



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
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(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 13, 2025

Josh Dan, Senior Planner  
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**Subject: Notice of Preparation (NOP)**  
**The Kelsey and Hurley Industrial Park (Project)**  
**SCH No.: 2025050880**

Dear Josh Dan:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Visalia for the Project pursuant to 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

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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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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:** Etchegaray Farms

**Objective:** The Project proposes to develop a 123-acre site in western Visalia. The Project includes five industrial buildings, a fast-food restaurant with drive-through lane, commercial strip center, self-storage facilities, and stormwater detention basin. New roads would be constructed within the industrial park to facilitate internal circulation, and the Project proposes approximately 1,852 auto and approximately 656 trailer parking stalls to accommodate employees, visitors, and fleet vehicles.

**Location:** The Project site is located in the city of Visalia, near the intersection of Kelsey Street and Hurley Avenue which includes three parcels: Assessor's Parcel Numbers (APN) 081-040-001, 081-071-020, and 081-071-042. Specifically, the Project is bound by Road 88 to the east, Kelsey Street to the west, Hurley Avenue to the north, and State Route 198 to the south.

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**Timeline:** Undetermined, but construction is anticipated to take approximately 18-24 months to complete.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Visalia 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 Initial Study (IS) states the Project site currently supports agricultural land use, which is comprised of regularly disked row crops and orchards. The IS further states the surrounding land uses include commercial development and agricultural fields to the south and east, agricultural fields and industrial development to the north, and a vacant lot to the west. Based on aerial imagery, there is also a golf course southeast of the Project site, Mill Creek traverses through the southern section of the Project site, and Mill Creek Ditch is located adjacent to the northern section 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 State 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 vernal pool fairy shrimp (*Branchinecta lynchi*); and the State special animal and federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*).

CDFW has the following recommendations and comments to either inform the biological technical studies conducted in support of the DEIR or to be incorporated as measures within the DEIR and 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 one mile of the Project site (CDFW 2025). SWHA are known to breed within the Central Valley of California and prefer to nest near and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project

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site contains agricultural lands suitable for SWHA foraging and trees located along the northern and eastern boundaries of the Project site and along Mill Creek in the southern section that may provide suitable perching and nesting habitat.

Therefore, CDFW recommends surveys for SWHA be conducted as part of the biological technical studies conducted in support of the DEIR by a qualified biologist following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000). In addition to conducting SWHA surveys, CDFW recommends the DEIR include the following measures:

**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 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

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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 five miles of the Project site (CDFW 2025). BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used for nesting and cover. BUOW also commonly nest along canals, irrigation ditches, and other infrastructure. Based on aerial imagery, it appears that suitable BUOW burrowing and foraging habitat may be present within the Project site and vicinity, particularly along the Mill Creek and the Mill Creek Ditch and along the Project boundary.

As BUOW have the potential to be present within the Project site or vicinity, CDFW recommends assessing presence/absence of BUOW by having a qualified biologist conduct surveys following the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of BUOW, consultation with the CDFW is recommended for guidance on mitigation measures such as 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.

### **Crotch's Bumble Bee**

The Project site is within the known geographical range of Crotch's bumble bee (CBB) and a historical occurrence has been documented within three miles of the Project site (CDFW 2025). 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. As such, CDFW recommends a qualified biologist conduct a habitat assessment as part of the biological 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 2023). 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.

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### **California Tiger Salamander**

The Project site is within the known geographic range of California tiger salamander (CTS), and a historical occurrence was documented within seven miles of the Project site (CDFW 2025). CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types and have been determined to be physiologically capable of dispersing up to approximately 1 ½-miles from seasonally flooded wetlands (Searcy and Shaffer 2011).

The Project site has Mill Creek and the Mill Creek Ditch that could potentially facilitate CTS breeding. Additionally, potential upland refugia habitat may be present within the greater Project site. As such, 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.

### **American Badger**

The Project site is within the known geographic range of American badger (AMBA) and a historical occurrence has been documented within 10 miles from the Project site (CDFW 2025). 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). Sections of the Project site, primarily in the southern section, provide potential habitat for AMBA to den and/or forage. As such, 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.

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### **Northwestern Pond Turtle**

The Project site is within the known geographical range of northwestern pond turtle (WPT) and a historical occurrence has been documented within three miles of the Project site (CDFW 2025). 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. Based on aerial imagery, suitable breeding and upland habitat may be present within the Project site, particularly within the areas of Mill Creek and Mill Creek Ditch. 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 areas of suitable habitat within the Project site 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.

