



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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Fresno, California 93710
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 13, 2025

Gary Mills, Chief Planner
County of Tulare Resource Management Agency
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Subject: Pixley Travel Center (Project)
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (MND)
SCH: 2025100833

Dear Gary Mills:

The California Department of Fish and Wildlife (CDFW) received a MND from Tulare County (County) 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.

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).

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: Hi-Tech Developing Inc.

Objective: The Project proposes to construct fueling and charging facilities, including 10 diesel islands for truck fueling, two RV fueling islands, 16 vehicle gasoline fueling islands, 18 electric vehicle (EV) charging stations, a truck scale, a 3,100 square foot fast-food restaurant with drive-thru, a pet/playground area for customers, and extensive truck parking areas. The Project would also include the construction of three 12,000-gallon gasoline underground storage tanks, four 12,000-gallon aboveground fuel storage tanks, above ground tanks and dispensers for biodiesel blender and diesel-emissions fluid, and ancillary facilities including two 80,000-gallon fire-water tanks, two stormwater basins, and septic tanks.

Location: The Project site is located in Tulare County, east of State Route 99/Avenue interchange on the northwest corner of the intersection of Road 124 and Avenue 120 in Pixley. The Project is located on Assessor's Parcel Number (APNs) 300-010-015 and 300-010-005.

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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.

Aerial imagery shows the Project site is comprised of annual grassland habitat. Within the Project vicinity, a shed and a few small buildings are located to the west, annual grassland habitat and a few residences are located to the south, and agriculture lands are located to the north and east. Additionally, an unnamed irrigation ditch is located on the southeast border of the Project site.

Currently, the MND acknowledges that the Project site is 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 threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); 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*).

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 three miles of the Project site (CDFW 2025). Mitigation measures (MM) BIO-4 through BIO-8 are provided to mitigate for potential significant impacts to this species through the implementation of surveys, no-disturbance buffers, and compensatory mitigation. CDFW concurs with MM BIO-4, which requires pre-construction surveys following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). CDFW also concurs with BIO-6, which requires a qualified biologist to establish an appropriate no-disturbance buffer if active SWHA nests are found, however, CDFW recommends that the measure be clarified to specify the buffer distance and ensure the distance is sufficient to prevent the unauthorized take of the species. As such, CDFW recommends the following:

Recommended Mitigation Measure 1: 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

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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 2: 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 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 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 western burrowing owl (BUOW), and a historical occurrence was documented within 6 ½ miles of the Project site (CDFW 2025). BUOW inhabit open grasslands containing small mammal burrows, a requisite habitat feature used for nesting and cover. Based on aerial imagery the Project site contains suitable habitat to support BUOW. The MND does not include an evaluation for potential Project-related impacts to BUOW and no mitigation measures were proposed for the species. As suitable habitat appears to be present within the Project site and BUOW have been documented within the Project vicinity, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 3: BUOW Focused Surveys

CDFW recommends that a qualified biologist conduct focused surveys within the Project site and a 500-meter buffer of the Project site, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), and that these surveys be conducted the survey season immediately prior to construction. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

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Recommended Mitigation Measure 4: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction/focused 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 5: BUOW Take Authorization

If a BUOW or known BUOW den (active or inactive) is detected, and the no-disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Crotch's Bumble Bee

The Project site is within the known geographic range of Crotch's bumble bee (CBB) and there is a historical occurrence within 9 ½ miles of the Project site (CDFW 2025). While mitigation measures BIO-9 through BIO-14 are provided to mitigate for potential significant impacts to an andrenid bee (*Andrena macswaini*), no mitigation measures were proposed for CBB and the MND did not include an evaluation of potential Project-related impacts to the species. 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 suitable habitat may be present within the Project site and CBB have been documented within the Project vicinity, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 6: CBB Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment 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.

Recommended Mitigation Measure 7: CBB Focused Surveys

If potentially suitable habitat is identified, regardless of what time of year Project activities will be conducted, CDFW recommends that a qualified biologist conduct focused surveys for CBB and their requisite habitat features following the methodology outlined in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023).

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Recommended Mitigation Measure 8: 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 and that consultation with CDFW occur to discuss how to further avoid take. Additionally, if ground-disturbing activities will occur during the overwintering period within suitable overwinter habitat, consultation with CDFW is warranted to discuss how to implement Project activities and avoid take.

Recommended Mitigation Measure 9: 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.

Western Spadefoot

The Project site is within the geographic range of western spadefoot (WESP) and there is a historical occurrence documented within approximately one mile of the Project site (CDFW 2025). WESP are known to breed and develop in aquatic habitats in both grassland and agricultural habitats. The MND states that the National Wetland Inventory (NWI) identified an unnamed ditch in the vicinity of the Project site and aerial imagery notes suitable grassland habitat within the Project site and the unnamed ditch. The MND does not include an evaluation for WESP and no mitigation measures were proposed for potential Project-related impacts to the species. As suitable habitat appears to be present adjacent to the Project site and WESP have been documented within the Project vicinity, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 10: WESP Focused Surveys

Prior to initiation of the Project, CDFW recommends that a qualified biologist conduct focused surveys for western spadefoot and their requisite habitat.

Recommended Mitigation Measure 11: WESP Avoidance Buffer

If burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources. If WESP are observed on the Project site, CDFW recommends that Project activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord.

Vernal Pool Fairy Shrimp

The Project site is within the geographic range of vernal pool fairy shrimp (VPFS), and a historical occurrence was documented within 4 ½ miles from the Project site (CDFW 2025). VPFS are known to breed and develop in aquatic habitats and inundated road-

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ruts in both grassland and agricultural habitats. The MND states that the NWI identified an unnamed ditch in the vicinity of the Project site and aerial imagery notes that there may be suitable depressional features within the Project site and unnamed ditch. The MND does not include an evaluation for VPFS and no mitigation measures were proposed for potential Project-related impacts to the species. As suitable habitat may be present adjacent to the Project site and VPFS have been documented within the Project vicinity, CDFW recommends the MND include the following measures:

Recommended Mitigation Measure 12: VPFS Habitat Assessment

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding vicinity contain habitat suitable to support VPFS.

Recommended Mitigation Measure 13: VPFS Surveys and CDFW Consultation

If suitable habitat is determined to be present within the Project site, 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 extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers.

Editorial Comments and/or Suggestions

Nesting Birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), 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

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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.

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 in order to determine whether or not any special-status species are present at or near the Project site.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to 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 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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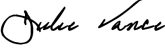
FILING FEES

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 1) 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:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT 1 - MMRP

ec: State Clearinghouse
Governor's Office of Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

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References

California Department of Fish and Game. 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 candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.

California Department of Fish and Wildlife. 2025. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 30 October 2025.

Swainson's hawk technical advisory committee (SWHA TAC). 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in the central valley of California. Swainson's Hawk Technical Advisory Committee.

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

Attachment 1

Attachment 1

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

PROJECT: Pixley Travel Center

SCH No.: 2025100833

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA take authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 3: BUOW focused surveys	
Recommended Mitigation Measure 5: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 6: CBB habitat assessment	
Recommended Mitigation Measure 7: CBB focused surveys	
Recommended Mitigation Measure 9: CBB take authorization	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 10: WESP focused surveys	
Vernal Pool Fairy Shrimp (VPFS)	
Recommended Mitigation Measure 12: VPFS habitat assessment	
Recommended Mitigation Measure 13: VPFS surveys and CDFW consultation	
<i>During Construction</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA avoidance buffer	
Western Burrowing Owl (BUOW)	

Recommended Mitigation Measure 4: BUOW avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 8: CBB avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 11: WESP avoidance buffer	