

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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April 20, 2026

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**Subject: PRJ # 2025-003 Project (Project)
Draft Initial Study (IS) and Mitigated Negative Declaration (MND)
State Clearinghouse No.: 2026030942**

Dear Jacob Aragon:

The California Department of Fish and Wildlife (CDFW) received an IS/MND from Madera County (County) for the above referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under 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.

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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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: Outback Materials

Objective: The Project proposes to construct a 12,000-square foot shop/warehouse building, new landscaping barriers, upgraded parking, and minor drainage improvements.

Location: The Project site is located in south-central Mariposa County, on Road 145, just east of the intersection with Road 206. The Project site is located within Assessor's Parcel Numbers (APNs) 051-195-003 and 051-156-002.

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.

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The MND notes the Project site's topography consists of gently sloping terrain, with elevations ranging from approximately 560 to 615 feet above sea level. Portions of the site are disturbed and devoid of vegetation from the ongoing concrete production. Fremont cottonwood (*Populus fremontii*) forest and annual grassland habitats comprise the undisturbed portions of the Project site. Several eucalyptus (*Eucalyptus* spp.) and tree of heaven (*Ailanthus altissima*) trees are also present. Aerial imagery indicates that Cottonwood Creek is located east of the Project site, and the Project is surrounded by scattered residences and high quality grassland, wetland, and vernal pool habitats.

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 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 threatened Swainson's hawk (*Buteo swainsoni*); the State and federally threatened California tiger salamander- central California distinct population segment (DPS) (*Ambystoma californiense* pop. 1); the State fully protected golden eagle (*Aquila chrysaetos*); the State candidate western burrowing owl (*Athene cunicularia hypugaea*) and Crotch's bumble bee (*Bombus crotchii*); the State species of special concern spotted bat (*Euderma maculatum*); the State species of special concern and federally proposed threatened western spadefoot (*Spea hammondi*); and the State special animal and federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*).

Swainson's Hawk

The Project site is within the geographic range of Swainson's Hawk (SWHA), and the MND states there is suitable SWHA nesting and foraging habitat on the site and the species was observed during the biological habitat assessment visit. The MND provides BIO Mitigation Measure (MM) 1 to mitigate for potential significant impacts to the species and requires a qualified biologist to conduct a pre-construction survey within the construction area and immediate vicinity to search for active raptor nests (including SWHA). BIO MM 1 also requires implementation of a no-disturbance buffer if an active nest is found, although the measure does not specify an appropriate buffer distance. CDFW does not concur that BIO MM 1, which requires that a biologist conduct a single SWHA pre-construction survey and establish an undefined no-disturbance buffer, is sufficient to detect SWHA, mitigate for potential significant impacts, and avoid the unauthorized take of the species. As such, CDFW recommends that BIO MM 1 be modified to include the following:

Recommended Mitigation Measure 1: SWHA Surveys Prior to Construction

CDFW recommends that a qualified biologist conduct surveys for nesting SWHA following the entire survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000) immediately prior to Project implementation.

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Recommended Mitigation Measure 2: 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. These buffers would 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, to prevent nest abandonment and other take of SWHA as a result of Project activities.

Recommended Mitigation Measure 3: 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 (Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

California Tiger Salamander

The Project site is within the geographic range of California Tiger Salamander (CTS) and there are several historical occurrences documented within a ½ mile of the Project site. The MND notes the potential for the species and that the Project site is located within U.S. Fish and Wildlife (USFWS) critical habitat for the species. The MND provides BIO MM 3 to mitigate for potential significant impacts to the species, which requires a qualified biologist to perform surveys for CTS within the Project site and Project vicinity. BIO MM 4, while not provided specifically for CTS, requires the installation of silt fencing around the Project site if Project activities are to be implemented during the wet season. CDFW does not concur that BIO MM 3 and BIO MM 4, which requires a qualified biologist to conduct surveys but does not specify the methodology that would be utilized, and requires the installation of silt fencing during the wet season, are adequate to mitigate for potential significant impacts to the species and avoid unauthorized take. BIO MM 4 in particular has the potential to result in the unauthorized take of CTS, unless adequate surveys have been conducted to confirm absence of the species from the Project site, or the Project proponent has previously obtained appropriate take authorization under CESA. As such, CDFW recommends BIO MM 3 be modified to include the following:

