



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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April 16, 2026

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Subject: Costco Cold Storage Project, Notice of Preparation of Draft Environmental Impact Report, SCH No. 2026030861, San Joaquin County

Dear Genevieve Federighi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the City of Tracy for the Costco Cold Storage Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate 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 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 (LSA) 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.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86.) CDFW’s issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent’s obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through horizontal directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

PROJECT DESCRIPTION SUMMARY

Proponent: Costco Wholesale Corporation

Objective: The objective of the Project is to develop an approximately 567,075-square-foot cold distribution center. Primary Project activities include the removal of existing fallow orchard trees and development of a single-story distribution center, shipping and truck-receiving loading docks located on the north and south sides of the building, employee parking, a 10 acre-feet regional stormwater ponding area, vehicular and pedestrian circulation improvements, and utilities.

Location: The Project is located at 26301 Hansen Road in unincorporated San Joaquin County, California, approximately 0.3 miles south of the Tracy limits at Schulte Road.

Timeframe: Timeframe not provided.

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The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to the below information.

- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- The total number and species of trees to be removed.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:<https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City of Tracy or San Joaquin County may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to the species listed below:

Common Name	Scientific Name	Status
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	ST, FT
American badger	<i>Taxidea taxus</i>	SSC
Burrowing owl	<i>Athene cunicularia</i>	SC, SSC
California red-legged frog	<i>Rana draytonii</i>	SSC
California tiger salamander	<i>Ambystoma californiense pop. 1</i>	ST, FT
Coast horned lizard	<i>Phrynosoma blainvillii</i>	SSC
Crotch's bumble bee	<i>Bombus crotchii</i>	SC
Golden eagle	<i>Aquila chrysaetos</i>	SP
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC

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Northern harrier	<i>Circus hudsonius</i>	SSC
Northwestern pond turtle	<i>Actinemys marmorata</i>	SSC, FC
San Joaquin coachwhip	<i>Masticophis flagellum ruddocki</i>	SSC
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	ST, FE
Short-eared owl	<i>Asio flammeus</i>	SSC
Swainson's hawk	<i>Buteo swainsoni</i>	ST
Tricolored blackbird	<i>Agelaius tricolor</i>	ST, SSC
Western spadefoot	<i>Spea hammondi</i>	SSC, FC
White-tailed kite	<i>Elanus leucurus</i>	SP

Notes:

FT = listed as threatened under the federal Endangered Species Act; FE = listed as endangered under the federal Endangered Species Act; FC = candidate for listing under the federal Endangered Species Act; ST = listed as threatened under CESA; SE = listed as endangered under CESA; SC = candidate for listing under CESA; SSC = state species of special concern; SP = state listed as fully protected.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Only with sufficient data and information can the City of Tracy adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Changes in hydrological conditions that could alter the timing and magnitude of streamflows both during construction and operation of the Project;
- Potential for impacts to special-status species;

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- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City of Tracy, as the lead agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*) may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid take of fully protected species.

COMMENTS AND RECOMMENDATIONS

Based on the information provided in the NOP, CDFW offers the comments and recommendations below to assist the City of Tracy in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and/or indirect impacts on fish and wildlife (biological) resources. **These comments and recommendations are not an exhaustive list and CDFW may provide additional recommendations as more Project specific information is disclosed. The draft EIR must include a full Project Description, Environmental Setting, and Impact Analysis and Mitigation Measures as outlined above.** Editorial comments or other suggestions may also be included to improve the document.

COMMENT 1: San Joaquin Kit Fox Habitat Connectivity

Issue: Project implementation may potentially prevent, degrade, or otherwise alter the use of the land between the Delta-Mendota Canal and the California Aqueduct as a wildlife

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movement corridor. Of particular concern is the potential impact of Project construction and operation upon the movement of San Joaquin kit fox within the already-restricted habitat found in the northernmost reach of its historic range.

The range of San Joaquin kit fox extends from southern Kern County north into Contra Costa County (USFWS 2025). San Joaquin kit fox populations have been fragmented by habitat conversion along the San Joaquin Valley floor, which limits dispersal and genetic flow between populations (Williams et. al. 1998). Habitat fragmentation is cited as one of the primary threats to extant populations (Williams et. al. 1998). Maintaining connectivity to areas of historically suitable habitat is critical to ensure current and future populations' abilities to move and adapt to a changing climate and habitat conditions, and to ensure gene flow between populations of San Joaquin kit fox. As such, conserving viable movement corridors for San Joaquin kit fox has been identified as key to conservation efforts for the species (Clark et. al. 2007; Jones & Stokes 2006).

