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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
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GAVIN NEWSOM, Governor
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January 28, 2026

Roger Van Horn
Supervising Environmental Health Specialist
Monterey County Environmental Health Bureau
1270 Natividad Road
Salinas, California 93906
VanHornRW@countyofmonterey.gov

Subject: D'Arrigo Brothers and General Farm Investments Well replacement Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No. 2025121248

Dear Roger Van Horn:

The California Department of Fish and Wildlife (CDFW) received a NOP for an Environmental Impact Report (EIR) from the County of Monterey, Environmental Heath Bureau (County Health Bureau) as Lead Agency for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] Although the public comment period ends on January 22, 2026, CDFW respectfully requests that Reclamation considers these comments prior to approving the DEIS given that State incidental take authorization is likely warranted for the Project.

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 Fish and Game Code.

[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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Although the public comment period has ended CDFW respectfully requests that County Health Bureau considers these comments during development of the EIR given that State incidental take authorization may be warranted for the Project.

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.

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.

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 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).

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.

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PROJECT DESCRIPTION SUMMARY

Proponent: D'Arrigo Brothers of USA and General Farms Investments

Description and Objective: The Proposed Project would install two new replacement wells for existing agricultural production wells experiencing issues with water quality. Specifically, D'Arrigo Brothers of USA would install a new replacement well with a maximum capacity of 2,000 gallons per minute (GPM) and General Farm Investments would install a new 1,500 GPM replacement well. Both wells would be drilled to a depth of approximately 1,710 feet and be screened in the Deep Aquifer of the Salinas Valley Groundwater Basin (Deep Aquifer). The proposed wells would have about 800 feet of conductor casing and seal to isolate the production zone from the overlying sediments of the aquitard and the 180/400 Foot Aquifer of the Salinas Valley Groundwater Basin. The Proposed Project would not result in an increase in irrigated land, and new replacement wells in the Deep Aquifer would replace existing wells in the shallow zones of the 180/400 Foot Aquifer. The Proposed Project would include destruction of the existing shallow wells by state and county approved methods.

Timeframe: Unspecified

Location: The D'Arrigo Well is located at 0 Highway 183 and San Jon Road on Assessor's Parcel Number (APN) 227-041-001-000 in Monterey County (County) west of the City of Salinas. The General Farms well is located at 17 McFadden Road on APN 227-062-005-000 in the County and west of the City of Salinas.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County Health Bureau in adequately identifying and/or mitigating the Project's significant or potentially significant direct and indirect impacts on fish and wildlife (biological) resources. Based on a review of aerial imagery, the Project description, and a review of California Natural Diversity Database (CNDDB) records, several special-status species and habitat types could potentially be impacted by Project activities. Project-related construction, extraction boundary and groundwater depletion for the Project and surrounding area, could impact the following special-status plant and wildlife species and habitats known to occur: the State threatened tricolored blackbird (*Agelaius tricolor*); the State and federally threatened California tiger salamander – central California Distinct Population Segment (DPS) (*Ambystoma californiense* pop. 1); the State candidate for listing burrowing owl (*Athene cunicularia*) and western bumble bee (*Bombus occidentalis*); the federally threatened and State species of special concern California red-legged frog (*Rana draytonii*) and steelhead – south-central California coast DPS (*Oncorhynchus mykiss irideus* pop. 9); the federally proposed threatened and State species of special concern western spadefoot (*Spea hammondii*) and southwestern pond turtle (*Actinemys*

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pallida); the State species of special concern American badger (*Taxidea taxus*), two-striped garter snake (*Thamnophis hammondii*), coast horned lizard (*Phrynosoma blainvillii*), Northern California legless lizard (*Anniella pulchra*); and the California Rare Plant Rank (CRPR) 1B.1 Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*).

Vegetation communities and habitats in the Project vicinity (APNs and extraction boundaries) includes irrigated row and field crops, ruderal disturbed areas, and barren unvegetated areas including levee roads. Aquatic features in and near the Project Area include the Alisal Slough, Salinas River, other ephemeral streams and channels, and associated riparian and fresh emergent wetlands, agricultural ditches and canals, and ponding basins.

