



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*MEGHAN HERTEL, Director*



April 2, 2026

Judith Lopez  
California Department of Transportation  
2015 East Shields Avenue, Suite 100  
Fresno, California 93726  
(559) 240-5068  
[judith.lopez@dot.ca.gov](mailto:judith.lopez@dot.ca.gov)

**Subject: KIN 41 Drainage Restoration 06-1E950 (Project)  
Initial Study with Proposed Negative Declaration (Initial Study)  
State Clearinghouse Number: 2026030130**

Dear Judith Lopez:

The California Department of Fish and Wildlife (CDFW) received an Initial Study (IS) with proposed Negative Declaration (ND) from the California Department of Transportation (Caltrans) for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 projects and related activities that have the potential to adversely affect fish and wildlife resources.

---

<sup>1</sup> 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.

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 2

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. 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 may be required.

**Bird Protection:** CDFW has jurisdiction over actions with the potential to result in the disturbance or destruction of active nest sites or unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs, or nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

**Unlisted Species:** Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Project.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Caltrans

**Objective:** The Project proposes to repair and replace 49 existing drainage culverts in Kings County on State Route (SR) 33, 41, 43, 198, and 269. Culvert work includes cured-in-place liner and adding flared end sections at the culvert inlets and outlets. In addition, improvements would be made to drainage inlets, headwalls, dikes, electrical conduits, concrete joint structures, and digouts.

**Location:** The proposed Project is located at various locations on SR: 33, 41, 43, 198, and 269 in Kings County, California.

**Timeframe:** Construction of the proposed Project is anticipated to take about 180 working days, beginning in April 2028.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist Caltrans in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Due to the broad geographic scope of the proposed Project, CDFW’s comments are based on the possibility that Project activities may occur at any location along the highways listed in the IS/ND, within Kings County. Editorial comments or other suggestions may also be

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 3

included to improve a subsequent CEQA document if additional CEQA review is conducted for the Project.

**Special-Status Species:** Given the countywide nature of the Project, there is the potential for the Project to impact a variety of State-listed species. These resources may need to be evaluated and addressed in the ND and prior to Project construction. CDFW has concerns about the following special-status species that the proposed Project may significantly impact, either because they were not identified in the IS/ND or CDFW has additional concerns about Project impacts and avoidance of unauthorized take, including, but not limited to, the State and federally endangered Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*); the State threatened San Joaquin antelope squirrel (*Ammospermophilus nelsoni*); the State threatened and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*); the State threatened Swainson's hawk (*Buteo swainsoni*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumblebee (*Bombus crotchii*); and the State species of special concern and federally proposed threatened northwestern pond turtle (*Actinemys marmorata*).

CDFW advises that the special-status species be addressed with appropriate avoidance and minimization measures. If take could occur as a result of Project implementation, consultation with CDFW would also be warranted. The special-status species listed below have the greatest chance to be impacted by the Project, or the IS/ND did not address sufficient proposed avoidance and mitigation measures:

### **Tipton Kangaroo Rat (TKR)**

The Project is partially within the geographic range of TKR and a recent occurrence not yet published is located within 0.5 miles of the Project area on SR 41 (unprocessed CDFW California Natural Diversity Database (CNDDDB) report). Suitable TKR habitat includes areas of grassland, upland scrub and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. Habitat loss resulting from agricultural, urban and industrial development is the primary threat to TKR. TKR occupies similar habitat to the giant kangaroo rat (*Dipodomys ingens*) for which very little suitable habitat for these species remains along the edges of the southern San Joaquin Valley floor (CSU Stanislaus 2026).

#### **Recommended Mitigation Measure 1: TKR Surveys**

To determine if TKR currently occupy the Project area, CDFW recommends that a qualified biologist conduct a habitat assessment for TKR within and near the Project area as part of the biological studies conducted in support of the ND. CDFW also recommends that focused protocol-level live trapping surveys be conducted in all areas of suitable habitat, and that a trapping plan be submitted to CDFW for review prior to implementation of such trapping efforts. The trapping plan should also follow the United States Fish and Wildlife Service (USFWS) (2013) "Survey Protocol for Determining Presence of San Joaquin Kangaroo Rats" survey protocol. CDFW

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 4

recommends that these surveys be conducted by a qualified biologist who holds a CDFW Memorandum of Understanding for TKR. CDFW further recommends that these surveys be conducted between April 1 and October 31, when kangaroo rats are most active, and well in advance of ground-disturbing activities in order to determine if impacts to TKR could occur.

