



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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August 20, 2025

Sophia Pagoulatos, Planning Manager
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Subject: Vehicle Miles Traveled (VMT) Reduction Program (Program)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2024091129

Dear Sophia Pagoulatos:

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

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Program that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Program 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

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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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.

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 Program.

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 Program.

Native Plant Protection Act: The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 et seq.) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Program activities may only be permitted through an Incidental Take Permit (ITP) or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

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PROGRAM DESCRIPTION SUMMARY

Proponent: City of Fresno

Objective: The proposed Program intends to create a VMT Reduction Program to establish mitigation for future projects that exceed the City's VMT thresholds in the form of a mitigation bank. The VMT Reduction Program includes two major components that can be applied, individually or in combination, to new development with VMT impacts: an Urban Design Calculator, which estimates potential VMT reductions for development projects through incorporation of various design elements; and a mitigation fee program. The mitigation impact fee would allow new development to mitigate VMT impacts by making "fair share" payments into a mitigation bank to cover the cost of the identified VMT-reducing projects in the proposed VMT Reduction Program. The VMT Reduction Program would identify relevant transportation demand management strategies and VMT-reducing projects within the City of Fresno to be funded by mitigation fees from developments that trigger potentially significant VMT impacts under CEQA. Potential VMT-reducing measures may include active transportation improvements, multi-modal transportation programs, and improved street connectivity, including bicycle, pedestrian, and transit facilities. The Program intends to streamline the Senate Bill 743 compliance process for development projects while funding future VMT improvement projects.

Location: The proposed Program will apply to development within the city limits of Fresno. The City of Fresno is located in Fresno County and covers an area of approximately 113 square miles. To the north of Fresno is Madera County, to the northeast and adjacent to Fresno, is the City of Clovis. Unincorporated land is located to the east, south, and west of Fresno.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Fresno in adequately identifying and/or mitigating the Program'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 DEIR prepared for this Program.

CDFW previously commented on the Notice of Preparation for this Program on October 29, 2024, with recommendations related to species habitat assessments and surveys, cumulative impacts analyses, CEQA alternative analysis, federally listed species consultation, botanical surveys, nesting birds, and the potential need to notify for potential impacts to streams pursuant to Fish and Game Code section 1600 et seq.

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Special-Status Species

Aerial imagery and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2025), CDFW's familiarity with biological resources in the Program area, and given that the Program encompasses the entirety of the city limits of Fresno, potential impacts to special-status species exists and should be analyzed during review of projects arising from the VMT Program. CDFW concurs with the content of Table 4.4.A and 4.4.B included in Section 4.4 of the DEIR for the Program which lists special-status plant and wildlife species within the Project vicinity. As noted in the analysis and repeated throughout the Project Impacts subsection, these biological resources would need to be evaluated and addressed as part of any project-specific reviews and approvals.

Additionally, CDFW agrees with the methodology that future potential projects should be analyzed on a project-specific basis for potential biological resources impacts with site-specific information and implement measurable mitigation measures that would reduce impacts to less than significant levels as needed.

Biological mitigation measure BIO-1 states that transportation improvement projects funded by the proposed Program subject to CEQA review and with the potential to reduce or eliminate habitat for native plant and wildlife species or sensitive habitats shall provide a Biological Resources Assessment (BRA). Biological mitigation measure BIO-4 states that pre-construction nesting bird clearance surveys will be conducted no more than 14 days prior to the start of any vegetation removal or ground disturbing activities. CDFW concurs with this methodology as appropriate for the majority of potential projects that are expected to occur within existing disturbed rights-of-way in developed areas; however, CDFW recommends strengthening the narrative in BIO-1 and BIO-4 by including species-specific protocol-level surveys as part of the BRA and pre-construction surveys, when appropriate. The additional site-specific evaluation will ensure that potential impacts from projects that occur outside of the existing rights-of-way areas are eliminated or minimized.

California Endangered Species Act

Reasonably foreseeable future projects tiered from this Program may be subject to CDFW's regulatory authority pursuant to the California Endangered Species Act (CESA). In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid "take," or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW recommends that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from this Program.

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California Natural Diversity Database (CNDDDB)

Please note that the CNDDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDDB does not mean that a species is not present. All projects tiered from this Program should adequately assess any potential project-related impacts to biological resources by ensuring biological surveys are conducted by a qualified wildlife biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology as warranted in order to determine whether or not any special-status species are present at or near the project area.

Federally Listed Species

CDFW recommends projects tiered from this Program consult with the USFWS on potential impacts to federally listed species. 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 is advised well in advance of any ground disturbing activities.

Lake and Streambed Alteration

Reasonably foreseeable future projects tiered from this Program may be subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires project proponents 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; or (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 in nature. For additional information on notification requirements, please contact our staff in the Lake and Stream Alteration Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

CDFW therefore recommends that the FEIR for this Program include information related to these requirements of Fish and Game code and advise that projects tiered from this Program retain a qualified biologist to determine if potential impacts to streams may require the need to notify pursuant to Fish and Game Code section 1602.

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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, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during 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 the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

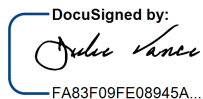
If it is determined that the Program or subsequent projects have the potential to impact biological resources, an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment 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 DEIR to assist City of Fresno in identifying and mitigating Program impacts 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>). 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:

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Julie A. Vance
Regional Manager

ec: State Clearinghouse
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REFERENCES

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 5 August 2025.