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May 4, 2026

Ms. Annette Tenneboe
Department of Fish and Wildlife
Central Region
State of California
1234 East Shaw Avenue
Fresno, CA 93710

RE: YOKOHL CREEK RECHARGE PROJECT
EXETER IRRIGATION DISTRICT

Ms. Tenneboe:

The Exeter Irrigation District (District) received comments from the Department of Fish and Wildlife (Department) regarding the posting of its proposed Mitigated Negative Declaration associated with its Yokohl Creek Recharge Project (Project) dated February 12, 2026. In general, the Department's comments focused on three (3) areas: mitigation measures to address identified wildlife species, stream hydrology and water rights. The purpose of this letter is to respond to the Department's comments request for additional mitigation measures.

The first response is directed to the District's Biological Consultant, Live Oak Associated (LOA) reviewed the Department's comments regarding potential mitigation measures and provided responses describing justification for proposed revisions. LOA's response letter is attached for reference.

As a result of comments and suggestions of LOA, the District has revised its Monitoring and Reporting Program (MRP). The revisions incorporate mitigation measures as addressed by LOA in response to the Department's comments. The revised MRP is attached. The District believes that LOA's response letter and the revised MRP address the Department's concerns associated with wildlife resources. With the revision of the MRP, with increased mitigation measures associated with the Proposed Project, the District is of the position that recirculation of the Mitigated Negative Declaration is not warranted based on the first of the Department's comments.

In the referenced February 12, 2026, correspondence,

“The MND does not specify the annual volume (acre-feet) of surface flow that will be diverted to groundwater storage and does not analyze potential impacts to downstream hydrology along Yokohl Creek from Project implementation. Without the appropriate information to discern potential impacts, CDFW is concerned that the Project may result in direct and

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cumulative adverse impacts to the fish and wildlife and other public trust resources supported by Yokohl Creek and associated riparian habitats, and that any proposed reduction in surface flow will affect the sustainability of the riparian woodland and aquatic habitats within the stream. CDFW recommends that the MND be amended and recirculated with a hydrologic study or other information that identifies and analyzes the impacts of surface and subsurface water reduction on the riparian woodland and aquatic habitats associated with Yokohl Creek and the species supported by these habitats, and includes appropriate measures to avoid, minimize, and mitigate potential biological impacts due to surface flow reduction.”

The District offers the following response related to both the hydrology and water rights issues:

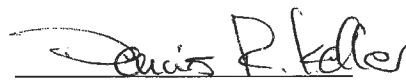
The Proposed Project will not divert any natural surface water flows of Yokohl Creek to groundwater or other use. The natural flow of Yokohl Creek is fully appropriated. The Proposed Project does not result in any reduction in surface water flows of Yokohl Creek under any conditions. Consequently, there will be no potential impacts to downstream hydrology.

The Proposed Project consists of utilizing a portion of the District’s Class 1 and Class 2 Friant Division, CVP contract supplies diverted from the District’s piped irrigation system for groundwater recharge. The District holds the water rights, by contract, to the water supply that will be diverted for the proposed Project. The District’s surface water supply will only be directed, by virtue of the Proposed Project, to Yokohl Creek when Yokohl Creek is dry and not experiencing natural flow. Since implementation of the Proposed Project will not result in a reduction of any surface flows within Yokohl Creek, Yokohl Creek will continue to convey its natural flows. Riparian and aquatic habitats will not experience any adverse direct or cumulative impacts resulting from the Proposed Project, in fact they may benefit from the supplemental flows.

Since the Proposed Project does not result in an adverse impact on natural surface water flows, the District asserts that a hydrologic study is not warranted for the Proposed Project. The provided response also addresses the matter of water rights to be utilized for recharge.

If you have any questions regarding this response, please do not hesitate to contact us.

Very truly yours,



Dennis R. Keller
Consulting Civil Engineer

DRK:ju

Attachments: (1) Live Oak Associates, Inc. – Response to CDFW Comments
(2) Monitoring and Reporting Program

cc: Mr. Gene Kilgore, Exeter Irrigation District



LIVE OAK

ASSOCIATES, INC.

