging and nesting habitat, CDFW recommends that a qualified biologist conduct surveys for SWHA as part of the biological technical studies conducted in support of the DEIR following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000).

In addition to conducting SWHA focused surveys, CDFW recommends the DEIR include the following measures:

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Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

Depending on the time between the initial survey efforts conducted in support of the DEIR and initiation of development activities associated with the Plan, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 200), be repeated the survey season immediately prior to any ground disturbing activities that occur with an associated PA.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If construction activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. These buffers would 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, to prevent nest abandonment and other take of SWHA as a result of construction activities.

Recommended Mitigation Measure 3: SWHA Take Authorization

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement construction activities and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation

Finally, CDFW recommends compensation for the loss of SWHA foraging habitat as described in CDFW's "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks" (CDFG 1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of 1 acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of ¾ acre of HM land for each acre of development is advised.

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- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of ½ acre of HM land for each acre of development is advised.

Tricolored Blackbird

The Plan area is within the known geographic range of tricolored blackbird (*Agelaius tricolor*, TRBL) and historical and historical and recent occurrences have been documented within approximately ten (10) miles of the Plan area (CDFW 2026). In the San Joaquin Valley, TRBL historically bred within the vicinity of fresh water, primarily in marshy areas. Important sites for nesting colonies included heavy growths of cattails, tules, thistles, willows, blackberries, mustard, nettles, and salt cedar. Foraging typically occurred within flooded lands, grassy fields, and margins of ponds (Grinnel and Miller 1994). Based on aerial imagery, portions of the Plan area could provide potential foraging and nesting habitat to TRBL.

As TRBL have the potential to use the Plan area and have been documented within the Plan vicinity, CDFW recommends that a qualified biologist conduct a habitat assessment for TRBL as part of the biological technical studies conducted in support of the DEIR. If potentially suitable habitat, is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such avoidance, minimization, and mitigation. 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.

California Tiger Salamander

The Plan area is within the known geographic range of California tiger salamander (*Ambystoma californiense* pop. 1; CTS) and numerous recent and historical occurrences are documented within five (5) miles of the Plan area (CDFW 2026). CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types, and have been known to utilize agricultural lands with sufficient breeding habitat such as agricultural ponds, ditches, and canals. CTS have also been known to utilize refugia habitat (i.e., upland habitat), such as agricultural orchards, adjacent to these agricultural aquatic resources. CTS have also been determined to be physiologically capable of dispersing up to approximately 1 ½-miles from seasonally flooded wetlands (Searcy and Shaffer 2011). These habitat features may be present within the Plan area and vicinity.

As there is the potential for CTS to utilize the habitat within and surrounding the Plan area, CDFW recommends that a qualified biologist conduct a habitat assessment for CTS as part of the biological technical studies conducted in support of the DEIR to determine where suitable breeding and refugia habitat is located within the Plan area. CDFW also recommends the DEIR include the following:

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Recommended Mitigation Measure 5: Focused CTS Protocol-level Surveys

CDFW recommends that a qualified biologist conduct protocol-level surveys within areas of suitable habitat prior to the initiation of development activities associated with the Plan. CDFW recommends these surveys be conducted 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 all areas of wetland and upland habitat that could support CTS for each PA or development area where construction is set to occur. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW. As such, several rounds of protocol surveys may be necessary prior to the initiation of construction for each PA.

Recommended Mitigation Measure 6: CTS Avoidance

If CTS protocol-level surveys 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 PA or development area. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the development area or PA 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. Alternatively, the applicant can assume presence of CTS and obtain from CDFW a State ITP in accordance with Fish and Game Code section 2081(b).

Recommended Mitigation Measure 7: CTS Take Authorization

If through surveys or during construction it is determined that CTS are occupying the Plan area, consultation with CDFW is warranted to determine if activities can 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. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS and obtain an ITP from CDFW.

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Western Burrowing Owl

The California Fish and Game Commission (FGC) approved Western burrowing owl (*Athene cunicularia hypugaea*; BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW 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 Plan area is within the known geographic range of BUOW and there are multiple historic and recent occurrences located within five (5) miles of the Plan area (CDFW 2026). One 2025 occurrence is noted approximately three (3) miles northeast of the Plan area and one 2013 occurrence is noted approximately one (1) mile north of the Plan area, east of North Willow Avenue. BUOW inhabit open grasslands (such as those within the Plan area and adjacent lands) containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW are also known to nest within and adjacent to agricultural canals, basins, and roadways. Based on aerial imagery, the Plan area and adjacent lands contain suitable habitat for BUOW nesting and foraging.

