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GAVIN NEWSOM, Governor
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December 19, 2025

Marea Bell
Department of Water Resources
31770 Gonzaga Road
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CASP@water.ca.gov

Subject: San Luis Canal (California Aqueduct Pools 17, 18, 20 and 21) Liner Raise Projects (Project or Projects)
Mitigated Negative Declarations (MNDs)
State Clearinghouse Nos. 2025110364 & 2025110365

Dear Marea Bell:

The California Department of Fish and Wildlife (CDFW) received two Notice of Intent to Adopt an MND from the California Department of Water Resources (DWR) for the above-referenced Projects pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] The above Projects are similar in scope and located adjacent to each other. Therefore, CDFW is providing a single comment letter for both MNDs.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in these Projects 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. While the CEQA comment period may have ended, CDFW respectfully requests that the DWR still consider our comments.

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

[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.

agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in take as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Other Special Status Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

Bird Protection: CDFW has jurisdiction over actions that may 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 section 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Project Proponent: DWR.

SCH No. 2025110364. San Luis Canal (California Aqueduct Pools 17 and 18) Liner Raise Project:

This project would raise portions of the concrete liner of the California Aqueduct's Pools 17 and 18 between Milepost (MP) 128.4 and MP 135.6 to maintain functionality in Pools 17 and 18 to enable DWR to avoid future disruptions of water deliveries, thereby maintaining operational flexibility and improving safety and reliability. The existing concrete liner would be raised approximately 1 foot 9 inches over a total length of approximately 8.9 miles on both sides of Pools 17 and 18. Construction activities would be performed above the waterline and would not require dewatering of the California Aqueduct. Work would include excavation and use of on-site borrow material, road drain rerouting, and the removal and reinstallation of guardrails, road delineators and other existing features.

SCH No. 2025110365. San Luis Canal (California Aqueduct Pools 20 and 21) Liner Raise Project:

This project would raise portions of the concrete liner of the California Aqueduct's Pools 20 and 21 between MP 158.7 and MP 170.3 to maintain functionality in Pools 20 and 21 to enable DWR to avoid future disruptions of water deliveries, thereby maintaining operational flexibility and improving safety and reliability. The existing concrete liner would be raised over approximately 18 miles, with varying raise heights: up to 1.5 feet over 5 miles, up to 2.5 feet over 3.5 miles, and up to 3 feet over 9.5 miles. Construction activities would be performed above the waterline and would not require dewatering of the California Aqueduct. Work would include excavation and use of on-site borrow material, road drain rerouting, and the removal and reinstallation of guardrails, road delineators, and other existing features to accommodate the liner raise.

Locations: The proposed project alignment for Pools 17 and 18 is located between MP 128.4 and MP 135.6, in unincorporated Fresno County, near Cantua Creek and Three Rocks. The proposed project alignment for Pools 20 and 21 is located between MP 158.7 and MP 170.3, south of the Community of Huron in Fresno and Kings Counties.

Timeframe: Construction for both projects is anticipated to begin in 2027, and each project would occur over nine months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist DWR in adequately identifying and/or mitigating the significant, or potentially significant, direct and indirect impacts on fish and wildlife (i.e., biological) resources from both projects. Based on a review of both project descriptions, a review of California Natural Diversity Database (CNDDB) records, our familiarity with the project areas, and a review of aerial photographs of the projects and surrounding habitat, several special status species could potentially be impacted by project activities of both projects.

CDFW is concerned regarding potential impacts for the following special status wildlife species and habitats known to occupy both project areas: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson’s hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State candidate for listing western burrowing owl (*Athene cunicularia hypugaea*) and Crotch’s bumble bee (*Bombus crotchii*); and the State species of special concern American badger (*Taxidea taxus*), western mastiff bat (*Eumops Perotis* ssp. *californicus*), Yuma myotis (*Myotis yumanensis*), spotted bat (*Euderma maculatum*), Brazilian free-tailed bat (*Tadarida brasiliensis*), silver-haired bat (*Lasionycteris *noctivagans*), greater bonneted bat (*Eumops perotis californicus*), loggerhead shrike (*Lanius ludovicianus*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), and western spadefoot (*Spea hammondii*). Cliff swallows (*Petrochelidon pyrrhonota*) are known to nest on bridges and check structures along aqueduct. Other species of birds, amphibians, reptiles, mammals, fish, invertebrates, and plants also compose the local ecosystem within the Project boundary. Vegetation communities and habitat types documented along the Project area include annual grassland, Alkali desert scrub (Russian thistle and quailbush scrub), Valley foothill riparian (Goodding's willow riparian), and fresh emergent wetland (cattail marshes, mulefat thickets).