March 2, 2026

Gene Kilgore
Exeter Irrigation District
PO Box 546
Exeter, CA 93221

RE: Response to CDFW Comments on IS/MND, Yokohl Creek Recharge Structures Project, Tulare County, CA

Mr. Kilgore:

I have prepared this letter on behalf of Live Oak Associates, Inc. (LOA) that provides written responses to California Department of Fish and Game (CDFW) comments on an Initial Study / Mitigated Negative Declaration (IS/MND) prepared for the Yokohl Creek Recharge Structures Project ("project") by the Exeter Irrigation District ("District") in compliance with the California Environmental Quality Act (CEQA). Comments were received from CDFW via a letter dated February 12, 2026.

Below is each of CDFW's comments (italicized) followed by LOA's response.

COMMENT 1: San Joaquin Kit Fox (SJKF)

Multiple SJKF occurrences are documented within the vicinity of the Project boundary (CDFW 2026a). Table 1 in the Biological Evaluation states that SJKF are absent because no suitable habitat was observed within the Project site. However, the Project site includes a dry stream channel and ruderal habitat which SJKF are known to inhabit (ESRP 2026). Yokohl Creek could facilitate movement and distribution of SJKF. The MND acknowledges the potential for the Project to temporarily disturb and permanently alter grassland and other habitat considered suitable habitat for special status species including SJKF, and to directly impact individuals if present during construction activities.

SJKF den in rights-of-way, agricultural and fallow/ruderal habitat, dry stream channels, and canal levees, etc., and populations can fluctuate over time. SJKF are also capable of occupying urban environments (Cypher and Frost 1999). SJKF may be attracted to Project areas due to the type and level of ground-disturbing activities and the loose, friable soils resulting from intensive ground disturbance. SJKF will forage in fallow and agricultural fields and utilize streams and canals as dispersal corridors. Absence in any one year is not necessarily a reliable predictor of

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future SJKF potential to occur on a site. Habitat loss resulting from land conversion to agricultural, urban, and industrial development is the primary threat to SJKF, and the Project site is in the vicinity of areas of medium suitability for SJKF habitat (Cypher et al. 2013). As a result, there is potential for SJKF to occupy all suitable habitat within the Project boundary and surrounding area. Without appropriate avoidance and minimization measures for SJKF, potential significant impacts associated with construction include habitat loss, den collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, and direct mortality of individuals.

Recommended Mitigation Measure 1: SJKF Surveys and Minimization

CDFW recommends assessing presence or absence of SJKF by having qualified biologists conduct surveys of Project site and a 500-foot buffer of the Project site to detect SJKF and their sign. CDFW recommends assessing potential project related impacts to SJKF by conducting den surveys. Specifically, CDFW advises conducting den surveys in all areas of potentially suitable habitat no less than 14 days and no more than 30 days prior to beginning of ground-disturbing activities. If suitable dens are found, den avoidance buffers CDFW recommends that avoidance be implemented by following 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.

Recommended Mitigation Measure 2: SJKF Take Authorization

SJKF activity, den detection, or detection of individuals warrants consultation with CDFW to discuss how to avoid take or, if take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP) prior to any ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

RESPONSE 1: San Joaquin Kit Fox (SJKF)

LOA does not propose any changes to our assessment that SJKF are unlikely to occur on the Project site for the reasons we stated in our report, which is restated here:

There are 11 CNDDDB occurrences within 10 miles of the project site, the closest dated from 1975, located approximately 2.8-miles northwest of the project site. Although there are multiple occurrences, the most recent is from 2001 approximately 6.85 miles southwest of the Project and the remaining 10 occurrences are 33 years old or older (CDFW 2026). The site only provides marginal habitat for this species and is surrounded by orchards and other habitats incompatible with this species' habitat requirements.

Furthermore, the Project site is in an area identified as providing low suitability habitat for SJKF (Cypher et al. 2013).

Therefore, LOA believes SJKF are highly unlikely to occur on the Project site, would not experience a significant impact from Project activities, and sees no compelling reason to add mitigation measures for SJKF.



COMMENT 2: Swainson's Hawk (SWHA)

The Project is within the geographic range of SWHA. SWHA occurrences are documented within the Project vicinity (CDFW 2026a) and suitable nesting and foraging habitat occur within the Project site. The MND acknowledges the potential for the Project to impact suitable perching and nesting trees, and nesting SWHA. The Mitigation Measure 4.1.1c of the Biological Evaluation (p. 28) states that should any active SWHA nest be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, loss of nest trees, loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Any take of SWHA without appropriate incidental take authorization would be a violation of Fish and Game Code.

SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Approval of the Project may lead to subsequent ground-disturbing activities that involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment and loss of foraging habitat, significantly impacting local nesting SWHA.

