



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



July 7, 2025

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**Subject: Selma Casitas Project (Project)  
Draft Environmental Impact Report (DEIR)  
State Clearinghouse No.: 2024070105**

Dear Kamara Biawogi:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Selma, as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

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<sup>1</sup> 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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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, 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).

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** River Park Properties II

**Objective:** The proposed Project consists of the annexation of 75.31 acres into the City of Selma. A mixed-use residential and commercial development is proposed on the northern 39.10 acres of the annexation area. No development is proposed for the remaining 36.21 acres. A total of 600 apartment units are planned for the Project and approximately 40,000 square feet of retail and food service uses, and a 100-key hotel are anticipated in the commercial area. A Vesting Tentative Subdivision/Tract Map is also proposed that would create 17 individual lots and three outlots for building pads, parking lots, apartment sites, a public park, and privately maintained roads within the Project. The proposed subdivision lots range in size from 0.10 acres to 4.85 acres. Site construction will include private internal access roads, lighting and site landscaping. Stillman Street, which runs along the southside of the proposed development area, is planned to be widened and improved and Fancher Street, which runs along the west side of the proposed development area, will be improved and will connect to Floral Avenue, which runs on the north side of the proposed development area. Utilities and infrastructure improvements will include connecting water, storm drain, and wastewater services.

**Location:** The proposed Project is located adjacent to the western City of Selma limits in Fresno County. The Project site is located west of Highland Avenue, north of Rose Avenue, and south of East Floral Avenue. The site consists of Assessor Parcel

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Numbers (APNs) 385-260-33, 385-230-16, -38 and -39. The proposed development site will occur on APN 385-230-33. No development is proposed for the remaining 36.21 acres to be annexed. The site is predominantly surrounded by agricultural land, rural residential homes and commercial developments.

**Timeframe:** Slated to start in spring 2025 and anticipated to last approximately three (3) years.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist the City of Selma 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.

Aerial imagery shows the Project site contains regularly disked and fallowed agricultural lands and is comprised of annual grassland and ruderal species. The Project site is bordered by agricultural orchards to the south and west and commercial development to the east and north. CDFW previously commented on the Notice of Preparation (NOP) and Initial Study for the Project in a letter dated July 29, 2024, and provided survey recommendations for the State threatened Swainson's hawk (*Buteo swainsoni*) and the State candidate Crotch's bumble bee (*Bombus crotchii*).

Fresno County notes that this DEIR is a Focused DEIR does not include an evaluation of Project related impacts to biological resources. Instead, the Initial Study and NOP, which CDFW commented on with the July 29, 2024, comment letter, are referenced in the DEIR to address potential impacts to biological resources. While the DEIR does not include an analysis for biological resources, Mitigation Measure BIO-1 is included in the Mitigation Monitoring and Reporting Program portion of the document. Mitigation Measure BIO-1 mitigates for potential impacts to nesting birds and acknowledges that three (3) trees will be removed to accommodate the Project. Based on the lack of analysis for biological resources within the DEIR and inadequacy of Mitigation Measure BIO-1 to mitigate for potential significant impacts to Swainson's hawk, the State candidate western burrowing owl (*Athene cunicularia hypugaea*), and Crotch's bumble bee, CDFW recommends the following measures be incorporated within the DEIR and implemented prior to initiation of construction activities associated with the Project.

### **Comment 1: Swainson's Hawk**

Swainson's Hawk (SWHA) have been documented to occur near the Project site (CDFW 2025). 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). The habitat types present at and

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surrounding the Project site all provide suitable foraging habitat for SWHA and any power poles or trees in the Project vicinity may be utilized for perching and/or nesting. SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat limits their local distribution and abundance (CDFW 2016). In addition, conversion of undeveloped land can directly influence distribution and abundance of SWHA, due to the reduction in foraging habitat.

Mitigation Measure BIO-1 provides general practices to lessen the potential impact of this Project on nesting birds. Scheduling construction, to the extent possible, to avoid the nesting season and conducting preconstruction surveys no more than 14 days prior to the initiation of construction activities are two Project management practices mentioned. CDFW concurs with conducting nesting birds surveys prior to construction, however, CDFW does not concur that Mitigation Measure BIO-1 is adequate to mitigate for potentially significant impacts to SWHA and recommends the following be included as mitigation measures within the DEIR:

**Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction**

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) immediately prior to construction.