**Recommended Mitigation Measure 2: TKR Avoidance Buffer** In the absence of trapping surveys, CDFW recommends that where suitable habitat occurs within range of the species, that a 50-foot minimum no-disturbance buffer is maintained around all small mammal burrow entrances.

**Recommended Mitigation Measure 3: TKR Take Authorization**

TKR activity or detection warrants consultation with CDFW to discuss how to 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.

**San Joaquin Antelope Squirrel (SJAS)**

The Project area is partially within the known geographic range of SJAS (CDFW 2026). Suitable SJAS habitat includes areas of grassland, upland scrub and alkali sink habitats that contain requisite habitat elements, such as small mammal burrows. SJAS are also known to sometimes occur in disturbed areas, including along roadsides.

**Recommended Mitigation Measure 4: SJAS Surveys**

In order to determine if SJAS currently occupy the Project area, CDFW recommends that a qualified biologist conduct a habitat assessment for SJAS within and near the Project area as part of the biological studies conducted in support of the ND. If suitable habitat is determined to be present, CDFW recommends that a qualified biologist conduct focused daytime visual surveys for SJAS in areas of suitable habitat as part of the biological studies conducted in support of the ND. Such surveys should be conducted by qualified biologists using 10- to 30-meter transect spacing, and surveys should occur between April 1 and September 20, during temperatures of 68°F– 86°F, with no more than 80% cloud cover and no rain/fog.

**Recommended Mitigation Measure 5: SJAS Take Authorization**

Should focused visual surveys or other observations detect the potential presence of SJAS in the Project area vicinity, CDFW recommends that consultation with CDFW occur to discuss how to implement the Project and avoid take as a result of Project activities. 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.

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 5

### **San Joaquin Kit Fox (SJKF)**

The Project is within the known geographic range of SJKF and the IS/ND has determined that there is potentially suitable SJKF habitat within the Project area. SJKF may be attracted to any construction area due to the type and level of activity (pipes, excavation, etc.) and the loose, friable soils that are created as a result of intensive ground disturbance. The IS/ND indicated that the Project would consult with the USFWS, but did not indicate consultation with CDFW, to discuss potential take. Some of the avoidance and minimization measures in the IS/ND would constitute take as defined by Fish and Game Code section 86. Based on this information, CDFW recommends that the Project proponent acquire a State ITP for SJKF prior to any ground-disturbing activities, pursuant to Fish and Game Code section 2081, subdivision (b).

**Recommended Mitigation Measure 6: SJKF Surveys** CDFW recommends that a qualified biologist assess presence/absence of SJKF by conducting surveys following the USFWS “Standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance” (USFWS 2011) (USFWS Protocol). Specifically, CDFW recommends conducting these surveys over the entirety of the Project area no less than 14 days and no more than 30 days prior to beginning ground and/or vegetation disturbing activities. CDFW also recommends a qualified biologist conduct on-site worker awareness training and inspect all construction materials for SJKF before use.

#### **Recommended Mitigation Measure 7: SJKF Avoidance Buffer**

CDFW recommends implementing no-disturbance buffers around potentially suitable or known den sites as described in the USFWS Protocol.

#### **Recommended Mitigation Measure 8: SJKF Take Authorization**

In the event that SJKF is detected during surveys and an ITP has not been obtained, consultation with CDFW is recommended to discuss how to 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.

### **Swainson’s Hawk (SWHA)**

The Project area is within the known geographic range of SWHA (CDFW 2026). The IS/ND identifies that there may be potential SWHA nesting trees within 0.5 miles of the Project area. The SWHA measures proposed in the IS/ND are not sufficient to prevent take of SHWA if they are nesting near the Project area during Project activities. Without appropriate avoidance and minimization measures for SWHA, potentially significant impacts associated with the Project’s activities include reduced reproductive success, reduction in health and vigor of eggs and/or young, and direct mortality of individuals.

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 6

Given the presence of suitable nesting habitat near the Project area, CDFW recommends the following mitigation measures be added to the ND for SWHA.

**Recommended Mitigation Measure 9: SWHA Avoidance Buffer**

If Project-specific activities will take place during the SWHA nesting season (i.e., March 1 through September 15), and active SWHA nests are present, CDFW recommends a minimum ½-mile no-disturbance buffer be delineated and maintained around each nest, regardless of whether it was detected by surveys or observed incidentally. CDFW recommends these buffers remain in place until the breeding season has ended; or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival; and to prevent nest abandonment and other take of SWHA as a result of Project activities.