Recommended Mitigation Measure 3: Focused SWHA Surveys

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to Project implementation. The SWHA TAC survey protocol includes early season surveys to assist the Project proponent in implementing necessary avoidance and minimization measures, and in identifying active nest sites prior to initiating ground-disturbing activities. If ground-disturbing activities are to take place during the nesting season of March 1 through August 31, CDFW recommends that additional pre-activity surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of Project implementation.

Recommended Mitigation Measure 4: SWHA No-Disturbance 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 recommends that a minimum no-disturbance buffer of ½-mile be delineated around active nests 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 5: SWHA Nest Tree Mitigation

CDFW recommends that the removal of known raptor nest trees, even outside of the nesting season, be replaced with an appropriate native tree species planting at a ratio of 3:1 at or near the Project site or in another area that will be protected in perpetuity to reduce impacts resulting from the loss of nesting habitat.

Recommended Mitigation Measure 6: SWHA Take Authorization



CDFW recommends that in the event an active SWHA nest is detected and maintaining a ½-mile 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 ITP pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.

RESPONSE 2: Swainson's Hawk (SWHA)

While LOA provided mitigation measures in our biological report that we believe would adequately protect SWHAs from significant impact, CDFW recommends a number of alternate mitigation measures for the protection of SWHAs.

Recommended Mitigation Measure 3: Focused SWHA Surveys. CDFW recommends that preconstruction surveys follow the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to Project implementation. This survey methodology would increase the number of surveys needed and expand the survey area out to 0.5 miles. Because there is some possibility of SWHA nesting in the project vicinity and CDFW believes their accepted survey protocols are necessary, LOA recommends considering inclusion of Recommended Mitigation Measure 3 in the IS/MND.

Recommended Mitigation Measure 4: SWHA No-Disturbance Buffer. CDFW recommends that any nesting Swainson's hawks found during the survey receive a 0.5-mile avoidance buffer around their nest until the end of the nesting season or until the young have left the nest. Because there is some possibility of SWHA nesting in the project vicinity and CDFW believes their standard avoidance distance of 0.5 miles is necessary, LOA recommends considering inclusion of Recommended Mitigation Measure 4 in the IS/MND.

Recommended Mitigation Measure 5: SWHA Nest Tree Mitigation. CDFW is concerned about the replacement of nest trees potentially removed by project activities. LOA understands that no trees will be removed by project activities. Therefore, this measure is not applicable.

Recommended Mitigation Measure 6: SWHA Take Authorization. CDFW recommends they be consulted if a 0.5-mile no-disturbance buffer can't be maintained around an active SWHA nest to determine alternate avoidance strategies or the possible need for an ITP. LOA recommends considering inclusion of Recommended Mitigation Measure 6 in the IS/MND.

COMMENT 3: Western Burrowing Owl (BUOW)

The California Fish and Game Commission (Commission) 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). BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW year-round for nesting and cover. BUOW may also occur in agricultural areas, ruderal grassy fields,



*vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in the area (Gervais et al. 2008). The Biological Evaluation documents suitable habitat features for BUOW along Yokohl Creek including California ground squirrel (*Otospermophilus beecheyi*) burrows. Potentially significant impacts to nesting and non-nesting BUOW can occur as a result of ground-impacting activity, such as grading and flooding within active and fallow agricultural areas, and as a result of noise, vibration, and other disturbance caused by equipment and crews. Potential impacts associated with Project activities and land conversion 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. In addition, and as described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012), excluding and/or evicting BUOW from their burrows is considered a potentially significant impact under CEQA.*

Recommended Mitigation Measure 7: BUOW Surveys

Where suitable habitat is present on or in the vicinity of the Project site, CDFW recommends that a qualified biologist conduct focused surveys following 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012). Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of the Project. CDFW advises that surveys include a minimum 500-foot survey radius around the Project site.

Recommended Mitigation Measure 8: BUOW Avoidance Buffers

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or Project activities, CDFW recommends that no disturbance buffers, as outlined in the 2012 Staff Report, 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 9: 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 Owl 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.

RESPONSE 3: Western Burrowing Owl (BUOW)

CDFW commented that “BUOW inhabit open grassland containing small mammal burrows, a requisite habitat feature used by BUOW year-round for nesting and cover. BUOW may also occur in agricultural areas, ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in the area (Gervais et al. 2008).” While agricultural land occurs on the Project site in the form of orchards that dominate the Project landscape, orchards are considered unsuitable habitat for BUOWs (Gervais et al. 2008). LOA found no open grassland, ruderal grassy fields, vacant lots, or pastures on the Project site. Furthermore, the few ground squirrel burrows found on or near the site were investigated and exhibited no sign (cough pellets, feathers, whitewash) of burrowing owl use.



