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GAVIN NEWSOM, Governor
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February 27, 2026

Christine Roybal, Legal Analyst
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Sacramento, California 95814
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**Subject: San Ardo 2024 Wells Project (Project) by Aera Energy, LLC
Draft Initial Study/Mitigated Negative Declaration
State Clearinghouse No. 2026010906**

Dear Christine Roybal:

The California Department of Fish and Wildlife (CDFW) received a Draft Initial Study and Mitigated Negative Declaration (IS/MND) from your agency acting as Lead Agency for the above -referenced 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 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

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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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.

Fully Protected Species: CDFW has jurisdiction over species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Take of any fully protected species is prohibited and CDFW cannot authorize their incidental take except as specifically provided for in Fish and Game Code.

Bird Protection: 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).

Other Special Status 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 (California Code of Regs tit. 14, Chapter 3, § 15380), CDFW recommends it be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: Aera Energy, LLC

Objective: Aera Energy, LLC proposes the construction and operation of eight new steam injection wells at two already established well pads within the Orradre lease located in the active San Ardo Oil Field. The Project would also include the construction and operation of approximately 500 feet of aboveground flowline over an earthen roadway connecting one of the two aforementioned established well pads to a third established well pad. The three active well pads are within 500 feet of each other.

The currently established well pads will accommodate the Project-related construction and support equipment and materials, and they will be accessed by existing dirt roads. The three well pads and connecting dirt roads, which constitute the Work Area is surrounded by non-native grasslands, which will not be disturbed by Project-related activities. According to *Biological Resources Technical Report* prepared in support of the IS/MND by Stantec in 2022, no streams, wildlife corridors, or sensitive natural communities occur at or within 500 feet of the Work Areas.

Location: The Project Work Areas exist within the administrative boundaries of the existing San Ardo Oil Field, approximately two miles east of State Route 101 and five miles south-southeast of the community of San Ardo in Monterey County, California.

Within the oil field, the Work Area will involve a 1.4-acre active well pad where four of the eight new steam injection wells will be constructed and connected to already existing flowlines there. This Work Area is located at about latitude 35.939083, longitude -120.835930.

The Work Area will also involve a 1.5-acre active well pad where the other four new steam injection wells will be constructed, centered at about latitude 35.937073, longitude -120.835864. These wells will be connected by aboveground flowlines constructed over an already existing earthen roadway to existing infrastructure at another active well pad centered at about latitude 35.937568, longitude -120.837129.

Timeframe: Construction of the eight steam injection wells and aboveground flowlines will be phased and require approximately 120 work days in total, and the wells and flowlines would be operated indefinitely.

COMMENTS AND RECOMMENDATIONS

Based on a review of the Draft IS/MND, the California Natural Diversity Database (CNDDDB) records (CDFW 2026), and a description of the surrounding habitat as provided in the *Biological Resources Technical Report* (BRTR), the Project Work Areas and adjoining non-native grasslands are within the geographic range of several special-status animal and plant species. The Draft IS/MND proposes specific mitigation measures to reduce the Project-related impacts to: the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State candidate for listing western burrowing owl (*Athene cunicularia hypugaea*); the State species of special concern American badger (*Taxidea taxus*) and San Joaquin coachwhip (*Masticophis flagellum ruddocki*); and nesting birds including the State species of special concern loggerhead shrike (*Lanius ludovicianus*).

CDFW offers the following comments and recommendations to assist your agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect Project-related impacts on fish and wildlife (biological)

resources. Specifically, CDFW recommends the IS/MND include mitigation measures to reduce the Project-related impacts to the State candidate for listing Crotch's bumble bee (*Bombus crotchii*) and State species of special concern Salinas pocket mouse (*Perognathus inomatus psammophilus*). Further, CDFW recommends the lead agency modify the mitigation measures included in the draft IS/MND for western burrowing owl, as follows:

Western Burrowing Owl (BUOW) In the Draft IS/MND, the lead agency commits the Project proponent to pre-disturbance surveys for, and the appropriate 500-meter no-disturbance buffers from, occupied (active) western burrowing owl burrows during and outside of the nesting season (February 1 through August 31). However, the lead agency does not appear to require the Project proponent maintain any no-disturbance buffers surrounding unoccupied (inactive) known BUOW burrows during or outside of the nesting season. Further, the lead agency appears to allow for passive relocation of nesting western burrowing owls outside of the nesting season. Finally, the lead agency does not accurately report the current conservation status of the species. 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. 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).

CDFW recommends the Final IS/MND include the additional following mitigation measures for BUOW:

Recommended Mitigation Measure 1: BUOW Surveys

CDFW recommends that focused take avoidance surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012), be conducted the survey season immediately prior to construction for both active and inactive western burrowing owl burrows. Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of construction.

