



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 21, 2025

Will Tackett, Community Development Director
City of Madera Planning Department
205 W. 4th Street
Madera, California 93637
(559) 661-5451
wtackett@madera.gov

Subject: Notice of Preparation (NOP)
Granite Creek Precise Plan Project (Project)
SCH No.: 2025040849

Dear Will Tackett:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the City of Madera for the 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 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

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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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.

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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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.

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: DR Horton

Objective: The Project proposes the annexation, General Plan amendment, Pre-Zone, Tentative Parcel Map, and Tentative Subdivision Map updates to the 327-acre property that comprises the Project. The Project would also include a 60-acre residential development within the property that would include the construction of approximately 345 residential lots.

Location: The Project is located east of Road 23 between Avenue 14-1/2 and the Fresno River in unincorporated Madera County. The Project is bounded by Avenue 14-1/2 to the south, Road 23 to the west, the Fresno River to the north, and Road 24 to the east. The Project property consists of two parcels including Assessor's Parcel Numbers (APNs) 045-070-025 and a portion of 045-070-026.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Madera 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 the Project.

The NOP states the Project site is surrounded primarily by the Fresno River to the north, agricultural uses north and west of the Fresno River, and single-family residential uses to the east. The south side of the Project site includes a combination of residential and agricultural uses. Based on aerial imagery and information provided in the NOP, the Project site consists of an irrigated, maintained almond orchard and vineyard, and an area of disturbed land in the north-central portion of the Project. Additionally, ruderal herbaceous vegetation is distributed throughout the Project site. Aerial imagery also shows a riparian corridor adjacent to the Fresno River and the Madera irrigation District canal (canal) traversing east to west just north of the Project site.

The Project is within the geographic range of several special-status animal species including but not limited to: the State threatened Swainson's hawk (*Buteo swainsoni*); the State and federally threatened (California tiger salamander - central California DPS) (*Ambystoma californiense* pop. 1); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the Species of special concern American badger (*Taxidea taxus*); the Species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*), the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*), and the State special animal and federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*).

The Project Initial Study (IS) notes that a Biological Resource Evaluation (BRE) was prepared on behalf of the Project by Colibri Ecological Consulting in December 2024 and that reconnaissance surveys were conducted by Colibri scientists to inform the BRE.

CDFW has the following recommendations and comments to either inform the biological technical studies conducted in support of the DEIR or to be implemented prior to initiating ground disturbance activities associated with the Project.

Swainson's Hawk

The Project site is within the known geographic range of Swainson's hawk (SWHA) and there is a historical occurrence documented within a ½ mile of the Project site (CDFW 2025). SWHA are known to breed within the Central Valley of California and prefer to

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nest near and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). The BRE states that SWHA does not have the potential to occur on or near the Project site due to a lack of suitable habitat. CDFW doesn't concur that SWHA are absent from the Project site and vicinity, as, based on aerial imagery and the information provided in the NOP, the Project site contains agricultural lands suitable for SWHA foraging and there are trees located along the northern and southern boundaries of the Project site that may provide suitable perching and nesting habitat. The IS includes Mitigation Measure (MM) BIO-1 to mitigate for impacts to western burrowing owl. MM BIO-1 also includes measures for SWHA (potentially unintentionally) and specifies that SWHA surveys would be conducted in accordance with the Swainson's Hawk Technical Advisory Committee's (SWHA TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (SWHA TAC 2000). CDFW concurs with portion of MM BIO-1 pertaining to SWHA surveys and recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures, and that these measures be implemented prior to any development or ground-disturbance activities associated with the Project:

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 the timing of ground-disturbance activities associated with the Project, CDFW recommends that additional surveys, following the survey methodology developed by the SWHA Technical Advisory Committee, be repeated the survey season immediately prior to construction.

Recommended Mitigation Measure 2: SWHA Avoidance Buffer

If Project-specific 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

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warranted to discuss how to implement the Project 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.

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved western burrowing owl (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 Project site is within the known geographic range of BUOW and a historical occurrence has been documented within 1 ½ miles of the Project site (CDFW 2025). BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used for nesting and cover. The BRE states the species has low potential to occur on or near the Project site due to the Project site being routinely disturbed. Based on aerial imagery and information provided in the NOP, the Project site appears to contain suitable habitat (e.g., small mammal burrows) for BUOW, particularly within the north-central and northeastern portions of the Project site and along the canal. The IS includes MM BIO-1 to mitigate for impacts to BUOW and specifies that pre-construction clearance surveys shall be conducted no more than 14 days prior to the initiation of construction activities and during this survey, the qualified biologist shall inspect all potential burrowing owl habitat in and immediately adjacent to the impact areas. MM BIO-1 also states that if a burrowing owl or sign of burrowing owl use is detected on or within 500 feet of the Project site, "...the qualified biologist determines that Project activities would disrupt the owl(s), a construction-free buffer, limited operating period, or passive relocation shall be implemented in consultation with the CDFW." CDFW does not concur that MM BIO-1 would be sufficient to mitigate for potential significant impacts to BUOW and recommends that a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report; CDFG 2012) as part of the biological technical studies conducted in support of the DEIR.