Comment 1: California Tiger Salamander (CTS)

CTS breed and develop in vernal and seasonal pools and stock ponds in grassland, woodland, and scrub habitat types. They require upland refuges (i.e., small mammal burrows) when not breeding. CDFW recommends that a qualified wildlife biologist assess the Project area and vicinity (i.e., up to 1.3 miles, observed CTS dispersal distance) that contains potentially suitable habitat, to evaluate potential for CTS in support of the EIR. CDFW recommends site assessments follow the United States Fish and Wildlife Service's (USFWS) *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander* (2003). CDFW recommends the qualified biologist determine the impacts of Project-related activities to all CTS upland and breeding habitat within and/or adjacent to the construction footprint. Because both upland burrow refugia and breeding wetland habitat features suitable for use by CTS are likely present within and/or adjacent to the Project construction footprint, CDFW advises avoidance for CTS include a minimum 50-foot no disturbance buffer be delineated around all small mammal burrows. If burrow avoidance is not feasible, 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 Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA. In addition, CDFW recommends that the CEQA document quantify and describe the direct and indirect potential impacts to CTS habitat and outline specific proposed mitigation measures to reduce impacts to less than significant.

Comment 2: Tricolored Blackbird (TRBL)

The Project area is within the known geographic range of TRBL and an occurrence was documented within 1.0 mile from the Project area (CDFW 2026). TRBL breed within the vicinity of fresh water, primarily in marshy areas. Important sites for nesting colonies include heavy growths of cattails, tules, thistles, willows, blackberries, and tall herbs (Grinnell and Miller 1944). TRBL are also known to breed and forage in low agricultural crop fields, and these fields are becoming an increasingly important nesting habitat type

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(Beedy et al. 2023). Based on aerial imagery, the Project area may provide suitable habitat for TRBL nesting and foraging, particularly if the agricultural irrigation ponds, canals, sloughs, or other aquatic features provide sufficient emergent vegetation.

As TRBL have the potential to use the Project area and have been documented within close proximity to the Project area, CDFW recommends that a qualified biologist conduct a habitat assessment as part of the biological technical studies conducted in support of the EIR. If potentially suitable habitat is identified, consultation with CDFW is recommended for guidance on focused survey methods and mitigation measures such as avoidance, take authorization, and mitigation. If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Comment 3: Western Burrowing Owl (BUOW)

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).

Due to the upcoming change in the status of the species, CDFW recommends the EIR incorporate mitigation measures to reflect the candidacy. BUOW have been documented to occur near the Project Area (CDFW 2026). BUOW inhabit open grassland or adjacent canal banks, rights-of-way, vacant lots, and other landscape features containing small mammal burrows, a requisite habitat feature for nesting and cover. BUOW rely on burrow habitat year-round for their survival and reproduction. Based on aerial photography, potential habitat occurs both within and bordering the Project Area.

CDFW recommends that a qualified biologist conduct a habitat assessment for BUOW, for a biological study report to be included with the EIR. In areas of suitable habitat, CDFW recommends that the EIR require surveys for burrowing owl by a qualified biologist following CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). If BUOW are detected, or if the Project-proponent chooses to assume presence during Project implementation, consultation with CDFW is recommended for guidance on the development of mitigation measures such as avoidance, take authorization, and mitigation. 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,.

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Comment 4: Crotch's Bumble Bee (CBB)

CBB has been documented in the Project Area (CDFW 2026). The species is known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch or thatched grasses. Based on aerial imagery, the Project appears to contain habitat suitable to support Crotch's bumble bee.

CDFW recommends that a qualified biologist conduct a habitat assessment for CBB for a biological study report to be included with the EIR. Foraging resources and 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 are advised to be documented as part of the assessment. In areas of suitable habitat, CDFW recommends that the EIR require a qualified biologist to conduct a bumble bee survey according to the CDFW (2023) *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 activities in the Project area. If any Crotch's bumble bees or a nest are detected, it is recommended that the EIR require consultation with CDFW occur to develop adequate take avoidance measures, including protection for underground overwintering queens if a nest is observed at any time. 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.

Comment 5: California Red-Legged Frog (CRLF)

CRLF primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and the species will also breed in ephemeral waters (Thomson et al. 2016). Without appropriate avoidance and minimization measures for CRLF, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals. CRLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to CRLF (Thomson et al. 2016, USFWS 2017).

CRLF have been documented along the Salinas River, and the Project Area contains other aquatic habitat features that may support the species. (CDFW 2026). Avoidance and minimization measures may be necessary to reduce impacts to CRLF to a level that is less than significant. To evaluate potential impacts to CRLF, CDFW recommends that a qualified wildlife biologist conduct surveys for CRLF in accordance with the USFWS *Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (USFWS 2005) to determine if CRLF are within or adjacent to the Project Area.