Recommended Mitigation Measure 4: CTS Protocol-Level Surveys

CDFW recommends that a qualified biologist conduct protocol-level surveys in accordance with the USFWS “Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander” (USFWS 2003) at the appropriate time of year to determine the

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existence and extent of CTS breeding and refugia habitat. The protocol-level surveys for CTS require more than one survey season and are dependent upon sufficient rainfall to complete. As a result, consultation with CDFW is recommended well in advance of beginning the surveys and prior to any planned vegetation- or ground-disturbing activities. CDFW advises that the protocol-level survey include a 100-foot buffer around the Project site in all areas of wetland and upland habitat that could support CTS. Please be advised that protocol-level survey results are viable for two years after the results are reviewed by CDFW.

Recommended Mitigation Measure 5: CTS Avoidance Buffer

If CTS protocol-level surveys as described in Recommended Mitigation Measure 4 are not conducted, CDFW advises that a minimum 50-foot no-disturbance buffer be delineated around all small mammal burrows in suitable upland refugia habitat within and/or adjacent to the Project site. Further, CDFW recommends potential or known breeding habitat within and/or adjacent to the Project site be delineated with a minimum 250-foot no-disturbance buffer. Both upland burrow and wetland breeding no-disturbance buffers are intended to minimize impacts to CTS habitat and avoid take of individuals. As stated above, in the absence of protocol surveys, the applicant can assume presence of CTS within the Project site and obtain an ITP from CDFW.

Recommended Mitigation Measure 6: CTS Take Authorization

If through surveys it is determined that CTS are occupying or have the potential to occupy the Project site, 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.

Golden Eagle

The Project site is within the geographic range of golden eagle (GOEA), and the MND states there is no potential for the species to occur as the species preferred nesting habitat, which includes large rocky cliffs and large trees, such as Ponderosa pine (*Pinus ponderosa*), are not present within the Project site. While not specific to GOEA, BIO MM 1 is provided to mitigate for potential significant impacts to nesting raptors and requires a qualified biologist to conduct a pre-construction survey within the construction area and immediate vicinity to search for active raptor nests. BIO MM 1 also requires implementation of a no-disturbance buffer if an active nest is found, although the measure does not specify an appropriate buffer distance. CDFW is concerned that an adequate evaluation of GOEA nesting potential was not conducted to inform the MND. For example, in addition to nesting within Ponderosa pine, GOEA are known to nest within several other medium to large-sized trees, including eucalyptus and blue oak (*Quercus douglasii*) trees. Based on a review of aerial imagery, it appears that suitable

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nesting and foraging habitat is present within the Project site and Project vicinity. In addition to the inadequate species evaluation, BIO MM 1, which requires a biologist to conduct a single raptor preconstruction survey and establish an undefined no-disturbance buffer, is insufficient to detect GOEA, mitigate for potential significant impacts, and avoid the unauthorized take of the species. As such, CDFW recommends that the MND include the following measures:

Recommended Mitigation Measure 7: GOEA Surveys

CDFW recommends that a qualified biologist conduct focused GOEA evaluations using the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations guidelines (Pagel et al. 2010) prior to Project implementation.

Recommended Mitigation Measure 8: GOEA Avoidance Buffer

If a GOEA nest is found prior to, or during construction, CDFW recommends implementing a minimum ½-mile no-disturbance buffer around the nest. CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged and are no longer reliant upon parental care for survival. In the event that a GOEA nest is detected during surveys, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is recommended.

Western Burrowing Owl

The California Fish and Game Commission (FGC) 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 (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).

The Project site is within the geographic range of BUOW and there are several historical occurrences documented with approximately 5 miles of the Project site. The MND states there is potentially suitable habitat on the Project site and provides BIO MM 2 to mitigate for potential significant impacts to the species, which requires that a pre-construction survey be conducted according to the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012). BIO MM 2 also requires that biological monitoring occur if BUOW are present during construction activities. CDFW concurs with the portion of BIO MM 2 that requires pre-construction surveys be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), but recommends the remainder of BIO MM 2 be modified to include the following:

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Recommended Mitigation Measure 9: BUOW Avoidance Buffer

Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or construction activities, CDFW recommends that no disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 10: BUOW Take Authorization

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

Crotch's Bumble Bee

The Project site is within the geographic range of Crotch's bumble bee (CBB) and there is a historical occurrence documented within 2 miles of the Project site. The MND states there is no suitable CBB habitat on the site, even though the MND notes that annual grassland habitat is present within the undisturbed portions of the site. CDFW doesn't concur that suitable habitat is absent and would like to note that CBB inhabit 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). Based on aerial imagery, potential suitable CBB habitat appears to be present within the southern and southwestern sections of the Project site. As such, CDFW recommends the following measures be included in the MND:

Recommended Mitigation Measure 11: CBB Pre-construction Surveys

CDFW recommends a qualified biologist conduct focused surveys for CBB and their requisite habitat features within and adjacent to the Project site 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 12: 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, 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

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Project implementation warrants consultation with CDFW to discuss how to avoid take.