The Project site is located between the California Aqueduct and the Delta-Mendota Canal, and habitat suitability modeling for kit fox published by CWHR [ds2599] indicates that there is "high suitability" habitat on land within and immediately adjacent to the Project site (CDFW 2026). This habitat appears to correlate with a narrow section of grassland habitat that is thought to be critical for San Joaquin kit fox populations in the northern extent of their range (Swick 1973; Clark et. al. 2007; Orloff et. al. 1986). For these reasons, there appears to be potential for San Joaquin kit foxes to disperse through habitat adjacent to, and potentially within, the Project site. Development within this area may restrict access to the northern portion of the range of the species and potentially contribute to further fragmentation of extant or future populations. The draft EIR should evaluate the potential impacts of the Project construction and operation on connectivity and design strategies to mitigate any such impacts.

Evidence Impact Would Be Significant: San Joaquin kit fox is listed as threatened pursuant to the CESA and endangered pursuant to the federal Endangered Species Act. San Joaquin kit fox is rare, threatened, or endangered under CEQA and as such, if the Project has the potential to substantially reduce the number, or restrict the range of San Joaquin kit fox, this is a mandatory finding of significance pursuant to Cal. Code Regs. Tit. 14 § 15065.

Recommendations: CDFW recommends that the draft EIR evaluate the potential impacts of Project construction and ongoing operations to San Joaquin kit fox movement and habitat connectivity. This evaluation should assess the Project's individual impacts to San Joaquin kit fox movement, the Project's contribution to cumulative impacts to San Joaquin kit fox connectivity resulting from ongoing development within this area between the Delta-Mendota Canal and the California Aqueduct, and an analysis of the potential of Project implementation to restrict the range of the species. Pursuant to the Cal. Code Regs. Tit. 14, § 15065(c), if the City of Tracy determines that the Project has the potential to substantially restrict the range of an endangered, rare, or threatened species such as San Joaquin kit fox, the draft EIR should also evaluate the feasibility of alternatives or mitigation measures to substantially lessen or avoid the impact. Such changes should either be adopted in the draft EIR, or a statement of overriding considerations should be adopted. CDFW further recommends that any potential San Joaquin kit fox corridors identified within the Project area are managed as grassland habitats.

In conjunction with this analysis of potential impacts to wildlife movement, CDFW recommends the draft EIR assess compliance with AB 1889 and provide recommendations for local policy integration. The City of Tracy has the opportunity to plan how this corridor will develop in the coming decades and therefore has the potential to plan for full avoidance and continuous and unobstructed use of this corridor for wildlife movement.

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COMMENT 2: Nesting Birds

Issue: The Project has the potential to result in the take of nesting birds. Tree removal may result in the direct mortality of nesting birds through habitat removal, and construction activities including grading, ground disturbance, operation of heavy machinery, and the movement of workers may generate noise or visual disturbances which may in turn result in nest abandonment, reduced reproductive success, or loss or reduced health or vigor of eggs or young.

Evidence impact would be significant: Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513). Project activities including ground disturbance, operation of heavy machinery, and the movement of workers may generate noise or visual disturbances which may in turn result in nest abandonment, reduced reproductive success, or loss or reduced health or vigor of eggs or young. If nesting birds occur within the Project site and are undetected, Project activities including tree and vegetation removal may inadvertently crush, destroy, or remove active nests.

Recommendation: CDFW recommends the following specific, enforceable mitigation measures are included in the draft EIR:

*Nesting Bird Surveys: If project activities will occur during nesting bird season (February 1 to September 15), a Qualified Biologist shall conduct one focused survey for active nests within **five days** prior to the initiation of project-related activities. If a lapse in project-related activities of **seven days** or longer occurs, another focused survey will be required before project activities can be reinitiated. Surveys shall be conducted in all potential habitat located at project work sites and in staging and storage areas. The minimum survey radii surrounding the work area shall be the following: (1) 250 feet for non-raptors; and (2) 1,000 feet for raptors. If an active nest is found, Permittee shall consult with CDFW regarding appropriate action to comply with the Fish and Game Code of California.*

Active Nest Buffers: Any active nests shall have an appropriately sized protective buffer to protect the bird's normal bird behavior to prevent nesting failure or abandonment. Typical protective buffers are as follows: i) 1,000 feet for large raptors such as buteos, ii) 500 feet for smaller raptors such as accipiters and iii) 250 feet for passerines. No project personnel or equipment shall be allowed to enter the protective buffer until a Qualified Biologist determines that the young have fully fledged and will no longer be adversely affected by the project. A Qualified Biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and all active nests should be continuously monitored by a biologist during construction activities to detect any signs of disturbance and behavioral changes as a result of the project. If signs of disturbance and behavioral changes are observed, work shall cease and the protective buffer shall be increased.

