



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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April 6, 2026

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**Subject: Fournier Road Improvement Project (Project)  
Draft Initial Study (IS) and Mitigated Negative Declaration (MND)  
State Clearinghouse No.: 2026030195**

Dear Matiel Holloway:

The California Department of Fish and Wildlife (CDFW) received an IS / MND from Mariposa County (County) for the above referenced Project pursuant 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 the 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

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<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.

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habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include 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:** County of Mariposa

**Objective:** The Project proposes to widen and improve Fournier Road. Road construction would span the entire length of the roadway and would include widening the roadway to two 12-foot travel lanes. The proposed Project also includes new pavements, construction of a sidewalk, curb and gutter, detention basin, a bridge over Mariposa Creek, on-street parking adjacent to the cemetery, and striping at the intersection with Antone Road. The proposed Project would also include grading, right-of-way dedication, and relocation of utilities.

**Location:** The Project site is located in the unincorporated community of Mariposa, in south-central Mariposa County. The 1.93-acre Project site consists of approximately 0.23 mile of roadway that spans the length of Fournier Road, located south of State Route (SR) 49, and a culverted crossing

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over the Mariposa Creek channel. The Project site begins approximately 200 feet south of the Antone Road/Fournier Road intersection on the southern end and extends northeast to the intersection of Fournier Road and Joe Howard Street. The Project site is located partially within Assessor's Parcel Numbers (APNs) 013-230-044, 013-230-010, and 012-240-020.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the MND prepared for this Project.

The MND notes the Project site has an elevation ranging from 1,988 feet above sea level near Mariposa Creek to 2,040 feet above sea level on the northern portion of the Project site. The MND also notes the Project site is generally bound by Joe Howard Street on the north, single-family residential land uses and vacant land on the west, a cemetery on the east, and Creekside Terrace apartment complex and vacant land on the south. Fournier Road, located within the Project site, is approximately 20 feet wide and crosses over Mariposa Creek which is approximately 80 feet wide. An existing culverted crossing is located along Mariposa Creek. The MND notes that annual grassland and interior live oak (*Quercus wislizeni*) - gray pine (*Pinus sabiniana*) woodland is present within the habitat areas surrounding Fournier Road and Mariposa Creek. Riparian habitat, comprised mainly of red willow (*Salix laevigata*) woodland, is present within Mariposa Creek and a tributary drainage in the southern section of the Project site.

Currently, the MND acknowledges that the Project site is within the geographic range of several special-status animal species and proposes specific mitigation measures to reduce impacts to less than significant. CDFW has concerns about the ability of some these measures to reduce impacts to less than significant and avoid unauthorized take for several special-status animal species, including but not limited to, the State and federally endangered foothill yellow-legged frog-south Sierra Distinct Population Segment (DPS) (*Rana boylei* pop.5); the State candidate Crotch's bumble bee (*Bombus crotchii*); and special-status plant species including but not limited to, the State threatened Mariposa Lupine (*Lupinus citrinus* var. *deflexus*).

### Foothill Yellow-Legged Frog

The Project site is within the geographic range of foothill yellow-legged frog (FYLF) and the MND states Mariposa Creek may provide potentially suitable breeding and dispersal habitat for FYLF during high flow seasons. The MND includes Mitigation Measures (MM) BIO-1 to mitigate for potential significant impacts to FYLF, which restricts work within Mariposa Creek during the wet season, requires a worker awareness program, requires a qualified biologist to conduct a preconstruction

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survey no more than 5 days prior to construction activities and be present during dewatering and diversion activities, and includes the installation of exclusion fencing with a qualified biologist present and monitoring. MM BIO-1 also requires consultation with CDFW if FYLF is detected during construction or surveys. CDFW concurs with the majority of MM BIO-1 but does not concur that a single preconstruction survey is sufficient to detect FYLF, if present, nor is it sufficient to adequately determine the potential Project-related impacts to the species. Additionally, implementation of FYLF exclusion fencing, without conducting adequate surveys to confirm absence of the species from the Project site, would have the potential to result in the unauthorized take of the species absent an Incidental Take Permit (ITP). As such, CDFW recommends MM BIO-1 be modified to ensure that preconstruction surveys are in accordance with the Considerations for Conserving the Foothill Yellow-Legged Frog (CDFW 2018) survey document, and that surveys are conducted within, upstream, and adjacent to the Project site.

### **Crotch's Bumble Bee**

The Project site is within the known geographical range of Crotch's bumble bee (CBB), and a historical occurrence was documented within 6 ½ miles of the Project site (CDFW 2026). CBB are known to inhabit areas of grasslands and scrub that contain requisite habitat elements for nesting, such as small mammal burrows and bunch/thatched grasses. The Project site may contain sufficient habitat for CBB nesting and foraging. The MND acknowledges the Project is within the range of CBB and notes that suitable nesting habitat is unlikely as hive habitat is lacking, although it does not appear that a robust habitat assessment was conducted. Additionally, based on a review of aerial imagery, it appears that the habitat within and surrounding Mariposa Creek would likely have sufficient nesting habitats. As such, CDFW recommends the MND include the following measures:

#### **Recommended Mitigation Measure 1: CBB Habitat Assessment**

CDFW recommends a qualified biologist conduct a habitat assessment to determine if the entire Project site and the immediate surrounding vicinity contain habitat suitable to support CBB. Potential nesting sites, which include all small mammal burrows, perennial bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, and hollow logs would need to be documented as part of the assessment.

