



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



October 30, 2025

Gary Mills, Chief Planner
Tulare County Resource Management Agency
Environmental Planning Division
5961 S. Mooney Blvd.
Visalia, California 93277
(559) 624-7199
Gmills@tularecounty.ca.gov

**Subject: Bridge Preventative Maintenance Program- Group 5 BPMPL- 5946 (169)
(Project)
Initial Study/Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2025091296**

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received an MND from Tulare County (County) for the above referenced Project 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 Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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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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.

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for the Project.

Nesting Birds: CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or 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 (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: Tulare County Resource Management Agency

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Objective: The Project proposes to perform bridge preventative maintenance activities at 17 bridge locations throughout Tulare County. The purpose of the Project is to extend the service life of the 17 bridges within the County that are considered to be in generally good condition. Preventative maintenance activities are needed to provide improved safety and operations on each facility.

Location: The Project sites are located throughout Tulare County. Each bridge site is located along a public road and a summary of the 17 bridges, including bridge number and location, are listed in the enclosed attachment (Attachment 1).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the MND prepared for this Project.

The MND notes that land use within the vicinity of the proposed bridge maintenance locations primarily consists of agriculture within the San Joaquin valley and rural land in the Sierra Nevada foothills. Notable exceptions include Bridge No. 46C0058, No. 46C0059, No. 46C0202, No. 46C0309, which span stream channels located within undeveloped open space. Land cover types within the Project sites include oak woodland, riparian, nonnative grassland, ruderal vegetation, agriculture and roadway/barren. In addition, the proposed bridge maintenance locations encompass a variety of perennial and intermittent stream channels that provide aquatic habitat.

Currently, the MND acknowledges that the Project sites are within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some of these measures to reduce impacts to less than significant and avoid unauthorized take for special-status animal species, including but not limited to: the State and federally endangered least Bell's vireo (*Vireo bellii pusillus*); the State endangered and fully protected and federally endangered blunt-nosed leopard lizard (*Gambelia sila*); the State and federally endangered foothill yellow-legged frog - south Sierra Distinct Population Segment (DPS) (*Rana boylei* pop. 5); the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); 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 and federally endangered Buena Vista Lake ornate shrew (*Sorex ornatus relictus*); the State species of special concern pallid bat (*Antrozous pallidus*); the State special animal and federally

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endangered vernal pool tadpole shrimp (*Lepidurus packardii*); and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

CDFW also has concerns about the ability some of the proposed mitigation measures to reduce impacts to less than significant and avoid unauthorized take for the special-status plant species, including, but not limited to, the State and federally endangered and California Rare Plant Rank (CRPR) 1B.1 California jewelflower (*Caulanthus californicus*); the State endangered and federally threatened and CRPR 1B.1 San Joaquin adobe sunburst (*Pseudobahia piersonii*) and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*); and the federally endangered and CRPR 1B.2 San Joaquin woollythreads (*Monolopia congdonii*).

Least Bell's Vireo

The Project sites are within the historical range of least Bell's vireo (LBVI). CDFW is in the process of updating LBVI current known range and, based on recent observations, LBVI current range encompasses several of the Project sites. As this information may not have been unavailable when the biological resources analysis was prepared for this MND, LBVI were not considered. Based on aerial imagery, several Project sites contain the presence of riparian woodland vegetation, which may provide suitable habitat for LBVI. As such, CDFW recommends conducting a robust habitat assessment at sites 46C0087, 46C0205, 46C0204, and 46C0202 to determine whether these locations contain suitable habitat for LBVI. If Project activities must take place during the typical bird breeding season, and suitable LBV habitat is detected during habitat assessments, CDFW recommends assessing presence/absence of LBVI by conducting surveys following the U.S. Fish and Wildlife Service (USFWS) Least Bell's Vireo Survey Guidelines (USFWS 2001); well in advance of the start of Project implementation to evaluate presence/absence of LBVI nesting in proximity to Project activities, and to evaluate potential Project-related impacts and permitting needs. Additionally, CDFW advises conducting focused pre-construction surveys for LBVI in all areas of potentially suitable habitat within 10-days of Project implementation, when initiated during the bird breeding season. If surveys indicate the presence or potential presence of the species, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation. If take cannot be avoided, acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