In addition to conducting BUOW surveys, CDFW recommends the DEIR include the following measures, and that these measures be implemented prior to any development or ground-disturbance activities associated with the Project:

Recommended Mitigation Measure 4: BUOW Pre-construction Surveys

Depending on the time between the initial survey efforts conducted in support of the DEIR and the timing of ground-disturbance activities associated with the Project, CDFW recommends that additional surveys following the 2012 Staff Report on

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Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012) be conducted the survey season immediately prior to prior to any development or ground-disturbance activities associated with the Project. Please note that the 2012 Staff Report necessitates multiple surveys the survey season prior to ground-disturbance activities.

Recommended Mitigation Measure 5: 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 Staff Report and identified below, be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m (656 ft)	500 m (1640 ft)	500 m (1640 ft)
Nesting sites	Aug 16-Oct 15	200 m (656 ft)	200 m (656 ft)	500 m (1640 ft)
Nesting sites	Oct 16-Mar 31	50 m (164 ft)	100 m (328 ft)	500 m (1640 ft)

m = meters, ft = feet

Buffers should be implemented for both wintering and breeding BUOW

Recommended Mitigation Measure 6: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the Staff Report 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.

Crotch's Bumble Bee

The Project site is within the known geographical 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. Based on aerial imagery and the information provided in the NOP, these habitat elements may be present within the Project site, particularly within the northern section of the Project site. The BRE did not include any evaluation for the species. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the

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biological technical studies conducted in support of the DEIR 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. 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 2025) as part of the biological technical studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of CBB, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take 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 Project site is within the known geographic range of California tiger salamander (CTS) and a historical occurrence has been documented within 2 ½ miles of the Project site (CDFW 2025). CTS are known to breed and develop in vernal and seasonal pools and stock ponds in grassland habitat types and have been determined to be physiologically capable of dispersing up to approximately 1.5 miles from these habitats. The BRE states the species has low potential to occur on or near the Project site due to unsuitable habitat, the BRE states, "According to historic Google Earth imagery (Google 2024), the agricultural storage pond is usually dry during the California tiger salamander breeding and larval period." CDFW doesn't concur that review of Google Earth imagery alone is sufficient to determine the agricultural pond lacks the duration of ponding to facilitate CTS breeding. Additionally, as the Project is located near potential ponding habitat in the canal and the Fresno River, CDFW recommends a qualified biologist conduct a robust habitat assessment of the Project site and Project vicinity, including an appropriate habitat assessment buffer, to determine whether suitable breeding or dispersal habitat may be present as part of the biological technical studies conducted in support of the DEIR. If it is determined that suitable habitat is present, CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the U.S Fish and Wildlife (USFWS) "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS CTS Protocol) (USFWS 2003) as part of the biological technical studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of CTS, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take 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.

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American Badger

The Project site is within the known geographic range of American badger (AMBA) and a historical occurrence has been documented within 8 miles from the Project site (CNDDDB 2023). AMBA occupy sparsely vegetated land cover with dry, friable soils to excavate dens, which they use for cover, and that support fossorial rodent prey populations (i.e., ground squirrels, pocket gophers, etc.) (Zeiner et. Al 1990). The BRE states the species has low potential to occur on or near the Project site due to lacking suitable habitat, CDFW doesn't concur as, based on aerial imagery and the information provided in the NOP, the northern section of the Project site contains suitable habitat for AMBA denning and foraging. As AMBA have the potential to den and/or forage within the Project site, CDFW recommends that a qualified biologist assess the presence or absence of AMBA by conducting a focused field survey in all areas of potentially suitable habitat as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of AMBA, consultation with the CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Northwestern Pond Turtle

The Project site is within the known geographical range of northwestern pond turtle (WPT). WPT utilize streams, ponded areas, irrigation canals, and riparian and upland habitats for nesting, overwintering, dispersal, and basking. WPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact WPT populations. The BRE notes WPT does not have the potential to occur on or near the Project site due to lacking suitable habitat, and no surveys were documented for the species. CDFW doesn't concur that there is no potential for WPT to occur. Based on aerial imagery and the information provided in the NOP, suitable breeding and upland habitat may be present within the vicinity of the Project, particularly within the northern section of the Project site. Without appropriate avoidance and minimization measures for WPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality. As such, CDFW recommends that a qualified biologist conduct focused surveys for WPT within the northern portion of the Project site and within areas of suitable habitat within the Project vicinity as part of the biological technical studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of WPT, consultation with the CDFW is recommended for guidance on the development of mitigation measures such as take avoidance, minimization, and mitigation.