CDFW recommends that the following modifications and/or edits be incorporated into both MNDs, including proposed avoidance, minimization, and compensatory measures, prior to their adoption by DWR.

COMMENT 1: San Joaquin kit fox (SJKF)

The MNDs determined that SJKF have no potential to occur in the project areas based on desktop review, field site visits, and lack of data collection at camera/track stations. However, SJKF are known to occur along the California Aqueduct within both project areas (CDFW 2025) and likely utilize the California Aqueduct as a wildlife movement corridor. Specifically, several SJKF observations are documented in the CNDDB along the California Aqueduct in the project areas (CDFW 2025). The project areas provide medium suitability SJKF habitat (Cypher et al. 2013). As a result, SJKF should be assumed to be present in all suitable habitat within the boundaries of both projects and surrounding areas. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction and elements of implementation of both projects include habitat loss, loss of connectivity, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 1: SJKF Preconstruction Surveys
CDFW recommends assuming presence of SJKF in both project areas and assessing presence of SJKF dens by having qualified biologists conducting surveys of Project areas and a 500-foot buffer of Project areas to detect SJKF and their sign.

Recommended Mitigation Measure 2: SJKF Avoidance Buffer
CDFW recommends implementing no-disturbance buffers, as described in the United States Fish and Wildlife Service (USFWS) (2011) *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* during Project implementation.

Recommended Mitigation Measure 3: SJKF Take Authorization
If the no-disturbance buffers outlined in the USFWS Protocol for SJKF is not feasible, consultation with CDFW is warranted to discuss how to avoid take. If

avoidance is not feasible, acquisition of an Incidental Take Permit (ITP) for SJKF prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

COMMENT 2: Swainson's Hawk (SWHA)

The MNDs and Biological Assessments determined SWHA have a high potential to occur within both project areas. SWHA nests were observed in 2021 in a mesquite tree located immediately adjacent to the aqueduct at MP 133.60, and a cottonwood tree at MP 138.40. An active SWHA nest was observed in 2024 at the same cottonwood tree at MP 138.40. An active nest was identified in 2021 at MP 169.8 and another active nest identified in 2024 at MP 169.0. Other nesting and foraging SWHA observations are documented within a ½ mile of the Project (CDFW 2025). Suitable foraging habitat for this species exists within the vicinity of both project areas, including annual grassland. Construction of both projects and habitat conversion may result in degradation or loss of nesting habitat, nest abandonment, and reduced reproductive success, including mortality of young and reduced health and vigor of eggs and/or young. In the San Joaquin Valley, suitable nest trees may be a limiting factor for SWHA productivity. The loss of suitable nest trees, particularly in proximity to foraging habitat, has the potential to significantly impact local SWHA (CDFW 2016). CDFW considers removal of known bird-of-prey nest trees, even outside of the nesting season, a potentially significant impact under CEQA.

The MNDs state that a qualified biologist will conduct pre-activity surveys of potential SWHA within ¼-mile of the work areas. Pre-activity nesting surveys will be conducted during the nesting season (February 15 through August 31) if work areas are within ¼-mile of potential nest trees. If an active SWHA nest is identified within ¼-mile of work activities then the biologist will establish a temporary no-work buffer until the nest is vacated, young have fledged, and there is no evidence of a second nesting attempt. Pre-activity nesting surveys will be conducted no more than 7 days prior to the initiation of Project activities.

The MND analysis does not provide a biological basis of how a no-disturbance buffer will be determined as adequate to avoid significant impacts, including but not limited to avoiding take of individuals through nest failure or other means, as a result of implementation of both projects.

Recommended Mitigation Measure 4: SWHA Nest Tree Mitigation
In addition to avoiding occupied nest trees, CDFW recommends that impacts to known nest trees be avoided at all times of year, or that compensatory mitigation occurs for these impacts. Regardless of nesting status, if potential or known SWHA nesting trees are removed, CDFW recommends that they be replaced with an appropriate native tree species, planted at a ratio of 3:1 (replaced to removed), in an

area that will be protected in perpetuity. This mitigation would offset potential impacts of the loss of nesting habitat.