Blunt-Nosed Leopard Lizard

Several Project sites are within the geographic range of blunt-nosed leopard lizard (BNLL) and there are historical occurrences documented within 2 miles from Project sites 46C0106 and 46C0318 (CDFW 2025). The MND states that the species is presumed absent within the Project sites due to a lack of suitable habitat. CDFW does not concur that suitable habitat is absent from several of the Project sites. BNLL habitat

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includes grassland and shrub habitat that contain required habitat elements, such as small mammal burrows and open areas for basking. BNLL are also known to utilize open space patches between suitable habitat features including disturbed sites and unpaved access roadways, and canals. Based on information provided in the MND, these habitat features appear to be present within Project sites 46C0106, 46C0318 and 46C0269. As it doesn't appear that protocol surveys have been performed within these Project sites to detect BNLL and no mitigation measures are proposed in the MND for the species, CDFW recommends that a qualified biologist conduct protocol surveys in accordance with the "Approved Survey Methodology for the Blunt-nosed Leopard Lizard" (CDFW 2019) within Project sites 46C0106, 46C0318 and 46C0269. This survey protocol, designed to optimize BNLL detectability, reasonably assures CDFW that ground disturbance will not result in take of this fully protected species. If surveys indicate the presence or potential presence of BNLL, consultation with CDFW is recommended to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b).

Foothill Yellow-Legged Frog

Several Project sites are within the geographic range of foothill yellow-legged frog (FYLF) and the MND states the species has the potential to occur within Project sites 46C0204 and 46C0205. Based on aerial imagery, it appears suitable habitat for FYLF also occurs within site 46C0087. Mitigation Measure (MM) BIO-22, BIO-23, and BIO-24 are provided to mitigate for potentially significant impacts to the species and require the Project biologist to inspect all areas where ground disturbing activity is anticipated. MM BIO-23 also states if a FYLF is spotted within an active work area, the Project biologist will immediately stop work activities, and the individual will be allowed to leave the active work area on its own accord. If the individual does not leave the active work area, the Project biologist will contact USFWS for further guidance. CDFW does not concur that these measures, which only necessitates a pre-construction survey for the species, and only requires consultation with USFWS if the species is found during surveys, are sufficient to mitigate for potentially significant impacts and avoid unauthorized take of the species. As such, CDFW recommends the following for the Project sites identified above:

Recommended Mitigation Measure 1: FYLF Surveys

CDFW recommends that a qualified biologist develop a Pre-Construction Survey Plan for FYLF and submit it to CDFW for review at least 14 calendar days prior to commencing surveys. CDFW also recommends the survey protocols be in accordance with the Considerations for Conserving the Foothill Yellow-Legged Frog (CDFW 2018a), and that surveys be completed prior to any ground-disturbance activities associated with the Project. These surveys should be conducted within, upstream, and adjacent to the Project site and shall include a description of any standing or flowing water.

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Recommended Mitigation Measure 2: FYLF Avoidance and Take Authorization

If any FYLF are found during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can 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. CDFW also recommends that initial construction activities be timed to avoid the period when FYLF are most likely to be moving through upland areas (i.e., November 1 to March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends that a qualified biologist monitor construction activity daily for FYLF.

San Joaquin Kit Fox

The Project sites are within the geographic range of San Joaquin kit fox (SJKF) and the MND states the species has the potential to occur within several of the Project sites. MM BIO-28 is provided to mitigate for potential significant impacts to the species and requires a qualified biologist to conduct a pre-construction clearance survey and implement a 200-foot no-disturbance buffer if occupied or potential dens are located within the Project site. BIO-29 requires the implementation of some of the USFWS standardized recommendations from the "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011) document. BIO-29 also appears to allow for Project activities to occur within close proximity of occupied dens, which, without prior take authorization through acquisition of an ITP, could have the potential to result in the unauthorized take of the species. As such, CDFW recommends the following:

Recommended Mitigation Measure 3: SJKF Take Authorization

If the no-disturbance buffers outlined in the "Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance" (USFWS 2011) document is not feasible, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take. If take cannot be avoided, acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is required to comply with CESA.