**Recommended Mitigation Measure 10: SWHA Take Authorization**

CDFW also recommends that in the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an ITP pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA.

**Western Burrowing Owl (BUOW)**

The Project site is within the known geographic range of BUOW, and the IS/ND identifies that a BUOW individual was active near the Project area during early visual surveys. BUOW typically inhabit open grasslands containing small mammal burrows, a requisite habitat feature used by BUOW for nesting and cover. BUOW may also use “man-made burrows” such as pipes or culverts. Based on aerial imagery the Project area and adjacent areas contain suitable habitat for BUOW overwintering and foraging.

The California Fish and Game Commission (Commission) approved western burrowing owl (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 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).

**Recommended Mitigation Measure 11: BUOW Surveys**

To evaluate potential Project impacts to BUOW, CDFW recommends that a qualified biologist conduct surveys during the breeding season (February 1 to August 31) for BUOW following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFG 2012) within at least 500 meters (1,640 feet) of the Project site as part of the biological studies are conducted in support of the Initial Study. CDFW recommends assessing presence/absence of BUOW on the Project are, as well as a 500-meter buffer surrounding the Project, by having a qualified biologist conduct

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 7

surveys for BUOW following the 2012 Staff Report the survey season immediately prior to Project initiation.

**Recommended Mitigation Measure 12: BUOW Avoidance Buffer**

Given that a BUOW was found near the project area on SR 41, should a BUOW individual or known BUOW burrow (active or inactive, including overwintering) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no-disturbance buffers, as outlined in the 2012 Staff Report, be implemented prior to and during any ground-disturbing activities.

**Recommended Mitigation Measure 13: BUOW Take Authorization**

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

**Crotch's Bumble Bee (CBB)**

The Project site is within the known geographic range of the State candidate Crotch's bumble bee (CBB), a recent occurrence is located within 1 mile of the Project area on SR 198 (CDFW 2026), and biological surveys in support of the Initial Study identified CBB within the Project survey area. CBB inhabits a variety of habitats, including grasslands, scrublands, openings in woodlands, and areas with bare ground such as vacant lots, dirt roads, and levees (Xerces Society et al. 2018). CBB uses requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses, which may be present in or near the Project site. CBB may forage on plants commonly found along roadsides in the Project vicinity (including non-native thistles [*Centaurea* spp., *Carduus* spp., *Cirsium* spp.] California poppy [*Eschscholzia californica*], buckwheats [*Eriogonum* spp.], and sages [*Salvia* spp.]) and suitable nesting habitat may be found in the vicinity of the Project area.

**Recommended Mitigation Measure 14: CBB Surveys**

CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the Project area following the methodology outlined in the "Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species" (CDFW 2023), during the blooming period immediately prior to Project initiation.

**Recommended Mitigation Measure 15: 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 CBB are detected during surveys and ground-disturbing activities will occur during the overwintering to nesting period (year-round,

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 8

except possibly September), consultation with CDFW is warranted to discuss how to implement Project activities and avoid take. Any detection of CBB prior to or during Project implementation warrants consultation with CDFW to discuss how to avoid take.

**Recommended Mitigation Measure 16: CBB Take Authorization**

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.

**Northwestern Pond Turtle (NWPT)**

The Project area is partially within known geographic range of NWPT and there is a historical occurrence within 1 mile of the Project area near the Kings River (CDFW 2026). 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 pond turtle populations.

**Recommended Mitigation Measure 17: NWPT Surveys**

In areas of suitable habitat, 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 18: NWPT Avoidance Buffer**

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 areas. If NWPT individuals are discovered at the area during surveys or Project activities, CDFW recommends that they be allowed to move out of the area of their own volition without disturbance.

**Editorial Comments and/or Suggestions**

**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 features capable of supporting species. A lack of an occurrence record 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) using the appropriate protocol survey methodology are warranted to determine whether any special-status species are present at or near the Project area.

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 9

**Federally Listed Species:** CDFW recommends consulting with the USFWS regarding potential impacts to federally listed or proposed species. The Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA 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 FESA is advised well in advance of any Project activities.

**Cumulative Impacts:** CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the Project, even if those impacts are relatively small (i.e., less than significant). Cumulative impacts are recommended to be analyzed using an acceptable methodology to evaluate the impacts of this Project's incremental contribution to habitat loss and past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. The cumulative impacts analysis should specifically include all past, present, and foreseeable projects in the Project vicinity. An appropriate resource study area should also be identified and mapped for each resource being analyzed and utilized for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

**Nesting birds:** CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 1 through September 15), 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 in this letter.