As BUOW are known to occur within the Plan vicinity and suitable nesting and foraging habitat is present within the Plan area, CDFW recommends that a qualified biologist conduct surveys for BUOW as part of the biological technical studies conducted in support of the DEIR following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012).

CDFW also recommends the DEIR include the following:

Recommended Mitigation Measure 8: BUOW Pre-construction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and initiation of development activities associated with the Plan, CDFW recommends that focused surveys, following the 2012 Staff Report (CDFG 2012), be repeated the survey season immediately prior to any ground disturbing activities that occur with an associated PA. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 9: 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-

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disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: 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 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 Plan area is within the known geographical range of Crotch's bumble bee (*Bombus crotchii*; CBB), and recent occurrences have been documented within ten (10) miles of the Plan area (CDFW 2026). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. Based on aerial imagery, the Plan area and adjacent lands may contain suitable habitat for CBB nesting and foraging.

As the Plan area is within the known range of CBB and suitable nesting and foraging habitat may be present, CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Plan area 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, old bird nests, dead trees, and hollow logs 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 technical studies conducted in support of the DEIR. On-site surveys provide the most valuable information for determining potential impacts of proposed projects and activities on the CBB and subsequently developing measures to avoid or minimize take of this species. Survey efforts should include multiple on-site surveys and should be developed to detect foraging bumble bees and potential nesting sites (nesting surveys). Survey timing should be determined on a project-by-project basis based on seasonality and when activity or foraging will most likely occur each year. Additionally, to increase probability of detection, bumble bee survey efforts should be conducted during the Colony Active Period (April-August) and when floral resources are present, ideally during peak bloom. If CBB is detected, consultation with CDFW is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation. If take cannot be avoided, take

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

State Species of Special Concern

The Plan is within the geographic range of American badger (*Taxidea taxus*), western mastiff bat (*Eumops perotis californicus*), northwestern pond turtle (*Actinemys marmorata*), and western spadefoot (*Spea hammondi*), and suitable habitat may be present within the Plan area.

For American badger, western mastiff bat, and northwestern pond turtle, CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR, to determine if the Plan area or the immediate vicinity contains potential habitat for the species mentioned above. If potential habitat is present, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such avoidance, minimization, and mitigation.

For western spadefoot (WESP), CDFW recommends that a qualified biologist conduct a habitat assessment for WESP as part of the biological technical studies conducted in support of the DEIR to determine where suitable breeding and refugia habitat is located within the Plan area. WESP are known to occur within grassland and agricultural habitats, and have been known to utilize agricultural ponds, ditches, canals, and sumps for breeding. These areas would need to be identified as part of this assessment. CDFW also recommends that a qualified biologist conduct focused surveys for WESP, using appropriate survey methodologies, and during the appropriate time of year, within these areas of suitable habitat to inform the DEIR. If it is determined that WESP is present or has the potential to be present within the Plan area, consultation with CDFW is recommended for guidance on mitigation measures such avoidance, minimization, and mitigation.

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved.

Branchiopods

The Plan area is within the known geographic range of California linderiella (*Linderiella occidentalis*; LIOC), midvalley fairy shrimp (*Branchinecta mesovallensis*), and Vernal

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Pool Fairy Shrimp (*Branchinecta lynchi*; VPFS) (collectively, branchiopods), and these species have the potential to occur within portions of the Plan area. The Plan area is within historic vernal pool and annual grassland habitats. Additionally, the Plan area is within close proximity to more natural grassland and vernal pool habitats located to the north and east of the Plan area. There are historical and recent occurrences documented within three miles of the Plan area (CDFW 2026). As the Plan area is located within close proximity to natural habitats with documented occurrences of branchiopods, and suitable habitat may be present within the Plan area, CDFW recommends the DEIR contain a robust habitat assessment to determine whether suitable branchiopod habitat, which would include any depressional areas that area inundated for a sufficient duration to support the species lifecycles, is present.

If suitable habitat is determined to be present within the Plan area, CDFW recommends the DEIR include the following:

Recommended Mitigation Measure 11: Branchiopod Protocol Level Surveys and Consultation

CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to any ground disturbing activities that occur with an associated PA. 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 a PA or development area, 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

Plants listed pursuant to the CESA and the Native Plant Protection Act (NPPA), as well as other special-status plants such as California Rare Plant Rank (CRPR) species, may occur within the Plan area. The Plan is within the geographic range of several special-status plant species including, but are not limited to, Hairy Orcutt Grass (*Orcuttia pilosa*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), and Succulent owl's-clover (*Castilleja campestris var. succulenta*). Special-status plant species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle traffic, urbanization, and introduction of non-native plant species (CNPS 2026), all of which may be unintended direct and indirect impacts of the Plan. Therefore, Plan activities may potentially have significant indirect, direct, and cumulative impacts to populations of the species mentioned above if present in and/or adjacent to the Plan area.