Swainson's Hawk

The Project sites are within the geographic range of Swainson's hawk (SWHA) and the MND states the species has the potential to occur within the majority of the Project sites. MM BIO-30 is provided to mitigate for potentially significant impacts to the species and requires that a qualified biologist conduct a pre-construction survey for nesting SWHA and establish an appropriate no-disturbance buffer around active nests, which would be determined solely by the qualified biologist. CDFW does not concur that MM BIO-30, which only necessitates a pre-construction survey for the species, and does not

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define an appropriate avoidance buffer to prevent unauthorized take, is sufficient to mitigate for potentially significant impacts. As such, CDFW recommends MM BIO-30 be modified to require that surveys follow the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). CDFW also recommends that these surveys be conducted for all Project sites. Finally, CDFW recommends that a minimum ½-mile no-disturbance buffer be delineated and maintained around each active 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. CDFW also recommends the following measure:

Recommended Mitigation Measure 4: SWHA Take Authorization

In the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

California Tiger Salamander

Several of the Project sites are within the geographic range of California tiger salamander (CTS) and the MND states the species has the potential to occur within Project site's 46C0058 and 46C0059. Additionally, it appears ephemeral ponding occurs seasonally at sites 46C0330 and 46C0269, with adjacent upland refugia which may also provide suitable habitat for CTS. MM BIO-14 is provided to mitigate for potentially significant impacts to the species and requires a pre-construction survey immediately prior to Project activities. MM BIO-15 states that immediately following the survey, temporary silt fencing (or similar type of fencing) will be installed around applicable Project footprints to prevent CTS from entering work zones. MM-BIO-15 states, "Fencing will measure 12 inches above ground and will be buried at least 6 inches below the ground to prevent individuals from attempting to burrow or move under the structure." CDFW does not concur that these measures, which only necessitate a pre-construction survey for the species, and includes installation of exclusion fencing without adequately determining the species is currently absent, are sufficient to mitigate for potentially significant impacts and avoid unauthorized take of the species. As such, CDFW recommends the following measures for the Project sites identified above:

Recommended Mitigation Measure 5: CTS Protocol Surveys

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the United States Fish and Wildlife Service (USFWS) "Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander" (USFWS 2003) at the

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appropriate time of year to determine the existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 6: CTS Avoidance Buffer

If CTS protocol-level surveys are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project sites identified above. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. Alternatively, the applicant can assume presence of CTS and obtain an ITP in accordance with Fish and Game Code section 2081(b).

Recommended Mitigation Measure 7: CTS Take Authorization

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, consultation with CDFW is warranted to determine if the Project can 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. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS and obtain an ITP from CDFW.

Western Burrowing Owl

The Project sites are within the geographic range of western burrowing owl (BUOW) and the MND states the species has the potential to occur within Project site's 46C0058 and 46C0059. MM BIO-13 is provided to mitigate for significant impacts to the species and requires that a qualified biologist conduct breeding season surveys following CDFW's Staff Report on Burrowing Owl Mitigation (CDFW Staff Report; CDFW 2012) and establish a 600-foot no-disturbance buffer for occupied burrows. MM BIO-13 also states that if the no disturbance buffer is not feasible, "Occupied burrowing owl burrows that will be directly affected by ground disturbing activities will be relocated in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012)." CDFW does not concur that MM BIO-13, which only requires surveys within certain Project sites, incorporates no-disturbance buffers that do not align with the 2012 Staff Report, and allows for the passive relocation of BUOW without appropriate take authorization, is sufficient to mitigate for potentially significant impacts and avoid