### **Western Spadefoot**

The Project site is within the known geographic range of western spadefoot (WESP) and a historical occurrence has been documented within approximately one mile of the Project site (CDFW 2025). WESP occurs primarily in grasslands and seasonal wetlands, which includes ephemeral depressions without any wetland vegetation, with appropriate upland habitat. These habitat features appear to be present within and adjacent to the areas of Mill Creek and Mill Creek Ditch. As such, CDFW recommends that a general habitat assessment be conducted 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.

### **Branchiopods**

The Project site is within the known geographic range of vernal pool fairy shrimp (VPFS) and vernal pool tadpole shrimp (VPTS) and a historical occurrence has been documented within 1 ½ miles from the Project site (CDFW 2025). VPFS and VPTS are small, freshwater crustaceans that complete their entire lifecycle within a variety of vernal pool habitats and temporary waters between November and early May. They will disappear before vernal pools dry in the summer months but resting eggs, known as

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cysts, will remain viable within the dried pools for years. Hatching subsequently begins in response to rains during the beginning of the rainy season. Review of aerial imagery indicates that section of the Mill Creek and Mill Creek ditch may have potential habitat to support VPFS and VPTS. As such, CDFW recommends that a general habitat assessment be conducted as part of the biological technical studies conducted in support of the DEIR. If the habitat assessment indicates the presence or potential presence of VPFS or VPTS, CDFW recommends that protocol level surveys be conducted as part of the biological technical studies to inform the DEIR and that these surveys be conducted in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017). These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of VPFS and VPTS.

If through surveys it is determined that are present, discussion with CDFW is recommended well in advance of any planned development and/or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers. Additionally, consultation with USFWS may be necessary to minimize the potential for federal "take" and/or mitigate for potential impacts.

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

**Project Lighting:** The southern portion of the Project site is immediately adjacent to the Mill Creek 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. 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

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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.

**Federally Listed Species:** CDFW recommends consulting with the USFWS regarding potential impacts to federally listed species including, but not limited to, CTS, WPT, VPFS, and VPTS. The Federal Endangered Species Act (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

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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 are 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:** Mill Creek and Mill Creek Ditch are located within or adjacent to the Project site and several other streams may be located 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.

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 California Natural Diversity Database (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

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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**

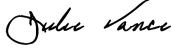
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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).

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the NOP to assist the City of Visalia in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the City of Visalia 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](mailto:john.riedel@wildlife.ca.gov).

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Sincerely,

DocuSigned by:  
  
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Julie A. Vance  
Regional Manager

ATTACHMENT

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U. S. Fish and Wildlife Service  
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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. 2023. Survey considerations for California Endangered Species Act (CESA) 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 07 May 2025.
- Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment*, 2:191–198.
- Miller, M. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor*, 108:130–139.
- Nightingale, B., T. Longcore, and C. Simenstad. 2006. Artificial night lighting and fishes. Pages 257–276 in C. Rich and T. Longcore, editors. *Ecological consequences of artificial light at night*. Island Press, Washington, D.C., USA.
- Perry, G., B. Buchanan, R. Fisher, M. Salmon, and S. Wise. 2008. Effects of night lighting on urban reptiles and amphibians. Chapter 16 in: *Urban Herpetology: Ecology, Conservation and Management of Amphibians and Reptiles in Urban and Suburban Environments*. J. C. Mitchell, R. E. Jung Brown and B. Bartholomew (ed.). *Herpetological Conservation*, 3:211-228.
- Thomson, R., A. Wright, and B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press: 186-191.
- Searcy, C. and B. Shaffer. 2011. Determining the migration distance of a vagile vernal pool specialist: How much land is required for conservation of California tiger salamanders? California State University, Chico, California, USA.
- Stone, E., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology*, 19:1123–1127.

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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.

U. S. Fish and Wildlife Service 2003. Interim guidance on site assessment and field surveys for determining presence or a negative finding of the California tiger salamander. Sacramento, California, USA.

U.S. Fish & Wildlife Service. 2017. Survey guidelines for the listed large branchiopods. Pacific Southwest Region, Sacramento, California, USA. Revised November 2017.

Zeiner, D., W. Laudenslayer, Jr., K. Mayer, and M. White. 1990. California's Wildlife. Volumes I-III *in* California Department of Fish and Game, editor. California Department of Fish and Wildlife, Sacramento, California, USA.

**Attachment 1**

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

**PROJECT: Kelsey and Hurley Industrial Park**

**SCH No.: 2025050880**

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
<b>Recommended Mitigation Measure 1:</b> SWHA surveys	
<b>Recommended Mitigation Measure 3:</b> SWHA take authorization	
<i>During Construction</i>	
Swainson's Hawk (SWHA)	
<b>Recommended Mitigation Measure 2:</b> SWHA avoidance buffer	