Based on the evidence gathered in our investigation and review of scientific databases and literature, LOA's professional opinion is that BUOWs are unlikely to occur on the site and Project impacts to BUOW would be considered less than significant and require no mitigation measures.

COMMENT 4: Crotch's Bumble Bee (CBB)

CBB are known to occur in the vicinity of the Project site (CDFW 2026a). The MND acknowledges the Project is within the known range for CBB, and a review of aerial imagery shows that the Project site and surrounding area supports suitable habitat for the species 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.

Recommended Mitigation Measure 10: CBB Survey

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 a qualified biologist conduct a bumble bee survey using a protocol developed 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 at Project sites.

Recommended Mitigation Measure 11: 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 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.

Recommended Mitigation Measure 12: CBB Take Authorization

If avoidance of take of any CBB is not feasible, take authorization through acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.

RESPONSE 4: Crotch's Bumble Bee (CBB)

CDFW is concerned about significant project impacts to CBB through the loss of foraging habitat or interruption in foraging patterns, or direct impacts to nests or overwintering queens. Their basis



for concern appears to be their belief that suitable habitat in the form of grassland and upland scrub habitat occur on the site and on surrounding lands. While non-native grasses certainly occur on the site, along with a number of other non-native agricultural weed species, LOA's site assessment did not find grassland or upland scrub habitats on the site or on surrounding lands. The Project site was comprised of ruderal/developed lands heavily influenced by the agricultural activity that has occurred on and adjacent to the Project site for over 60 years. The stream channel exhibited a bed of deep sand that supported little to no vegetation. The banks of the stream have also been heavily influenced by agricultural activity through the installation and maintenance of agricultural infrastructure and channel maintenance.

According to the Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety in their 2018 petition to list The Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act, the CBB has experienced more significant declines in the Central Valley than it has at the edges of its range (Hatfield et al. 2015), postulating that intensive agriculture and associated herbicide may be responsible for this pattern.

Because of the general lack of suitable habitat on the Project site and its location within an agricultural landscape the CBB would be unlikely to nest or overwinter. While it is conceivable that a foraging CBB could occasionally be found on the site, as bumble bees can disperse a mile or more from nest sites during foraging excursions, the Project site was found to support low plant diversity and minimal foraging opportunity during LOA's spring field survey. As a result, Project development would have a less than significant impact on CBB due to the loss of foraging habitat or interruption in foraging patterns. LOA does not propose any changes to our assessment that the CBB is unlikely to nest or overwinter on the site and that the Project would not significantly impact nesting or overwintering CBB.

COMMENT 5: Special-Status Bat Species

Habitat features are present along Yokohl Creek that have the potential to support pallid bat, western mastiff bat, and western red bat. Western mastiff bat and pallid bat are known to roost in buildings, caves, tunnels, cliffs, crevices, and trees (Lewis 1994). Western red bat is highly associated with riparian habitat (Peirson et al. 2006). 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 for special-status bat species, 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 of individuals.

Recommended Mitigation Measure 13: Bat Surveys

Where suitable habitat is present, CDFW recommends assessing presence/absence of special-status bat roosts by conducting surveys during the appropriate seasonal period of bat activity.



CDFW recommends methods such as through evening emergence surveys or bat detectors to determine whether bats are present.

Recommended Mitigation Measure 14: 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.

RESPONSE 5: Special-Status Bat Species

CDFW is concerned about significant project impacts to pallid bat, western mastiff bat, and western red bat. Western red bats are not known to occur in the region in which the Project site is located (CDFW 2026, iNaturalist 2026). The nearest recorded observation is approximately 50 miles to the northeast in Fresno (iNaturalist 2026).

Potential roosting habitat for the pallid bat and western mastiff bat were found absent on the Project site. While the Road 220 Bridge is situated within the Project site, the bridge was investigated by a qualified LOA biologist for cracks or crevices that could support pallid bat or western mastiff bat roosting. No roosting opportunity for these species was found on the bridge structure. Furthermore, the Project is not anticipated to disturb the bridge.