Recommended Mitigation Measure 5: Focused SWHA Surveys
To reduce potential Project-related impacts to SWHA, CDFW recommends that a qualified biologist conduct surveys for nesting birds of prey, including SWHA, following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) during the nesting season of or prior to Project initiation, within each Project area and a ½-mile buffer around each Project area. In addition, if Project activities will take place during the species nesting season (i.e., March 1 through September 15), CDFW recommends that additional preconstruction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction.

Recommended Mitigation Measure 6: SWHA Avoidance Buffers
If an active SWHA nest is found during preconstruction surveys, CDFW recommends implementing a minimum ½-mile no-disturbance buffer around the nest 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 site or parental care for survival.

Recommended Mitigation Measure 7: SWHA Take Authorization
If a ½-mile no-disturbance nest buffer is not feasible, consultation with CDFW is warranted. If avoidance is not feasible, acquisition of an ITP for SWHA prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

COMMENT 3: Tricolored Blackbird (TRBL)

TRBL have been documented within and adjacent to the Project areas, and in the vicinity (CDFW 2025). Without appropriate avoidance and minimization measures for TRBL, potential significant impacts associated with subsequent development include nesting habitat loss, nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Recommended Mitigation Measure 8: TRBL Surveys
CDFW recommends that Project activities be timed to avoid the normal bird nesting season of February 1 through September 15. If Project activity must take place during that time, CDFW recommends that a qualified biologist conduct surveys for nesting TRBL no more than 10 days prior to the start of implementation to evaluate presence or absence of TRBL nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 9: TRBL Avoidance Buffer
If an active TRBL nesting colony is found during surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's (2015) *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*, until the breeding season has ended or until a qualified biologist has determined that nesting has ceased and the young have fledged and are no longer reliant upon the nest site for survival.

Recommended Mitigation Measure 10: TRBL Take Authorization
If the avoidance buffer around a TRBL nesting colony is infeasible, consultation with CDFW is warranted to discuss whether the Project can avoid take.
If avoidance is not feasible, acquisition of an ITP for TRBL prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

COMMENT 4: Western Burrowing Owl (BUOW)

The MNDs acknowledge that BUOW occur within both project areas and potentially significant direct impacts associated with project activities include habitat loss, burrow collapse, inadvertent entrapment, nest abandonment, reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals. The MNDs BUOW mitigation measures describe buffers that are recommended by the California Burrowing Owl Consortium's CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) for low level of disturbance activities. The sizes of buffers depend on type and intensity of disturbance, presence of visual buffers, and other variables that could affect susceptibility of the owls to disturbance. The MNDs analyses do not provide a basis of how the no-disturbance buffer is determined as adequate to avoid significant impacts, including but not limited to take of individuals, but DWR has initiated BUOW pre-ITP application consultation with CDFW for both Projects. An ITP for BUOW could be either be issued for the combined projects or for each project separately.

Recommended Mitigation Measure 11: BUOW Surveys
Depending on the time between the initial survey efforts conducted in support of the MNDs and project construction, CDFW recommends that additional focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), 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.

Recommended Mitigation Measure 12: BUOW Avoidance
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 13: BUOW Take Authorization
DWR has initiated BUOW pre-ITP application consultation with CDFW for both Projects on how to implement the Project and avoid take. If avoidance is not feasible, acquisition of an ITP for BUOW prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

COMMENT 5: Crotch's Bumble Bee (CBB)

The MNDs acknowledge that both projects are within the known range for CBB, and a review of aerial imagery shows that both project areas support suitable habitat for the species (CDFW 2023a) such as grasslands and upland scrub. CBB primarily nest in late February through late October underground in abandoned small mammal burrows, but may also nest under perennial bunch grasses or thatched annual grasses, underneath brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014, Hatfield et al. 2015). Overwintering sites for CBB mated queens include soft, disturbed soil (Goulson 2010) or leaf litter or other debris (Williams et al. 2014). Without appropriate avoidance and minimization measures for CBB, potentially significant impacts from ground- and vegetation-disturbing Project activities include direct mortality, loss of foraging plants, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, and reduced health and vigor of eggs, young and/or queens. DWR has initiated CBB pre-ITP application consultation with CDFW for both Projects.