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Western Spadefoot

The Project site is within the known geographic range of western spadefoot (WESP) and a historical occurrence has been documented within 2 ½ miles of the Project site (CDFW 2025). WESP occurs primarily in grasslands, oak woodlands, and coastal sage scrub. Some populations persist for a few years in orchard or vineyard habitats. The BRE notes the species has a low potential to occur on or near the Project site due to lacking suitable habitat, and states, “no vernal pool or other potential habitat was present in the survey area.” CDFW doesn’t concur that suitable habitat is lacking from the Project site and vicinity as potential ponding and breeding habitat is present is present within the canal and adjacent Fresno River. As such, CDFW recommends a qualified biologist conduct focused surveys as part of the biological technical studies conducted in support of the DEIR. If these surveys indicate the presence or potential presence of WESP, consultation with the CDFW is recommended for guidance on surveys and mitigation measures such as avoidance, minimization, and mitigation.

Valley Elderberry Longhorn Beetle

The Project site is within the known geographical range of valley elderberry longhorn beetle (VELB). VELB inhabit elderberry (*Sambucus* spp.) thickets which are often located within riparian and remnant riparian habitat. Riparian habitat within the Central Valley has been highly fragmented due to land conversion. CDFW doesn’t concur that there is no potential for VELB to occur. Based on aerial imagery and the information provided in the NOP, suitable habitat may be present within the vicinity of the Project, particularly within the northern section of the Project site. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the DEIR to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support VELB. If it is determined that suitable habitat is present, consultation with CDFW and USFWS is recommended for guidance on surveys and mitigation measures such as avoidance, minimization, and mitigation.

Editorial Comments and/or Suggestions

Project Lighting: The northern portion of the Project site is immediately adjacent to the Fresno River riparian corridor and installation of outdoor artificial night lighting would likely disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, thermoregulation behavior, and migration (Longcore and Rich 2004, Miller 2006, Nightingale et al. 2006, Perry et al. 2008, Stone et al. 2009). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Project activities could result in disruption of wildlife behavior, inadvertent injury, or mortality.

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CDFW recommends the Project include feasible mitigation measures to decrease the impacts of artificial outdoor lighting on wildlife species. Potentially feasible mitigation measures include motion sensitive lighting; mounting light fixtures as low as possible to minimize light trespass; use of light fittings that direct and confine the spread of light downward; and use of long-wavelength light sources. In addition, CDFW recommends that lighting not be installed in ecologically sensitive areas (e.g., streams, wetlands, and habitat used by special-status species, such as nesting/roosting sites and riparian corridors) and the use of the white/blue wavelengths of the light spectrum be avoided.

Nesting birds: CDFW encourages that all ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), developers are responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

CDFW recommends that a qualified biologist conduct pre-activity surveys 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 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 conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, 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 that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the construction areas 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.

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Federally Listed Species: CDFW recommends consulting with USFWS regarding potential impacts to federally listed species including, but not limited to, CTS, VELB, WESP and WPT. FESA is more broadly defined than CESA; take under the FESA 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 in order to comply with the FESA is advised well in advance of any Project activities.

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 Project. 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 and will be impacted by the Project, 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.

Project Alternatives Analysis: CDFW recommends that the information and results obtained from the biological technical surveys, studies, and analysis conducted in support of the DEIR be used to develop and modify the project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. When efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources should be mitigated to reduce impacts to a less than significant level, if feasible.

Lake and Streambed Alteration: The Project site is located immediately adjacent to the Fresno River along sections of the northern border and the BRE notes that there are several streams in the Project vicinity that would likely be subject to CDFW's regulatory authority. 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; 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 Lake or Streambed Alteration Agreement 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.

California Natural Diversity Database: 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. 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 to determine whether or not any special-status species are present.

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 California Natural Diversity Database. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. 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 environmental document 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 environmental document filing 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 NOP to assist the City of Madera in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the City of Madera 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>). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 or john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

12950B95267A4F5...

For Julie A. Vance
Regional Manager

ATTACHMENT

cc: Robert Smith
City of Madera Planning Department
rsmith@madera.gov

State Clearinghouse
Governor's Office of Planning and Research
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.
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- Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment*, 2:191–198.
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Will Tackett, Community Development Director
City of Madera Planning Department
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Attachment 1

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

PROJECT: Granite Creek Precise Plan Project

SCH No.: 2025040849

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	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 4: BUOW preconstruction surveys	
Recommended Mitigation Measure 6: BUOW take authorization	
<i>During Construction</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
Burrowing Owl (BUOW)	
Recommended Mitigation Measure 5: BUOW avoidance buffer	