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unauthorized take of the species. The use of passive relocation techniques in particular would have a strong potential to result in unauthorized take of the species, absent an ITP. As such, CDFW recommends MM BIO-13 be modified to note that surveys, following the 2012 Staff Report, would be conducted for all Project sites (as all Project sites are within the species range and suitable habitat appears to be present within each Project site and vicinity). CDFW also recommends the following measures:

Recommended Mitigation Measure 8: 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 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 9: 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 sites are within the geographic range of Crotch's bumble bee (CBB) and the MND states the species has the potential to occur within Project site's 46C0309, 46C0087, 46C0204, 46C0205, and 46C0202. MM BIO-21 requires that a qualified biologist conduct a pre-construction reconnaissance visual encounter survey in accordance with the Photograph Only Survey protocol outlined in the Survey Protocols for the Rusty Patched Bumble Bee (USFWS 2019 Protocol; USFWS 2019). CDFW recommends following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW Bumble Bee Protocol; CDFW 2023) rather than the USFWS 2019 Protocol to adequately detect the species. Please note, the CDFW Bumble Bee Protocol necessitates multiple surveys during the appropriate bloom period for the species. CDFW also recommends MM BIO-21 be modified to clarify that pre-construction surveys would be conducted for all Project sites (as all Project sites are within the species range and suitable habitat appears to be present within each Project site and vicinity).

MM-BIO 21 also states that if CBB are found on the Project site, work will halt and coordination with CDFW will occur for appropriate measures. CDFW concurs and recommends the MND include the following measures:

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Recommended Mitigation Measure 10: CBB Avoidance Buffer

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.

Recommended Mitigation Measure 11 CBB Take Authorization

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.

Buena Vista Lake Ornate Shrew

The Project sites are within the geographic range of the Buena Vista Lake ornate shrew (BVLS) and the MND states the species as presumed absent due to the absence of suitable habitat within the Project sites. CDFW does not concur that suitable habitat is absent within all Project sites. BVLS are known to occupy moist habitats with suitable cover, such as salt grasses, and can be found in drier grassland and desert scrub habitat within a few hundred feet of seasonal or permanent water sources. Based on aerial imagery, Project sites 46C0106, 46C0108, and 46C0269 potentially contain habitat suitable for this species and are located within the species range. As it does not appear that focused surveys were conducted for BVLS, CDFW recommends that a qualified biologist assess the presence/absence of BVLS by conducting a focused field survey in all areas of potentially suitable habitat for sites 46C0106, 46C0108, and 46C0269 prior to the initiation of Project activities. If surveys indicate the presence or potential presence of the species, consultation with CDFW is recommended for guidance on mitigation measures such as avoidance, minimization, and mitigation.

Special-Status Bats

The Project sites are within the geographic range of special-status bats, including pallid bat (PBA) and the MND states the species has the potential to occur within certain Project sites. MM BIO-26 is provided to mitigate for significant impacts to the species and requires that a project biologist conduct a bat roosting tree survey and if bat maternity colonies exist, the trees will be protected until the end of the maternity season. The measure further provides if bats are occupying trees outside of the maternity season, bats will be passively excluded before full tree removal. CDFW concurs with conducting pre-construction surveys for special-status bats and avoiding maternal roost sites, but recommends MM BIO-26 be modified to include the following:

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Recommended Mitigation Measure 12: Special-Status Bat Surveys

CDFW recommends a qualified biologist conduct focused surveys prior to the start of vegetation removal and/or construction to establish species usage and seasonal usage. Focused survey methodology is advised to include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), and use of ultrasonic detectors (Anabat, Sonobat, etc.) during all dusk emergence and pre-dawn re-entry. To maximize detectability, each survey needs to be conducted within one 24-hour period.

Recommended Mitigation Measure 13: Bat Roost Disturbance Avoidance and Minimization

If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and installing new roost sites to be in place prior to the initiation of Project related activities to allow enough time for bats to relocate. If bats are determined to be present during the maternity season (April 15 to August 31) or the hibernation season (October 15 to March 1), and activities are scheduled to occur, CDFW recommends that the Project proponent develop a bat avoidance and exclusion plan and that CDFW be consulted during preparation of the plan to determine measures to prevent breeding disruption or failure.