COMMENT 3: Special-Status Herpetofauna and Other Small Wildlife

Issue: Storm drains and road infrastructure associated with the Project may pose a risk of entrapment to small wildlife species. Semi-aquatic and terrestrial wildlife may inadvertently wander onto Project roadways or into stormwater infrastructure and become trapped, leading to subsequent mortality as a direct result of Project operations.

Evidence impact would be significant: The Project proposes to construct road and stormwater infrastructure adjacent to aquatic features. Curbs, sidewalks, and drainage systems, such as those proposed within the Project site adjacent to the existing drainage, can act as strong barriers for small animals trying to cross the road and exit the roadway (Ratzel, 1993). Individuals migrating to breeding or hibernation sites may be forced to cross

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roads, follow curbs, and crawl over roadside drains (Smith & Sutherland, 2014). Individuals blocked from leaving the roadway may be at risk of mortality due to traffic or prolonged exposure to predators, or they may need to expend additional resources to find an exit far from the original destination. Additionally, should individuals enter storm drain inlets or catch basins when passing over them, smooth walls may prevent their escape and lead to their subsequent mortality.

Recommendation: CDFW recommends the following potentially feasible mitigation measures to reduce potentially significant adverse impacts to wildlife:

Wildlife-Friendly Roadside Curb Design and Construction. Curbs adjacent to storm drains shall be offset by a distance sufficient to allow volitional passage for wildlife around the storm drains. Curbs on the edge of any road, sidewalk, or trail within jurisdictional areas of this Agreement shall be slanted at no more than a 45-degree angle; alternatively, slanted sections shall be provided at regular intervals of no more than 100 linear feet.

Wildlife-Friendly Storm Water Infrastructure Designs and Construction. Storm water-related infrastructure (e.g., storm drains, storm drain grates, v-ditches, catchment basins, and/or detention basins) shall be designed and constructed in a manner that minimizes and avoids take of wildlife to the maximum extent feasible. Designs shall include the following measures:

- Storm drain grates shall be offset from any adjacent curb by a distance that will allow for volitional passage of wildlife to go around the grate, along the curb;
- Openings in storm drain grates shall be no more than 16 millimeters in width or as narrow as feasible to allow necessary water throughput while preventing wildlife from entering;
- Catchment basins and drop inlets shall be fitted with escape ramps or ladders that will allow wildlife to volitionally escape. Ramps and/or ladders shall be placed along a wall of the catchment basin and must span the distance from the lowest point in the basin (sump pit) to the grate covering. Ramps and/or ladders shall be placed at a slope no steeper than 45 degrees. Escape ramps or ladders shall be fashioned from perforated metal sheeting covered with an open structured synthetic matting material that will allow for sufficient traction for wildlife to volitionally escape from the catchment basin if entrained. Alternatively, catchment basins shall be designed to have walls that are slanted outward and the walls shall be covered with open structured synthetic matting material together with an escape ramp or ladder that allows for volitional escape of wildlife;
- Vehicle entry/exit points of access to the detention basins shall have crossing structures installed (e.g., grated trenches) to prevent road mortality of wildlife; and
- Detention basin outfall structures shall have one-way gates installed (e.g., flapper gates) or similar devices that will serve to prevent wildlife from entering the basin via the structure.

COMMENT 4: CESA-Listed Species

Issue: There are CNDDDB records of several CESA-listed species within a five-mile radius of the Project site, including Alameda whipsnake (*Masticophis lateralis euryxanthus*), California tiger salamander (*Ambystoma californiense* pop. 1), San Joaquin kit fox (*Vulpes macrotis mutica*), Swainson's hawk (*Buteo swainsoni*), and tricolored blackbird (*Agelaius tricolor*), and records of candidates for listing under CESA, including burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*) (CDFW 2026). Project construction may result in

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the direct take of any burrow- or ground-dwelling species during ground-disturbing activities, if present on the site during construction. Project activities may result in the direct take of nests within the Project site or disturbance to nests adjacent to Project activities, leading to the subsequent nest abandonment, reduced reproductive success, or loss or reduced health or vigor of eggs or young. Permanent conversion of the land from agricultural use to industrial use may also result in the loss of foraging or breeding habitat for these species.

Evidence impact would be significant: Unauthorized take of listed and candidate species pursuant to CESA is a violation of California Fish and Game Code section 2080 et. seq.

Recommendation: CDFW recommends the draft EIR include specific, enforceable mitigation measures to compensate for loss of habitat for any CESA-listed or candidate species. If it is determined that the Project cannot fully avoid take of any CESA-listed or candidate species, CDFW further recommends that the draft EIR include language defining the Project's obligation to obtain take coverage through an ITP issued by CDFW.