Recommended Mitigation Measure 14: CBB Surveys
CDFW recommends that a qualified biologist conduct a habitat assessment for CBB that documents foraging resources and potential nesting sites, including small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs. In areas of suitable habitat, CDFW recommends that qualified biologist conduct a bumble bee survey using a protocol developed according to the CDFW (2023b) *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* to identify bumble bees and potential nesting sites during the vegetation blooming period prior to initiating project activities.

Recommended Mitigation Measure 15: CBB Avoidance
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 16: CBB Take Authorization
DWR has initiated CBB pre-ITP application consultation with CDFW for both Projects on how to implement the Project and avoid take.
If avoidance is not feasible, acquisition of an ITP for CBB prior to ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

COMMENT 6: Special-Status Bat Species

The MNDs acknowledge that Western mastiff bat, Yuma myotis, spotted bat, Brazilian free-tailed bat, silver-haired bat, and greater bonneted bat have been documented in the vicinity of both project areas and may utilize overhead bridges and nearby trees for roosting. Project activities have the potential to affect habitat upon which special-status bat species depend for successful breeding and have the potential to impact individuals and local populations. Without appropriate avoidance and minimization measures, potential significant impacts resulting from ground- and vegetation-disturbing activities associated with project activities include habitat loss, inadvertent entrapment, roost abandonment, reduced reproductive success, reduction in health and vigor of young, and direct mortality.

Recommended Mitigation Measure 17: Bat Roost Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation to determine if the project areas or their immediate vicinities contain suitable roosting habitat for special-status bat species.

Recommended Mitigation Measure 18: Bat Surveys
If suitable habitat is present, CDFW recommends assessing presence or absence of special-status bat roosts by conducting surveys during the appropriate seasonal period of bat activity. CDFW recommends methods such as evening emergence surveys or bat detectors to determine whether bats are present.

Recommended Mitigation Measure 19: Bat Roost Disturbance Minimization and Avoidance
If bats are present, CDFW recommends that a 100-foot no-disturbance buffer be placed around the roost and that a qualified biologist who is experienced with bats monitor the roost for signs of disturbance to bats from Project activity. If a bat roost is identified and work is planned to occur during the breeding season, CDFW

recommends that no disturbance to maternity roosts occurs and that CDFW be consulted to determine measures to prevent breeding disruption or failure.

COMMENT 7: Western Spadefoot (WESP)

Western spadefoot (WESP) is known to occur in both project areas using ephemerally ponded water associated with seasonal flooding and rainfall to breed, as well as the associated upland habitats outside of the breeding season. WESP inhabit grassland habitats, breed in seasonal wetlands, and seek refuge in upland habitat where they occupy burrows outside of the breeding season (Thomson et al. 2016). Any depressional features in both project areas may support breeding WESP and the adjacent areas likely provide upland refugia for the species. In addition to the habitat features described above, WESP have also been documented within the San Joaquin Valley using upland areas that are under irrigated agriculture (both permanent and annual crops), and utilizing agricultural sumps and ditches as breeding habitat.

Recommended Mitigation Measure 20: WESP Surveys
CDFW recommends that a qualified biologist conduct focused pre-construction surveys for WESP and their requisite habitat features as described above utilizing appropriate survey periods and methods.

Recommended Mitigation Measure 21: WESP Minimization
CDFW recommends a minimum 50-foot no-disturbance buffer be implemented around burrows, cracks, loose soil areas or other refugia found to be used by WESP during focused surveys. CDFW also recommends a minimum 50-foot no-disturbance buffer all potential breeding habitat, even when dry. CDFW recommends that any observed individuals be allowed to leave the project areas of their own volition.

COMMENT 8: Other State Species of Special Concern

American badger, San Joaquin coachwhip, and loggerhead shrike are known to occur in the vicinity of both projects (CDFW 2025), which support habitats these species are known to use, including grassland and upland shrub areas with friable soils (Williams 1986, Thomson et al. 2016).

Without appropriate avoidance and minimization measures for these species, potentially significant impacts associated with ground disturbance include habitat loss, nest/den/burrow abandonment, which may result in reduced health or vigor of eggs and/or young, and direct mortality.

Recommended Mitigation Measure 22: Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment in advance of project implementation, to determine if both project areas or their immediate vicinity contain suitable habitat for the species mentioned above.

Recommended Mitigation Measure 23: Surveys
If suitable habitat is present, CDFW recommends that a qualified biologist conduct focused surveys for the species and their requisite habitat features to evaluate potential impacts resulting from ground and vegetation disturbance.