Recommended Mitigation Measure 13: 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.

Western Spadefoot

The Project site is within the geographic range of western spadefoot (WESP) and there are several historical occurrences documented within 1 mile of the Project site. The MND states there is the potential for this species to occur as suitable habitat is present and the species is known to occur within the Project vicinity. Additionally, Cottonwood Creek is adjacent to the Project site and could provide suitable WESP breeding habitat and potential refugia habitat. The MND provides BIO MM 4 to mitigate for potential significant impacts to the species, which requires a qualified biologist to conduct a WESP survey within areas of suitable habitat, and if WESP are encountered during surveys, a site-specific avoidance and minimization plan would be prepared for review and approval by CDFW. BIO MM 4 also states that the approved plan will be submitted and approved prior to starting construction and implemented during Project activities. BIO MM 4 also states that If construction activities must be implemented during the wet season (October 15 through May 15), silt fencing should be installed around the Project footprint to exclude amphibians from the work area. CDFW concurs with BIO MM 4, but recommends that the qualified biologist coordinate with CDFW prior to conducting focused surveys to determine an appropriate survey methodology. CDFW also recommends BIO MM4 be modified to include the following measure:

Recommended Mitigation Measure 14: WESP Minimization and Avoidance

If WESP burrows, cracks, loose soil areas or other refugia are found to be used by WESP during focused surveys, avoidance whenever possible is encouraged via delineation and observance of a 50-foot no-disturbance buffer around these resources, including all potential breeding habitat, which can include any areas that pool water for only a few weeks. Avoidance of potential breeding habitat should occur even when dry, since post-metamorphic WESP juveniles have a unique adaptation to the drying of their temporary breeding pools; they utilize the dried pond bottom as a refuge, burying themselves in the desiccation cracks and damp soil beneath the surface crust (Baumberger et al., 2020). If any life stage of WESP are observed on the Project site, Project activities in their immediate vicinity should cease, allowing individuals to leave the Project site on their own accord.

On September 24, 2025, the California Fish and Game Commission (Commission) received a petition to list the northern population of WESP as threatened species

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and the southern population of WESP as an endangered species under CESA. If the Commission takes action and WESP becomes listed as a Candidate for listing pursuant to CESA (possible in 2026), or ultimately becomes listed as threatened or endangered pursuant to CESA, take authorization through the acquisition of an ITP, pursuant to Fish and Game Code section 2081, subdivision (b), is necessary to comply with CESA if full avoidance of WESP could not be achieved. Please note that implementation of the above recommended measures would help minimize impacts to WESP as required by CEQA but would not fully avoid impacts and thus take; additional measures would need to be implemented to avoid take of WESP. In the event that WESP becomes protected under CESA, CDFW recommends early consultation to help identify if avoidance is feasible or if not, to initiate discussions regarding the need for ITP acquisition.

Vernal Pool Fairy Shrimp

The Project site is within the geographic range of vernal pool fairy shrimp (VPFS) and there are historical occurrences documented within approximately 1 mile of the Project site. The MND doesn't appear to perform an analysis for potential Project related impacts to VPFS. VPFS are small, freshwater crustaceans that complete their entire life cycle within a variety of vernal pool habitats and temporary waters between winter and spring. These species will disappear before vernal pools and other aquatic sites dry in the summer months but resting eggs, known as cysts, will remain viable within the dried pools for years. Hatching subsequently begins in response to rains during the beginning of the rainy season. The MND states, "The project site includes one seasonal intermittent drainage identified as Riverine within the USFWS National Wetlands Inventory." In addition to this drainage, based on aerial imagery, it appears that sufficient ponding habitat may be present within the eucalyptus and Fremont cottonwood habitats located within the southwestern portion of the Project site. Additionally, as noted in the MND, "The surrounding lands consist of contiguous annual grasslands, predominantly located to the north of the site, and freshwater emergent wetlands." As suitable habitat appears to be present within and adjacent the Project site, and VPFS have been documented within the Project vicinity, CDFW recommends the following measure be included in the MND:

Recommended Mitigation Measure 15: Branchiopod Surveys and Consultation

CDFW recommends that a qualified biologist conduct protocol level surveys in accordance with the USFWS "Survey Guidelines for the Listed Large Branchiopods" (USFWS 2017) the survey season prior to construction. These surveys would need to be conducted at the appropriate time of year to determine the existence and extent of branchiopods. If through surveys it is determined that branchiopods are occupying or have the potential to occupy the Project site, coordination with CDFW is recommended well in advance of any planned vegetation- or ground-disturbing

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activities to determine appropriate avoidance and minimization measures including adequate implementation of no-disturbance buffers.

Special-status Bats

The Project site is within the range of special-status bats (CDFW 2026), including spotted bat, and suitable habitat may be present within the cliff faces and trees present within the Project site. Based on information in the MND, no surveys were conducted for special-status bats, and no mitigation measures were proposed to mitigate for impacts to the species. As such, CDFW recommends that a qualified biologist conduct focused surveys to determine species usage and seasonal usage. Focused survey methodology is advised to include visual surveys of bats (observation of presence of bats during foraging period), inspection for suitable habitat or bat sign (guano), and use of ultrasonic detectors (Anabat, Sonobat, etc.) during dusk emergence and pre-dawn re-entry. To maximize detectability, each survey needs to be conducted within one 24-hour period. If bats are present, consultation with CDFW is recommended for guidance on appropriate avoidance, minimization, and mitigation measures.

Editorial Comments and/or Suggestions

Nesting Birds: To protect nesting birds, CDFW recommends that Project ground-disturbing and vegetation-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.

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.

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

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 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).

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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.

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

ATTACHMENT 1 - MMRP Table

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

U.S. Fish and Wildlife Service
Angel Sprague
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References

- Baumberger, K., A. Backlin, E. Gallegos, C. Hitchcock, and R. Fisher. Mitigation ponds offer drought resiliency for western spadefoot (*Spea hammondi*) populations. Southern California Academy of Sciences, 119(1), pp. 6-17.
- California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2023. Survey considerations for California Endangered Species Act candidate bumble bee species. California Department of Fish and Wildlife, Sacramento, California, USA.
- California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed 07, April.
- Pagel, J., D. Whittington, and G. Allen. 2010. Interim golden eagle inventory and monitoring protocols; and other recommendations. Division of Migratory Bird Management, U.S. Fish and Wildlife Service.
- Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.
- U. S. Fish and Wildlife Service 2003. Interim guidance on site assessment and field surveys for determining presence or a negative finding of the California tiger salamander. Sacramento, California, USA.
- U.S. Fish & Wildlife Service. 2017. Survey guidelines for the listed large branchiopods. Pacific Southwest Region, Sacramento, California, USA. Revised November 2017.
- Xerces Society for Invertebrate Conservation, 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

Attachment 1

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

PROJECT: PRJ #2025-003 Project

SCH No.: 2026030942

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
<i>Before Disturbing Soil or Vegetation</i>	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA surveys prior to construction	
Recommended Mitigation Measure 3: SWHA take authorization	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 4: CTS protocol-level surveys	
Recommended Mitigation Measure 6: CTS take authorization	
Golden Eagle (GOEA)	
Recommended Mitigation Measure 7: GOEA surveys	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 10: BUOW take authorization	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 11: CBB pre-construction surveys	
Recommended Mitigation Measure 13: CBB take authorization	
Vernal Pool Fairy Shrimp (VPFS)	
Recommended Mitigation Measure 15: VPFS surveys and CDFW consultation	
<i>During Construction</i>	

Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 2: SWHA avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 5: CTS avoidance buffer	
Golden Eagle (GOEA)	
Recommended Mitigation Measure 8: GOEA avoidance buffer	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 9: BUOW avoidance buffer	
Crotch's Bumble Bee (CBB)	
Recommended Mitigation Measure 12: CBB avoidance buffer	
California Tiger Salamander (CTS)	
Recommended Mitigation Measure 10: CTS avoidance buffer	
Western Spadefoot (WESP)	
Recommended Mitigation Measure 14: WESP minimization and avoidance	