



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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Fresno, California 93710
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GAVIN NEWSOM, Governor
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August 11, 2025

Ariana Mora, Senior Planner
City of Soledad
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Monterey, California 93960
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**Subject: Almond Acres
Draft Environmental Impact Report (DEIR)
SCH No.: 2025030381**

Dear Ariana Mora:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Soledad pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 and Game 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).

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, activities evaluated in the Plan may be subject to CDFW's lake

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and streambed alteration regulatory authority (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Plan 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 may be required.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Nino Homes at Almond Acres Inc

Objective: The Project proposes to subdivide three parcels (A, B, and C), and a 55-lot single-family subdivision. A new 12-unit, multi-family apartment building would be constructed on Parcel B (0.38 acres), and stormwater improvements would be constructed on Parcel C (0.41 acres). As part of the Project, a 55-lot single-family subdivision would be constructed on the balance of the site (5.31 acres). Forty-seven of the single-family lots would be 4,250 square feet or less, with the remaining eight lots ranging from 4,500 to 7,358 square feet. A total of 67 units are planned. New internal roads would be constructed within the Project site to access all parcels and individual lots.

Location: The Project is located at 315 Orchard Lane, within Assessor’s Parcel Number (APN) 022-281-005.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Soledad 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 DEIR prepared for this Project.

CDFW originally commented on the Project’s Notice of Preparation (NOP) on April 22, 2025, and provided recommendations pertaining to the State candidate Crotch’s bumble bee (*Bombus crotchii*), the State species of special concern American badger (*Taxidea taxus*), and the California Rare Plant Rank (CRPR) 1B.1 Congdon’s Tarplant (*Centromadia parryi* ssp. *Congdonii*), and federally threatened and CRPR 1B.2 Monterey spineflower (*Chorizanthe pungens* var. *pungens*). After a review of the DEIR, CDFW has concerns about the ability of some the proposed mitigation measures to

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reduce impacts to less than significant and avoid unauthorized take for several special-status species, including Crotch's bumble bee and Congdon's Tarplant.

Crotch's Bumble bee

CDFW previously recommended a habitat assessment be conducted as part of the biological studies to inform the DEIR. The DEIR notes that a reconnaissance-level biological survey was conducted on October 11, 2024, after most floral resources had senesced. No additional surveys were performed beyond the October 11, 2024, survey. Appendix C of the DEIR concludes a low probability of Crotch's Bumble Bee (CBB) presence due to marginal habitat—open undeveloped areas and urban landscaping—with few nectar plants and minimal nesting sites such as burrows, vegetation tufts, and construction debris. However, since the survey occurred after most floral resources would have senesced, the availability of nectar resources may not accurately reflect on-site conditions during peak bloom. As such, CDFW recommends the following:

Recommended Mitigation Measure 1: CBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment during the appropriate time of year to determine if the entire 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 2: CBB Surveys Prior to Construction

If potentially suitable habitat is identified, regardless of what time of year Project activities will be conducted, 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).

Recommended Mitigation Measure 3: CBB Avoidance

If CBB is detected, 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.

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Recommended Mitigation Measure 4: CBB Take Authorization

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

Congdon's Tarplant

Appendix C of the DEIR states there's a low probability of Congdon's tarplant presence within the Project site but notes the site contains suitable habitat. Appendix C notes that there is low probability for Congdon's tarplant as no individuals were observed during the reconnaissance-level biological survey on October 11, 2024.

The blooming period for Congdon's tarplant is generally considered to be from May to October. The peak blooming period would be in late summer, and as the reconnaissance survey was timed near the end of the species bloom period, CDFW recommends conducting additional botanical surveys prior to construction. CDFW recommends these surveys be timed during the Congdon's tarplant's appropriate bloom period (May to October), with at least one survey conducted during the peak bloom period (July) and that nearby reference populations be utilized to facilitate the likelihood of field investigations occurring during the appropriate floristic period. CDFW also recommends the following:

Recommended Mitigation Measure 5: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 6: Special-Status Plant Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization would need to occur through issuance of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b), or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9.

EDITORIAL NOTES AND SUGGESTIONS

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California Natural Diversity Database

Please note that the California Natural Diversity Database (CNDDDB) is populated by and records 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 in the CNDDDB 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/botanist 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 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).

CONCLUSION


CDFW appreciates the opportunity to comment on the DEIR to assist the City of Soledad in identifying and mitigating this Project's 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>). Please see the enclosed, Attachment 1, Mitigation Monitoring and Reporting Program (MMRP) table, which corresponds with recommended mitigation measures in this comment letter. Questions regarding this letter or further coordination should be directed to Evelyn

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Barajas-Perez, Environmental Scientist, at (805) 503-5738 or evelyn.barajas-perez@wildlife.ca.gov.

Sincerely,

DocuSigned by:


FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT

ec: State Clearinghouse
Governor's Office of Planning and Research
state.clearinghouse@lci.ca.gov

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REFERENCES

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

Attachment 1

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

PROJECT: Almond Acres

SCH No.: 2025030381

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 1: CBB Habitat Assessment	
Recommended Mitigation Measure 2: CBB Surveys Prior to Construction	
Recommended Mitigation Measure 4: CBB Take Authorization	
Congdon's Tarplant	
Recommended Mitigation Measure 6: Special-Status Plant Take Authorization	
<i>During Construction</i>	
Crotch's bumble bee (CBB)	
Recommended Mitigation Measure 3: CBB Avoidance	
Congdon's Tarplant	
Recommended Mitigation Measure 5: Special-Status Plant Avoidance	