Recommended Mitigation Measure 24: Avoidance
Avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around dens of mammals like the American badger as well as the entrances of burrows that can provide refuge for small mammals, reptiles, and amphibians. CDFW also advises that any individuals observed be allowed to leave the Project area of their own volition.

EDITORIAL COMMENTS AND/OR SUGGESTIONS

Western Spadefoot: Be advised the California Fish and Game Commission (Commission) posted a Notice of Receipt of CESA Petition for WESP to list the northern and southern populations of WESP as threatened or endangered. The Notice of Receipt of Petition was posted on October 6, 2025.
https://fgc.ca.gov/CESA?utm_medium=email&utm_source=govdelivery#1088155-western-spadefoot

If the Commission ultimately designates WESP as a Candidate species, which could occur in 2026, shortly after the time of designation it would receive the same legal protection afforded to an endangered or threatened species under CESA. Because the measures recommended above are minimization measures pursuant to CEQA as opposed to avoidance measures, additional or modified measures to avoid take would be necessary in the event WESP is designated by the Commission as a Candidate. If avoidance of take of WESP is not feasible, acquisition of an ITP with WESP as a covered species, pursuant to Fish and Game Code section 2081, subdivision (b) would be necessary to comply with CESA. An ITP could be either be issued for the combined projects or for each project separately.

Nesting Birds: CDFW encourages that Project implementation occur during the bird non-nesting season; however, if project activities must occur during the breeding season (i.e., February through mid-September), the project applicant is responsible for ensuring that implementation of either project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted by both projects are detected. CDFW also recommends that surveys cover a sufficient area around all work sites to identify nests and determine their status. A sufficient area means any area potentially affected by both projects. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends that a qualified biologist continuously monitor nests to detect behavioral changes resulting from both project. If behavioral changes occur, CDFW recommends that the work causing that change cease and that CDFW be consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife 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 parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so. CDFW recommends that a qualified biologist advise and support any variance from these buffers.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that 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 (CNDDB). The CNDDB field survey form can be obtained at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. 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 projects, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 MNDs to assist DWR in identifying and mitigating Project impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist DWR with incorporating the recommended mitigation measures provided above. If you have questions regarding this letter, please contact Annette Tenneboe, Senior Environmental Scientist (Specialist), at (559) 580-3202 or by email at Annette.Tenneboe@wildlife.ca.gov.

Sincerely,

DocuSigned by:
FA83F09FE08945A...
Julie A. Vance
Regional Manager

ATTACHMENT 1: Mitigation Monitoring and Reporting Program

ec: State Clearinghouse
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REFERENCES

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Attachment 1

Attachment 1
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECTS
San Luis Canal (California Aqueduct Pools 17 & 18, and 20 & 21) Liner Raise Projects
Mitigated Negative Declarations (MNDs)
SCH Nos.: 2025110364 & 2025110365

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 1: SJKF preconstruction surveys	
Recommended Mitigation Measure 3: SJKF Take Authorization	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 5: Focused SWHA Surveys	
Recommended Mitigation Measure 7: SWHA Take Authorization	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 8: TRBL Surveys	
Recommended Mitigation Measure 10: TRBL Take Authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 11: BUOW Surveys	
Recommended Mitigation Measure 13: BUOW Take Authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 14: CBB Surveys	
Recommended Mitigation Measure 16: CBB Take Authorization	
Special-Status Bat Species	
Recommended Mitigation Measure 17: Bat Roost Habitat Assessment	

Recommended Mitigation Measure 18: Bat Surveys	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 20: WESP Surveys	
State Species of Special Concern (SSSC)	
Recommended Mitigation Measure 22: SSSC Habitat Assessment	
Recommended Mitigation Measure 23: SSSC Surveys	
During Construction	
San Joaquin Kit Fox (SJKF)	
Recommended Mitigation Measure 2: SJKF Avoidance Buffer	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 4: SWHA Nest Tree Mitigation	
Recommended Mitigation Measure 6: SWHA Avoidance Buffer	
Tricolored Blackbird (TRBL)	
Recommended Mitigation Measure 9: TRBL Avoidance Buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 12: BUOW Avoidance Buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 15: CBB Avoidance	
Special-Status Bat Species	
Recommended Mitigation Measure 19: Bat Roost Disturbance Minimization and Avoidance	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 20: WESP Avoidance	

State Species of Special Concern (SSSC)	
Recommended Mitigation Measure 24: SSSC Avoidance	