Riparian trees in which bats could be roosting were absent from the eastern Project area. The western Project area includes a portion of the canopy of a red gum (*Eucalyptus camaldulensis*) located outside the stream channel. This tree was found to contain no cracks or crevices suitable for pallid bat or western mastiff bat roosting. While the foliage of this tree could theoretically be used by the western red bat for roosting, no significant Project impacts to roosting western red bats would occur because the western red bat is uncommon in the region, at best, and would be unlikely to occur on the Project site. Furthermore, no trees will be impacted (trimmed or removed) by project activities and indirect disturbance to trees in the vicinity is not expected to rise above the ambient disturbance level from agricultural activity and road traffic.

Based on the evidence gathered in our investigation and review of scientific databases and literature, LOA's professional opinion is that pallid bat, western mastiff bat, and western red bat are unlikely to roost on the site. Furthermore, there will be no direct impacts to potential roosting habitat. Project impacts to these bat species would be considered less than significant and require no mitigation measures.

COMMENT 6: Northwestern Pond Turtle (NWPT)

The Project site is within the geographic range for NWPT (Thomson et al. 2016), and a review of aerial imagery shows habitats that NWPT utilize for nesting, overwintering, dispersal, and basking, including streams, ponded areas, irrigation canals, and riparian and upland habitats



are in and within the vicinity of the Project site. NWPT 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 NWPT populations. Without appropriate avoidance and minimization measures for NWPT, 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.

Recommended Mitigation Measure 15: NWPT Surveys

CDFW recommends that a qualified biologist conduct focused surveys for NWPT within 10 days prior to Project implementation, and that focused surveys for nests occur during the egg-laying season of March through August.

Recommended Mitigation Measure 16: NWPT Avoidance and Minimization

CDFW recommends that any NWPT 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 site. If NWPT individuals 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.

RESPONSE 6: Northwestern Pond Turtle (NWPT)

Yokohl Creek carries intermittent flows that can be described as seasonal to ephemeral. The bed of the creek at the Project sites contains deep sands that water can easily infiltrate, reducing the potential for prolonged flows. Analysis of historic aerial imagery (Google 2026) demonstrates only intermittent flows in the stream at the Project site. Aerial imagery from April 2024 and June 2023 also show intermittent artificial sources of water that are introduced into the channel at the eastern Project site from two pipes, one on either side of the channel, with the upstream section of the creek showing dry conditions and flows downstream from this artificial inlet quickly dissipating into the sandy bed and not reaching the western Project site. The stream channel at the Project sites is highly maintained, appears to be regularly utilized for off-road vehicle use, and provides no vegetation cover for NWPT or cover and habitat for prey items such as invertebrates. The intermittent flows appear to be shallow across the Project sites, reducing the possibility of cover for the NWPT gained by retreating to deep water. The nearest documented occurrences of the NWPT are from a stretch of Yokohl Creek approximately 10 air-miles and roughly 15 stream-miles southeast of the Project site in an area that appears to support pockets of perennial inundation surrounded by undeveloped oak woodland (CDFW 2026, iNaturalist 2026). Another occurrence was reported approximately 9 miles northeast of the Project site on the north side of Lake Kaweah, at Greasy Creek in an area supporting perennial waters and surrounded by undeveloped oak woodland (CDFW 2026).

Based on the evidence gathered in our investigation and review of scientific databases and literature, LOA's professional opinion is that NWPT are unlikely to occur on or in close proximity to the Project site due to the absence of suitable aquatic habitat and surrounding developed land



uses offering unsuitable upland habitat. Project impacts to the NWPT would be considered less than significant and require no mitigation measures.

COMMENT 7: Western Spadefoot (WESP)

The Project site is within the known geographic range of western spadefoot (WESP) (CDFW 2026b). WESP occurs primarily in grasslands and valley-foothill hardwood woodlands. Some populations persist for a few years in orchard or vineyard habitats (CDFW 2000). These habitat features are present within the Project site and immediate surrounding area. To evaluate potential impacts to WESP, CDFW recommends conducting the following evaluation of the Project site and implementing the following mitigation measures.

Recommended Mitigation Measure 17: WESP Surveys

CDFW recommends that a qualified biologist conduct a habitat assessment to determine if the Project site and the immediate surrounding area contain habitat suitable to support WESP. If suitable habitat is found, CDFW recommends a qualified biologist conduct focused surveys for WESP within the Project site.