Branchiopods

The Project sites are within the geographic range of vernal pool fairy shrimp (VPFS) and fairy pool tadpole shrimp (VPTS) (Branchiopods) and there are historical occurrences documented within ¼ mile from Project sites 46C0058 and 46C0059 (CDFW 2025). The MND states that both species are presumed absent from these two sites because vernal pools are not present or adjacent to Project activities but does state that both Project sites are within the species designated **critical habitat**. In addition to vernal pools, branchiopods have also been known to occur within seasonal wetlands and depressions, including roadside depressions (e.g. road ruts) and drainage ditches. Based on aerial imagery, ephemeral ponding also occurs seasonally at site 46C0059 and 46C0058. It also appears suitable habitat may be present at least seasonally at sites 46C0330, 46C0106, and 46C0269. It doesn't appear that protocol surveys have been performed for these species to properly inform the MND and no mitigation measures are proposed for these species. As suitable habitat is present within these Project sites for Branchiopods, and occurrences have been documented within the vicinity of 46C0058 and 46C0059, CDFW recommends the following measure:

Recommended Mitigation Measure 14: Branchiopods Surveys and Consultation with CDFW

CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and

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extent of branchiopods. Surveys are dependent upon sufficient rainfall to complete, therefore if a single wet season is determined to be unreliable, then the next wet season with sufficient rainfall may be needed to complete survey requirements. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site(s), coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance, minimization, and mitigation measures, including adequate implementation of no-disturbance buffers.

Special-Status Plants

The Project sites are within the geographic range of several species of special-status plants and the MND notes the potential for several species of special-status plants within certain Project sites. It also appears that only one round of botanical surveys were conducted between April 11 and April 15, 2022. CDFW is concerned this round of botanical surveys, timed only during April, and which doesn't capture the blooming range of many of the species of special-status plants within the Project vicinity, could have missed special-status plant species if they were present. MM BIO-10 is provided to mitigate for potentially significant impacts to special-status plants and requires focused botanical surveys following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW Botanical Protocol; CDFW 2018b) within certain Project sites. CDFW concurs with MM BIO-10 but recommends that this measure be implemented for all Project sites with suitable habitat to support the conclusions identified in the Natural Environment Study (NES) prepared for the MND.

MM BIO-10 also states that if plant species identified in the MND are observed, a 5-foot buffer around the plant population will be marked with high-visibility fencing. CDFW concurs with implementing an appropriate buffer for special-status plants but recommends 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 the population and/or specimen cannot be avoided by construction, the measure also states "...the Project biologist will relocate individual(s) and/or collect seeds to relocate to ensure the continued existence of the local population." CDFW has concerns with this measure for CESA listed plant species, as relocation of CESA-listed plants without appropriate take authorization, would result in a direct violation of CESA. As such, CDFW recommends the MND include the following measure:

Recommended Mitigation Measure 15: CDFW Consultation and Special-status plants take authorization

If State endangered, threatened, or rare plants are identified during special status plant surveys, consultation with CDFW is recommended. If take cannot be avoided, take authorization through the acquisition of a CESA or Native Plant Protection Act (NPPA) ITP, pursuant to Fish and Game Code section 2081, subdivision (b) and/or

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California Code of Regulations, Title 14, section 786.9, subdivision (b), is necessary to comply with CESA and/or the NPPA.

Editorial Comments and/or Suggestions

Nesting Birds: To protect nesting birds, CDFW recommends that Project ground-disturbing and vegetation-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1 through September 15), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration: The MND states that temporary and permanent impacts are anticipated at all locations as a result of construction and notes the County will obtain a Lake and Streambed Alteration Agreement from CDFW for impacts to streams and riparian habitat. CDFW concurs with these conclusions as Project activities that substantially change or use any material from the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and

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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 or dispose of 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 prior to 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.