Recommended Mitigation Measure 2: BUOW Avoidance

Should an individual BUOW or known BUOW burrows (active or inactive) be detected, either during 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 recommends that these buffers be implemented for both wintering and breeding BUOW. Further, CDFW reminds the lead agency that passive relocation of individuals would not be allowed in the absence of incidental take authorization.

Recommended Mitigation Measure 3: BUOW Take Authorization

If an individual BUOW or known BUOW burrow (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(b) is necessary to comply with CESA.

Crotch's Bumble Bee (CBB)

The Draft IS/MND does not include mitigation measures for CBB. The BRTR reports that habitat CDFW considers suitable for nesting, foraging, and overwintering CBB occurs adjoining the Project Work Areas and CDFW concludes that there is a moderate probability for species occurrence. 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.

As the Draft IS/MND does not contain specific CBB mitigation measures, CDFW recommends including the following mitigation measures:

Recommended Mitigation Measure 4: CBB Surveys

If construction is anticipated to begin during or after the 2026 CBB breeding season, CDFW recommends that a qualified biologist conduct additional 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) document, during the blooming period immediately prior to any ground disturbing activities that occur as part of this Project.

Recommended Mitigation Measure 5: 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 6: CBB Take Authorization

If take cannot be avoided, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Salinas Pocket Mouse

The BRTR indicates that suitable Salinas pocket mouse habitat adjoins the Work Area, however, the Draft IS/MND does not include mitigation measures to reduce to less than significant the Project-related impacts to the species. CDFW recommends the lead agency require measures which would reduce the potential Project-related impacts to the species.

Recommended Mitigation Measure 7: Salinas Pocket Mouse Surveys

CDFW recommends the lead agency require that pre-construction surveys be conducted for suitable Salinas pocket mouse burrow openings in suitable habitat within 50 feet of the Work Area. CDFW recommends the lead agency require those survey results be submitted to CDFW for review within 14 days prior to the start of Project Activities.

Recommended Mitigation Measure 8: Salinas Pocket Mouse Avoidance

If a Salinas pocket mouse burrow is detected, Permittee shall avoid the burrow opening by a minimum 50 foot buffer. If an active Salinas pocket mouse burrow cannot be avoided, Permittee shall submit an Eviction Plan to CDFW at least two weeks prior to any proposed eviction activity. The Eviction Plan shall include details regarding: the use of camera stations or other efforts to monitor the dens/burrows for a minimum of three days to ensure that individual Salinas pocket mice are not inside; methods of passively excluding mice from burrows; and timing of eviction. Relocation efforts should be timed for the non-breeding season of the species. If individuals of the species are detected at the Work Areas during Project implementation, Project Activities shall cease or not be initiated (whichever applies) until the individual leaves of its own volition.

CNDDDB: Please note that the CNDDDB is populated by records through 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, or lack of recent occurrence records, in the CNDDDB does not mean a species is not present. To adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project site.

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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 CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to the CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to the CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

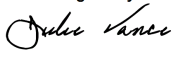
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee 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 IS/MND to assist your agency in identifying and mitigating Project-related impacts on biological resources. A Mitigation Monitoring and Reporting Program (Attachment 1) is included below to assist with incorporating the recommended mitigation measures provided above.

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 regarding this letter or further coordination, please contact Steve Hulbert, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Steven.Hulbert@wildlife.ca.gov.

Sincerely,

DocuSigned by:

FA83F09FE08945A...
Julie A. Vance
Regional Manager

Attachment 1: Mitigation Monitoring and Reporting Program

ec: See Page Eight

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

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. 2026. Biogeographic information and observation system. <<https://www.wildlife.ca.gov/Data/BIOS>>. Accessed 10 February 2026.

Attachment 1

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

**PROJECT: San Ardo 2024 Wells Project
SCH No.: 2026010906**

| RECOMMENDED MITIGATION MEASURE | STATUS/DATE/INITIALS |
|--------------------------------------------------------------|-----------------------------|
| <i>Before Disturbing Soil or Vegetation</i> | |
| Mitigation Measure 1: BUOW Surveys | |
| Mitigation Measure 3: BUOW Take Authorization | |
| Mitigation Measure 4: Crotch's Bumble Bee Surveys | |
| Mitigation Measure 6: Crotch's Bumble Bee Take Authorization | |
| Mitigation Measure 7: Salinas Pocket Mouse Survey | |
| <i>During Construction</i> | |
| Mitigation Measure 2: BUOW Avoidance | |
| Mitigation Measure 5: Crotch's Bumble Bee Avoidance | |
| Mitigation Measure 8: Salinas Pocket Mouse Avoidance | |