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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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November 4, 2025

David Johnson, Environmental Office Chief
California Department of Transportation, District 6
2015 East Shields Avenue, Suite 100
Fresno, California 93726
david.johnson@dot.ca.gov

Subject: Notice of Preparation (NOP)
9th Avenue Interchange Project (EA 06-1A200) (Project)
SCH No.: 2025100299

Dear David Johnson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the California Department of Transportation (Caltrans) 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 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.

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: Caltrans

Objective: Caltrans proposes to construct an interchange at the intersection of State Route 198 and 9th Avenue. Five build alternatives are being considered for the project including a cloverleaf interchange, partial cloverleaf interchange, spread diamond interchange, spread diamond interchange with two roundabouts at ramp terminals, cloverleaf interchange with roundabouts at the ramp terminals, and a no-build alternative.

Location: The Project is located between post miles R19.1 to R20.5 on State Route 198 at its intersection with 9th Avenue within the City of Hanford in Kings County at Longitude 36°19'27.5"N and Latitude 119°37'08.4"W.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Caltrans 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 Draft Environmental Impact Report (DEIR) prepared for the Project.

Based on a review of California Natural Diversity Database (CNDDB) (CDFW 2025) records, and the surrounding habitat, the Project is within the geographic range of several special-status animal species including, but not limited to: the State threatened and federally endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); and the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*).

In order to support the adequate assessment of potential impacts to biological resources in the DEIR, CDFW recommends that a qualified biologist perform relevant database reviews and other research of the Project site and surrounding area, then conduct focused habitat assessments and/or focused biological surveys during the appropriate survey period(s) in order to determine whether any special-status species may be present within the Project site.

CDFW recommends this initial work be documented within the DEIR and used to inform further efforts that may be needed thereafter including the need for additional protocol surveys and/or the development of avoidance, minimization, and/or mitigation measures. This information and analysis may then be used in the DEIR to consider the development of modified or new Project alternatives to avoid and minimize potentially significant environmental impacts on the biological environment. This information is critical to make an informed decision during the CEQA process and to ensure Project compliance with CESA, Fish and Game code, and other applicable State and federal laws and regulations.

San Joaquin Kit Fox

The Project site is within the known geographic range of San Joaquin kit fox (SJKF) and they have been documented in the Project vicinity as evidenced by the California Natural Diversity Database (CDFW 2025). In addition to native habitats, SJKF can den in rights-of-way, vacant lots, under buildings, and other urban habitats (Cypher et al. 2012). SJKF may be attracted to both construction materials (pipes, etc.) and construction footprints due to the type and level of activity (excavation, etc.) and the loose, friable soils that are created by intensive ground disturbance. CDFW recommends that a qualified biologist assess the presence/absence of SJKF by

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conducting focused surveys to detect SJKF and their sign in the Project site and a 500-foot buffer of the Project site as part of the biological studies conducted in support of the DEIR. CDFW also recommends that the DEIR quantify and describe the potential direct and cumulative effects of the Project on SJKF dispersal and habitat connectivity. If SJKF cannot be avoided, or SJKF presence is assumed, consultation with the CDFW is recommended for guidance on the development of mitigation measures for the DEIR, such as take avoidance, minimization, and mitigation. If take cannot be avoided, take authorization is necessary to comply with CESA through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081, subdivision (b).

Swainson's Hawk

The Project site is within the known geographic range of Swainson's hawk (SWHA) and there is a recent unpublished 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 appears to have some suitable perching and nesting trees along the road shoulder and the Project site is near suitable habitat for SWHA foraging. Therefore, CDFW 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. If surveys indicate the presence or potential presence of SWHA within ½ mile of the Project site and SWHA cannot be avoided during the nesting season, or SWHA presence is assumed, consultation with the CDFW is recommended for guidance on the development of mitigation measures for the DEIR, such as take avoidance, minimization, and mitigation. If take cannot be avoided, take authorization is necessary to comply with CESA through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b).

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 (CDFW 2025). BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used for nesting and cover, and they are known to forage in agricultural lands. Suitable burrowing and foraging BUOW habitats may be present near the vicinity of the Project

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site. As such, CDFW recommends that a qualified biologist conduct surveys for BUOW within the Project site and a 500 meter buffer of the Project site, 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 for the DEIR, such as take avoidance, minimization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP is necessary to comply with CESA, pursuant to Fish and Game Code section 2081, subdivision (b).

Crotch's Bumble Bee

The Project site is within the known geographical range of Crotch's bumble bee (CBB) and there is a recent occurrence near the vicinity 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. Based on aerial imagery, these habitat elements may be present within the vicinity of 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, and old bird nests 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), as part of the biological studies conducted in support of the DEIR. If surveys indicate the presence or potential presence of CBB, consultation with 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 is necessary to comply with CESA, pursuant to Fish and Game Code section 2081, subdivision (b).

Editorial Comments and/or Suggestions

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.

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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.

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). Cumulative impacts are recommended to 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 should also be identified and mapped for each resource being analyzed and utilized for this analysis. 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 Project's DEIR be used to develop and modify the Project's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible.

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When efforts to avoid and minimize have been exhausted, CDFW advises that remaining impacts to sensitive biological resources be mitigated to reduce impacts to a less than significant level, if feasible.

California Natural Diversity Database: Please note that the CNDDB is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where suitable habitat and features capable of supporting species may be present. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDB does not mean that a species is not present. 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 in order 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 CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 Caltrans in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). Questions regarding this letter or further coordination should be directed to Grant Piepkorn, Environmental Scientist, at (559) 807-1459 or Grant.Piepkorn@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
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Julie A. Vance
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REFERENCES

California Department of Fish and Game (CDFG). 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 Wildlife (CDFW). 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, 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 20 October 2025.

Cypher, B., C. Van Horn Job, and S. Phillips. Conservation Strategies for San Joaquin Kit Foxes in Urban Environments, Prepared for the U. S. Bureau of Reclamation Agreement No. R11AP20502. California State University, Stanislaus Endangered Species Recovery Program, Turlock, CA. 35 pp.

Swainson's Hawk Technical Advisory Committee (SWHA TAC). 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.