CNDDDB Positive Submission of Data: 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 wildlife biologist/botanist 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 at or near the Project site(s).

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 CNDDDB. 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 completed form can be mailed electronically to the 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>.

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FILING FEES

The Project, as proposed, could 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 MND to assist the County in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 2) is included to assist the County with incorporating the recommended mitigation measures provided above. 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

ATTACHMENTS

Attachment 1 – Project sites

Attachment 2 – Mitigation and Monitoring Reporting Program

ec: State Clearinghouse
Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

U. S. Fish and Wildlife Service
Matthew Nelson,
Matthew_Nelson@fws.gov

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- U. S. Fish and Wildlife Service. 2011. Standard recommendations for the protection of the San Joaquin kit fox Prior to or during ground disturbance. Sacramento, California, USA.
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- U. S. Fish and Wildlife Service. 2019. Survey protocols for the rusty patched bumble bee, Version 2.2. Sacramento, California, USA.

Attachment 1

Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
PROJECT BRIDGE NUMBER AND CORRESPONDING ASSESSOR'S PARCEL
NUMBERS****PROJECT: Bridge Preventative Maintenance Program- Group 5
BPMPL- 5946(169)****SCH No.: 2025091296**

Bridge Number	Facility Carried/ Intersected	Assessor's Parcel Numbers
46C0036	Rd. 168/Tulare Irrigation District (TID) Canal	111-180-015; 111-180-062; 111- 180-064
46C0058	D60 / Cross Creek	045-100-009
46C0059	D60 / Cross Creek	045-100-009; 045-100-021
46C0087	M120 / Deer Creek	305-060-013; 305-060-014; 305- 190-021
46C0106	Road 144 / Deer Creek	318-130-005; 318-290-002
46C0108	Avenue 88 / Deer Creek	319-100-002 ;319-110-005
46C0202	M112 / Deer Creek	325-030-005
46C0204	M112 / Tyler Creek	325-210-053; 325-210-065
46C0205	SR56 (Hot Springs Rd.)/Deer Creek	344-190-004; 344-190-007
46C0226	Avenue 428 / Friant Kern Canal	035-250-003; 035-250-008; 035- 260-002; 035-260-013
46C0269	Road 80 / Elk Bayou	228-010-019; 228-010-021
46C0309	Avenue 220 / Lewis Creek	210-160-027; 210-170-008
46C0318	Road 136 / Deer Creek	318-120-014; 316-180-008; 316- 180-012
46C0330	Road 180 / Cottonwood Creek	053-120-007; 053-160-006
46C0403	Avenue 304 / Crocker Cut	111-050-042; 111-130-011

46C0408	Road 152 / Mill Creek	103-110-006; 103-500-001
46C0420	Road 108 / Saint Johns River	077-040-029; 077-040-031

Attachment 2

Attachment 2

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

**PROJECT: Bridge Preventative Maintenance Program- Group 5
BP MPL- 5946(169)**

SCH No.: 2025091296

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Foothill Yellow-Legged Frog (FYLF)	
Recommended Mitigation Measure 1: FYLF surveys	
Recommended Mitigation Measure 2: FYLF take authorization	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 3: SJKF take authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: SWHA take authorization	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS protocol surveys	
Recommended Mitigation Measure 7: CTS take authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 11: CBB take authorization	
Special-Status Bats (SSB)	
Recommended Mitigation Measure 12: SSB surveys	

Branchiopods (BRA)	
Recommended Mitigation Measure 14: BRA surveys and consultation with CDFW	
Special-Status Plants (SSP)	
Recommended Mitigation Measure 15: SSP CDFW consultation and take authorization	
<i>During Construction</i>	
Foothill Yellow-Legged Frog (FYLF)	
Recommended Mitigation Measure 2: FYLF avoidance	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 6: CTS avoidance buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 8: BUOW avoidance	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 10: CBB avoidance buffer	
Special-Status bats (SSB)	
Recommended Mitigation Measure 13: SSB roost disturbance avoidance and minimization	