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Comment 6: Southwestern Pond Turtle (SWPT)

SWPT occurs in the Project Area (CDFW 2026) and a review of aerial imagery of the area shows habitats that SWPT can utilize for nesting, overwintering, dispersal, and basking, including streams, ponded areas, irrigation canals, and riparian and upland habitats. SWPT are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported (Thomson et al. 2016). Noise, vegetation removal, movement of workers, construction and ground disturbance as a result of Project activities have the potential to significantly impact SWPT populations. Without appropriate avoidance and minimization measures for SWPT, potentially significant impacts associated with Project activities could include nest reduction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

CDFW recommends that a qualified biologist conduct a habitat assessment for SWPT for a biological report to be included in the EIR. CDFW also recommends that the EIR require a qualified biologist to conduct focused surveys in suitable habitat for SWPT within 10 days prior to Project activity, and that focused surveys for nests occur during the egg-laying season of March through August.

CDFW recommends that the EIR require that any SWPT nests that are discovered remain undisturbed with a no-disturbance buffer maintained around the nest until the eggs have hatched and neonates are no longer in the nest or Project Area. If SWPT individuals, including neonates at the nest, are discovered at the site during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

Comment 7: Western Spadefoot

Western spadefoot is known to occur within the Project Area (CDFW 2026), using ephemerally ponded water associated with seasonal flooding and rainfall to breed, as well as the associated upland habitats outside of the breeding season. Spadefoot toads 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 the Project Area footprint may support breeding spadefoot and the adjacent areas may provide upland refugia. CDFW recommends that a qualified biologist conduct a habitat assessment for spadefoot for a biological study report to be included with the EIR. In areas of suitable habitat, CDFW recommends that the EIR require a qualified biologist to conduct focused surveys for western spadefoot and their requisite habitat features prior to Project construction.

If WESP burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, CDFW recommends avoidance whenever possible via delineation and observance of a 50-foot no-disturbance buffer around these resources,

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including all potential breeding habitat, which can include agricultural sumps and irrigation ditches in addition to any areas that pool water for only a few weeks. CDFW also recommends avoidance of potential breeding habitat even when dry, since post-metamorphic WESP juveniles have a unique adaptation to the drying of their temporary breeding pools; they utilize the dried pond bottom as a refuge, burying themselves in the dessication cracks and damp soil beneath the surface crust (Baumberger et al., 2020). If any lifestage of WESP are observed on the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the above recommended measures would help minimize impacts to WESP as required by CEQA, but would not fully avoid impacts and thus take; additional measures would need to be implemented to avoid take of WESP. In the event that WESP becomes protected under CESA, CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP acquisition.

Comment 8: American Badger, Two-Striped Garter Snake, Coast Horned Lizard, and Northern Legless Lizard.

The Project Area is within the known geographic range of American badger, two-striped garter snake, Coast horned lizard, and Norther legless lizard and suitable habitat may be present (CDFW 2026). CDFW recommends that a qualified biologist conduct a habitat assessment for these species, for a biological study report to include with the EIR. If potential habitat is present, CDFW recommends that the EIR direct a qualified biologist to conduct focused surveys for the species and its requisite habitat features to evaluate potential Project impacts, and describe avoidance, minimization, and mitigation as warranted to address potentially significant impacts.

Comment 9: Special Status Plants.

Congdon’s tarplant, CRPR 1B.1, is documented within 1.0 mile of the Project Area (CDFW 2026). CDFW recommends that a qualified botanist conduct a habitat assessment of the Project Area well in advance of Project implementation to determine if the Project Area or its vicinity contains suitable habitat for special-status plant species.

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If suitable habitat is present, CDFW recommends that the Project Area be surveyed for special-status plants by a qualified botanist following the *Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities* (CDFW 2018). This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

If special-status plants are detected, CDFW recommends special-status plant species be avoided whenever possible by delineating and observing 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 buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

If a State-listed plant species are identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take of that species. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b) to comply with CESA and/or Fish and Game Code section 1900 and California Code of Regulations, title 14, section 786.9, subdivision (b) to comply with the Native Plant Protection Act.

Comment 10: Wetland and Riparian Habitats.