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CDFW recommends that the Plan area 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 sensitive natural communities” (CDFW 2018) as part of the biological technical studies conducted in support of the DEIR. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. If special-status plants are identified, 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 recommended. If take cannot be avoided, then to ensure compliance with CESA and the NPPA, CDFW recommends 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).

Editorial Comments and/or Suggestions

Lake and Streambed Alteration: Based on a review of aerial imagery, the Enterprise Canal traverses the Plan area from north to south. Plan activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW’s regulatory authority pursuant to 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 Plan does not adequately describe the Plan 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.

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 Plan and subsequent project-specific activities, 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

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and will be impacted by the Plan, 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 is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Plan Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the Plan's DEIR be used to develop and modify the Plan'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.

Nesting birds: CDFW encourages that ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Plan applicant is responsible for ensuring that implementation of the Plan and subsequent activities do not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further 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 associated with each PA to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the a PA or development area to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by construction activities. 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 project-specific activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the activities. 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-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

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no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the project-specific 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.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB, but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Plan related impacts to biological resources, surveys conducted by a qualified biologist 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 Plan area.

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-specific surveys to the CNDDB. The CNDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDB at the following email address:

CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

The Plan and/or subsequent projects resulting from this DEIR, could have an impact on biological resources, and an 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).

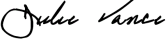
CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Clovis in identifying and mitigating Plan impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 2) is included below to assist the City of Clovis with incorporating the recommended mitigation measures provided above.

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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>). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT 1: Special-Status Species Table

ATTACHMENT 2: Mitigation Monitoring and Reporting Program

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

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Attachment 1

Attachment 1

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SPECIAL-STATUS SPECIES TABLE**

**PROJECT: H-Land Specific Plan (Plan)
Notice of Preparation (NOP)
SCH No.: 2022020221**

Common Name	Scientific Name	Status	
		State	Federal
Swainson's hawk	<i>Buteo swainsoni</i>	T	None
Tricolored blackbird	<i>Agelaius tricolor</i>	T	None
California tiger salamander – Central California DPS	<i>Ambystoma californiense pop. 1</i>	T	T
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	C	None
Crotch's bumble bee	<i>Bombus crotchii</i>	C	None
American badger	<i>Taxidea taxus</i>	SSC	None
Western mastiff bat	<i>Eumops perotis californicus</i>	SSC	None
Northwestern pond turtle	<i>Actinemys marmorata</i>	SSC	PT
Western spadefoot	<i>Spea hammondi</i>	SSC	PT
California linderiella	<i>Linderiella occidentalis</i>	SSA	None
Midvalley fairy shrimp	<i>Branchinecta mesovallensis</i>	SSA	None
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	SSA	T
Hairy Orcutt Grass	<i>Orcuttia pilosa</i>	E	E
Hartweg's golden sunburst	<i>Pseudobahia bahiifolia</i>	E	E
San Joaquin adobe sunburst	<i>Pseudobahia peirsonii</i>	E	T
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	E	T
Succulent owl's-clover	<i>Castilleja campestris var. succulenta</i>	E	T

E= Endangered, T=Threatened, C= Candidate for listing as Threatened and/or Endangered, SSA= State Special Animal, SSC= Species of Special Concern, PT=Proposed Threatened

Attachment 2

Attachment 2

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

PROJECT: H-Land Specific Plan (Plan)

Notice of Preparation (NOP)

SCH No.: 2022020221

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction	
Recommended Mitigation Measure 3: SWHA Take Authorization	
Recommended Mitigation Measure 4: SWHA Foraging Habitat Mitigation	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: Focused CTS Protocol-Level Surveys	
Recommended Mitigation Measure 7: CTS Take Authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 8: BUOW Pre-construction Surveys	
Recommended Mitigation Measure 10: BUOW Take Authorization	
Branchiopods	
Recommended Mitigation Measure 11: Branchiopod Protocol Level Surveys and Consultation	
<i>During Construction</i>	

Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA Avoidance Buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 6: CTS Avoidance	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW Avoidance Buffer	