**Recommended Mitigation Measure 2: SWHA Avoidance Buffer**

If Project-specific ground disturbance 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 Project 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 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.

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#### **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  $\frac{3}{4}$  acre of HM land for each acre of development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of  $\frac{1}{2}$  acre of HM land for each acre of development is advised

#### **Comment 2: Western Burrowing Owl**

The Project site is within the known geographic range of western burrowing owl (BUOW), and, based on aerial imagery, it appears that suitable BUOW habitat may be present with the Project site. The California Fish and Game Commission (FGC) approved 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 considered a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

As BUOW have the potential to be present within the Project site or Project vicinity, and the DEIR does not include any sort of assessment for the species, CDFW recommends the DEIR include the following:

#### **Recommended Mitigation Measure 5: BUOW Preconstruction Surveys**

CDFW recommends that focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

#### **Recommended Mitigation Measure 6: BUOW Avoidance Buffer**

Should a BUOW or known BUOW den (active or inactive) be detected, either during preconstruction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report on Burrowing

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Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

### **Recommended Mitigation Measure 7: BUOW Take Authorization**

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

### **Comment 3: Crotch's Bumble Bee**

The Project site is within the range of Crotch's bumble bee (CBB). 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, and these habitat elements may be present within the Project site. The NOP letter submitted on July 29, 2024, recommended that a qualified biologist conduct a habitat assessment to determine if the Project area and the immediate surrounding vicinity contain suitable CBB habitat; however, the DEIR does not include an assessment for the species. As CBB have the potential to occupy the Project site, CDFW recommends the following be included as mitigation measures within the DEIR:

### **Recommended Mitigation Measure 8: CBB Habitat Assessment**

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

### **Recommended Mitigation Measure 9: CBB Surveys Prior to Construction**

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).

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### **Recommended Mitigation Measure 10: CBB Avoidance**

If CBB is detected, then CDFW recommends that all small mammal burrows and thatched/bunch grasses be avoided by a minimum of 50 feet to avoid take and potentially significant impacts. If ground-disturbing activities will occur during the overwintering period (October through February), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

### **Recommended Mitigation Measure 11: CBB Take Authorization**

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

### **Editorial Comments and/or Suggestions**

**Nesting birds:** CDFW encourages that Project 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 Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW 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 to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

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

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no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**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 Project 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 Project site.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to 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](mailto: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 Project, as proposed, 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).

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## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Selma in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist the City of Selma with incorporating the recommended mitigation measures provided above.

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](mailto:marile.colindres@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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For Julie A. Vance  
Regional Manager

## ATTACHMENT

ec: State Clearinghouse  
Governor's Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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## REFERENCES

- California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2016. Five-year status review for Swainson's hawk (*Buteo swainsoni*). California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. Sacramento, California, USA.
- California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 23 June 2025.
- Estep, J. 1989. Biology, movements, and habitat relationships of the Swainson's hawk in the Central Valley of California 1986-1987. State of California, The Resources Agency, Department of Fish and Game, Wildlife Management Division.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

**Attachment 1**

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

**PROJECT: Selma Casitas Project (Project)  
Draft Environmental Impact Report (DEIR)**

**SCH No.: 2024070105**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<b><i>Before Disturbing Soil or Vegetation</i></b>	
Swainson's Hawk (SWHA)	
<b>Recommended Mitigation Measure 1:</b> SWHA Surveys Prior to Construction	
<b>Recommended Mitigation Measure 3:</b> SWHA Take Authorization	
<b>Recommended Mitigation Measure 4:</b> SWHA Foraging Habitat Mitigation	
Western Burrowing Owl (BUOW)	
<b>Recommended Mitigation Measure 5:</b> BUOW Surveys Prior to Construction	
<b>Recommended Mitigation Measure 7:</b> BUOW Take Authorization	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 8:</b> CBB Habitat Assessment	
<b>Recommended Mitigation Measure 9:</b> CBB Surveys Prior to Construction	
<b>Recommended Mitigation Measure 11:</b> CBB Take Authorization	
<b><i>During Construction</i></b>	
Swainson's Hawk (SWHA)	

<b>Recommended Mitigation Measure 2:</b> SWHA Avoidance Buffer	
Western Burrowing Owl (BUOW)	
<b>Recommended Mitigation Measure 6:</b> BUOW Avoidance Buffer	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 10:</b> SWHA Avoidance Buffer	