Recommended Mitigation Measure 18: WESP Avoidance

If 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, 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 desiccation cracks and damp soil beneath the surface crust (Baumberger et al., 2020). If any life stage of WESP are observed within the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

RESPONSE 7: Western Spadefoot (WESP)

CDFW commented that WESP occurs primarily in grasslands and valley-foothill hardwood woodlands. Grassland and valley-foothill hardwood woodlands are absent from the Project site and surrounding lands. The nearest grassland or woodland habitat occurs approximately 0.2 miles to the southeast. CDFW also commented that some populations of WESP persist for a few years in orchard or vineyard habitats (CDFW 2000). Orchards have been in place on and around the Project site for over 60 years, far exceeding the “few-years” standard that CDFW cited.

WESP require vernal pools or seasonal ponds for breeding. Baumberger et al. (2019) recorded a mean maximum distance of around 230 feet between breeding and aestivation sites, with an overall maximum of 890 feet. On rare occasions within undeveloped woodland habitats WESP have been documented breeding in pooled areas of stream channels. Vernal pools or seasonal ponds are absent from the Project site or within the WESP’s maximum dispersal distance and the stream channel doesn’t exhibit characteristics conducive to WESP breeding.



LOA does not propose any changes to our habitat assessment for this species, which concluded that WESP would be unlikely to occur on the Project site and that mitigation measures are not warranted.

COMMENT 8: Other State Species of Special Concern (SSSC)

American badger and Northern California legless lizard are known to inhabit grassland and upland shrub areas with friable soils (Williams 1986, Thomson et al. 2016). These species have been documented to occur in the vicinity of the Project site, which supports requisite habitat elements for these species (CDFW 2026a). The MND acknowledges suitable habitat for these species occurs within the Project site. Habitat loss threatens these species (Williams 1986, Thomson et al. 2016), and habitat within and adjacent to the Project represents some of the only remaining undeveloped land in the vicinity, which is otherwise intensively managed for agriculture. 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 19: SSSC Surveys

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 20: SSSC 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 recommends that if these species are found, Project activities in their immediate vicinity cease, allowing individuals to leave the Project site on their own accord

RESPONSE 8: Other State Species of Special Concern (SSSC)

CDFW commented that American badger and Northern California legless lizard are known to inhabit grassland and upland shrub areas with friable soils (Williams 1986, Thomson et al. 2016). Grassland and upland shrub habitat are absent from the Project site and surrounding lands. The nearest grassland or woodland habitat occurs approximately 0.2 miles to the southeast. Orchards have been in place on and around the Project site for over 60 years that have resulted in unsuitable habitat conditions for these species for decades.

LOA does not propose any changes to our habitat assessment for these species, which was sufficient to determine that they would be unlikely to occur on the Project site and that mitigation measures are not warranted.



COMMENT 9: Special-Status Plants

Special-status plant species meeting the definition of rare or endangered under CEQA section 15380 are known to occur in the vicinity of the Project and surrounding area, including the spiny-sepaled button-celery which is documented near the Project site (CDFW 2026a).

Without appropriate avoidance and minimization measures for special-status plants, potential significant impacts associated with subsequent construction include loss of habitat, loss or reduction of productivity, and direct mortality.

Spiny-sepaled button-celery, and many other special-status plant species are threatened by grazing and agricultural, urban, and energy development. Many historical occurrences of these species are presumed extirpated (CNPS 2026). Though new populations have recently been discovered, impacts to existing populations have the potential to significantly impact populations of plant species.

Recommended Mitigation Measure 21: Special-Status Plant Surveys

CDFW recommends that the Project site 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 Natural Communities (CDFW 2018). This protocol, which is intended to maximize detectability, includes the identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

Recommended Mitigation Measure 22: Special-Status Plant Avoidance

CDFW recommends that 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 may be warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species.

Recommended Mitigation Measure 23: Listed Plant Species Take Authorization

If a State-listed plant species is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) is necessary to comply with CESA.

RESPONSE 9: Special-Status Plants

CDFW is concerned with Project impacts to special status plants with a particular concern about Project impacts to the spiny-sepaled button-celery. This plant species occurs in vernal pools or swales within grassland habitat. LOA's investigation found these habitats absent from the Project site and immediately surrounding lands.

LOA's assessment of the site has determined that the Project site provides unsuitable habitats for all regionally occurring special status plant species. LOA does not propose any changes to our



habitat assessment for special status plant species, which was sufficient to determine that special status plant species would be absent from or unlikely to occur on the Project site and that mitigation measures are not warranted.