Riparian and wetland natural communities along the Salinas River, Alisal Slough, and other aquatic features in the Project Area provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types can adversely impact sensitive species including but not limited to steelhead, WESP SWPT, CRLF, TRBL, and CTS. CDFW recommends delineating and implementing an adequate buffer to protect wetlands, riparian vegetation, and associated wildlife, including State and federally listed species. In addition, CDFW recommends delineation from the high-water mark of surface water channels and other blue-lined waterways that have no riparian vegetation to avoid impacts. Further, a wetland delineation may need to be conducted and submitted to the United States Army Corps of Engineers for verification.

CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed according to each Project activity. Based on those potential impacts, CDFW recommends that the EIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic/nonvegetative features) take into account the effects to stream function and hydrology from riparian habitat loss or damage, as well as potential effects from the loss of riparian habitat to special-status species already identified herein.

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EDITORIAL COMMENTS AND/OR SUGGESTIONS

Project Description: The NOP lacks detailed information with regard to the actual footprint of the Project and does not address methods and materials, ground disturbance related to each activity, staging and laydown areas, and other specific Project-related activities that could threaten biological resources and result in potentially significant environmental impacts within the Project Area. CDFW anticipates these details to be provided in the EIR, in addition to details such as specific locations of activities relative to private or public property and adjacent roads and special conditions such as the need for any night work.

CDFW also recommends the EIR include mapping of the proximity of infrastructure and groundwater pumping to groundwater dependent ecosystems and other sensitive aquatic habitats. Absent that information, Project related impacts to biological resources cannot be adequately assessed.

CDFW recommends that the EIR analyze the extent of the Project boundary to include the extraction boundary for the aquifer underneath each well. The EIR analysis should include figures detailing the extent of the vertical, horizontal, and lateral extraction boundary, and any area of potential groundwater connectivity between the overlying 180/400 Aquifer and the Deeper Aquifer within the extraction boundary.

Sustainable Groundwater Management Act (SGMA) and Groundwater Dependent Ecosystems: A Groundwater Sustainability Plan was prepared by the Salinas Valley Basin Groundwater Sustainability Agency for the 180/400-Foot Aquifer Subbasin (Subbasin No. 3-004.01 of the Salinas Valley Groundwater Basin) which is designated a high priority Subbasin by the Department of Water Resources (DWR). The Groundwater Sustainability Plan for the 180/400 Foot Aquifer Subbasin was approved by DWR on June 3, 2021. The SGMA defines sustainable groundwater management as, “management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results (Water Code, § 10721 (v)).” Significant and undesirable results that may result from Project related activities include chronic lowering of groundwater levels, reduction of groundwater storage, degraded water quality, land subsidence, depletions of interconnected surface water that have an adverse impact on beneficial uses of surface water. Any of these undesirable results may have adverse impacts to groundwater dependent ecosystems. Given it is unclear in the NOP the amount of acre-feet that will be pumped, CDFW recommends that the EIR include an analysis of Project-related activities and groundwater pumping within the deeper aquifer in relation to the 180/400 Subbasin Groundwater Sustainability Plan, including analysis of potential undesirable results and adverse impacts to groundwater dependent ecosystems including the biological resources listed above.

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Lake and Streambed Alteration: The NOP does not address CDFW's lake and streambed alteration regulatory authority for potential surface water diversions or other jurisdictional activities. CDFW recommends that the EIR include mapping of all stream and associated wetland resources within the Project Area as described above and describe the methodology used in determining the extent of all streams in the Project Area. Activities that are subject to CDFW's authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 require an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral, intermittent, or episodic, as well as those that are perennial, regardless of the duration, frequency, or volume of flow.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for a 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 or R4LSA@wildlife.ca.gov.

California Natural Diversity Database (CNDDB): Please note that the CNDDB is populated by and records voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean that a species is not present. In order 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.

Federally Listed Species: CDFW recommends consulting with the USFWS on potential impacts to federally listed or proposed listed species, including but not limited to WESP and SWPT. Take under the Endangered Species Act (ESA) is more broadly defined than CESA; take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with ESA is advised well in advance of any ground-disturbing activities.

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Nesting birds: CDFW encourages that Project implementation occur outside the bird nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season of February through mid-September, 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 Codes as referenced above.

To evaluate Project-related impacts on nesting birds, CDFW recommends that a qualified wildlife 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 Area 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. 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 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 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 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. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

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

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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).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the County Health Bureau in identifying and mitigating Project impacts to 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). If you have any questions, please contact Annette Tenneboe, Senior Environmental Scientist Specialist, at (559) 580-3202 or Annette.Tenneboe@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
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Annette Tenneboe
California Department of Fish and Wildlife

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REFERENCES

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