COMMENT 5: Riparian Setbacks

Issue: The Project has the potential to encroach into riparian vegetation (i.e., "riparian zone") from development of a new building. Encroachment into the riparian zone can adversely impact sensitive riparian and aquatic species through reduction of habitat and decreased water quality.

Evidence impact would be significant: Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat, including thermal protection, cover, and large woody debris (Moyle 2002, CDFW 2007). Development adjacent to the riparian zone can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, Hansen et al. 2005, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Kiffney et al. 2003, Moore et al. 2005).

Recommendation: CDFW recommends the Project establish and the draft EIR incorporate riparian buffer zones to limit development and vegetation clearing to outside of and away from riparian areas. CDFW is available to consult with the City of Tracy to determine appropriate site-specific riparian buffers to reduce impacts to sensitive species and riparian habitat to less-than-significant. At a minimum, CDFW recommends a 50-foot riparian buffer as measured from the top of streambank to the nearest Project infrastructure.

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 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>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental

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review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Tracy in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Torrey Soland, Environmental Scientist, at (707) 266-2878 or Torrey.Soland@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory), at Sara.Kern@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation SCH No. 2026030861
Melissa Farinha, CDFW Bay Delta Region – Melissa.Farinha@wildlife.ca.gov

REFERENCES

- Brososke, K.D., J. Chen, R.J. Naiman, and J.F. Franklin. 1997. Harvesting effects on microclimatic gradients from small streams to uplands in western Washington. *Ecological Applications* 7:1188-1200.
- California Department of Fish and Wildlife (CDFW). 2026. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed April 6, 2026.
- Castelle, A.J., C. Conolly, M. Emers, E.D. Metz, S. Meyer, M. Witter, S. Mauermann, T. Erickson, and S.S. Cooke. 1992. Wetlands buffers use and effectiveness. Adolfson Associates, Inc., Shorelands and Coastal Zone Management Program, Washington Department of Ecology, Olympia, WA. Pub. No. 92-10.
- Clark, H., Duke, R.R., Orland, M.C., Golightly, R.T., & Hagen, S.I. (2007). The San Joaquin Kit Fox in North-Central California: A Review. *Transactions of the Western Section of the Wildlife Society*. 43:27-36.
- Davies, K.F., C. Gascon, and C.R. Margules. 2001. Habitat fragmentation: consequences, management, and future research priorities. Pages 81-97 in: M.E. Soule and G. H. Orians, (eds.) *Conservation Biology: Research Priorities for the Next Decade*. Island Press, Washington, DC.
- Hansen, A. J., R. L. Knight, J. M. Marzluff, S. Powell, K. Brown, P. A. Gude, and K. Jones. 2005. Effects of exurban development on biodiversity patterns, mechanisms, and research needs. *Ecological Applications* 15:1893-1905.
- Jones & Stokes. (2006). East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan. October. (J&S 01478.01.) San Jose, CA.
- Kiffney, P. M., J. S. Richardson, and J. P. Bull. 2003. Responses of periphyton and insects to experimental manipulation of riparian buffer width along forest streams. *Journal of Applied Ecology* 40:1060-1076.

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- Moore, R. D., D. L. Spittlehouse, and A. Story. 2005. Riparian microclimate and stream temperature response to forest harvesting: a review. *Journal of the American Water Resources Association* 41:813-834.
- Moyle P.B. 2002. *Inland fishes of California*. University of California Press. Berkeley, CA. California Department of Fish and Wildlife [CDFW]. 2007. *California wildlife: conservation challenges*. California Department of Fish and Game, Sacramento, CA.
- Orloff, S., Hall, F., & Spiegel, L. Distribution and Habitat Requirements of the San Joaquin Kit Fox in the Northern Extreme of Their Range. 1986. *Transactions of the Western Section of the Wildlife Society*. 22:60-70.
- Ratzel, M. (1993). Road drainage: Trap effect and defusing with special consideration of amphibians. District Office for Nature Conservation and Landscape Management.
- Smith R.K., & Sutherland, W.J. (2014). *Amphibian conservation: global evidence for the effects of interventions*. Pelagic Publishing Ltd
- Swick, C. D. (1973). Determination of San Joaquin kit fox range in Contra Costa, Alameda, San Joaquin and Tulare Counties. California Department of Fish and Game, Special Wildlife Investigations Program Report W-54-R-4, Sacramento, California, USA.
- Williams, D.F., Cypher, E.A., Kelly, P.A., Miller, K.J., Norvell, N., Phillips, S.E., Johnson, C.D., & Colliver, G.W. (1998). *Recovery Plan for Upland Species of the San Joaquin Valley, California*. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Portland, Oregon.
- U.S. Fish and Wildlife Service (USFWS). (2025). San Joaquin kit fox (*Vulpes macrotis mutica*). 5-Year Review. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California.