#### **Recommended Mitigation Measure 2: CBB Focused Surveys**

If potentially suitable habitat is identified, regardless of what time of year Project activities will be conducted, CDFW recommends that a qualified biologist conduct 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).

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**Recommended Mitigation Measure 3: 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 has been detected during appropriate surveys and ground-disturbing activities will occur, 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 4: CBB Take Authorization**

If take cannot be avoided, CDFW recommends acquiring an ITP pursuant to Fish and Game Code Section 2081(b), prior to initiating ground-disturbing activities.

**Special-status Plants**

The MND notes that a reconnaissance-level botanical survey was performed on February 3, 2025, to map and classify the vegetation communities and land cover types present within the Project site. The survey was to determine the potential to support special-status species as the MND states, "The objective of the survey was not to extensively search for every species occurring within the action area but to ascertain general site conditions and identify whether existing vegetation communities provide suitable habitat for special-status plant or wildlife species." Based on the information in the MND, no focused botanical surveys were conducted and the MND did not include any mitigation measures to mitigate for potential impacts to special-status plants. CDFW has concerns that the reconnaissance-level survey conducted to inform the MND did not occur within the typical bloom period for many of the special-status plant species that may be present within or adjacent to the Project site. As such, CDFW recommends the MND include the following measures:

**Recommended Mitigation Measure 5: Special-status Protocol Plant Surveys**

CDFW recommends that a qualified biologist perform protocol surveys for special-status plants within the Project area prior to the start of Project activities, 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 identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period.

**Recommended Mitigation Measure 6: Special-status Plants Avoidance Buffer**

If special-status plants are identified in the Project site, CDFW recommends special-status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s), specific habitat type(s) required by special-status plant species, and sensitive natural community. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation

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measures for impacts to special-status plant species. If State endangered, threatened, or rare plants are identified during special-status plant surveys, consultation with CDFW is recommended. If take cannot be avoided, then to ensure compliance with CESA and the NPPA, CDFW recommends consultation with CDFW for acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b) and/or California Code of Regulations, Title 14, section 786.9, subdivision (b).

### **Editorial Comments and/or Suggestions**

**Nesting Birds:** CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), 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 Code sections as referenced above.

CDFW recognizes MM BIO-4 for potential Project-related impacts to nesting birds that states, "The nesting season typically runs from February 1 through August 31." CDFW recommends modifying the nesting season in MM BIO-4 to February 1 through September 15 to appropriately identify potential active nests within the Project site.

If the nesting season cannot be avoided, CDFW recommends that a qualified biologist conduct a pre-construction survey 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 site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified 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 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 a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by

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topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

**Lake and Streambed Alteration:** The MND states that the proposed bridge construction over Mariposa Creek will be designed to ensure water remains within the regulatory floodway boundaries during rain fall events and further explains, "The proposed project would also include channel improvements and a Streambed Alteration Permit to ensure regulatory compliance." CDFW concurs these Project activities are likely subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Project activities that substantially change the bed, bank, and channel of any river, stream or lake 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 (including the removal of riparian vegetation); (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement; therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for Lake or Streambed Alteration Agreement issuance. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

**California Natural Diversity Database (CNDDDB) Positive Submission of Data:** Please note that the California Natural Diversity Database (CNDDDB) is populated by voluntary submission records 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 in the CNDDDB does not mean a species is not present. In order to adequately assess any potential Project-related impacts to biological resources, surveys conducted by a qualified wildlife biologist/botanist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

## **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

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any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

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

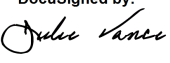
## FILING FEES

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

## CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources. A Mitigation and Monitoring Program (MMRP) (Attachment 1) is included to assist the County with incorporating the recommended mitigation measures provided above. Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453 [john.riedel@wildlife.ca.gov](mailto:john.riedel@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

## ATTACHMENT 1- MMRP Table

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## **References**

California Department of Fish and Wildlife. 2018. Considerations for conserving the foothill yellow-legged frog. Sacramento, California, USA.

California Department of Fish and Wildlife. 2018. Protocols for surveying and evaluating impacts to special-status native plant populations and sensitive natural communities. Sacramento, California, USA.

California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. Sacramento, California, USA.

California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 23 March 2026.

# Attachment 1

**Attachment 1**

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

**PROJECT: Fourmier Road Improvement Project**

**SCH No.: 2026030195**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i><b>Before Disturbing Soil or Vegetation</b></i>	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 1:</b> CBB habitat assessment	
<b>Recommended Mitigation Measure 2:</b> CBB protocol surveys	
<b>Recommended Mitigation Measure 4:</b> CBB take authorization	
Special-status Plants (SSP)	
<b>Recommended Mitigation Measure 5:</b> SSP protocol surveys	
<i><b>During Construction</b></i>	
Crotch's Bumble Bee (CBB)	
<b>Recommended Mitigation Measure 3:</b> CBB avoidance buffer	
Special-Status Plants (SSP)	
<b>Recommended Mitigation Measure 6:</b> SSP avoidance buffer	