COMMENT 10: Wetland and Riparian Habitats

Issues and Impacts: The MND acknowledged riparian habitat is associated with Yokohl Creek, and review of aerial imagery shows mature trees and shrubs along Yokohl Creek including the vicinity the of the Project site. CDFW is concerned that Project activities may have the potential to result in temporary and permanent impacts to aquatic and riparian habitat and associated species through habitat conversion, grading, fill, and reducing the amount of surface flow in active stream channels and downstream, as well as reducing the amount of downstream subsurface flow from percolation.

Recommended Mitigation Measure 24: Stream and Wetland Mapping

CDFW recommends that formal stream mapping and wetland delineation be conducted by a qualified biologist or hydrologist, as warranted, to determine the baseline location, extent, and condition of streams (including any floodplain) and wetlands within and adjacent to the Project site. Please note that while there is overlap, State and Federal definitions of wetlands differ, and complete stream mapping commonly differs from delineations used by the United States Army Corps of Engineers specifically to identify the extent of Waters of the U.S. Therefore, it is advised that the wetland delineation identify both State and Federal wetlands in the Project site and surrounding area, and that stream mapping include the full lateral extent of all streams including floodplains, if present, within the Project and surrounding area. CDFW advises that site map(s) depicting the extent of any activities that may affect wetlands, lakes, or streams be included with any Project site evaluations, to clearly identify areas where stream/riparian and wetland habitats could be impacted from Project activities.

Recommended Mitigation Measure 25: Stream and Wetland Habitat Mitigation

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 MND include measures to avoid, minimize, and/or mitigate those impacts. CDFW recommends that impacts to riparian habitat (i.e., biotic and abiotic 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. CDFW recommends that losses to stream and wetland habitats be offset with corresponding riparian and wetland habitat restoration incorporating native vegetation to replace the value to fish and wildlife provided by the habitats lost from Project implementation. If on-site restoration to replace habitats is not feasible, CDFW recommends offsite mitigation by restoring or enhancing in-kind riparian or wetland habitat and providing for the long-term management and protection of the mitigation area, to ensure its persistence.



RESPONSE 10: Wetland and Riparian Habitats

LOA is under contract with the District to perform an aquatic resources delineation (ARD) within the Project site. During this investigation LOA will map all areas exhibiting an ordinary high water mark and wetland boundaries. LOA's preliminary site assessment did not find any areas that appeared to meet wetland criteria and don't anticipate that the ARD investigation will find any wetland areas. As a result, project impacts to wetland ecosystems would be considered less than significant under CEQA.

LOA's preliminary site assessment also found no riparian habitat within the Project site. The only trees and shrubs found on the site were non-native species that included planted pomelo (*Citrus maxima*) and orange (*Citrus x sinensis*) within the onsite orchards; and invasive species that included castor bean (*Ricinus communis*), tree tobacco (*Nicotiana glauca*), tree of heaven (*Ailanthus altissima*), and red gum. The red gum was growing outside the stream bed and bank and outside the Project site with only a portion of the canopy overhanging the Project site. The project would at most require the removal of a few small, invasive castor bean shrubs. Other invasive trees and shrubs would not be impacted. As a result, project impacts to riparian ecosystems would be a less than significant impact under CEQA.

Upon completion of LOA's ARD, LOA advises the District to pursue appropriate approvals from CDFW in the form of a 1602 Notification, the U.S. Army Corps of Engineers (USACE) in the form of a jurisdictional determination of the ARD and preconstruction notification (PCN) if applicable, and the Regional Water Quality Control Board (RWQCB) in the form of a Section 401 permit or Waste Discharge Requirement (WDR), as needed.

It is anticipated that the project will, at a minimum, need a WDR from the RWQCB. Such a permit will require the development of an appropriate restoration plan and compensatory mitigation in the form of credit purchase from a mitigation bank or in-lieu fee program. This will offset the impacts to the stream channel that CDFW is concerned with.

LOA doesn't have the expertise to speak to the overall project impact on the hydrology of the stream channel.

If you have any questions regarding LOA's responses, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Gurule".

Jeff Gurule
Senior Project Manager



REFERENCES

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MONITORING AND REPORTING PROGRAM
YOKOHL CREEK RECHARGE PROJECT
EXETER IRRIGATION DISTRICT

PROJECT DESCRIPTION

The proposed Yokohl Creek Recharge Project (Project) consists of constructing a new concrete check structure in Yokohl Creek to increase the recharge capacity of the reach between the point of introduction of federal contract water into Yokohl Creek and the new structure. The Proposed Project also includes a discharge pipeline into Yokohl Creek near Road 220 that will enable the Exeter Irrigation District to deliver Friant Division, CVP contract waters into the Creek section for recharge purposes.