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

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 10

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, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified wildlife biologist counsel and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**Lake and Streambed Alteration Agreement:** Project activities that will substantially change the bed, bank, and channel of streams and associated wetlands are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires 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; (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 or intermittent as well as those that are perennial. It is important to note that if Project activities require notification, CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration (LSA) Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts, a subsequent CEQA analysis may be necessary for LSA Agreement issuance. For additional information on notification requirements, please contact our staff in the Caltrans Liaison Unit at [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov) and the CDFW website: <https://wildlife.ca.gov/Conservation/LSA>.

## 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](mailto: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>.

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 11

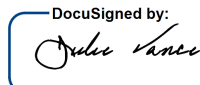
## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

## CONCLUSION

CDFW appreciates the opportunity to comment on the Initial Study to assist Caltrans in identifying and mitigating Project impacts on biological resources. Please see the enclosed Mitigation Monitoring and Reporting Program (MMRP) table (Attachment 1) which corresponds with the recommended mitigation measures in this comment letter. If you have any questions, please contact Grant Piepkorn, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 807-1459, or by electronic mail at [Grant.Piepkorn@wildlife.ca.gov](mailto:Grant.Piepkorn@wildlife.ca.gov).

Sincerely,

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

Attachment (MMRP)

ec: State Clearinghouse  
Land Use and Climate Innovation  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Judith Lopez  
California Department of Transportation  
April 2, 2026  
Page 12

## REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. Sacramento, California, USA.

California Department of Fish and Wildlife (CDFW). 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed March 12, 2026.

\_\_\_\_\_. 2023. Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species. Sacramento, California, USA.

CSU Stanislaus. 2026. Endangered Species Recovery Program, Species Profile for giant kangaroo rat. <https://esrp.csustan.edu/speciesprofiles/profile.php?sp=diin>. Accessed 18 March 2026.

Thomson, R. C., A. N. Wright, and H. B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. California Department of Fish and Wildlife and University of California Press.

U.S. Fish and Wildlife Service. 2011. Standard Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California.

Xerces Society for Invertebrate Conservation (Xerces Society), Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the state of California fish and game commission to list the Crotch's 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. October 2018.

# Attachment 1

Judith Lopez  
 California Department of Transportation  
 April 2, 2026  
 Page 13

**Attachment 1**

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

**PROJECT: KIN 41 Drainage Restoration (06-1E950)  
 Initial Study with Proposed Negative Declaration  
 State Clearinghouse No.: 2026030130**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Tipton kangaroo rat (TKR)	
Recommended Mitigation Measure 1: TKR surveys	
Recommended Mitigation Measure 3: TKR take authorization	
San Joaquin antelope squirrel (SJAS)	
Recommended Mitigation Measure 4: SJAS surveys	
Recommended Mitigation Measure 5: SJAS take authorization	
San Joaquin kit fox (SJKF)	
Recommended Mitigation Measure 6: SJKF surveys	
Recommended Mitigation Measure 8: SJKF take authorization	
Swainson's hawk (SWHA)	
Recommended Mitigation Measure 9: SWHA take authorization	
Western burrowing owl (BUOW)	
Recommended Mitigation Measure 11: BUOW breeding season surveys	
Recommended Mitigation Measure 11: BUOW pre-construction Surveys	
Recommended Mitigation Measure 13: BUOW take authorization	
Crotch's bumblebee (CBB)	
Recommended Mitigation Measure 14: CBB pre-construction surveys	
Recommended Mitigation Measure 16: CBB take authorization	

Judith Lopez  
 California Department of Transportation  
 April 2, 2026  
 Page 14

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Northwestern pond turtle (NWPT)	
Recommended Mitigation Measure 17: NWPT surveys	
<i>During Construction</i>	
TKR	
Recommended Mitigation Measure 2: TKR avoidance buffer	
SJKF	
Recommended Mitigation Measure 7: SJKF avoidance buffer	
SWHA	
Recommended Mitigation Measure 10: SWHA avoidance buffer	
BUOW	
Recommended Mitigation Measure 12: BUOW avoidance buffer	
CBB	
Recommended Mitigation Measure 15: CBB avoidance buffer	
NWPT	
Recommended Mitigation Measure 18: NWPT avoidance buffer	