



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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October 28, 2025

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Subject: PLN200017 San Benito Travelers Station - Conditional Use permit & Site/Architectural Approval San Benito County (Project) Initial Study and Draft Mitigated Negative Declaration (MND) SCH No. 2022040024

Dear Michael Kelly:

The California Department of Fish and Wildlife (CDFW) received an MND from San Benito County for the above-referenced Project 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 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 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

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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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the 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).

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).

PROJECT DESCRIPTION SUMMARY

Proponent: Coats Consulting

Objective: The Project proposes an amendment and zone change to redesignate the existing land use from Rangeland and Agricultural Rangeland to Commercial Regional and Commercial. This is to accommodate the ultimate development of a traveler's station. The proposed traveler's station would include a 4,000-square-foot convenience store and fast-food building with a drive-thru, auto and truck fueling services, propane sales, electric vehicle charging stations, and a San Benito County Informational Kiosk. Additional site improvements include the installation of a new private septic system at

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the northern end of the Project site, a proposed stormwater detention pond at the southern end, and the continued use of the existing on-site well.

Location: The proposed Project would be located at 1715 Searle Road, San Juan Bautista, within Accessor's Parcel Number (APN) 012-030-023.

COMMENTS AND RECOMMENDATIONS

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

Currently, the MND acknowledges that the Project site is within the geographic range of several special status animal species and provides specific recommendations and measures. CDFW has concerns about the ability of some the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take of several special-status species, including the State fully protected white-tailed kite (*Elanus leucurus*); and the State candidate Western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's Bumble Bee (*Bombus crotchii*).

Crotch's Bumble Bee

Mitigation Measure BIO-10

CDFW concurs with Mitigation Measure BIO-10, as it includes conducting focused surveys during the appropriate seasonal window for detecting obscure bumble bee and western bumble bee. However, CDFW recommends that these surveys follow the entirety of the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species survey document (CDFW 2023). CDFW also recommends that Mitigation Measure BIO-10 include Crotch's bumble bee (CBB). Appendix D of the MND indicates that CBB has a moderate potential to occur at the Project site due to the availability of suitable habitat. Therefore, CDFW recommends that CBB be explicitly included in Mitigation Measure BIO-10.

Western Burrowing Owl

Mitigation Measure BIO-6 (c)

CDFW concurs with Mitigation Measure BIO-6, which requires that a qualified biologist conduct protocol-level surveys outlined in the Burrowing Owl Survey

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Protocol and Mitigation Guidelines (CBOC 1993) and the Staff Report on Burrowing Owl Mitigation (CDFW 2012) documents, establish appropriate buffer zones around known dens and nests, and consult with CDFW if surveys identify occupied burrows in or near construction areas. However, CDFW does not concur with BIO-6(c), which states that burrow exclusion may occur if a burrowing owl is found and avoidance is not possible. As burrow exclusion has a strong potential to result in the unauthorized take of BUOW absent an Incidental Take Permit (ITP), CDFW recommends that the Project proponent consult with CDFW 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. 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.

White tailed Kite

Mitigation Measure BIO-11

CDFW concurs with Mitigation Measure BIO-11, which outlines appropriate measures for nesting birds and raptors, but recommends that an appropriate white-tailed kite (WTKI) buffer be specified in the measure. To minimize potential impacts to this fully protected species, CDFW recommends establishing a minimum no-disturbance buffer of ½ mile around active WTKI nests. This buffer should remain in place until the end of the breeding season or until a qualified biologist has confirmed that the young have fledged and are no longer dependent on the nest or parental care. If active WTKI nests are detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take.

Editorial Comments and/or Suggestions

Lake and Streambed Alteration: The Project site appears to be in close proximity to several potential streams. 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.

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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.

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. €). 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: <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. 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

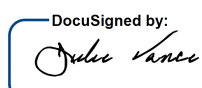
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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CONCLUSION

CDFW appreciates the opportunity to comment to assist San Benito County in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Evelyn Barajas Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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REFERENCES

California Burrowing Owl Consortium. 1993. *Burrowing owl survey protocol and mitigation guidelines*. Pages 171-177 in Lincer, J. and K. Steenhof (editors). 1993. The burrowing owl, its biology and management. Raptor Research Report Number 9.

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.

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