The recharge structure improvements are to be constructed within the bed and banks of Yokohl Creek. Easements and permits will be required to be obtained to accommodate construction, operation and maintenance of Project improvements.

A Biological Evaluation of the Project area was completed on May 5, 2025, that established the need for mitigation measures to minimize construction related impacts to the biological resources of the area. The California Department of Fish and Wildlife (CDFW) provided recommendations in correspondence dated February 12, 2026, for additional mitigation measures based on its review of the Initial Study for the Project.

NESTING BIRDS AND THEIR NESTS

Nesting birds, their eggs and their nests could potentially inhabit the riparian and non-native grasslands, including the bridge at Road 220 species inhabiting or utilizing adjacent, orchards and lands could potentially be negatively impacted by construction of Project features unless preventive measures are incorporated into the Project design. No nesting birds or nests were observed on the Project site during the conducted reconnaissance survey.

To protect and preserve nesting birds, including the loggerhead shrike and their nests, to avoid any impacts to them and their nests during construction and to meet CDFW and United States Fish and Wildlife Service (USFWS) requirements, the following impact avoidance preventive measures have been incorporated into the Project:

- NB #1. Construction Timing. If feasible, the Project will be constructed outside of the avian nesting season, typically defined as February 1 to August 31 of each year;

- NB #2. Preconstruction Surveys. If Project construction occurs between the period of February 1 and August 31, preconstruction (one-day) surveys shall be conducted by a qualified biologist for nesting birds on the Project site within seven (7) days prior to any construction activity. The survey area will encompass the work area and surrounding lands within 500 feet for raptors and 250 feet for other nesting birds, including the loggerhead shrike. Results of any such preconstruction survey shall be prepared and transmitted to the District prior to initiation of any construction activities; and
- NB #3. Avoidance of Active Nests. If any active nests are observed within or near a construction site, a biologist will establish a suitable construction free buffer around the nest(s). A buffer will be established on the ground with flagging or fencing. The buffer distance will be determined based on species biology site-specific conditions and the level of Project-related disturbance that is anticipated near the nest(s) in question. The buffer will be maintained until the biologist determines that the young birds have fledged and are capable of foraging independently.

SWAINSON'S HAWK

The Biological Evaluation established that the Swainson's Hawk could nest in the vicinity of and forage within the Project area. Suitable nesting sites within the Project area do not exist, but can be found on surrounding lands. The possibility exists that construction activities may affect nesting Swainson's Hawks. To protect the Swainson's Hawk from construction-related disturbances, the following impact avoidance preventative measures are incorporated into the Project:

- SH #1. Construction Timing. If feasible, Project construction will be delayed to occur entirely outside the Swainson's Hawk nesting season, typically defined as February 1 through August 31 of each year;
- SH #2. Focused Preconstruction Swainson's Hawk Surveys. If Project construction occurs between the period of March 1 and August 31, a qualified biologist will conduct a pre-construction survey for Swainson's Hawk nesting on and within ½ mile of the Project site. A qualified biologist will conduct surveys for nesting Swainson's Hawk using the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000) prior to Project construction. The SWHA TAC survey protocol includes early season surveys to assist in implementing necessary avoidance and minimization measures and in identifying active nest sites prior to initiating ground-disturbing activities. If ground-disturbing activities are to take place during the nesting season of March 1 through August 31, additional pre-activity surveys for active nests will be

conducted by a qualified biologist no more than ten (10) days prior to the start of Project construction activities;

- SH #3. Establishment of Buffer Zone. If Project-specific activities are to take place during the Swainson's Hawk nesting season (i.e. February 1 through August 31), and active Swainson's Hawk nests are present, a minimum no-disturbance buffer of ½-mile will be delineated around active nests 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. These measures are to prevent nest abandonment and other take of Swainson's Hawk as a result of Project activities; and
- SH #4. Take Authorizations. In the event an active Swainson's Hawk nest is detected and maintaining a ½-mile buffer is not feasible, consultation with CDFW will be conducted to discuss how to implement the Project and avoid the take of Swainson's Hawk. If a 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), will be completed to comply with the California Endangered Species Act (CESA).